MICHIGAN STATE BAR FOUNDATION

2016 PRESIDENT'S REPORT TO THE MEMBERS



Margaret J. Nichols President

69th Annual Members Meeting

September 21, 2016, 2:00 p.m. Amway Grand Plaza Grand Rapids, Michigan

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Michigan State Bar Foundation

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Margaret J. Nichols, President



69TH ANNUAL MEMBERS MEETING

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Michigan State Bar Foundation President's 2016 Report to the Members Margaret J. Nichols, President

INTRODUCTION

Since its inception in 1947, the Michigan State Bar Foundation has made 1,950 grants totaling almost \$190 million, including \$9.7 million in the last year, in support of its mission to provide leadership and grants to improve access for all to the justice system, including support for civil legal aid to the poor, law-related education, and conflict resolution.

Foundation grants educate the public about the importance of the rule of law, train youth and other citizens in peaceful conflict resolution and assist those in need with critical civil legal services. As a result, young people know how to resolve problems peacefully; the public has educational information about the justice system; teachers have new ways to engage students to learn legal principles; seniors are able to save their homes from unscrupulous contractors; children live in safer homes; and low-income families have somewhere to go for civil legal help.

During the last year, the Foundation made annual grants of \$7,152,830 for nonprofit civil legal aid agencies across our State, \$1,786,065 for projects to improve the administration of justice, and \$740,610 designated for particular organizations from the Access to Justice Fund. These funds have made a difference for people and for the justice system through the grants and projects described in this report.

Additional information about the Foundation and its public interest programs can be found on the Foundation's website at www.msbf.org.

FOUNDATION FELLOWS

Over 1,500 distinguished Michigan lawyers and judges are currently Foundation Fellows. They are elected for their professional excellence and community contributions. Since the program was established in 1984, Fellows have contributed more than \$1.8 million to support the Foundation's law-related public service programs. Without contributions and leadership from the

Fellows, many activities described in this report would not be possible.

FOUNDATION AWARDS

The Michigan State Bar Foundation has selected George Googasian and Jon Muth as 2016 recipients of its highest honor, the Founders Award. Foundation President Margaret Nichols said, "Both George Googasian and Jon Muth represent the highest traditions of our profession. No two Michigan lawyers could better exemplify the Founders Award criteria of professional outstanding excellence and community contributions." Past recipients included Dennis Archer, Wallace Riley, Charles Rutherford, Hon. Julian Cook, Patrick Bruetsch, Kim Cahill (posthumously), Hon. Avern Cohn, Cummiskey (posthumously), Hon. Hilda Gage (posthumously) and Hon. Harold Hood (posthumously).

Googasian and Muth are good friends who greatly admire each other. In filmed comments about this award, each described the special qualities of the other. Muth said Googasian is a true gentleman, a consummate professional, a talented lawyer of the highest ethics and a fierce competitor. Googasian said that Muth was one of the finest bar leaders in Michigan, a great trial lawyer with common sense, knowledge of the law and a sense of fairness. Those who know either know these compliments are correct and are why we look to both as examples of the best in our profession. That best goes beyond their legal excellence to bar leadership and generous commitments to access to justice. Both are past recipients of the Roberts P. Hudson Award (the State Bar's highest honor), Life Fellows of the Foundation, Past Presidents of the State Bar of Michigan and have given leadership to local bars and prestigious professional associations.

Googasian is a fellow in the International Academy of Trial Lawyers, the American College of Trial Lawyers, and the American Board of Trial Advocates. He has received major awards for service from the State Bar of Michigan, the Oakland County Bar Association and the American Judicature Society, among other groups. He is past Vice-President of the Oakland County chapter of the American Inns of Court. Googasian worked as an Assistant U.S. Attorney in the Eastern District of Michigan for the U.S. Department of Justice in Detroit before becoming a private practitioner specializing in trial work and serves as a mediator and arbitrator. He has been President of the Oakland County Bar Association, giving countless hours there and in state level efforts to assist the profession and its obligations to the public. Many of these important works were done quietly and would not appear on a resume; one example is his quick agreement to host a benefit to honor a longtime legal aid lawyer which raised funds that will support law interns at legal aid into the future.

