

**STATE BAR OF MICHIGAN  
2010-2011 COMMITTEE ANNUAL REPORT**

**Committee Name:** Pro Bono Initiative

**Jurisdiction:** To support and encourage lawyers' efforts to comply with the Voluntary Pro Bono Standard by performing pro bono legal services and by making donations to organizations providing free legal services to the poor.

**Chair(s) and Committee Members:**

Officer	Name	Address	Telephone	Email
Co-Chair	Margaret Costello	400 Renaissance Center Detroit, MI 48243	313-568-5306	mcostello@dykema.com
Co-Chair	Robert F. Gillett	420 N 4 <sup>th</sup> Ave Ann Arbor, MI 48104	734-665-6181 ext. 24	rgillett@lsscm.org
Staff Liaison	Candace Crowley Robert Mathis	SBM	517-346-6319 517-346-6412	<a href="mailto:ccrowley@mail.michbar.org">ccrowley@mail.michbar.org</a> <a href="mailto:rmathis@mail.michbar.org">rmathis@mail.michbar.org</a>
Commissioner Liaison	n/a			

Member/Advisor/Other	Member/Advisor/Other
C. Michael Bryce	Ashley E. Lowe
Thomas F. Cavalier	Keith L. Morris
Christopher Desmond	Heidi A. Naasko
Kirsten A. Enstice	Sandra D. Parker
Mark P. Fancher	Linda K. Rexer
Rick A. Haberman	Amy L. Sankaran
Hon. Denise Page Hood	Justin M. Sheehan
Joan Glanton Howard	Nathaniel R. Wolf

**Committee Meeting Schedule:**

Please attach any additional information needed regarding Committee meetings as an addendum.

Meeting Type	Date	Location
Teleconference	June 7, 2010	n/a
Teleconference	August 30, 2010	n/a
In-person/teleconference	October 18, 2010	State Bar of Michigan
Teleconference	December 6, 2010	n/a
Teleconference	March 7, 2011	n/a

**Resources provided by the State Bar of Michigan in support of committee work:**

The State Bar of Michigan provides the Pro Bono Initiative (PBI) with staff support and an initiative budget to facilitate projects and meetings.

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### Committee Activities:

The **John W. Cummiskey Award** was presented to attorney Eric I. Frankie at the SBM awards dinner at the annual meeting in Grand Rapids. The award includes a \$2,000 donation to an ATJ program to be made through the Access to Justice Fund. Mr. Frankie asked that the award be designated for Legal Services of South Central Michigan.

The second **October Pro Bono Month Celebration** occurred in 2010. A website was developed to post Michigan events. The theme for pro bono month was “Now more than ever, pro bono is more than just the right thing to do.” The website was enhanced and included a list of upcoming pro bono month events, talking points, a sample speech with the Michigan theme, and many other resources. A press release and an op-ed piece were also issued. Again in 2010, the Governor’s office proclaimed October as Pro Bono Month in Michigan. During the month of October alone, more than 25 Michigan pro bono events were reported. Those included the October 1 “Master Lawyers Section Guide to Pro Bono” at the State Bar Annual meeting in Grand Rapids, and the “Pro Bono Training: Introduction to Domestic Violence” presented by the State Bar Domestic Violence Committee on October 29. Pro Bono Month continues to shine a light on the need for pro bono legal services for Michigan’s poor. See <http://www.michbar.org/probono.cfm>.

2010 was another successful year for **MI-LAPP’s QDRO Referral Program**. In 2010, the program closed 83 QDRO referral cases. The great success of the Program in 2010 was due in very large part to the Program’s dedicated volunteer Drafters. In 2010, the Program’s volunteers included: **Joseph Cunningham, Bob Treat, Nancy Keppelman, David and Jackie Roessler, Mary Ade, and Jim Crowley**. Each QDRO case that is prepared by a Drafter, on average, requires four hours to complete. For 2010, the 83 cases that were closed resulted in 332 pro bono hours being donated. MI-LAPP continues to rely on the QDRO Committee, spearheaded by Joseph Cunningham of Plante Moran and Robert Treat of QDRO Express LLC.

**Expansion of the MI-LAPP malpractice insurance program** continued. Now, private lawyers with pro bono non-QDRO cases can be covered by the State Bar’s malpractice insurance. Additionally, lawyers who accept cases from ATJ programs without malpractice insurance can also be afforded that coverage. In 2010, many pro bono attorneys utilized the MI-LAPP malpractice insurance program; attorneys that otherwise would have been unable to offer pro bono legal services due to their lack of malpractice insurance.

