



**Reginald M. Turner**

# "True Justice:" The Access to Justice 2002 Campaign

**T**he Bible, the Torah and the Qur'an teach many common principles. One is the obligation to protect and provide for the neediest in society. The Qur'an, in Surah 177, says "giveth wealth, for love of Him, to kinsfolk and to orphans and the needy." Proverbs 28:27, in the Torah and the Old Testament, is especially relevant to the legal profession: "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and the needy." Zechariah 7:9 is to the same effect: "This is what the Lord Almighty says: 'Administer true justice; show mercy and compassion to one another.'"

For attorneys, the obligation to pursue "true justice" for the "least of these" can be fulfilled in many ways. Lawyers engaged in indigent criminal defense, prosecutors who help remove dangerous criminals from poor neighborhoods, and civil legal aid attorneys all come easily to mind. But what about the rest of us? The answer can be summed up in three words: *pro bono publico*.

The Lawyer's Oath, set forth in full in my October column, obliges us "never [to] reject... the cause of the defenseless, or op-

pressed." The reality, however, is that increased specialization, busy schedules, and other obstacles make many of us feel unqualified, unable, or just plain unwilling to take on many of the cases that come through the doors of our local legal aid offices. There is still a way to help: the State Bar of Michigan's Access to Justice Development Campaign.

Access to Justice took life in Michigan when State Bar leaders realized that 1996 federal funding cuts for legal aid would have severe consequences for Michigan families and the justice system. As lawyers, we know that poor people have many compelling civil legal disputes that need to be resolved through the justice system, but the capacity of our civil legal aid and pro bono system has never been adequate. We know that the services provided in most civil legal services offices are critical to promoting the rule of law and protecting the public. The advice given helps to prevent domestic violence, child abuse or neglect, homelessness, and lack of medical care. Legal aid recipients are not just told their rights; they are often advised of their responsibilities to themselves and those around them.

Legal aid is about helping ordinary people with real-life legal problems. It's about 97-year-old Casimere Peterson, who needed the help of our colleague Michelle Hebner in Escanaba in defending against an unfair eviction. It's about the disabled people, young and old, who Alison Herschel at the Michigan Poverty Law Program is representing in an effort to get Medicaid funded home health care. It's about low-income home owners who are victims of predatory lenders, parents facing a loss of child custody, and working people who buy a bad used car. Legal aid is also about the tremendous amount of pro bono work that lawyers provide, in partner-

ship with our legal aid programs, to people in poverty.

My predecessors Victoria Roberts, Ed Brady, Al Butzbaugh, Tom Lenga, and especially the late John Cummiskey, whom we will dearly miss, worked hard to make Access a priority of the Bar. Their efforts have produced spectacular results. Through the ATJ Task Force, Bar staff, the Michigan State Bar Foundation, local bars, and legal aid programs throughout the state, ATJ has supported programs in many ways. In addition to creating the centralized Access to Justice Fund to receive contributions in support of civil legal aid, it created programs to improve their use of technology, implement innovative and more effective ways of delivering services to the poor, and to streamline administration of the programs. Some moved to centralized telephone intake systems. Their expertise is in talking with clients, diagnosing their requests for legal help, and finding the most appropriate resource to help resolve the problem in the most effective manner. Sometimes that involves a referral to a community mediation dispute resolution center, referral to a community legal education class, or a Personal Protection Order clinic. Sometimes it means having a staff lawyer represent the client in court. Sometimes it means finding an excellent *pro bono* lawyer to handle the matter.

Hundreds of thousands of dollars have been distributed directly to legal aid programs designated by ATJ donors over the last several years. The Michigan State Bar Foundation has also distributed grants to nine programs that filed successful applications to provide services to the poor. Those grants support the innovative use of technology to connect pro bono lawyers to clients in remote, rural areas, support the translation of

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legal education materials for large populations of non-English speaking poor people throughout the state, and support pro bono lawyers who will provide representation to low-income families on education matters affecting school age children. Access to Justice provided support for the development of the Legal Assistance Center in the Grand Rapids courthouse, and I invite you to read about this tremendous service elsewhere in this edition of the *Bar Journal*.

Despite our accomplishments, our challenge remains great. We now see from the 2000 census reports that over the past decade, Michigan has lost 14 percent of its poverty population. While we find some comfort in knowing that the quality of life may be better for some, we still are faced with the fact that over one million people in Michigan live in poverty. Even more unfortunate is the fact that, because of the poverty population loss, Michigan will lose \$2 million dollars of federal funding for its non-profit legal aid programs annually, beginning next year. As I write this article, many of our programs are laying off lawyers and support staff, and our communities are being deprived of the level of legal services that we have worked so hard to achieve.

Michigan's 35,000 lawyers have an opportunity right now to help reduce the loss of legal services for the poverty population. Since 1998, when the Access to Justice Fund first accepted financial contributions in support of civil legal aid services throughout the state, 3,100 of us have contributed to the ATJ Fund. Those lawyers who are ATJ supporters are very generous, having contributed over two and a half million dollars in cash, pledges, and planned gifts. Special thanks to the corporate community, the large law firms, and the trial lawyers who together account for the most substantial support. The overall

level of participation for our noble profession should be higher, however.

Justice is an important public good that must be supported by the whole community. We know from our own research, and research conducted by national groups on this issue, that the public will first look to lawyers before assessing their commitment to supporting the non-profit part of the justice system. Lawyers are the gatekeepers to the justice system, and we have a special duty to lead the way.

We are working with national groups that are preparing to take the legal aid message to the public over the next several years. Before we ask the public to support our legal aid programs with their own charitable dollars, we need to make a stronger statement about our own *pro bono publico* efforts. With increased participation by our members, we will be in a position to ask the public to support the justice system with their own charitable dollars.

I strongly urge every member of the State Bar of Michigan to mark the end of the year with a charitable contribution to the ATJ Fund.<sup>1</sup> Let us honor the memory of John Cumiskey, who urged us to "make Access to Justice a reality." ♦

#### FOOTNOTE

1. Your contribution may have very low after-tax costs because of available federal tax deductions and Michigan tax credits.