

# Using the law to create sustainable communities

Workshop for the legal profession

By Janelle Orsi, SELC

in partnership with AECLA

25 February 2014

**But what do lawyers DO???**



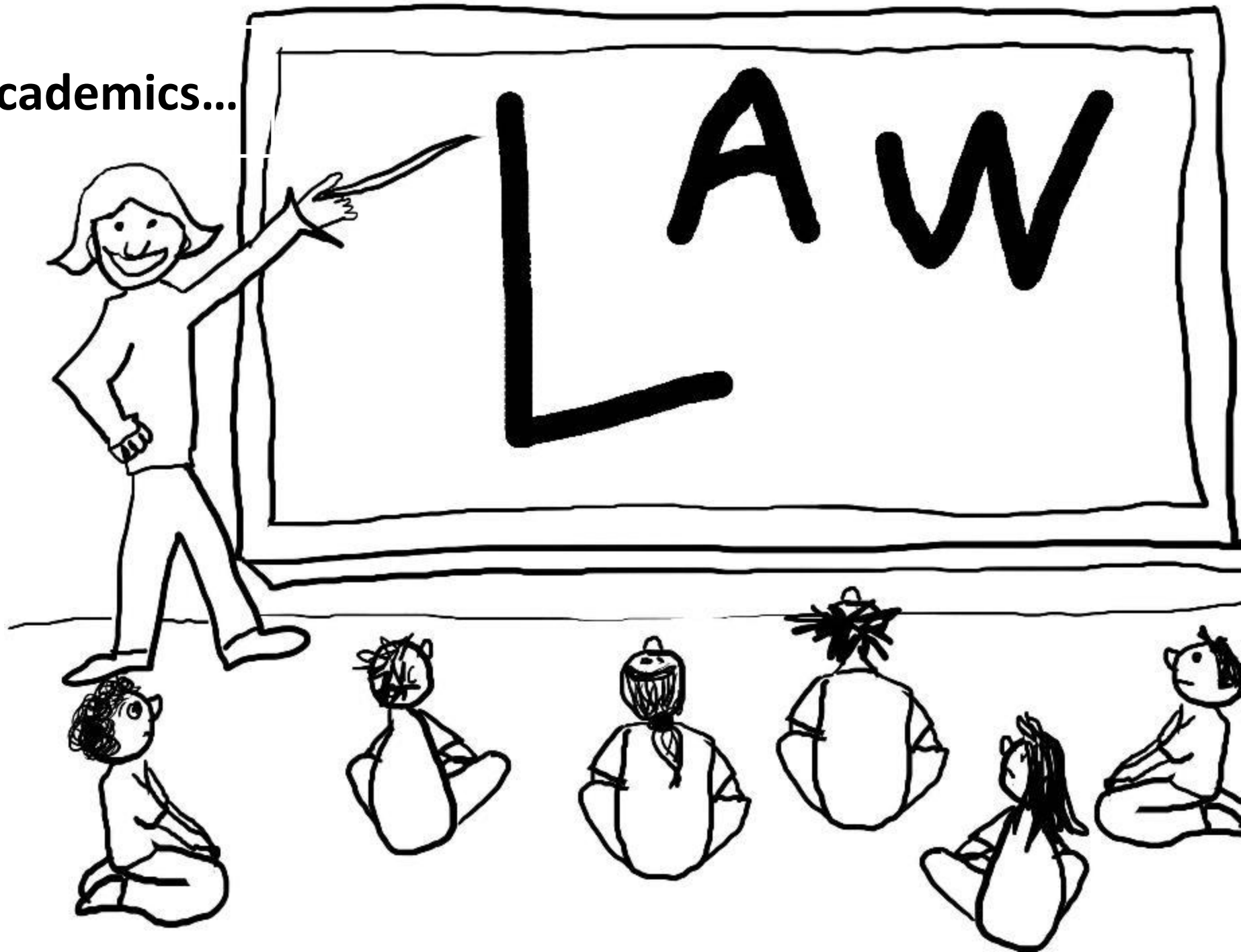
Litigators...



**Policymakers...**

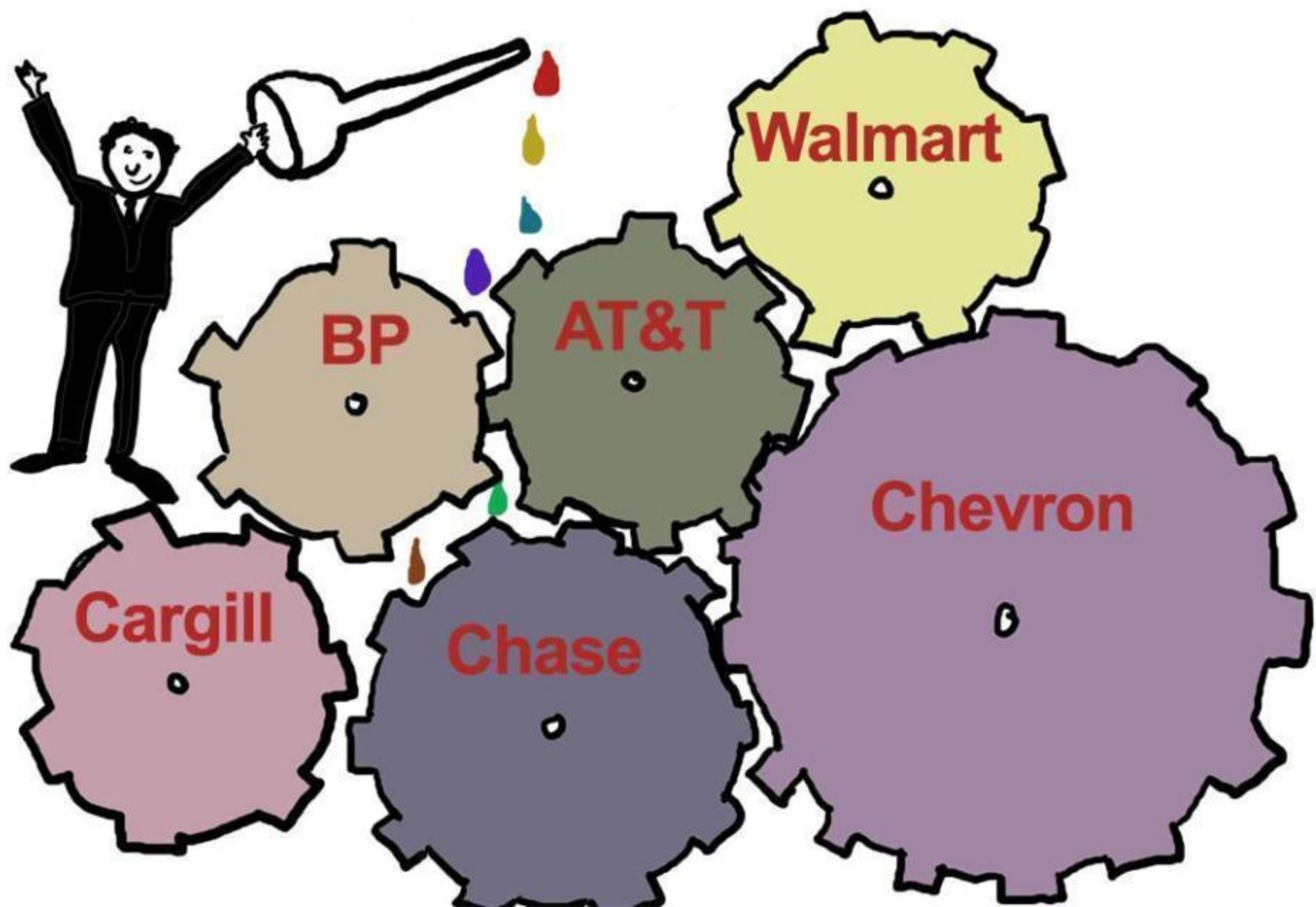


Academics...



# Transactional Lawyer? WHAT?? No way.

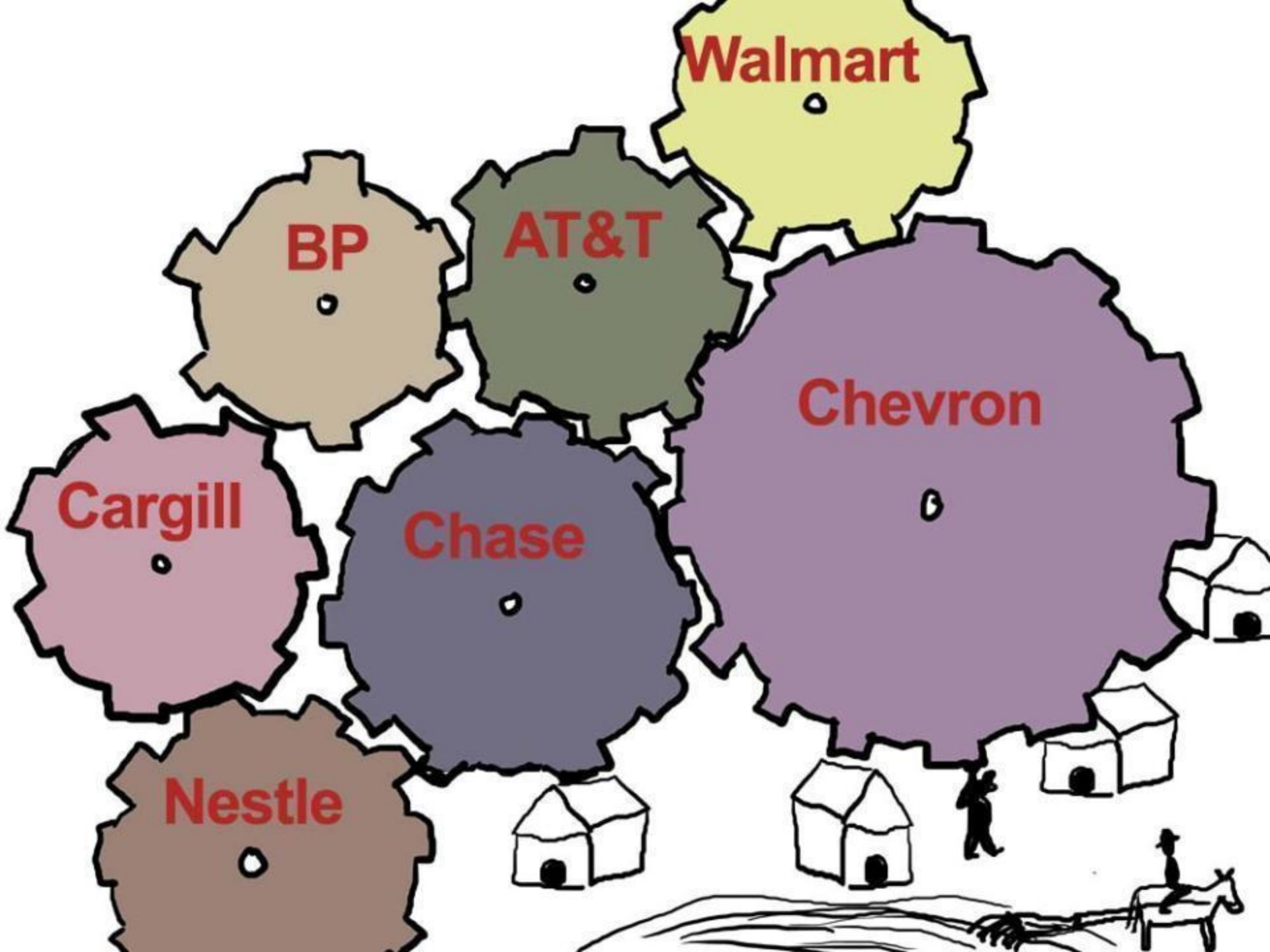












**Walmart**

**BP**

**AT&T**

**Chevron**

**Cargill**

**Chase**

**Nestle**

# Of course! Be a transactional lawyer!





## **And grease the wheels of a new economy:**

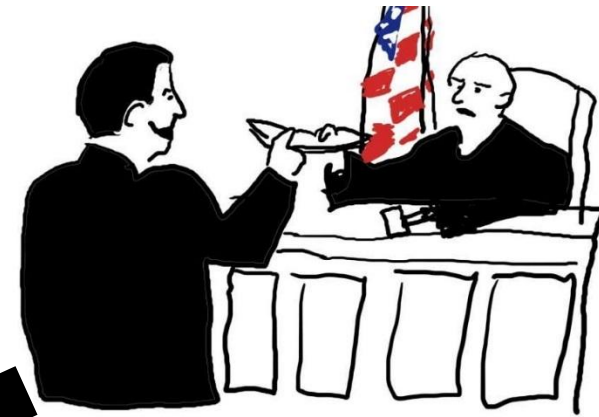
**Worker Cooperatives**  
**Cohousing Communities**  
**Coworking Spaces**  
**Maker Spaces**  
**Community Gardens**  
**Social Enterprise**  
**Shared Commercial Kitchens**  
**Carsharing Groups**  
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**Local Currencies**  
**Barter Networks**  
**Time Banks**  
**Land Trusts**  
**Grocery Cooperatives**  
**Community-Owned Solar Cooperatives**  
**Community-Supported Agriculture**  
**Community Credit Unions**