Similarly Muth has made a difference for those who cannot afford to hire a lawyer, a key example being his leadership in establishing the Kent County Legal Assistance Center which now helps more than 18,000 self-represented persons annually navigate the legal system in civil matters. He also served on the Foundation's Board and on its Legal Services Grants Committee during years in which the Foundation, the State Bar and the providers collaborated to build the Access to Justice Fund and other delivery innovations. His creative ideas are still tapped by those working on access to justice; he served last year on the Access Committee of the State Bar's 21st Century Practice He has received awards and Task Force. recognitions for his bar leadership, which has included many local and state bar committees. He has been a Master with the American Inns of Court, a member of the Federal Bar Association, a member of the American Bar Association including serving on its House of Delegates. He has served as chair of the Grand Rapids Bar Association's Pro Bono Committee and organizational chair of the Kent County Legal Assistance Center where he remains a Trustee.

Foundation Executive Director, Linda Rexer, said "George and Jon have been models to me of able and generous professionals. They have both long inspired me and many others more than they know in our work to make access to justice a reality for all."

The Founder's award will be presented on behalf of the Foundation at the September 21,

2016 State Bar Awards Banquet during the State Bar's Annual Meeting in Grand Rapids, Michigan.

FUNDING AND OTHER HIGHLIGHTS

FUNDING SOURCES

The Foundation has several sources of funding to support its programs and grants.

The IOLTA (Interest on Lawyers Trust Accounts) program was adopted by the Michigan Supreme Court in 1990. Under IOLTA, the Foundation receives interest on lawyers' pooled trust accounts which hold client funds that are too small in amount or held for such a brief period to generate net interest over costs to benefit the client. Many Michigan banks help provide more revenue for the Foundation's public interest grants by waiving fees on IOLTA accounts (see www.msbf.org/iolta/HonorRoll.pdf).

IOLTA provides revenue designated by the Michigan Supreme Court for public purposes, with seventy percent (70%) of net IOLTA proceeds allocated for civil legal aid to the poor. Nationally, IOLTA is the second largest funder of civil legal aid for the poor.

In addition, 15% of net IOLTA funds are allocated for improvements in the administration of justice (AOJ). The Foundation offers several grant cycles annually for AOJ projects that advance law-related education, conflict resolution, civil legal aid to the poor, and other law-related programs. Information about grant applications and deadlines can be found at www.msbf.org.

The Foundation also continues to be a partner in the Access to Justice (ATJ) Campaign along with the State Bar of Michigan and Michigan's civil legal aid programs. The ATJ Campaign seeks private donations to increase resources for civil legal aid for the poor. The Foundation holds the Access to Justice Fund and receives and manages donations and distributions for it. The Access to Justice Fund has received more than \$15.2 million in contributions and pledges since its inception in 1997, including more than \$4.95 million now growing in a permanent endowment. ATJ Fund donations, as well as endowment earnings, make it possible for legal aid agencies to assist lowincome families throughout Michigan to stay safe from family violence, prevent homelessness, access medical care, obtain child support and resolve other critical civil legal needs.

Since the last Foundation members meeting, the Foundation distributed \$740,610 designated by ATJ Fund donors for individual nonprofit legal aid programs. Also, earnings from several designated ATJ Fund endowments were allocated for the designated agencies. Contributions from lawyers and judges to the ATJ Fund are one method of satisfying obligations under the State Bar's voluntary pro bono standard, and many Foundation members have made their own gifts to this important effort. For information about how to support the ATJ Fund, see www.atjfund.org.

Other sources of funding are listed on page 6. They include private donations received through the Fellows program, the Memorial and Tribute Program, the Michael Franck Fund, and the Irwin I. Cohn Endowment Fund.

Earnings from the Irwin I. Cohn Endowment Fund now support the Cohn Bar Excellence Program, which promotes excellence in bar association work by supporting training or other development opportunities for Michigan bar leaders. Since 2013, thirteen emerging bar leaders have received Cohn Bar Excellence Program scholarships which made it possible for each to attend the State Bar's annual Bar Leadership Forum. Recipients have reported great benefits in developing their own bar leadership skills; their comments to date have included "I have taken (leadership) techniques I learned and applied them in my everyday work" and "(the training) perfect blend of was the professional development, board training and professional and personal connections with other great leaders in our profession that you may never have the opportunity to experience all in one place ever (again)."

