



**USING DIGITAL
COMMUNICATIONS TO ACHIEVE
YOUR NONPROFIT'S GOALS AND
MITIGATE LEGAL RISKS IN THE
PROCESS**

Mercury.



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MEET THE TEAM

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AGENDA

01

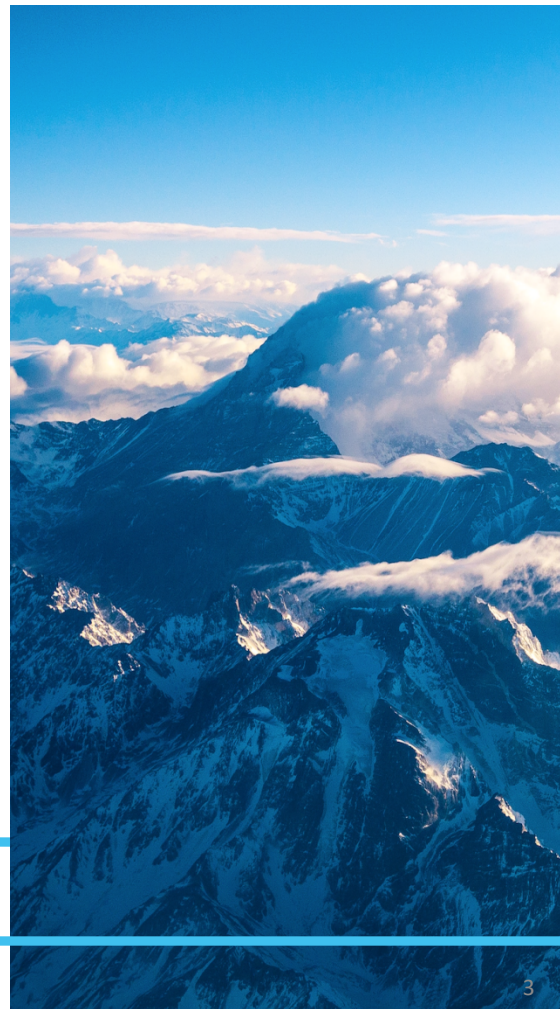
DIGITAL
COMMUNICATIONS

Walk through a step-by-step process to help you assess where your organization is today, and where you need to be tomorrow.

02

LIABILITY
RISK

Understanding your nonprofit's liability risk in the digital space and learning tips and strategies to help mitigate them.





PART I: DIGITAL COMMUNICATIONS

Before we get to “HOW”, let’s start with “WHY”...

150

The # of times per day the average person unlocks his or her phone

3.5k

The number of tweets posted to Twitter every 60 secs

400

The number of hours of video uploaded to YouTube every 60 secs

3.8m

The number of search requests happening on Google every 60 secs

DEFINE YOUR OBJECTIVE

STARTING POINT:

What does my organization want to achieve strategically?

- *Increase fundraising?*
- *Grow membership/attendance/registrations/participation?*
- *Reach media and influencers to influence policy?*
- *Raise awareness?*

WORK BACKWARD:

Once your organizational objective is defined, back into your digital objective.

- *Use social media advertising to increase low-dollar donors*
- *Use Twitter and LinkedIn to begin paid and organic outreach to target audiences*
- *Increase video production and storytelling across digital platforms and channels*

DEFINE YOUR AUDIENCE

**REACH THE RIGHT
PEOPLE, ON THE RIGHT
PLATFORM, AT THE
RIGHT TIME**

Define the audience you WANT to reach, then come up with a strategy to reach each audience.

- *Influencers/Media? – LinkedIn/Twitter*
- *Millennial Moms? - Instagram*

**THINK ABOUT WHO
DELIVERS THE MESSAGE**

Strategically match the audience you want to reach with the best voice you have to communicate your message.

