

# Richard Bernstein

Every lawyer knows the name Sam Bernstein. Some lawyers like Bernstein's advertisements. Some lawyers do not believe in advertising. Some lawyers wish they could afford to do the same.

For those who would criticize Bernstein, take notice that his advertising has generated more than enough income to allow the Bernstein staff to provide numerous hours of pro bono work. First and foremost of the volunteer attorneys is Bernstein's son, Richard, who spends 50 percent of his practice time on primarily impact cases, charging no fees. He goes beyond that and will drop a demand for attorney fees allowed by various laws, if that will help settle the case.

Richard Bernstein could have been a spoiled, indulged 30-something—not only because his father is highly successful, but because he has been blind from birth, with congenital cataracts and severe astigmatism. He can read only Braille, cannot write or drive, and was in special education for his student career.

**CAUTION:** Reading further will force you to take a long look at yourself and at how much service you perform for the good of the body politic, when you read what this young lawyer has already accomplished in a mere six years out of law school.

In six years, Richard has amassed more awards than many lawyers see in a lifetime.

*He must commit an entire case file to memory before appearing in court, because he cannot rely on notes and documents. He also visits the courtroom to memorize the layout and accommodate obstacles.*



*Bernstein sworn in as a governor of Wayne State University by Hon. Bernard Friedman.*

Photo courtesy of WSU

The Young Lawyers Section of the State Bar of Michigan selected Richard as the 2003–2004 Regeana Myrick Outstanding Young Lawyer Award recipient for outstanding commitment to public service. He also received a Spirit of Detroit Award from the Detroit City Council when he helped found the Sarcoidosis Center of Excellence at Hutzel Hospital. The Sarcoidosis Center was created to provide Detroit-area citizens a place for diagnosis and treatment of a disease that disproportionately affects African-American women.

In 2002, he received a Special Recognition Award, Macomb Intermediate School District, for advocacy on behalf of disabled

students and their families. The Children's Advocate Award, National Council of Jewish Women, was awarded to Richard for his advocacy on behalf of disadvantaged children. He was selected Volunteer of the Year by the Jewish Home and Aging Services in 2000.

During his school years and since, Richard has had help from his parents and many others. Richard has a special mentor in Anthony Fillipis, Sr., founder of the Athletes with Disabilities Hall of Fame. Founded in 1999, the Hall honors Michigan's outstanding challenged athletes, educates the public, and initiates and supports adaptive sports and recreational programs aimed at maintaining the independence and inclusion of disabled persons. Fillipis himself lost both legs in a train accident when he was 12 years old in 1927. He later co-founded Wright and Fillipis, an orthotics manufacturer, now with 28 facilities and 900 employees, many disabled.

Tony and Richard live in each other's shadows. Fillipis states: "Richard has done more than anyone I have worked with in 70 years of advocacy for the disabled. Richard

was responsible for my appointment by Governor Granholm to the Commission on Disability Concerns,” which Fillipis chairs. Fillipis is amazed by Richard’s humility. “Richard *never* talks about himself, just always about the needs of others. I am 90 years old and have met many, many people, but Richard Bernstein is my hero.”

When elected to the Wayne State University Board of Governors in 2003 for an eight-year term, Bernstein apparently was the first blind person to run for statewide office in Michigan. He helped create a conference on student mental health, sponsored by Wayne State University and Kadema, a mental health advocacy organization. He has worked with the Wayne State University Medical School to help teach medical students about the difficulties facing deaf patients and their medical treatment. He is chair of the Wayne State University Personnel Committee and Board



*A mutual admiration society of two, Tony Fillipis and Richard Bernstein.*

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member of Wayne State University Research and Technology Park.

Richard has taken his message of community service to the media. He was the creator and is the host of “Making a Difference,” CBS–Detroit Television, a weekly series featuring individuals and organizations dedicated to community advocacy and service. He is also a contributing editorial columnist for the *Detroit News* and the *Detroit Free Press*.

Bernstein is no stranger to political battles in his search for justice for the disabled. He started at the top to battle Governor Engler’s proposed re-organization of the state’s special education system. Engler proposed placing all special education students, regardless of their disability or age, in the same classes, with no restrictions on special education class size. When Bernstein appeared in court and in public, he stressed that the proposal would

take away everything that helped him become a lawyer. With help from State Senator Gary Peters, who drafted legislation to protect the status quo, and public pressure, Engler’s proposal died. Ken Reid, president of the Macomb Intermediate Federation of Teachers and a special education teacher, said that it was Richard’s passion that led to success. With almost a quarter million students in Michigan’s public special education system, Bernstein continues to fight for their rights.

