



NYSBA Broadcast Email Policy

1. Introduction

This general email policy has been developed to enhance communication between the Association, its members and potential members, and to better utilize email as a means of communication. Although email is faster and less expensive than traditional methods, such as direct mail, it should not be the sole method of communication, since 1) we do not have email addresses for everyone, 2) some have opted-out of “bulk” emails, and 3) we jeopardize the relationship that we have with our members if they come to feel that we have misused our relationship with them. Additionally, emails should be planned and integrated into our marketing efforts and, when possible, should drive traffic to the Web site, where more details should be posted.

Objectives:

- To provide members with the information and support that they expect without spamming them.
- To conduct essential and relevant communication with member and non-member attorneys and law students while minimizing/eliminating the amount of unwanted or unauthorized email traffic.
- To systemize broadcast email use with established standards and procedures.
- To communicate with members and non-members without over-burdening internal email resources.
- To increase web traffic to www.NYSBA.org. The Web site should be used as a resource to compliment the email message.

Definition:

Broadcast email is defined as email messages that are sent by NYSBA staff and/or NYSBA members to a group of members, lapsed members and/or non-members in the NYSBA database. The messages might include official NYSBA announcements and business (renewal notices, CLE information, membership activities, etc.) or promotional messages (any email message encouraging the recipient to purchase an item or service such as CLE seminars, books, etc.). *Any group of 100 or more will fall under the definition of broadcast email.*

NOTE: It is the New York State Bar Association’s policy not to sell our email list to vendors and not to provide it to any NYSBA partners, including affinity partners. The use of NYSBA’s email list is reserved for Association use only.

Notice on FTC **CAN SPAM** Law:

The Federal Trade Commissions has certain guidelines referred to as the CAN SPAM law. More information on the Can Spam law of 2004 and its updates can be found at: <http://www.ftc.gov/spam/>. If you have any questions, please contact our staff attorney, Kathy Baxter.

The main points of Can Spam that we need to follow are:

- **OPT-OUT:** Always have clear and conspicuous opt-out
- **HONEST SUBJECT LINE:** Senders of email cannot mislead recipients regarding the content and the sender – meaning the header should accurately reflect the content
- **SENDERS CONTACT INFORMATION:** Return address/contact information must always be provided
- **TRANSACTIONAL MESSAGES:** emails that can be interpreted to be soliciting money for a service or product are considered “transactional” in nature and should be clearly labeled as such, for example: “CLE Advertisement” placed at the top of the message in a conspicuous area. **NOTE:** Meeting notices that solicit fees to attend a meeting can be interpreted as “transactional/commercial” in nature.

2. **The Process** - All bulk email messages should be directed to EBLAST@nysba.org.
- Only FINAL copy should be provided by a NYSBA staff member to EBLAST. We are not able to accommodate requests to send a proof to a non-nysba employee (This means that we cannot send proofs to chairs and wait for their edits & approvals.)
 - The staff person, who wants the email message to be sent, should send an email to EBLAST with the following information
 - Delivery date: *(give 3 days notice) (NOTE: The Association distributes in excess of 12 million email messages annually, and there is typically a queue of EBLAST requests waiting to be processed.)*
 - Target Audience: *(NOTE: If students or non-resident members can be excluded, please say so)*
 - Email Subject:
 - Message body: *(approved, final text-* Message copy should be sent as a word attachment in simple format (no indentations nor tabs)
 - Preferred template: *(if known)*
 - Special Instructions: *(if any)*
 - The EBLAST technician will determine the date that the email message will be sent, giving consideration to the date the drafter wishes it to be sent, other email requests in the queue, whether the message is time-sensitive, and the number and subject of recently sent emails to the target group.
 - If the message content appears questionable (i.e. relevancy, targeted to all members, or is not a NYSBA program/product and competes with NYSBA), then the EBLAST technician, will contact the relevant Senior Directors as needed.
 - The EBLAST technician will send a test email to a group of staff members (including Keith Soressi, Pat Bucklin, and others) and to the originator to review for substantive and technical accuracy. **The originator of the request is responsible for the accuracy of the email and its links, and to verify that the test message is ready to be sent to its target audience.**
NOTE: this test group is for internal testing only, not for regular members, nor section chairs.

3. Standards

a) Scope of list

Messages should be targeted as specifically as possible to an appropriate audience based on the relevancy of the information to a particular group (based on information in iMIS such as area of practice, office size, past purchasers, etc.). Section members cannot be targeted without permission from that particular section's chairperson.

b) NYSBA Identification

All messages will be sent from a NYSBA mailbox and will be identified as such in the "From" field of each email message (e.g. nysbamail@[nysba.org](mailto:nysbamail@nysba.org)).

c) Message

- All messages need to be compliant with current CAN SPAM regulations.
- The subject line will include enough information for recipients to quickly determine the relevance of the content.
- Messages should be short (kept to one email page, if possible), to the point and contain links to the NYSBA Web site for more information (see attached examples).
- Consider the target audience when determining tone and content.

d) Opt-in vs. Opt-out

- Opt-in is permission-based and works best to establish relationships with members/customers. Opt-in email pertains to 1) listserves, 2) a recurring broadcast email (i.e. Web Brief)
- Opt-out allows the receiver to discontinue receipt of email and should be used for ad-hoc broadcasts and immediate, urgent alerts (i.e. Web site launch announcement, upcoming seminar registration reminder, publication sale, etc.) Categories in the iMIS database for opt-out currently include two options: "No Bulk Email" for all emails and "No CLE Email" for CLE messages (section/committee meetings with CLE credits are not included in this). We are exploring the possibility of adding additional categories as needed.
- Every email is required to include an option at the bottom allowing the recipient to unsubscribe, below are the current opt-outs that are build into our currently existing templates:

Continuing Legal Education (CLE) email: This email is provided to you using the email address you supplied to NYSBA, to keep you informed of NYSBA CLE programs that may be of interest to you. If you prefer not to receive CLE email messages in the future, please do not reply to this message, but instead go to www.nysba.org/unsubscribeCLE where you can remove your email address from future CLE emails.

