

Justice For All

“Access to justice is a dream; we must make it a reality.”

John W. Cumiskey
Access to Justice Leader
1917-2002



More than 1.3 million people in Michigan qualify for help from civil legal aid agencies because they are living under 125% of the federal poverty income guideline. For a family of three, the 2003 poverty level was an income of below \$15,260.

In 2003, the nonprofit legal aid programs described in this report closed over 42,000 cases for low-income Michigan families in housing, consumer, income maintenance and other legal areas. In addition a significant and growing number of non-case matters were handled, such as referrals for human services help, legal education forums and legal self-help materials. As a result, low-income citizens became better educated about their legal rights and responsibilities and had tools which often helped them prevent legal problems or keep those problems from growing more serious.

These agencies resolve critical problems every day, such as protecting people from domestic violence, assisting veterans and others who need access to health care, preventing homelessness, keeping seniors from being victimized by unscrupulous contractors, helping those wrongfully denied disability or other benefits and ensuring support for children. Over 90% of cases are handled without the need to go to Court, and most litigation that occurs is begun by someone else. However, legal aid lawyers appear in court when needed and also negotiate settlements for clients. By addressing these varied and complex needs, they improve the lives of vulnerable citizens. In these pages are more than twenty client stories which illustrate the difference that Michigan's legal aid programs make every day in the lives of real people.

In 2003, some 25,963 clients (61%) benefited from legal advice and counsel for problems that can be solved through educating clients about their legal rights and responsibilities. This often assists people in making good choices as workers, renters, parents or citizens, and it can prevent the legal problem from becoming worse.

Another 6,349 (15%) received brief legal services such as filling out forms, calling a landlord or reviewing documents, again often solving disputes without the need for going to court. An additional 5,590 clients had representation in litigation (7%), negotiated settlements (4%), or administrative agency decisions (2%), assisting with problems affecting basic needs such as food, shelter, employment and access to medical care.

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“There is one lawyer for every 300 persons in the general population in Michigan, but only about one legal aid lawyer for every 7,500 low-income citizens.”

Michigan State Bar Foundation
2003 Grantee Report Data



Also, 4,472 (11%) of individuals were referred to other agencies after review of the problem to determine which providers could assist. Legal aid programs work closely with community agencies on referrals and to find solutions for repeat problems.

To increase the amount of help available to those in need, legal aid programs, working with local bar associations, recruited and supported pro bono attorneys who gave more than 37,000 hours of free legal help in 2003 to low-income families. Even with remarkable efforts such as these, an American Bar Association study has estimated that no more than 20% of the legal needs of the poor are being met each year. Moreover, the U.S. Census Bureau reported that the number of persons living in poverty increased for the third year in a row in 2003. Despite these needs, several resources important to legal aid have recently declined.

Historically-low interest rates have reduced IOLTA (Interest on Lawyers Trust Account) revenue for legal aid grants. Through IOLTA, the Foundation receives interest on lawyer's pooled trust accounts that hold client funds that are so short term or nominal in amount that they cannot produce income over costs for the client. IOLTA revenue would be even lower were it not for those Michigan's financial institutions that waive all fees on over 90% of IOLTA accounts (see IOLTA Honor Roll of Banks at www.msb.org). Unfortunately, programs with federal funding from the Legal Services Corporation (LSC) suffered an 18% decrease in LSC grants because of the redistribution of funds required by the 2000 U.S. Census. As a result, Michigan programs will receive nearly \$2 million less from LSC annually.

Even if total legal aid funds for 2003 had not declined in our State, the need for services would still far outpace available funds. Helping address this situation underlies the Access to Justice (ATJ) Campaign, a private development effort led by the State Bar of Michigan to raise funds for civil legal aid to the poor. The Foundation receives and manages the donations and distributions for the Access to Justice Fund which has received over \$4.5 million in contributions and pledges to date, with donations of more than \$1.6 million now in a growing endowment.

ATJ donations do not make up for the gap in lost revenue or erase the unmet need, but ATJ gifts, largely from lawyers and judges, are a step toward making justice work for those who need it but who cannot afford legal assistance.

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***“Injustice anywhere
is a threat to
justice everywhere.”***

Martin Luther King, Jr.
Minister and Civil Rights Leader
1929-1968



In 2003, the Foundation worked with the State Bar on a “Use the Fund” project to provide local programs with tools to encourage their donors to make contributions through the ATJ Fund. Also, the Foundation distributed some \$644,273 in ATJ Fund gifts designated for particular legal aid programs and awarded the third round of Access to Justice Fund grants for innovative projects to assist civil legal aid. The Foundation also used other discretionary funds to provide additional one-time grants for projects to improve legal aid services.

Taking another step toward leveraging limited resources, the Foundation met with grantees and others in 2003 to examine options for increasing the use of telephone hotlines. These services are designed to provide advice, brief services and referrals by allowing eligible callers to speak directly to a legal worker who can analyze the caller’s problem and provide immediate assistance at the time of the telephone call or with a return call. Over 80% of all cases handled by Michigan legal aid agencies are resolved with advice, brief services or referrals. In 2003, legal aid programs developed plans to expand hotline services to all 83 Michigan counties by the end of 2005. The plans include alternatives for those who may not be able to navigate a phone system or who may not have the ability to follow verbal advice, as well as strategies for how this system would integrate with extended services beyond advice and brief service.

Legal aid entities also engage in many other activities to make the most of limited funding, such as collaborative efforts and partnerships to coordinate services. They participate with the State Bar, the Foundation and others in state planning and other efforts to identify strategies for an effective, efficient delivery system. Another example is the Legal Services Computer Committee (LSCC) which includes providers, the State Bar and the Foundation. LSCC has led the development of many statewide technology tools for the legal aid network. Recently, it continued its focus on the case management system it piloted and installed in most programs, working toward enhancements such as electronic transfer of information and files among cooperating programs or to pro bono lawyers, advancing statewide web sites for advocates and clients, and developing capacity for automatic forms generation over the Internet.

Michigan is fortunate to have the dedicated legal aid providers described in this report. The Foundation is pleased to support them with IOLTA, Filing Fees and other grants. For more information about these grants, legal aid or the Foundation, see www.msbf.org.