

# Pro Bono Service Success Stories

## Be Inspired and Inspire Others in this Time of Giving



Julie I. Fershtman

“There is no greater calling than to serve your fellow men. There is no greater contribution than to help the weak. There is no greater satisfaction than to do it well.”

These are the words that Ken Wyniemko—a grateful recipient of pro bono services in Michigan—lives by every day. They are also the words of Walter P. Reuther, former head of the United Auto Workers.

October was Pro Bono Month, during which the State Bar of Michigan gave us countless reminders to provide pro bono service to the less fortunate. The State Bar worked hard to offer or host several opportunities last month, including pro bono fairs serving Oakland and Macomb counties, Grand Rapids, Detroit, and Lansing. It also hosted, among other things, a day-long training session for Project Salute, a pro bono program conducted by the University of Detroit Mercy School of Law Veterans Clinic.

November brings us Thanksgiving and the season of giving thanks. This time of year, and with the holidays ahead, makes the request for pro bono assistance and donation more relevant than ever.

Often missing from the many pleas for involvement, however, are examples of how pro bono service truly changed someone's life. In the spirit of celebrating the difference pro bono services make in the lives of others, following are two shining examples.

### The Ken Wyniemko Story— Gail Pamukov-Miller, Attorney

Even after receiving a lengthy prison sentence in 1994 when he was convicted of criminal sexual conduct, armed robbery, and breaking and entering the home of a Clinton Township woman, Ken Wyniemko maintained his innocence. His appeal to the Michigan Court of Appeals and habeas corpus petition were unsuccessful. His chance for

freedom came from a Michigan law passed in 2000—MCL 770.16—which allowed defendants convicted of felonies before 2001 and serving prison sentences to petition courts to order DNA testing of biological material identified during the investigation and grant new trials based on the results.

In 2002, the Thomas M. Cooley Law School Innocence Project accepted Wyniemko's request to put this new law to work for him. The Cooley Innocence Project's stated mission is “to identify, provide legal assistance to, and secure the release of persons who are wrongfully imprisoned for crimes they did not commit and to provide its students with an excellent learning experience.” Though Cooley's Innocence Project has staff and students, it relies heavily on the work of pro bono attorneys. Macomb County attorney Gail Pamukov-Miller was one of the lawyers who responded to the call. Gail learned about the Innocence Project at a bar-related event years ago and signed on to volunteer, in part because of her criminal law practice and training as a registered nurse. Not long afterward, she received Ken Wyniemko's case and changed his life forever.

Working steadily on the case, Gail secured a court order allowing DNA testing of evidence obtained in Wyniemko's criminal investigation. These results proved his innocence. In June 2003, after serving nearly 10 years in prison, the charges were dropped and Wyniemko was set free. It was the Cooley Innocence Project's first exoneration.

### Service Families of Operation Desert Storm— Bruce A. Courtade, Attorney

From August 1990 to February 1991, the United States led the Persian Gulf War (sometimes called Operation Desert Storm) against Iraq in response to that country's invasion of Kuwait. Many Michigan soldiers deployed to the Middle East faced immediate need for legal assistance, such as estate plans or help in warding off credit card companies, collection agencies, car dealers, and creditors who violated or threatened to violate the Soldiers & Sailors Civil Relief Act of 1940, 50 USC 501, by calling in debts that by law were entitled to forbearance.

In January 1991, Grand Rapids lawyer Bruce A. Courtade responded to the call for help. A young lawyer in a mid-size law firm at the time, he single-handedly initiated the Operation Desert Storm Pro Bono Project. Because of it, more than 225 members of the Grand Rapids Bar Association volunteered pro bono legal services for family members of local-area soldiers deployed to serve in Operation Desert Storm. The project eventually handled over 50 requests for help and paired more than 30 local families with volunteer attorneys. In addition, Bruce educated the local judiciary on legal protections afforded to soldiers under the law. Speaking only of the information Bruce prepared, Paul Sullivan, then 61st District Court judge and current Kent County Circuit Court judge,

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wrote, "By providing these materials to our judges here in Kent County, you have made a most significant contribution to the justice system and the people it serves here."

The Operation Desert Storm Pro Bono Project went on to become a model for a State Bar of Michigan project that allowed lawyers throughout the state to provide pro bono services to military members and their families.

### Why Should You Serve?

Why would busy lawyers faced with law practice, clients, family, and other commitments go beyond the demands of their typical workday to provide pro bono service? If asked, Gail and Bruce might answer that a deep and sincere dedication to service drove them to become part of our profession and remains a driving force in their lives today. Both are very active in bar associations; Bruce is president-elect of the State Bar of Michigan and Gail is president of the Macomb County Bar Association.

Others might cite the ethical obligation set forth in Michigan Rule of Professional Conduct 6.1, which states:

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.

Michigan's existing Voluntary Pro Bono Standard, adopted by the State Bar's Representative Assembly in 1990, recommends that lawyers annually provide pro bono services to three clients, provide at least 30 hours of free or reduced-fee service to the less fortunate or to organizations that serve the poor, or contribute at least \$300 to nonprofit organizations that deliver free legal assistance to indigent individuals or organizations.

Others might cite the intangible personal rewards that come from helping another in a time of need. Official Comment to Rule 6.1 recognizes them, stating in part, "The basic responsibility for providing legal services for

those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer."

Regardless, I am sure we all would agree that as lawyers we have the unique ability to use our expertise, education, training, compassion, and knowledge of the law to serve others.

### Give Thanks and Contribute

John W. Cummiskey was a legendary champion of legal aid as well as 1956–1957 State Bar president and past chair of the American Bar Association's Legal Aid Committee. He once wrote, "Legal aid is a necessary pillar in upholding our system of justice." These words alone might inspire pro bono contribution, but stories of successful pro bono efforts such as those of Gail Pamukov-Miller and Bruce A. Courtade certainly help draw us in.

As you read this message, many more pro bono success stories are in progress or waiting to happen throughout Michigan; you can be a part of them. Thanksgiving is almost upon us, and the holiday season is a

few weeks away. Allow this time of giving to inspire you to contribute. The process is as easy as visiting the State Bar's Pro Bono Initiative website and finding the online volunteer registration form or contacting Robert G. Mathis Jr., the State Bar's pro bono service counsel. You can also donate to the Access to Justice Campaign by visiting [www.atjfund.org](http://www.atjfund.org) for an online donation or printable gift form.

### Inspire Others to Contribute

Please help inspire others to give. When your pro bono representation or community service makes a difference for someone else, share your experience. Post it on the State Bar's "A Lawyer Helps" website ([www.alawyerhelps.org](http://www.alawyerhelps.org)). Also, if you learn of a Michigan lawyer's exemplary community or pro bono service, nominate him or her for a State Bar award. Bruce Courtade's Operation Desert Storm Pro Bono Project earned him the State Bar of Michigan's John W. Cummiskey Pro Bono Award in 1991. Gail Pamukov-Miller's pro bono service that freed Ken Wyniemko led to her receiving the State Bar of Michigan's Champion of Justice Award in 2006. ■