

Expanding Opportunities for Low-Income Youth: Making Space for Youth Entrepreneurship Legal Services

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A generation without the hope of a stable job is a burden for the whole of society. Poor employment in the early stages of a young person's career can harm job prospects for life.¹

Young people in the United States are on the verge of losing the economic advantages gained by their parents. The loss of wealth resulting from the 2008 foreclosure crisis directly impacts intergenerational transfer of wealth. Parental net worth significantly affects the wealth prospects of children.² In addition to parental wealth and income losses, youth are facing greater challenges to entering the labor market. The current economic downturn directly affects the employment prospects of low-income workers and youth workers. The employment rate for teens is at its lowest level in sixty years.³ Low-income youth are hardest hit by the racial wealth gap. Lack of employment disproportionately affects youth of color.⁴ For example, as few as 20 percent of black youth are employed at any one time.⁵ Racial economic disparities in employment opportunities, income, and wealth place low-income youth of color in the worst position with few employment options and no transfer of intergenerational wealth upon which to build.⁶

This economic reality is even bleaker when combined with the increase in the youth population in the coming years. In the United States, the youth population is projected to increase 10 percent by 2010, with youth of color, who are disproportionately low-income,⁷ accounting for the greatest increases.⁸ The increasing numbers of low-income youth of color make the need for more emphasis on the economic lives of these youth of paramount importance.

Low-income youth of color live in the same underserved communities that have been the focus of community economic development (CED) practitioners. CED efforts have tackled the economic and social effects of discrimination on the health and vitality of underserved communities using a variety of strategies to build structural supports in low-income neighborhoods, fostering thriving communities.⁹ Some of these strategies include affordable housing development and retention, creation of community banks, support for strong social services organizations, and small business development.¹⁰

Dorcas R. Gilmore is a Skadden Fellow with the Community Law Center (CLC) in Baltimore. The author would like to extend her sincere gratitude to Brenda Bratton Blom, Chad Harris, Susan Jones, and Susan Butler Plum for their comments, guidance, and continuous support. Special thanks to Ella J. Gilmore for being a phenomenal role model and for demonstrating the importance of youth enterprise in community development.

Despite over forty years of CED work, there continues to be a need for a strengthened and broadened commitment to economic justice.¹¹ This economic justice mandate must also extend to and focus on the lives of low-income youth of color. Small business development for low-income youth is one asset-building tool to address the loss of assets and the increasing wealth gap; it also offers youth the tangible and intangible benefits of actively participating in the economic life of their communities.¹² Youth enterprise development, or youth entrepreneurship, provides another means of addressing the racial disparities in wealth acquisition, growth, and transfer. Youth entrepreneurship is a potential path toward racial and economic justice for low-income youth of color.

This article proposes targeting small business legal services to youth in low-income communities as a component of CED and as a means of fostering youth empowerment and community engagement. Using the case study of a new youth entrepreneurship legal services project in Baltimore City, the Youth Entrepreneurship Initiative, this article advocates youth entrepreneurship legal services as a tool for advancing racial and economic justice in low-income communities. The Youth Entrepreneurship Initiative is a model for providing holistic, community-based small business legal services to low-income youth. This model highlights the important roles that CED lawyers can play in providing these legal services.

Role of Small Business Development in CED

The reality of racial discrimination in the marketplace continues to impact communities of color in the twenty-first century.¹³ From growing wealth gaps to declining wages, the urgency of the need for a continued and renewed commitment to economic justice has never been clearer. This “economic justice imperative”¹⁴ requires a variety of tools to combat past and current income and wealth gaps.¹⁵ Small business development is one important tool in building assets and services that are responsive to low-income communities’ needs.¹⁶

Small business development is a vital part of CED. In this context, CED strategies include building jobs, skills, and social networks.¹⁷ Small businesses are the foundation of economic growth and development, producing 60 percent to 80 percent of all net new jobs created in the United States economy since the 1990s.¹⁸ Strong small businesses and supportive services enable sustainable CED. Small businesses create jobs in low-income communities, whether through self-employment in a microenterprise or employment opportunities in a larger small business.¹⁹ Also, small enterprises, especially minority-owned enterprises, are more likely to employ low-income people of color living in economically distressed communities.²⁰ Ultimately, small business development benefits low-income individuals and communities.

