

## Kelly unveils program to help self-represented

LW photo by Mark Bialek



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— Chief Justice Marilyn Kelly

By Carol Lundberg

It had been Michigan’s long tradition that, once a year, a joint session of the state House and Senate would gather to hear from chief justice of the Michigan Supreme Court.

But for the last decade, that tradition had been abandoned. It wasn’t revived until April 14, when Chief Justice Marilyn Kelly gave the first State of the Judiciary speech since former Chief Justice Elizabeth A. Weaver delivered the address in 2000.

Kelly took the opportunity to announce what she hopes will be a solution to a problem that plagues an increasing number of Michigan residents: people who cannot afford legal services.

“Among our most persistent and entrenched problems are the high cost of using the courts,” Kelly said. “For too many low- and middle-income people, the legal system is too expensive.”

While that’s nothing new, the state’s struggling economy combines with that high cost to create a “cruel but logical irony,” she said, explaining that, at a time when fewer people can afford legal services, they need them more than ever to help with bankruptcies, foreclosures, and family law.

Traditionally, the help for those who can’t afford legal services has come in the form of services provided by legal aid agencies, or by lawyers who do pro bono work.

But despite the hard work that the state’s 180 legal aid attorneys do, and the 30,000 hours of pro bono services that the state’s lawyers donate, it’s not enough, Kelly said.

“Legal aid agencies must turn away about half of all eligible prospective clients each year due to inadequate re-

sources,” she said.

And it’s only going to get worse, as legal aid agencies receive a large portion of their funding through Interest on Lawyer Trust Accounts, or IOLTA. But interest rates are low, so the earnings on those accounts have plummeted. Nationally, they’ve fallen from \$371 million in 2007 to \$93 million in 2009, Kelly said.

“In Michigan, it shot down from \$5 million to \$1.5 million during the same period,” she said. “This is terrible news for legal aid programs and for the people they serve.

“So, unfortunately, for far too many, access to justice is a nice idea, not a reality. Not only are legal services often unaffordable for even middle-income people, but the legal process can be baffling and lengthy, intimidating to non-lawyers, discouraging them from pursuing their legal rights.”

In an effort to help people who Kelly said have no choice but to represent themselves, she announced during her address the formation of a new Michigan Supreme Court task force, dubbed “Solutions on Self-Help.”

The task force will be co-chaired by Detroit attorney Lorraine Weber, who is the Supreme Court’s director of Access and Fairness, and by Lansing attorney Linda Rexer, executive director of the Michigan Bar Foundation.

The task force, she said, will develop a statewide self-help Web site, a self-help curriculum for judicial and court staff training, and will work with the courts to make court forms more understandable by those with limited literacy and English proficiency.

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