



CED: NOT JUST AN URBAN NEED

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One of our clients has — so far — built six affordable houses in an exurb of Atlanta where affordable housing is disappearing under the bulldozers for half-acre residential lots. Our client has more affordable homes under construction.

One of our clients in a county with 11,000 residents, almost 30% of whom have incomes below the poverty line, has developed an after-school program that offers computers to kids who have none at home. At night their parents can come in and learn to use the machines.

One of our clients in a county with a growing Latino population is providing social services and translation services.

One of our clients — in one of the smallest counties in Georgia — is working to develop an organization that will provide support services to parents whose children have been placed in foster care, to help those families reunite.

One of our clients — an organization composed of descendants of slaves on a barrier island off the Georgia coast — was at the table when the state of Georgia negotiated a deal with the institutional landowner of the remaining private land on the island, and the community's goal of preserving its heritage in the land was protected.

Many more stories could be told about our organizational clients in rural Georgia, but this is the story of how we built a successful “business law” practice over the last three to four years to be able to serve those clients.

Georgia Legal Services Program (GLSP) has been involved in community economic development work on and off for many years. When the money was plentiful, we would spin off a little work and train each other on 501(c)(3) applications and the like. We would have a few task force meetings. We would represent a few clients. When money got tight, we would retrench to the “crisis” work.

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In the last four or five years, however, even though money has not been plentiful, we have taken advantage of several very fortuitous events and evolved a very comprehensive, intentional, and effective transactions practice for community-based organizations in Georgia outside metro Atlanta. It was a confluence of the stars, maybe.

It started with a lawyer we hired for a special project to represent kids with disabilities housed in state institutions. That evolved into representing more kids with special education problems. That evolved into working with parent groups that wanted their schools to be better. Those groups evolved into wanting their whole communities to be better — with affordable housing, job opportunities, child care, after school activities, cultural preservation, and more. We began to try to serve those interests as a way of addressing the “causes” of poverty, and not just the “crises” of poverty.

Among the key factors was the growing personal conviction of that lawyer — a former litigator — that litigation is a limited remedy whereas building community capacity has a potentially unlimited payoff. Since he had come in to GLSP on a special project grant, we were able to anticipate the expiration of that grant and see that he did not have a bushel of individual clients at

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its end, so he could be reassigned to group representation work. Our service area excluded metro Atlanta so our clients were always non-urban groups.

Next we were offered the opportunity to serve as one of two pilot sites for a project initiated by the American Bar Association Business Law Section with Ford Foundation funds to expand pro bono business law activity. Our unique hook was our rural focus and the fact that we were already doing some of this work. The question was whether we could get large metro Atlanta law firms interested in doing transactions work for groups out in rural Georgia. (The answer is a resounding "yes," but that is a story for another article.) That pilot project enabled us to leverage another planning grant from Power of Attorney to map out how to expand the pro bono work, which of necessity included expansion of work by GLSP staff, who found the clients and could serve as liaisons and support for the volunteer attorneys.

Finally, we had the opportunity to bring on board a National Association of Public Interest Lawyers (NAPIL(now Equal Justice Works)) Fellow who was in her second year of transactions work for rural community-based organizations, sponsored by Sutherland Asbill & Brennan of Atlanta, enabling us to double our full-time staff devoted to group representation. During all of this we grew from one lawyer supervised by the litigation director to two full-time lawyers, the Pro Bono Project director, and the executive director meeting regularly to develop and manage the work. Today the work encompasses activities by staff in at least five GLSP offices.

Management Challenges

Managing a rural CED project presents a couple of unique challenges. The attorneys and paralegals doing the work spend a lot of time on the road out of the office. Their resources are spread very thinly and the work demands a lot of them. A night meeting 100 miles away from the office requires thoughtful planning about how to make the days around that meeting productive for that and other clients that might be in the

vicinity. The supervisor must be willing to trust the staff attorney's judgment about how he or she is spending his or her time. Accountability is harder to maintain at a distance when the staff attorney may only be in the office a day or two a week.

