

PRO BONO INVOLVEMENT COMMITTEE

Annual Report
2003-2004

Committee Name: Pro Bono Involvement Committee

Jurisdiction: Shall concern itself with encouraging and coordinating the delivery of pro bono legal services.

Officers and Membership:

Chair: Robert Fair Gillett

Vice Chair: Margaret A. Costello

Members: 15 (including Chair and Vice Chair)

Associates: 5

Pursuant to Article VIII of the Bylaws of the State Bar of Michigan, “every Committee and Section shall annually make a written report containing a summary of its activities during the association year...”

The Committee’s Role

The Pro Bono Involvement Committee (“the PBIC” or “the committee”) is responsible for encouraging and coordinating the delivery of pro bono legal services. Lawyers are ethically required to provide such services by Michigan Rules of Professional Conduct, MRPC 6.1. Formal recognition on the part of the State Bar of the importance of “providing professional services at no fee or a reduced fee to persons of limited means” is reflected in the Voluntary Standard for *Pro Bono* Participation (the Standard). The Standard was adopted by the Representative Assembly of the State Bar of Michigan on April 28, 1990. Under the Standard, every Michigan lawyer is required each year to satisfy his or her pro bono responsibility by providing free legal services to the poor: 1) by representing three low-income individuals; or 2) by providing 30 hours of representation or services to low-income individuals or organizations; or 3) by donating \$300.00 to a Bar-approved civil legal service provider.

2003-04 Meeting Schedule (date and location):

November 20, 2003, State Bar of Michigan

February 19, 2004 State Bar of Michigan

May 5, 2004 State Bar of Michigan

June 23, 2004, State Bar of Michigan

Committee Goals: During the 2003-2004 year, the PBIC focused on the following goals:

- Revisions to MRPC 6.1 in support of pro bono.
- Development of new pro bono projects and activities; especially in the area of immigration services.
- Continued encouragement of donations to the Access to Justice Fund for programs eligible to receive pro bono donations.
- Increased recognition of pro bono contributions statewide.
- Ongoing development of the Michigan Litigation Assistance Partnership Program.
- Support of pro bono initiatives of individual attorneys, firms, programs, and other entities.

2003-2004 Committee Activities

The PBIC membership supports a wide range of pro bono activities throughout the state, including:

Pro Bono Attorney Recognition

Circle of Excellence – Acknowledgement of the pro bono contributions of attorneys and firms is one of the primary functions of the PBIC. The Circle of Excellence is a listing that is periodically published by the Bar in recognition of the pro bono services that firms and corporations across Michigan donate throughout the year. The list includes both small and large firms. The PBIC publicly acknowledges the pro bono work of the firms/corporations by listing them in the *Michigan Bar Journal*. These firms and corporations have adopted a formal written *pro bono* policy encouraging their attorneys to do *pro bono* work. The committee asks the firm/corporation to document that it has complied with the Voluntary Standard for *Pro Bono* participation and/or that it will make a good faith effort to comply with the Standard in the upcoming year. In order to be listed on the Circle of Excellence a law firm is required to complete an application and must be certified that it has provided financial donations or legal services to bring every lawyer in the firm into compliance with the Standard. The firms must reapply each year. Firms that have contributed \$300 to the ATJ Fund for each firm member are automatically included by ATJ staff in the Circle.

Cummiskey Award – Each year the committee selects and recommends to the Board of Commissioners an outstanding attorney to receive the John W. Cummiskey Award. This award is named after the late Grand Rapids attorney to recognize a member of the Bar who has made outstanding pro bono contributions. The 2003 Cummiskey Award was presented to Nino Green of Green, Weisse, Rettig, Rademacher & Clark, P.C. at the State Bar annual meeting held in Lansing.

Nomination for American Bar Association Pro Bono Publico Award – For the second year in a row the PBIC took the opportunity to nominate our Cummiskey Award winner for the Pro Bono Publico Award of the ABA. This is an opportunity to bring national attention and recognition to contributions to pro bono work by a Michigan attorney.

Donor Giving Club – As a part of continuing efforts to recognize the contributions of attorneys the PBIC will publish the list of Access to Justice Giving Club members as another acknowledgement of their support. The goal is to highlight the financial contributions of large firms. It will be published at least once each year in the Bar Journal.

Annual Meeting

The format of the Annual Meeting for 2003 was slightly altered from the previous year. The Cummiskey Award was presented to Nino Green at the luncheon session. Members of the PBIC were present to acknowledge the recipient's contributions.

