

August 26, 2019

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Mr. Larry S. Royster  
Clerk, Michigan Supreme Court  
P.O. Box 30052  
Lansing, Michigan 48909

Re: ADM File No. 2018-2

Submitted Via Email to: [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov)

Dear Mr. Royster,

I am the Board President of the Michigan State Bar Foundation and am writing on behalf of the Foundation in support of the amendment to MCR 3.501.

The Michigan State Bar Foundation was created in 1947 to support projects and activities that lawyers would undertake in the public interest. The purposes outlined in the articles of incorporation are still central to the Foundation, as evidenced by our current mission statement, "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."

The Foundation is the largest statewide funder for civil legal aid in Michigan. The Foundation has administered the Interest on Lawyer Trust Account program since 1990 and in 1994 was assigned the responsibility of administering the filing fee funds pursuant to MCL 600.1485. In 1997, the MSBF created and continues to administer the Access to Justice Fund to increase resources for civil legal aid to the poor. The Michigan State Bar Foundation is governed by a 18 member Board of Trustees.

The American Bar Association adopted a resolution in August, 2016 (ABA Resolution 104 of 2016), urging jurisdictions to adopt court rules that authorize the award of class action residual funds to non-profit organizations that improve access to civil justice for persons living in poverty. The Foundation certainly qualifies as such an organization. The Foundation has received several cy pres awards and is willing to be the recipient of future cy pres funds to distribute to civil legal aid programs throughout Michigan that improve access to civil justice for persons living in poverty. The Foundation does not provide direct services, but rather will have a process to distribute 100% of the cy pres funds received according to poverty populations and statewide need. The Foundation will ensure that the award advances access to justice.

Thank you for considering this proposed rule change and for the opportunity to comment.

Respectfully,



Edward H. Pappas  
MSBF Board President