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## California's Attorney Deserts +

## California Attorney Deserts

*One measure of access to the legal system is access to an attorney. Massive parts of rural California are attorney deserts, where residents must drive many miles to reach an attorney. This brief presents 2016 California attorney data to illustrate where attorney deficits are.*

Many parts of California lack sufficient attorneys to serve their population, a situation that is particularly acute in rural areas. In this brief, we study those areas using a California classification scheme that divides the state into sub-county geographical units known as Medical Service Study Areas (MSSAs), each of which is categorized as “rural,” “urban,” or “frontier.”<sup>1</sup> MSSAs are clusters of Census tracts, and they are a scale used by the Office of Statewide Health and Development Planning (OSHDP) to determine “areas of unmet priority need for primary care family physicians.” The MSSA is an appropriate scale for studying the lawyer shortage because one should need to travel no farther to access legal services than one travels to access medical services.

The MSSA scale is also useful for assessing the rural lawyer shortage and the availability of other justice system services because California’s counties tend to be unevenly developed. Population density varies widely within counties. The finer level of detail reflected in MSSAs yields more nuanced information because even highly urbanized counties, e.g., Los Angeles County, are enormous by the standards of other states and feature rural pockets. Other counties are even larger in terms of land area, e.g., Fresno, San Bernardino, and their urban MSSAs are well served by lawyers; their vast rural and frontier MSSAs, however, which are home to many of the state’s rural poor, are attorney deserts.

### KEY FINDINGS

- Attorneys are more concentrated in urban areas than is the general population.

	Attorneys	Residents
Urban	96.11% (189.5k)	86.99% (33m)
Rural	3.72% (7,333)	12.35% (4.7m)
Frontier	0.17% (324)	0.66% (252k)

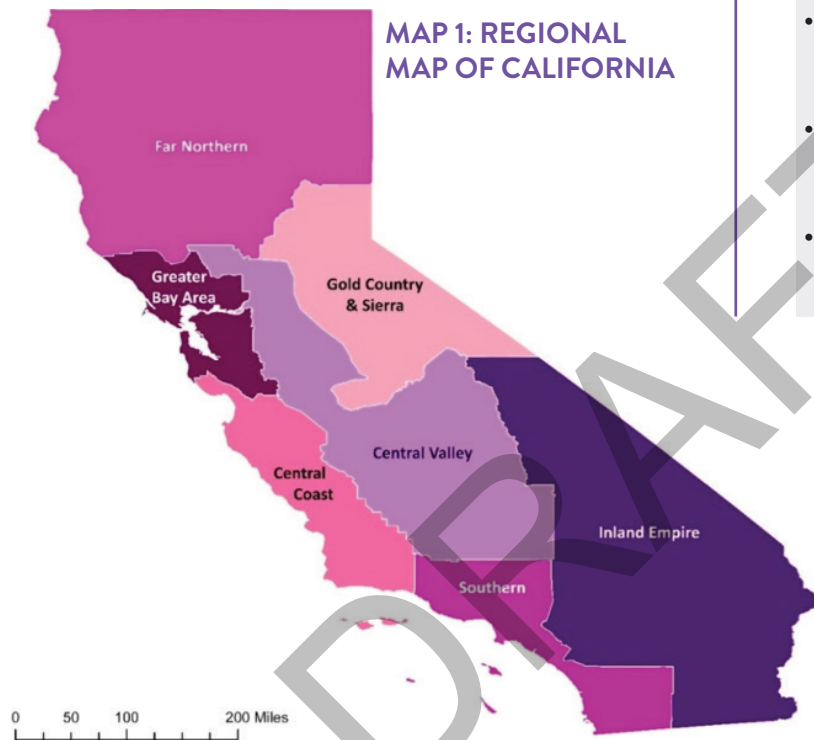
- This is also reflected in the ratio of attorneys to population (ATP). California’s overall ATP is 1:193.
  - Urban ATP – 1:175
  - Rural ATP – 1:626
  - Frontier ATP – 1:738
- Highest ATP: City and County of San Francisco, 1:41
- Lowest ATP: Kings County, 1:1364
- Areas with low ATP tend to be high poverty.