## **Transactional Lawyers**

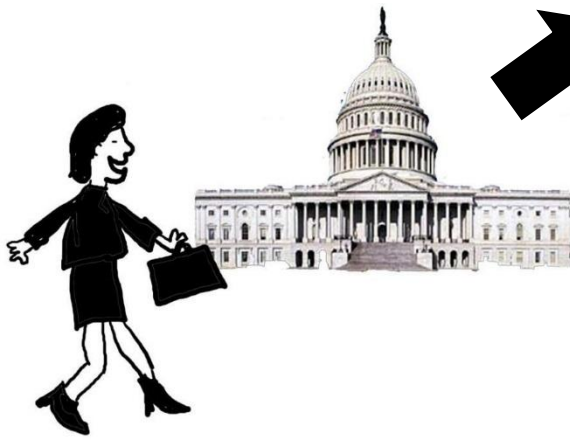
# **Lawyers Creating the Sharing Economy**

Worker Cooperatives  
Cohousing Communities  
Coworking Spaces  
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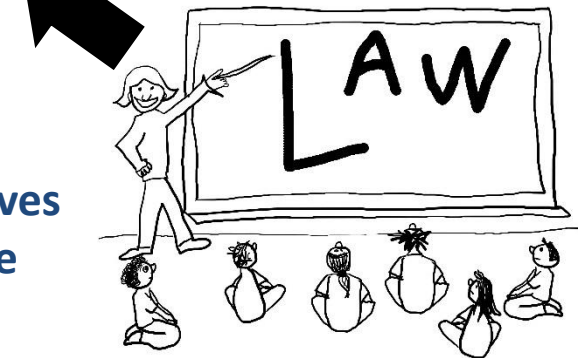


## **Litigators**

## **Policymakers**



## **Academics**

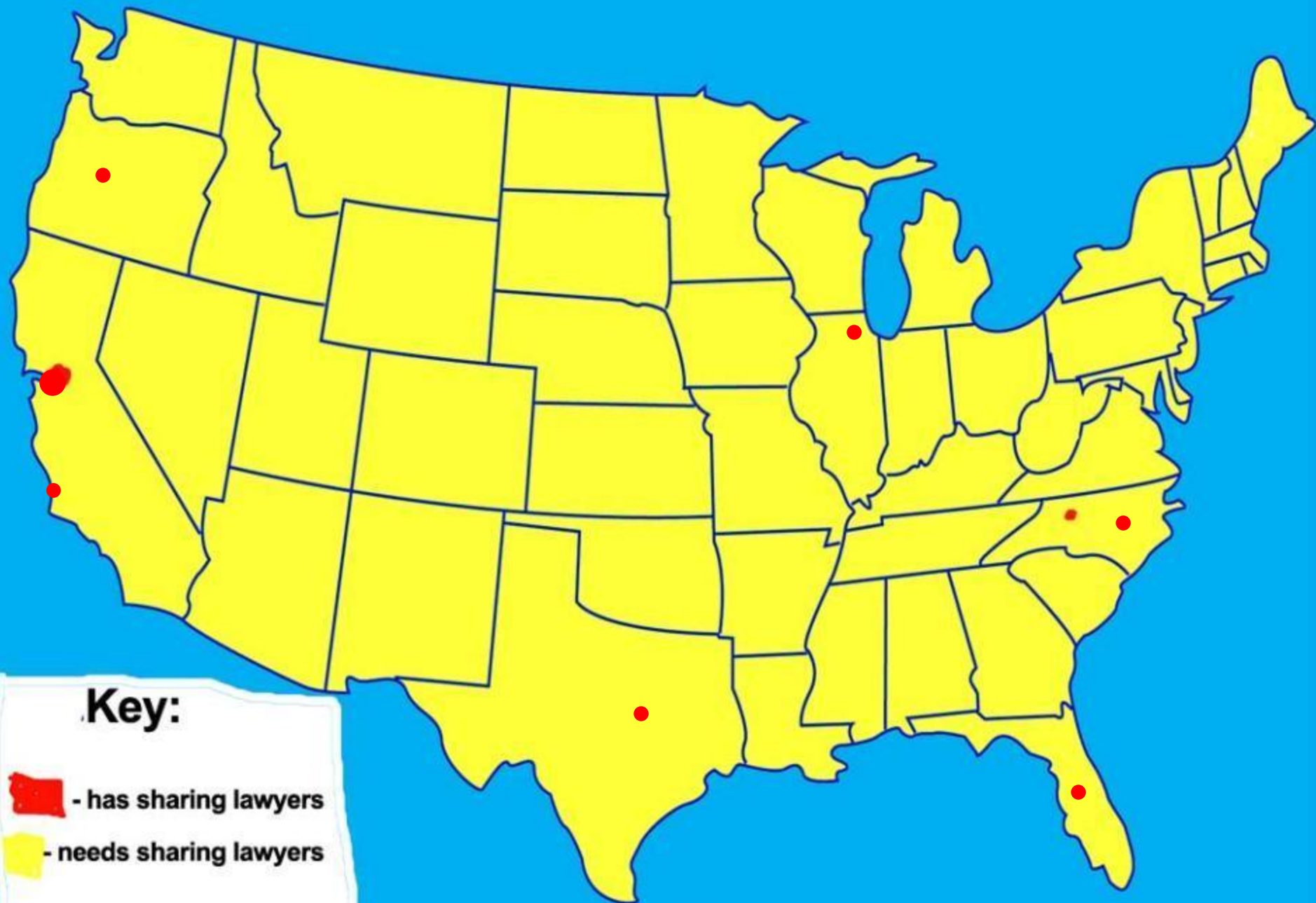




“[Make] your Skill in the Law a  
Blessing to your Neighborhood.”

– Cotton Mather (1700ish)





### Key:

 - has sharing lawyers

 - needs sharing lawyers



**Anyone who enters the  
field of sharing economy  
law right now will,  
inevitably, be a leader in  
this emerging field.**

**Key:**

-  - has sharing lawyers

- needs sharing lawyers

# **Some ways to specialize in the sharing economy:**

**Shared Housing Law**

**Cohousing Law**

**Small Social Enterprises Law**

**Large Social Enterprise Law**

**Community-Owned Enterprise Law**

**Cooperative Law**

**Fashion and Garment Enterprise Law**

**Nonprofit Law**

**Tax and Accounting for Currencies**

**Community Food Law**

**Community Education and Child Care Law**

**Community Health Care Law**

**Community Energy Law**

**Collaborative Consumption Technology Law**

**Shared Intellectual Property Law**

**Mediation for all of the above!**

# Remembering the purpose of lawyers in society...



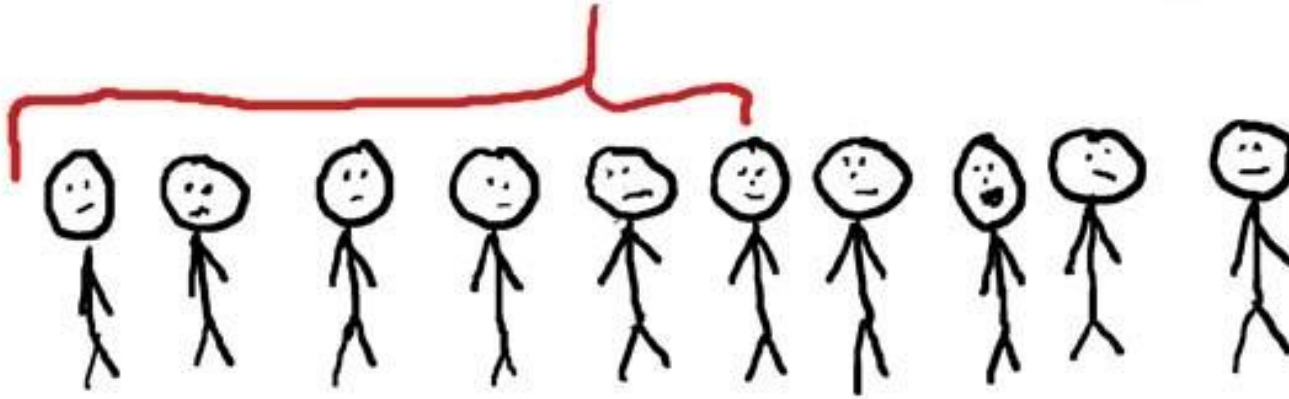
From the Preamble to the American Bar Association Rules of Professional Conduct:

“Lawyers play a vital role in the **preservation of society.**”

A lawyer is: “an **officer of the legal system** and a public citizen having **special responsibility for the quality of justice.**”

“[a]s a public citizen, a lawyer should seek **improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.**”

# 65% of last year's California law school grads still don't have full-time lawyer jobs.



**“Job market for would-be lawyers is even bleaker than it looks, analysis says,”**

By Mark Hansen, ABA Journal, April 1, 2013

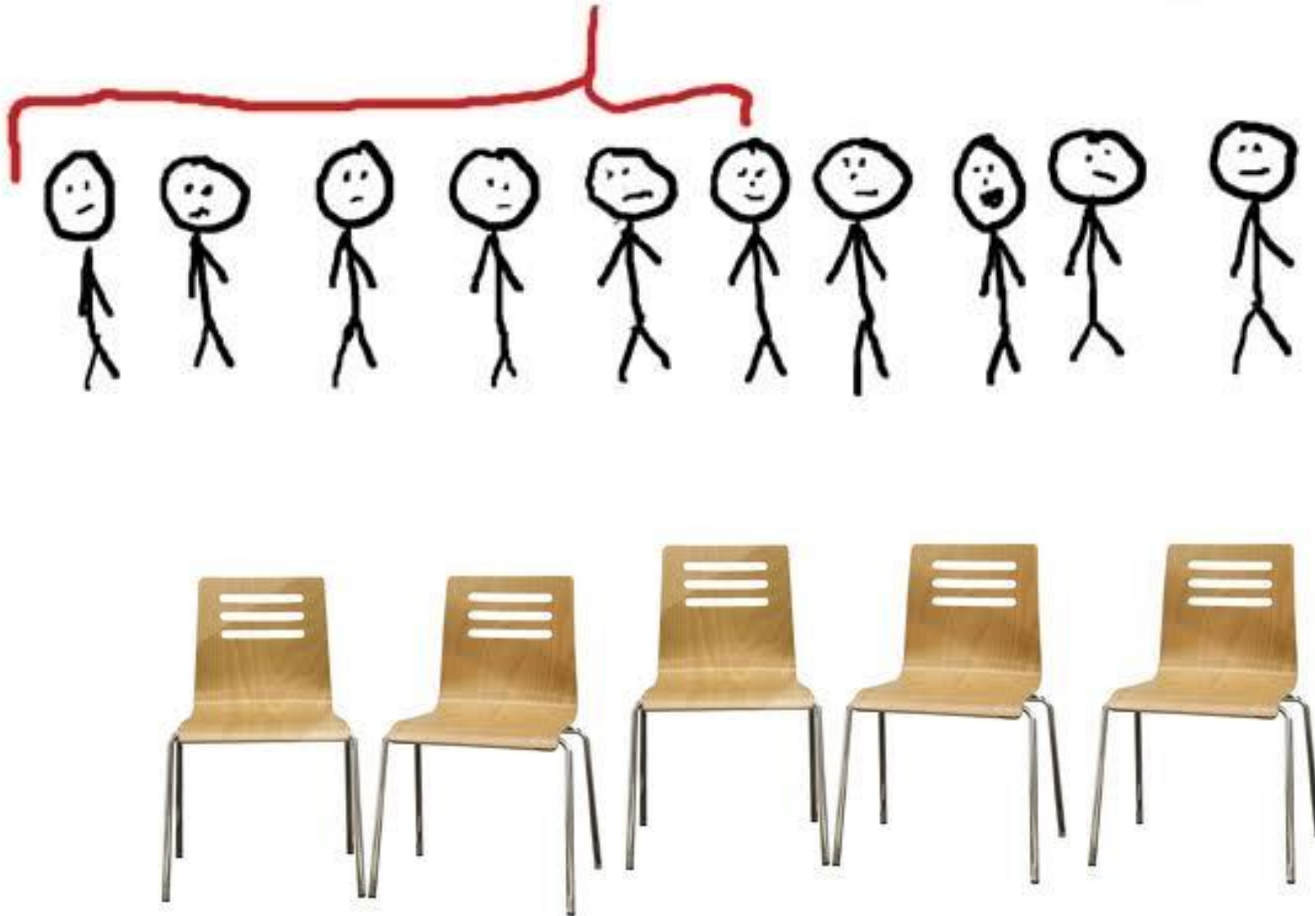
[http://www.abajournal.com/news/article/job\\_market\\_for\\_would-be\\_lawyers\\_is\\_bleaker\\_than\\_it\\_looks\\_analysis\\_says](http://www.abajournal.com/news/article/job_market_for_would-be_lawyers_is_bleaker_than_it_looks_analysis_says)

