

Winter 2006–2007

CJI 2007 Planning

January 15

Call for ideas and projects to internal and external groups as appropriate.

March 15

Review proposals from internal and external groups for threshold criteria and missing information using Reviewer's Form (P & E Committee). Follow up by committee areas on need for proposal development.

April 12

Apply prioritization criteria and rank items (P & E Committee). Consider P&E recommendations; approve priorities and recommendations for ED to be integrated into SBM budget process (CJI).

May 30

SBM budget process re CJI's recommendations for resources.

June 30

Initiative evaluation requests for input (P & E Committee).

July 30

BOC adopts CJI plan as part of SBM budget.

August 15

Initiative evaluation results sent to P&E Committee.

August 30

CJI final work plan adjusted per BOC budget/other actions.

By October 1

CJI annual review of initiative evaluation reports and mission/goals.

<http://www.michbar.org/programs/pdfs/11calendar.pdf>

EAI Presents "What's Fair in Alternative Dispute Resolution (ADR) Through the Lens of Diversity: An Assessment and Discussion of Best Practices," at NBA Convention

The National Bar Association (NBA), the nation's oldest and largest association of lawyers and judges of color, convened August 5-12, 2006, at the Detroit Marriott Renaissance Center for its 81st Annual Convention. The State Bar of Michigan (SBM) co-sponsored several events, including the NBA Judicial Council Thurgood Marshall Judicial Awards Luncheon, the Judicial Council Reception, and a panel presentation on alternative dispute resolution (ADR).

The panel presentation, entitled "What's Fair in Alternative Dispute Resolution (ADR) Through the Lens of Diversity: An Assessment and Discussion of Best Practices," was a collaborative effort. The Alternative Dispute Resolution Section and the SBM Equal Access Initiative, (SBM), along with the NBA Arbitration Section and NBA affiliate Michigan chapters of the D. Augustus Straker and Wolverine Bar Associations, were co-sponsors.

Research indicates that ADR practitioners are less diverse than the judiciary or the bar as a whole. The sponsors convened the session because they believe that an increase in diversity among ADR professionals will increase confidence in the justice system and boost its effectiveness.

The panel explored efforts to eliminate the barriers to minority participation in ADR. The NBA Arbitration Section chair, attorney Charles E. Donnegan, shared his pioneering efforts to become an arbitrator. Professor Floyd D. Witherspoon invited the audience to participate in training efforts such as the annual Minority ADR training that he hosts at Capital University Law School in Columbus, Ohio. Dr. Maria R. Volpe, professor of sociology and director of the dispute resolution program at John Jay College of Criminal Justice-CUNY, shared her exciting research on the effect of diversity on the ADR process and the justice system. Douglas A. Van Epps, director of the Office of Dispute Resolution, State Court Administrative Office, Michigan Supreme Court, represented Michigan on the panel and highlighted ADR diversity work in our state. The ADR panel was moderated by Wayne County Circuit Court Judge Cynthia Diane Stephens.

continued on page 12

Justice Initiatives Program Retreat

The Justice Initiatives Division hosted a 2 ½-day retreat in East Lansing September 27-29 to strengthen legal aid programs that are eligible for ATJ funding. Thirty-two attendees representing 15 programs from throughout the state received information on fundraising, coordinated grant seeking, and sustainability.

Speakers and topics:

- Lesa Smith *The \$40 Trillion Pot of Gold at the End of the Rainbow*
- Nancy L. Quarles *The Appropriations Process at the Local Government Level*
- Carmen Carter *Fundraising through the Media*
- David C. Hollister *Philanthropy and Economic Development*
- Lee Reimann *The Pension Protection Act of 2006—Its Effect on Fundraising: Is your Estate Ready for Federal Tax Law Changes?*
- James Neuhard *Advocacy for Civil Legal Aid & Civil Gideon Initiatives*
- Sam Singh *Change is Coming—The Changing Landscape for Nonprofits*
- Nelson P. Miller *ATJ Campaign & Volunteer Pro Bono Standard*
- Bill Stoskopf, Sr. *Planned Gifts Fundraising—A Tools Outline*
- Kimberly M. Cahill *The ATJ Campaign*
- Hon. Cynthia Diane Stephens *An Overview of the Committee on Justice Initiatives*
- Sandi Campione *Donor Behavior—Key Characteristics & Trends*



L. Weber, D. Donohue, DMBAF



Teresa Hendricks, MMLAP



Aaron Allen, MILS



Lorinda Jones-Lindsay, NLSM



Nicole Dandridge, MSU-CLCLP

Legal Aid Programs Present:

