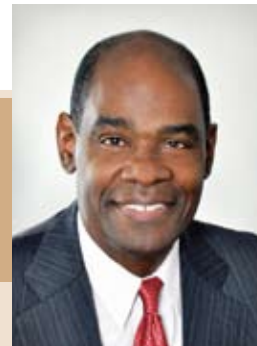


Looking Ahead



W. Anthony Jenkins

So many of you have extended congratulations and best wishes and have volunteered to help as I begin my service as president of the State Bar of Michigan. I would be remiss if I did not say thank you and let you know how much I appreciate your good wishes. As we begin a new chapter and a new bar year, let me start by saying a few words about an issue that should be on all our minds: the importance of our professional responsibility for pro bono legal services.

Pro Bono is Needed More Than Ever

For the second consecutive year, the SBM has designated October as Pro Bono Month. The new bar year is certainly an opportune time to acknowledge the contributions of so many Michigan lawyers and lawyers elsewhere who perform pro bono legal services or make financial contributions to legal aid programs that do so. Thank you for your great work. It is also an appropriate time to remind those who are not yet among the ranks of such volunteers or contributors that your help is needed so we can get our work done.

The latest SBM pro bono report reveals, among other things, that Michigan lawyers have made significant contributions to pro bono work by providing legal services directly to clients, contributing funds to pro bono programs, or both.¹ The report also reveals, however, that the level of contributions, whether measured by man hours or dollars and cents, has remained relatively flat over the past decade. The bottom line is that today, nearly 50 percent of those who qualify for pro bono legal services are turned away by legal aid programs because of lack of resources. It is critical that we, as lawyers, do better to meet this growing need.

Another disturbing finding of the report is that the services reported by some lawyers as pro bono do not meet the standards of MRPC 6.1, the cornerstone of pro bono publico in Michigan. How significant is such over-reporting of the delivery of pro bono legal services to the needy, and does that finding indicate a need for clarification of what MRPC 6.1 means? The Michigan Supreme Court recently issued ADM file no. 2010-18 on this very issue.² I urge your input.

As lawyers, we should seek to meet our obligation under MRPC 6.1 faithfully and with honor, whether by directly performing pro bono legal services or by making a contribution to the Michigan State Bar Foundation's Access to Justice Fund or another pro bono legal program. Doing so accomplishes a great deal beyond meeting our professional responsibility. It also enhances the public's perception of lawyers, promotes access to our justice system and the administration of justice, enhances the quality of life for needy individuals and families, and improves the quality of life in the communities in which we all live, work, and play.

What's in Store for the Bar Year?

So many of you have asked what the new bar year will bring. No doubt, the year will bring challenges and opportunities. I look forward to working with the SBM leadership as we try to address the challenges and seize the opportunities. What's in the pipeline? Here's a sampling of agenda items:

Judicial Crossroads Task Force

The year-long work of the Judicial Crossroads Task Force is coming to an end. The task force is charged with developing a set of proposed reforms to address a plethora of challenges facing our court system—chal-

lenges that undercut its ability to deliver constitutionally mandated services. Issues of concern include diminishing resources, lack of shared data, complex layers of funding and administration, and institutional habits that inhibit partnerships with other branches of government.

The need for the work of the task force has been superbly captured by SBM Past President Ed Pappas in his series of *Michigan Bar Journal* articles.³ Having been privy to a preliminary copy of the task force's report, my view is that its work presents innovative, if not groundbreaking, recommendations to address myriad problems. The final report is scheduled to be released soon. I urge you to read it and welcome your input on the substantive recommendations and their implementation.

Diversity and Inclusion

On July 23, 2010, the SBM Board of Commissioners unanimously adopted the Michigan Pledge to Achieve Diversity and Inclusion, an initiative designed to promote open, fair, and equal opportunity in recruitment, hiring, retention, and promotion in the legal profession. The pledge is a "Call to Action"⁴ that asks individuals and legal organizations to reaffirm their commitment to creating and maintaining diverse and inclusive workplaces by becoming voluntary signatories of the pledge. Beyond making that commitment, signatories are being asked to develop and apply assessment tools that are sensible for their own organizational structure and culture to provide a basis for measuring progress and for favorable recognition in meeting goals.

Why the pledge? There are several reasons, a couple of which I will mention.⁵ Attorneys of color are significantly underrepresented in the legal profession. The SBM's

latest report on ethnic and gender diversity found that attorneys of color make up only 15 percent of the legal profession. Women, while realizing parity, are still not where they should be in terms of leadership positions in law firms.