In August 2010, the **Michigan Supreme Court published two versions of proposed amendments to MRPC 6.1**, requesting comments by December 1, 2010. Alternative A was the court version which was the current rule with a sentence added to emphasize the voluntary nature of the rule. Alternative B was the State Bar recommended version which provided more guidance to attorneys as to what qualifies as pro bono legal service. An impressive number of comments in support of Alternative B were received from pro bono provider programs, active large firms, the ABA, judges, and many others. The Court heard public comment on January 26, 2011. Bob Gillett, Thom Linn, John Nussbaumer, and Larry Dubin spoke in favor of Alternative B. The Court has scheduled a public discussion and administrative decision on MRPC 6.1 for May 11 at the Supreme Court.

During 2010 Pro Bono Month, A free attorney training was provided by **Project SALUTE**, a program designed by the University of Detroit Mercy School of Law to assist Veterans in Federal Disability and Pension Benefits matters. The training was designed to teach pro bono attorneys how to assist Veterans with legal issues regarding disability and pension benefits.

The **Second Annual Spring Pro Bono Workshop**, “*Nurture the Power of Pro Bono*,” occurred on May 26, 2010. Thirty-five attendees from various legal aid agencies were welcomed by Chief Justice Marilyn Kelly. There were a variety of break-out sessions including topics such as: Recruitment, Recognition, Rural Pro Bono, Engaging Law Firms; Engaging the Judiciary; and Accessing Law School Pro Bono Resources., What’s

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New in Technology, Large Group and Community Pro Bono Opportunities, ATJ Centers, expungement clinics, immigration clinics, and others. Attendees were asked to develop pro bono programs for October pro bono month. The evaluations from the workshop were all very positive.

The Third **Annual Spring Pro Bono Workshop**, entitled, "*Nurturing Pro Bono: An interactive workshop for Michigan's pro bono coordinators*," is slated for May 25, 2011 at the State Bar. This year's workshop sessions are designed to encourage interactive discussions where anyone involved with pro bono will have an opportunity to share and expand on their successful practices.

The PBI provided member Tom Cavalier as a liaison to the **Master Lawyers Section Planning Committee** to enlist support for MRPC 6.1, to help identify pro bono opportunities for members of the new Master Lawyers Section, and to coordinate the development of a "Malpractice Insurance is Not A Barrier to Pro Bono" brochure. The program was held at the SBM Annual Meeting. The program demonstrates the role that members of the Master Lawyers Section can play in pro bono. A menu of pro bono opportunities was created to provide attorneys information and resources to help them decide how they could help provide pro bono legal assistance in their communities.

The PBI was very pleased that State Bar President Tony Jenkins dedicated his **February 2011 President's Page** in the Bar Journal to pro bono service. Tony illustrated that the need for pro bono legal services, as well as financial support of legal service providers, is greater than ever.

The **pro bono website** proposed after the Detroit Bar Pro Bono Summit was reviewed by the Legal Services Computer Committee, which drafted a report to be reviewed further by the website workgroup. The pro bono website is progressing. The group is continuing to meet and to outline the functions to be included in the site. Peggy discussed the need for additional financial resources to operate the program. Peggy hopes to provide more information on the pilot program at the next PBI meeting.

**Robert Mathis was hired as Pro Bono Service Counsel**, and began working at the State Bar on December 1, 2010. Robert is responsible for supporting the growth and expansion of the SBM's pro bono initiative and working directly in establishing and maintaining relationships with legal aid providers to coordinate statewide initiatives.

The **Circle of Excellence** was published in the June 2010 issue of the Michigan Bar Journal. There were 36 applications for COE versus 23 the previous year.

The PBI was awarded the **October 2011 Bar Journal Theme Issue**. Work on the issue is on track. The October 2011 issue is going to be a great tribute to pro bono legal services in Michigan.

Nominations for the **John W. Cumiskey Award** will be reviewed and a winner identified in May.

The **Third Annual Celebrate Pro Bono Month** is set for October 2011.

W. Anthony Jenkins, SBM President; Julie I. Fershtman, SBM President-Elect; James N. Erhart, SBM Commissioner; Reginald Turner, ABA State Delegate; and Elizabeth K. Lyon, SBM Director of Governmental Relations were in Washington, DC April 12-14 to participate in the annual **ABA Day** federal lobbying efforts. The Michigan team met with all but one member of the Michigan delegation to request current FY11 funding for the Legal Services Corporation not be cut and to request support of the Administration's proposal for an FY12 funding level of \$450 million. Efforts were largely aided by letters from local legal aid offices explaining direct constituent services they provide.

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**Future Goals and Activities:**

Most of the project work described in this report occurs annually, and efforts will be directed to replicating and improving those projects. In the coming year, the PBI will continue efforts to improve the delivery of pro bono services to the poor throughout Michigan.