

**Association Survival in a Downturn Economy**  
**NABE Midyear Meeting, February 12, 2009**  
**by Francine Andia Walker, Director of Public Information for The Florida Bar**

Approximately 60 bar executives from across the country – most from voluntary bars – came together for a “No Beer, No Bull Roundtable Discussion” during the NABE Midyear meeting in Boston to discuss association survival in a downturn economy.

Led by David Bohm, assistant executive director of the North Carolina Bar Association, and Mary Corbitt, executive director of the Monroe County (NY) Bar Association & Foundation, the goal of the session was to share ideas for ways bars can retool and strengthen during this trying time for both our members and our organizations.

Bohm, through role playing of the character Gordon Gekko from the 1987 movie “Wall Street,” introduced this as an opportune time for bar associations to take a good look at their organizations to tighten-up and retool. By being proactive, he said, this recession is the “reality check” to make sure that you are truly being relevant to your membership in the most efficient means possible – now is not the time for survival of the “unfittest.”

Corbitt related a conversation she had just before the meeting with a volunteer member of her bar. The member, who is a solo practitioner and a stalwart volunteer, said that now is not the time for the bar to be looking for “lots of new projects, but instead allowing members to focus on their practices and developing business.” She went on to share some of the ideas she and the member discussed about more tangible and relevant benefits to assist members in their practices.

This will be a recurring topic for conversation in bar associations, Corbitt said, with less emphasis on new projects and initiatives while members ask for more support and assistance. She also emphasized that bar executives must begin, if we have not yet done so, to have conversations with our presidents, boards, staff and other bar leaders about the potential impact of the downturn economy on our associations and make certain they all understand their responsibilities.

Bohm and Corbitt reminded participants that as association executives we must not only react to the current economic situation, but also be proactive in looking for different ways of doing business to ensure long-term survival. Groups of about 10 were arranged and asked to share their ideas on how their associations are responding to in CLE registration and membership trends.

What resulted was a spattering of ideas and strategies to sustain and grow bar associations now and in the near future.

- The Ohio State Bar Association offered a day-long free (for paid members) CLE program in January 2009 streamed live to 12 additional locations. The topic “How to Survive The Crash – Crucial Practice Skills for Weathering the Downturn” with Dustin Cole, president of Attorneys Master Class, of Longwood, FL. The

OSBA incorporated a town hall meeting at each location with a board member and staff member to facilitate and record dialogue among the attendees about their situations and how the association may be able to assist.

- The South Carolina Bar has established career counseling services through its Web site, providing information on transitioning/alternate practice areas and advice on resume writing, interview skills and other practical topics.
- Bar associations should very closely monitor CLE revenue and be flexible in both the scheduling and delivery of programs. After noting a 40% decline in CLE revenue for September and October 2008, the State Bar of Arizona added seminars to the December schedule and ended the year with an increase over projected revenue.
- Even with mandatory CLE, associations must be certain their seminars are convenient and priced correctly. Some associations are offering a series of seminars or substantive bundled programs at discounted prices. (Massachusetts and Rochester)
- Pricing online CLE programs at a lower rating than live seminars is being considered.
- Bar associations are increasingly looking to their foundations for CLE scholarship and hardship funds for members.
- Several bar executives said that it is important to realize that even large firms are suffering from the economic downturn and retention efforts should be directed at the associates in those firms as well as small and solo firms.
- In a retention campaign, the Beverly Hills Bar Association is using skilled telemarketers (rather than volunteers or existing staff) to make calls that are scripted, rehearsed and carefully planned.
- Flexible payment plans are being explored using the “gym membership model” of taking a credit card and charging monthly pro-rated fees.
- The Palm Beach County (FL) Bar Association lists the specific member benefits and values on the annual dues statement.
- Now, more than ever, bar associations need to quantify membership benefits such as free legal research or discounts on services, and also need to emphasize the value of networking and collegiality aspects of association membership.
- Some local bars are starting or emphasizing commissions and programs on wellness, treating depression and life-balance. (Memphis and Erie County).
- Association staff should also be made aware of the problem and given opportunities to be part of the solutions. (Beverly Hills)

Elizabeth Derrico, of the ABA Division for Bar Services and a long-time bar executive, said bar associations should recognize that there is a lag in the effect of a downturn economy on different segments of the business community. Law firms may feel the effects six-12 months after the recession starts, while associations may start to feel the effects 12-24 months after the recession starts.

In other words, the real effects of the recession may not yet be recognizable but nevertheless must be anticipated primarily due to varying budget cycles and fee payment schedules.

Derrico also said that bar associations should consider assisting their members in refocusing their practices areas, e.g., transactional lawyers who primarily handled real estate closings might consider assisting clients in bankruptcy filings. Another good example of responding to members needs were the programs offered by the bar associations in New York after 9/11 designed to assist members in changing their practices or practice settings.

Although there were additional topics planned for discussion, time for the session expired. As the session ended, another veteran bar executive, Allan Head of the North Carolina Bar Association, stressed the need for the leadership of every bar association to be involved and aware of the resulting mental impact of a poor economy on their members (depression, suicide) and said it is crucial that bar executives do the same.

Ultimately, session participants agreed there will be critical and ongoing dialogue on this subject to preserve the well-being of our associations and our members.

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