

Justice For All

“If it would not have been for legal aid and all the help I received, I believe I would have lost everything. I thank you from the bottom of my heart.”

Low-income client in Pontiac



Michigan's

legal aid programs delivered much-needed civil legal services to thousands of low-income families in 2002. Despite limited resources, changing infrastructures and a need that still far outstrips available funding, these nonprofit agencies worked in every county in our state to help those who often have nowhere else to turn with critical legal needs.

The grantees in this report closed over 48,000 cases for low-income families in 2002. They recruited and supported a record number of pro bono lawyers and law students who volunteered increased time of over 50,000 hours for free assistance to the poor. They also provided countless other services that helped prevent legal problems or assisted in finding community solutions, including community legal education presentations and materials, pro se assistance, mediation, and referrals for human services assistance. Every day, these services help protect the elderly from bad contractors, help keep children safe in their homes, help veterans obtain benefits, help assure access to critical medical care and assist with other important legal problems.

A wide range of services was provided in 2002. 30,875 clients (64%) received legal advice and counsel from trained legal advocates. This type of service often keeps legal problems from growing more serious and helps clients make informed choices as employees, tenants or parents. Another 6,424 (13%) received non-litigation assistance through brief legal services such as contacting a landlord or a merchant, reviewing documents and settlements, or helping fill out forms. This assistance can often solve disputes without going to court.

About 4,111 (9%) individuals were referred to other sources of assistance after diagnosing their problems and identifying who in the community could assist. Legal aid programs work closely with local agencies that refer clients to them and often help legal aid programs find solutions for ongoing or repeat problems in the community. Finally, some 6,595 clients benefited from representation through litigation (8%), negotiated settlements (4%) or an administrative agency decision (2%) to protect low-income citizens' legal rights in such basic areas as family security, food, shelter, access to health care, employment and personal safety.

These services were extremely important to low-income families in 2002, a year in which Michigan was one of only five states that saw its household income drop and its poverty rates rise, according to data from the U.S. Census Bureau. There are more than 1.5 million persons who qualify for free legal aid because they live under 125% of the federal poverty guideline in Michigan. For a family of three, poverty level means an annual income at or below \$15,020. To expand the amount of assistance available, legal aid programs have implemented many efficiencies and innovations that help leverage their resources, assure a full range of services for clients, and encourage local and state coordination.

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"Access to justice is a dream. We must make it a reality."



John W. Cummiskey
1917-2002

Many grantees in this report were affected by reconfiguration of service areas announced in 2002 by their federal funder, the Legal Services Corporation (LSC). Eight geographically-based areas were redrawn into five, resulting in much time and resources devoted to planning for restructuring, closing one program and competition for Foundation funding in several areas. Programs also began preparations in light of news released by LSC in 2002 that future federal funding for Michigan would be cut by up to 20% due to changes in allocation of the following the 2000 U.S. Census. And, they also faced reduced IOLTA (Interest on Lawyers Trust Accounts) receipts. In 2002, grant funds available from this source dropped by about a third due to historically-low interest rates. Helping to mitigate this was the generosity of Michigan's financial institutions who waive fees on over 90% of all IOLTA accounts. (See IOLTA Honor Roll of Banks at www.msbf.org.) To further protect this funding source, the Foundation and the State Bar of Michigan joined 49 state bars, 37 attorneys general, the Council of Chief Justices and many others as amici on briefs filed in 2002 in support of IOLTA in a challenge to its constitutionality before the United States Supreme Court. Many respected national law firms assisted this effort pro bono and helped with oral arguments heard in December, 2002. The result was a March 26, 2003, United States Supreme Court opinion in *Brown v Legal Foundation of Washington*, 538 U.S. ____ (2003), finding that IOLTA programs do not violate the Fifth Amendment and are a constitutional means of funding legal aid services to the poor. This decision preserves more than \$165 million nationally each year for civil legal help for those in need.

Another significant occurrence in 2002 was the death of John W. Cummiskey. A long-time advocate for pro bono and access to justice in Michigan, Mr. Cummiskey was Chair of the Foundation's Legal Services Grants Committee for many years. He was also a nationally-known champion for equal justice for the poor who helped to secure federal funding for legal aid in the 1960's. His efforts contributed to many important accomplishments, such as the establishment of the state's first court-based legal assistance center in Kent County which now helps thousands of citizens each year with legal information and referrals to community or legal help. Other projects for which he provided key assistance include the formation of the State Bar's Access to Justice Task Force, the implementation of statewide legal aid technology initiatives, the establishment of the Access to Justice fundraising campaign led by the State Bar (in partnership with the Foundation and legal aid programs), the production of two state plans in 1995 and 2000 for the delivery of legal services to the poor, the Foundation's peer review program to offer Michigan programs the input of outside poverty law experts/managers, the creation and funding of a new state support entity to support and train field programs, advocacy for nonpartisan support for federal and state legal aid funding, and expansion of pro bono services from private lawyers.

Foundation leaders have followed Mr. Cummiskey's example by continuing membership on the State Bar's Access to Justice for All Task Force, serving on the State Bar's Justice Initiatives Committee to explore combining selected Access and Open Justice projects, working with the State Bar's Access to Justice Fundraising Campaign planning/policy groups and providing funding for and participating in ongoing work of the State Planning Body. These activities help to broaden support for all access to justice efforts.

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“It is fundamental that justice should be the same, in substance and availability, without regard to economic status.”

Justice Lewis Powell, Jr.
United States Supreme Court



An example is the growth of the Access to Justice Fund for which the Foundation receives and manages contributions and makes distributions and grants. It had grown to more than \$3 million in contributions and pledges with more than \$1.25 million growing in a permanent endowment by the end of 2002. The Foundation distributed \$320,450 in donations designated for specific programs in 2002 and issued the second round of general ATJ Fund grants.

The ATJ Fund supported five innovative projects in 2002, including technology to increase pro bono services for domestic violence victims, outreach to vulnerable seniors on legal processes to access food assistance, training and development for a network of education law pro bono attorneys, translation of legal educational materials into other languages, and development of tax and housing content for the state’s legal aid web site template, LawHelp. See www.atjfund.org for more information about the ATJ Fund.

The Foundation also uses other discretionary funds to support additional projects that help legal aid services. Examples include additional funds for state support to train and assist legal aid programs, education for the public through a video detailing the small claims process, expansion of online resource materials for advocates providing assistance over the telephone, development of educational materials about housing for low-income seniors, and matching funds for public interest law interns. Previously-awarded funds continued to support statewide technology initiatives that help programs integrate their work and achieve efficiencies. This includes installation of PIKA case management software in most programs; it will support uniform forms and document generation capability and allow advocates meeting clients in branch offices or off-site locations to access their program’s database over the Internet.

The Foundation also continued to provide funding toward state planning. After concluding efforts regarding LSC reconfiguration, the State Planning Body turned its attention to delivery issues and its role going forward. It also oversaw the submission to LSC of a 32-page self-evaluation report describing recent accomplishments in the state’s civil legal aid delivery system. Among the efforts chronicled in that report were the completion of a uniform

referral system among providers; the implementation of peer evaluations; the launching and maintaining of statewide web sites for advocates and clients; ongoing efforts to enhance statewide technology tools (Internet access, case management protocols, etc.) and expanding telephone intake, advice, brief service and referral systems.

The Foundation is proud to award IOLTA funds and administer Filing Fee grants (under Public Act 189 of 1993) to support the legal aid programs that made such a difference in 2002 in the lives of so many people like those whose stories are told in this report.