



A BUSINESS COMMITMENT: PRO BONO RESOURCES FOR COMMUNITY ECONOMIC DEVELOPMENT PARTNERSHIPS

By Guy E. Lescault, Director¹
A Business Commitment

ABC, A Business Commitment, was created in 1993 by the Pro Bono Committee of the American Bar Association (ABA) Section of Business Law. ABC has a double mission:

- To provide legal expertise to community-based groups that cannot afford to hire a lawyer; and
- To provide business lawyers with opportunities to make pro bono contributions by volunteering their special skills.

The challenge for ABC is to link the expertise with the need for community economic development.

What is the Need for Community Economic Development?

“Community economic development,” or CED, simply means the creation or strengthening of economic institutions that are controlled or owned by the residents of the low-wealth communities in which they are located or in which they will exert primary influence. Institutions may take such forms as housing development corporations, business firms, industrial development parks, credit unions, cooperatives, and community development corporations (CDCs). They may also include organizations or services that upgrade the human and social environment in ways that increase the economic value and energy of the community, i.e., micro-enterprise networks.

The process of community economic development means that the community builds a variety of locally controlled economic institutions that will:

- attract outside capital into the area
- improve the physical environment

- increase job and entrepreneurial opportunities for residents
- provide or encourage others to provide more accessible services and goods to residents
- in general, create conditions under which the community can participate in the economic advantages of the rest of society.

Although many legal service providers do not have a defined CED practice area, most legal service providers do have a commitment to build the economic capacity of the communities they serve. With that commitment, they serve as community lawyers promoting economic justice.

How Can Pro Bono Business Lawyers Help?

Business lawyers who want to make a pro bono contribution are often not presented with ready opportunities to volunteer their expertise in the ways that specialists in other areas of the law may be. Their unique know-how and skills do not easily match up with the needs of typical individual pro bono clients, especially those needing litigation assistance.

When pro bono business lawyers have a chance to use their own skills to assist low-wealth community groups, they become more enthusiastic volunteers and better citizens. As planners, builders and corporate counselors, business lawyers would rather work with community institutions and people struggling to participate in the market economy than with citizens in trouble in court. An intangible benefit is the creation of a “social bridge” connecting segments of the community who but for the pro bono opportunity would not likely have ever interacted.

While each structure is different, the lesson learned from the model pilot projects is the need to have a “connector” to link the legal needs of the community-based organizations with the resources of volunteer lawyers.

Why Is a Connector Necessary?

ABC initially functioned as a national clearinghouse, matching potential clients with local volunteer law firms and attorneys. Because there are over 60,000 members of the ABA Business Law Section, ABC had an abundance of human resources. As a national entity, however, ABC found it was distant from the communities around the country where economic development projects were in progress. ABC felt that local and state-based Business Law Pro Bono Projects had a better potential to make a major contribution to local community economic development efforts.

Pioneer Business Law Pro Bono Projects had operated successfully in major metropolitan areas for some time, including the Lawyers Alliance of New York, Public Counsel in Los Angeles, the Community Economic Development Law Project in Chicago, and others. In 1998, with the support of the Ford Foundation, ABC worked with bar associations and local Ford Foundation community partnerships and organizations in Washington, DC, and Atlanta to design and launch two Model Pilot Projects to serve as prototypes for replicating the successes of these programs in other areas. Successful projects were also launched in Detroit and St. Louis.

Because each community is different, the structure of each project is different. While each structure is different, the lesson learned from the model pilot projects is the need to have a “connector” to link the legal needs of the community-based organizations with the resources of volunteer lawyers.

What Structure Is Necessary to Be a Connector?

The structure adopted for each project must take into consideration such factors as location, available resources, leadership, governance, staffing, and day-to-day activities. Keep in mind that the structure should promote the involvement of constituencies, volunteer

lawyers and community-based organizations, and must touch day-to-day work.

Successful projects have adopted a variety of different approaches.

