

# Legal Assistance— the Grand Rapids Way

WEaving an interconnecting web of services to help people resolve some of the thorniest problems in everyday life—problems like divorce, domestic violence, child custody, small claims, employment, benefit issues, and housing, has long been on the wish list of many in the legal profession. They envision a justice system where not a single person falls through the cracks. In place of the gaps, a protective safety net or “seamless web” should exist. The fabric of this web is woven from the partnerships between legal agencies and community resources like United Way, the Dispute Resolution Center, Urban League, and many others.

In this scheme of things, when people are channeled to where they need to go, and prepared for the encounter, potentially court-clogging cases are cleared early. For example, consider the following case as outlined by Kent County Judge Patrick Bowler: A default judgment is entered against Julie, who has failed to answer a complaint or show up in a court proceeding. Julie says that she never received notice that a civil judgment had been entered against her. Julie is told that there is a garnishment against her and that it is the right of the plaintiff to collect that judgment by this device. Julie has an urgent task to take care of i.e., get the default judgment set aside. Until then, collection on the judgment will continue and her wages will be garnished. To get her day in court she must take some legal steps.

***The “Every Member Campaign” encourages every lawyer to give what they can afford to help serve the large civil legal needs of Michigan’s population.***



*Researching information at the LAC.*

Judges and court personnel are not allowed to give legal advice, but they can direct people like Julie who cannot afford to hire a lawyer to a legal assistance center where she can find the answers she needs, sit at a computer and pull up the right form and waiver—Motion to Set Aside Default Judgment—and fill in the blanks to get her day in court.

Julie can get from a point on the “web” to any other point without the hassles of trying to navigate a complex system on her own, but rather with the help of legal information, lawyer referral, legal aid, pro bono, pro se (self help), community agencies, and the courts. In a highly evolved network, these would all be linked as a “seamless web.”

Such a web has long been the dream of Grand Rapids attorney John Cummiskey, considered the “father of pro bono in Michigan.” (See sidebar: speech.) Cummiskey’s vision is shaping up in the form of the Grand Rapids Legal Assistance Center—a project of the Grand Rapids Bar Association, West-

ern Michigan Legal Services, the courts of Kent County, Kent County commissioners, the City of Grand Rapids, the Michigan State Bar Foundation, and many community organizations.

After three years of extensive planning and raising more than a million dollars in private funds, the center opened in March 2002 to help individuals who have legal problems or perceived legal problems. This is an important distinction according to Judge Bowler, who is also president of the Grand Rapids Bar Association. “When we surveyed, we found that 50 percent of the questions that people think are legal questions, are really questions that can be answered by following through with the appropriate agency or community relief that’s already available out there . . . the nice thing is we’re partnering with all those agencies and have direct links to them.”

The Legal Assistance Center (LAC) is located in Grand Rapids on the fifth floor of the Kent County courthouse. People seeking legal help can call, log on to the website at [www.legalassistancecenter.org](http://www.legalassistancecenter.org), or walk into the center, which has a small permanent staff and scores of trained volunteers. Computers, a video library, books, brochures, online forms, and procedural and other information are available to educate citizens. In its first six months of operation, the center served more than 4,600 people. (See statistics sidebar.) Andrea Smith is the director of the center. “We do not give legal advice at this center. We provide useful information and give people options. They make the choices,” she stressed.

Clients are often directed in one of three ways: to community organizations where they can get non-legal help outside of the court system; referral to an attorney—this can be either through Western Michigan Legal Services, The Children’s Law Center, or to other free or low cost services. If they don’t qualify

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# Grand Rapids Legal Assistance Center

## Remarks by Jon Muth, a former president of the State Bar of Michigan and Grand Rapids attorney on May 22nd, 2002 at the Dedication of the Legal Assistance Center to John W. Cummiskey

We today join in celebrating a dream turned reality.

Our efforts to build the Kent County Legal Assistance Center started three and a half years ago. As we contemplated the building of a new courthouse for the next generations in this community, it was appropriate that we also considered how to make legal services available to all during those same generations.

