



Funeral Consumers

ALLIANCE



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*Protecting a consumer's right to choose a meaningful,
dignified, and affordable funeral since 1963*

Staying Relevant, Staying Alive

-Josh Slocum, Executive Director

A funeral director friend once told me a story about a regional undertakers' meeting in the late 1990s. The after-lunch topic was what funeral homes were doing to update their facilities and technology to freshen up their image. One gentleman beamed with pride about how his latest techno-gadget was going to make his price lists and literature more appealing and easy to read. He was the proud owner of a *brand-new electric typewriter*.

With the cremation rate rising, baby boomers saying no to "grandma's funeral," and green burial/home funeral advocates making waves in the press, funeral directors are struggling to adapt to a mortuary marketplace that looks nothing like the sealer-casket-for-every-loved-one days of yore. The sooner they learn that outdated techniques — "preach the value of viewing!" — won't save a tired industry, the sooner they can start offering what people actually want today.

FCA groups aren't insulated from the changing funeral culture. What drew members in during our early years in the 1960s — simple funerals negotiated at a discount price — isn't a showstopper anymore. Competition and consumer pushback are doing some of the work our groups pioneered.

That's not to say people aren't drawn to FCA chapters for those benefits; they are. But funeral societies that focus primarily on member discounts are out of step with the times and unlikely to sur-



Consumer advocates celebrate the return of the right to mortuary-free funerals in Utah. L to R: Forrest Cuch, Director Division of Indian Affairs, Rep. Brad Daw, Joyce Mitchell, FCA of Utah, Marcia Racehorse-Robles and Dave Robles, Bannock Pride

vive. Several have dissolved during my six years at FCA, each of them a victim of "we've always done it this way" thinking. Negotiated funeral discounts were a radical concept in the 1960s. Today they're rather like the tatty motel signs that dot rural back roads, advertising *Color Television!* That's nice, but unimpressive when most travelers want wireless Internet.

An unpleasantly large portion of my work week (and the work of the National Board's Affiliate Relations Committee) is taken up trying to help a small but growing number of FCA groups that report they're falling apart. It makes our hearts sink. These complaints are the same: No one in our community knows about us, no one will join our board, young people aren't interested, one or two of us do all the work while other board members don't even answer emails. The reasons for these are also the same: Such groups rarely do a price survey (and if they do, they don't tout it in the media), they obsess over finding and maintaining cooperating mortuaries while ignoring new trends like green burial, or they don't have an up-to-date website

(a web presence is not optional anymore, it's a must), etc.

It doesn't have to be this way. Not every community is the same, of course, but there is no locality in the US that won't support a vibrant, activist Funeral Consumers Alliance. Despite changing times, funeral prices are still outrageous, most consumers still have no clue about their legal rights, and the recession is finally taking its toll on everyone's last bill. If an FCA is struggling just to maintain, that means the group *must change its practices*. It's not that "people aren't interested" or "our mission has been accomplished," it's that the organization isn't doing a good job *being* relevant and *telling* the world.

Fortunately, there's no need to reinvent the wheel if you want to give your chapter a shot in the arm. FCA's federation of nearly 100 locally run groups is a well of talent, creativity, and generosity. If there's a success to be had, or a mistake to avoid, you can bet one of your sister groups can tell you about it. It takes time to re-energize a group, and you have to pay attention to both style and substance. But it can be done, and local FCA people often say nothing is more satisfying than meeting an organizational crisis head-on with a brand-new project.

Here are some proven ways to reinvigorate your work, boost your membership, and draw a broader range of volunteers who are willing to contribute, rather than being passive members. No single one of these tips will pull a tired group out of a slump, but you don't have to do all of them at once. Slow and steady works just fine.

The Basics

1. Do a Price Survey, and Tell the World About it — Our societies are the only nonprofit groups that conduct funeral/cremation/cemetery price surveys. These are the single most valuable tool to show people how greatly they can control funeral costs, and

newspapers will almost always report on your work. The FCA of Rhode Island (which recently changed its name) publicized its first-ever survey this year. So far, three state newspapers have done feature articles on the organization.

NOTE—A list of member prices at your cooperating funeral homes is not a price survey, it's a list of members-only perks. To serve the greater public and generate interest from other community service groups, it's essential to document the prices the public pays at area businesses.

Don't keep your survey "members-only," and don't keep it off your website in hopes of enticing people to pay your membership fee to get it. That just doesn't work. Many more consumers, social workers, and hospice organizations will learn about you and join if they can see what you do freely.

Some of the best price surveys in the FCA federation:

- www.fcaambis.org—our Austin affiliate. Click on "forms and brochures"
- www.funerals.org/affiliates/rhodeisland—FCA of Rhode Island
- www.peoplesmemorial.org—Peoples Memorial Association

A step-by-step workbook from FCA national to get you started:

www.funerals.org

then click

Affiliate Resources

then click

Funeral Price Survey Instructions

2. Consider Changing Your Name — Are you still the Memorial Society of ABC City? A couple of FCA affiliates are so well-known in their communities they're considered institutions. Peoples Memorial Association in Seattle, and the Austin Memorial and Burial Information Society of Austin, are the best examples. Given their history and

their membership numbers, a name change would be a mistake for them. But that's not the case for most smaller FCA groups. The term "memorial society" is dated, and it means nothing to the very people struggling groups are trying to draw in. To outsiders and younger folks, the name sounds like a grave-decoration committee that meets yearly on Memorial Day. It sounds, well, old.

