

## WHY CAN'T I TALK ABOUT

### PRICES AND COMPENSATION ON THE DRA FACEBOOK PAGE OR AT DRA EVENTS?

With the freelancers struggling to figure out how to work in court, some members, on our Facebook page and privately, have asked, “Why does DRA Leadership sorta freak out when members start to talk about what they or the firms they work for charge?”

We asked our lawyer and lobbyist to write something up for our members on this, and here is what he wrote:

DRA is fun, informative, great for networking, successfully and imaginatively fights like crazy to protect freelancers, and is an awesome client, but it is also – less glamorously – a trade organization.

A trade organization is a place where competitors get together to work on their common goals. That’s OK.

But one thing competitors cannot – even informally – work on together is **prices**.

That violates anti-trust law. Even very informal exchanges of information about who charges what – especially under the banner of an industrywide association - - can be seen as illegal, a broad effort to help coordinate on industry pricing.

Implied understandings and conduct that ends up being the same without a formal agreement, just because everyone knows what everyone else is charging, both raise anti-trust concerns and potential anti-trust liability.

And anti-trust laws aren’t just civil in nature. They expose violators to criminal penalties, too. The fines and penalties can be ruinous for both individuals and trade associations: up to \$100,000 for individuals and up to \$1 million for associations ... **per offense**.

This is why DRA must, in my view, banish any pricing conversations at conferences, on FB, in blogs, in pretty much any place where there is a DRA logo.

It is also why it isn’t a good idea for individual members to have conversations about pricing appear on their own FB pages or have other kinds of conversations or exchanges about prices with reporters either.

So this is why conversations about pricing can’t happen at DRA events or on DRA’s Facebook page.

Talking about prices under the banner of a trade association (especially when this trade association is one that works around lawyers) well, it isn’t right, it isn’t smart, and it could hurt you. It could hurt the profession you love. And it could hurt your DRA.

Blame our lawyer but this just can’t happen. Sorry.