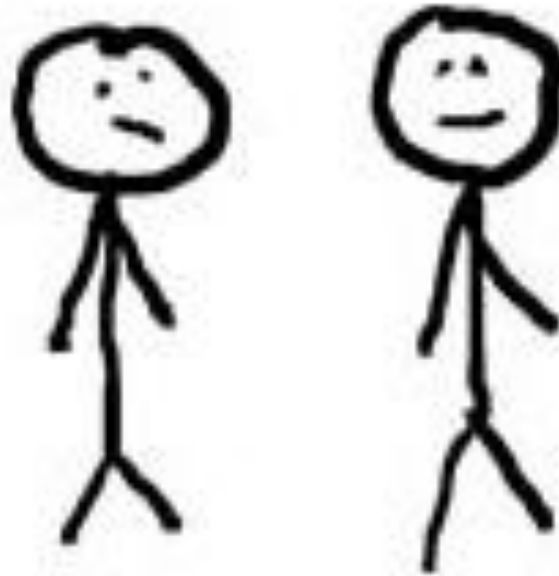
**“Law School by the Numbers: 300K Additional Law Grads by 2020; 73K New Jobs Forecast for Decade”**

By Debra Cassen Weiss, ABA Journal, November 5, 2012

[http://www.abajournal.com/news/article/law\\_school\\_by\\_the\\_numbers\\_300k\\_additional\\_law\\_grads\\_by\\_2020\\_73k\\_new\\_jobs](http://www.abajournal.com/news/article/law_school_by_the_numbers_300k_additional_law_grads_by_2020_73k_new_jobs)

**Is musical chairs the method by which we should be planning our careers?**





# **“Associate attorney is the unhappiest job in America, survey says,”**

by Debra Cassens Weiss, ABA Journal, April 1, 2013

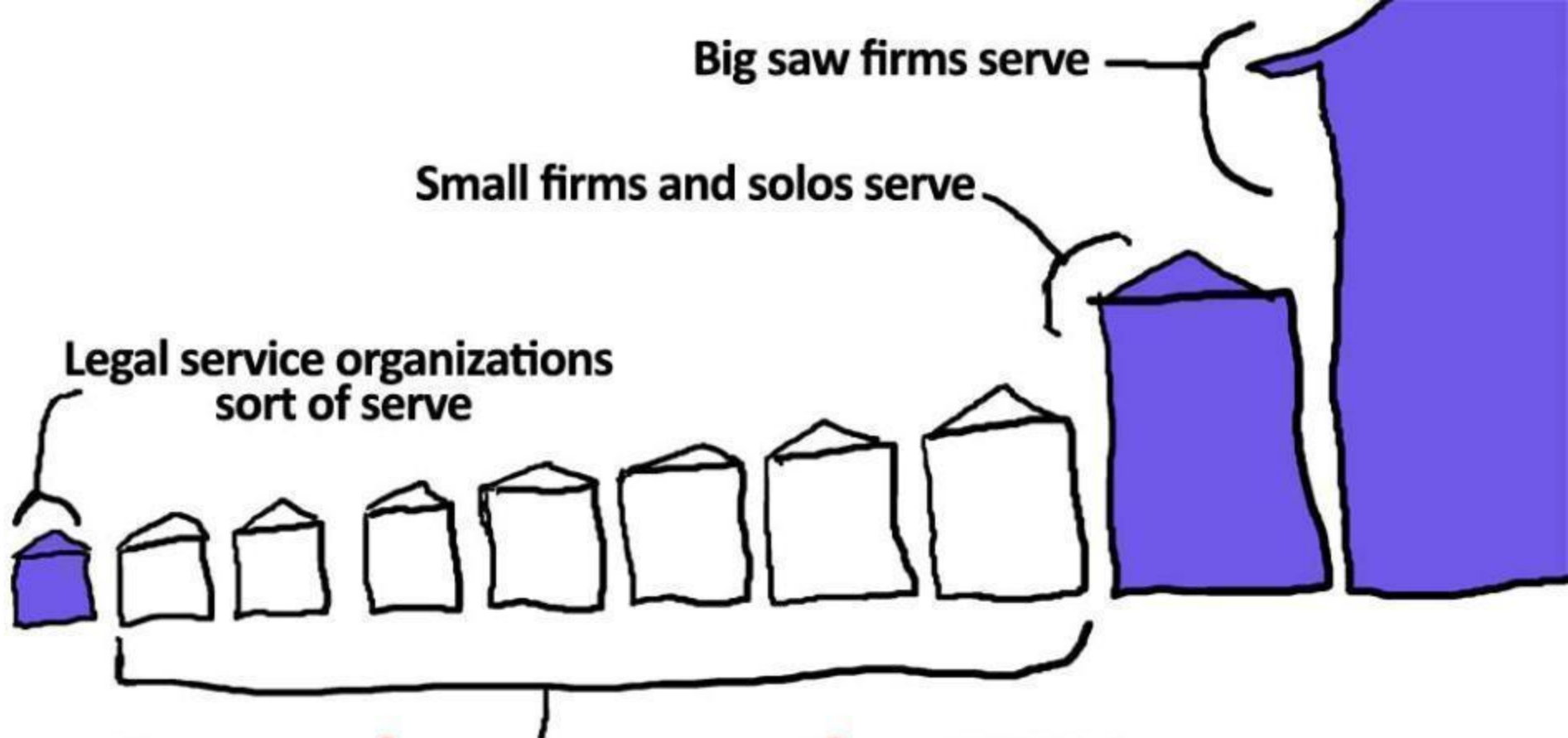
[http://www.abajournal.com/news/article/why\\_a\\_career\\_website\\_deems\\_associate\\_attorney\\_the\\_unhappiest\\_job\\_in\\_america](http://www.abajournal.com/news/article/why_a_career_website_deems_associate_attorney_the_unhappiest_job_in_america)