Eighty of the nearly 100 FCA groups have adopted the name "Funeral Consumers Alliance of . . ." or "Funeral Information Society of . . ." The name tells the public what it is we actually do, and whom we serve. National media such as The New York Times, The Washington Post, NPR, The Wall Street Journal (and popular blogs such as consumerist.com) frequently come to the national FCA for advice and quotes. The exposure we generate at the national level is something we want to benefit *your group locally*. Identifying yourself with FCA shows your community you're part of a respected, widely cited national advocacy organization. You'll almost never see the term "memorial society" mentioned in major media.

Just to be clear — it's not about FCA national wanting to micromanage local groups. Local affiliates are controlled by their memberships and boards, as they should be. But we don't think it's wise to hang on to a historical name for sentimental reasons, or because older members don't like change.

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3. Get a Website — It's 2009, and if you're not on the Web, you don't exist. More and more people won't even bother contacting an organization with no website (they'll never hear about you because the Yellow Pages are becoming obsolete). It's an indication of outmoded thinking and a lack of attention to how business works today. A modern website should have a standard look and easy navigation menus, and the option for readers to leave comments and have conversations around articles you publish. See www.funerals.org for an example.

FCA National is researching options for affiliates with no website, or outdated sites. We know you don't want to become a computer guru, so we're aiming for point-and-click. In the meantime, several free programs can help you set up a website/blog for your FCA immediately, with no techie knowledge required. Check out:

www.wordpress.com

www.blogger.com

TIP – You're welcome to use the look and feel of national's website if you like it. No, we don't have the staff or expertise to program your site for you, but if you have a webmaster, ask him or her to email josh@funerals.org for the necessary files.

Beyond the Basics

1. Expand local options for funeral consumers — Finding reasonably priced mortuaries is just one piece of the puzzle. There are other options for body disposition, but it's sometimes hard to get information about them. **The FCA of Central New York** (formerly the Syracuse Memorial Society) discovered local funeral homes were charging exorbitant rates for donation to the medical school, sometimes in excess of \$2,000. Even worse, some funeral homes were picking up the body from the hospital on the university campus, bringing it back to the funeral home, then carting it right back to the anatomical

donation department on the same campus!

The good work of FCACNY volunteers **Joe Steiner** and **Fred Davies** put an end to that racket. They persuaded Upstate Medical Center to pay transportation costs for families who wanted to donate the body, but who didn't want to use a funeral home. This is progress for the Anatomical Gift Program, too, since high funeral home prices undoubtedly steered many potential donors away from the program and back to the mortuary.

2. Stand-up in the Statehouse for Families' Rights — Interest in family-directed (no mortician involved) funerals has grown by leaps and bounds since the 1998 publication of *Caring for the Dead*, former FCA exec. director Lisa Carlson's book. Home funerals aren't for everyone, but FCA groups have an ethical duty to help preserve that right for the people in their community. Free choice in funerals starts with the right to *not choose a commercial provider at all*. Funeral trade groups have been up to mischief in several states, and Utah citizens lost their right to care for their own dead after industry lobbyists bamboozled legislators in 2006.

And then came **Joyce Mitchell**. The longtime president of the **FCA of Utah**, Mitchell has been coming to FCA biennials for years. You may remember her as the bubbly, surprisingly young-looking activist mom who trades stories during open mic sessions. Mitchell became so incensed at the lies the Utah Funeral Directors' Association used to pass the 2006 bill, she made it her mission to repeal it. Native American activists David Robles and Marcia Robles-Racehorse (thank you) joined Joyce to stalk the hallways of the capitol, handing out testimony, speaking before committees, and deconstructing the legal distortions of industry lobbyists. Together with dozens of Utah citizens, and with briefs from FCA National, Mitchell

accomplished her goal. The governor signed HB265 into law this spring, restoring family sovereignty in funerals. Oh, and yes, TV and newspapers came out to cover their work.

Read the inspiring story here:
www.utahfunerals.googlepages.com

You're well-advised to watch your state legislature like hawks as a matter of course; bills affecting funeral consumers often fly under the radar, and you don't know what you and your members have lost until it's too late.

3. Get on Board With Green Burial — We've told you how the **FCA of Maine** turned a 14-acre parcel of land into the state's first green cemetery last year. The **FCA of Western PA** (Pittsburgh) has teamed up with a new nonprofit, Green Burial Pittsburgh, to attempt the same. Formaldehyde-free burials aren't just the latest trend, they're a return to simple burial practices our great-grandparents would recognize, and that Jews and Muslims still practice. And they're getting major attention from activist groups and the media. If you want younger people with fresh ideas in your organization, put green burial on the agenda.

You don't have to launch a new cemetery, either. Why not include green burial in the list of member plans you negotiate with your cooperating mortuaries? More funeral directors than you might imagine are eager to get ahead of the curve, rather than fighting it as they did cremation. Start with a plan that includes no embalming, a simple cardboard or plain wood box, and (optionally) preparation and viewing without embalming. Locals interested in green burial, but who probably think the FCA is cremation-centric (and yes, the public does think this about us), suddenly have a reason to join you.



25 Years After the Funeral Rule, Mortuaries Still Breaking Consumer Protection Law

The Federal Trade Commission issued a press release about its 2008 “sweeps,” undercover shopping trips to see if mortuaries are complying with the Funeral Rule. The Rule, in place since 1984, requires funeral homes to give consumers printed, itemized price lists and disclosures at the very beginning of any funeral arrangements discussion. Sounds pretty simple, right? So then why did 26 of the 104 funeral homes secret-shopped last year not do it?

