



The Best Minds Money Can't Buy

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While discussing the influence of salary on the retention of staff for this MIE *Journal's* special feature, the *Journal* Committee debated a variety of possible



influences on staffs' decisions to leave their current program. Although none took the position that a strong program record of retention was impossible without competitive salaries, most felt its impact has become more important over the recent past. If that is so, it might be due to

the changing mission of many legal aid programs, the inevitable cultural shift that occurs over time and the sometimes stifling bureaucracies that too often develop.

A historical perspective might be helpful. Legal Aid, as we know it today, began in 1965 with the inclusion of federally funded legal services in Lyndon Johnson's strategy for his "War on Poverty." The Legal Services Division of the Office of Economic Opportunity (OEO) was charged with distributing the federal funding to existing and new programs and the funding provided soon overwhelmed the limited local funding previously available. Along with massive funding increases inevitably came a change of program mission that was dictated by the federal government. Programs were instructed to create delivery and support systems that would encourage/require the staff to proactively represent individuals and low-income communities wishing to assert their rights to equal treatment and economic justice under the law. That philosophy introduced the concepts of systemic advocacy, law reform and class actions into legal aid delivery. It was a very unique time with government not only encouraging programs to engage in systemic advocacy but funding, training, monitoring and literally requiring all programs to adopt missions that supported the goal of significantly improving the lives of our clients.

I began my career in Legal Aid in 1969 with the

Atlanta Legal Aid Society. By 1975, I foolishly thought I had enough experience to become the Executive Director of the Western Massachusetts Legal Services (WMLS) program serving the four western counties of the state. The program's total annual budget was \$305,000. Adjusted for inflation, this figure would amount to only \$1,150,000 today. The budget supported nine offices strategically located around our service area. The staff was comprised of about 55 employees including 25 lawyers, 20 positions loosely referred to as paralegals and ten secretaries. The 25 lawyers included nine provided to the program at no cost by the federally funded VISTA, Reggie and CETA programs (anyone familiar with all of those ancient acronyms?).

Salaries for attorneys began at \$9,000 (\$27,000 today) with paralegals and secretaries starting at \$6,000 (\$18,000 today). These salaries increased by \$1000 (\$3,000 today) for each year of service. As the Executive Director, I received \$16,500 (\$49,500 today) which was the highest salary provided by the program.

Despite these salaries, open positions at WMLS were quite competitive and considered highly desirable by the many applicants who responded to advertisements. Staff turnover was relatively low throughout the program.

A strong recruitment effort was an essential component of our program design. Candidates were screened and interviewed by a committee with recommendations given to me. As Executive Director, I participated actively in all hiring interviews. Theoretically I could exercise a veto and choose another candidate more to my liking but I virtually always found myself siding with the majority except once. In that case, my decision to hire another candidate was not well received and my privilege to veto a recommendation was never used again. The primary ingredients we were looking for in a successful candidate were a clear passion for aggressively representing low-income communities along with a vigorous expression of hope to be

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doing that work well into the future.

The federally mandated mission of systemic, proactive advocacy heavily influenced program culture. Attorneys were expected to invest a good portion of their time on legal issues that, if successful, would have an important, positive impact on the low-income community. Advocates were given a significant amount of latitude in selecting their areas of concentration but a high quality and quantity of activity was expected from each. The one time retrenchment occurred, decisions on retention were based on a staff member's performance in meeting these program expectations.

To hold down costs, most of the offices shared space in low-income communities with other nonprofit groups and our space was mostly configured by local staff who hung sheetrock, painted walls and built bookshelves. The office equipment available was strictly government surplus but fortunately that was a time when cost for technology was mercifully low and its obsolescence gradual.

Program wide decisions were made through a policy committee that included representatives from all of the offices and job classifications. Decisions affecting only local offices were normally made by the staff affected by those decisions. This all took time and sometimes encouraged a feeling that we valued the process more than the decision. However it did have a unifying effect on the program and certainly made the implementation of decisions easier by facilitating individual ownership.

So what does this reminiscing about ancient times have to do with designing turnover reduction strategies in today's legal aid program? Maybe quite a bit. Here are some possibilities:

Choose your program's mission carefully. Helping a limited number of low-income clients access a hopelessly unequal judicial system probably does not stir the passion in advocates the way trying to eliminate poverty by a winning a series of important class action suits does. The latter may alienate some funding partners but it says a lot about the program and its work to the staff as well as the communities it represents. Find a way to make real systemic advocacy a cornerstone of your program's work.

Provide a lot of latitude in the job responsibilities for advocates to encourage them to develop professional growth opportunities for themselves in areas of their own natural interests. At the same time, be clear with

the program's expectations for significant annual skill development and a proven relevancy of the work they do for the real needs of the community they serve.

Carefully design and implement a recruitment effort that accentuates the needs for candidates to prove a passion for the mission of the program and, in return, receive an expectation that the program will assist their professional growth and honor a long term commitment to continue the successful advocate's employment. Programs that retrench by eliminating the most recent hires regardless of the current or potential value of their work performance to its poverty population send out distinct messages that seniority and friendships governs all regardless of productivity or relevance.

Whenever possible create opportunities for those advocates impacted by a decision or policy to also participate in the exploration of options for the decision as well as the selection of the chosen path. As managers, we want that opportunity ourselves and we will own the final choice faster than one coming down from "above." Our advocates share the same hope for inclusion in important decisions and will appreciate their program's commitment to provide those opportunities.

These observations should not be taken as a statement that salaries do not make a difference. They do. But they are only one of many factors which will influence advocates in their decisions to leave programs for better opportunities elsewhere. We are all aware of legal aid programs that have the highest pay scales in their region but consistently produce mostly mediocre work while having entrenched interests fighting to preserve the status quo. Factors like passion about their work, excitement about program leadership and direction, an environment driven by team work, opportunities for individual professional growth and real involvement in decision making are all more important components of an effort to reduce turnover than salary.

Remember why you stay in your current position. It was likely not because of receiving a salary competitive with your law school classmates. It is because of your passion and the appreciation for the opportunity your program gives you to make a real difference in peoples' lives. It is because you cherish working together with people you truly admire and value. It is the same for those you want to retain in your program. Deal with those issues while you also try to make a legitimate commitment to raise salaries.

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