### MSSA CATEGORIES

- Urban: 75,000-125,000 residents, reflecting recognized community boundaries that share similar socio-economic and demographic characteristics
- Rural: 50,000 or fewer residents and density of less than 250 residents/square mile
- Frontier: Fewer than 11 residents/square mile
- Only two California counties—San Francisco and Orange—are entirely urban, with no rural or frontier MSSAs.

<sup>1</sup> The data in this brief was mapped in 2016 by Professor James W. Meeker of UC Irvine, an ex officio member of the CCAJ, and two graduate students. Meeker’s team mapped 2015 poverty data and 2016 attorney address data provided by the State Bar of California. That data set included both active and inactive lawyers.

Given California's size and diversity, we divided the state into seven regions to facilitate analysis. The regions cluster counties based largely on economic and historical affinity, as well as similarities in physical geography. Regional information is presented in the table below, and county-level information is presented on the following three pages. Map 2 on page [6] shows MSSAs by population (the most densely populated areas are darkest), with each pink dot representing a single attorney.



#### RURAL CALIFORNIA AT A GLANCE

- Fewer than a million Californians (2.1%) live in “rural” areas as defined by the U.S. Census Bureau, but they outnumber the entire population of South Dakota.
- In 2010, California’s rural and small-town population was 36.4% Latinx, 2.5% Asian, 2.6% African American, 2.2% are bi- or multi-racial, and 1.5% Native American.
- More Native Americans live in California than in any other state, and they often live in the state’s most remote reaches.
- Consistent with national trends, the poor and elderly—both vulnerable populations—are over-represented in rural California.
- California’s rural people and rural interests are often overlooked in the context of a highly urban state.

Region Name	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
Greater Bay Area	59,536	7,397,334	124.25	10.3%	7,620.50	7.81
Southern California	104,270	17,074,498	163.75	13.7%	11,497.69	9.07
Central Coast	5,145	1,454,757	282.75	14.4%	11,380.92	0.45
Gold Country & Sierra	2,881	966,828	335.59	13.3%	16,504.28	0.17
Central Valley	16,182	5,503,641	340.11	21.9%	26,707.30	0.61
Central Valley w/o Sac	6,553	4,090,211	624.17	22.4%	25,917.46	0.25
Far Northern	2,294	1,115,467	486.25	19.2%	42,882.30	0.05
Inland Empire	6,906	4,540,950	657.54	17.6%	42,116.72	0.16

County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
Los Angeles	Southern	62,775	9,969,234	159	17.8%	4,546.65	13.8
Orange	Southern	19,406	3,086,331	159	12.5%	811.91	23.9
San Diego	Southern	18,856	3,183,143	169	14.0%	4,271.01	4.4
Ventura	Southern	3,233	835,790	259	10.6%	1,868.12	1.7
Totals and Averages for Region	Southern	104,270	17,074,498	164	13.7%	11,497.69	9.1
Imperial	Inland Empire	167	177,026	1,060	24.1%	4,481.67	0.0
Inyo	Inland Empire	55	18,439	335	10.8%	10,226.88	0.0
Riverside	Inland Empire	3,928	2,266,899	577	16.5%	7,303.05	0.5
San Bernardino	Inland Empire	2,756	2,078,586	754	19.1%	20,105.13	0.1
Totals and Averages for Region	Inland Empire	6,906	4,540,950	658	17.6%	42,116.72	0.2
Alameda	Greater Bay Area	9,357	1,559,308	167	12.0%	767.55	12.2
Contra Costa	Greater Bay Area	5,526	1,118,079	202	10.2%	974.77	5.7
Marin	Greater Bay Area	3,242	256,802	79	8.1%	574.87	5.6
Napa	Greater Bay Area	584	139,253	238	8.8%	788.58	0.7
San Francisco	Greater Bay Area	20,218	829,072	41	12.5%	204.50	98.9
San Mateo	Greater Bay Area	5,896	739,837	125	7.7%	479.22	12.3
Santa Clara	Greater Bay Area	11,785	1,841,569	156	9.3%	1,304.05	9.0
Solano	Greater Bay Area	713	421,624	591	12.7%	906.19	0.8
Sonoma	Greater Bay Area	2,215	491,790	222	11.2%	1,620.78	1.4
Totals and Averages for Region	Greater Bay Area	59,536	7,397,334	124	10.3%	7,620.50	7.8

