



The Florida Bar
Administrative Law Section

Strategic Plan
2016-2021

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**The Florida Bar
Administrative Law Section**

**STRATEGIC PLAN
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I. **INTRODUCTION/PURPOSE:** The Administrative Law Section has many outstanding members who go to great lengths to do tremendous work on the Section's behalf. However, the Section's Reserve Fund has fallen from \$231,203 at the start of the 2011-12 fiscal year to approximately \$187,328 today. This trend can be reversed if the Section has a strategic/business plan that guides its Members' efforts so that the Section receives the maximum benefit possible. In short, we want to have all of our Members pulling in the same direction.

While the Section is obviously not a business, it is very similar to a business in that the Section offers certain products (more on that in a subsequent section) in exchange for money (i.e., membership fees). Therefore, just like any successful business, the Section would be well served by: (a) identifying its goals – both quantifiable and non-quantifiable; (b) identifying products the Section offers or should offer; (c) identifying the Section's target markets; (d) formulating a coordinated marketing strategy; (e) monitoring the Section's finances and controlling expenses; and (f) establishing a mechanism for ensuring that any strategies adopted by the Section's leadership are actually implemented in the short-term and remain in place over the long-term. This document is modeled after a business plan that any business would utilize to obtain financing and explains how the Section could adopt business practices to assist it with reaching the goals/objectives discussed in the next section. For anyone who has any experience in managing a business (or simply watching an episode of "Shark Tank" on television), much of the following discussion will sound familiar.

II. **OBJECTIVES/GOALS:** The following are the objectives and/or goals that the Section seeks to accomplish over the next five years through implementation of this Plan:

1. **Increase Membership** - Until recently, the number of Section members had been trending downward since 2006. Membership reached 1,301 members in 2009 and reached a low of 1,161 in 2013. In 2016, the Section had 1,166 members. The previous downward trend was probably the result of factors beyond the Section's control (such as a smaller state workforce), and the Section would be well-served by taking steps to reduce its vulnerability to such factors. With the outstanding products that the Section offers (and could offer), there is no reason that the Section's membership cannot continue to grow and be much less vulnerable to external factors.

The marketing efforts discussed in Section V will probably take at least a year to take hold. In the first year following implementation of the Plan, a reasonable goal would be to maintain the current number of Section members. However, the Section’s marketing efforts should have gained momentum afterwards, and those efforts should lead to the following net increases in Section membership in years 2 through 5. Please note that these are “net” numbers. Therefore, they represent the difference between members gained and lost during a particular year. So, by year 5, the Section would be projected to have 157 more members that it has now.

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>
0	+20	+32		+45	+60

2. Create a Section that is more responsive to the needs of both current and potential members – Any successful business spends a great deal of time and effort using tools such as focus groups, surveys, and test markets to ascertain what its customers and potential customers want. The Section should take a similar approach and ascertain how it can persuade those in the target markets discussed in Section IV to pay the membership fee and join the Section. Methods for ascertaining what the Section’s current and prospective members want are discussed in Section V.

3. Increase the Section’s revenues so that the surplus can be devoted to worthwhile projects (scholarships, legal aid, etc.) and re-invested to finance the Section’s member recruitment efforts - If the membership projections noted above prove to be accurate, then the Section will have 157 more members in Year 5 than it has now. Assuming those members each pay \$25 in annual dues, that (by itself) represents an additional \$3,925 in Year 5 for the Section. In addition, the marketing efforts discussed in Section V should lead to increased attendance at live CLE courses and increased sales of aftermarket CLE. As discussed in a subsequent section, production of more CLE courses without assistance from the Florida Bar would substantially increase the Section’s profit margin on CLE production. As a result, the Section should be in a position to provide significant assistance to a worthwhile project of its choosing.

Also, and as discussed in Section VI, there is an old adage that “it takes money to make money.” As the Section’s leadership gains marketing experience and a better idea of what methods are effective in growing the Section, it is likely that a portion of the increased revenues will be re-invested and utilized for more elaborate and sophisticated recruitment efforts.

4. Increase the Section’s prestige – One benefit would be that the Section would have a louder voice in advocating for (or against) measures to amend the Administrative Procedure Act.