OTHER HIGHLIGHTS

Despite historically-low interest rates, the Foundation benefitted in recent years from the amended IOLTA rule (MRPC 1.15) adopted in 2005 by the Michigan Supreme Court. Now, IOLTA accounts may only be kept at financial institutions which pay IOLTA customers rates comparable to rates generally available to that institution's similarly-situated non-IOLTA customers. The increase in revenue during higher interest rate periods allowed the Foundation to establish a reserve for the purpose of sustaining annual grant levels and supporting selected

strategies to advance legal aid services throughout Michigan.

These reserves helped avoid drastic cuts to grants made by IOLTA foundations in other states in the last few years. Income from the Access to Justice Fund statewide endowment and other donations also helped avoid deep cuts to annual grants and allowed the Foundation to provide significant support to the Michigan Legal Help program to assist the large number of self-represented persons who cannot afford to hire a lawyer for their simple civil matter.

The Foundation continued to work with the State Bar and credit union groups to implement an amendment to MPRC 1.15 allowing lawyers to deposit IOLTA funds in credit unions. This followed a change in federal law assuring federal deposit insurance was available for IOLTA accounts at credit unions. The Foundation's long-standing relationship with Michigan's financial institutions and working partnership with the State Bar helped make the new program operational quickly. Now lawyers have additional options for IOLTA accounts.

The Michigan Legal Help program began with the aid of Foundation funding. It consists of a user-friendly interactive website written in plain English at www.MichiganLegalHelp.org and a number of affiliated local self-help centers. Michigan Legal Help is currently expanding the number of local self-help centers, adding content to the website, launching a Spanish website and implementing Live Help through which pro bono law students help users navigate the website. Since the website launched in late 2012, it has had 5.5 million visits from more than 1.59 million visitors. It is 3rd in the nation (behind only New York and California) in the number of automated documents generated for users.

The Foundation remains involved in leadership for the Michigan Legal Help program effort through its funding and participation by Judge Butzbaugh and Ms. Rexer in the Michigan Legal Help Program Advisory Committee. Currently, the web site provides information in the areas of family law, protection from abuse, consumer law, housing law, expungement, income tax and public benefits. In addition, web site users can find information about local court procedures, videos and other instructions about

going to court, toolkits and forms and referral information to help find a local lawyer or legal assistance center or community agency.

Because the State Bar's Voluntary Pro Bono Standard involves both volunteer legal services and financial donations to support civil legal aid for low-income persons, the Foundation works with the State Bar on the Bar's Circle of Excellence (COE) which recognizes law firms that meet the annual aspirational goals of the Pro Bono Standard. The Foundation and the State Bar work together on the COE application process and support a committee to decide on COE firms. A recognition flyer including COE firms and the largest cumulative ATJ Fund donor firms is jointly published annually by the State Bar and the Foundation (see current flyer on page 7).

Foundation representatives continued to participate in the State Planning Body which includes civil legal aid and indigent defense providers, bar and bench leaders, the State Bar of Michigan and the Foundation. Its work involves projects that can be addressed collectively to improve the delivery of legal aid for the poor. In addition, Foundation representatives continue to serve on the State Bar's Committee on Justice Initiatives which addresses pro bono, criminal issues, equal access and justice policy matters.

Foundation leadership also served on the State Bar's 21st Century Task Force on the Future of Legal Services and its subgroups examining possible innovations, including enhancing access to justice for those in need. With Foundation Trustee Hon. Libby Hines, Ms. Rexer co-chaired the Task Force's Access and Affordability committee which offered 40 recommendations to enhance access to justice. Ms. Rexer also chaired the State Bar's work group on Limited Scope Representation.

Nationally, Foundation Executive Director Linda Rexer served as co-chair of the ABA National Association of IOLTA Programs National Meetings Committee which produces national trainings for IOLTA programs. She also chaired the National Association of IOLTA Programs Foundation Leadership Committee using special national funding to help IOLTA leaders educate general foundations about the value of supporting civil legal aid to the poor. She also serves on the Council of Michigan Foundations (CMF) Public Policy Committee.