Our guess is that, despite the FTC’s headline claiming the sweeps ensure consumers are protected, funeral homes know the FTC has little staff to enforce the 25-year-old Rule. No state consistently enforces the Rule either. Plus, scofflaws need only enroll in the Funeral Rule Offender’s Program (FROP), an “educational” program run by the largest funeral director’s trade

association, the National Funeral Directors Association. Conflict of interest much?

The FTC’s press release is an improvement over those from the past. Commission staff note that some funeral homes they

shopped had “significant” problems, while others had “minor” violations. Before, the FTC would merely say funeral homes were or weren’t complying with the Rule, painting a falsely rosy picture. Of course, the FTC still won’t tell the public exactly how they’re testing for Funeral Rule compliance. Are they merely checking to see if price lists appear at the right time? Or, are they actually scrutinizing the price lists to see if consumers are being

given the information and options the law requires?

Mmm, mmm, good!



- By FCA email discussion list member Deborah Meckler

Results

- In **Fairbanks and Anchorage, Alaska**, two of 11 funeral homes inspected had significant violations; five had minor compliance deficiencies.
- In **Northeastern Arkansas**, 11 of 15 funeral homes inspected had significant violations; four had minor compliance deficiencies.
- In **Orange County, California**, two significant violations were found among 18 funeral homes inspected; nine had minor compliance deficiencies.
- In **Minneapolis/St. Paul, Minnesota**, one of 16 funeral homes inspected had significant violations; seven had minor compliance deficiencies.
- In **Nassau County, New York**, two of 18 funeral homes inspected had significant violations; three had minor compliance deficiencies.
- In **Toledo, Ohio**, one of 15 funeral homes inspected had significant violations; nine had minor compliance deficiencies.
- In **San Antonio, Texas**, seven of 11 funeral homes inspected had significant violations; one had minor compliance deficiencies.

They're Our Members, Not Our "Customers"

-Josh Slocum, Executive Director

Anyone who's worked with the public knows and detests the phrase, "the customer is always right." Modern business has made a specialty of promising the sun and the moon to clients. "You can't live without our product, and you certainly can't fix Widget A or cook Dish B without our expertise." This has two regrettable consequences:

1) it encourages customers to believe they're helpless and dependent on Company X.

2) it sets up false expectations in customers' minds, making them feel justified in demanding redress for "grievances" that aren't Company X's responsibility.

Everyone walks away unhappy. The customer feels cheated and lied to, the employees feel frustrated and demoralized. And then the same thing happens the next day, and the next.

Well, thank goodness that's not a problem for all of us in Funeral Consumers Alliance, right? Not so fast. The staff at the national office (yours truly, Sherry Swett, and Leda Nutting), collectively field more than 10,000 calls, emails, and letters every year. We hear things — good and bad — from your members that you may not hear but will want to know about.

These communications tell us some FCA people see themselves as *members*: self-sufficient people who've read the literature, know their rights, and are confident in choosing a funeral that fits their taste and budget, with some help from their local FCA. They think of us the way they think of Consumer Reports; we're a pro-consumer source of information and support to help them

navigate the funeral transaction with confidence.

But others see themselves as *customers*. These people think of us as funeral brokers, behind-the-scenes wizards who magic simple and cheap funerals into existence, guaranteed. They believe their "one-time" fee of \$30 guarantees them a huge discount at an FCA-approved funeral home, no matter where they move in the country. *Customers* don't think they have to make decisions, they only have to call the affiliated funeral home. *Customers* are helpless when life circumstances change, when they move to an area where there's no FCA, or the new FCA doesn't have cooperating funeral homes with member discounts.

Here's the real shocker — people who belong to FCA chapters that emphasize membership discounts and downplay member self-help are **less competent than the general public to make funeral arrangements**. I hope that made your jaw drop, because it felt like cold water in the face when I realized it. The general public is innocently ignorant of their rights and options, but when they call, they're happy to learn from us and apply those lessons. *Customer* FCA members, however, believe the only form of help we can give is a telephone number to an approved funeral home. They're upset (sometimes to the point of yelling) when they find out the new FCA where they live is educational only. They don't want to hear us when we try to help them choose a reasonably priced arrangement, even if we offer to walk them through it step by step. They don't want to have to shop for themselves, and they believe they can't. Sometimes they hang

up after saying, "you're not doing your job," or "I can't believe I've been a member for 25 years and you won't help me."

This kind of phone call indicates we've failed this member. FCA people (of anyone!) should all know the basics. They should understand the Funeral Rule, they should know they have a right to price lists, price quotes by phone, and the right to pick and choose goods and services they want and can afford.

Fortunately, turning *customers* into self-sufficient *members* isn't arcane magic. By learning from the experiences of FCA groups that have perfected it, any of us can impart savvy and self-confidence to our members. The most satisfying part of my interaction with FCA members isn't sending them to ACME Mortuary, FCA-approved. It's hearing them say, "I'm so glad I called you. I had no idea I had these specific rights, and now I know what to ask when I canvas funeral homes in my town."

Turn Your Customers Into Members

1. Revisit your membership packet — Do you include a clear, direct statement to new members on how to make the best use of their membership? A list of cooperating funerals offering Plan A, B, or C, and a statement, "At the time of death, call your preferred funeral home" is worse than unhelpful. People want to believe in fairy tales; they want to "take care of everything" so "no one has to worry about anything." That mindset is a recipe for disaster. There's *no way to take care of everything*. Even

the best-laid plans can change when we move or change our minds. Don't encourage these false expectations just because you think members want to hear platitudes from you. Unlike a business, we have a responsibility **not to give members what they want** if what they want is unrealistic or undermines our mission to empower them.