American Civil Liberties Union Fund of Michigan (ACLUMI)
Kary Moss, Supervising Attorney
<http://www.aclumich.org>

Bay Area Women's Center (BAWC)
Regina Turner, Executive Director
<http://www.bayareawomenscenter.org>

Center for Civil Justice (CCJ)
Terri Stangl, Executive Director
info@ccj-mi.org

Community Legal Resources (CLR)
Heidi Mucherie, Executive Director
<http://www.clronline.org>

Detroit Metropolitan Bar Association Foundation (DMBAF)
Lorraine Weber, Executive Director
<http://www.detroitlawyer.org>

Elder Law of Michigan (ELM)
Kate White, Executive Director
<http://www.elderslaw.org>

Legal Assistance Center (LAC)
Kristin Hanratty, Supervising Attorney
<http://www.legalassistancecenter.org/>

Michigan Indian Legal Services (MILS)
Jim Keedy, Executive Director
<http://www.mils.org>

Michigan Migrant Legal Assistance Project, Inc. (MMLAP)
Teresa Hendricks, Executive Director
<http://www.mmlap.com>

Michigan State University College of Law Clinical Law Program (MSU-CLCLP)
Michelle Halloran, Program Director
<http://www.msulawclinics.org>



Sandi Campione, I.D.C.



Katy Graham, NLSM



Sam Singh, MNPA



Nelson Miller presents ATJ Campaign & Volunteer Pro Bono Standard

Neighborhood Legal Services of Michigan (NLSM)
Leonard A. Sanchez,
Interim Executive Director
<http://www.freewebs.com/wcnls>

Prison Legal Services of Michigan (PLSM)
Sandra Girard, Executive Director
<http://www.plsminc.org/>

Sixty Plus Inc., Elder Law Clinic (SPELC)
Kimberly O'Leary, Executive Director
<http://www.cooley.edu>

Underground Railroad, Inc.
Civil Legal Program (URR-CLP)
Valerie Hoffman, Executive Director
<http://www.undergroundrailroadinc.org>

University of Detroit Mercy School of Law
Clinical Law Program (UDMSLCLP)
C. Michael Bryce, Director
<http://www.law.udmercy.edu>

Washtenaw County/EMU Legal Resource Center (WC-EMURC)
Frank A. Fleischmann, Executive Director
<http://www.emufoundation.org>



Rachel Estabrook, URR-CLP



Sandra Girard, PLSM



Regina Turner, BAWC



Desirnai Hicks, ACLUFMI



Kristen Hanratty, LAC



Terri Stangl, CCJ

In Memoriam Norris J. Thomas, Jr.



Norris J. Thomas, Jr.

Lawyers, judges, relatives, and friends recently attended the home going service of the late Norris J. Thomas, Jr., chief deputy defender of the State Appellate Defender Office (SADO).

In 1972, Mr. Thomas joined SADO, where he served for more than three decades. He was the attorney on many landmark criminal cases in Michigan courts and mentored dozens of attorneys representing indigent defendants on appeal. When his protégés argued before the Michigan Supreme Court, they did not appear alone; Norris assisted at virtually every argument.

In 2000, he helped create Michigan's Gideon Project and the Michigan's Citizen Task Force on Improving Public Defense, working toward a state-wide public defender system for indigent defendants.

Mr. Thomas held leadership roles in numerous public-interest organizations including the Criminal Defense Attorneys of Michigan, the Criminal Law Section of the State Bar of Michigan, the Criminal Jurisprudence and Practice Committee, Prison Legal Services of Michigan, Michigan Council on Crime and Delinquency, the Equal Access Initiative, Committee on Justice Initiatives, and Citizens Alliance of Prisons and Public Spending; among others.

While in law school, he worked as a research assistant to Prof. Robert Harris on his *Fair Housing* book and as a student intern at Washtenaw County Legal Aid Society, and served on the Ann Arbor Human Rights Commission and the Housing Emergency Loan Program Board. He was also an elected officer of the Black Law Student Association.

After graduating from the University of Michigan Law School, Mr. Thomas began his legal career as a legal services lawyer in Ann Arbor, Michigan. He served on the Ann Arbor City Council, representing the First Ward for two terms, and on the Ann Arbor Planning Commission for four years.

New SBM Initiative to Address Civil Law Consequences of Criminal Convictions

The State Bar of Michigan has a long-standing history of working to make the justice system fair and accessible to all. Now, one of its broad-based volunteer committees, Justice Initiatives, is taking on a new challenge: the civil consequences of criminal convictions.

