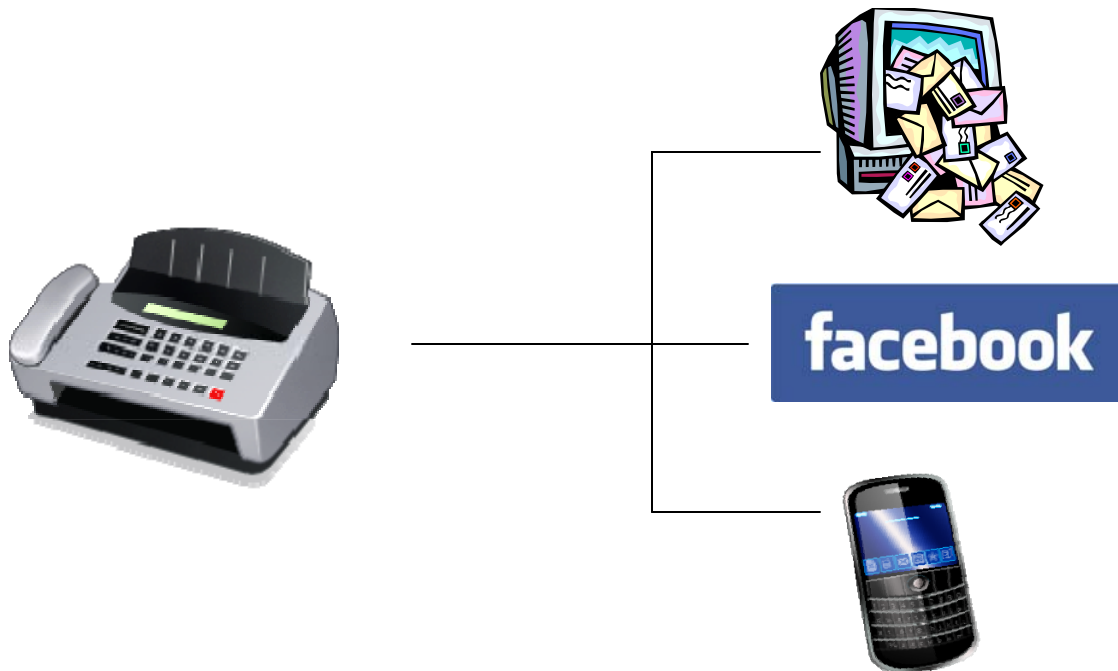


*Beyond the Blast Fax:*  
**The New Age of SMART Communications**



**By**  
**Deanne M. Rymarowicz, Esq.**  
NABE Communications Section Workshop  
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Las Vegas, Nevada

# *Beyond the Blast Fax:* **The New Age of SMART Communications**

**By**  
**Deanne M. Rymarowicz, Esq.**

*And you may ask yourself... "how did we get here?"*

- Changing demographics
- Exploding technology
- "The Economy"

## **Changing demographics**

According to the ABA, as of 2007, more than 1.1 million lawyers are actively practicing in the U.S. About 19.1 percent of all lawyers are less than 34 years old and the median age is 45.

In simpler terms, what the demographics of the legal profession mean is that for the first time, we have four generations in the workplace at one time: Veterans (age 61 and older), Baby Boomers (age 42-60), Gen X (age 27-41) and Gen Y/Millennials (age 26 and under). Historically, we have seen only three generations actively working at any given time. Millennials are the largest and most diverse generation since the Baby Boomers; they outnumber the Gen Xers by three times. Millennials were raised in a media- and technology-driven society and they want quick answers, a constant flow of information and new ideas, and immediate gratification.

Each generation has something to learn from the other, and one of the challenges facing bar communicators today is getting the message out to each generation in a meaningful way.

(Sources: "Will Millennials sink or swim?," <http://www.abanet.org/media/youraba/200806/article03.html> (last visited August 30, 2009); Rikleen, Lauren, "How the Millennial Generation Works," <http://www.abanet.org/yld/tyl/may08/rikleen.html> (last visited August 30, 2009).

## **Exploding technology**

Websites, blogs, podcasts, online networks ... the arsenal of communication options available to you sometimes might seem endless and mind-boggling. Social media is seen as perhaps the most immediate, global and approachable form of communication today. From April to August 2009, membership on Facebook grew by 50 million. Celebrities have access to millions of fans at a moment's notice with their Twitter pages. The Pentagon uses social media in its recruitment efforts, and in June 2009, the U.S. State Department asked Twitter to postpone scheduled maintenance to allow Iranians to tweet about their controversial presidential election.