III. **PRODUCTS AND POTENTIAL PRODUCTS:** The following are the products/services that the Section currently offers.

1. CLE Courses – The Section’s showcase CLE events are the Pat Dore Administrative Law Conference (held in even-numbered years) and Practicing Before DOAH (held in odd-numbered years). However, the former has at least twice as many attendees as the later. In recent years, Bruce Lamb has conducted multiple webinar series, and the Section has done at least two joint CLE presentations with the Government Lawyers and Environmental and Land Use Law Sections. All of the Section’s CLE courses are open to nonmembers, but Section members are able to attend at a slightly discounted rate (usually \$15 to \$25 off the price charged to non-members).
2. Networking Opportunities: The Section offers networking opportunities for young lawyers through the many “Tables for Eight” organized by Christina Shideler and sponsored by the Young Lawyers Committee. Also, Judge Lynne Quimby-Pennock has spent a great deal of time and effort conducting “Networking Noshes” at law schools throughout the State of Florida. In addition, the Section offers many opportunities for attorneys to assume a leadership position by being appointed to the Executive Council, becoming an officer, or joining one or more committees responsible for a specific Section activity.
3. A Newsletter and Website: The Section publishes a quarterly newsletter with two recurring features that discuss notable administrative law cases decided by DOAH and state appellate courts (“Appellate Case Notes” and “DOAH Case Notes”). Also, the Newsletter usually has at least one nonrecurring feature on

some topic of interest to administrative law practitioners. A hard-copy of the Newsletter is mailed to Section members and an electronic copy is posted on the Section's website. As for the website, it contains information about the Section, information about the Section-related activities of its members, and links to other websites of interest to administrative law practitioners.

As for products that could be offered, the Section should first take steps to ascertain how members and non-members view the current products and what members and non-members would want the Section to offer. This aspect of the Strategic Plan will be explained more fully in a subsequent section, but the necessary information could be obtained through an e-mail survey, focus group discussions, one-on-one discussions with individuals who represent one or more of the Section's target markets, and discussions with audiences at live CLE events.

Without having the benefit of any marketing data, the following are preliminary ideas for products that the Section could offer:

1. The Section should offer CLE content that has more appeal to members and non-members. With the marketing information discussed above, the Section can revamp its CLE offerings to give members and non-members what they want, and that is how successful businesses operate. In stark contrast, members and non-members currently get whatever the Section decides to give them.

On a related note, the Section should consider ways of making Practicing Before DOAH as much of an event as the Pat Dore Conference. As mentioned above, the Pat Dore Conference has twice as many attendees as Practicing Before DOAH. However, if the Section was willing to move Practicing Before DOAH to a different venue and enhance the marketing of Practicing Before DOAH, then it is possible that attendance at the Section's showcase CLE events would be comparable.

The Section should also consider creating a review course for SFGAP certification. Perhaps that could become a third showcase CLE event for the Section.

2. Assuming this is confirmed by the marketing information, the Section should put more of an emphasis on offering networking opportunities to its members.

The Tables for Eight have been very successful and demonstrate that there is a strong demand among young attorneys for networking opportunities. Given that the Section has so many members at the very top of the legal profession, this may very well be an area that the Section has failed to sufficiently exploit. Any marketing surveys should inquire about whether members and non-members want networking opportunities and the form in which they should be offered. One example would be a networking gathering utilizing a concept similar to “speed dating.”

On a related note, the Program Evaluation Committee (“the PEC”) of the Florida Bar recommended that the Section use technology such as video conferencing to enable attorneys outside Tallahassee to participate in Executive Council meetings and other Section functions.

3. The Section should take cost effective steps to upgrade the website in ways that entice people to access it frequently. For example, perhaps the webinars could be re-broadcast on the website. Perhaps the website could maintain forums devoted to particular topics of interest to administrative practitioners. Maybe the website could offer live “chats” in which prominent Section members field questions. The website is now available to everyone, but perhaps it (or certain portions of it such as the Newsletter) should only be accessible by members. At a minimum, the Section needs to study websites sponsored by other sections (inside and outside Florida) in order to gather ideas on website upgrades.

The PEC recommended that the Section establish pages on Facebook, LinkedIn, or other social media platforms in order to attract young members. The Section currently has a presence on Facebook and LinkedIn.

On a related note, the PEC also recommended that the Section create a searchable version of the Newsletter and that the Section phase out hard-copy mailings and convert completely to e-mail. While the Section will save money by converting to e-mail, the cost of creating a searchable version of the Newsletter may outweigh the potential benefits (i.e., attracting more members).

Any investments in upgrading the website should always be judged against the potential benefits of doing so. The Section should always consider whether an

upgrade will help attract new members and retain existing ones. If an upgrade will satisfy neither of those goals, then that upgrade should probably not be pursued.

