

California Commission on Access to Justice

California's Attorney Deserts

June 2019

INTRODUCTION

Since its inception in 1996, the California Commission on Access to Justice (CCAJ) has worked to ensure that all Californians are afforded equal access to justice. The California Commission on Access to Justice researched the issue of so-called attorney deserts, places where too few attorneys live and work, leaving unmet legal needs. In this policy brief, we detail the problem and suggest possible solutions.

CALIFORNIA 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 number of residents per attorney (RPA). California's average RPA is 193.
 - Urban RPA – 175
 - Rural RPA – 626
 - Frontier RPA – 738
- Highest RPA: City and County of San Francisco, 41
- Lowest RPA: Kings County, 1364
- Areas with high RPA 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.

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 who can represent them. This brief presents the geography of 2016 California attorney data to illustrate where attorney deficits exist throughout the state.

Many parts of California lack sufficient numbers of attorneys to serve their population, a situation that is particularly acute in many 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.”¹ 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.” CCAJ believes that 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.

1 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 2016 attorney address data provided by the State Bar of California. An attorney's address is a matter of public record, available on the State Bar of California's website and is most often an office address rather than a home address. That data set included both active and inactive lawyers.

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 and not only among 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 and San Bernardino, and their urban MSSAs are well served by lawyers. These counties' vast rural and frontier MSSAs, however, which are home to many of the state's rural poor, are attorney deserts.

Map 1: Regional Map of California



Given California's size and diversity, the state was divided 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 pages 4–7. (See Table 1 and 2).

Table 1: Attorneys by Region²

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	10.3%	7,620.50	7.81
Southern California	104,270	17,074,498	164	13.7%	11,497.69	9.07
Central Coast	5,145	1,454,757	283	14.4%	11,380.92	0.45
Gold Country & Sierra	2,881	966,828	336	13.3%	16,504.28	0.17
Central Valley	16,182	5,503,641	340	21.9%	26,707.30	0.61
Central Valley w/o Sac	6,553	4,090,211	624	22.4%	25,917.46	0.25
Far Northern	2,294	1,115,467	486	19.2%	42,882.30	0.05
Inland Empire	6,906	4,540,950	658	17.6%	42,116.72	0.16

² Sacramento County is included within the "Central Valley" region. Because Sacramento is the State's capital, it includes a high concentration of attorneys. We thus look at the Central Valley region both with and without the capital's attorneys, a high proportion of which are government employees.

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. (See Map 2).

Map 2: Population (by MSSA) and Attorneys (pink dots)