CED practitioners have focused on not only increasing the number of small businesses located in low-income communities but also increasing the number of businesses owned by low-income entrepreneurs.²¹ Low-income entrepreneurs face significant barriers to viable business development,

including lack of financial, human, and social capital. These challenges to accessing financing, navigating business operations, and creating social networks impede the growth of low-income small businesses.²² Small businesses, like all businesses, need the assistance of lawyers to provide a range of transactional legal services, such as contract drafting, the formation of limited liability legal structures, and the protection of intellectual property. These legal services connect enterprises to valuable technical assistance and financial resources.²³ CED lawyers have worked to assist their clients in bridging the divides of traditional capital, human capital, and social capital, which are the foundation of business success.

Problem: Lack of Youth Participation in Economic Development

Young people ages ten to twenty-four make up 27 percent of the world's population, and there are more youth today than ever before.²⁴ Youth unemployment is a global problem. In 2005, about 85 million young people worldwide were unemployed.²⁵ The urgency of this problem and its impacts on communities are clear from the United Nations' initiative to address youth unemployment as one of its Millennium Development Goals.²⁶

The problem of youth unemployment significantly affects low-income youth in the United States. Economically disadvantaged youth encounter numerous obstacles to successful employment: perceptions of academic skills, actual academic skill deficits, low self-esteem, lack of exposure to a range of employment options, and difficult living conditions.²⁷ In the United States, the number of unemployed youth ages sixteen to twenty-four years old during July 2008 was 3.4 million.²⁸ Youth unemployment rates, like adult rates, demonstrate a racialized pattern with youth of color disproportionately unemployed.²⁹ Latino and black youth have higher unemployment rates than Whites and Asians.³⁰

In the short term, youth unemployment impacts the economic resources of youth and their families, but there are long-term implications as well. For youth most at risk of economic marginalization, employment experiences increase their chances of employment after high school.³¹ Youth unemployment is a global and national problem with significant effects on young people and their communities. Youth disconnection from the formal labor market creates greater instability in the communities where these youth live.

Youth Entrepreneurship Is a Solution to Youth Unemployment

Whether in developing countries or in low-income communities in developed countries, many young people need to work to survive. To address this problem, the persistent question regarding youth employment must be answered: how can young people with few job skills and less education find work? One answer to this question is enabling young people to utilize their unique skills and experiences to create their own jobs through youth entrepreneurship.

If youth entrepreneurship is to become a sustainable and central piece of reducing youth unemployment and increasing economic development

in communities, youth must learn the skills of business formation and growth, as well as believe in their business ventures and their ability to be successful. Through the process of business development, youth enhance both their skills and their sense of self-efficacy and self-actualization. Entrepreneurship opportunities and training provide young people with employment, educational development, and self-empowerment.³²

Youth Employment

Young people creating their own jobs is one of the most direct means of addressing the youth unemployment problem. Young people who design and operate their own businesses become owners and employers instead of employees, job seekers, and unemployed people. Youth entrepreneurial development is a viable means of addressing youth unemployment and related social problems.³³

Youth entrepreneurship not only creates jobs for young people, it also brings young people's assets into the labor market. Some of these assets include loyalty, new ways of thinking, energy and enthusiasm for training, sophistication with technology, and positive responses to high expectations.³⁴

Youth entrepreneurship is both nationally and globally recognized as an important solution to the problem of youth unemployment. The secretary-general of the United Nations, the World Bank, and the International Labour Organization established the Youth Employment Network (YEN) to provide recommendations to global leaders on youth unemployment.³⁵ In 2001, YEN issued its recommendations with four priority areas: employment creation, employability, equal opportunities for young men and women, and entrepreneurship.³⁶ Under the fourth priority of entrepreneurship, YEN encouraged nations to make the creation of enterprises easier for young people.³⁷

There are many short-term and long-term effects of youth employment. In the short term, employment for "at-risk"³⁸ youth provides job skills. Some evidence suggests that moderate youth employment in high school also creates closer connections between school and work.³⁹ Furthermore, entrepreneurship training may have the long-term impact of helping some youth find gainful employment because the training teaches them about economic life and personal responsibility.⁴⁰