Every membership packet should include a checklist of important consumer rights, and basic tips for shopping around among funeral homes and crematories. Be sure to include the Federal Trade Commission's excellent brochure *Paying Final Respects: Your Rights When Buying Funeral Goods and Services*. It's concise, physically light so it saves on postage, and you can order it from the FTC in bulk, free. You need to be very clear to members that you'll give them the tools to make it easier, and probably cheaper, but **the responsibility to carry it out is theirs alone**.

It's a good idea to include on your funeral planning paperwork, **COPY AND DISTRIBUTE THIS TO YOUR LIKELY SURVIVORS TODAY**. You'd be surprised how many members tell us they put the forms in a safe deposit box — how are their kids or friends supposed to know what to do when death comes?

Be sure to include the pamphlet *Death Away From Home* in your membership packet. It shows people how make arrangements for distant burial at a reasonable price, and how to keep their wallets safe if they have to make a last-minute decision while traveling. Like all our pamphlets, download a printable version at www.funerals.org. We can ship you preprinted pamphlets in bulk for 10-cents each; email leda@funerals.org.

2. If You're Storing Members' Final Wishes Forms, or Having Them Sent to a Cooperating Mortuary, Stop Now — We have more worthwhile things to do than filing other

peoples' paperwork. More importantly, this lets people off the hook for something they really need to take ownership of themselves. Member planning forms do their survivors no good in the filing cabinet of an FCA volunteer when death occurs at three in the morning. If Mrs. Smith's kids have no idea what FCA is, they're not going to know to call Memorial Society ABC to find out what "mom would have wanted." Several

Go to www.funerals.org and click on "Newsletters, pamphlets, and publications," on the left-hand menu to download our back issues. Your sister groups are always happy to let you reprint articles, too.

4. Get Your Name Out in the Local Media and on the Web — Every week I see at least two stories in national and prominent regional newspapers on the economy putting the squeeze on funeral costs. This is a

Going out in style . . .

My 7-year-old twin granddaughters suffered a recent loss. One of their pet rabbits died. The serious, compassionate twin cried and cried and then wrote love notes to her beloved black rabbit. The notes and the rabbit were buried in the family's backyard under a cedar tree. Whereupon the social butterfly twin said: "I know rabbits love carrots so let's make carrot cake and dress up for dinner and wear our pearls." And so they did. Future PMA members no doubt!

- Shelby Gilje, Peoples' Memorial Association

FCA groups have recently stopped that practice, and have sent members clear directions on better ways to store and distribute paperwork.

3. Beef Up Your Newsletter With Practical Information — The best newsletters include how-to articles on subjects like shopping for cremation, green burial practices, funeral sales pitches to avoid, and how to evaluate a funeral home for ethical business dealings. Remember, your membership is constantly turning over, and new people aren't as up to speed as longtime members. Besides, a refresher on the basics is always useful. And it must be said — a one-page, xeroxed "newsletter" with nothing but an announcement of the annual meeting and the number for the cooperating mortuary isn't worth what it costs in postage.

You don't have to reinvent the wheel, you're free to lift anything from the national newsletter you find helpful.

golden opportunity for you to write an op-ed for the local paper showing people how to avoid getting buried in debt. It's a public service that will result in more members for you, and get you on reporters' list of sources. Or, use the generic editorial we've written (and sent to you by email a few months ago) and reprinted in this newsletter. Plug in information in the appropriate spots.

Don't neglect the blogosphere. As newspapers sadly dwindle, millions more people are getting information and swapping consumer tips on the Web. Google has a great tool that lets you set up "news alerts" for any keywords you want. You can type in words such as <funeral costs> <funeral prices consumer> or any other combination, and Google emails you stories from conventional media and blogs once a day. If a blogger does a story on funeral scams, jump in and comment. Better yet, offer to do a guest post for them. Best of all, start your own blog!



- Stephanie Stringer the Funeral Consumers Alliance of the Triangle has generously shared her humorous, easy to understand PowerPoint presentation. FCA affiliates can adapt it to introduce a gathering to what you do, and why they should join. To download it, follow this link chain:

www.funerals.org
Affiliate Resources
Educational Presentations

Legal Updates

As you may know, FCA is involved in two lawsuits, one as a plaintiff, and the other as a defendant. Here is the latest on each.

Funeral Consumers Alliance v. SCI et al — We filed a class action lawsuit against the three largest funeral home chains and the largest casket manufacturer in 2005. The defendants are Service Corporation International (SCI), the Alderwoods Group (since bought by SCI), Stewart Enterprises, and Batesville Casket Company. FCA, along with 9 consumer plaintiffs, accuse the defendants of conspiring to fix casket prices and limit distribution of Batesville caskets in order to keep consumer prices artificially high. We asked the 5th Circuit Court for certification to sue as a class of consumers.

On March 26, 2009, District Court Judge Kenneth Hoyt ruled against our request for class certification. Obviously, we're extremely disappointed, **but this does not mean the suit is dead**. Our law firm, Constantine-Cannon, is preparing to appeal the decision to the entire 5th Circuit. Even if we lose at that level, there are other options to continue the case to rectify the gross mistreatment and overcharging of grieving families.

As a reminder, FCA is suing for **injunctive relief**, not for monetary damages. We want the courts to halt this anti-trust behavior. We are not entitled to, nor do we want, money from the defendants. The individual consumers, however, may be entitled to damages if we prevail.

Thomas Lynch v. Funeral Consumers Alliance, Inc., Funeral Ethics Organization, Inc., Funeral Consumers Alliance of Idaho, Lisa Carlson — Celebrity undertaker and bestselling author Thomas Lynch filed a frivolous suit

against the parties listed above on September 12, 2008. He claims that various publications by the defendants "libeled" and "defamed" him. His baseless complaint indicates a shaky grasp of the First Amendment, which protects the rights of citizens to critique and comment upon issues of interest, and upon public figures such as Mr. Lynch.