Ms. Rexer received a national award, the Charles Dorsey Award from the National Legal Aid and Defender Association, for her work advancing access to justice for the poor. She was also selected as the recipient of the State Bar of Michigan's highest honor, the 2016 Roberts P. Hudson Award acknowledging her work over 30 years as Executive Director of the Michigan State Bar Foundation enhancing access to justice for those in need in Michigan. In addition, Foundation Trustee Rhett Pinsky will receive a State Bar Champion of Justice Award. See details both awards http://www.michbar.org/News/NewsDetail/nid/53 57 Also, Foundation Trustee Julie Fershtman was selected Woman of the Year, among the Women in the Law class of 2016, by Michigan Lawyers Weekly.

GRANT PROGRAMS

The Foundation's grants process includes an applicant's written application, signed grant assurances, and often additional information requested by Foundation staff after receipt of the grant proposal. The Foundation receives and manages all data electronically to facilitate analyzing information. Each recipient must have an evaluation plan and must submit a report after the project is completed and often an interim report while the project is active.

All Foundation grants are approved by the Board of Trustees under published criteria for each grant program after review and recommendations by staff and the appropriate grants committee. Grant conditions are often used to promote accountability, collaboration or replicability. These requirements promote more effective and efficient grant making by linking one applicant with another, facilitating sharing materials and lessons, or encouraging matching grants from other funders, thus leveraging scarce funding resources.

The Foundation's two major grant programs are: 1) support for civil legal services to the poor and 2) improvements in the administration of justice. Detailed descriptions of the Foundation's grant programs, application forms, criteria and other information can be found at www.msbf.org.

LEGAL AID GRANTS

Supporting civil legal aid for the poor is the

Foundation's largest grants program, awarding more than \$7.15 million in annual funding in the last year. Despite these resources and impressive efforts by the state's nonprofit civil legal aid programs to achieve efficiencies and innovations, the need remains far greater than available resources.

A State Bar study showed legal aid programs must turn away nearly half of those who seek their help due to lack of resources. An American Bar Association study has also estimated that no more than 20% of the civil legal needs of the poor are being met each year. Michigan's difficult economy has widened that gap even further. Persons who live at or below 200% of the federal poverty standard (\$23,760 annually for an individual) qualify for help from legal aid agencies. In Michigan, that is almost 3.4 million persons of the state's population of almost 10 million.

Legal aid programs funded by the Foundation closed 55,518 cases for low-income persons in Michigan last year in areas of family, housing, consumer, income and other challenges faced by clients.

Some 36,727 (66%) clients benefited from legal advice and counsel for problems that could be prevented or resolved through informing clients of their legal rights and responsibilities. Talking with an attorney about a problem before action is taken often helps people make good choices as employees, tenants, parents or citizens, and it can prevent the legal problem from getting worse.

Another 7,370 (13%) were helped with limited action services such as filling out forms, calling a landlord or reviewing documents, so that disputes could be worked out without going to court. An additional 9,977 clients received representation through litigation (4%), negotiated settlements (7%) or administrative agency decisions (7%) helping with problems affecting basics such as food, shelter, employment and access to health care.

Also, 1,444 (3%) received extensive services or other services, such as legal research, preparation of complex documents, extensive interaction with third parties or ongoing help to persons proceeding pro se. Legal aid programs work closely with community agencies on referrals and finding solutions for recurring problems.

Legal aid programs also handle a significant

number of non-case "matters" that help clients prevent legal problems or seek community solutions, such as referrals for human service help, legal education, and community outreach or trainings. Also, working with the State Bar and local bars, legal aid programs have recruited and supported pro bono attorneys who gave 38,460 hours of free legal help last year to educate and serve low-income families.

Through their work every day, nonprofit legal aid keep families safe from domestic violence, help the disabled obtain access to health care, protect a senior's home from predatory lenders, educate a community about their legal rights and responsibilities, or otherwise assist with civil legal needs. Five statewide programs and seven regional programs received annual legal services grants to support the delivery of civil legal aid for the poor. See the list of 2015 annual legal aid grantees at the end of this report. Also see reports and other information available at www.msbf.org, for more details on Foundation grants.