This work will be undertaken by the Justice Initiatives committee's newest entity, the Criminal Issues Initiative(CII). The CII has a broad-based mission that also includes the delivery of criminal indigent legal services. The initiative has selected the area of civil consequences as its 2007 focus. Detroit-area attorney Frank D. Eaman is the chair. The initiative is currently addressing the need to more fully apprise practitioners of the potential long-term effects of even minor criminal convictions on their clients. Among the possible consequences from a criminal conviction are deportation for non-citizens, loss of access to public housing, and ineligibility for government student aid.

The CII is currently compiling resources such as decision checklists, handbooks, manuals, self-help materials and training modules for use by attorneys and others. Plans are underway for a training conference in connection with Michigan law schools to apprise lawyers, interested organizations and law students about the civil and collateral consequences of criminal convictions.

"In addition to informing criminal defense attorneys about the civil and collateral consequences of their clients' convictions, our committee expects to move forward in the future with other programs directed toward improving the delivery system of indigent defense in Michigan and in ensuring that indigent defendants have equal access to criminal justice along with those who are able to afford their own attorneys," Eaman added.

Members of the Criminal Issues Initiative come from various disciplines and will work to come up with holistic solutions to criminal justice and representational issues. Members of the group are:

Frank D. Eaman, Chair
Frank D. Eaman, PLLC
Detroit, MI

Martin P. Krohner, Vice Chair
Law Offices of Martin Krohner, PLC
Farmington Hills, MI

In Memoriam Hon. William Leo Cahalan

Hon. William Leo Cahalan, retired judge, Wayne County Circuit Court, passed away on January 31, 2007. His outstanding public service was recognized by the State bar of Michigan in 2006 when he was the recipient of the Michael Franck Award for outstanding public service.

Public service was the hallmark of Judge Cahalan's life. At his funeral mass, his eldest son told the story of the judge promising God that when he healed from his illness, he would devote the rest of his life to public service. Those in attendance agreed with his son's observation that, "Dad you'll have to make a new promise. You've already fulfilled that one."

Judge Cahalan's career of public service included a long career at the Wayne County Prosecutor's Office, where he became the chief of the Civil Division. In 1974, he was elected to the Third Circuit Court bench. He was also an assistant judge advocate in The United States Army. Upon his retirement from the bench in 2006, he was appointed the first director of Drug and Problem Solving Courts for Wayne County. The judge had a long history of personally offering assistance and support for his colleagues in the legal profession who struggled with alcohol and substance abuse issues.

Judge Cahalan served on several committees of the State Bar of Michigan, including the Standing Committee on Lawyers and Judges Assistance and the Committee on Justice Initiatives, Criminal Issues Initiative.

He was an alumnus of the University of Notre Dame and the University of Michigan.

In addition to his wife, Valina, survivors include sons Leo and David, daughters Carol Cahalan and Beth Kwiat, two sisters, a brother, six grandchildren, and many nieces and nephews.

"The law will never make men free, it is men that have to make the law free."

—Henry David Thoreau

continued on page 12

CJI Entities Meeting Schedule

March

- Thursday, 3/8/07 – JPI; conference call 9:15 a.m.
- Tuesday, 3/20/07 – EAI; SBM Bldg., 1:30 p.m. lunch, 2:00 p.m.–4:00 p.m.
- Thursday, 3/22/07 – PBI; conference call 4:00 p.m.–6:00 p.m.
- Friday, March 30, 2007 – BOC; SBM Bldg., 8:30 a.m.

April

- Thursday, 4/5/07 (if needed) – JPI; conference call 9:15 a.m.
- Thursday, 4/12/07 – CJI; SBM Bldg., 1:30 p.m. lunch, 2:00 p.m.–4:00 p.m.
- Monday & Tuesday, 4/16 & 17, 2007 – BOC: Strategic Planning Session at Radisson Hotel, Lansing

May

- Friday, 5/4/07 – BOC; Boyne Mountain, Grand Mountain Lodge, Boyne Falls
- Thursday, 5/10/07 – JPI; conference call 9:15 a.m.
- Tuesday, 5/15/07 – EAI; SBM Bldg., 1:30 p.m. lunch, 2:00 p.m.–4:00 p.m.
- Wednesday, 5/23/07 – CII; SBM Bldg., 10:00 a.m.–12:00 p.m.
- Thursday, 5/24/07 – PBI; conference call 4:00 p.m.–6:00 p.m.

June

- Tuesday, 6/05/07 – CJI; SBM Bldg., 1:30 lunch, 2:00 p.m.–4:00 p.m.
- Friday, 6/15/07 – BOC; SBM Bldg., 8:30 a.m.
- Thursday, 6/28/07 (if needed) – JPI; conference call 9:15 a.m.

