



All About Access:

The Challenge of Resource Development

Naseem Stecker

As a child, he picked blueberries in the fields of Ottawa County alongside his mother, a Mexican migrant worker who first arrived in this country at the age of 15. Robert Alvarez recalls that on their way home after a long day of picking blueberries, he asked her about her experiences in this country. She said nothing at first. Then she started to cry. Stories of encounters with police, immigration authorities, employers, and landlords came pouring out. “The thought of my mother enduring the discrimination, harassment, and exploitation she faced almost on a daily basis made me wish that there was someone who could have helped her,” Alvarez said. “The more I thought about what my mother went through, the more I knew that the only way to help those in similar situations was to become a lawyer. I could level the playing field and give others the voice many don’t even know that they have in the American court system. In that moment, I decided to become a lawyer.”

Alvarez’s story underlies the larger reality of our legal system—that the poor, the disabled, and the disenfranchised are struggling to get access to the doors of the courthouse, but those doors are often closed. Study after study shows that 80 percent of the legal needs of the poor are unmet and that for every person served by legal aid, at least one other needy person is turned away because of lack of resources. When lawyers like Mr. Alvarez, through personal or other reasons, take it upon themselves to right the wrongs, lift up the weak, and give voice to the voiceless, they are helping to push open those courtroom doors, at least a little.

A collaboration involving the State Bar, the State Bar Foundation, and legal aid providers 11 years ago resulted in the formation of an Access to Justice for All Task Force. The State Bar provided resources for staff to support the work of the task force to help those with economic or other barriers to access to justice. Currently, the Bar's Committee on Justice Initiatives (CJI) provides the organizational structure through which this is achieved. Under the CJI, the Resource Development Initiative (RDI) is charged with the important task of raising money and providing training to over 40 civil legal aid programs like the Michigan Migrant Legal Assistance Project where Mr. Alvarez, who is now a private practitioner, represented migrant and seasonal farm workers in state and federal court. More than 1.3 million people qualify for help from Michigan's civil legal aid programs because their annual income is less than 125 percent of the federal poverty guideline—approximately \$19,500 in 2004 for a family of three. But over the years, decreases in federal funding levels to such programs mean that regional and local efforts like the ATJ Campaign (see sidebar) will acquire more significance.



Robert Anthony Alvarez now practices at the Law Office of Jose A. Sandoval, P.C. in Wyoming, Michigan, where he continues to serve migrants and other members of the Hispanic community in a broad range of areas, including family and criminal law. He also makes regular appearances on local Spanish language radio stations to give advice to callers. (Courtesy photo)

Access to Justice

Although the sums raised through the ATJ Campaign have gone up steadily and now stand at over \$6 million in cash, pledges, and planned gifts, much more is needed. Berrien County Judge Alfred Butzbaugh was one of the early leaders of the ATJ project. "If people contributed \$300 and designated that to the endowment fund, they could get \$150 state income tax credit and also a federal tax deduction on top of that. So the net cost of the \$300 contribution can be as low as just over \$100. That's giving our members a chance to leverage their contribution." Judge Butzbaugh also points out that if only 33,000 of our over 37,000 State Bar members each gave \$300, with an after-tax cost to them of \$100, that

would amount to \$10 million a year for the ATJ Fund. If that money went to a permanent endowment, and assuming earnings on it after a 10-year period, the total would be over \$100 million!

Lawyers in northern Michigan are already working through the ATJ Campaign to strengthen and expand services to the poverty population of the north. Legal Services of Northern Michigan (LSNM) announced last year that it had coordinated a three-year fundraising effort (Drive for Twenty-Five) with the ATJ Campaign to reach the threshold amount of \$25,000 to establish an endowment for its operations. Once this amount is generated, only a portion of the fund's interest will be available for spending. The remainder will revert to principal to continually grow the fund over time. This consistent source of support will give LSNM the ability to continue to provide legal assistance to upper Michigan's low-income population free from reliance on the grades of Congress and the state legislature.

Donations are received and managed by the Michigan State Bar Foundation, a 501 (c)(3) organization that holds the Access to

Justice Fund. (See the Foundation's website at <http://www.msb.org>.) The Foundation distributes designated funds and awards grants to non-profit agencies throughout Michigan. In 2005, the Foundation awarded five grants totaling nearly \$50,000 to support innovative projects and to assist civil legal aid. Linda Rexer is the executive director of the Foundation. She says that, "The collaboration among the partners that started the ATJ Campaign—legal aid providers, the State Bar, and the Foundation—must remain vital as needs and opportunities arise in the future."

The Foundation's 2004 "Justice For All" report cites many of the partners' creative solutions for addressing recent challenges. These include technology advancements to help programs share information, creating a state support entity to train legal aid advocates, establishing an Access to Justice Fund to raise private donations to

Some Access Terminology

The Access to Justice Campaign was established in 1998 as a partnership between the Michigan State Bar Foundation, the State Bar of Michigan, and our state's civil legal aid providers.

ATJ Campaign—The State Bar of Michigan conducts the Access to Justice Campaign through statewide, corporate committee, and SBM Resource Development Initiative (RDI) staff. The RDI staff manage the ATJ Campaign's daily operations implementing campaign strategy, donor solicitation, donor visits, planned giving, and grant proposals.

ATJ Fund, Michigan State Bar Foundation—All contributions made through the Access to Justice Campaign are deposited into the Access to Justice Fund at the Michigan State Bar Foundation. Gifts are designated by donors for specific legal services agencies or donated to support charitable legal aid needs throughout the state. The Michigan State Bar Foundation awards grants from the ATJ Fund and evaluates the use of grant proceeds and the services provided.

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support civil legal aid services through the ATJ Campaign, a state-based litigation assistance partnership program that matches high-impact cases and low-income clients with pro bono lawyers from large firms, expanding telephone hotline services to increase access, and partnering with local bars to create legal assistance centers and providing pro se help.

RDI: The Challenge Ahead

Although many changes and improvements have been made and are in the works, the fact remains that demand for legal services far exceeds the supply. The problems of the underserved communities are varied and many—elderly people seeking help with eviction notices; the disabled trying to access medical care; families and abused children in precarious, vulnerable predicaments; or, as Alvarez points out, migrant workers who in some parts of Michigan are still “living in chicken coops with nothing more than an extension cord to serve

as their only means of electricity for a hot plate on which they can make their meals, and a bucket to serve as a bathroom facility.”

The RDI’s chairperson, Ed Pappas, is keenly aware of the need and says his priority is to “increase the amount of funds and the number of donors to the ATJ Fund and to raise the level of awareness in the legal community and the public.” Even a small contribution of \$10 is a start, Pappas says. He is also working to make structural improvements within ATJ-related committees at the regional level so that there is better exchange of information and greater efficiency overall.

Most attorneys in Michigan know that there is a voluntary ethical standard that requires them to take three cases, to do at least 30 hours of pro bono work per year, or to contribute \$300 to Access to Justice or an approved legal services program of their choice. Jerome Reide, director of Justice Initiatives at the Bar, stresses that donating money through the ATJ Campaign and providing pro bono service are essentially two sides of the same coin, and both avenues are very much needed. “Michigan attorneys have been very generous in contributing both money and time. We need to cast a wider net to tackle chronic funding and representation shortages to effectively address the needs of Michigan’s underserved.” ♦

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