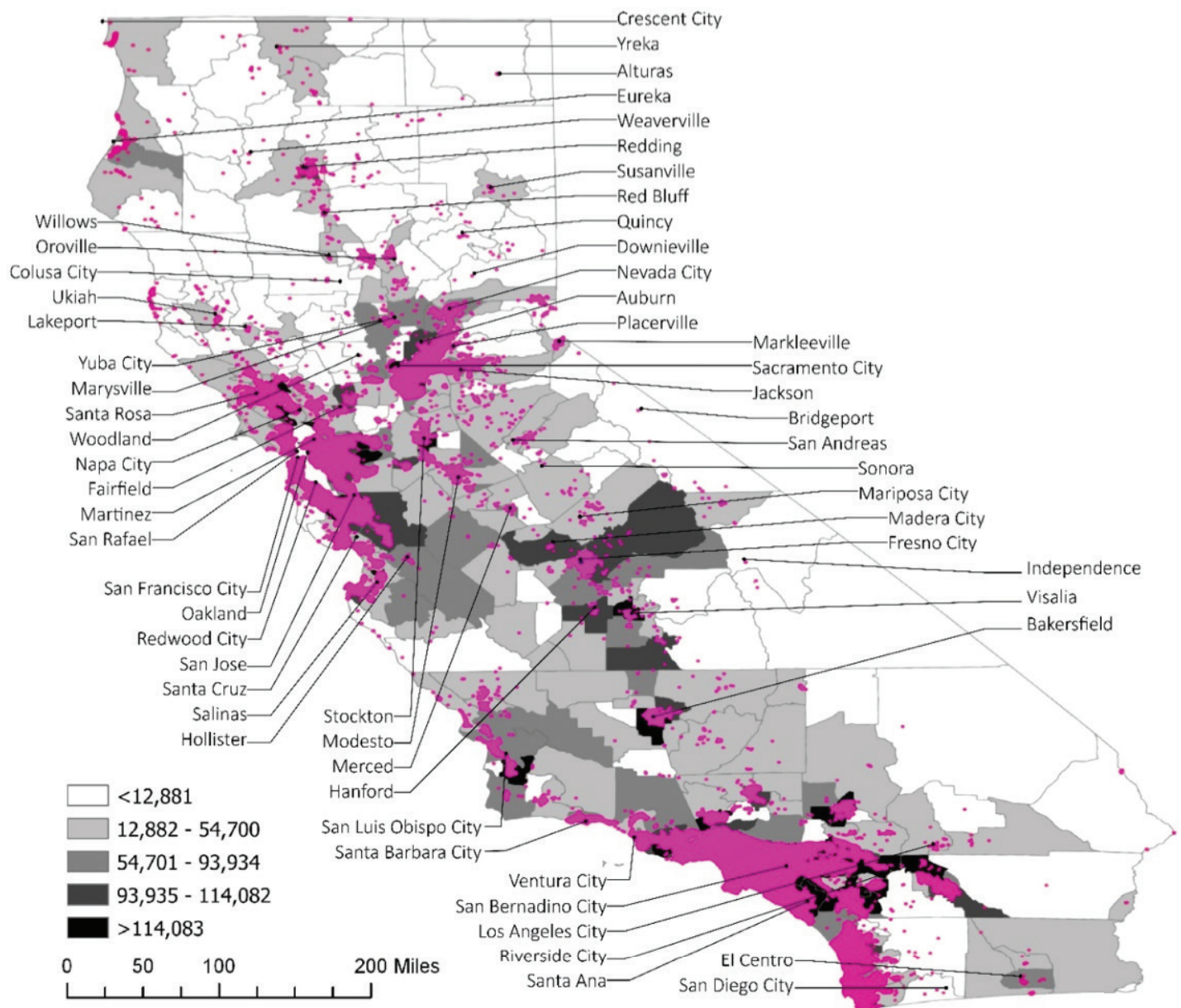


Table 2: Attorneys by County

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
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
Totals and Averages for Region	Gold Country & Sierra	2,881	966,828	336	13.3%	16,504.28	0.2

County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
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
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
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

County Name	Region	Total Attorneys	Total Population	Residents per Attorney	Poverty Rate*	Area (in sq. miles)	Attorneys per sq. mile
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

Regional Highlights³

<p>Central Valley</p> <ul style="list-style-type: none"> • Heavily agricultural • Just over 25% residents live in rural or frontier MSSAs • RPA is heavily skewed by Sacramento, the state capitol • Kings County: highest RPA in the state <p>Central Coast</p> <ul style="list-style-type: none"> • Percentage rural and frontier residents nearly twice the Central Valley, but overall RPA is better • Coastal exposure attracts tourism and wealth • Coastal exposure attracts tourism and wealth, which raises cost of living and deters young lawyers from practice in coastal cities and towns. 	<p>Far North</p> <ul style="list-style-type: none"> • More than 80% population live in rural and frontier MSSAs • Some counties' RPAs are higher than 1000 <p>Gold Country/Sierra Nevada</p> <ul style="list-style-type: none"> • More than 60% population rural or frontier • While regional RPA is good, it deteriorates 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 <p>Greater Bay Area</p> <ul style="list-style-type: none"> • San Francisco: lowest RPA in the state and no rural or 	<p>frontier MSSAs</p> <p>Inland Empire</p> <ul style="list-style-type: none"> • 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 <p>Southern California</p> <ul style="list-style-type: none"> • San Diego, Ventura, and Los Angeles counties all have rural MSSAs, but Orange County is entirely urban
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THE NEED

California is not alone in facing a rural lawyer shortage. Just 2% of small law practices in the United States are located in rural places, even though about one-sixth of the nation's population lives in rural locales.⁴ Yet the need for legal assistance among rural residents is as great as it is among urban ones. Seventy-five percent of low-income rural households across the United States encounter some type of civil legal problem in a given year, a rate slightly higher

³ See Meeker Data, *supra* note 1; see also Lisa R. Pruitt, Amanda L. Kool, Lauren Sudeall, Michele Statz, Danielle M. Conway & Hannah Haksgaard, *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 Harv. L. & Policy Rev. 15 (2018) (providing sources for all data and other assertions).

⁴ Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 South Dakota L. Rev. 466, 469 (2014).

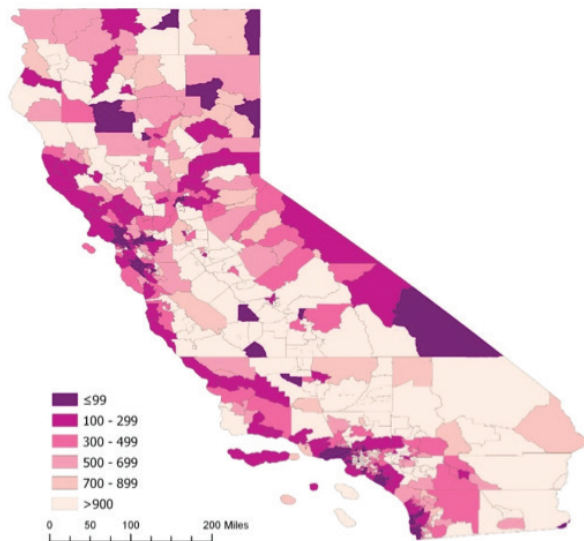
than that of the general low-income population (71%).⁵ These civil legal problems include issues regarding health (43%), consumer or finance (40%), or employment (25%).⁶ Twenty-three percent of rural households face six or more civil legal issues in a year.⁷ The same person or family might face eviction, for example, while also navigating mounting medical debt or an unjustified firing.

