

Access to Fairness



Donald G. Rockwell

As my year as president approached, many of our colleagues asked which State Bar program I wanted to implement or emphasize during my tenure. And in a similar vein, I remember one legal news interviewer asking whether I had a particular legal passion. This question took me aback. I don't believe I've ever given thought to any kind of passion in my life, much less what I might be passionate about in my law practice or my activities over the years in local and state bars.

When the "passion" question was asked, I simply had no answer. My initial reaction was a little scary. Had my life been so boring and straightforward that passion was never an issue to me? I began questioning my life and why I couldn't readily identify at least one legal passion that would give my life in the law a little more meaning.

I decided to think about why I became a lawyer. It was then that I recognized at least one passion, and that is my firm belief that life should be reasonably fair in proportion to one's ability and character. Of course this belief is, to a great degree, an idyllic observation; as we all know, people are not perfect, and many times ability and character are completely irrelevant to how

one is treated by others in life. However, this observation underscored why I wanted to be a lawyer. Simply put, the law, the lawyers, and the courts in our great nation are recognized and established as the way for those who have been treated unfairly by others to peaceably seek remedy and fairness.

We can all extol the virtues of how our legal system promotes fairness; in large measure, it's what sets our nation apart from others. Millions have sought residency in the United States above all other nations because of our legal system.

However, a huge problem remains: access to justice for many is financially impossible. You've seen the statistics, and they're alarming:

- In the past year, approximately 71 percent of low-income households experienced at least one civil legal problem, including problems with domestic violence, veterans' benefits, disability access, housing conditions, and healthcare.
- Approximately 86 percent of those experiencing the above civil legal problems received inadequate or no legal help.

In short, the access-to-justice gap—an access-to-fairness gap, really—is far too large and one that must be addressed, and no one is in a better position to help than my colleagues throughout Michigan.

As adopted by the Representative Assembly as a policy of the State Bar of Michigan,

all active members should participate annually in the direct delivery of pro bono legal services to the poor by:

- Providing representation without charge to a minimum of three low-income individuals; or
- Providing a minimum of 30 hours of representation or services without charge to low-income individuals or organizations; or
- Providing a minimum of 30 hours of professional services at no fee or at a reduced fee to persons of limited means or to public service or charitable groups or organizations; or
- Contributing a minimum of \$300 to not-for-profit programs organized for the purpose of delivering civil legal services to low-income individuals or organizations. The minimum recommended contribution level for lawyers whose income allows a higher contribution is \$500 per year.

It's difficult to track the hours donated by our members to those who can't afford a lawyer. There is no doubt, however, that our members are generous in donating their time. Unfortunately, the financial statistics regarding our response to the access gap are not entirely encouraging:

- Over the last three years, donations to the State Bar's Access to Justice campaign have been slightly decreasing.

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- Donations to Michigan's Access to Justice program are significantly lower than national donation averages: the \$25 donation average per Michigan attorney compares to \$75 per attorney nationally without a statewide promotional campaign and \$126 per attorney nationally with a statewide promotional campaign.

Michigan attorneys are 66–80 percent below the national donation average.

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One of the great truths about our state bar is that its members have always been more than generous not only with donating their time, but also in donating their financial support. Another truth, though, is that we need to be reminded from time to time of our moral and ethical obligations in this regard.

So I have identified at least one of my legal passions, and that is to give whatever support I can to close the access-to-justice/access-to-fairness gap. I've been given a wonderful opportunity to render this support by personally continuing to meet the guidelines set by the Representative Assembly and, in my current position as president, reminding our members of these guidelines by writing articles such as this and delivering the messages in person as I travel and meet our generous members throughout our great state.

I only ask that my colleagues pause and consider my message. From there, they will do the right thing. ■

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U0816-SBM02