**Besides, these chairs represent  
business as usual.**

**Business as usual hasn't been making  
the world a better place lately.**

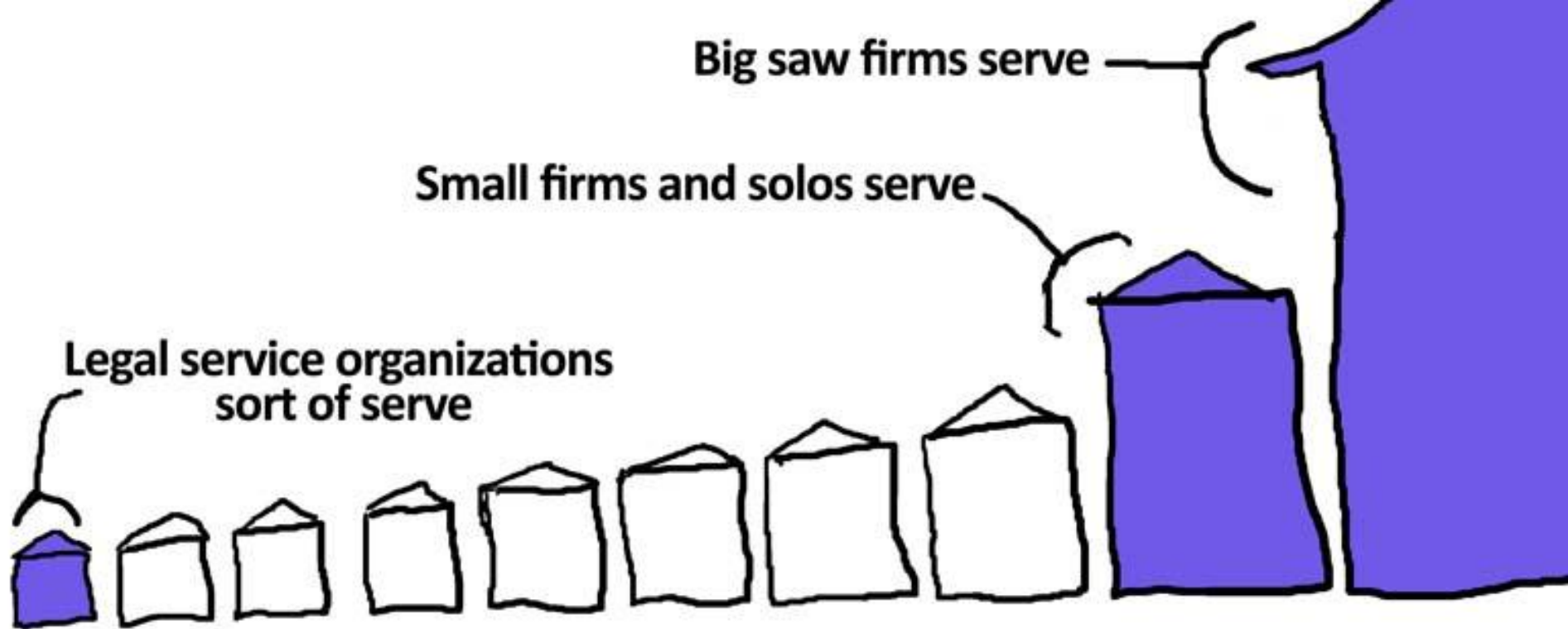




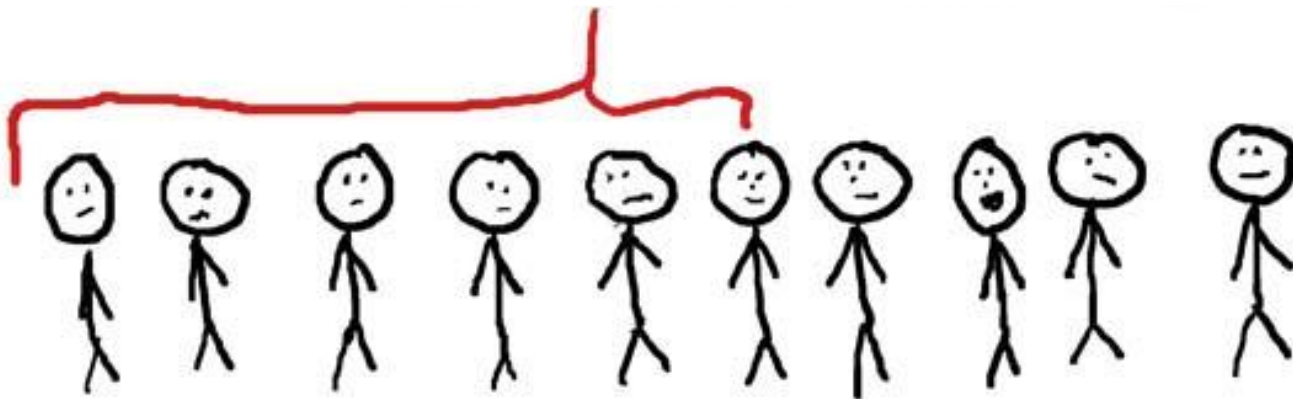
**So....who serves the 70%**

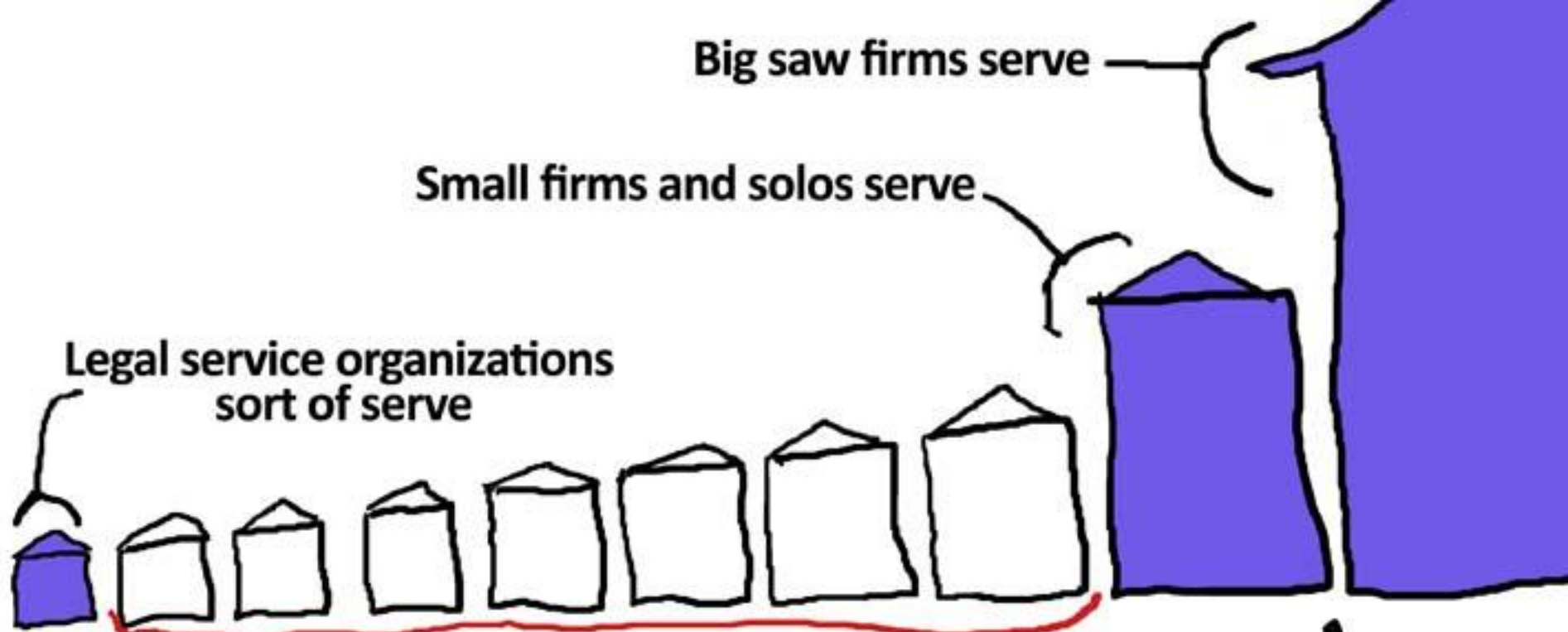
**The ABA says: the legal needs of the middle 70% are largely unmet**

Statistic cited by the Supreme Court in *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).



**Wait! And 65% of last year's law grads still don't have full-time lawyer jobs???**

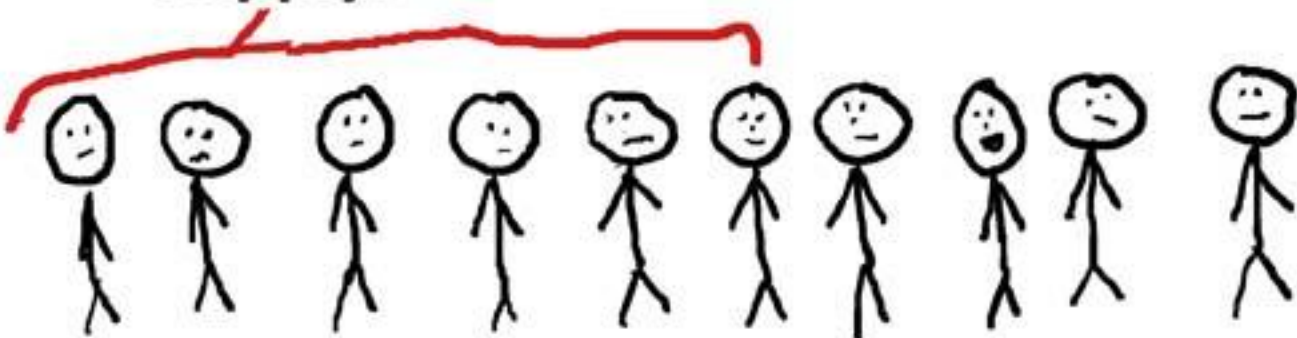




demand!

Artificial Scarcity!!!

supply!



