

National Consortium on Racial and Ethnic Fairness in the Courts

2015 STATE REPORT - MICHIGAN

State Bar of Michigan Equal Access Initiative (EAI)

The Equal Access Initiative (EAI) is one of four initiatives that are part of the State Bar of Michigan's Committee on Justice Initiatives (CJI). It is made up of approximately 17 volunteer attorneys and judges and supported by State Bar staff. EAI has various workgroups. The following are programs and projects that were undertaken by these groups in the year since the last National Consortium Annual Meeting.

A Right to Counsel in Civil Matters

As a follow up to last years' program on a right to counsel in civil matters, CJI voted to support in principle the conclusions of the ABA and in May of 2014 CJI sought and received the same support from the Board of Commissioners of the State Bar. CJI then appointed EAI to review and suggest next steps on the 2006 ABA Resolution. The following initial steps have been determined:

1. Michigan law that might support the concept must be identified. CJI believes that there should be a broader review of the circumstances where Michigan law currently recognizes a civil right to counsel and a broader discussion of which categories of cases might be prioritized for an expanded right to counsel in Michigan. The Workgroup will develop a Memo outlining current case law.

In addition, several states have embarked on pilot projects to provide representation in some specific civil matters. Some jurisdictions have had the support of their legislatures or Supreme Court justices to champion the efforts. Notably (and most recently), in 2014, state supreme courts in Hawaii, Indiana, and Montana found a right to counsel in various parental rights proceedings. In others, precedent has been set by court decisions. Each state's approach is guided by law specific to the state. The Workgroup will also examine this information.

2. There is work to be done coordinating assistance to individuals, understanding that often indigent people require a mixture of needs. System shortfalls in either criminal or civil cases can have adverse or unintended impacts. The Workgroup will examine current legal services practices as a beginning step.

3. The fiscal climate in Michigan will require significant groundwork to develop support for public funding in the categories of representation identified in the resolution. While indications are that savings and efficiencies can be gained in the long term, more support and research is likely needed to buttress any argument for additional public resources.

The recent success in passing legislation to improve the provision of indigent defense in criminal matters is encouraging but many challenges remain. Michigan is only at the threshold of implementation. CJI believes following the above outlined approach of analysis is the beginning point for laying a similar foundation to address improving civil legal counsel in Michigan.

The Disabilities Workgroup

The Disabilities Workgroup continues to look at opportunities to educate and inform the profession. The workgroup is monitoring the progress of problem solving courts around the state that are focused on specific assistance for defendants with mental health care needs.

Also the workgroup continues to focus on a quarterly online e-newsletter with concise, utilitarian articles regarding disabilities issues. This year marks the tenth anniversary of the project and they are now being revisited by the group for updating and can be found at www.michbar.org/programs/equalaccess.cfm

The Jury Curriculum Program

The Jury Curriculum Project requires the collaboration of the legal and educational Communities. Working with the Michigan Center for Civic Education, lawyers, judges and teachers throughout the state come together to teach the concepts of due process, equal protection, individual rights and justice as they apply to the importance of jury service and the value of diverse jury pools. The workgroup in conjunction with members of the Law Related Education Committee is revamping the materials that have been used over the last several years. The curriculum has been presented to school districts in Kent, Genesee, Berrien and Wayne Counties, the most recent being in Detroit.

Diversity and Inclusion Advisory Committee

The Diversity and Inclusion Advisory Committee (DIAC), as a part of its mission to advise the Board of Commissioners of the State Bar of Michigan and the profession, is continuing to develop a strategy to monitor the progress and implementation of a number of the recommendations from the Task Force Report of 1996 in order to ultimately compile and share the information in the form of ongoing reports.

This year the Committee, utilizing the Joint Recommendations workgroup designated a starting point among the 167 recommendations, reviewing 20 of them and establishing two subgroups regarding Professional Standards and Ethics matters. The charge is to analyze the recommendations for continued relevance and to identify whether additional considerations are implicated viewing them through the lens of the present day.

The Affinity Bar workgroup of DIAC developed a program to coincide with the Annual Barristers Ball in Detroit. The “Brunch for Bars” is designed to gather members of affinity bars around the state together to discuss collaboration opportunities and ideas. As a result of the success of this year’s event it is planned to continue annually.

The Law School workgroup of DIAC is completing work on a follow to the 2013 report on Michigan Law Schools. Report includes information about the demographic composition of the students and faculty of each of Michigan’s law schools, as well as descriptions of their respective pipeline activities. The Law School Workgroup also compiled a Pipeline Resource Brochure last year that has been updated regularly. This year a webinar is being developed that will highlight a number of the programs for participants and be archived for future access.

Michigan legal Help.org

Launched in 2013 this online resource was designed to help Michigan residents solve their legal problems. The website was built to help persons who are not able to afford a lawyer handle simple civil legal matters on their own. This past year the site was also launched in Spanish with other languages to follow. For more visit <http://www.michiganlegalhelp.org/>