- *Your organization*
- *C-Suite leadership*
- *Surrogates/Partners*

DEFINE YOUR MESSAGE

- **TELL YOUR STORY** (*Who you are. What you do. Why you're distinctive*):
 - *Avoid fragmentation between platforms/channels*
 - *Avoid reactive content*
 - *Focus on a narrative thread*
 - *Assume your audience has no foundational knowledge of your organization*
- **HOW YOU CAN IMPROVE:**
 - *Establish a clear identity*
 - *Prioritize quality over quantity*
 - *Be consistent*
 - *Have a unique point of view*
 - *Engage in the conversations you want to be a part of*

MEASURING IMPACT & EFFICACY

1 TEST

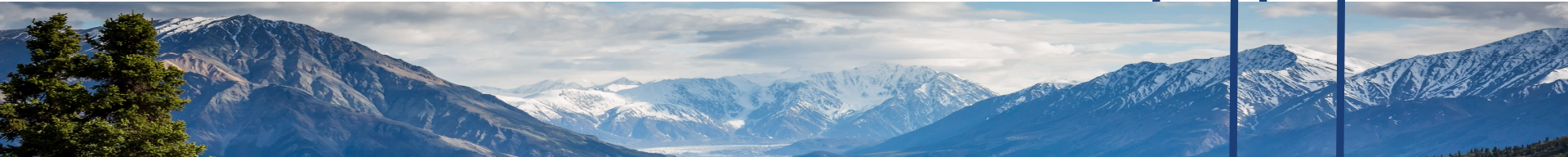
- Every org is different. What works for one, may not work for you.
- Test everything: copy, creative, platforms, targeting, etc.

2 LEARN

- Get into a regular reporting cadence.
- Focus on the most important metrics for your org based on your objective.
- Benchmark against yourself.

3 OPTIMIZE

- Apply findings to future efforts.
- Continue to test based on what you'd learn.





PART II: LIABILITY RISK

- 1 Uses of Digital Communications
- 2 Primary Areas of Liability Risk
- 3 Federal Laws Offering Liability Protection
- 4 Policies and Terms and Conditions of Use
- 5 Written Agreements

USES OF DIGITAL COMMUNICATIONS

Distinguish the *organization's* use of digital communications from use by the *members/supporters/donors* of the organization = very different liability constructs.

Organizational Use

Third-Party Use



PRIMARY AREAS OF LIABILITY RISK

PRIMARY AREAS OF LIABILITY RISK FOR NONPROFITS IN THE DIGITAL COMMUNICATIONS AREA:

- *Defamation*
- *Copyright and trademark infringement*
- *Dilution or loss of copyright and trademark rights*
- *Violation of right of privacy or right of publicity*
- *Privacy*
- *False or misleading advertising*
- *Antitrust*
- *Tortious interference*
- *Unrelated business taxable income*
- *Limitations and restrictions on lobbying and political activity*
- *Labor and employment*

FEDERAL LAWS OFFERING PROTECTION

FEDERAL LAWS THAT PROVIDE SOME LIABILITY PROTECTION FOR NONPROFITS IN CONNECTION WITH USE OF DIGITAL COMMUNICATIONS BY THE NONPROFIT'S MEMBERS/SUPPORTERS/DONORS:

Federal Communications Decency Act (Section 230)

Federal Digital Millennium Copyright Act

02

LIABILITY RISK

Digital Communications Use Policy

Importance of having a digital communications use policy for staff, for volunteer leaders, and for third parties (such as members, supporters and donors)

POLICIES & TERMS AND CONDITIONS

Terms & Conditions for Users on Your Platforms

Importance of having good Terms & Conditions on your digital communication platforms to which users must click and accept that they agree to abide

WRITTEN AGREEMENTS

IMPORTANCE OF HAVING WRITTEN AGREEMENTS WITH THOSE WHO WILL BE ASSISTING IN THE EXECUTION OF YOUR DIGITAL COMMUNICATIONS STRATEGY, IN ORDER TO:

- *Define roles and responsibilities*
- *Provide for checks and balances*
- *Allocate risk off of your organization to other parties where possible*
- *Secure necessary copyright and trademark rights*
- *Representations, warranties, indemnification, and insurance*
- *Term and termination*
- *Fees and payment*



QUESTIONS?

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