Educational Development and Youth Empowerment

In addition to providing needed jobs for unemployed youth, youth entrepreneurship also enhances academic success and self-empowerment. Entrepreneurship education is a means of connecting youth to school, community, and work. Young people learn through the operation of their businesses how to apply abstract academic concepts to real, meaningful situations. This knowledge and experience leads to improved academic performance in school.⁴¹ Entrepreneurship education programs lead to greater financial literacy and improved math, reading, and communication skills.⁴²

Entrepreneurship education makes academic study relevant for many students and challenges youth to think about how they can contribute to addressing a need in their community through the development of a business or organization. By developing an enterprise or organization, young people learn that their ideas and dreams can come to fruition and are valuable to others. Real exposure to others who value their skills and ideas empowers young people with the confidence to dream and develop their ideas in other aspects of their lives. The benefits of youth entrepreneurship and the impacts of youth employment on future job prospects make youth entrepreneurship a good vehicle for fostering educational achievement and economic opportunities among low-income youth.⁴³

Shanice's Story: The Power of Entrepreneurship Education

In 2001, I designed and taught a social entrepreneurship course, Youth Entrepreneurs Creating Community Change, in the Apopka Area Youth Entrepreneur Training & Employment Program (AAYETEP). The AAYETEP was located in the central Florida community of South Apopka, a one-square-mile area that is a predominantly low-income, African American community. The AAYETEP was a local government-funded economic development and youth development program operated in partnership with the area's community association. As a teacher in AAYETEP, I witnessed firsthand the impact of youth entrepreneurship education in engaging low-income youth of color meaningfully in the economic development of their communities and fostering greater youth participation in community development.

Shanice was my student in the AAYETEP.⁴⁴ She was a ninth grader who felt she had nothing to offer a youth entrepreneurship program. She had average grades, was shy, and was participating in the community-based program because of the monetary stipend. However, at the course's conclusion, she stood before a room of over 100 Apopka area residents and presented her social enterprise that addressed a community problem she identified as most pressing: teen pregnancy. Her group's social enterprise idea was a nonprofit peer-to-peer educational group led by teenagers that would perform skits and role plays in schools, community centers, and religious institutions to educate other teenagers about the facts of teen pregnancy. Through the AAYETEP, Shanice became confident, knowledgeable, and determined. Her personal development and the development of her classmates impressed adults in the audience. Community residents saw youth who were aware of the community's problems and poised to create change. Several adults stood up to express their pride in the community's youth.

The AAYETEP increased economic and financial literacy; enhanced reading, math, and employability skills; and engaged low-income youth in their communities. Ultimately, the youth received financial support and technical assistance in launching their enterprises. This local government-funded program won awards for government innovation⁴⁵ and had many

of the attributes of a successful community-based entrepreneurship education program.⁴⁶ However, one crucial element was missing, i.e., legal education for business ownership and legal assistance to advise youth in developing viable small businesses.

Need for Youth Entrepreneurship Legal Services

As stated above, youth enterprise development is a CED strategy that provides opportunities for youth to gain business and financial literacy skills while operating their own businesses. Also, youth enterprise development offers youth an appreciation for entrepreneurship, an understanding of the role of business in creating jobs, and a strengthened commitment to their communities.

Youth enterprise creation and growth are gaining traction in the international and national arenas as economic development strategies to support low-resource communities. In 2007, the first Global Youth Microenterprise Conference was held in Washington, D.C. This conference spotlighted the growth of youth enterprise as a development strategy and its success as a tool for building assets and nurturing leaders in low-resource communities across the globe.⁴⁷ Nationally, in 2008, the Aspen Institute's Youth Entrepreneurship Strategy Group produced a national policy agenda for integrating entrepreneurship education into the framework of American public schools.⁴⁸

There are many examples of youth entrepreneurs and youth entrepreneurship programs that illustrate young people's ability to gain academic skills and attain professional success in small business development. Successful youth entrepreneurs often utilize their youth to their advantage⁴⁹ and are able to overcome the legal hurdles of minor status by having supportive adult mentors.⁵⁰ Despite the success of some youth entrepreneurs and the growing trend of greater youth entrepreneurship educational opportunities, young people encounter far more obstacles than adults to beginning their own enterprises. These barriers are the result of financial and economic inexperience and lack of assets, as well as the legal limits placed on youth small business owners.⁵¹

For greater numbers of young people to enter the arena of small business ownership, they must have the support of lawyers and technical assistance providers to assist them in navigating the terrain of enterprise development. Youth entrepreneurs are in great need of assistance from the legal community. This unmet need for legal services first became apparent to me as a teacher in the AAYETEP in my community. The ABA recognized this need in its report *America's Children: Still at Risk*, citing the provision of legal services to youth entrepreneurs as an area of needed services.⁵² Not only do youth entrepreneurs need legal services, but the legal community must be willing to meet this need. In order to meet this legal need, lawyers must begin by providing pro bono business legal services to youth entrepreneurs.

