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## Legal compliance in a rapidly changing world

### 5 overarching concerns for associations

By STEVEN JOHN FELLMAN, ESQ. | 04/14/2016

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In developing a strategy to ensure that your association is in full compliance with the laws applicable to it, the association professional must expand her or his thinking beyond the traditional legal parameters and consider five overarching areas of concern.

**1. Consolidation.** Industries and professions are consolidating. The Mom and Pop store, local competitors and regional competitors are falling by the wayside. Professionals such as lawyers, accountants and doctors are joining large practice groups. As a result, although your association membership may include a much larger share of the industry or profession that you represent, the actual number of association members can be expected to decline exponentially. At your Board meetings, instead of facing a large number of directors representing a blend of small, medium and large size companies, you will be facing a much smaller number of directors, most of whom are 800 pound gorillas. Your ways of addressing governance and antitrust issues must be changed to account for this new dynamic.

**2. Globalization.** Your association may have been organized as an association of companies or professionals competing in the US marketplace but we are now competing in a global marketplace. Associations must expand their operations to serve member needs as they interact on a worldwide basis. Competition laws, intellectual property laws, labor laws and environmental laws vary significantly throughout the world. You will need to seek counsel in foreign countries or have your US counsel direct you to law firms with expertise in the laws of the countries affecting your operations.

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**3. Technology.** Technology has changed the way that we live and do business. Technology has caused the world to shrink and has made unheard of levels of information available to everyone. Your smart phone can do more today, than a mega-computer in use 20 years ago. Your association will assist members in developing special apps and new technology that will enhance



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their abilities to compete. You need to develop an understanding of how to protect your intellectual property on a world wide basis.

**4. Safety.** It is no longer acceptable to have workplaces where employee injuries occur on a regular basis. Industries such as the construction industry, where workers got hurt on a regular basis have now adopted the concept of "zero tolerance's. . Under this concept, millions of man hours are worked with no reportable injury. If your industry or profession is one where occupational

injury is viewed as an acceptable reality, change will be required and the association will need to lead the effort.

Another safety issue involves world wide terrorism. To the extent that groups such as ISIS continues its evil ways, members may not want to travel to areas considered unsafe. Your hotel and meeting contracts will need to be modified to permit cancellation for safety reasons. Meeting cancellation insurance may be the answer to part of this problem.

**5. Diversity.** Diversity is not coming, it is here. We live in a diverse society and our society is rapidly growing more diverse. In the US, some states have enacted "religious freedom" statutes in order to avoid recognizing the rights of certain groups. In response, associations have cancelled or threatened to cancel meetings scheduled for these states. Associations will need to include diversity considerations in determining where to hold meetings and how to provide open access. Meeting contracts and appointment or election to association leadership positions require that anti-discrimination policies be implemented pro-actively. Association educational programs should encourage all groups and interests to fully participate in association activities.

As an association professional, you need to look to the ahead and plan your legal compliance strategy to meet the challenges of the future. You need to be proactive. Now!!! Good luck.

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