County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
Alpine	Gold Country & Sierra	3	1,202	401	18.9%	743.19	0.0
Amador	Gold Country & Sierra	100	37,159	372	11.2%	605.95	0.2
Calaveras	Gold Country & Sierra	89	44,921	505	12.7%	1,036.92	0.1
El Dorado	Gold Country & Sierra	533	181,465	340	9.8%	1,734.33	0.3
Madera	Gold Country & Sierra	129	152,452	1,182	22.1%	2,153.28	0.1
Mariposa	Gold Country & Sierra	28	17,946	641	16.3%	1,462.82	0.0
Mono	Gold Country & Sierra	57	14,193	249	8.8%	3,131.87	0.0
Nevada	Gold Country & Sierra	408	98,606	242	12.1%	973.79	0.4
Placer	Gold Country & Sierra	1,432	361,518	252	8.7%	1,425.54	1.0
Sierra	Gold Country & Sierra	5	3,019	604	11.3%	962.16	0.0
Tuolumne	Gold Country & Sierra	97	54,347	560	14.2%	2,274.44	0.0
Totals and Averages for Region	Gold Country & Sierra	2,881	966,828	336	13.3%	16,504.28	0.2
Butte	Far Northern	499	221,578	444	21.3%	1,677.12	0.3
Colusa	Far Northern	25	21,424	857	13.5%	1,156.35	0.0
Del Norte	Far Northern	54	28,066	520	21.7%	1,054.11	0.1