July

- Friday, 7/20/07 – BOC; SBM Bldg., 8:30 a.m.
- Monday, 7/23/07 – CII; SBM Bldg., 10:00 a.m.–12 p.m.
- Thursday, 7/26/07 – PBI; conference call 4:00 p.m.–6:00 p.m.

August

- Thursday, 8/9/07 – JPI; conference call – 9:15 a.m.
- Tuesday, 8/21/07 – EAI; SBM Bldg., 1:30 p.m. lunch, 2:00 p.m.–4:00 p.m.

September

- Friday, 9/26/07 – BOC; Amway Grand Plaza, Grand Rapids
- Thursday, 9/27/07 – CJI; SBM Bldg., 1:30 p.m. lunch, 2:00 p.m.–4:00 p.m.

Key

- BOC = Board of Commissioners
- CII = Criminal Issues Initiative
- CJI = Committee on Justice Initiatives
- EAI = Equal Access Initiative
- JPI = Justice Policy Initiative
- PBI = Pro Bono Initiative



(l-r) Ken Wyniemko, Kim Cahill, Nancy Diehl, Bruce Neckers, and Thomas Cranmer; (not pictured) Beth Arnovits and Frank Eaman

SBM Press Conference— An Effective Criminal Defense System

State Bar leaders held a press conference in Ypsilanti on September 15 to discuss the importance of an effective criminal defense system. Speakers included the current State Bar president, three past State Bar presidents, two members of the Public Defense Task Force, and an individual who was convicted of a crime who was later determined to be innocent of the charges based on DNA evidence.

Primary issues of concern focused on funding inequalities, large case loads, compensation for services, adequate training, and standards.

A statewide study conducted by the National Legal Aid and Defender Association with the support of the State Bar of Michigan and the State Court Administration Office is currently underway to evaluate the status of the Michigan system. The report should be completed next year.

The conference was held at the State Bar of Michigan 71st Annual Meeting in conjunction with a program organized by the Criminal Law Section of the State Bar of Michigan.

Accommodating Persons with Non-Obvious Limitations in Mobility

by J. Kay Felt, Dykema Gossett PLLC

Many persons with limited mobility do not initially appear to have a disability, particularly if they do not use a cane or other assistive device. A disability may become apparent only when a person moves about the court facility with difficulty or when a crowd or rush of people affects the person's balance. Often, people with mobility limitations have not fully recovered from a disabling illness or injury (e.g., stroke or accident), or they may have a condition that is progressively or intermittently disabling (e.g., multiple sclerosis, Parkinson's disease, post polio syndrome, or other neurological condition), or they may simply be in the normal aging process.

Signs of a limitation of mobility include unsteadiness, walking slowly, aberrations in gait, holding back, or requiring unusual time to get around the court facility or follow instructions related to movement.

The biggest risks for people with limited mobility are loss of balance, unanticipated falls, and excessive exertion.

It is problematic for court personnel when limitations are not disclosed, but the individuals involved may also be at a disadvantage in this situation. They may be unaware of the ability to request accommodations; they may deny any limitation; they may not want to call attention to their conditions; or they may not have anticipated the challenges of accessing the particular court facility. Even an attorney who has never been with the individual in a physi-

cally challenging situation may not be aware of any limitations.

Fortunately, accommodations for such persons usually require no extra court personnel or other additional expense. Most simply involve common sense.

General Accommodations

Some accommodations are helpful to persons with various types of mobility limitations, both obvious and not so obvious. They include:

Publicize the availability of Form MC 70 to request accommodations. Don't insist on compliance with advance notification requirements when the accommodations do not involve special equipment or personnel. Make accommodations without requiring the form when requested or when the need is otherwise recognized.

Ask individuals who inquire about accessibility in advance if they have a cane or other assistive device. Suggest that they bring it even if they do not regularly use it, as this may alert others not to rush or crowd. Accidents most frequently occur when others do not realize there is a mobility issue.

Provide in advance a complete list of all types of items that are prohibited in the court facility. Encourage security personnel at inspection points to identify all offending items at the initial inspection so that persons do not have to go back to their automobiles multiple times to store prohibited material. (This will please all visitors.)

Encourage court personnel who observe a possible problem to ask the individual about the need for accommodations and to alert the applicable judge, since the limitations may not be obvious to the judge. If the possible need for accommodations is not recognized until court is in session, have the court personnel speak unobtrusively with the individual at the first recess.

Minimizing the Risk of Falls and Other Loss of Balance

Loss of balance and falling are significant risks to persons of limited mobility in unfamiliar public places. What accommodations are reasonable and helpful to minimize these risks?