The most recent American Bar Association study on racial and ethnic diversity in the profession found that 25 percent of all medical doctors, 21 percent of all accountants, and 18 percent of all college professors were people of color. For lawyers, the figure nationally is about 10 percent.⁶ The ABA study also shows that, because of the recent economic downturn, the nation's 200 largest law firms lost nearly 13 percent of their African-American attorneys and 9 percent of their Asian-American and Hispanic attorneys compared to 5 percent of non-minority attorneys. I would not be surprised to learn that the trends bear out in Michigan, given the severity of the recent economic downturn.

As a profession, we should not accept such disproportionate representation among our ranks and should demonstrate to the public at large our own commitment to the ideals of liberty and equal opportunity. Our failure to do so compromises our traditional role as champions of these ideals and of our democratic form of government that calls for open, full participation by all citizens. It is such participation that preserves confidence in our justice system and our form of governance and promotes respect for the rule of law.

Economics of Law Practice Survey

As you are probably aware, the SBM conducts the Economics of Law Practice survey every three years. We are about to launch a new survey and will be collecting data during the month of October. This is a very important survey. The information collected is frequently used and relied on by courts as the baseline data for attorney fees. In 2008, the Michigan Supreme Court decided *Smith v Khouri*,⁷ and in that decision referenced the importance of the survey data. Acting on the points raised by the Court, the SBM established a work group of lawyers in various practice settings to revise the survey. This year's survey will be shorter

and streamlined to make it easier to complete, and the results will be more meaningful to our members. Additionally, the survey has been redesigned and will be delivered in a targeted manner so you will only be asked to answer questions relative to your occupational area. Greater participation in the survey from all practice areas is essential to its success. I urge you to take a few minutes to complete the survey. I am counting on and appreciate your participation.

Finally, if you're a new member of the new Master Lawyers Section, you should be receiving more information soon welcoming you to the section and introducing you to the "A Lawyer Helps" campaign and to pro bono giving and practice opportunities.

Again, thanks to all for your good wishes and congratulations. I look forward to serving you. ■

FOOTNOTES

1. See "...and justice for all": A Report on Pro Bono in Michigan: 2007 (2009), available at <<http://www.michbar.org/programs/atj/pdfs/justiceforall.pdf>>; see also Roberts, *Where has the pro bono passport taken us in 10 years?*, 89 Mich B J 48 (June 2010). All websites cited in this article were accessed September 6, 2010.
2. See Administrative Order No. 2010-18, available at <http://www.courts.mi.gov/supremecourt/resources/administrative/2010-18_Order.pdf>.
3. See Pappas, *Judicial independence in crisis (Part 1)*, 88 Michigan B J 18 (May 2009); Pappas, *Judicial independence in crisis (Part 2)*, 88 Michigan B J 12 (June 2009); Pappas, *Judicial independence in crisis (Part 3)*, 88 Michigan B J 14 (July 2009).
4. See Palmore, *A Call to Action: Diversity in the Legal Profession* (October 2004), available at <<http://www.abanet.org/women/leadershipacademy/2010/handouts/calltoaction.pdf>> (the Corporate Call to Action announced in 2004 by Rick Palmore, General Counsel at Sara Lee Corporation, under which 500 general counsel of major corporations pledged to require that law firms they do business with commit to diversity and inclusion initiatives and goals within their workplace).
5. For a more detailed statement of rationales, see ABA Presidential Initiative Commission on Diversity, *Diversity in the Legal Profession: The Next Steps* (April 2010), available at <<http://new.abanet.org/centers/diversity/PublicDocuments/Next%20Steps%20Final-Virtual%20Accessible%20042010.pdf>>.
6. See ABA Commission on Racial and Ethnic Diversity in the Profession, *Miles to Go Report: Progress of Minorities in the Legal Profession* (2004).
7. *Smith v Khouri*, 481 Mich 519; 751 NW2d 472 (2008).



The Federal Bar Association

for the Eastern District of Michigan

announces its

Mentoring Programs

for civil and criminal attorneys interested in developing federal court practices.

For more information and application forms, click on the Documents link of the FBA website:

www.fbamich.org



MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals on January and July of each year, from when the complaint was filed, and is compounded annually.

For a complaint filed after December 31, 1986, the rate as of July 7, 2010 is 3.339 percent. This rate includes the statutory 1 percent.

But a different rule applies for a complaint filed after June 30, 2002 that is based on a written instrument with its own specified interest rate. The rate is the lesser of:

- (1) 13 percent a year, compounded annually; or
- (2) the specified rate, if it is fixed—or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see <http://courts.michigan.gov/scao/resources/other/interest.pdf>.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.