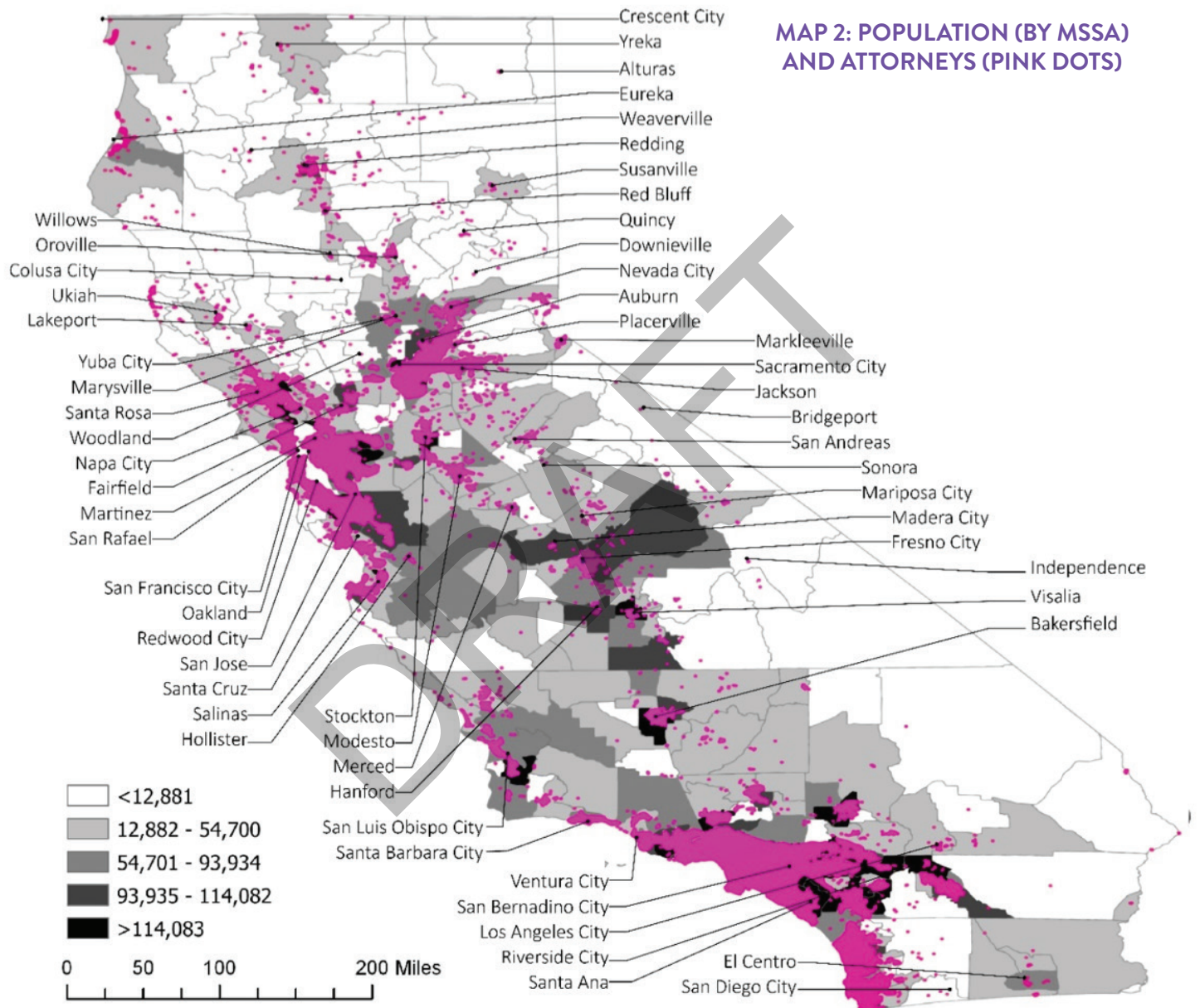
County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
Glenn	Far Northern	26	28,019	1,078	20.3%	1,326.97	0.0
Humboldt	Far Northern	336	134,876	401	21.0%	3,642.26	0.1
Lake	Far Northern	107	64,209	600	24.6%	1,329.42	0.1
Lassen	Far Northern	33	33,356	1,011	16.2%	4,720.10	0.0
Mendocino	Far Northern	276	87,612	317	20.2%	3,542.35	0.1
Modoc	Far Northern	9	9,335	1,037	16.9%	4,203.39	0.0
Plumas	Far Northern	46	19,286	419	12.8%	2,613.43	0.0
Shasta	Far Northern	443	178,520	403	17.5%	3,847.38	0.1
Siskiyou	Far Northern	101	44,261	438	22.0%	6,347.35	0.0
Sutter	Far Northern	133	95,067	715	17.5%	608.49	0.2
Tehama	Far Northern	85	63,284	745	21.5%	2,962.16	0.0
Trinity	Far Northern	32	13,515	422	20.1%	3,207.60	0.0
Yuba	Far Northern	89	73,059	821	20.8%	643.80	0.1
Totals and Averages for Region	Far Northern	2,294	1,115,467	486	19.2%	42,882.30	0.1
Fresno	Central Valley	2,274	948,844	417	26.9%	6,011.05	0.4
Kern	Central Valley	1,035	849,254	821	23.1%	7,733.10	0.1
Kings	Central Valley	111	151,390	1,364	21.6%	1,391.53	0.1
Merced	Central Valley	204	261,609	1,282	24.2%	1,978.50	0.1
Sacramento	Central Valley	9,629	1,413,430	147	17.9%	789.84	12.2

