

A LOOK BEHIND THE SCENES

Bar's pro bono project is a winner

She grew up in what would seem outwardly, a very desirable environment. Nice home in the suburbs, upper middle class family, and dad was an outstanding community member. Yet, Kathleen Conklin suffered pain and humiliation during her childhood because of domestic violence. She survived the ordeal only to be traumatized again as an adult trapped in a violent relationship and had to flee the state to get away from her partner. Help was hard to find in those days, so she relied mostly on a network of friends and some family members to protect and keep her safe.

These first-hand experiences have molded Conklin's outlook and choice of a career. As a staff attorney at the Michigan Coalition Against Domestic and Sexual Violence (MCADSV), Conklin is now in a position to help others who face the same kind of issues that she struggled with as a child and young adult. She is the co-chair of the State Bar's Pro Bono Project for Victims of Domestic Violence—a program that recently won a prestigious Community and Educational Outreach Award presented each year by the National Association of Bar Executives and Lexis Nexus.

“As a survivor, that is the driving force that compelled me to go to law school, and that's the reason I'm in this area of the law giving back what was missing when I was affected by this. In the 1970s we didn't have Personal Protection Orders, we didn't have shelters or any other protection from abuse. In fact, when the police came to our house, they shook my father's hand,” Conklin said.

The project is the first of its kind in the country and is already attracting interest from other states. It is designed to encourage and enhance pro bono legal services for low-income domestic violence victims through the development of statewide training pro-



Project leaders seated left to right: Hon. Harold Hood (co-chair Open Justice Commission); Hon. Patricia Micklow, Open Justice commissioner and chair of 2001 project; Supreme Court Justice Marilyn Kelly (co-chair Open Justice Commission) and John Berry, executive director State Bar of Michigan. Standing, left to right: Linda Rexer, executive director Michigan State Bar Foundation; Gregory Conyers, State Bar pro bono administrator; Evanne Dietz, Open Justice Commissioner and co-chairperson of 2003 project; Lorraine Weber, Open Justice Commission Advisor; and Kathleen Conklin, co-chair of 2003 project and staff attorney, MCADSV. (Photograph by Doug Elbinger)

grams, manuals, and other support materials to assist attorneys representing victims in civil proceedings. Jointly administered by the State Bar's Open Justice Commission and the Michigan Coalition Against Domestic and Sexual Violence, it was developed and implemented as a pilot in 2001 and again in May 2003 as an on-going program. It's now mostly run by the MCADSV with financial help from various sources including money from a major Department of Justice grant and the Michigan State Bar Foundation.

So far, over 300 attorneys have enrolled in the project to handle domestic violence cases.

“There is a need throughout Michigan especially in the higher populated urban areas where there are just not enough attorneys and also in the outlying rural areas of Michigan and the Upper Peninsula where there is a lack of access to services and attorneys willing and able to represent survivors of sexual assault and stalking,” Conklin noted.

The idea for the project came from Patricia Micklow a now retired judge from Marquette who said it grew out of her continuous involvement with the issue of domestic violence over her entire legal career. Judge Micklow had served on the Michigan Supreme

Court's Gender Bias Task Force before becoming a member of the Open Justice Commission. "I set up and chaired an advisory committee of domestic violence experts and advocates from around the state and this particular problem of non-representation for domestic violence victims in civil proceedings kept surfacing. It became more prominent as legal services funding dwindled. In some Michigan jurisdictions, legal services only handled divorces in abuse cases; in others divorce was not available to them; and in the vast majority of cases, post divorce proceedings and contested Personal Protection Orders were not available at all from legal service providers."

Micklow said she was overwhelmed by the positive response when she contacted legal service providers in 2000 and asked them to join an advisory committee on domestic violence. Soon a coalition of legal service providers, domestic violence advocates, and attorneys from the State Bar started

meeting regularly. The pro bono project grew out of this nucleus.

Micklow reiterated that the underlying philosophy of the project was to do everything to provide the attorneys with all of the information and tools they would need to deal with these difficult cases. "It is one thing for attorneys to be willing to provide pro bono service at all but another situation completely when the attorneys themselves may face physical danger. So the training not only included how to deal with the legal obstacles they may face but protection issues for both the clients and the attorneys handling their cases. Unfortunately, most domestic homicides and assaults occur during the tenancy of these types of cases, particularly contested child custody and PPO proceedings."

Often the "unsung heroes of the legal profession," pro bono attorneys are the voice for the defenseless and oppressed like domestic abuse victims. The Pro Bono Project for Victims of Domestic Violence has, ac-

ording to Micklow, "raised the standard in Michigan for legal public service and competent legal representation for victims of domestic violence."

Conklin is looking for ways to create partnerships and collaborations so that funding will not dry up in these tight budget times. "We are getting more professionals involved," Conklin said. "We recently received \$5,000 from the Osteopathic Association of Michigan. We've got their support so that doctors will be more involved in screening for domestic violence and spot these issues." The opportunity to head this project has been a "dream come true" for Conklin—as she points out, the law is "more of a calling than a career. It's my life's work . . . I'm not ashamed to give up part of my private life to help because the shame belongs to the perpetrators not the victims." ♦

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