Lawyers for FCA, FEO, and Carlson deposed Lynch on March 25, 2009. Josh Slocum and Lisa Carlson (exec. director of FEO) attended the deposition. FCA is eager to give you full analysis of the case and the story behind it once it's concluded. For now, suffice it to say Mr. Lynch's testimony did not impress.

Trial is tentatively scheduled for fall, 2009, though one can never tell whether these kinds of cases will go that far. Regardless of the trajectory, we're not about to be shut up by legal bullying. Mr. Lynch has accused us of an illegal act for posting on our website a PowerPoint presentation that critiqued one of his widely syndicated articles. Not only is FCA perfectly entitled to make criticism of his published work, every citizen retains this right. The national organization also recognizes our duty to fight this case vigorously to **protect our affiliated chapters from legal harrassment and intimidation**. We will not allow their work as industry monitors and advocates to be chilled. For background on the case, visit www.funerals.org, then type "lynch lawsuit" into the search box.

FCA National Working for You

Memberships and donations are down for all of us, and its doubly frustrating since a small donation to an FCA organization is a real bargain; members usually save thousands of dollars with our help. Newspapers across the country are running stories this spring on families cutting funeral costs, selling off graves to pay for the mortgage, and rethinking death rites because of the economy. FCA has been interviewed on this topic by Newsweek, the LA Times, the Associated Press, and syndicated news radio services. We always plug you, the local affiliates, but it's up to you to make your case in your local press. Here's an editorial you're free to adapt and use if you don't have time to write your own. Several FCA groups have been successful getting it placed in their regional papers (use it on your website, too). Just substitute your information, and sign your name! - Josh Slocum, exec. director

Deathstyles of the Everyday and Middle Class

A well-known department store commercial cleverly plays up the changes Americans are making to fit their lifestyles to their budgets. Numbers on a gasoline pump spin into the stratosphere, then a businessman on a bicycle rides by. "The new commute - bike, \$59.99" appears on the screen. A couple sits down to a home-cooked meal in the dining room. "The new restaurant - salmon, 24 oz./\$8.99." Sure, the store wants to sell us more stuff, but the ad speaks truth. We can't afford to live like we used to.

We can't afford to die that way either. If you think it's hard to pay that \$1,000 mortgage, imagine facing an \$8,000 funeral bill. Nationally, the average cost of a full-service funeral is running between \$6,500 and \$7,000. That just gets you to the cemetery gates — graveside fees can easily tack on a few thousand more. More than ever, the way we care for the dead can have a serious impact on the living.

Americans don't talk about dying. It scares us. Many of us feel "cheap" if we balk at the price on a casket that costs more than our last set of furniture. Surely this is no time to skimp? Well, it's time to face the facts and break the taboo if we want to keep the cost of dying from bankrupting the living.

Fortunately, we have a lot more control over funeral costs than we realize. A few simple tips can help grieving people feel in control and ensure bereavement doesn't break the bank.

- **Shop around** — funeral costs can vary by thousands of dollars in the same city. The [NAME OF AFFILIATE]'s last funeral cost survey showed full-service funerals in Anycity range from [\$\$\$] to [\$\$\$], while simpler burials and cremations ranged from [\$\$\$] to [\$\$\$].

- **Exercise your "last rights"** — federal regulations require funeral homes to give prices over the phone, and to give you a detailed price list the minute you ask about funeral arrangements. Don't wait, pick up several price lists today and compare them at home before a death in the family.

- **Know the facts** — Did you know embalming is almost never required by law? Did you know no casket or vault will prevent the body from returning to the earth, whether it's sealed or not? Separating funeral fact from fiction helps you make reasonable choices and avoid guilt-induced overspending.

That department store commercial mentioned above has something else going for it. It reminds us to think about what value — and *values* — really means. We're facing the worst economic crisis since the Great Depression, and a lot of us recall the wisdom of our grandparents when they told us how they survived. If you can't afford the top of the line, make do with what you have. No money for a Christmas bounty? A handmade scarf is just as nice. When cost clashes with preferences, it's an opportunity to remember we can't put a price tag on the important things in life, or death. Whether we spend one dollar or \$10,000, we don't love or mourn our dead any more or less. A potluck memorial service at home or at church is just as comforting as calling hours at the mortuary.

Whether you want burial or cremation, something simple or involved, there are ways to cut final expenses without giving up the real value of a funeral. The [FCA OF/MEMORIAL SOCIETY OF] XYZ City has been helping educate the community on sensible funeral planning since [DATE]. A nonprofit run by volunteers, the [NAME OF AFFILIATE] helps families plan in advance, compare costs, avoid costly sales pitches, and arrange send-off that's *meaningful and affordable*. You can find out more by visiting [WEBSITE] or calling [PHONE NUMBER].

Spread the Work Around: Avoid Burnout and “Founder’s Syndrome” by Sharing the Leadership in Your FCA

- Holly Stevens,
holly_stevens@mac.com

In May 2008, about 45 Greensboro, North Carolina residents assembled in a church fellowship hall to gauge if there was enough interest to form a new chapter of Funeral Consumers Alliance in this community at the feet of the Appalachians. We had started out in a small parlor, not expecting more than a dozen or two to show up for the meeting that had received a mere half-inch’s mention in the local paper, but had to seek a larger space as more began to arrive.