County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
San Joaquin	Central Valley	990	701,050	708	17.8%	1,426.49	0.7
Stanislaus	Central Valley	682	522,794	767	18.2%	1,514.60	0.5
Tulare	Central Valley	455	451,108	991	28.3%	4,838.65	0.1
Yolo	Central Valley	802	204,162	255	19.3%	1,023.53	0.8
Totals and Averages for Region	Central Valley	16,182	5,503,641	340	21.9%	26,707.30	0.6
Monterey	Central Coast	1,190	424,927	357	16.1%	3,330.41	0.4
San Benito	Central Coast	71	56,888	801	10.8%	1,390.47	0.1
San Louis Obispo	Central Coast	997	274,184	275	14.2%	3,342.78	0.3
Santa Barbara	Central Coast	1,876	431,555	230	15.9%	2,860.11	0.7
Santa Cruz	Central Coast	1,011	267,203	264	15.1%	457.15	2.2
Totals and Averages for Region	Central Coast	5,145	1,454,757	283	14.4%	11,380.92	0.5

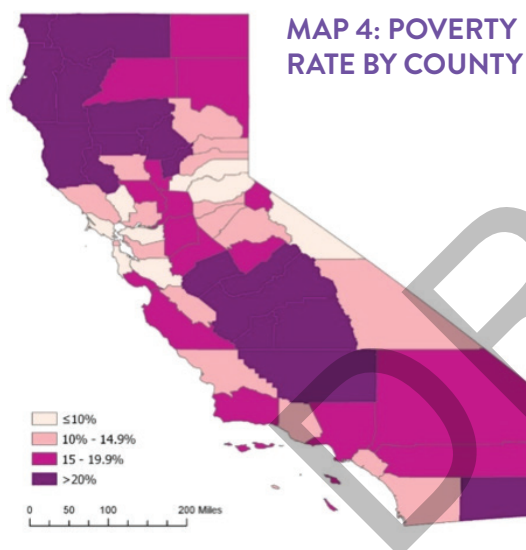
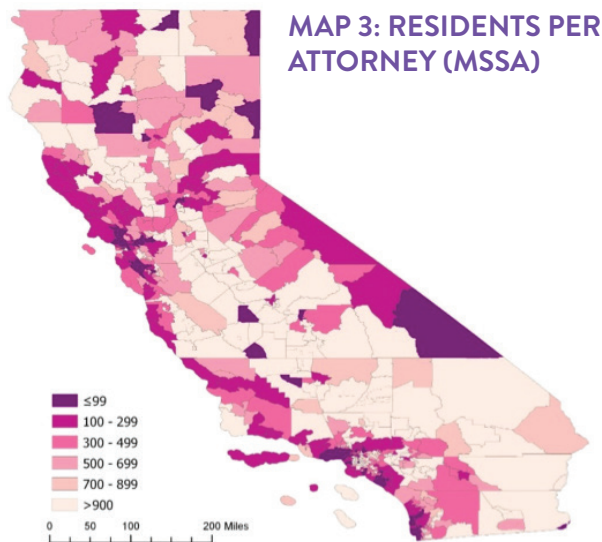
\* U.S. Census Bureau, Official Poverty Measure, American Fact Finder: 2012-2016 American Community Survey 5-Year Estimate



The following Map 2 shows MSSAs by population (the most densely populated areas are darkest), with each pink dot representing a single attorney. County seats are labeled.







## Attorney Deserts Align with Poverty

Many attorney deserts are high poverty areas, as shown above. In Map 3, the darker the color, the more attorneys there are in that MSSA, relative to population. In Map 4, the darker the color, the higher the poverty rate. The lack of attorneys in high poverty areas is problematic because legal access enables other poverty-fighting measures to function. For example, one study found that every \$1 invested in legal aid, the programs secured \$5 in federal benefits for eligible clients who otherwise would not receive them and that \$1 invested in legal

## REGIONAL HIGHLIGHTS

### Central Valley

- Heavily agricultural
- Just over 25% residents live in rural or frontier MSSAs
- ATP is heavily skewed by Sacramento, the state capitol
- Kings County: lowest ATP in the state

### Central Coast

- Percentage rural and frontier residents nearly twice the Central Valley, but overall ATP is better
- Coastal exposure attracts tourism and wealth

### Far North

- More than 80% population live in rural and frontier MSSAs
- Some counties' ATPs are lower than 1:1000

### Gold Country/Sierra Nevada

- More than 60% population rural or frontier
- While regional ATP is good, it declines with distance from metro areas
- In Sierra County, for example, only one attorney is available for private representation. The other four attorneys are employed in government or other positions.