ADMINISTRATION OF JUSTICE GRANTS

In the last decade, the Foundation has distributed almost \$2.6 million in Administration of Justice Grants for projects that improve the administration of justice through law-related education, conflict resolution, or assisting the delivery of civil legal aid to the poor. The Foundation's Administration of Justice Grants Programs often helps innovative ideas get off the ground, expand successful projects for replication in other communities, and provide educational materials in print and on the Internet to expand access to law-related education.

Receiving an AOJ grant often creates opportunities for recipient organizations to obtain additional or matching funding from other sources. Also, AOJ grantees may work together as a result of Foundation grant conditions encouraging collaborative efforts. Many partnerships forged while working together on AOJ grant projects have lasted long after the project was finished.

This past year, \$1,786,065 was awarded from several Foundation funding sources for the following Administration of Justice grants:

Michigan Community Resources was awarded up to \$20,000 towards updating the Community Land Trust Legal Manual incorporating changes to the law and to include commercial use and provide technical assistance for implementation.

Southwest Detroit Community Justice Center received funding up to \$10,000 to cover costs of purchasing equipment for translation and interpreter services.

Center for Civic Education received up to \$10,000 to enhance web-based law-related materials and training for use by teachers.

Legal Services of Northern Michigan was awarded \$12,000 toward the fellowship for the "Rapid Response: Integrating Free Legal Services into a Regional Response to Homelessness" project.

Michigan Advocacy Program - Michigan Poverty Law Program received up to \$1.2 million to support ongoing operations and expansion of resource materials for the Michigan Foreclosure Prevention Project.

Foreclosure Prevention Evaluation Project of the Michigan State Bar Foundation received up to \$30,000 for evaluating the quality of services and the management of partnerships related to foreclosure prevention in Michigan.

2016 Community Redevelopment Legal Services Project of the Michigan State Bar Foundation received up to \$100,000 for programs working on community redevelopment.

Cohn Bar Excellence Program received \$1,846 from the Foundation's Irwin I. Cohn Memorial Fund toward three scholarships for local/special bar association representatives who could not otherwise attend the State Bar of Michigan's Bar Leadership Institute.

Michael Franck Fund earnings (of varying annual amounts) were designated for a symposium at future State Bar annual meetings with a speaker addressing ethics/professionalism.

Michigan Legal Help received \$400,000 to support ongoing operations.

Restorative Justice benefited from a total of \$2,219 for further research on this topic.

CONTRIBUTIONS

Many of the Foundation's charitable programs would not be possible without tax-deductible gifts to the Foundation.

Foundation Membership:

Foundation membership is open to all members in good standing of the State Bar of Michigan upon payment of dues.

Foundation Fellows:

Fellows who meet the criteria of professional excellence and service to community are elected by the Foundation Trustees after nomination by other Fellows. Fellows make a membership financial pledge at three levels of membership: Patron, Supporting and Fellow. Existing Fellows may upgrade their membership category at any time. Life Fellows have no further financial obligation; however, many Life Fellows continue to make voluntary donations.

Memorial/Tribute Fund:

Gifts in memory of deceased individuals may be made to the Foundation's Memorial Fund. Donations may also be made to the Foundation's Tribute Fund, which honors accomplishments of living persons.

Michael Franck Fund for Professional Responsibility:

This fund was established in memory of the longtime Executive Director of the State Bar of Michigan to support projects promoting professional responsibility.

Irwin I. Cohn Memorial Fund:

The Irwin I. Cohn Memorial Fund provides stipends and other support to promote education for and excellence in bar association leadership.

Access to Justice Fund:

The Access to Justice Fund supports civil legal aid for the poor, including building a permanent statewide endowment to generate future revenue and supporting local legal aid program fundraising through the Access to Justice Fund. The Access to Justice Campaign is a partnership of the State Bar of Michigan, the Michigan State Bar Foundation and Michigan's nonprofit civil legal aid providers. For more information see www.atjfund.org.