## **“The Economy”**

Declining revenue (both dues and non-dues) is forcing budget cuts, staff reductions and operational shifts in nearly every profession and industry in both the private and public sectors. In July 2009, 51 percent of responding bar associations indicated they had decreased their budgets, up from 36 percent of respondents in March 2009. Areas most frequently mentioned as facing reductions include: travel, training, small across the board cuts, publication and printing costs, and hiring and salary freezes.

Rather than seeing this as an impediment, use the economy to spur lower-cost, active and imaginative communication efforts with your members.

*Source:* ABA Division for Bar Services, “Impact of Economic Downturn on State and Local Bars Survey July 2009,” <http://www.abanet.org/barserv/resourcepages/economy/part2/es.pdf> (last visited August 31, 2009).

***And it all leads up to SMART communications...***

**Strategic**  
**Multimedia**  
**Accountable**  
**Responsible**  
**Timely**

# Strategic

Strategic communications:

- Target both the message and the audience
- Address your members' needs
- Convey meaningful content

**Who are your members?** Use facts available in your database. Some simple analysis of your membership characteristics can yield some useful data. Gather these data points:

Gender

Position (paralegal, associate, partner, managing partner, office manager, etc.)

Age

Years in practice

Size of firm

Geography (what is the geographic distribution?)

Participation (what were your total education and event attendance?)

**What information do they value most?** What are your members' highest values? When a message is relevant to a person's values, they are more likely to read it, absorb it and act on it.

**Where do they look for information?** What site, service or source do your members view every day? What social media do they participate in? That is where you want your message.

**When do they connect with bar communications?** Are they reading "bar stuff" daily, weekly, monthly? During work hours at the office or at home in the wee hours?

**Why do they need bar services?** Why are they members? What's in it for them?

**How do they communicate with each other?** Has email replaced personal delivery and/or faxing as the predominant communication method between counsel, and to what extent? Using a delivery method that your members are most accustomed to will increase the likelihood they will read your message.

Some of this information you may glean from your member files and user profiles on your website. Other information will require a more in-depth analysis using a focus group and/or surveys. For tips, see pages 13-15.

# Multimedia

Multimedia communications use a range of delivery methods to maximize exposure. The possibilities include (but are not limited to):

**Direct mail**

- Magazine
- Announcements
- Dues notice

**Fax**

**Electronic mail**

- Newsletter
- Single-topic

**Website**

- News & information
- Event registration
- Member directory
- CLE

**Blogs**

**Social Media**

**Text**

**Telephone**

**In person**

## Current Trends

According to a 2009 survey of more than 300 professional and trade associations, direct mail was cited as the most effective method for increasing brand awareness, recruiting new members and retaining existing members. However, 42 percent of survey respondents stated that they will decrease their direct mail budget in 2009. The most significant budget increase in the marketing budget will be for online activities, including email to members (56 percent), website modifications (60 percent), and social networking (52 percent).

Does your association reflect these trends?

*While new online channels such as social media are valuable additions to marketers' toolkits, associations should assess the relative effectiveness of their various marketing tactics before making significant budgetary shifts.*

Source: McKinley Marketing, Inc., "2009 Economic Impact on Associations," [www.abanet.org/barserv/resourcepages/economy.shtml](http://www.abanet.org/barserv/resourcepages/economy.shtml) (last visited August 31, 2009).

## Conduct an Assessment

Before we can move forward in any endeavor, it's helpful to see how we got to where we are, what we are currently doing, what is working and what needs to change. Assessments may be done in-house with staff and leadership and/or committee volunteers, or through focus groups or surveys.

**What delivery methods have you used in the last year?** Think about events, special announcements, dues notices ... any message your bar sent out in the last year. What's in the mix?

**What is working?** Have you seen one delivery method or another generate more interest (seen by phone calls, reply emails, attendance). Are you tracking the effectiveness of each delivery method?

**What needs improvement?** Is there a delivery method that is outdated and could be replaced or augmented with a less expensive method? Can your magazine convert to an e-zine? If not, are there opportunities to reduce costs by reducing page count, changing paper, reducing the number of issues a year, or even changing printers to a more competitive provider (check contracts)? Can dues notices be securely placed online with email notification?

**What results would you like to see?** Nothing is out of reach ... a 25 percent increase in participation in your annual convention? 30 percent increase in monthly luncheon attendance? 40 percent increase in CLE revenue? Set your goal and use your communications mix to help you reach them.