A national study conducted in 2017 found that 86% of civil legal problems receive inadequate or no legal assistance.⁸ This is not surprising when you consider that only one legal aid attorney is available to assist about 7,500 Californians at 125% of poverty level, the income at which an individual is eligible for free legal aid.⁹ Aggravating the general lack of access to legal counsel in rural California is the fact that the vast majority of the state's attorneys are based in metropolitan areas, which is consistent with national trends as well.¹⁰ Lawyers—including legal aid lawyers—are generally scarce in rural areas.¹¹

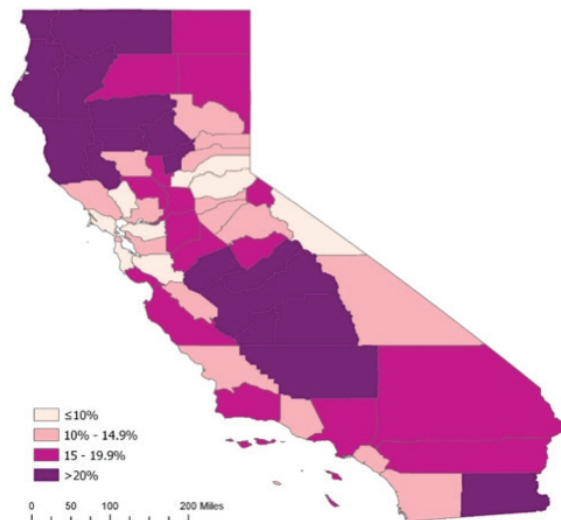
ATTORNEY DESERTS ALIGN WITH POVERTY

Many attorney deserts are high poverty areas, as shown below. In Map 3, the darker the color, the more attorneys there are in that MSSA, relative to population. (See Map 3). In Map 4, the darker the color, the higher the poverty rate. (See Map 4). The lack of attorneys in high poverty

Map 3: Residents per Attorney (MSSA)



Map 4: Poverty Rate by County



⁵ Legal Services Corp., *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ This number is based on data from the State Bar of California and poverty data from the Census Bureau's American Community Survey. \$32,188 for a family of four is 125% of poverty in 2019. *Federal Poverty Guidelines 2019*, Mass Legal Services (Jan. 11, 2019), <https://www.masslegalservices.org/content/federal-poverty-guidelines-2019>.

¹⁰ See Pruitt et al., *supra* note 3.

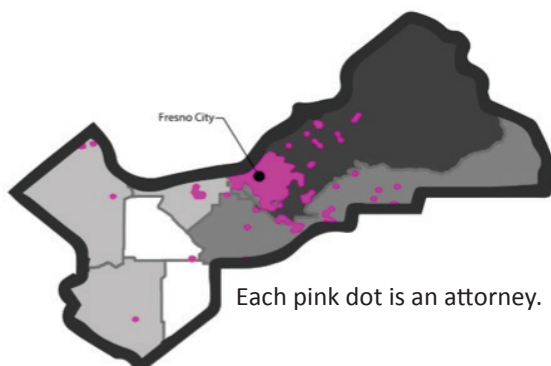
¹¹ *The Justice Gap*, *supra* note 5, at 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>; see also Taier Perlman, *Rural Practice in New York State* (Apr. 2019), <https://www.albanylaw.edu/centers/government-law-center/the-rural-law-initiative/Documents/rural-law-practice-in-new-york-state.pdf>.

areas is problematic because legal access enables other poverty-fighting measures to function. For example, one study found that for every \$1 invested in legal aid, the programs secured \$5 in federal benefits for eligible clients who otherwise would not receive them; further, \$1 invested in legal housing defense saved \$2.69 in homeless services.¹² Another study found that availability of legal services significantly lowers the rate of intimate partner violence against women.¹³