All NYSBA email: If you prefer not to receive any email messages from NYSBA, including CLE emails and information about section activities, meetings, legislative alerts, member benefits and other services, please do not reply to this message, but instead go to www.nysba.org/unsubscribe where you can remove your email address from future emails.

e) Frequency

When determining how many emails to send to a particular group, staff should consider how many emails this group has recently received as well as the other types of vehicles that have been used to reach the same group with the same message (i.e. direct mail, print ads).

In order to avoid over-mailing, the emails being sent will be monitored using the log maintained by EBLAST. Our goals are to:

- Send the same message to the same target group **no more** than once every two weeks. (this includes follow up messages)
- Email all members, no more than once a week, if there are email messages that are pertinent for all members.

f) Attachments – NONE PERMITTED

- Attachments (PDF or other types) pose many problems when sent in bulk emails. 1) Filters pick up on bulk emails with attachments as spam and block the entire message. 2) Also, sending one or more attachments to a large group of recipients, i.e. thousands, takes considerable space on not only our NYSBA servers, but also the servers for our recipients, particularly for those offices that have two or more recipients. Therefore attachments in NYSBA's bulk emails will no longer be sent out. Instead, we ask you to post the attachment to the Website and link to the Web location whenever possible.

NOTE: Barbara Beauchamp, our Web Editor, can send you instructions on posting to the web as well as creating short URLs

g) Administration

- Depending on the message being sent, the unsubscribe instructions usually link users to www.nysba.org/unsubscribe where the user entry is processed into our web data. This information is synched back to our database on a specific schedule. This unsubscribing may take a day or two to take effect.
- For those messages that instruct people to email mis@nysba.org, MIS will mark the record immediately when an addressee requests to be removed from a specific list or from emails altogether.
- MIS will track replies to nysbamail@nysba.org so that if reply messages are undeliverable to an address it will be replaced with the correct address or removed from the system. However, if the email message goes out on a different email address, that address will receive all replies and bounce back messages. Only email addresses with "@nysba.org" may be used.

h) Tracking

For special tracking needs, please consult with the Marketing Department when placing your request.

In order to request that a broadcast email be sent, send an email to EBLAST with the following information:

1. Originating Department:
2. Originator's Name:
3. Email Description/Purpose:
4. Delivery date: *(give 3 days notice)*

5. Target Audience: *(NOTE: If students or non-resident members can be excluded, please say so)*
6. Email Subject:
7. Message: *(approved, final text)*
8. Preferred template: *(if known)*
9. Special Instructions: *(if any)*

Remember that you may draw upon the Association's resources when preparing promotional emails and determining mailing lists. The Marketing Department can help you develop messages and target your mailing lists.

Customizations Options:

Emails messages can be customized with the following fields, when writing your text, please use the correct programming syntax for the desired fields

IMIS FIELD	Programming syntax
IMIS ID#	~ID~
IMIS Company ID#	~CO_ID~
Full Name	~FULL_NAME~
Title	~TITLE~
Company	~COMPANY~
Full Address	~FULL_ADDRESS~
Fax	~FAX~
Email	~EMAIL~
Login User Name	~WEB_LOGIN~

Under NO circumstances will the password ever be included in an email.

NOTE: if you add a personalization field into the end of your subject line, your message will have a greater chance at bypassing most spam/bulk email filters.

Available types of templates

- Annual Meeting
- Bar Foundation
- Books
- CLE bulletin
- Committee News
- eNews (for section & committee leaders)
- Generic
- Letterhead
- LYC
- Membership
- Meetings
- Section News
(EASL & YLS have their own designs)

Regularly scheduled emails:

- CLE emails, every other week (live/recorded/online, and books/forms)
- Law Digest (LYRIS list serve)

- Quarterly PR Update
- State Bar News, bi-monthly (to foreign email subscribers only)
- WebBrief (LYRIS list serve)
- Young Lawyer Section's Electronically In-Touch (LYRIS list serve)

Email tips

- Don't assume an email will reach your entire target audience. We have email addresses for approximately 62% of our members. An average of 22% of legitimate email doesn't get delivered to the In-box (spam & bulk email filters) and approximately 33% of your email addresses will go bad within one year (job changes).
- Our most loyal customers are our section members; when doing messages to section members, please realize that there is a lot of cross over. A majority (60% or more) of our section members belong to more than one section.

Design:

- "Click here" should be replaced by a short form of the URL i.e. <http://www.nysba.org/CLE> - some users, particularly those with blackberries, may have their email settings set to text view only & "click here" doesn't always work
- ALL CAPS – is the internet form of screaming
- Underlined words usually mean it's a hyperlink
- Keep the message short - The most important information should be in the first portion (also known as "window") – many people never scroll down to read the rest of your message.
- The most read information will be your welcome message.

How to avoid SPAM Filters

- Avoid heavy use of images
- Avoid heavy use of colors (in the text & background)
- Avoid using the following words in your text: Free, Guaranteed
NOTE: if you want to use the word free – have DTP design it as a JPG or GIF image.
- Avoid using ALL CAPS, particularly in the Subject line
- Keep the message file size below 40k
- Personalize the subject line with the user name or ID # in the later portion of the subject line
- Keep subject lines short