### Greater Bay Area

- San Francisco - highest ATP in the state and no rural or frontier MSSAs.

### Inland Empire

- Four counties constitute more than a quarter of California's land area, but vast parts of the region are sparsely populated
- San Bernardino County is twice the size of Massachusetts
- Attorneys in these counties are clustered in their urban MSSAs, leaving vast areas with no attorneys

### Southern California

- San Diego, Ventura, and Los Angeles counties all have rural MSSAs, but Orange County is entirely urban.

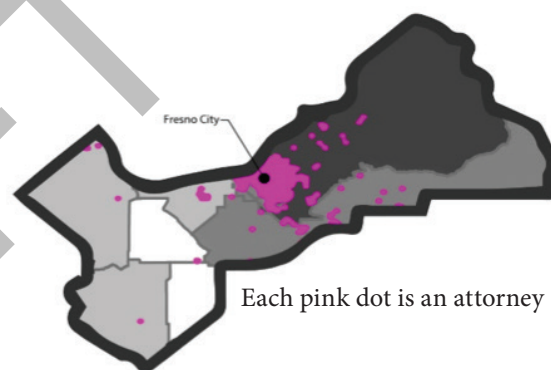
housing defense saved \$2.69 in homeless services.<sup>2</sup> Another study found that availability of legal services significantly lowers the rate of intimate partner violence against women.<sup>3</sup>

## Attorney Distribution within Counties

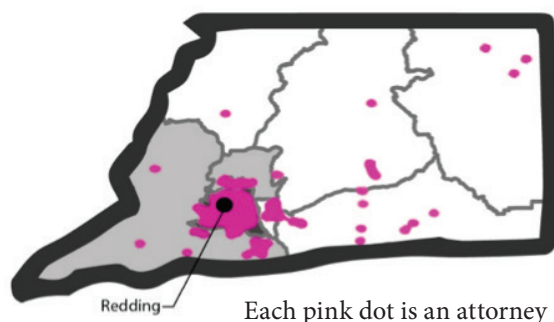
Some of the disparities in lawyer availability are best revealed not by comparing counties or regions, but by looking at where lawyers are within a particular county. Fresno County makes an interesting case study because it represents a blend of rural and urban: Fresno (City), California's fifth largest city, is surrounded by rural areas, with the Sierra Nevada rising to the east and central valley farms stretching south and west from it. The county covers some 6,000 square miles, of which 98% is classified as rural under the MSSA scheme. While 37% of the population lives in those rural areas, just 5% of Fresno County attorneys have addresses there. Thus, each lawyer in an urban part of Fresno County serves around 417 people and about 1/20 of a square mile, while each rural lawyer serves around 2,887 people and 48 square miles. The spatial distribution of lawyers in Fresno County—or more precisely their spatial concentration—is depicted in Map 5.

In Far Northern California, Shasta County is the most populous and only metropolitan county; its county seat, Redding, with a population of about 92,000 residents, is by far the largest California city north of greater Sacramento. Indeed, Redding is the only part of Shasta County that is not rural or frontier, yet the lion's share of Shasta County's attorneys—87%—have addresses in the Redding MSSA. Only 33 of the county's attorneys have addresses in rural parts of Shasta County, while another 23 have frontier addresses. Shasta County covers nearly 4,000 square miles and many of its residents reside far from the critical mass of attorneys situated in the Redding metro area. This is depicted in Map 6. The attorney-to-population ratio in Redding is a respectable 1:257, a sharp contrast to a rate less than one-fifth of that in the remainder of Shasta County.

MAP 5: FRESNO COUNTY



MAP 6: SHASTA COUNTY



<sup>2</sup> *Investing in Justice, A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts*, 2014. [www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf](http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf), at 4-5.