Youth Entrepreneurship Initiative: A Case Study

As a Skadden Fellow at the Community Law Center, Inc.⁵³ in Baltimore, Maryland, I am addressing this unmet legal need by creating a community-based youth entrepreneurship legal services project, the Youth Entrepreneurship Initiative. This fellowship project idea began with the belief that entrepreneurship offers young people the opportunity to believe in themselves and in their abilities to bring their ideas to life with support from their communities.

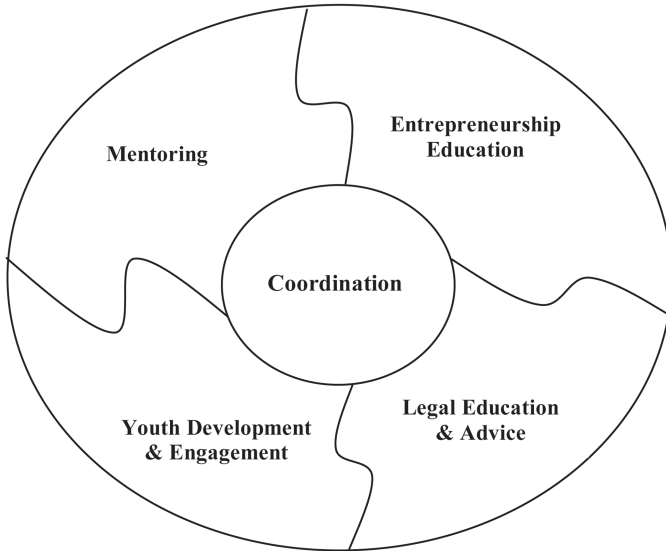
Based on my experiences as a teacher in the AAYETEP, I conceived of the Youth Entrepreneurship Initiative to fill the legal education and representation gap in the AAYETEP. Though the Youth Entrepreneurship Initiative did not begin in the same community as the AAYETEP, its purpose was to fill the need for business legal education and legal services that prevented youth in the AAYETEP from growing their businesses. The Youth Entrepreneurship Initiative is a project that was born from an understanding of the power of youth entrepreneurship education for low-income youth and a commitment to simultaneously promoting youth engagement and CED in low-income communities of color. The development of this project underscores the importance of collaboration, community engagement and support, and an interdisciplinary approach to enterprise formation and growth.

An Integrated Model of Small Business Legal Services for Youth

The Youth Entrepreneurship Initiative's goals include traditional CED goals of small business development, as well as youth development and youth empowerment goals. The Youth Entrepreneurship Initiative's four broad CED goals are to (1) assist youth in developing microenterprises and cooperative work opportunities in target communities, (2) increase financial literacy and entrepreneurial skills of youth in target communities, (3) increase youth participation in economic development decisions in their communities, and (4) enhance youth engagement in their communities.

A legal services project focusing on small business development for low-income youth must enable youth to foster an entrepreneurial mindset and gain entrepreneurship skills. This holistic and integrated approach to entrepreneurship legal services includes business education, financial literacy, and employability skills training. These nonlegal components of an integrated model are essential to developing groups of youth entrepreneurs that can utilize small business legal services.

This integrated model of delivering small business legal education and legal services incorporates the business skills, mentorship, and community support needed for youth to launch microenterprises through collaboration with three other organizations: a community association client, a youth entrepreneurship education organization, and a small business technical assistance provider. In this model, at each stage of the business development process, youth have access to counsel and education regarding how to best develop their business ideas. Each organization collaborating with the

Figure 1

Youth Entrepreneurship Initiative has a different role in providing holistic, community-based entrepreneurship education and legal services for low-income youth in Baltimore City.

