

**Summary of Secondment Experience at
The Global Fund to Fight AIDS, Tuberculosis and Malaria
By Ellen D. Ginsberg**

Being a first-year associate comes with certain expectations: to work long hours, focus on billables, and climb a steep learning curve.

One expectation I did not arrive with this past September was to be afforded the opportunity to spend nearly four months in Geneva, Switzerland, working full time for a pro bono client, The Global Fund to Fight AIDS, Tuberculosis and Malaria. Few large law firms can boast this level of commitment to pro bono activity, and I believe that my work experience in Geneva is a testament to DLA Piper's unique dedication to the value of community activism, responsibility, and development of associates.

The Geneva-based Global Fund, one of DLA Piper's New Perimeter clients, is a public-private Swiss foundation affiliated with the World Health Organization. It provides grants to countries in need throughout the world to combat the three major epidemics. Mainly a funding agency, the Global Fund's central philosophy is hands-off philanthropy. It maintains no in-country presence to oversee the grant projects it finances. The responsibility for implementing, overseeing, and monitoring the various programs lies with the Country Coordinating Mechanism ("CCM"), an in-country body – whether that be the ministry of health, a local NGO, or a conglomerate of organizations – that assembled the grant proposal and designed the project from *within* the country. Grants are provided on a two-year basis, with the possibility of continuation for an additional three years.

The benchmark of the Global Fund's foundational belief is the idea that people within these countries know best what their needs are, how to accomplish their goals, and how to best utilize their resources. In addition, this financing model allows for the building of internal infrastructure to sustain the fight against the three diseases and development of internal capacity for ongoing public health activity.

In March 2006, I joined the Legal Team at the Global Fund's office to support its long-term staff at a time when the organization's scope of activities was rapidly growing. The Legal Team was in the process of interviewing candidates to expand the group from four attorneys to six, and in the interim needed an extra pair of hands and set of eyes to assist in its day-to-day responsibilities as its 13th Board Meeting rapidly approached. As the Legal Team's work is mainly transactional, I had to climb another steep learning curve to be prepared for the late-April Board Meeting and the need to sign a large number of grants before this time.

During much of March, April and May, my day-to-day activity consisted of reviewing the documents included in grant agreements and investigating whether grants complied with the requirements set by the Board. The Legal Team reviews assessment reports composed by Local Fund Agents ("LFAs"), which are typically in-country branches of companies such as PriceWaterhouseCoopers or KPMG that review documentation provided by the Principal

Recipients (“PRs”) of each grant on an ongoing basis. LFAs appraise the progress of pre-existing grants, make recommendations for improvements in grant performance, and highlight any problems or concerns they uncover regarding grant implementation and the use of funds. Recommendations included in the assessment reports often become the basis for conditions precedent included in the final grant agreements. These conditions are placed in “Annex A” to the general grant provisions to ensure that the proper capacity exists or is developed to implement and monitor intended activities and to guarantee that funding is appropriately channeled and spent. The Legal Team spends a good deal of time negotiating these conditions precedent with the country clusters responsible for a particular grant. As such, we met regularly with the Global Fund teams responsible for the country, members of the finance team, and the monitoring and evaluation team to determine exactly what conditions were vital to grant success and to negotiate the terms we believed were necessary before agreeing to sign off on a grant.

In addition, the grant documents include the Attachment, which is an itemized chart of each approved grant activity. The Attachment is based on the figures included in the original grant proposal and negotiated between the CCM, the Global Fund country cluster responsible for the respective country, and the Global Fund’s monitoring and evaluation team. It delineates baseline levels for each activity and projected targets on a quarterly basis covering a two-year span of time. As a document included in the final grant agreement, it is also examined by the Legal Team for any discrepancies and to ensure that the figures and targets make sense.

Grant performance is assessed in a Grant Scorecard toward the end of these two years on the basis of actual performance as compared to the set targets. At this point, the Global Fund determines whether it will renew the grant for another three years and makes any necessary changes to the program on the basis of actual performance. This process is referred to as “Phase Two.” The Legal Team has developed a separate grant review process for Phase Two grants.