Proactively anticipate and minimize these risks. Conspicuously mark changes in elevation and mark the top of steps or stairs. Don't overly polish floors, and use products that minimize slipperiness. Have consistent and adequate lighting.

Offer adequate time for breaks when a person with limited mobility is in the courtroom so the person does not have to rush.

Offer the person access to elevators, when available, and opportunities to sit and remain seated when others are expected to stand.

Offer alternate restroom facilities if the public facilities are not close to the courtroom involved.

Avoid risks for an individual who has difficulty climbing even a few steps or accessing positions in a jury box with different elevations either by offering a chair nearby or

having a security person extend an arm to help steady the individual. This can be particularly problematic if a prospective juror of limited mobility is excused during voir dire and has to pass other prospective jurors who are seated on the way out.

Encourage court personnel to recognize and be responsive to mobility limitations, such as by avoiding unnecessary rushing, not walking closely behind a person who is moving slowly, and not passing the person from behind on the right side as opposed to the left side. These and other similar actions can be surprising and can affect a person's balance. Unless the person objects, during crowded times it is helpful for someone to walk a safe distance behind the person and in a position to block others from inadvertent crowding. If the person requests, allow the person to step aside until a crowd passes. Give the person all the time and space needed to move safely.

Refrain from giving hands-on assistance without first asking—except when a person is in the process of falling. Many people with poor balance are thrown more off balance if someone unexpectedly takes the person's arm, especially if the helper interrupts the person's progress or does not walk at precisely the same gait and speed. It may be safer for the unsteady person to take the helper's arm.

Ask how best to help a person who has fallen, and don't attempt to assist the person without consent. Falls are inherently unexpected. The person may need time to gather composure, assess whether there is an injury, or use unusual means that work best for that person to get to a standing position. After the person

is up, it is helpful to offer a chair and offer water.

Don't move a person who has fallen and cannot move, does not want to move, or is unconscious. Call an emergency medical service or other trained personnel to minimize further injury. Block off the area until help arrives.

Avoiding Unnecessary Exertion

What seems to others to be normal activity may be overly stressful to a person with limited mobility. How can unnecessary exertion be minimized?

Have adequate seating when the person has to wait. Some people find it difficult to stand for even a short time.

Consider the timing of various activities. For example, if such a person is on a jury panel, don't start voir dire just before an anticipated break, especially when the jury box is difficult to access.

Recognize that exertion may cause thirst. Allow the person to bring a water bottle, or have water conveniently available.

Re-evaluate handicap parking. All too frequently, handicap spaces are not the closest to the main building entrance. At least some spaces should be near the entrance. If a ramp starts at some distance from the entrance, some handicap spaces should be near the entrance and some near the bottom of the ramp.

Persons with limited mobility tire easily and become discouraged. They appreciate court personnel who are encouraging and who make it their goal to assist with the functions at hand. Defendants and witnesses are in court because they have no choice. Others consider

it a right. While some prospective jurors with limitations appreciate the opportunity to request relief from service, others regard jury service as a privilege. They do not want to be excused; they just want reasonable accommodations.

Most of all, persons with limited mobility appreciate being treated with respect and good humor. They are dismayed when, as sometimes happens, it is assumed that limited mobility equates to a cognitive deficit. They appreciate being consulted directly on what accommodations are needed, and not being forced to accept burdensome measures. They are usually the best experts concerning their needs.

Request for Accommodation Form MC 70

The Request for Accommodation form MC 70 has been posted on the Equal Access Initiative website at www.michiganequalaccess.org. Information on its use and the court of appeals accommodation policy are also posted in an effort to better assist disabled courthouse users in accessing court services. The web page contains the disabilities newsletter, handouts, and press releases. Letters to chief judges in each county are pending.





Committee on Justice Initiatives and Volunteers

The State Bar of Michigan supports many justice initiatives that help make available high-quality civil legal services to all Michigan citizens, assuring that the justice system is strong, equal, and fair in its application.

Please see <http://www.michbar.org/programs/justiceinitiatives.cfm>.

Justice Policy Initiative—analyzes and recommends positions on proposed legislation, court rules, and other policies relevant to the Justice Initiatives.
<http://www.michbar.org/publicpolicy/>

Access to Justice Campaign—SBM supports a staff that works with committed volunteers on growing the Access to Justice Fund endowment, seeking current operations funds and supporting 42 local nonprofit agencies in their fundraising efforts to provide civil legal aid for the poor. <http://www.michbar.org/programs/ATJCampaign/home.cfm>

Equal Access Initiative—develops policies and programs to benefit underserved populations, including those with special needs, cognitive disabilities, and juveniles.
<http://www.michbar.org/programs/equalaccess.cfm>

Pro Bono Initiative—encourages and coordinates free or discounted fees for civil legal services. Pro bono service is a way that Michigan attorneys assist low-income individuals in need of legal assistance. <http://www.michbar.org/programs/atj/home.cfm>

Criminal Issues Initiative—examines collateral civil consequences of criminal convictions and representational issues in the criminal justice system.