4. A substantial and indispensable part of the Strategic Plan calls for the Section to continuously monitor other sections in order to stay current with new methods implemented by our sister sections. Obviously, if a section begins offering some new and innovative product or service to its members, our Section should evaluate whether (and to what extent) we should follow suit.

In addition, the Section should consider partnering with related sections (Environmental, Health, Government Lawyers) when it makes sense to do so. For example, perhaps multiple sections could conduct a marketing survey or sponsor a networking opportunity. On a more ambitious note, perhaps multiple sections could pool their financial/technical resources and have one outstanding website rather than three average ones. The foregoing are just examples of potential benefits of partnering with other sections. If the Section pursues this, it will be absolutely essential to have someone act as a point-of-contact between the Section and those with which it partners.

IV. **TARGET MARKETS:** Like any successful business, the Section needs to clearly identify who its current members are and who it can persuade to join the Section. The Section's current members are predominantly public and private sector attorneys based in Tallahassee. The following is a list of potential target markets listed in descending order according to the potential for capturing new members and the ease with which that could be accomplished. However, in order to gain members from any of these groups, the Section must convince them that the benefits associated with being a Section member far exceed the cost. In more blunt terms, the Section must use its product and service offerings to convince prospective members that it is a good idea to give the Section \$25 in dues each year.

1. Attorneys with less than 3 years of experience – This group is the most promising source for new members. They would be the ones most interested in networking opportunities and mentoring from more experienced Section members. Because this target market is very active with social media, the Section would probably be much more attractive to them if it were active with social media and had a more robust web site. They would probably also

be very receptive to CLEs targeted at improving their hearing room skills and their knowledge of Chapter 120. Also, because many of these attorneys may have little discretionary income due to student loan debt and modest salaries, discounted CLE may be another way to get their attention. Nevertheless, gathering information about how the Section could appeal to this group will be vitally important.

2. Law students – In light of the fact that many Section members are based in Tallahassee and that Florida State University’s law school is also based in Tallahassee, law students are the second-most promising target market. It is no secret that many of Florida State’s law school graduates achieve their first post-law school job with state agencies. Therefore, this group could be very receptive to advancing their knowledge about administrative law, networking with agency attorneys, and discounted Section dues. The Section already does outreach to law schools, but the results from those efforts could be substantially magnified if the Section gathered the contact information of these prospective members, maintained contact, and followed-up with a phone call, an e-mail, a text, a tweet, and/or a Facebook post prior to the time for joining sections each summer. Also, the Section should remind law students that they can join the Section for free during their first year after passing the Florida Bar Exam.

Also, the new Dean of Florida State’s Law School has expressed an interest in using DOAH more and perhaps starting an administrative law clinic. If those ideas get implemented, they represent golden opportunities for the Section to make contact with law students interested in administrative law.

3. Experienced Attorneys – This group includes attorneys with more than 3 years of experience. This target market will probably be more difficult to reach because if an attorney has survived three years without being a Section member, then he or she may conclude that joining the Section would be a waste of money. Again, a marketing survey would be vitally important to assessing: (a) can the Section gain new members from this target market; and, if so (b) what products and/or services would persuade them to join the Section. If the Section’s marketing plan is strong enough and implemented in an effective manner, then it is very likely that the Section will gain at least a few new members from this demographic.

4. Affiliates – This group primarily consists of government employees who work in the Administrative Law field but are not licensed attorneys. In order to make inroads here, it will be very important to ascertain through marketing research what the Section can offer to attract people in this demographic. If this is a viable source of members, then we will probably have to rely on current members to identify prospective members in this category and promote the Section to them. As with law students, building a database of contact information and then following-up prior to the sign-up period will be very important.

5. Attorneys outside Tallahassee - This may be the most difficult market from which to draw new members. There are many attorneys outside Tallahassee who practice administrative law, but very few of them have taken an active role in the Section. As with the other target markets, ascertaining how (or if) the Section can appeal to these prospective members will be vitally important. If the Section can appeal to them, then perhaps an increased social media presence and a more robust website could make them feel involved with the Section even though they are unable to attend most Section meetings in person. Conference calls mixing Section business with CLE may be another option. Also, partnerships with any Sections having a nexus to administrative law could be used to reach these attorneys. The Section could also explore the feasibility of holding a live, showcase CLE (on the scale of the Pat Dore Conference or Practicing Before DOAH) at a more central location such as Tampa or Orlando.