Finally, the Legal Team must satisfy itself that the grants are consistent with all requirements set by the Board. During my tenure at the Global Fund, this often involved investigating compliance with recently enacted Board requirements for the CCM. As mentioned, the CCM is the in-country body that usually assembles the grant proposals. The Board has set specific requirements for CCMs to ensure broad representation and a high degree of input and inclusiveness in development and oversight of grant proposals. CCMs are expected to include representatives of people living with one of the three diseases, representation of the non-governmental sector through individuals selected within the sector itself and not by the government, and broad, open solicitation of proposals to gain as much country input as possible. Finally, the Legal Team investigates whether any conflict of interest exists whereby the chair or vice-chair of the CCM is the Principal Recipient and, if so, requires that a written conflict of interest policy be adopted by the CCM to mitigate this inherent conflict.

The CCM requirements became a source of great contention between the Legal Team and the country clusters during my time at the Global Fund, and I spent a good deal of time negotiating with country clusters to help ensure that important grants were signed while at the same time attempting to ensure that important requirements were also met. I believe this

experience helped me to develop stronger negotiating skills and greater confidence in asserting my role as a legal officer.

In my final month at the Global Fund, I spent much of my time working on the organization's RED campaign, a fundraising effort spearheaded by Bono and Bobby Shriver. The RED campaign partners the Global Fund with major corporations such as American Express, GAP, Converse, Motorola, Armani, and *The Independent* to acquire a percentage of corporate profits for grant activity. Currently, most RED projects are located in the U.K. where, for example, a percentage of proceeds from the sale of certain GAP products, red Motorola slider phones, and Red Am-Ex cards is donated to the Global Fund. My work on the RED campaign included assisting in concluding licensing and marketing agreements with RED partners and, in particular, registering the Global Fund as a charitable organization in all U.S. states to prepare for the expansion of RED activity in the U.S. Be on the lookout for RED Converse high-tops and RED GAP t-shirts in the not-so-distant future!

Life in Geneva was not all work, although the Legal Team devotes long hours to its efforts. Geneva is a charming city, with an eclectic international population attracted to the many international organizations located there. In the winter, the city seems somewhat dead, until one realizes that the entire population has vacated the city to ski. In the summer, music festivals, neighborhood parties, and public artificial beaches give the city a sense of constant activity. As in much of Switzerland, Geneva also possesses a well-preserved medieval neighborhood called the Old Town which, unlike much of the rest of Europe, was preserved during WWII from bombing and is replete with plaques indicating where Julius Caesar and Napoleon slept during visits to the city as well as where John Calvin and Jean-Jacques Rousseau lived. As small as the city is, I never tired of wandering the narrow streets of the Old Town and exploring the history it contains.

And did I mention the chocolate? There is a large quantity of high quality chocolate, some of which is made in towns just outside of Geneva. At Easter, the store windows filled with enormous chocolate eggs and elaborate bunnies, beautiful works of art almost too lovely to eat. Almost.

In addition, Geneva's central location and almost obsessively reliable transportation system afforded me numerous opportunities for weekend travel throughout Switzerland and Europe. During my time in Switzerland, I managed to snow-shoe near Sans Cergue to a small wooden shack serving only cheese fondue and dried meats (hearty, traditional Swiss fare designed to keep people warm and well nourished in snowy, mountainous regions), visit the cathedral and art museums of Lausanne, tour the Chateau de Chillon in Montreux (known as the Swiss Riviera), travel into the mountains to a small village called Leukenbad that could have been the setting for *Heidi*, and partake of the *caves ouverts* in the commune of Dardagny, an annual wine-tasting festival just outside of Geneva where the region's vineyards open their doors to visitors to partake of the year's crop. I traveled for the day by bus and boat to surrounding medieval French villages such as Annecy and Yvoire to glimpse the lifestyle of Old Europe. And finally, I had the chance to meet up with old friends in Paris, Nice, London, and Oxford over various weekends. Geneva is the type of city where one can hop a train to Italy or France

on a Sunday and be back for work the next day. I made sure to take advantage of the copious opportunities for exploration that the city's convenient location afforded. And, while the official office language is English, I also made sure to speak French in my daily street interactions as much as possible so as to improve my language skills. I even managed to practice some Arabic at my favorite Kebab stand.

Working at the Global Fund provided me both with professional and personal opportunities to expand my horizons, and for that I am truly grateful. The work I did, the people I met, the friends I made, and the chocolate I ate will remain with me for a long time to come.