**Client:  
earns \$500  
per week**

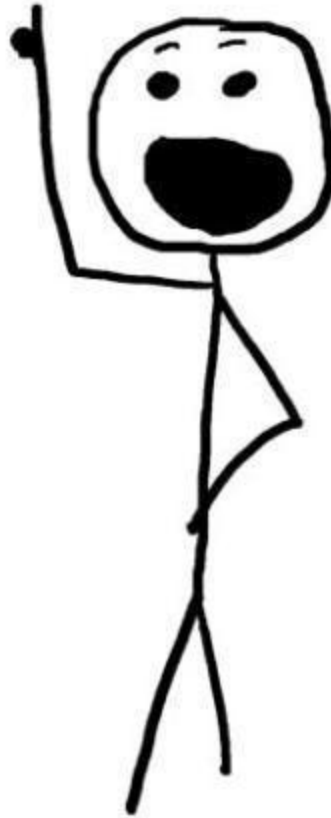


**Lawyer friend:  
bills at \$500  
per hour**



**Got a cognitive  
dissonance  
headache?**

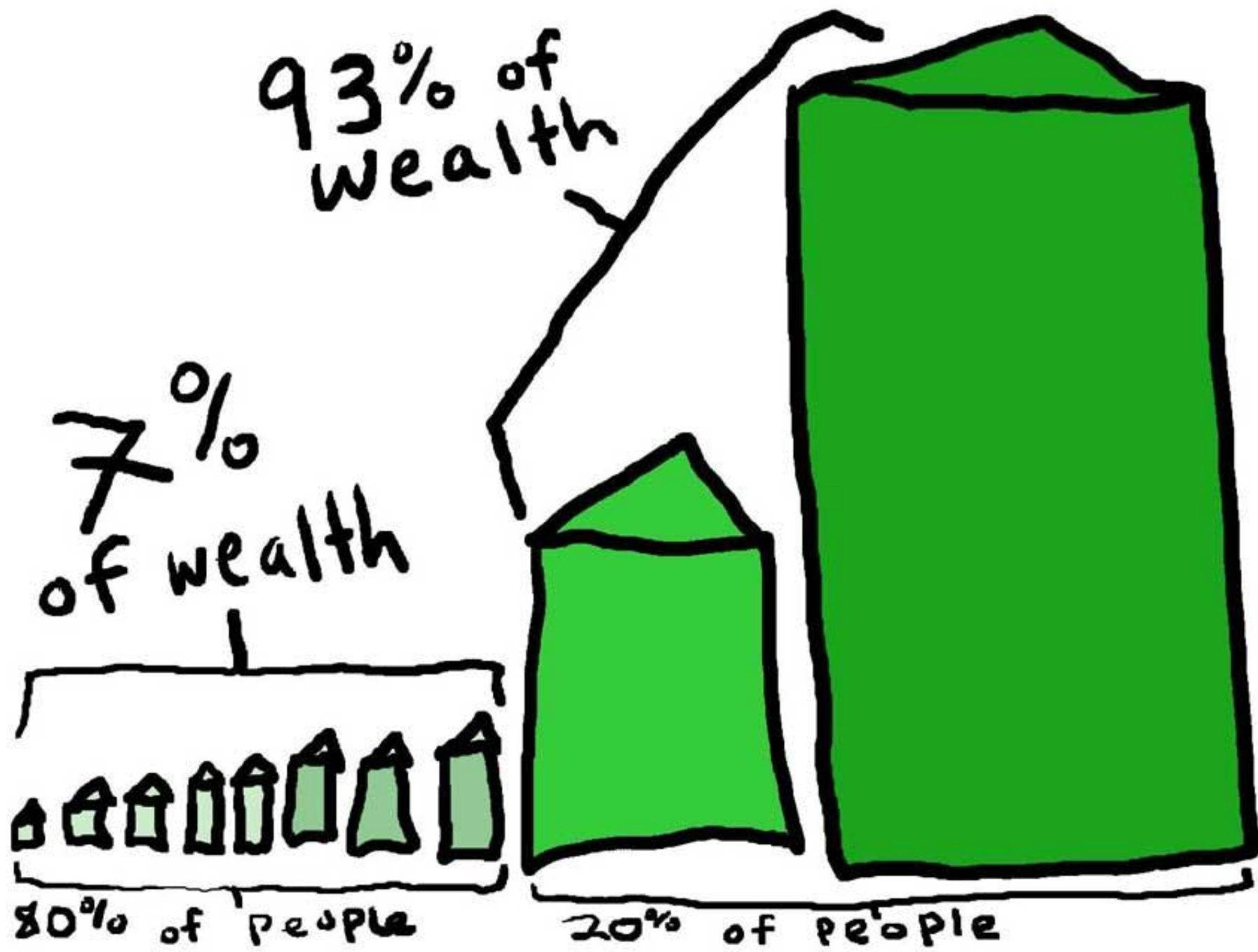
**Client:  
earns \$500  
per week**

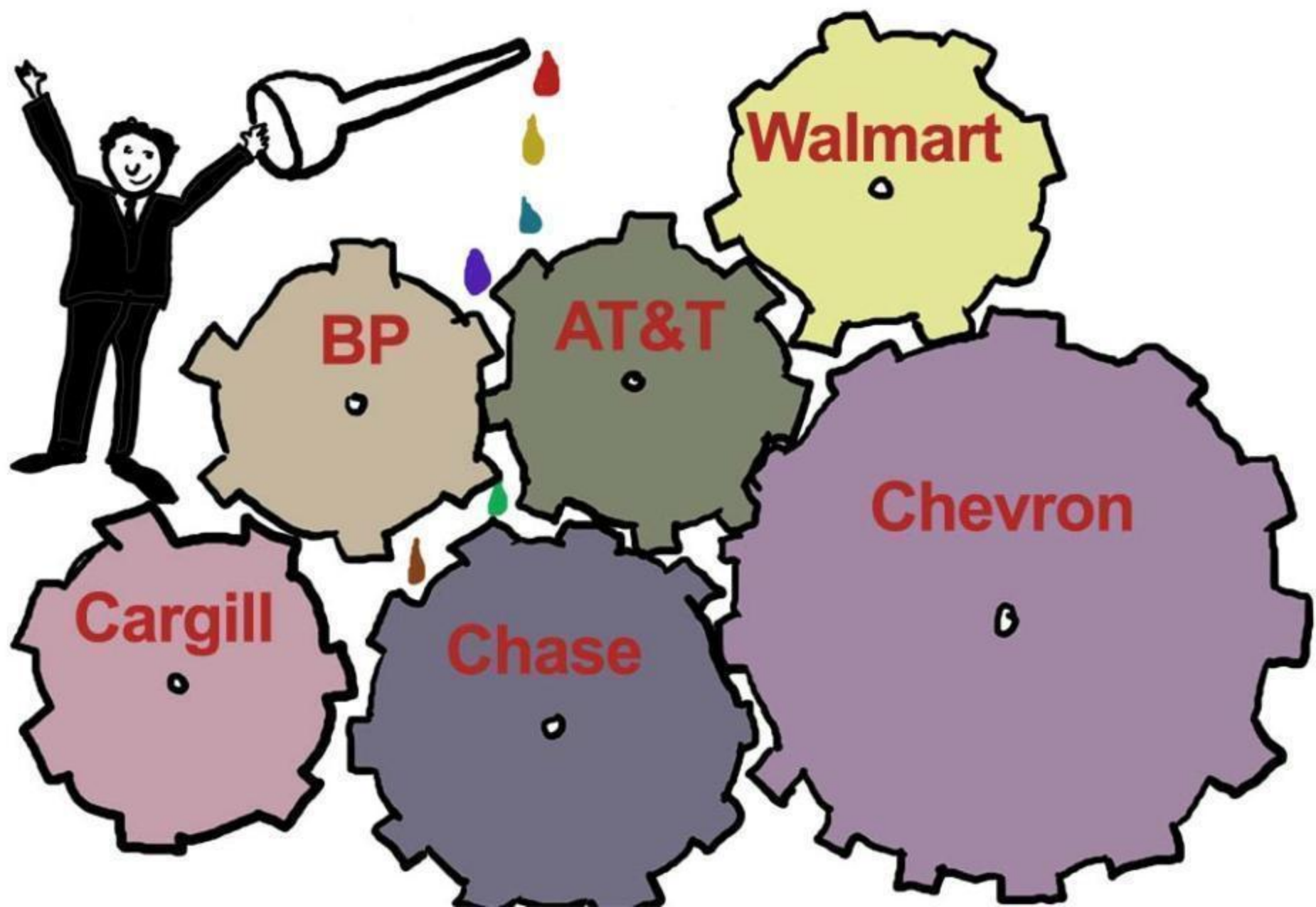


**Lawyer friend:  
bills at \$500  
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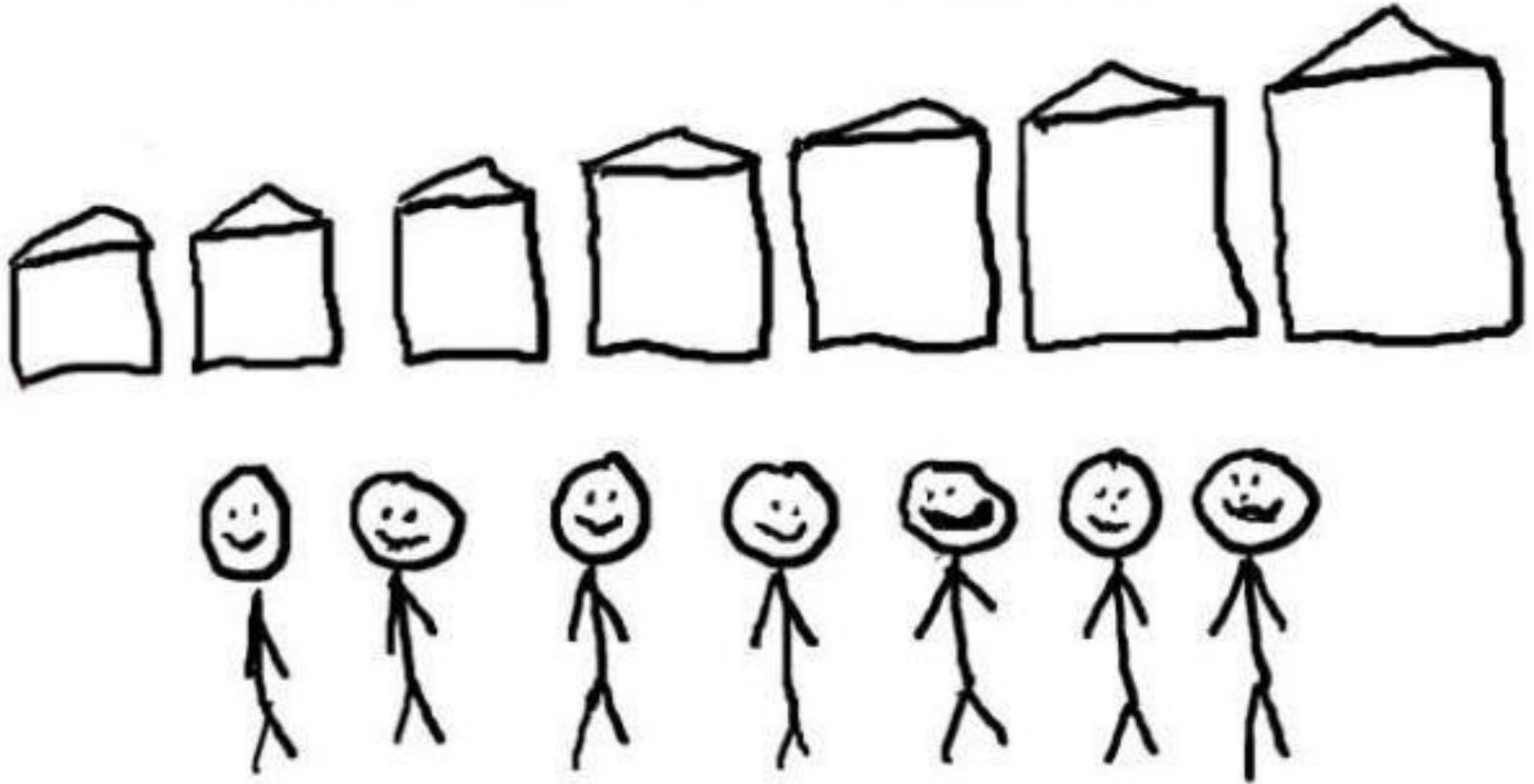




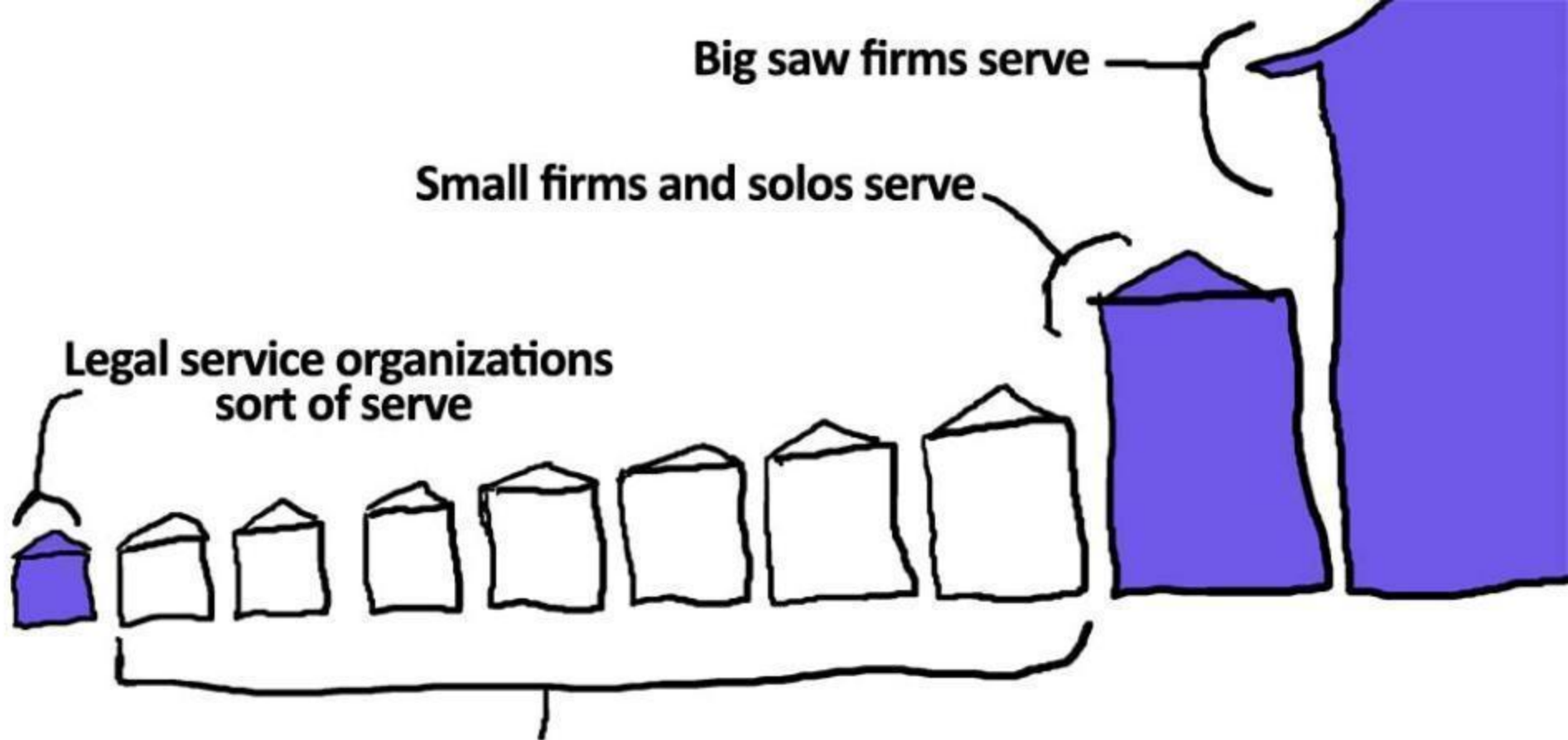




# Much Better!



**Let's start law practices that  
serve the 70%!**



**The 70% will change the world!**  
**Let's help them do that!**



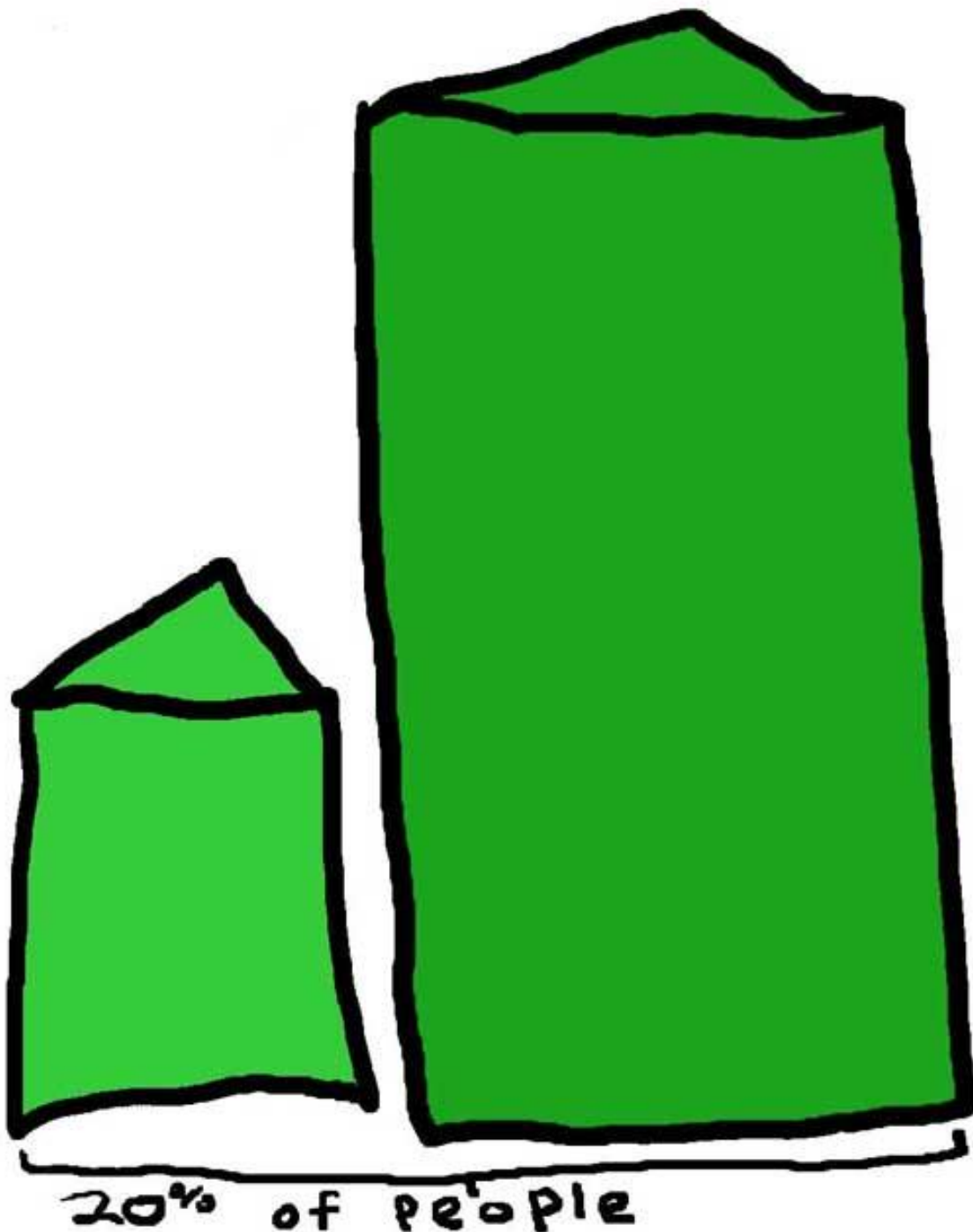
**The 70% is in the best position to create the solutions we need in society:**

**Worker Cooperatives**  
**Cohousing Communities**  
**Coworking Spaces**  
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# These things:

Worker Cooperatives  
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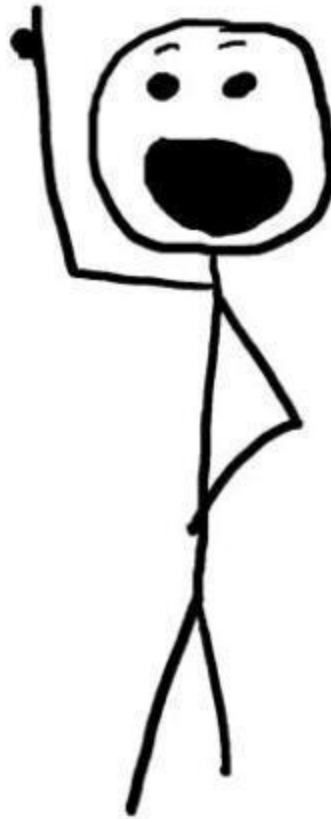
**create wealth for  
these people:**





**Let's try being  
average people!**

**Client:  
earns \$500  
per week**



**Lawyer friend:  
bills at \$500  
per hour**



# LAW OFFICE OF JANELLE ORSI

Legal Services for a Sustainable,  
Equitable, and Sharing World



## Services for Shared Housing:

Co-ownership agreements Tenants in common agreements, CC&Rs, Condo conversions, Cooperative housing,  
Land-use and zoning, Lease agreements, Ecovillages, Land Trusts, Subdivisions, Conflict resolution.