## Mix it up

Is there room to add one or more of the following delivery methods, or tweak an existing method to make it even more effective?

**Electronic mail** – Are you taking full advantage of your email? Email is great for sending out weekly newsletters and important, time-sensitive announcements. But sometimes the message can be lost in the sea of news items. There may be times that you need to send a single-message email, which can garner more attention and action, for example, a luncheon meeting reminder or a CLE reminder if registrations are a little low.

- Use mail lists for ease in sending blast emails
- Create separate mail lists for all members, specific committees' members, board of directors, managing partners, office managers, etc.
- Use attention grabbing subject lines
- Keep the message short and sweet

- Use targeted email lists where necessary, such as notifying new lawyers of a mixer or committee meeting, or notifying managing partners of a sponsorship opportunity.
- Include relevant links, such as a link to the registration form for a specific CLE. Make sure the link works!
- Use attachments sparingly; the reader may not even open it, and it could land the email in the member's spam/junk folder.

### **Website**

- Include an RSS news syndication feed
- Post brochures, etc. that can be printed on demand by members
- Include videos and podcasts where appropriate. Example: show an excerpt from a CLE class that you offer online or sell on video or DVD

### **Blogging**

- The easiest way to become involved in social media
- Typically linked from website
- Requires promotion and marketing via other channels
- May be one blog or several topic-specific blogs
- Augments existing communication channels
- Who is responsible for content? Staff, leadership, certain members?
- Is the content new or recycled?
- Are comments automatically posted, or do they need approval? Who is responsible for that?
- What is the association's liability?

### **Text**

- Texting was up *450 percent* from 2006 to 2008
- Average user sends or receives 357 text message a month, while placing or receiving 204 phone calls
- Economical (average cost to user is \$0.10 if not included in wireless plan)
- Need a service provider to send bulk texts from computer; average cost is \$40 for 1,000 messages (See Tips on page 16.)
- Messages are generally limited to 160 characters, so keep it short and simple:

*"Members: One week until your annual dues are due. Paying online? Go to [www.yourbarassociation.com!](http://www.yourbarassociation.com!)"*

### **Telephone**

- Uses a pre-recorded message
- Great for dues reminders
- Cost effective

- Keep it to a single-subject with specific directions:

*“Hello association member! This is a reminder that your annual dues payment is due January 1. You may make a payment online at [www.yourbarassociation.com](http://www.yourbarassociation.com) or contact our office at 555-1234 and our staff will assist you. We look forward to continuing to serve you.”*

### **In person**

- Do you have a speaker’s bureau of current and past leadership to take the bar’s message directly to members?
- Effective for certain messages, such as capital campaigns

**Social Media** – You simply can’t do without it. Unlike traditional communication methods which push information to the member, social media is a little more laid back and a little less pushy. The members come to you. They’re already online and engaged in the media for some other (probably personal) reason, and as a bonus they may conveniently find some information about a bar event or announcement. Social media also encourages dialog between the association and the members; you will need to *listen* as much as you want to talk. And be prepared for honest opinions, some of which you may not like. Again, these are opportunities to improve!

If you’re not on at least one of these sites (and there are many others), it’s time to rethink your opposition to social media. Remember to notify your members via all other channels of your presence in the social media world so they know where to find you.



- Founded May 2003
- 42 million professionals



- Founded February 2004
- More than 250 million active users
- If it were a country, it would be the fifth largest country in the world
- More than 120 million log on at least once per day
- Associations may set up a “group” page and/or a “fan” page to allow their members to follow bar news



- Founded March 2006
- Growing 40 percent per month
- Real time short messaging service (140 character limit)
- People follow those sources they find most relevant
- Access to information as it happens

## **Final thoughts on social media:**

Two-thirds of Facebook users are out of college, and the fastest growing demographic within the membership is 35 years old and up.

How does this compare with the demographics of the legal profession? Do you need to be on Facebook? What is stopping you?

Twitter: "We continue to follow user behavior and pay close attention to feature requests."

Is this a concept that you can incorporate into your evolving mix of member communications? How?

## Accountable

Accountable communications are measurable; they have the desired effect: informing the members, generating interest in an event, or sparking conversation about an important topic.

### **Is the delivery method trackable?**

- Webpage counters turned on
- Blog comment feature turned on
- Keep track of the number of returned mail and email
- Number of friends, contacts, fans or followers on social media

### **Is it working in a measurable way?**

- Marked increase in call volume after a message is disseminated
- Measurable increase in event registration following a blast email
- Compare dues payments with dates of initial mailing and follow ups

# Responsible

All communications should comply with all applicable federal, state and local laws, regulations and ordinances, as well as association bylaws and policies.

