



# Morgan Lewis Helps Launch Boston Workforce Development Program

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Morgan Lewis attorneys proudly point to their work on the Massachusetts Pathways to Economic Advancement Project as an example of the firm making good on its pledge to give back to the local community.

Between 2014 and 2017, attorneys from the firm's Boston office provided nearly 250 hours of pro bono assistance to the nonprofit Jewish Vocational Service (JVS) in launching the workforce development project, in partnership with the Commonwealth of Massachusetts, to help limited English speakers develop educational and vocational skills.

The program, which launched in June, calls for JVS to provide English-language, vocational, and college preparatory classes for 2,000 people over the course of its three-year run. It's the first "Pay for Success" program in the nation to focus exclusively on workforce development.

While the Jewish Vocational Service had the outline for such a program, it faced daunting legal challenges in finalizing the deal. That's where the lawyers of Morgan Lewis stepped in.

## First in the Country

Pay for Success, also known as social impact bonds, is a relatively new approach to financing social services. First developed in the U.K. in 2010, the system involves private "impact investors" funding social service projects. If a project meets certain set goals, the investors receive their money back from the government, and may turn a profit. But if the project underperforms, the investors lose out.

Pay for Success financing promotes greater accountability and efficiency by reserving public resources for programs that actually deliver, according to the Nonprofit Finance Fund.

The Massachusetts Pathways to Economic Advancement Project was launched through the cooperation of JVS; Social Finance, a nonprofit specializing in Pay for Success, which acted as an intermediary with private investors; and the commonwealth's Executive Office for Administration and Finance. Over the course of three years, JVS is slated to provide English-language, vocational, and college preparatory classes to 2,000 people.

Almost everyone who will benefit from the program is low-income, Amy Nishman, a vice president at JVS, told Bloomberg Law.

## Legal Details

Other efforts in the U.S. have focused on homelessness, recidivism, and early childhood education. But the JVS project is the first ever Pay for Success Program in the U.S. to focus exclusively on workforce development, according to the Executive Office for Administration and Finance. This novelty made the

project exciting, Nishman said, but at the same time, it meant that there were a lot of legal details for the parties to address.

Luckily for JVS, it has a longstanding relationship with Morgan Lewis. Mark Stein, a Morgan Lewis partner, has been on the nonprofit's board of directors for 10 years. JVS was founded during the late 1930s to help Jewish immigrants struggling to enter the U.S. workforce. Today, the non-sectarian group is one of the oldest and largest providers of adult education and workforce development services in the Boston area, and it serves a diverse clientele from around the world.

In addition to Stein, Morgan Lewis partners Carl Valenstein and Ann Bandes and associate Rob Intile dedicated hundreds of hours to representing JVS during the Pay for Success contracting process.

Setting up the project was an enormous undertaking, Stein told Bloomberg BNA. Among the many issues that had to be ironed out, Stein said, was how JVS's performance would be measured against the program's goals. Nishman told Bloomberg Law the Morgan Lewis attorneys also helped JVS protect the proprietary information in its curriculum, helped JVS secure certain payment guarantees, and made sure the nonprofit would be protected if any of the other parties were to breach the contract.

Nishman said she remembered having to face hundreds of pages of legalese and large conference calls of lawyers representing the other parties. "This is not a space I live in," she said. "I could not have dissected this contract."

"I have so much gratitude for Morgan Lewis," Nishman said.

### **Pro Bono Bonuses**

Morgan Lewis encourages every attorney at the firm to get involved in some pro bono effort, according to Rachel Strong, the firm's senior pro bono counsel. To that end, the firm's attorneys can treat pro bono hours as billable, and it recently tied associates' bonuses to their completion of 20 hours of pro bono work a year. As a result of such measures, Morgan Lewis lawyers donated 115,000 pro bono hours in the last fiscal year.

Stein said the attorneys do it because they feel a sense of ethical duty to help their communities. But this pro bono work also benefits the firm in a host of ways, Strong told Bloomberg BNA.

It helps the firm's recruiting. Law students today care deeply about their prospective employer's pro bono opportunities, Strong said, so it is immensely helpful in attracting top talent to have a robust program in place.

It helps the firm's attorneys develop new skills, and keep old skills sharp. Younger attorneys can't always take central roles in the firm's paid, complex litigation, Strong said, but working on pro bono matters gives them an opportunity to take a more central role and have direct contact with clients.

And it helps the attorneys' sense of satisfaction and morale. Strong said that Morgan Lewis attorneys have often told her that they've had memorable careers, but it was a special pro bono case that always stuck with them the longest.

### **Advice for Firms**

When asked what takeaways from his work with JVS he could share with other law firms, Stein said it was important to know what you're getting yourself into, and not to bite off more than you can chew.

Pro bono clients are entitled to engaged, timely, and competent representation just like paying clients, Stein said. Make sure you are prepared to allocate the time and resources needed to get it right, and that your attorneys have enough expertise in the matter at hand, he advised.

It seems the Massachusetts Pathways to Economic Advancement Project is already imparting valuable lessons.