The Legal Assistance Center concept arises out of a recognition of new realities. People are representing themselves in huge numbers. The costs of representation in a case of modest complexity goes beyond the resources of those with moderate means. Legal issues are touching our lives with greater frequency than ever before. The very complexity of modern life makes dispute resolution more critical to the survival of our society.

The Legal Assistance Center brings together a blending of services: legal, quasi-legal, and community support. It results from the coordination of efforts of city and county, court, community, private bar, and legal aid. It consolidates contacts, providing one stop shopping for help and referral and a website that is available to every citizen in the state of Michigan.

It is important for those hundreds of you who have participated in this project to understand how unique it is. While pieces of what we have accomplished here have been done elsewhere, we believe that this is the first project in the United States which combines legal aid, bar association lawyer referral, volunteer lawyers, volunteer lay people, alternative dispute resolution, community support referral network, self-help personal service, and web-based assistance.

Our presence in this beautiful new courthouse speaks to the commitment of state and local government to that cornerstone of our democracy, "equal justice under law." Our website, [www.legalassistancecenter.org](http://www.legalassistancecenter.org), speaks to the need to take justice to the people wherever they may be found; in their homes, their places of work, and their public centers.

The Legal Assistance Center is the result of the efforts of many and I will be speaking of those persons at the public dedication ceremony which follows this. But I do here wish to focus upon those who provided the financial means to make this possible. You see on the donor board behind me the names of all those who have contributed. The Grand Rapids Bar Foundation provided our initial funding by committing 100 percent of its revenue for five years to this project. The Michigan State Bar Foundation followed by making the largest single grant it has ever made to a project. Every law firm of any size in Kent County has contributed financially. Hundreds of individual lawyers and friends have made this a part of their personal charitable commitment. That collective effort has resulted in well over \$1 million having been raised in the legal community. We believe that nowhere else in the United States has any legal community raised such a sum of money for a project that supports the legal needs of all citizens.

We thank you all most sincerely for that commitment. None of this likely would have happened, however, without the example and vision of the man we honor with this dedication today. Fifty-four years ago, John Cummiskey was Michigan's representative to the National Legal Aid and Defender Association. In about the same era, his name appears as incorporator of the first Legal Aid office in Kent County. Forty-three years ago, John Cummiskey started service on the ABA Standing Committee on Legal Aid and Indigent Defendants, which he later chaired. Thirty-seven years ago, John took a post-Christmas flight to Washington, D.C., for a small meeting with a small group of people, out of which arose the first federal legal services program. His name appears with Lewis Powell and Sargent Shriver among the founders of the federal commitment to legal

services. Thirty-five years ago, John served on the first National Advisory Committee of Legal Service for the Office of Equal Opportunity, the predecessor to today's Legal Services Corporation.

I do not mean today to recite John's résumé, for it goes on and on. It is more important to note that John's commitment continues to this day. In his service as a trustee of the Michigan State Bar Foundation, he is involved intimately in the funding and organization of legal aid in the state.

After more than 50 years of service to his profession, John Cummiskey's voice is still the strongest in Michigan in support of legal services for the poor and for those of modest means.

As anyone who has worked with John knows well, he says what he means and he means what he says. And he has no reticence in saying it.

An article in the October 1999 issue of the *Michigan Bar Journal* noted that people are often surprised that a staunch republican with a silk stocking employment practice could be such a vigorous advocate for the poor. John's response was, simple and straight-forward:

*I've never understood that surprise. In the first place, the practice of law is a privilege. If the concept of the rule of law is to exist, it has to be available to everybody who needs it. It has to have the respect of everybody, whether they need it or not. Unless you have that respect for the rule of law and access to it when you need it, the whole system will collapse. As a lawyer, I am a gatekeeper. I guard the door to justice. That is a tremendous responsibility.*

This Legal Assistance Center would not have happened without the ground work laid by John Cummiskey. This Legal Assistance Center would not have happened without the forever youthful thinking from a still visionary mind. This Legal Assistance Center would not have happened had not John inspired others with his example. This Legal Assistance Center would not have happened without his early encouragement and support.