- *Local Bar.* In DC, the DC Bar Pro Bono Committee operates the project. The CED Project has a Project Advisory Committee made up of practicing attorneys, community organization representatives, law school clinic representatives, and a community banker. The Advisory Committee is involved in the activities of the project on a regular basis.
- *State Bar.* In Georgia, the State Bar of Georgia ABC Committee operates the project. While its members are primarily attorneys, they include representatives of the Georgia Legal Services Program, the Georgia Non-Profit Resource Center, Atlanta Legal Aid and the Atlanta Volunteer Legal Foundation. In addition, the Committee has partnered with a variety of state based umbrella groups covering micro-enterprise, community development associations and workforce initiatives.
- *Legal Services Program.* In Detroit, the project is located within a legal services program. (Although in this instance the legal services program is not LSC-funded, LSC restrictions would not bar the location of a project within an LSC-funded program.) The project’s Board of Directors includes representatives of the business law bar, area law schools, legal services, and community development support organizations. Members of the Board of Directors agreed to be actively involved in the work of the project, in fundraising, recruitment and hiring, and similar capacities. In Texas, the statewide pro bono initiative for transactional attorneys, Texas C-BAR, is a special independent project of LSC-funded Texas Rural Legal Aid. The project has a separate board of directors representing law firms, financial institutions and funders.

What Is ABC’s Function?

As a result of the Model Pilot Projects, in March 2000, ABC published a manual called *The ABC Manual: Starting and Operating a Business Law Pro Bono Project*. The manual was published with the hope that it would inspire and assist Business Law section members in other locales to replicate the successes of these programs in their own communities. Since its publication,

the number of business law pro bono projects has doubled.

ABC is committed to building the capacity for pro bono business lawyers across the country to meet the legal needs of community-based organizations. This national project serves three main functions:

1. ABC is a national clearinghouse for information on starting and operating a business law pro bono project. In addition to the *ABC Manual*, the website www.abanet.org/buslaw/probono has an on-line *Searchable Support Directory* and an on-line *Searchable Toolbox of Sample Operating Forms*. ABC also operates a membership listserv.
2. ABC is also a national catalyst for expanding the pro bono services provided by business lawyers by linking their special skills and expertise to community based groups that cannot afford to hire a lawyer to form new connectors. ABC provides technical assistance to help create new entities providing pro bono business support. There are now over two dozen entities listed in the directory.
3. ABC is a national developer of resources to both support its functions as a clearinghouse and catalyst and to leverage resources to serve as models for funding local and state projects. ABC has used the credibility and track record provided by the involvement of the business bar in community development projects to bring in other providers

and other funders. ABC has been a strategic partner of Power of Attorney and other resource providers.

What Capital Resources Can an ABC Program Provide?

The role of pro bono business lawyers assisting community development is as important as the role of lawyers in the dispute resolution litigation process. Also, the engagement of business lawyers in community development work expands the potential for different funding sources.

Contributions can be made not only from the law firms but their corporate clients as well. CED work provides an excellent opportunity to tap into the business skills of in-house counsel. Corporations are more likely to provide money and support to programs in which their employees are active. Banks with Community Reinvestment Act requirements and other community institutions can be other sources of funding. Many of the ABC intermediaries receive support from the business and corporate sections of the state and local bar.

There is a client need for community economic development. ABC provides the human and capital resource to help meet that need.

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Save the Date!

New Executive Director Training

Tuesday, November 11, 2003, 9:00 a.m. thru Wednesday, November 12, 2003, 4:30 p.m.

Immediately preceding the NLADA Annual Conference

The Westin Seattle Hotel
1900 Fifth Ave., Seattle, WA 98101
206-728-1000

This two day training is designed for the new directors of LSC-funded, IOLTA-funded, elder law, pro bono and protection and advocacy programs, as well as for experienced directors of new programs which provide legal assistance and legal information to low income clients.

The intent of New Executive Director training is help new directors, who typically learn on-the-job, to more quickly achieve deeper insight into their work.

The training stresses both 1) knowing what should be done to lead an effective program, and 2) actually doing what needs to be done. Knowing is accomplished through an extensive set of materials, with tapes to guide self-study. Most of the training itself is devoted to doing — performing some of the most important tasks required of executive directors. Participants also will work on actual situations brought to the training by their colleagues.

Please register by October 21, 2003. For more information, contact Patricia Pap, MIE Executive Director, 617-556-0288, 617-507-7729 fax, ppap@m-i-e.org, and visit the MIE website at www.m-i-e.org