This integrated model has five pieces: (1) youth development and engagement, (2) entrepreneurship education and business technical assistance, (3) business mentoring, (4) small business legal services, and (5) coordination of services and resources among collaborating organizations. Figure 1 is a representation of the model.

Each collaborator's role is based on its expertise and area of influence. The collaborators' areas of expertise enhance the Youth Entrepreneurship Initiative. In this model, each organization plays a crucial and slightly different role. Each organization provides its services outside the collaboration; however, by collaborating the depth and breadth of services are expanded. This holistic model offers existing and future youth small businesses significantly improved and greater assistance.

The collaborators and their respective roles are as follows:

Community Association Client

- Advertises and recruits interested youth in the community
- Links youth to community resources and supportive adults

Youth Entrepreneurship Organization

- Offers youth an engaging method and structure to learn the basics of entrepreneurship education

- Teaches youth the value of small business development for themselves and their communities

Small Business Technical Assistance Provider

- Assists youth with developing businesses by providing targeted technical assistance
- Provides connections to adult business owners who can serve as mentors to youth entrepreneurs

Youth Entrepreneurship Initiative

- Coordinates the collaboration by bringing the community association client together with the expertise of small business technical assistance providers and youth entrepreneurship education organizations
- Provides legal education and legal services for youth entrepreneurs and youth businesses

Finally, each organization's area of expertise enhances the collaboration. Community associations recruit the necessary human resources for the collaboration's success: youth who are interested in entrepreneurship, youth development professionals, and supportive adults (paid and volunteer) who are the basis for initiating a youth entrepreneurship project. Youth entrepreneurship education organizations serve as the entrepreneurship education and business development experts to ensure that youth understand entrepreneurship, view it as an option, and design plans for personal and business development. Small business technical assistance providers offer targeted education and business mentorship opportunities. CED lawyers connect their clients to business services and provide the legal education and counsel for youth entrepreneurs to overcome the legal hurdles to business development and growth. Ultimately, the collaboration requires coordination to ensure ongoing support for youth enterprises.

Lawyer's Role in the Collaborative Model

In this collaborative model, the role of the lawyer is to provide legal services and coordination of the collaboration. The coordination role includes identifying partners, building relationships, sustaining momentum, and developing a framework for collaborative engagement. In terms of legal services, the role of the CED lawyer serving low-income youth entrepreneurs is multifaceted, including business lawyer and adviser, educator, and resource builder.

The role of the business lawyer in this model is both traditional and nontraditional. Many of the legal issues are familiar to transactional corporate attorneys: entity selection and formation, contract drafting and review, business licensing, zoning regulations, commercial lease negotiation, intellectual property protection, and applicable employment laws. These traditional legal issues pose nontraditional challenges with low-income youth entrepreneurs. Youth under the age of majority are limited in their capacity to enter contractual relationships.⁵⁴ Because of these limitations,

the ability of minors to form businesses is restricted. The business lawyer must structure the business to maximize youth voice and participation while recognizing the need for the involvement of non-minors with the authority to bind the company in its transactions. Also, the business lawyer is an adviser to youth entrepreneurs, assisting with identifying and addressing potential future challenges. In this role, the CED lawyer fosters positive decision making and demonstrates the ability of the law to help build communities.

The lawyer must also be able to play the role of educator, breaking down business law concepts in a manner that is understandable and even entertaining for youth. From the legal steps necessary to develop a small business to the options for business formation, business legal education is a significant part of the attorney-client relationship. Educating clients about a range of legal issues is often an important component of small business legal services.⁵⁵

Finally, with youth entrepreneurs and aspiring entrepreneurs, the role of the lawyer as resource builder is critical to the success of youth entrepreneurship services. Connecting youth with the resources of small business technical assistance providers, business owners, and other professionals provides young entrepreneurs with the foundation to develop skills, resources, and social networks to succeed in their schools, communities, and careers. The lawyer helps youth entrepreneurs negotiate their interests with those of the community in order to incorporate youth entrepreneurs into the fabric of the community's development.

Conclusion

CED lawyers can serve communities, further CED, and promote youth leadership and engagement by providing pro bono business legal services to low-income youth entrepreneurs. Using the Youth Entrepreneurship Initiative as a case study of a youth entrepreneurship legal services project, this article proposes that CED lawyers can and should develop business legal services for low-income youth. Youth entrepreneurs can be positive agents for change in their communities, leaders for other youth, and innovators for their community's economic development. It is essential that youth have opportunities to develop positive decision-making skills and to experience the relevance of their contributions to their communities. Youth entrepreneurship is a vehicle to facilitate these youth development and CED goals.