John Cummiskey does not need another honor. He has received many. He is the recipient of the State Bar of Michigan's highest award for professionalism and service, the Roberts P. Hudson award. The award that the State Bar gives in recognition of extraordinary service as a volunteer lawyer is named in his honor. A few years ago, he was given a Special Presidential Honor by the State Bar, simply because it had run out of things to give him in recognition of the impact which he has made upon our profession.

We are all a collection of our deeds, but we are even more. We are examples for the living of life.

When we find that example that is above the rest, that example to which all men and women of good heart can aspire, and that example which displays the fundamental qualities of honesty, compassion, service and hope, we *must* celebrate it. So we celebrate here today by dedicating this unique program, this unique space, to a unique man, John W. Cummiskey.

Although this is truly the work of hundreds of people, each of those involved joins me in saying: Thank you John and welcome to the Kent County Legal Assistance Center, which has now been officially dedicated to you, your service, and your example.

*Editor's Note: John Cummiskey passed away on November 11, 2002. A tribute honoring his many achievements was written by Linda K. Rexer, executive director of the Michigan State Bar Foundation, and is located on page 36 of this issue and online at [www.michbar.org/news/releases/john\\_cummiskey.html](http://www.michbar.org/news/releases/john_cummiskey.html).*

for such programs, the LAC sends them to the Lawyer Referral Program, which is located on-site. “There is a nominal fee involved when we refer people for a half-hour consultation with attorneys where they can ask the questions and decide if they want to proceed or hire an attorney to help them proceed. A lot of the complicated issues that come into the center really require the services of an attorney,” Smith said.

The third group are individuals who don’t qualify for community resources or free attorneys and who don’t have the finances to pay for an attorney of their own. This appears to be the most common group. Often, they try to represent themselves in court. “A lot of the principal representation includes family law matters, custody, child support, visitation. We help these individuals with information and forms so that they can file things on their own. We try to inspire them to be more competent when they’re in court,” Smith explained.

Data from Michigan courts supports Smith’s observations. Many Michigan residents are acting as their own attorneys in a range of cases. Pro se filings are common in issues involving family law, Personal Protection Orders, small claims, landlord tenant, consumer law, contract, probate, civil infractions (traffic), and bankruptcy. An Access to Justice for All Task Force survey of advocacy in Michigan State Courts two years ago, showed the overall statewide average of 45 percent. In the Grand Rapids area, 48 percent of cases filed in the 61st district court and sixty percent of those filed in the 17th circuit probate court were filed pro se.

According to Judge Bowler, one of the functions of the LAC is to help people realize that they can’t necessarily defend themselves and that they need to get legal counsel. “I see a lot of people who can afford to hire legal counsel but who insist on representing themselves. They believe that because ‘I am right, I can’t be wrong.’ You could be right but you have to understand the processes. If you don’t understand the processes, right doesn’t necessarily do you much good,” Bowler said.

Self-help can be an issue with some attorneys, but the executive director of the Michigan State Bar Foundation, Linda Rexer argues: “Lawyers understand that the reality is



*User-friendly online help.*

that no matter what they do, there are people who are going to try to represent themselves. Getting them help unclogs the courts, it helps get some of them to lawyers. A lot of them may be eligible for legal aid and don’t realize it. They get right through to Legal Aid at the LAC.”

The State Bar Foundation contributed \$150,000 to the LAC, the largest amount that it has ever given to a single project. Rexer anticipates that the unique vision and concept of the LAC, once fully operational, can serve as a template for other bar associations and local governments in Michigan and around the country. “The Grand Rapids center is unique because it has such a connection to non-legal referrals as well as assisted pro se and referrals to legal aid. Another thing that’s unique is the private money. In California, they have a lot of court centers that use computers but are

funded by mainly state money. Others do referrals outside but they haven’t done it in the same way of building community partnerships like LAC’s vision,” Rexer said.