On a related note, attorneys handling employment discrimination cases, workers compensation defense, and Medicaid overpayment defense may not consider themselves to be administrative law practitioners, but they appear before DOAH on a regular basis. As a result, they represent a potential target market because they could benefit from the services offered by the Section.

V. **MARKETING/PROMOTION:** A business can have the best product in the world; but, if no one knows about it, that product will not sell. The Section has a great deal to offer, and it may have even more to offer in the very near future if this Plan is implemented. However, the Section will gain no new members and no increased

revenues from CLE courses unless those within the target markets are aware of what the Section has to offer. The following is a point-by-point description of how the Section can improve its visibility among those in the target markets.

1. Research – Successful businesses often spend a great deal of time and effort researching what those in their target markets want and then developing products that satisfy those desires. In contrast, the Section has done virtually nothing to ascertain what its members and potential members actually want from the Section. This can be succinctly described as the “you get what you get approach.” The Section should immediately stop that approach and become responsive to what members and potential members want. The first step in meeting that objective is to simply ask what can be done to make Section membership more valuable. This could be done through methods such as online surveys, focus groups at CLE classes, e-mail questionnaires, and even anecdotal observations. The bottom line is that the Section needs to start asking its members what they want and stop telling them what they want.

In addition to the usual CLE survey form, the Section could have its own form at every live CLE asking people what they want from the Section, how the Section can do a better job, etc. Several copies of the Section’s membership application should also be there, and perhaps the benefits of Section membership could be listed on the application or a separate document.

Also, the Section could dedicate a portion of the website to receiving feedback (especially on recently-completed CLE courses).

Gathering data on what Section members and potential members want from the Section must not be something that the Section does once and never revisits. Instead, ascertaining the products and services desired by the Section members must be a continuous process that never ceases. This is the key part of making the Section responsive to its members.

2. The Strategic Plan Committee - This group is discussed in more detail in a subsequent section, but it should be in charge of evaluating all the survey forms, evaluating potential changes based on that information, bringing their

conclusions to the Section's leadership, and implementing the changes approved by the Section's leadership.

3. Database – The Section should maintain a database of potential members. At every event, there should be a sign-in sheet asking attendees for their contact information and the person's status (section member, non-section member, or law student). In addition, perhaps the Section could gather this information electronically when people register on-line for a course. With that information, the Section can target law students and non-section members with e-mails from the Chair inviting them to join and describing the benefits of joining the Section. Additionally, membership applications and flyers should be available at every event. The Section should also have a similar e-mail from the Chair inviting current members to stay with the Section and describing the benefits of Section membership. This contact information could be gathered at Tables for 8, the law school pizza parties, the Networking Noshes, and CLE programs.
4. Value-Priced CLE – Several government attorneys have complained about the high cost of attending the Pat Dore Conference or the Practicing Before DOAH Seminar. Much of that cost comes from the overhead associated with the Florida Bar. One way to address this issue could be for the Section to offer value-priced CLE like lunchtime seminars without Bar assistance. The Section appears to have the ability to use DOAH's DeSoto Building free-of-charge, and it may be possible for the Section to use the Florida Bar's Annex Building free-of-charge as well.
5. Incentives – The Section could offer free attendance at the Pat Dore Conference to anyone who can get a certain number of non-Section members to join. In addition, perhaps the Section could enter those providing feedback into a drawing for free attendance at one or more Section-sponsored CLEs.
6. E-Mail Promotion – The Section needs to ascertain whether the e-mails promoting its CLE events go to members of other sections who may be interested in the materials. Also, the Section should use frequent e-mail "blasts" to notify people of new website content and Section news. In addition, those "blasts" could have an embedded link to the Section's website. This should encourage people to visit the website more frequently

and make the website a more effective tool for communicating with members.

7. More Joint-Memberships – The Section should evaluate the possibility of entering into joint membership fee arrangements with more sections. In addition to reduced fees, the Sections could engage in cross-promotion in which each Section discusses the benefits of joining the others during CLE classes. Such arrangements may be a way to expand the Section’s presence beyond Tallahassee and reach attorneys in other parts of Florida who practice administrative law but have their primary focus on environmental and health law.
8. Agencies – The Section Chair (or a member who is a past or present General Counsel) could occasionally attend the monthly General Counsel meetings and advocate for agencies to spend their training dollars on the Section’s CLE programs. At the very least, the Section can send information about upcoming CLE courses to the General Counsels of every agency.
9. Website and Social Media – The Section should use its website and social media platforms to increase awareness of CLEs and other Section activities. As noted above, e-mails notifying people of new website content and containing an embedded link to the website should encourage people to visit the website more frequently and make the website a more effective tool for communicating with members.
10. Follow-up – It was mentioned above, but follow-up deserves a second mention. If the Section is going to be more responsive to its members’ needs, then follow-up is absolutely essential. The Strategic Plan Committee should closely evaluate the information gathered from the surveys and other feedback methods and actually make recommendations based on that feedback. When recommendations are approved, the Strategic Plan Committee should be responsible for ensuring that those recommendations are actually implemented.
11. Expanding Beyond Tallahassee – The partnerships mentioned above could be a way for the Section to break into other markets. For example, another