Seated (l-r):
Hon. Paul Teranes
Frank Eaman
Hon. Cynthia Diane Stephens
Terri Stangl
Laurin Roberts Thomas

Standing (l-r):
Anthony Derezinski
Robert Ianni
Erika Akinyemi
Norris Thomas (Deceased)
Thomas Thornburg
Valerie Newman
Marty Krohner
Hon. William Leo Cahalan (Deceased)
Margaret "Maggy" Davis
Robert Gillett
Michael Blau
Margaret Costello
Kenneth Penokie
Ed Pappas
David Koelsch
Miriam Aukerman
Karen Tjapkes
Thomas Cavalier
Angela Sherigan

Not Pictured:
Teresa Caine Bingman
Al Butzbaugh
Evanne Dietz
Alyce Haas
Daniel Hopp
Ronald Keefe
James Neuhard
Linda Rexer
Hon. Kurtis Wilder

Justice Initiatives staff



Jennifer Williams
Administrative Assistant



Gregory Conyers
Program Administrator



Lesa Smith
Program Administrator



Jerome Reide
Director



Laura Graham
Program Manager



Judy Hershkowitz
Administrative Assistant



Jennifer Ylonen
Administrative Assistant

Committee on Justice Initiatives—The State Bar’s Work Continues

Hon. Cynthia Diane Stephens and Richard D. McLellan

We have high expectations and aspirations for our justice system. We want it to be both efficient and predictable in resolving disputes, while giving individual attention to every person’s case. Our belief is that the justice system should wisely husband our resources even as it is accessible to all. In 2005, the State Bar adopted its vision for Michigan’s justice system.

Needless to say, our system of justice does not fully meet those expectations or aspirations. Americans are disappointed at the gap between what is and what should be. In beauty salons and barber shops, grocery stores, and classrooms we describe our concern and then say, “Somebody should do something about it!”

The Committee on Justice Initiatives (CJI) is the organized bar’s agent to close the gap between our aspirations and reality. The nearly 120 volunteers who participate in our four initiatives and work groups gear their considerable energy, intellect, and goodwill toward specific aspects of the delivery of justice system services.

This article traces the genesis of CJI as the culmination of many years of committed labor by State Bar leaders.

The Forerunners and the Open Justice Commission

The CJI can trace its lineage at least back to 1986 when Chief Justice G. Mennen Williams established the Citizens Commission on Courts. The Chief Justice, Chair Justice Patricia

Boyle, and their colleagues were determined to give the owners of the justice system—the people—an opportunity to evaluate it in an organized fashion. Comprised of a true cross-section of Michigan residents, the Commission on Courts reported a high level of confidence in the justice system as a whole but found that it cost too much and took too long. It also reported a widespread perception of institutional race, ethnic, and gender bias in our courts. The Supreme Court undertook a number of efforts in response, including creating case disposition guidelines. In 1987, the Court went further by creating two special bodies: the Task Force on Gender Issues in the Courts and the Task Force on Racial/Ethnic Issues in the Courts.

The twin task forces spent a year examining why women and minorities had less confidence in the justice system than white men. Led by 1987 State Bar President Julia Darlow and Judge Harold Hood, the women and men on the task forces heard testimony from many sources at hearings from Marquette to Detroit. Task force members also raised the money necessary to execute their goals. The reports of the task forces were presented to the Court and the public in 1989. Many of the task forces’ recommendations led to immediate action, including creation of the Domestic Violence Task Force (and later State Bar committee), aggressive recruiting of women and minority faculty for the Michigan Justice Institute, and the creation of effective liaisons with

the tribal courts. However, one key recommendation, the creation of an institutionalized entity to address the gaps between aspiration and reality, was not acted upon.

In 1997, President Victoria Roberts, currently a judge of the United States District Court for the Eastern District of Michigan, commissioned a State Bar task force to review the 1989 reports and make recommendations. Former U.S. Attorney Saul Green and Dawn Van Hoek of the State Appellate Defender’s Office shepherded this painstaking effort. They reviewed the progress on each of the recommendations in the earlier reports and noted:

We have laid the groundwork for a renewed statewide commitment to the elimination of bias. We now look to both the State Bar of Michigan and Michigan Supreme Court to provide that crucial leadership. As the most significant first step, and our most important recommendation, the Task Force urges the creation of a Joint Commission on Diversity Issues and the Michigan Justice System, established by the State Bar of Michigan and Michigan Supreme Court to serve on a permanent basis. This Joint Commission should both monitor and work toward accomplishment of the 1989 recommendations, while also expanding the scope of inquiry into new problem areas of racial, ethnic and gender bias which are identified after investigation. It is our unanimous conclusion that without such a commission, Michigan is unlikely to see continued and coordinated progress.