Michigan Litigation Assistance Partnership Programs (MI-LAPP)

The objective of MI-LAPP is to increase civil legal assistance for low income individuals by linking the litigation and non-litigation resources of large law firms and corporate law departments with legal service programs to handle complex cases and cases restricted by funding sources, and to assist not-for-profit organizations in transactional work. This gives an opportunity for the attorneys in large firms and corporate law departments to handle pro bono cases that are comparable in substance and form to matters these attorneys handle for paying clients. Complicated appeals, pension matters, drafting of corporate (non-profit) documents, real estate litigation, intellectual property advice, tax litigation and other matters are referred through MI-LAPP. The program is managed cooperatively by the staff of the State Bar's Justice Initiatives Department, the Michigan Poverty Law Program and Community Legal Resources, a community economic development project of Michigan Legal Services

MI-LAPP Cases -The program continued to handle a strong number of cases during 2003. There were 148 cases opened and 69 cases, compared to 149 cases opened and 127 closed in the previous year. The criteria for intake at the State Bar of Michigan was narrowed to specifically address the cases that could not be taken by the local legal services agencies. Statewide the participating programs continued to increase the number of clients served.

Malpractice Insurance Policy

The State Bar of Michigan was able to provide malpractice coverage to pro bono attorneys who accepted referrals through MI-LAPP.

Support of Pro Bono Activities

The PBIC continues to explore ways to support pro bono activities statewide. The PBIC has been active in the following areas:

- Evaluating options for re-activating the Michigan Pro Bono Coordinators Association (MPBCA) including a web-based resource, Probono.net in order to promote statewide
- Supporting pro se efforts across the state
- Supporting local legal aid programs as they develop and nurture relationships with local Bar associations and other service providers

- Supporting the exploration and development of Legal Assistance Section and other Bar Sections pro bono efforts
- Improving MI-LAPP data intake methodology by supporting the implementation of the PIKA web-based intake system
- Continuing efforts to define a role for the Attorney General's office in pro bono services
- Continuing efforts to support and promoting court based legal assistance centers that provide assistance to clients on site and give pro bono opportunities to attorneys, who provide staffing for the center
- Exploring ways to expand representation, including representation with a significant pro bono component, for the immigrant and education communities.

In addition to statewide activity the PBIC applied for and was accepted as a presenter in the national 2004 ABA Equal Justice Conference to showcase the award-winning Pro Bono Domestic Violence Training Project, developed in collaboration with other partners from across the state.

New Programs and Activities

Another new program was deemed eligible for inclusion on the pro bono Eligible Programs list and on the Access to Justice Fund list in 2003 - the University of Detroit Mercy Law Clinic - in a continuing effort to support the funding for pro bono work.

The PBIC supported the initiation of the first Immigration Summit. The meeting of various stakeholders within the immigration community from across the state was the first of its kind.

The PBIC is also reviewing a potential role for MILAPP in education, immigration and other areas that would benefit from the model of utilizing large firm input and resources to leverage pro bono support.

Development of Policies on Pro Bono Issues

The PBIC has continued to develop policies to facilitate and support pro bono participation by Michigan lawyers. Policy issues addressed during the past year include:

- Developing proposed new language for Michigan Rule 6.1 in correlation with the new ABA ethics rules and preparing comments on these rules that were passed by the Representative Assembly of the State Bar of Michigan and await the final decision of the Michigan Supreme Court.
- Working with the newly developed Standing Committee on Justice Initiatives (SCJI) - developed to institutionalize the access to justice work of the State Bar of Michigan – to continue to uphold

and address the work of the Access to Justice Task Force and the Open Justice Commission – both of which were subsumed by SCJI. The new structure will focus on services to the poor and underserved, and will integrate direct delivery, fundraising, pro bono strategies, and public policy development.

Resources Provided by the State Bar of Michigan in Support of Committee Work:

State Bar staff provides meeting and materials support of PBIC and functions as the operational entity that implements many of the policies and plans established by PBIC. There is a liaison assigned to the PBIC and staff regularly collaborates with the chair and members as necessary on specific initiatives.

Future Goals and Activities:

The PBIC is redoubling efforts to collaborate with larger law firms statewide. In the planning stages are a series of meetings with various size groups of firm representatives to highlight opportunities for them to participate in a variety of efforts geared toward increasing access to legal services for underserved populations.

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