Volunteers from the Triangle and Central Carolinas chapter quickly introduced themselves and talked a bit about the roles of FCA chapters and what forms of support were available to emerging affiliates. When the microphone was handed to me, I asked for a show of hands to see how many present thought we should form a new chapter. Almost everyone in the room reached for the ceiling. I hadn’t counted on having such a large group deliberate on where to go from there, and I was stumped. I mumbled into the mike, “I’m not too sure how to move forward with this. I’m not very adept at Robert’s Rules of Order.”

Up jumped Carol Cothorn, a retired librarian at Guilford College, a Quaker school that practices consensus building as its governing model. “I despise Robert’s Rules of Order,” she declared to the crowd’s delight. And with that first act of defiance, Funeral Consumers Alliance of the Piedmont was born.

“The purpose of the Alliance,” we wrote in our bylaws, “is to work together as informed consumers for after-death arrangements that embrace the needs, preferences and rights of funeral consumers and the public-at-large.”

The *work together* phrase was deliberate given our choice to adopt a consumer advocacy approach rather than a members’ discount model for our chapter. We were clear that we did not want the chapter’s leadership to act as the informed elite of a dependent membership. In keeping with our emphasis on consensus-building, we hoped to create a culture of *shared activism*, whether all members had a real opportunity to participate in research, teaching and advocacy on behalf of all consumers in our region.

I’m sure everyone has experienced public lectures where the audience is assumed to be ignorant and helpless, and the speaker appears to assume that he or she holds the keys to enlightenment. Sad to say, I think some of our FCA affiliate leaders can come across that way at times in their eagerness—however well intentioned—to pass on information and wisdom that they have acquired through persistence and hard work.

It’s a tendency, I think, that lures us all, especially when we start to gain confidence in our grasp of funeral consumer issues and begin to receive some strokes for our expertise. But when encouraged, the perception of chapter leaders as having a level of knowledge that goes beyond the capacity of the average member can foster *a member dependency that hurts funeral consumer advocacy in the end*.

So how can a chapter guard against this trap?

• **Revisit your chapter’s written communications** with a concern for whether the language encourages chapter-wide activism or invests it only in the leadership. Do your membership applications use phrases that inappropriately suggest “we” (a small elite) will offer “you” (a helpless or ignorant

crowd) this or that? If so, can you revise the wording so that it invites images of “all of us” working “together” for aims “we share”?

• **Create opportunities to make known your chapter’s emphasis on shared advocacy.** In addition to newsletter content that focuses directly on funeral consumer issues, consider material that has to do with the dispersion of leadership and expertise among your members. In addition to seeking publicity for your events related to funeral rights and options, also seek to increase public awareness of your members’ activism.

• **Continually seek opportunities to involve more members in the work of the chapter.** Even those who have only one or two hours a year to contribute can staff a membership booth at a community event or visit a funeral home to collect a general price list.

• **Offer programs that focus not only on dissemination of information** (e.g., lectures and PowerPoint presentations) *but also on skill acquisition.* Examples could include workshops on the practical care of a body at home, or workshops on how to evaluate a funeral home price list.

• **If you’re a leader who has accumulated a lot of knowledge in a particular area, take that as a sign that you need to work on passing on that bank to others.** If you were suddenly incapacitated, would your chapter be able to recover your expertise and move on without you? If the answer is no, you should conduct a workshop or create a written resource that can convey what you know to others in your chapter.

Legislative Watch

• **One of the best ways to disperse knowledge among more members is to create rotational responsibility for fielding inquiries from the news media and general public.** Almost every call is an opportunity to learn something new—especially when you have to do a bit of research to assist the caller.

• **Although phone banks should be staffed with volunteers who have achieved some degree of competency in addressing funeral consumer issues, the knowledge that comes from responding to inquiries can be dispersed more generally.** At the minimum, phone bank volunteers should share with each other the nature of the calls they receive and what they learn as they respond to each request. Even better, chapters can form FAQs based on frequently received inquiries to make the new knowledge available to the general public – minus private personal details, of course.

The motto of the Obama campaign —“Yes, we can!”—recognized the strength that comes with dispersing leadership broadly rather than concentrating it in an elite few. FCA chapters that adopt the consumer advocacy approach and augment it with a culture that invites all members to share the activism similarly will discover a key to sustained vitality.

The birth of the FCA of the Piedmont came about from the shared talents of founding members Carol Cothorn, Brenda Bergeron, David Bills, Joe Gruendler, Thelma Hatchett, Kathleen Overman-Jeske, and Holly Stevens. Stevens is the past presiding director of Funeral Consumers Alliance of the Piedmont and a continuing board member.



*Special thanks to **Gary Paul Gilbert** and **Elvira Hoffman** of the FCA of Long Island and New York City. They've done more to research potential changes to state funeral law than anyone else, an enormous help for the thinly stretched national office staff. Now, FCA Wants You! If you're interested in helping us monitor important consumer legislation in your state or others, join the Rest in Peace Corps. Email josh@funerals.org for more information.*

Colorado — Colorado is one of two states (Hawaii is the other) without a regulatory body to oversee the funeral home industry. Since at least 2002, one lawmaker or another has been trying to rectify that, but each has been ill-used by industry interests that want to protect their profits by enacting excessive and unnecessary legal requirements. The bills, of course, are labeled “consumer protection,” but “industry protectionism is closer to the mark.

HB 1202 is the latest version, and it borrows heavily from bills that were killed with good reason in the past. Rep. Nancy Todd solicited input exclusively from the industry (first SCI, then the Colorado Funeral Directors Association), and is now acting wounded that consumer advocates have gone to the media to try to slow down a bill flying through the House like a bat out of hell. She refuses to return communications from FCA National, and reportedly complains about “that man in Vermont — why is he relevant?” at meetings concerning the bill.

