

STATE BAR OF MICHIGAN

6TH ANNUAL

JUSTICE INITIATIVES SUMMIT:

Legal Futurism and its Impact on Access to Justice

New York Chief Judge Jonathan Lippman

Closing the Justice Gap: Leadership, Innovation, Action

Wednesday, October 28, 2015

7th Annual Kelley Ethics Lecture and STATE BAR OF MICHIGAN 6th Annual Justice Initiatives Summit

On Wednesday, October 28, 2015, New York Chief Judge Jonathan Lippman addressed over 150 lawyers, law students and law professors at Michigan State University College of Law in East Lansing, Michigan, on the occasion of the 7th Annual Kelley Ethics Lecture and State Bar of Michigan 6th Annual Justice Initiatives Summit. The event was described as a program “that combines two celebrated justice system events into a joint gathering.”

Here are some of the highlights from Judge Lippman’s message, and a description of the day’s continued activities.

Chief Judge Jonathan Lippman Lecture

Closing the Justice Gap: Leadership, Innovation, Action

“We are all players in the pursuit of justice,” Judge Lippman said. “The greatest threat today is the desperate need of legal services by the poor and those of modest means who are fighting for the basics of life and falling off the cliff because there is a huge justice gap between availability and need.”

While there are a lot of “terrific” State Bar projects, there is so much more to do. Lippman stated the moral responsibility of the judiciary and the bar, noting a mandate going back to biblical times and pursuing equal justice in Deuteronomy.

He observed that problems are the same from one end of the country to another, and all of us have the obligation of leadership, innovation and action. Lippman cited the unmet legal needs of the poor, and the poor level of funding for legal aid. There is a need for short- and long-range planning involving both public funding and pro bono legal services—the two pillars of access to justice.

Lippman shared his experience in New York as chief judge, in a united front with the New York bar president, requesting funding for legal aid in the judicial budget because it is “fundamental to the primary mission of the judiciary.” Their pitch was not with an open hand asking for charity; rather, it was framed as being good for the bottom line of the state—banks, landlords, business professionals, and the cardinal all agreed. Economic studies show that for every \$1 put into judicial funding for legal services, there is a growing return; this year that will be \$10. Why? There is a lower rate of incarceration and lower social service costs. It makes economic sense and is bigger than being “do gooders.”

The judiciary and the profession must stand for something, and even in the light of budget cuts and layoffs, financial support for legal services providers continued in New York because “we might as

well close the doors to the courthouse if it's not open to all.” “We must stand for something, and that is the pursuit of justice.”

Lippman addressed law students regarding pro bono. “You are joining a noble profession—you have an obligation to provide pro bono legal services. Legal services lawyers are not alone; we are by their side.” Pro bono needs to be innovative and creative, and push the envelope.

The judiciary, the bar, and the academy all have a moral obligation to promote trust and confidence in the system. “It is not to make lawyers economically successful.”

“We want you to embrace core values—service to others—if you can’t, you shouldn’t be a lawyer.”

Access values must be engrained in your soul. Innovations are necessary. “Be bold; be willing to go to the end of the diving board—equal justice is at the end.”

Lippman noted emerging issues like using non-lawyers to close the gap, including courthouse navigators and others who can give effective legal assistance in niche areas to help people. He acknowledged that new ideas can create problems, including perceptions that non-lawyers may be perceived as engaged in the practice of law. New York has addressed this by introducing legislation to clarify the legal assistance of navigators is not the practice of law. Other New York innovations include mandatory reporting of pro bono for all lawyers, and the law student requirement of providing 50 hours of pro bono.

Lippman emphasized the value of partnerships in pursuing justice. Partnerships may lead to civil *Gideon* by policy, statute, or constitution. He reminded the audience that justice can take time.

“We are making progress,” Lippman declared. “A thousand flowers are blooming.” He noted that 20 years before *Gideon*, in *Betts v Brady*, there was no constitutional right to a lawyer. In those 20 years, a thousand flowers bloomed. Today, we are changing the dialogue. Legal services for the poor are every bit as important as hospitals and schools. “I believe the public is getting it,” Lippman said, noting that public opinion research shows support for fairness in the availability of legal services for all.

“We are all players in the pursuit of justice ... keep pushing the envelope to close the justice gap.”

Frank J. Kelley Remarks

Mr. Kelley shared some of his life’s story and thanked Judge Lippman for the inspiring remarks. “We can and will make access to justice a reality.” He repeated his key message to students several times: “Ethics means do the right thing.”

Lunch Remarks by Renee Newman Knake

Legal Futurism and its Impact on Access to Justice

Professor Knake shared information about a recent Futures Innovation Summit that occurred at Stanford University. She showed a [video clip](#) with highlights from that gathering.

Justice Initiatives Summit Breakout Sessions

Participants moved into four separate rooms to hear and reflect on reports from the four work groups of the Access and Affordability Committee of the State Bar of Michigan's 21st Century Practice Task Force.

1. Triage, Referral and Access to Online Information
2. Access to Quality Legal Counsel
3. Use of Legal Technicians and Supportive Services
4. Business Process Analysis and Simplification

Report Back and Wrap-Up

A major theme that emerged from the report back was the need to integrate the system. There was particular interest in the triage and online resources project. We need to be bold, push the envelope and be stalwart in addressing change.

Justice Initiatives Kickoff

Brief presentations were made on

1. Our Proud History: Pro Bono, Legal Aid, the Role of the Organized Bar, Access to Justice
2. Today: Access to Justice in Michigan, Current Structure of Justice Initiatives
3. To Make It Successful: Diversity and Inclusion Advisory Committee
4. Policy Reality: *Keller v California*, and Michigan Supreme Court Administrative Order 2004-01
5. Our Work—Justice Initiatives
 - a. Equal Access Initiative
 - b. Pro Bono Initiative
 - c. Justice Policy Initiative
 - d. Criminal Issues Initiative

Justice Initiatives Networking Reception

The day concluded with a time for meeting new colleagues, greeting old friends, and sharing ideas for the year's work ahead in an informal setting.