section could agree to promote our Section's CLE courses and benefits during its CLEs, and our Section could reciprocate.

12. Affiliates – The Section could offer reduced rates on dues and CLEs.
13. Affiliates – Section members who work for agencies could be in charge of identifying potential affiliate members.
14. CLE Calendar – If CLEs are planned far enough in advance, the Section could promote CLE opportunities during its CLEs.
15. Section Benefits – Every single CLE program or gathering should be used as an opportunity to educate the attendees about the benefits of joining the Section. Perhaps we should have a series of talking points that should be mentioned at each of these events. Also, several membership applications and lists of Section benefits should be present at every Section-sponsored event.
16. Administrative Law Practitioner of the Year – Another potential means of promotion would be for the Section to sponsor an annual award for Practitioner of the Year. The Section could formulate a set of criteria (legal skill, community service, service to the Section, etc.) and accept nominations through the website. Perhaps the existing Nominating Committee could be in charge of selecting the winner every year.

VI. **FINANCE**: The following are some methods that should assist with keeping the Section financially healthy.

1. The Section should formulate a standardized list of generic measures to control costs at every CLE. With that list in mind, each person organizing a CLE program should monitor the costs/expenses of producing the CLE and compare those to the expected revenues. If the costs/expenses exceed the expected revenues, then the Section probably should not produce the program. However, the Section's showcase CLEs (such as Pat Dore and Practicing Before DOAH) may be an exception. Given the substantial promotional opportunities afforded by those programs, a reasonable loss may be a worthwhile investment.

2. The Section must be prepared to spend money in order to make money. A few of the changes noted above will be expensive and should not be implemented if the Section determines that those changes will not help with retaining existing members or lead to a significant increase in membership. At the same time though, the Section should usually have its focus on long-term benefits as opposed to short-term costs. Events such as the young lawyers mixer cost money in the short-term without providing immediate benefits. However, if the Section uses such opportunities to promote the Section and build the database of potential members, such events could more than pay for themselves in the long-run. Also, as the Section gains more marketing experience and learns what measures are most effective in growing the Section, it may decide to implement more elaborate or expensive promotions.

VII. **STRATEGIC PLAN COMMITTEE**: The creation of the Strategic Plan Committee will be an essential part of implementing this Plan. This Committee should be a subset of the Long Range Planning Committee and would be responsible for coordinating the members' efforts and ensuring that the Plan is being effectively implemented.

1. If the Strategic Plan is placed in a drawer or on a hard drive and never viewed again, then it will be a failure. Follow-up is absolutely essential, and the Committee's job will be to make sure that others are adhering to the Plan. Whenever possible, at least one member of the Strategic Plan Committee should be on most of the Section's other committees. That will help to ensure that the Strategic Plan is followed and that any new actions are consistent with the Strategic Plan. Also, the Strategic Plan Committee should be a permanent subcommittee that gives a report at every meeting. In addition, it should be mandatory that the incoming Chair be a member of the Strategic Plan Committee. That will help to get the future Chair's focus on the importance of implementing the Strategic Plan.
2. The Strategic Plan Committee will be responsible for evaluating feedback from surveys and making recommendations for changes to the Section's leadership.
3. The Strategic Plan Committee will evaluate the need to make changes that better suit the members' needs.

4. The Strategic Plan Committee will have the authority to propose changes to the Plan.
5. The Strategic Plan Committee will be responsible for monitoring the results of implementing the Plan (i.e., Section membership and revenues).
6. The Strategic Plan Committee will monitor what other sections are doing and recommend appropriate changes for our Section.
7. The Strategic Plan Committee will be charged with preventing complacency from setting in. One potential way to combat complacency is to have each committee give a year-end (wrap up) report at the Executive Council Meeting preceding the Long Range Planning Retreat or at the Executive Council Meeting held in conjunction with the Florida Bar Convention in June.

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