Youth entrepreneurship has both individual benefits to youth entrepreneurs and collective benefits to the low-income communities in which these youth live. Youth enterprise development in low-income communities is another tool to meet the economic justice imperative of bridging the racial wealth divide between low-income youth of color and their counterparts. Youth economic investment provides opportunities to change young people's future personal opportunities and promote community development and empowerment in their communities.

America's youth are suffering great economic losses. Fostering youth enterprise development is one way for CED lawyers to address this urgent need and continue building assets in low-income communities. This is an area that warrants greater attention by CED lawyers as racial wealth gaps increase and youth economic opportunities become more limited. Lawyers are needed to assist low-income youth entrepreneurs because of the unique challenges that youth entrepreneurs face. In addition to the challenges of low-income entrepreneurs, low-income youth entrepreneurs face legal barriers at every stage of business development. Executing contracts, obtaining permits, and securing financing require an adult. These legal barriers pose additional challenges to ensuring youth ownership and youth voice in business development.

CED efforts have not focused on supporting youth entrepreneurship in low-income communities. The current economic environment underscores the need for strengthened community development strategies in low-income communities to achieve economic justice. This article provides practitioners with a model for serving youth entrepreneurs. Economic justice requires including youth as vital contributors to the economic development of their own communities.

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43. Marilyn L. Kourilsky & Mahtash Esfandiari, *Entrepreneurship Education and Lower Socioeconomic Black Youth: An Empirical Investigation*, 29 URBAN REV. 205, 212–14 (1997).

44. Shanice is a fictional name; this example is a composite of two actual youth participants in the AAYETEP.

45. In 2005, the Orange County, Florida, county government received a National Association of Counties Achievement Award for the AAYETEP.

46. Successful community-based entrepreneurship education programs incorporate community partners and engage the local business and academic communities in creating a meaningful and supportive environment for youth to learn about and create small businesses. *See* CURTIS L. DEBERG & KELBY THORN-

TON, ENTREPRENEURSHIP EDUCATION FOR AT-RISK YOUTH: A SUCCESSFUL MODEL FOR UNIVERSITY/BUSINESS PARTNERSHIPS (1999), available at <http://eric.ed.gov> (ERIC #ED458357).

47. MAKING CENTS INT'L, YOUTH MICROENTERPRISE AND LIVELIHOODS: STATE OF THE FIELD: LESSONS FROM THE 2007 GLOBAL YOUTH MICROENTERPRISE CONFERENCE 6-8 (2008).

48. ASPEN INST., *supra* note 40, at 5-6.

49. See JENNIFER KUSHELL, THE YOUNG ENTREPRENEUR'S EDGE: USING YOUR AMBITION, INDEPENDENCE, AND YOUTH TO LAUNCH A SUCCESSFUL BUSINESS (1999).

50. See FARRAH GRAY WITH FRAN HARRIS, REALLIONAIRE: NINE STEPS TO BECOMING RICH FROM THE INSIDE OUT (2004).

51. See Schoof, *supra* note 35.

52. ABA STEERING COMM. ON THE UNMET LEGAL NEEDS OF CHILDREN, AMERICA'S CHILDREN: *Still* AT RISK 457 (2001).

53. Founded in 1986, the Community Law Center, Inc. is a nonprofit, public interest law firm that provides legal services and technical assistance to grassroots organizations, nonprofits, and small businesses to improve the quality of life and economic viability of communities. The Community Law Center uses a variety of community lawyering models to advance community economic development goals.

54. Larry A. DiMatteo, *Deconstructing the Myth of the "Infancy Law Doctrine": From Incapacity to Accountability*, 21 OHIO N.U. L. REV. 481, 484 (1994). However, minors' contracts for necessities are one of the major areas in which minors are required to uphold their contractual agreements. *Id.* at 488-91.

55. Susan R. Jones, *Promoting Social and Economic Justice Through Interdisciplinary Work in Transactional Law*, 14 WASH. U. L.J. & POL'Y 249, 255-58 (2004).