A key piece of that vision is web technology. The Michigan Poverty Law Program (MPLP), a state-support entity that provides legal training and technology support for legal aid already has in place an effective computer network. MPLP has worked with the LAC to share content and technology tools to help coordinate their use by multiple agencies. The deputy director of the Bar Foundation, Richard Winder said sites like MILawHelp ([www.lawhelp.org/MI/](http://www.lawhelp.org/MI/)) provides free and low cost civil legal resources and information pertinent to each Michigan county. “The umbrella of technology is in place and it’s very easy to plug into,” Winder observed. The Legal Assistance Center uses the LawHelp web template to provide user-friendly access to information, forms and links on the LAC website.

As interest grows in such centers, further refinements in operations and procedures are taking place. One example is court forms online where patrons complete worksheets online. The system will take the answers and automatically fill out the court forms. These forms and instructions can then be printed and filed in court. The LAC is also planning programs that will encourage attorney

#### **Legal Assistance Center**

Kent County Courthouse  
180 Ottawa Ave. NW, Suite 5100  
Grand Rapids, MI 49503  
(616) 632-6000  
Toll Free: (888) 454-9554  
[www.legalassistancecenter.org](http://www.legalassistancecenter.org)

#### **March to August 2002—Some Statistics**

4,635 total patrons were served.  
2,999 patrons were served on the phone.  
1,636 walk-in patrons were served.  
The number of walk-in patrons seeking assistance has continued to increase from an average of 9 to 17 patrons a day.  
82% of the patrons were from Kent County.

#### **Services Provided**

50% of the patrons received information about forms, court procedures, etc.  
26% of the patrons were referred to pro bono or private attorneys.  
24% of the patrons were referred to the community links or other services.

#### **Lawyer Referral and Information Service**

2,999 calls were answered.  
445 cases were referred to attorneys.  
156 (35%) of these cases were retained by attorneys.

#### **Areas of Law Served**

40%—family law  
18%—court information/other areas  
10%—consumer  
9%—real estate  
8%—labor  
6%—criminal  
5%—tort  
4%—probate and estates

#### **Judge Bruce A. Newman Legal Information Center (Flint)**

(810) 424-4360  
[www.co.geneseee.mi.us/circuitcourt.html](http://www.co.geneseee.mi.us/circuitcourt.html)

#### **Access to Justice Legal Assistance Center—Lansing**

(517) 483-6417



volunteers to provide brief legal advice to patrons at the center as well as at a citizens law school, where special legal topics are discussed and presented by attorneys to the public. The possibility of having satellite offices is another option, so that people can get legal help in their neighborhoods without trekking down to the courthouse, which can be intimidating to many. “The whole point of the Legal Assistance Center is to empower people by providing better access to court—if we can’t do that from one single location at the courthouse, then we need to branch out,” Andrea Smith suggested.

Throughout the state, there are varying degrees of commitment to public legal assistance—from a simple information desk manned by volunteers to the more committed vision shown in the Grand Rapids example. Flint’s Judge Bruce A. Newman Legal Information Center is also one of the pioneers in this movement. Lansing has a newly opened Access to Justice Information Center while several communities in the Detroit area are looking into starting their own version of the concept. Bar associations, the courts, and other agencies are deeply involved in these projects. “It’s a wonderful way to show that lawyers do contribute to the community, to the high ideals of our constitution and to the ideals of equal justice under law. People’s impression of lawyers is hinged on these kinds of projects. They see the goodwill. Even though lawyers are the butt of jokes, they are the most giving of any profession,” added Judge Bowler.

Under the guidelines of the State Bar’s Access to Justice (ATJ) Fund, legal assistance centers may receive designated donations. A recently launched “Every Member Campaign” is in full swing to encourage every lawyer—from big firms or small solo operations, to give what they can afford to help serve the large civil legal needs of Michigan’s population. For more information on how to help, contact the Access to Justice Development Department at 1-800-968-1442 or visit the website at: [www.atjfund.org](http://www.atjfund.org). A pledge form is printed on page 10. ◆

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