In 1999, the Open Justice Com-

mission was created with a five-year term. Judge Hood again provided leadership with Justice Marilyn Kelly. The Open Justice Commission was charged with: (1) raising awareness of open justice issues and the impact of the task forces' subjects of concern upon fair delivery of justice; (2) reducing or eliminating bias or discrimination in the courts and in the legal profession; and (3) increasing public confidence in the fairness of the legal profession and the equal application of law for all.

The Commission accomplished much during its short life. The award-winning Pro Bono Domestic Violence training was a significant product of its cooperative efforts. It also produced the recently published Juvenile Justice Handbook. In 2002, the National Consortium of Task Forces and Commissions on Racial and Ethnic Fairness in the Courts met in Michigan due to the efforts of the Commission.

The Task Force on Access to Justice for All

The CJI can also trace its roots to the State Bar's Task Force on Access to Justice for All (ATJ Task Force), which was established by the State Bar in 1996 under the leadership of President Tom Kienbaum, who named Hon. Victoria Roberts as the task force's first chair. Creation of this task force was the overarching recommendation of The Michigan Plan: A State-based Plan for Civil Legal Services, produced through the collaborative efforts of the State Bar, the State Bar Foundation, and civil legal services programs.

The ATJ Task Force was also a long-time objective of former

State Bar President and Foundation Trustee John W. Cumiskey, who advocated that it would showcase the leadership role that the organized bar should have in access to justice and that it would be an "umbrella" to bring together key stakeholders to promote cooperation and coordination. The ATJ Task Force was drawn from the State Bar leadership, the Foundation, and legal service providers. In 1997, the State Bar finalized its planning effort, including Access to Justice in its list of 10 goals. The State Bar added a number of staff positions to support the work of the ATJ Task Force through committees in four areas: pro bono, technology, service delivery, and resource development.

In 1998, the ATJ Task Force saw two significant developments. It won the American Bar Association's Harrison Tweed Award for its extraordinary actions to support access to justice and its approach to doing this in partnership with key stakeholders. Second, the ATJ Task Force recommended a statewide fundraising campaign to increase resources for civil legal aid services to the poor in Michigan. Discussions among the legal aid programs, the State Bar, and the Bar Foundation resulted in working together to design an ATJ campaign, which would include a permanent endowment that could grow to provide future income for civil legal aid services. The State Bar provides staffing to solicit donations that are received and managed by the Michigan State Bar Foundation, a 502(c)(3) charity that holds the ATJ Fund and makes distributions and grants from it to support civil legal aid for the poor. To date, more

than \$6 million in contributions, pledges, and planned gifts have been received by the ATJ Fund.

The goal of raising significant private funds to support civil legal aid was boldly announced in 1998 by then ATJ Task Force Chair Al Butzbaugh, 1999–2000 State Bar president and current Berrien County Circuit judge. This project and the other work of the task force was also continued by its next two chairs, former State Bar President Reginald Turner and Charlotte Johnson. Additionally, it was under the access to justice mantle that the pro bono guidelines were strengthened. The State Bar's Pro Bono Committee, in cooperation with the ATJ Task Force, marshaled thousands of hours in service to the legally underrepresented in our state.

The Formation of CJI

The ATJ Task Force and the Open Justice Commission operated on often intertwining paths for several years. At the same time, many of the committees of the State Bar and special and local purpose bar associations devoted considerable time and efforts addressing access and fairness issues. Occasionally, two or more organizations or committees without knowledge of one another were attacking the same issue. After a thorough strategic planning process, President Scott Brinkmeyer charted our present course: to strive for a qualitatively improved justice system service through a single, albeit multi-faceted committee. Initially called the Standing Committee on Justice Initiatives, CJI was given the following charge:

. . . promote the effective delivery

of high quality legal services to all Michigan citizens, and to assure that barriers are reduced so that the justice system is the strongest possible, equal and fair in its application to all.

The CJI was thus charged with being the body to act on behalf of the organized bar to coordinate efforts to do something about the gap between our ideal justice system and the system within which we function. The CJI was to become the State Bar entity to address the issues raised in reports from the task forces on Gender Issues in the Courts and Racial/Ethnic Issues in the Courts, as well as reports from the Citizens Commission on Courts.