His second foe was the Southeast Michigan Council of Governments (SEMCOG), an organization of over 100 mayors, township supervisors, and village presidents in Wayne and Oakland counties. Representatives of the City of Ferndale, along with the award-winning activist group MOSES (Metropolitan Organizing Strategy Enabling Strength) and Bernstein, filed an Elliott-Larsen Civil Rights Act lawsuit, claiming that SEMCOG denies minorities and disabled citizens in Detroit and the inner suburbs, who rely heavily on mass transportation, the ability to live their lives as easily as people with cars. Bernstein, who is both a plaintiff and co-counsel, argues that SEMCOG gives much greater consideration to building roads for people who drive and live in the largely white and wealthy suburbs, while discriminating against

the poor, minorities, and disabled people who rely on public transportation.

Along came strike three—Detroit Mayor Kwame Kilpatrick. Bernstein filed suit against the city on behalf of five disabled Detroit residents, claiming half of the city’s buses lack working wheelchair lifts as required by federal law. The lawsuit argues that the city violated a federal law requiring it to keep wheelchair lifts on its buses in good repair, and made plaintiffs wait hours for a bus with a lift. Plaintiffs only sought wheelchair lift repairs, monitoring of lift conditions, and bus driver training—no fines, damages, or attorney fees. The Mayor criticized Bernstein in the press and publicly at a Wayne State University function with over 1,000 attendees, where Bernstein attended as a WSU governor. No matter. Bernstein pressed on.

Richard is totally committed to showing that we should not discount persons with disabilities. So much so, that he jogged and speed-walked the full 26.2-mile course of the *Detroit Free Press*/Flagstar Bank Marathon in 2003 with his white cane, amid the cheers of bystanders. He ran with Tom Barwin, 49, city manager for Ferndale, who guided him with pre-arranged signals. There was plenty of pain, but there was humor as well. When Bernstein and Barwin passed a marathoner

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who was winded, the runner said “Oh no! A blind guy is beating me.” The pair made it to Ford Field just under Bernstein’s goal of six hours. His run was featured by columnist Bill Laitner in the *Detroit Free Press*.<sup>1</sup>

You may be wondering if Bernstein is actually a practicing attorney. Rest assured, he is a trial attorney at his father’s firm in Farmington Hills, specializing in representing victims of personal injury or disability discrimination. He relies on sighted colleagues to read information to him, as many as 10 times, until he has the information memorized. He must commit an entire case file to memory before appearing in court, because he cannot rely on notes and documents. He also visits the courtroom to memorize the layout and accommodate obstacles. In his spare time, Bernstein is an adjunct professor at the University of Michigan in Ann Arbor, Depart-

ment of Political Science, teaching “Law and Social Change.”

Bernstein’s own education is as captivating as his lawyering and community service. In 1996, Bernstein received his Bachelor of Arts summa cum laude from the University of Michigan, where he was Phi Beta Kappa, Phi Kappa Phi, and student body president of the College of Literature, Science and Arts. He received the Outstanding Student Award from the Michigan Association of Governing Boards. Bernstein received his law degree from Northwestern University School of Law in 1999. Therein lies another story of Richard’s determination.

In spite of his stellar undergraduate record, Bernstein could not gain admission to law school without taking the LSAT. However, he refused to take the test, which he claims discriminates against the blind, be-

cause it requires the interpretation of visual material such as graphs. For over a year, he built his case and convinced Northwestern to admit him based on his academic record, extracurricular activities, and letters of recommendation. Once at Northwestern, he jog-walked with his cane for hours on the bike paths along the lakeshore in Chicago, memorizing volumes of law on tape. One of Bernstein’s pet advocacy projects is convincing universities to waive the LSAT requirement for blind applicants.<sup>2</sup>

Richard Bernstein may be unable to see with his eyes, but he can teach us a thing or two about seeing the light when it comes to giving back for the many riches we attorneys have. ♦

*Francine Cullari practices real estate, estate planning, and business law in Grand Blanc. She is on the State Bar of Michigan Board of Commissioners and is vice-chairperson of the Publications and Website Advisory Committee, where she is responsible for the Michigan Bar Journal. She is the editor of Bar Beat, a local magazine for the legal profession.*

### FOOTNOTES

1. Bill Laitner, “Blind Marathoner Meets His Goal,” *Detroit Free Press*, October 21, 2003, p 3H.
2. See Naseem Stecker, *What’s the Score: The LSAT and the Blind*, Mich BJ, Jan. 2001, at 46.

## MEMBERSHIPS

Wayne State University Board of Governors

Wayne State University Personnel  
Committee Chairperson

Wayne State University Research and Technology  
Park Board

Disabilities Committee for the SBM Open Justice  
Commission (former)

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Steering Committee

Miracle League of Michigan Board

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Jewish Federation of Metropolitan Detroit (former)

Michigan Community Scholars Program Advisory  
Board at University of Michigan

Deaf Community Advocacy Board

Michigan Association for the Deaf, Hearing, and  
Speech Services Board

Michigan Anti-Defamation League Board

Oakland County Bar Association’s Inn of Court

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Advisory Committee

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Michigan Chapter Board and Congressional Key  
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Association of Trial Lawyers of America

Michigan Trial Lawyers Association