The bill's main vice is its confusing and contradictory wording. It's so badly constructed and vague it could be used to make family-directed funerals illegal, to constrain retail casket stores unnecessarily, and to put home

funeral specialists (death midwives) in legal jeopardy. Josh Slocum spoke at length with COFDA's executive director Steffani Blackstock to hammer out some amendments, as the association shared some of FCA's concerns and had some legitimate grievances of its own. But so far, we've seen no amendments to the bill and its unclear whether COFDA will support it anyway if the amendments aren't added. For our critique and suggested amendments, see the full story at www.funerals.org. If it's moved off the front page, click on **News and Consumer Alerts**.

Montana — Bravo to the state's lawmakers for amending a flawed bill, and passing a far superior one. HB 386 originally let citizens make their funeral wishes legally binding *only by prepaying a mortuary*. Josh Slocum sent a letter to lawmakers suggesting they adopt the **designated agent** system, which allows a person to name someone to

Chasing Mira Mains

“Last week some folks from a local insurance office called me. The caller said, ‘Is Mira Mains there?’ I started laughing so hard. The guy didn't get why I was laughing. So I had to tell him why it was funny, ‘This is the Funeral Consumers Alliance and you asked for My Remains.’

Finally he got it and the guys in the background were rolling with laughter!”

- Joyce Mitchell, FCA of Utah

have the legal right to carry out the disposition. The new law also allows people to make their written wishes legally binding even if they don't name an agent. The final version of the bill included this sensible language, giving Montanans an important right without pushing them into risky prepaid funerals. Thirty-nine other states have such laws. Is yours one of the laggards? Then that's an excellent project for your local FCA! Check www.funerals.org/your-legal-rights/funeral-decision-rights to see how your state stacks up.

New York — For the 5th year in a row, Service Corporation International (SCI) is trying to sweet-talk lawmakers into allowing the sale of packaged funerals under the pretense that packages save money. In reality, SCI's everything-but-the-kitchen-sink "Dignity Memorial" packages are overpriced, and designed to fob off as much merchandise and services onto consumers as possible. Consumer complaints indicate SCI reps use high-pressure tactics (sometimes illegal ones) to push these packages. The company's own documentation shows they make thousands more on packages per family than if the family itemizes.

The tireless **Elvira Hoffman** (FCA of Long Island and NYC, FCA National Board) continues to gather letters of opposition as she lobbies against the bill. The opening lines of her letter to the legislature can't be improved on: "A wolf in sheep's clothing is still a wolf. Don't let greedy death care industry giants pull the wool over your eyes." Check out FCA LI/NYC's website: www.nyfunerals.org

Oregon — Senate Bill 796, a bill that purports to better regulate the changing funeral industry, contains a remarkable provision:

"An individual may not practice as a death care consultant unless the individual is licensed as a death care consultant under sec-

tion 4 of this 2009 Act. Regardless of any title used by the individual, an individual practices as a death care consultant if the individual offers, for payment, consultations or workshops to individuals or groups regarding funeral or final disposition services."

Plain English Translation - Consumer advocates, home funeral guides, or anyone else has to pass a test and get a license from the state before charging even a dollar to give a workshop on anything to do with funerals or funeral planning. And what creeping menace will this protect the funeral-buying public from? Private citizens (mostly women, some known as death midwives, others as home funeral guides or consultants) who teach people practical, common-sense ways to take on the final care of a dead relative in the home, by the family, mortuary-free.

Even worse, the language is so broad it could be interpreted to make the very existence of the FCA of Oregon illegal unless the entire board applies for a license! After all, do they not offer "consultations" and "workshops" "regarding final disposition services?" Are the membership donations not "payment?"

The bill was introduced by Oregon Senator Vicki Walker. FCA Executive Director Joshua Slocum sent a letter opposing this provision of the bill, but no lawmakers on the committee considering it have acknowledged the communication.

FCA AFFILIATES TAKE SPECIAL NOTE—If you're not convinced by this bill in Oregon that you'd better watch your legislature like a hawk, nothing would convince you. This bill threatens the *very existence of the FCA of Oregon*. What will you do if something like this comes up in your state? Expect to see more maneuvers like this (yes, it CAN happen in your state) as the conventional funeral industry tries

to put the nascent field of death midwifery out of business to protect its sinking profits. That's bad enough in itself, but your own work as consumer advocates could be swept away too.

Washington — Peoples Memorial Association scored a victory, helping pass a bill that consolidates the state's funeral and cemetery boards into one regulatory body. PMA board member Rod Stout reported the bill passed the senate unanimously. While consumer advocates are looking to secure more seats on the board for consumer members (industry currently dominates), a consolidated board should help streamline regulation of these closely related businesses. Having just one office to go to will help consumers who have complaints that may involve a funeral home and a cemetery.

~♦~

Bernice Wheatley, Former FCA National Board Member, Dies at 77

Bernice Wheatley died on December 1 in Spokane, where she had moved to be closer to her daughter, Deborah. She was 77 years old. She and her husband Earl had been members of Unitarian Universalist Church since 1960.

Bernice served two terms on the FCA National board, as well as several terms on the board of Peoples Memorial Association. A colleague from both past boards described Bernice this way:

"Bernice was on the FCA board for two terms just prior to me. As I understand it she worked hard to instill hard work and adherence to rules into the FCA board culture. She went to national biennial meetings —and probably all board meetings — loaded down with many notebooks that she used frequently for reference."

Rest in peace, and thank you for your service, Bernice.