### About Janelle

## Services for Nonprofits, Cooperatives, and Social Enterprise:

Formation, Choice of entity/structure, Tax exemption, Finance, Contract drafting, Employment law, Liability.

## Mediation Services

Interpersonal and family conflicts, Workplace disputes, Businesses/nonprofits, Landlord/tenant.

## Articles and Blogs

- \* [Birth of Sharing Law](#)
- \* [Four Degrees of Sharing](#)
- \* [How to Start a Shared Vegetable Garden](#)
- \* [How Nonprofits Can Share Down Their Costs \(Part 1\)](#)

What is a Slow Homes Movement?

## Books by Janelle:

[Practicing Law in the Sharing Economy: Helping People Build Cooperatives, Social Enterprises, and Local Sustainable Economies](#)  
(ABA Books 2012)



### The Sharing Solution:

How to Save Money, Simplify Your Life & Build Community

co-authored with Emily Daskow  
(Nolo 2009)

Discover how to create a more sustainable community with this practical legal guide to forming successful sharing arrangements.

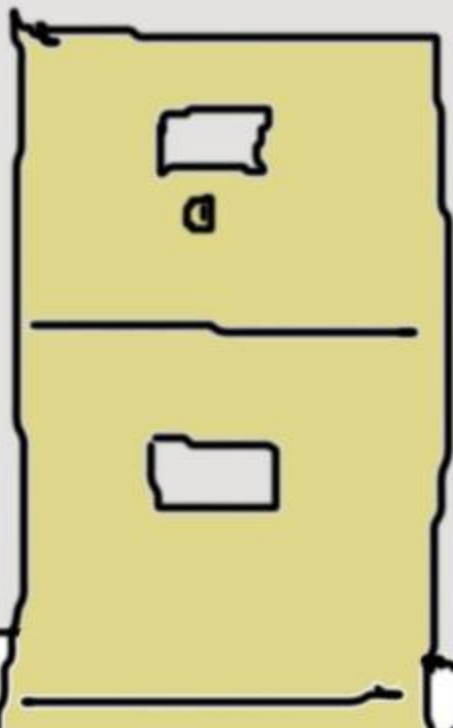
## Recent and Upcoming Speaking Events:

- [Think Outside the Boss: How to Start a Worker Owned Cooperative](#), November 17, 2012, Oakland, CA
- [Sustainable Economies Law Center Fall Celebration and Showcase](#), November 15, 2012, Oakland, CA





Law Offices  
of Etc. Etc.



Here  
to  
Fore







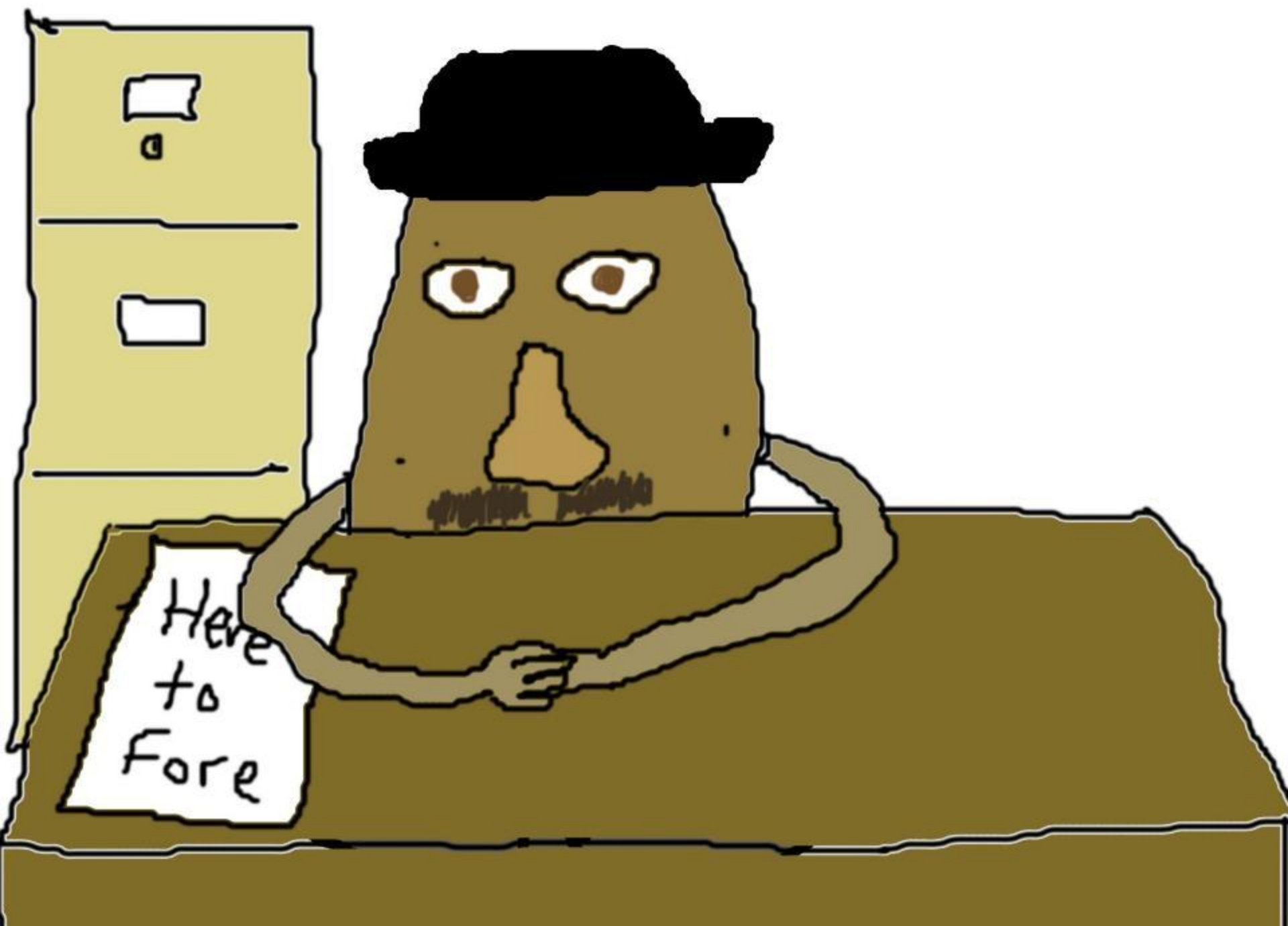
Law Offices  
of Etc. Etc.

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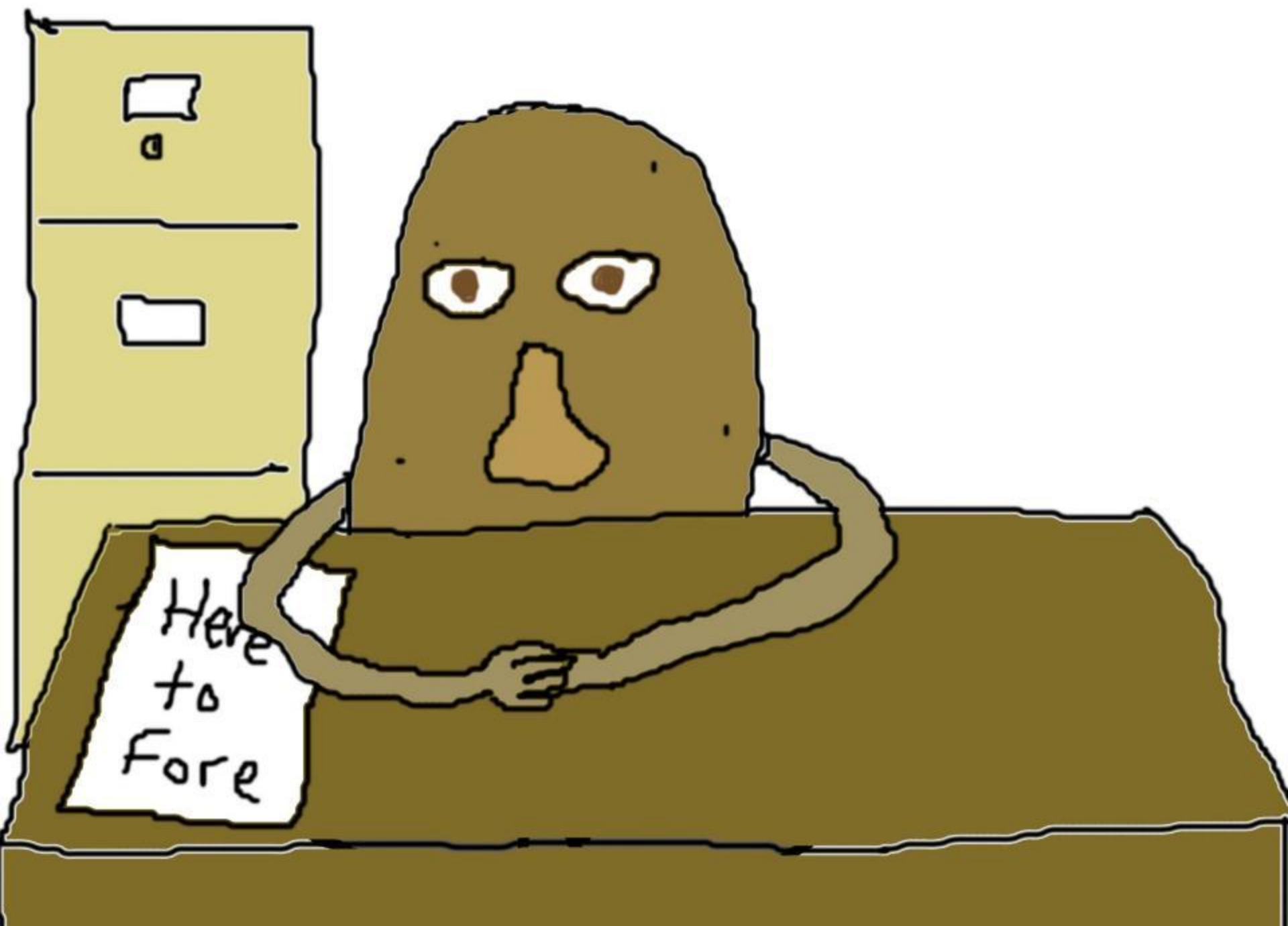


