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Access to Justice— A Campaign for All Seasons

"If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract."

— Chief Justice Ronald George,
California Supreme Court

The holiday season has just passed, and for many of us it may seem as though it came and went in a blur. Hopefully you had the opportunity to celebrate this special time with your family and loved ones. Knowing the charitable spirit of Michigan lawyers as I do, I am confident that many of you made year-end contributions to your favorite charities. I hope that among your contributions was a donation to the State Bar of Michigan's Access to Justice Campaign. If you haven't yet contributed to the ATJ Campaign, it is not too late—it is a campaign for all seasons. The State Bar of Michigan, in partnership with the Michigan State Bar Foundation and legal services providers throughout the state, is continuing its goal of ensuring that access to justice is not limited to only those who can afford it. The Access to Justice Campaign is about raising money to support civil legal aid to help at-need people with real-life problems. And the campaign is working. Let me share with you just a few of our recent successes:

The Grand Rapids-based Michigan Migrant Legal Assistance Project (MMLAP) is dedicated to ensuring that Michigan's migrant workers are supported on issues of safe housing, ensuring payment for labor, civil rights protections, and education regarding agricultural health concerns and safety issues.

Michigan's farming industry is the state's second-highest revenue-producing industry,

with harvested crops grossing \$10 billion annually (market value). Nevertheless, the average annual salary for a migrant worker is under \$7,500. Ninety-five percent of migrant workers lack adequate medical care, and the children of these workers are at risk from chemical exposure, lack of supervision while their parents often labor 14 hours a day in the fields, and limited health care.

During the summer of 2004, two children, ages four and six, were working in the pesticide-laden fields of Ottawa County, picking blueberries during one of the hottest summer months. The children had no hand-washing facilities, no available bathroom provisions, and no drinking water, even though federal law requires these provisions. They worked their fingers to the bone but received less than the federal minimum wage and were not paid for every hour. At the end of the day, the children were sometimes earning less than \$1 per hour, which was pooled together with other family members' earnings. They also were paid in cash so their employer could avoid payroll taxes. MMLAP intervened to improve their working conditions and defend the children's right to the federal minimum wage.

In another case, an unsuspecting 87-year-old woman paid a remodeling contractor to enclose her front porch, but after installing

walls, windows, and aluminum siding, the contractor disappeared without completing all of the necessary interior work. Financially unable to secure an attorney, the woman turned to the Civil Law Group of the Legal Aid and Defender Association, Inc. (LAD) for assistance. To ensure that this woman received valuable legal assistance, LAD referred her to the Detroit Legal Service Clinic, a cooperative pro bono referral service run by the Detroit Metropolitan Bar Association, area major law firms, and offices of corporate counsel. The case was assigned to a friend of mine, Thomas Ziolkowski, a staff attorney for General Motors Corporation, who, in turn, enlisted the help of two private attorneys, Fred Fresard and Nicholas Even, both of the Troy-based firm of Bowman and Brooke.

Using contact information obtained from a payment letter in their client's possession, Even and Fresard began trying to contact the elusive contractor. After several futile attempts, they collectively chose to forego the time-consuming process and to literally take matters into their own hands by completing the job themselves. Upon final completion, both the client and the attorneys were pleased with the work. "I can't thank them enough," the client said. Even and Fresard returned her gratitude, stating, "It's great to

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see her happy and enjoying the porch. If we hadn't gone ahead and finished the job, we'd still be bogged down in litigation."

In yet another case, a legal aid program helped to convene landlords to talk with program advocates and local shelter representatives about domestic violence dynamics and the difficulty that victims have escaping their situation when they cannot find a place to live, sometimes because of lack of access to funds for a security deposit. This resulted in at least one landlord agreeing to assist women leaving the shelter and renting his units without a security deposit. Other landlords agreed to work with the shelter to help place survivors into low-income housing units.

Finally, a widow was raising grandchildren in her home of 34 years. She had worked as a housekeeper for many years to pay off the mortgage and keep up with real estate tax payments. She missed a small county tax payment one year but then continued to pay those taxes. Due to the old unpaid tax bill, she was subject to accelerated foreclosure through which an out-of-state investor bought the house and attempted to evict her and her grandchildren. A legal aid program asked a court to set aside the foreclosure and was able to negotiate a settlement that returned the widow's longtime home to her.

These stories are just a handful of the many successes enjoyed by legal aid programs that have received grants from the State Bar's ATJ Fund. The State Bar of Michigan's Access to Justice Campaign was the vision of an outstanding past president, the Honorable Alfred Butzbaugh, and is now one of the leading campaigns of its type in the nation. As members of the State Bar, we should all be proud to support this worthy cause. But the individuals and families who are without proper legal aid assistance need our support throughout the year—not just during the holiday season. I encourage you to continue demonstrating your commitment toward strengthening the availability of civil legal assistance for Michigan's individuals and families through your ongoing, year-round support of the ATJ Fund. Your generosity will help to ensure that the dream of justice for all citizens continues to be a reality in Michigan. ♦