IN THIS ISSUE

- **Staying Relevant, Staying Alive**
- **Do you have members or “customers?”**
- **FTC finds 1 in 4 funeral homes breaking the law**
- **Deathstyles of the middle class**
- **.. .and more**



**Funeral
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ALLIANCE

**Spring, 2009
Newsletter**

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Just go to:

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Then click **Forum**. See you there!

FUNERAL CONSUMERS ALLIANCE is the only national, nonprofit, nonsectarian, 501(c)(3) organization solely dedicated to protecting the public's right to choose meaningful, dignified, and affordable funerals.

Since our beginning in 1963, we have served as a source of information and advocacy to grieving families, lawmakers, the media, and the funeral business. We offer accurate, authoritative advice on all matters relating to funerals, cremations, burials, and other after-death arrangements. We support legal reforms to better protect the public against abusive practices, and we serve as a clearinghouse for consumer complaints of illegal or unethical treatment. We also give educational materials and advice to our more than 100 volunteer-run consumer information groups around the country.

With our help, thousands of families are better educated about their rights under federal, state, and local laws. FCA has helped people save hundreds of thousands of dollars in unnecessary funeral costs by showing families how to make informed decisions in a time of crisis.

FCA is not funded by any government agency. We do not have any corporate or funeral industry sponsors. For more information, write:

**Funeral Consumers Alliance
33 Patchen Road
South Burlington, VT 05403
www.funerals.org**

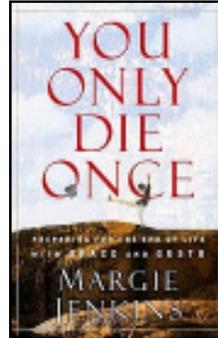
CRAAAZY BOOK SALE

- Folks, we've got to move some inventory out, so we're selling some old stock at a discount. Stimulate the economy and your brain with some great reads; and it's for a good cause. Only available to FCA Newsletter readers (free shipping too)!



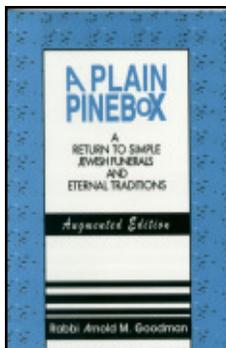
Roach's raucously funny (and educational) New York Times bestseller takes you to all the places you thought no corpse had gone before. From the first chapter, Stiff enlightens and convulses the reader with laughter.

~~\$16~~ \$9



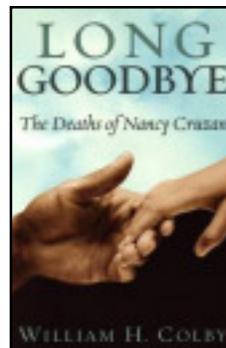
Through stories and step-by-step planning suggestions, Jenkins shows that preparing for the end of life can strengthen appreciation for the pleasures life offers here and now.

~~\$12.25~~ \$7



The story of a Minneapolis congregation that decided to offer free funerals to its members and, in so doing, found itself challenged by dissension within the religious community.

~~\$12~~ \$7



This is the story of the Cruzan family's 7-year-long legal battle to win the right to disconnect their daughter, Nancy, from "life-sustaining" treatment "Long Goodbye" testifies to the passion, frustration, outrage and grief that motivated the Cruzans to take their case all the way to the U.S. Supreme Court. (May be hardback or paperback, same price)

~~\$21~~ \$11

ONLY AVAILABLE BY PHONE ORDER AS QUANTITIES ARE LIMITED. Call 1-800-765-0107, and mention the Spring 2009 Book Sale. Thanks for your support!

HELP US CLOSE THE GAP!

We all know the economy has taken a nose-dive, and people everywhere (maybe you) have had to cut back on spending. But you may not know how hard the economy has hit FCA. It's always tough for us to raise money, even in good times. We're not a "cuddly" charity that shelters animals; people don't even want to **think** about us until the last minute, let alone donate.

If you read this newsletter, you know the work we do is unique and important. But it doesn't happen for free. We have to close a \$40,000 budget gap to make our income meet our expenses. That sounds like so little to people who belong to national organizations with multi-million-dollar budgets, **but it means everything to us.** It's a goal we can definitely reach if you'll help!

You might be wondering what we've done to cut expenses. It's important to know at the outset that there's never been any fat in FCA's budget, ever since the days when we existed in someone's home office. The work you see from us in these pages comes from just three people - Josh Slocum, Sherry Swett, and our part-time assistant Leda Nutting. The nine-member board of directors serves without pay, and generously contributes a good deal of their own money toward expenses for our twice-yearly meetings. We're frugal (some call us tightwads) with everything: we use both sides of a sheet of paper for in-office work, we price-bargain on every box of paperclips, and we've renegotiated our telecommunications services many times to save thousands of dollars.

THERE ARE SEVERAL WAYS YOU CAN HELP:

- Many of our loyal donors send us contributions every year. Thank you! If you've always sent us, say, \$50, would you consider donating \$100? Every dollar helps, of course, but \$50 doesn't pay for what it did in 2002.
- Dozens of people have signed up for our new Sustaining Member program, offering us consistent monthly support. Your monthly pledge at a level you can afford adds up to meaningful help for us. Special thanks goes to the first FCA Affiliate to join as a sustaining member: Every board member of the FCA of Central Ohio announced their monthly pledge, and also committed an additional monthly pledge from the FCACO itself. They recognize that **affiliate dues pay only half our annual expenses**, so they're helping us **Close the Gap!**

I'LL HELP CLOSE THE GAP!

Name _____

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Yes! I'd like to make a monthly pledge in the amount of:

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~or~

My one-time contribution in the amount of \$_____ is enclosed.

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