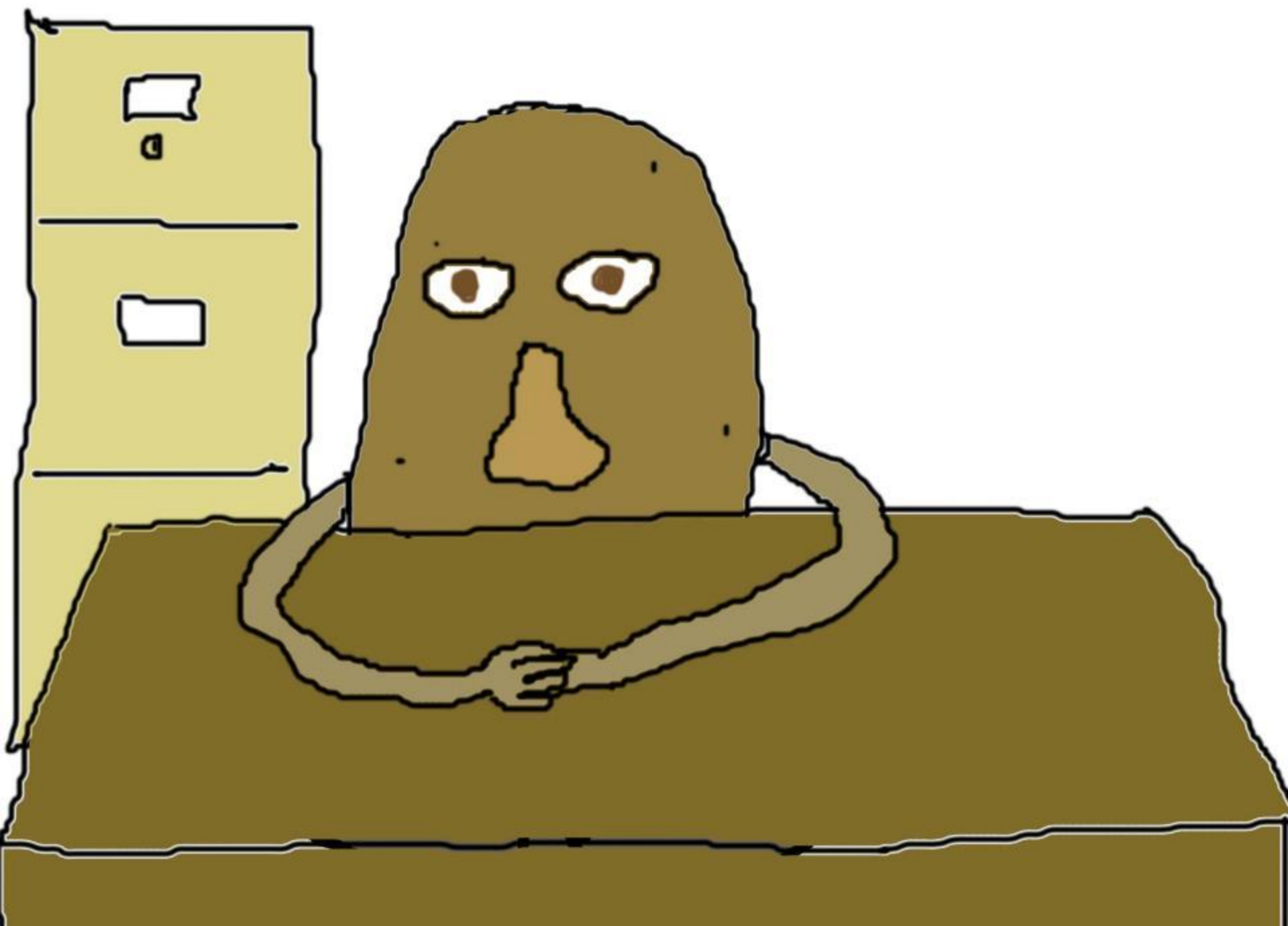
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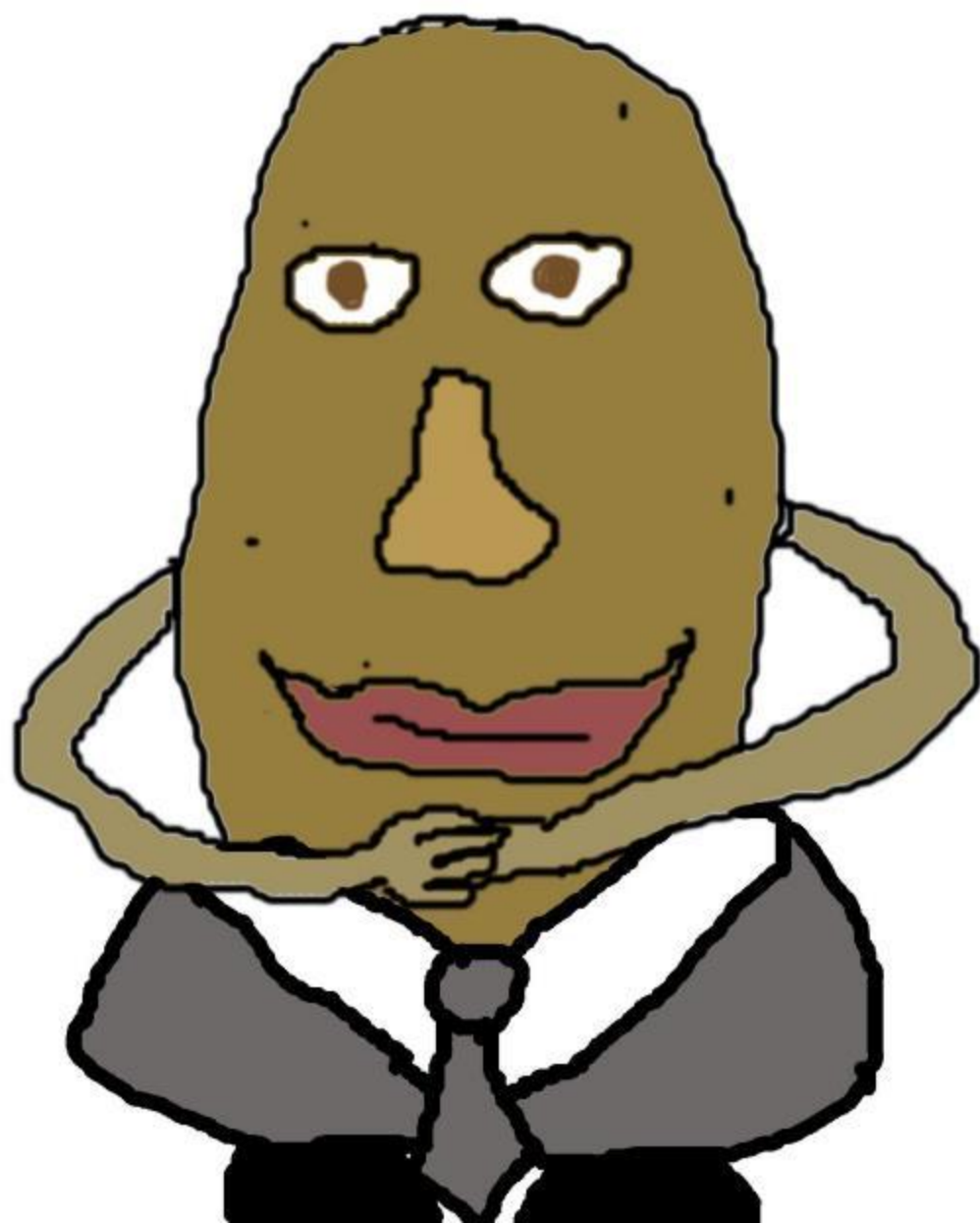
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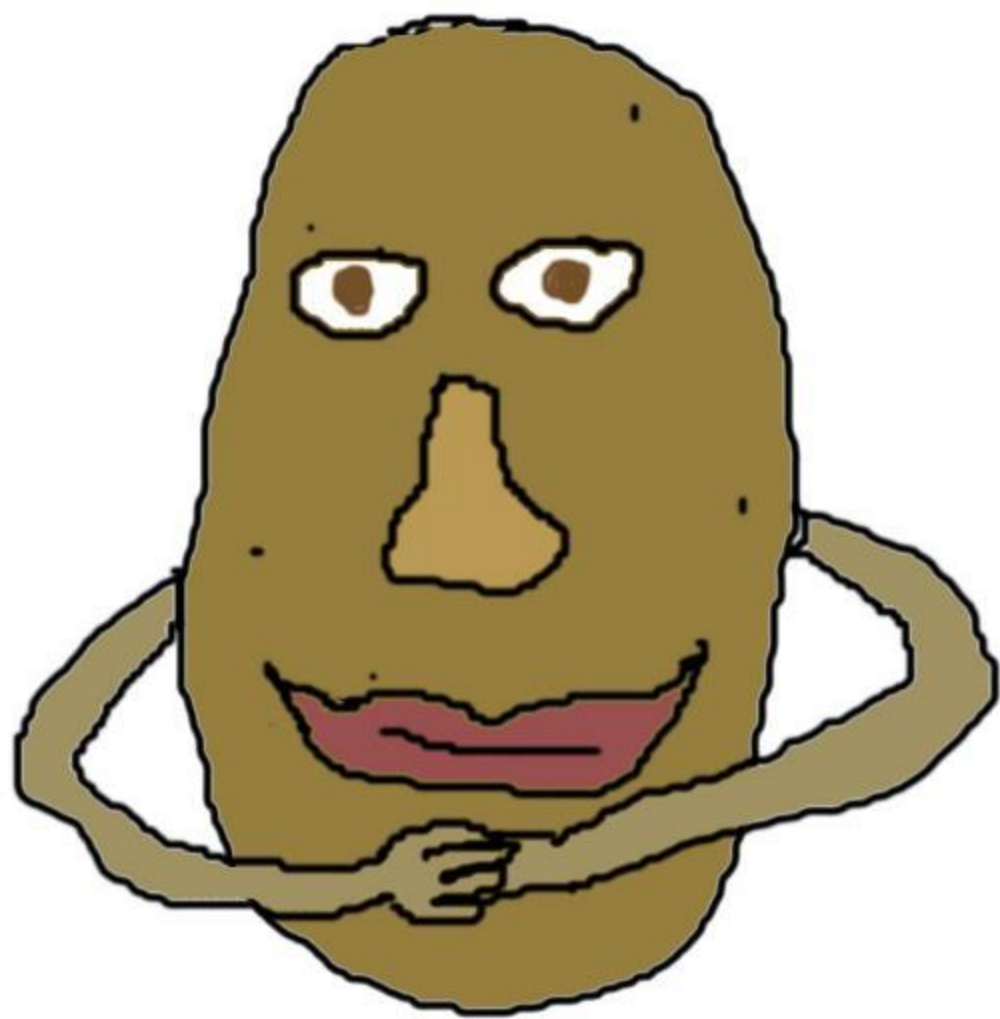