## **CAN SPAM Act**

- Are you in compliance with CAN SPAM?
- Do you include “remove” link at the bottom of the email, in case the member wants to discontinue receiving the newsletter, for example?

## **Local and state laws**

- Make sure your communications comply with local and state laws, which may be stricter than their federal counterparts. For example, does your state allow pre-recorded phone messages? Does your message fit into an exception?

## **Your association bylaws and policies**

- Do you have a policy dictating the number of issues for your magazine, content, etc.? If so, and the magazine format, size or frequency is up for discussion, you will need to take the appropriate steps to amend the association’s policy.
- Do your bylaws and policies provide for electronic notice and voting for elections?
- Do you have releases from speakers to record them and show them on your site?

## **Social media policy**

- Do you have a social media policy for your staff?
- Does staff know not to post confidential or proprietary information, or “members only” information on any form of publicly-available media?
- Do you require disclaimers on staff and leadership posts, such as, “The postings on this blog are my own and do not necessarily reflect the opinions, policies, positions or strategies of the \_\_\_\_\_ Bar Association.”
- Do you have a code of conduct for blog comments by members that prohibits defamatory statements, gossip, copyrighted work of others, harassment?
- How is the policy communicated?

## **Email policy**

- Do you have an email policy for your staff?
- Remind staff that “email is forever” and take a professional, business-like tone to every email (and spelling and grammar count!).

# Timely

Timely communications get time-sensitive information to the recipients quickly and before it's too late to use the information.

## **Develop relationships with court personnel**

- You want to be the first to know of important decisions, rule changes and schedule changes

## **Keep web content updated**

- Bring webpage updating in-house where possible
- Current issue of the magazine, president's message, etc.
- Current edition of association bylaws and policies
- Current edition of media package and ad rates

## **Use effective methods for time-sensitive information**

- Don't just put it in the magazine; use blogs and single-message emails if the print deadline (or even the e-newsletter deadline) will not accommodate an important issue

## **10 Tips for Conducting a Focus Group**

- 1. Define the purpose**
  - What are you looking to discover?
  - Purpose should be clear and specific.
  
- 2. Develop a timeline and checklist**
  - Begin 4 to 6 weeks ahead.
  - Purpose statement
  - Set date, time and location
  - Identify participants
  - Identify a facilitator
  - Draft questions
  - Invite and follow up
  
- 3. Identify and invite participants**
  - Determine the number desired (6 to 12 is ideal)
  - What attributes should the participants have? Go back to your purpose. Consider practice areas (private, solo, large firm, government/public) and other attributes to give you a good representative cross-section of your membership. If 60 percent of your membership is solo practitioners over 50 years old, and you're looking for ways to better serve your overall membership, a focus group of predominantly recent grads in the public sector would not serve your needs. However, if your purpose is to find ways to better incorporate newer lawyers or reach out to the public sector, then that mix would be appropriate.
  
- 4. Draft the questions**
  - Refer back to the purpose
  - Come up with 4 or 5 clear and concise open-ended questions
  - Brainstorm with leadership and/or staff and practice the questions; are you getting the answers you're seeking?
  
- 5. Draft the script for the facilitator**
  - 1 to 2 hours in length
  - Opening (define purpose)
  - Questions for the group members
  - Closing remarks and thanks
  
- 6. Choose a facilitator**
  - Need not be a professional
  - Look within your membership to past presidents and volunteers
  - #1 attribute: someone who can deal tactfully with an outspoken focus group member
  
- 7. Choose a location**
  - A boardroom that seats 9 to 15 people is ideal

- 8. Conduct the focus group meeting**
  - Staff may observe but not participate; you want to hear what the members have to say, even if it's not what you want to hear
- 9. Interpret and report the results**
- 10. Translate the results into action**

## **5 Tips for Conducting Member Surveys**

- 1. Define your purpose.** Understand what you want to accomplish. This will help when drafting questions. Ask yourself what you will do with the information from every question, why you need to know it and how it will improve the association and its communication efforts.
- 2. Deliver the survey at the point of sale.** The most effective surveys are usually conducted at the conclusion of the service via the same channel, for example when signing off from a web session to register for an event.
- 3. Tell the survey taker how much time the survey requires.** The general time limit is about 5 to 7 minutes. Any longer and your response rate will plummet.
- 3. Keep questions short and simple, and not too numerous.** Include a few demographic questions (gender, number of years in practice, position, practice area, etc.). A well-constructed survey will give you a good idea of the services and products your members are most interested in. Here are some examples of question formats:

Multiple choice: “Which one of the following most closely describes ...”