<sup>3</sup> *Supporting Survivors: The Economic Benefits of Providing Civil Legal Assistance to Survivors of Domestic Violence*, 2015, <http://legalaidresearch.org/pub/4562/supporting-survivors-the-economic-benefits-of-providing-civil-legal-assistance-to-survivors-of-domestic-violence/>, at 5.

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## Other Consequences of Attorney Deserts

Low attorney counts cause problems beyond merely low supply. When the attorney count drops below a certain level, few if any of the attorneys present are actually working in private practice or accepting clients. The rest are judges, prosecutors, or other positions, or simply have all the work they can handle. In addition, conflicts of interest become increasingly common. As a consequence, residents must sometimes travel to neighboring counties to access legal and other justice-system services, while attorneys must travel from outside the county to keep the justice system and local government functioning. The time and hassle of this travel can mean that legal access is virtually nonexistent.

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## The Pipeline Problem: Lack of Interest and Student Debt

Few entering the legal profession in California appear interested in rural practice. According to an internal study done by one California legal aid organization, most attorneys who do begin a job in a rural office transfer to a more urban location due to lack of employment opportunities for their partner, social isolation/moving to be closer to family, or a lack of racial/cultural diversity. Another barrier is the difficulties of paying off student debt at rural jobs, which presumptively pay less than metropolitan ones.

High tuition at ABA-AALS Accredited law schools and resultant student debt burden shapes most graduates' decisions about how—and where—they use their law degrees. California has five high-caliber public law schools, but the cost of attending these institutions is much greater than comparable schools in other states. The average 2018 cost of attending one of California's five public law schools was \$46,453 in tuition and fees (in state).<sup>4</sup>

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<sup>4</sup> See also, *What Are the Priciest Public Law Schools?*, U.S. NEWS, <https://www.usnews.com/best-graduate-schools/top-law-schools/public-cost-rankings> [<https://perma.cc/T2MN-87QX>] (averaging the 2018 in-state cost of attendance at University of California, Berkeley, University of California, Davis, University of California, Los Angeles, University of California, Irvine, and University of California, Hastings law schools).

That figure is as much as three times the cost of other states' public law schools with comparable rankings and employment rates.<sup>5</sup> The average annual tuition for all ABA-AALS Accredited law schools in California—including both public and private institutions—is only marginally greater, at \$49,558, for a total of \$148,673 over three years.<sup>6</sup> In part as a consequence of such high law school tuition, average student debt among those graduating from California's ABA-AALS Accredited institutions in 2016 was nearly \$143,000, some 27% greater than the national average.<sup>7</sup>

## Steps to Ameliorate Attorney Deserts

California stakeholders can and should take steps to address the state's rural attorney shortage. The California Legislature, in cooperation with the California State Bar, could offer financial incentives for lawyers to practice in under-served rural communities. Several states are doing this in one form another. This strategy has worked well in South Dakota, where lawyers are paid a stipend of more than \$13,000/year when they make a five-year commitment to practice in a rural community. The state legislature, the state bar, and county governments share the cost of this program. The initial class of 16 attorneys filled quickly, some with out-of-state law graduates who had no prior link to South Dakota. This South Dakota Rural Attorney Recruitment Program is now placing its second group of 16 attorneys, with the prospect of further expansion on the horizon.

Alternatively, funds could support a loan forgiveness program or other form of financial relief for those who commit to practice in a rural area. Maine, for example, is considering a bill to provide tax credits to rural attorneys, similar to the tax credits it provides to rural health practitioners. Another option is to finance incubators that equip rural attorneys to meet the needs of modest means and low-income clients.