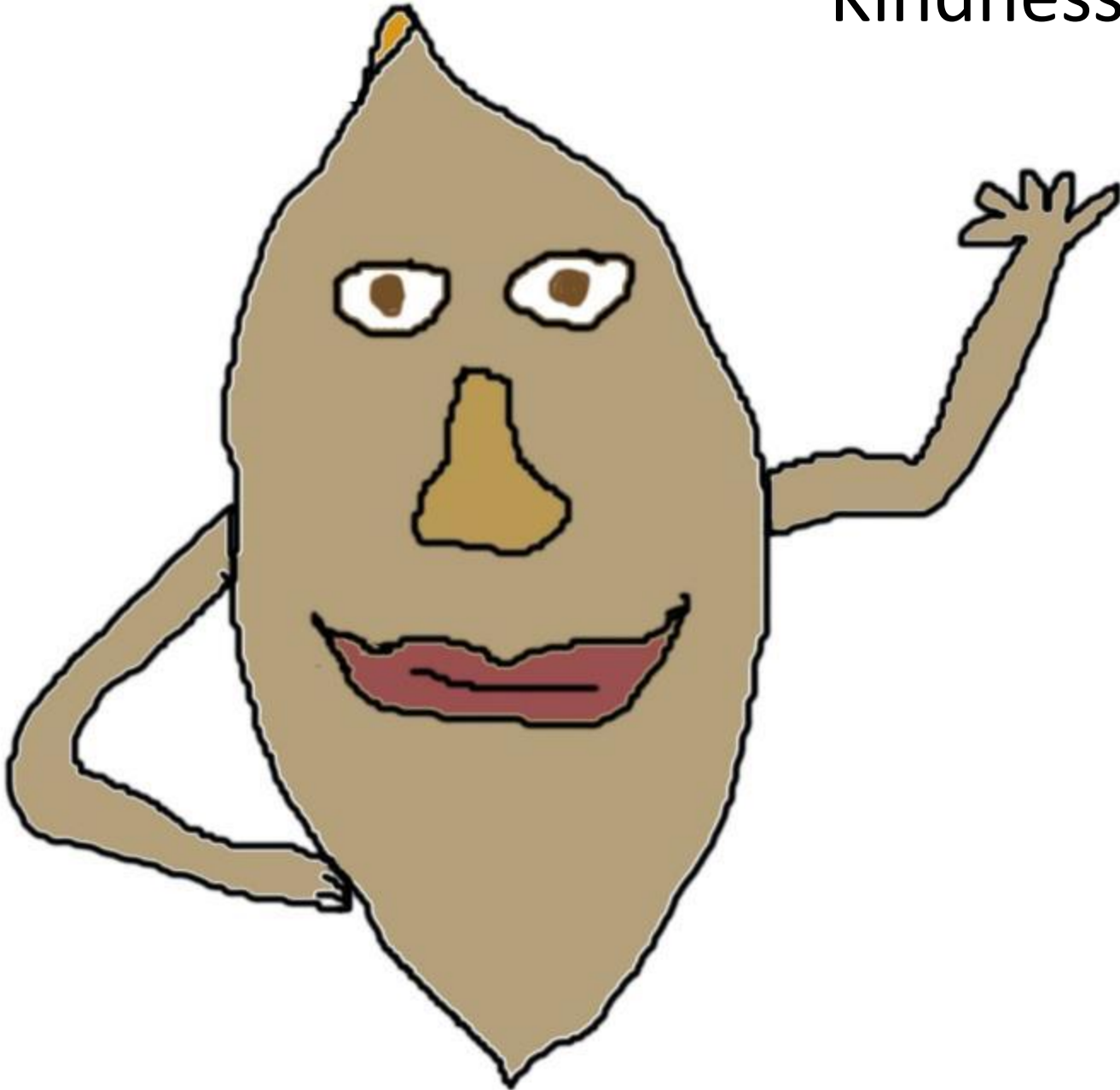








Kindness

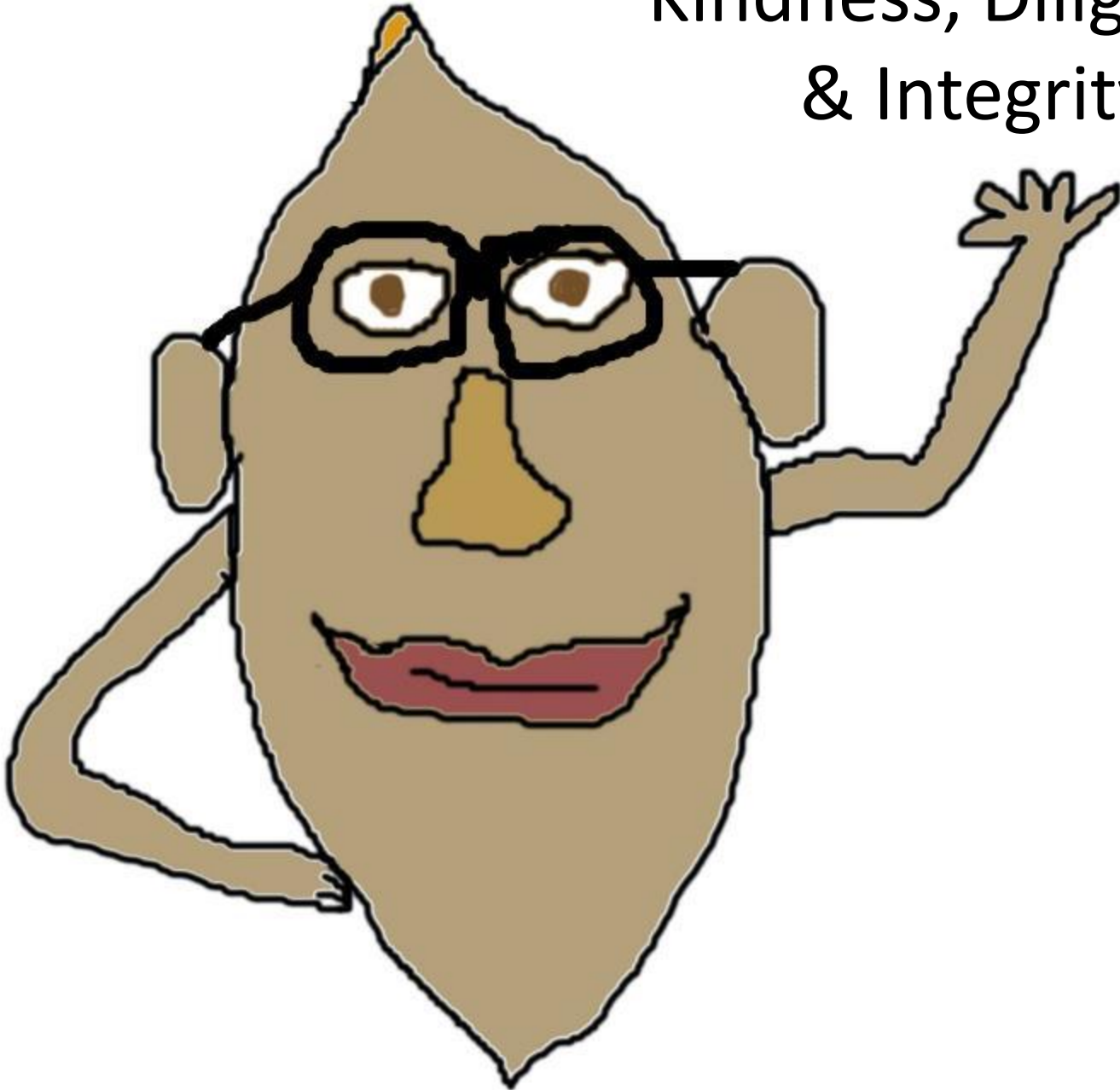


Kindness, Diligence,





Kindness, Diligence,  
& Integrity





# Sustainable Economies Law Center

Programs: [Food](#) [Cooperatives](#) [Community Enterprise](#) [Rethinking Home](#) [Work in the New Economy](#)

[City Policies](#) [Community Currencies](#) [Resilient Communities](#) [Legal Cafe](#) [Legal Profession in the New Economy](#)

[Community Renewable Energy](#)

## What We Do

***Legal education, research, advice, and advocacy for just and resilient economies.***

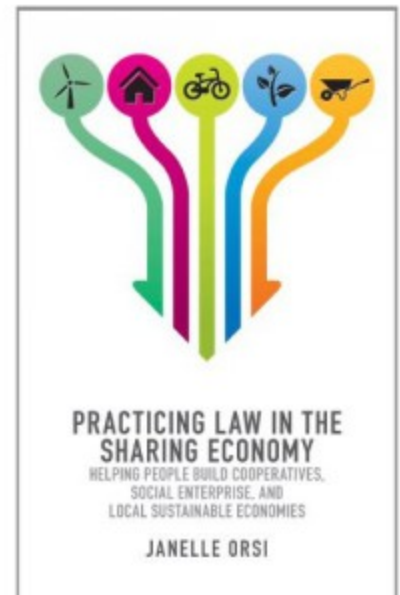
The Sustainable Economies Law Center (SEL) charts the changing legal territory of the new economy, educating communities and individuals about the possibilities and limits of creative economic structures, and advocating for laws that clear the way for more sustainable economic development.

SEL provides essential legal tools — education, research, advice, and advocacy — to support this transition to localized, resilient economies. Our work focuses on practices that promote justice and sharing, including [cooperatives](#), [community currencies](#), [community enterprises](#), [local investing](#), [cohousing](#), [urban agriculture](#), and other innovative economic strategies.

Or as Lady Justice says it:

## Search

Type to search, then press enter



# The Sustainable Economies Law Center's living classroom:





Lawyers  
advising  
community  
members

Law students  
teaching  
community  
members

Community  
members teaching  
law students and  
each other

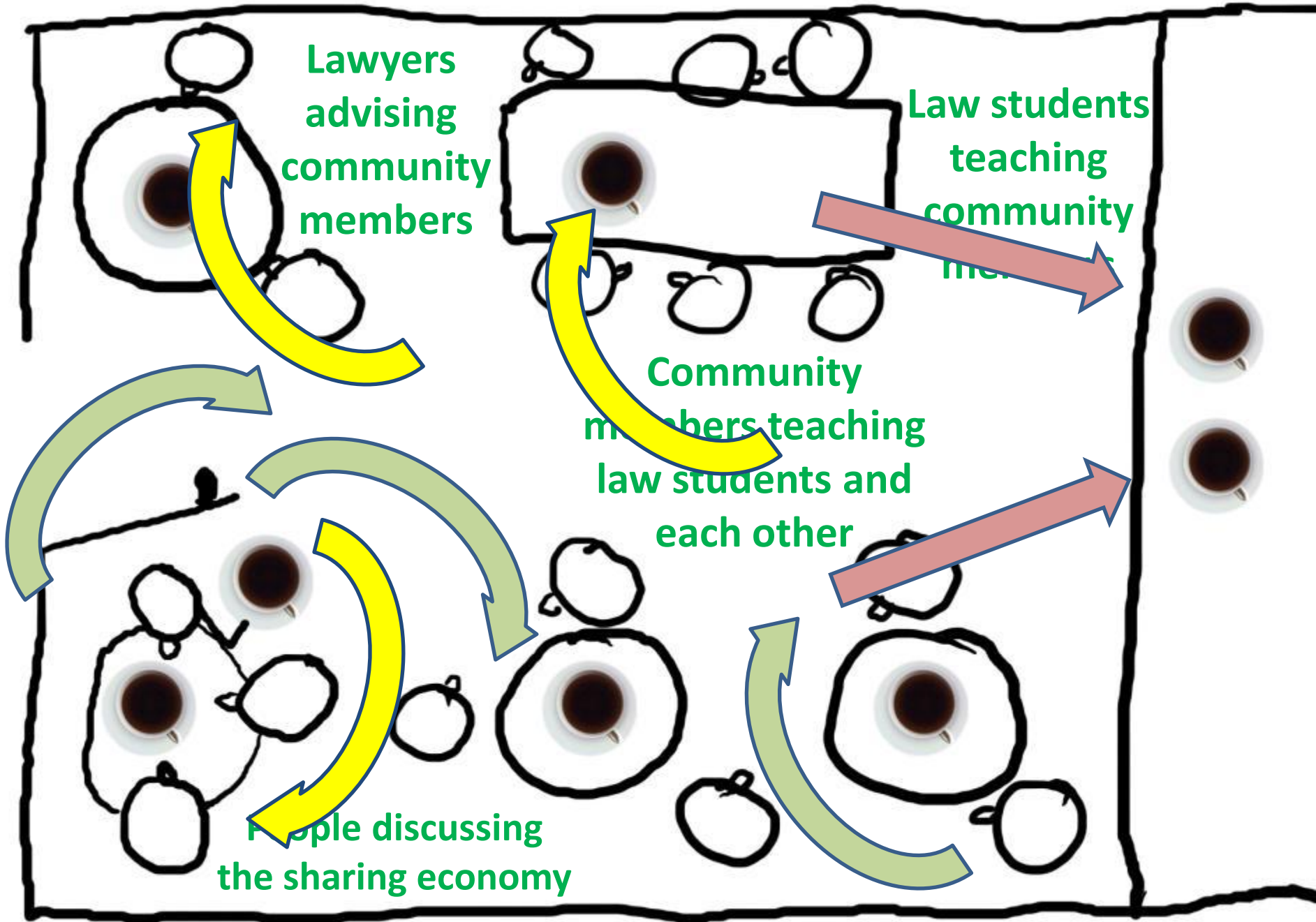
People discussing  
the sharing economy

Lawyers  
advising  
community  
members

Law students  
teaching  
community  
members

Community  
members teaching  
law students and  
each other

People discussing  
the sharing economy





**This is what a HALO looks like. [Click here to print HALOs.](#)**

**Front:**

NAME \_\_\_\_\_

PAYS TO THE ORDER OF \_\_\_\_\_

**ONE HALO**  
FOR HELPING ANOTHER LAWYER OUT  
**AND A BIG THANK YOU**  
FOR BEING PART OF A LEGAL LEARNING COMMUNITY.



**I LEARNED  
SOMETHING FROM A  
GENEROUS LAWYER!**

**I'M GOING TO  
PAY IT FORWARD!**

**Back:**

**If you received this HALO, it's because you helped a lawyer or lawyer-in-training, and that person plans to pay your favor forward by helping someone else!**

This "currency" was created to generate a welcoming culture of sharing and mentorship among lawyers, especially for those working to create sharing and resilient communities. Keep these HALOs as a reminder of how cool you are. Maybe one day you can redeem these for free training at the Sustainable Economies Law Center or with anyone else who feels inspired to support generous lawyers. Go to [www.theSELC.org/HALO](http://www.theSELC.org/HALO) for more info and to print HALOs.

Lawyers and lawyers-in-training create a better world and a better legal system if they help each other out. We can:

- Share our expertise and skills.
- Share document templates.
- Brainstorm together about a case, legal topic, or problem.
- Talk through ethical issues.
- Review each others' documents, including leases, 1023 forms, bylaws.



**Published by ABA Books**



**PRACTICING LAW IN THE  
SHARING ECONOMY**  
HELPING PEOPLE BUILD COOPERATIVES,  
SOCIAL ENTERPRISE, AND  
LOCAL SUSTAINABLE ECONOMIES  
JANELLE ORSI



**Sustainable  
Economies  
Law Center**

[www.theselc.org](http://www.theselc.org)

**Also see our resource libraries:**

- [UrbanAgLaw.org](http://UrbanAgLaw.org)
- [Co-opLaw.org](http://Co-opLaw.org)
- [CommunityEnterpriseLaw.org](http://CommunityEnterpriseLaw.org)
- [CommunityCurrenciesLaw.org](http://CommunityCurrenciesLaw.org)

**50% discount code: PAB12SHR**

**Royalties go to the  
Sustainable Economies Law Center**

# What Sharing Economy Attorneys Do:

- Write Agreements
- Manage Risk
- Form and Structure Entities
- Facilitate Exchange
- Navigate Various Other Regulations
- Navigate Securities Laws
- Navigate Employment Laws
- Navigate Real Estate Laws and Contracts
- Manage Intellectual Property
- Etc.

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– Cotton Mather (1700ish)