Ranking: “From this list, select the top three reasons you would ...”  
“Please rank these 5 services in the order of their importance ...”

Rating: “On a scale of 1 to 7, with 1 being the highest, please rate the usefulness of ...”

Before releasing the survey, test the questions on small group, such as leadership or committee members, to uncover confusing questions or unclear wording.

- 4. Ensure consistent gathering.** Consider online surveys, particularly with a provider that gives you analysis in addition to the actual information gathering. Two popular providers are:  
Surveymonkey.com  
Surveygizmo.com

- 5. Review all answers.** Do not discard responses from upset members or biased opinions. Analyze the trends in the responses and translate into action.

## **5 Tips for Effective Text Messaging**

1. Survey your members to see how receptive they would be to receiving text messages from your association.
2. Decide how you will use texts. Annual dues reminder only? More frequently?
3. Contact and compare SMS (Short Message Service) providers based on your needs. Here are a few to get you started:

Bulksms  
Bulksms.com  
(646) 808-0381

Message Media  
message-media.com  
(866) 884-8611

Cherple  
Cherple.com

Smseverywhere  
smseverywhere.com

Clickatell  
Clickatell.com  
(650) 641-0011

Sumotext  
sumotext.com  
(800) 480-1248

Clubtexting  
Clubtexting.com  
(212) 255-4663

4. Ask questions of the service provider.

What wireless networks do you support?

Are you selling another organization's messaging, or have you developed your own technology?

When did you begin selling text messaging services?

Who are some of your larger corporate customers?

Do you offer 2-way messaging and delivery tracking?

Do you provide customer support over the phone?

Do you offer a Service Level Agreement (SLA) that outlines a commitment to reliable SMS delivery?

Are you a business SMS or consumer SMS provider?

Do you offer any kind of money-back guarantee?

(Source: Adapted from [www.message-media.com/buyers.html](http://www.message-media.com/buyers.html))

5. Once you send the text, track responses (both action taken and complaints received) and adjust your approach the next time.

## About the Speaker

Deanne M. Rymarowicz currently serves as Legal Counsel to the Greater Las Vegas Association of REALTORS®, the largest professional trade association in Nevada. Before her law career took off in 1996, Deanne served for two years as Publications Director for the Clark County Bar Association (CCBA) in Las Vegas. During her time with the bar, she received two Honorable Mentions in the NABE Communications Section Luminary Award competition. She also served on the CCBA Publications Committee as an attorney volunteer for more than 10 years, in addition to serving on the Board of Directors. CCBA has honored Deanne with a Distinguished Service Award, Outstanding Director Award and Volunteer of the Year Award.

Deanne previously worked for the Nevada Attorney General's office, where she represented the Nevada Real Estate Division and other state agencies. In 12 years of private practice, Deanne compiled an extensive background in commercial litigation and administrative law. She received her undergraduate degree in journalism *summa cum laude* from Drake University in Des Moines, Iowa, and her law degree from Drake Law School. Deanne was named as one of Las Vegas's "40 Under 40" by *In Business Las Vegas* in 2006.

Most recently, Deanne started By Dsign Omnimedia, LLC, with the goal of helping others create their lives by design, rather than by default. Speaking By Dsign ([www.speakingbydsign.com](http://www.speakingbydsign.com)) highlights the speaking and training side of Deanne's personality, while Holidays By Dsign ([www.holidaysbydsign.com](http://www.holidaysbydsign.com)) showcases her talent for home decorating and making memorable holiday celebrations.

She may be reached [Deanne@speakingbydsign.com](mailto:Deanne@speakingbydsign.com).

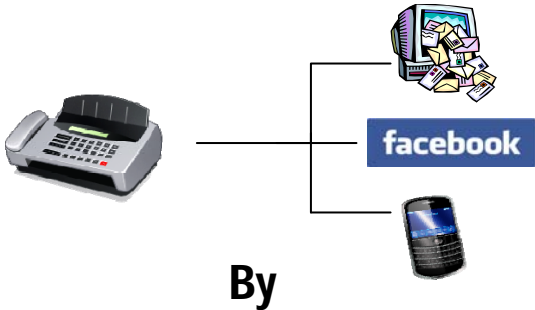
Handout

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## **Additional Notes:**

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