Organized in 2004, the CJI was a blend of the Access to Justice Task Force, the Pro Bono and Legal Aid Committees, and the Open Justice Commission. The CJI intensely discussed the best organizational format to accomplish its current task and respond to the changing environment. In 2005, the committee began operation through four initiatives: Resource Development, Pro Bono, Justice Policy, and Equal Access.

The initial structure of the CJI did not address the criminal aspect of the committee's charge. Linda Rexer, executive director of the Michigan State Bar Foundation, facilitated a Criminal Issues Workgroup that made recommendations for inclusion of criminal issues in the committee's work. The workgroup's members considered and reviewed the efforts of other people and institutions in the criminal arena. They recognized the leadership of Senator Alan Cropsy, who has led the efforts of the legislature to address both the quality and cost of criminal

indigent legal services. They received input from external institutions like the State Planning Body and the Prison Reentry Task Force, which are working on similar issues. They also interfaced with several sections and committees of the State Bar that are focused on criminal issues. The workgroup's members recommended the creation of a Criminal Issues Initiative within the CJI that would have as its principal focus criminal legal services and the civil consequences of criminal convictions. The State Bar Board of Commissioners approved that recommendation and the new initiative will begin its work in the 2006–2007 bar year.

An African folktale describes the nature of our work. The story recounts two men fishing on the bank of a river. They spy an infant in a basket in the river. After they retrieve the frightened child, another floats by and yet another. As one of the fishermen grabs a child from the river, the other runs upstream. The first fisherman shouts to the other to come back. The running fisherman replies, "You stay down here and save them. I'm going upstream to see where they are coming from."

Somebody should!



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The State Bar of Michigan recognizes the following hallmarks of an open, fair, and accessible justice system:

1. Adequate, diversified, and sustained resources exist to provide meaningful access to justice and to prevent, remove, or reduce barriers to the justice system.
2. A full range of services is available in a consistent, prompt, understandable, high-quality, and affordable manner.
3. A coordinated statewide system delivers services to juveniles and adults in a manner that considers the impact of the civil and criminal justice system on the clients they each serve.
4. User-friendly technology is available to all justice stakeholders to fairly and efficiently maximize access to justice.
5. The justice system is inclusive and meets the legal needs of a diverse population.
6. The justice system promotes collaboration among key constituents to meet the legal needs of the public.
7. Public legal education creates an informed public and helps those who must proceed without a lawyer, or with a court-appointed lawyer.
8. The highest and best use of all resources is made so that duplication is avoided, capacity is developed, and quality is assured.
9. Bar leaders make access to justice a visible priority and have a high level of involvement working toward that priority.
10. The justice system recognizes that establishing and maintaining a fair and accessible system is the responsibility of every lawyer and every institutional participant in the system.



L-R: Paul R. Abrahamsen, Michael S. Callahan, Hon. Cynthia Diane Stephens, Chair, CJI.

John W. Cummiskey Pro Bono Award

Nearly 25 years after being sworn in to the State Bar of Michigan, one could say that Michael S. Callahan has come full circle. His sponsor at that ceremony in 1982 was John W. Cummiskey, whose Grand Rapids law firm hired him fresh out of the University of Indiana School of Law. This year, Callahan has been chosen as winner of the award bearing Cummiskey's name.

Callahan, who now serves as director of operations and general counsel at Grand Rapids-based Stiles Machinery, Inc., has been actively involved with Legal Aid of Western Michigan since 1983. During that time period, Callahan has accepted many referrals, most in the areas of bankruptcy and divorce, the program's biggest areas of need.

According to Legal Aid of Western Michigan, Callahan is the group's lone attorney employed within a corporate setting who accepts case referrals. In the 23 years he's offered his services to the organization, he's donated more than 415 hours of his time to handle cases for those who can't afford an attorney.

EAI at NBA Convention

continued from page 1

More than 30 attorneys attended the event. Copies of the tape of the panel are available for interested groups by contacting jhershkowitz@mail.michbar.org.

The Equal Access Initiative, one of the five operating entities of the State Bar Committee on Justice Initiatives, is designed to promote the effective delivery of high-quality legal services to all Michigan citizens, and to assure that barriers are reduced so that the justice system is the strongest possible, equal and fair in its application to all.

SBM Initiative to Address Civil Law Consequences of Criminal Convictions

member list continued from page 4

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Saint Joseph, MI

Sheila Spalding Blakney
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Washtenaw County Office
of Public Defender
Ann Arbor, MI

Sharon McPhail
General Counsel
Office of the Mayor
Detroit, MI

Nelson P. Miller
Assistant Dean
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Valerie R. Newman
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