On the other hand, many of the management challenges are unique to the CED practice itself, regardless of whether it is rural or in a city. In our case, supervisors had very little experience with transactions work and had to learn about the basics, as well as figure out the right questions about what work was being done, how it was being done, how much time it was taking, and the realities of representing start-up grassroots organizations. You do not get to sophisticated legal issues very quickly, but you do need to spend time helping the group learn how to effectively establish, plan, and manage its own affairs. Supervisors need to be comfortable with the slow pace of this process, and the fact that it does not seem like "legal work." It is in fact work that business lawyers do all the time: help refine the client's goal and then "do the deal," including identifying partners and resources, negotiating agreements and terms, satisfying legal requirements, anticipating and avoiding problems, and much more. Here again supervisors need to learn patience.

We had to work out the usual kinds of questions for a new kind of project. These included such issues as who our clients would be, what their needs were, what issues they face and we face in trying to be effective, and what our priorities should be. We spent internal meetings debating how to evaluate new clients and how rigorous we could be about their mission clarity and their potential for success. We developed priorities related to the nature of the clients' projects, their membership, and their processes; we set up file documentation guidelines; we drafted retainer agreements; and we discussed file maintenance standards. We developed standards for faith-based organizations, based on those used in Detroit. We debated ethical issues (and still are not through with that). We also are fleshing out measures of success that enable us to bring work for a client to closure and move on to the next client.

CED work requires that staff are skilled at developing collaborations of whatever sort is necessary to meet the client's needs. These include partnerships with banks; local, state, and federal government agencies; universities; other non-profits; potential funders; and more. In one case, we developed a relationship with a university social work department that brought us two social work students who worked for more than a year with a specific client community group, and followed

that with a several-month study that evaluated the effectiveness of our CED work. The report those students wrote has been invaluable in subsequent funding efforts.

The CED staff attorneys' enthusiasm for their work has led them to provide training and technical assistance to other GLSP staff around the state who are attracted by the opportunity to find long-term solutions to poverty by empowering grassroots groups to address their own community's problems. An early goal to enlist staff in every GLSP office for CED work has yielded to a more realistic goal of supporting interested staff on a one-on-one level as the opportunities for CED work emerge in any given part of our service area. It also became clear that many of our offices were in fact engaged in group representation but had not thought of it as unique or brought it to anyone's attention. We have tried to bring those efforts into our CED work group for mutual support.

As our activities expanded and attendance at our periodic CED group meetings grew, we began to feel the need to structure our work strategically to maximize its impact. Several months of drafting and debating, with the assistance of the social work student and a retired former corporate counsel, led to adoption of a set of definitions of terms (a useful debate in and of itself!) and the endorsement of a formal Strategic Plan with four main goals and numerous objectives and strategies. The four goals are (1) provide legal services to qualified groups to achieve community-based economic development goals; (2) identify and educate target communities about organizational methods to

achieve solutions to their problems and to meet community needs; (3) assist client organizations in developing expertise and enhancing skills to sustain and grow an effective organization; and (4) expand interest in and support for providing legal services to organizations engaged in community-based economic development activities.

Over the past 12 months, we have been able to bring in almost \$400,000 in new dollars devoted to the CED project, some in multi-year awards, lending stability to the work and enabling us to leverage additional support from new funders. We have learned new lessons at every step, and we are now working to make sure we are strategically allocating the resources we have assembled to maximize the impact of our transactions practice. We are seeing our community-based clients grow and become more and more viable, succeeding at one project and moving on to the next. It is an exciting time.

1 Phyllis Holmen currently serves as Executive Director of Georgia Legal Services Program (GLSP), a position she has held since June 1990. GLSP is a non-profit law firm that provides free civil legal services to low-income Georgians who live outside the metro Atlanta area, through twelve locations throughout the state. Approximately one million persons are potentially eligible for GLSP services. Phyllis began her legal career with GLSP following graduation from the University of Illinois College of Law.

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