Average Annual Law School Tuition (ABA & AALS Accredited Schools)	\$49,558
Average Annual <b>Public</b> Law School Tuition (ABA & AALS Accredited Schools)	\$48,759
Average Annual <b>Private</b> Law School Tuition (ABA & AALS Accredited Schools)	\$50,345
Average Annual Law School Tuition at Cal-Accredited Law Schools	\$21,903
Average Annual Tuition at <b>Unaccredited</b> Schools: distance learning, fixed facility, and correspondence	\$10,000

5 The University of North Carolina at Chapel Hill School of Law, for example, charged \$23,889 for in-state tuition and fees in 2018, while the University of Georgia School of Law cost \$19,696, the University of Alabama School of Law cost \$23,720, and the William & Mary Law School cost \$32,964.

6 STATE BAR OF CAL., *Admission and Discipline Systems Training* (Jan. 25, 2018), <http://www.calbar.ca.gov/Portals/0/documents/communications/Admissions-and-Discipline-System-Training-Jan2018.pdf> [https://perma.cc/SXL6-CY7V] (this data point is at slide 34). The remaining 20 institutions are unaccredited.

7 Spreadsheet of California ABA Accredited Law Schools Debt in 2016, Legal Aid Association of Cal. (Jan. 2018) [hereinafter Legal Aid Spreadsheet] (on file with Harvard Law Library) (based on U.S. News and World Report data).

California stakeholders could also take other types of actions. One possibility is a salary survey to garner information about the financial feasibility of rural practice. Many assume that remuneration from rural practice would be inadequate to permit young lawyers to meet their student loan obligations in addition to living expenses, but a salary survey by the Texas State Bar found that many rural attorneys, depending on the practice area and locale, earned more than their urban and suburban counterparts. Such information could establish the feasibility of rural practice and make it much more attractive to members of the bar. The State Bar could also reconsider lowering the “cut score” on the California Bar Exam. A higher pass rate would likely lead to a more diverse bar, while also bolstering the number of rural practitioners. This prospect is supported by the fact that many graduates of Cal-accredited schools, especially those located in rural areas, tend to stay and practice in those locales.

California law schools also have a critically important role to play. Legal educators should treat rural practice as a legitimate and rewarding career option, and they should prepare their students for rural practice. Consider that, in South Dakota, the state’s Chief Justice speaks to entering students each fall, encouraging them to consider rural practice and touting its rewards.

Further, law school curricula should go beyond the occasional offering of a course in food and agricultural law to include discussions of rural justice systems and the rural socio-spatial milieu. Law schools should also ensure they are preparing graduates for general practice, often a necessity in rural areas. Legal educators should also pay attention to applicants who hail from rural areas. They should consider recruiting at rural high schools and colleges or a prioritize admission of applicants from rural places, as those who grew up in rural places are most likely to return there. Nebraska has even implemented a program where students from rural areas who attend one of the state’s public rural universities are guaranteed admission to the state’s flagship law school if they maintain a certain GPA.

California law schools could facilitate the formation of student groups promoting rural practice, such as the Finch Society. Maine Law’s chapter of the Finch Society

connects law students with rural practitioners, provides a space for students to learn more about rural and small-town practice, and advocates for the interests of rural attorneys before the Maine Legislature.

Law schools should also create clinical opportunities and summer or post-graduate fellowships that give students a sense of rural practice. California law students currently can get exposure to rural practice via a range of clinical opportunities, through OneJustice's Justice Bus, or through the Practice 99 program, a joint endeavor of UC Berkeley, UC Davis and the San Joaquin College of Law. But law schools and other stakeholders have the opportunity to do so much more. Maine Law School, for example, offers a rural practice workshop for attorneys and law students. Maine, Georgia and several Midwestern law schools operate summer programs that pair law students with rural practitioners; some of these are especially aimed at facilitating succession planning for aging rural practitioners. The University of South Dakota Law School funds up to half the wages of a student's summer work with a rural practitioner. These programs have been well received by the legal community; far more Maine rural attorneys signed up to host a student than the number of spots in the program. The main reason given for wanting to participate: "We need attorneys here!" Law schools would do well to help their graduates capitalize on opportunities associated with rural legal markets, where the need for lawyers is enormous and growing.

In short, the rural attorney shortage won't be alleviated unless a range of stakeholders take rural people and places seriously, along with the opportunities those people and places represent.