ACCESS TO JUSTICE FUND CUMULATIVE DONOR SOCIETIES

Acknowledging gifts from the ATJ Campaign's inception through 8/31/2016

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Note: Law firm gifts may include contributions and pledges from individual members of the firm whose gifts are also noted separately.

2016 PRO BONO CIRCLE OF EXCELLENCE

Recognizing law firms and corporations that met the State Bar of Michigan's Voluntary Pro Bono Standard

LEADERSHIP LEVEL

(\$500 per attorney average in financial donations)

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Bodman PLC

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(\$300 per attorney average in financial donations)

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ATJ FUND - SUPPORTING CIVIL LEGAL AID TO THE POOR IN MICHIGAN

The State Bar of Michigan, the Michigan State Bar Foundation and Michigan's nonprofit civil legal aid programs encourage all Michigan lawyers to contribute to the Access to Justice Fund **statewide permanent endowment** to generate ongoing and sustainable revenue to support civil legal aid throughout the state. Donations to this fund support the provision of civil legal services in every part of the state. You may also designate your Access to Justice Fund donation for an **individual legal aid program** for that program's operations or endowment. A list of eligible partner programs appears below. To make a donation, see www.atjfund.org.



REGIONAL CIVIL LEGAL AID PROGRAMS WITH OFFICES LOCATED THROUGHOUT THEIR REGION

Lakeshore Legal Aid* (E)

Legal Aid & Defender Association Civil Law Group* (M)

Legal Aid of Western Michigan* (W)

Legal Services of Eastern Michigan* (E)

Legal Services of Northern Michigan* (N)

Legal Services of South Central Michigan - Michigan Advocacy Program* (S)

PROGRAMS PROVIDING STATEWIDE SERVICES

Access to Justice Fund Statewide Endowment**
American Civil Liberties Union Fund of Michigan
Community Legal Resources*
(A Division of Michigan Community Resources)
Elder Law of Michigan*
Farmworker Legal Services*
Michigan Elder Justice Initiative*
Michigan Immigrant Rights Center*
Michigan Indian Legal Services

Michigan Legal Help*

Michigan Migrant Legal Assistance Project

Michigan Poverty Law Program*

OTHER LEGAL AID AND SPECIALITY PROGRAMS LOCATED IN MICHIGAN

Access to Bankruptcy Court Bay Area Women's Center Blue Water Safe Horizons

Center for Civil Justice

Counsel and Advocacy Law Line – LLA*

Detroit Metropolitan Bar Association Foundation Access to Justice Programs*

Diocese of Kalamazoo Immigration Assistance Program

First Step Legal Advocacy Project

Free Legal Aid Clinic

Freedom House

Guild/Sugar Law Center

HAVEN*

International Institute of Metropolitan Detroit
Justice For Our Neighbors Southeastern Michigan

Legal Assistance Center, Kent County
Michigan Legal Services*
Michigan Protection and Advocacy Service
MSU College of Law Clinical Law Programs
Neighborhood Legal Services Michigan
Salvation Army William Booth Legal Aid Clinic
Sixty Plus, Inc., Elder Law Clinic
Student Advocacy Center of Michigan
Underground Railroad Civil Legal Program
University of Detroit Mercy School of Law Clinical Law Programs
University of Michigan Law School Clinical Law Programs
Washtenaw County/EMU Legal Resource Center
Wayne State University Law School Clinical Law Programs

Justice For Our Neighbors - West Michigan

Programs followed by an asterisk () seek designated endowment funds in addition to designated gifts for current operations.

**The ATJ Fund Statewide Endowment produces earnings to support civil legal aid services throughout Michigan.



The ATJ Campaign is a partnership between the State Bar of Michigan, the Michigan State Bar Foundation and Michigan's civil legal aid programs to increase resources for civil legal aid to the poor in Michigan. Contributions to the ATJ Fund are received and administered by the Michigan State Bar Foundation according to the ATJ Fund guidelines located at www.msbf.org/atjfund.

The Michigan State Bar Foundation provides leadership and grants to improve access for all to the justice system, including support for civil legal aid to the poor, law-related education, and conflict resolution.

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