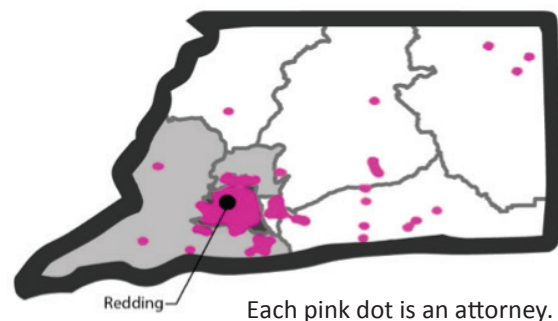
ATTORNEY DISTRIBUTION WITHIN COUNTIES

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 urban, rural, and frontier: Fresno (City), California's fifth largest city, is surrounded by rural areas, with the Sierra Nevada mountains rising to the east and central valley farms stretching south and west from the county seat. The county covers some 6,000 square miles, of which 98% is classified as rural or frontier under the MSSA scheme. While 37% of the population lives in those rural and frontier 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. (See Map 5). The consequences of this urban concentration of Fresno County attorneys is thrown into even sharper relief when you consider that 35% of those living below the poverty line in Fresno County live in rural or frontier MSSAs. Indeed, the sheer number of rural and frontier poor in Fresno County—90,000 residents—is the greatest of any California county, even though Fresno County is a metropolitan county.

Map 5: Fresno County



Map 6: Shasta County



¹² *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, at 4-5.

¹³ *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.

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 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 live far from the critical mass of attorneys situated in the Redding metro area. This is depicted in Map 6. (See Map 6). Redding has a respectable 257 RPA, a sharp contrast to a rate less than one-fifth of that in the remainder of Shasta County.

OTHER CONSEQUENCES OF ATTORNEY DESERTS

Low attorney counts have various consequences for local populations and local governments. When the attorney count drops below a certain level, few if any of the attorneys present in a rural or frontier area are actually working in private practice or accepting clients. Most are judges, prosecutors, or in other government positions.¹⁴ Further, attorney shortages can result in higher levels of pre-trial incarceration because attorneys are unavailable to represent those arrested at initial appearance.¹⁵ In addition, conflicts of interest become increasingly common due to the high density of acquaintanceship that marks rural areas. As a consequence, residents must sometimes travel to neighboring counties to access legal counsel, while attorneys must travel from outside a given county to keep the justice system and local government functioning. The time and expense of such travel seriously undermine access to justice, just as it increases the costs of justice systems and other local government functions.

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/the desire to be closer to family; or a lack of racial/cultural diversity. Another barrier is the challenge of paying off student debt while employed at a rural job, which presumptively pays less than metropolitan employment.

The State Bar of California is researching the extent to which the cost of law schools and resultant student debt burden shape graduates' decisions about how—and where—they use their law degrees. California has five high-caliber ABA-accredited public law schools, but the cost of attending these institutions is much greater than comparable schools in other states. In 2018, the average annual cost of attending one of California's five public law schools was \$48,759 in tuition and fees.¹⁶

14 E-mail from Herb Whitaker, Manag. Att'y., Legal Servs. of N. Cal., Mother Lode Office, Auburn, Cal., to Lisa R. Pruitt, Professor of Law, Univ. of Cal., Davis (Nov. 27, 2017, 5:27 PM) (on file with Harvard Law School Library); e-mail from Nicole Ogan, Communications/Membership Director, State Bar of South Dakota, to Hannah Haks-gaard, Assistant Professor of Law, University of South Dakota School of Law (March 19, 2018, 11:09 AM) (on file with Harvard Law School Library). See Pruitt et al., *supra* note 3, at 49, 102.

15 Jacob Kang-Brown & Ram Subramanian, *Out of Sight: The Growth of Jails in Rural America* (2017), <https://www.vera.org/publications/out-of-sight-growth-of-jails-rural-america>.

16 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 yearly 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.¹⁷ 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.¹⁸ 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.¹⁹ (See table 3).

Table 3: Average Annual Law School Tuition

Average Annual Law School Tuition (ABA Accredited Schools)	\$49,558
Average Annual Public Law School Tuition (ABA & AALS Accredited Schools)	\$48,759
Average Annual Private 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 Unaccredited Schools: distance learning, fixed facility, and correspondence	\$10,000

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 State Bar of California, could offer financial incentives for lawyers to practice in under-served rural communities. Several states are doing this in one form or another. This strategy has worked well in South Dakota, where lawyers are paid a stipend of more than \$13,000 a year when they make a five-year commitment to practice in a rural community.²⁰ The state legislature, the state bar, and county governments share the cost of this program.²¹ The initial class of 16 attorneys filled quickly, some with out-of-

17 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.

18 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.

19 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).

20 S.D. Codified Laws § 16-23-5 (West, Westlaw through laws of the 2018 Reg. Sess. effective March 23, 2018, and Supreme Court Rule 17-12). This dollar amount was set "in an amount equal to ninety percent" of USD Law's in-state tuition as it was in 2013. *Id.* The reimbursement amount is tied directly to the 2013 tuition, not current tuition. *Id.* Accordingly, even though USD Law's tuition has increased since 2013, the incentive payment has remained the same. See *Tuition and Fees*, Univ. S.D. Sch. of L., <http://www.usd.edu/law/tuition-and-fees> [<https://perma.cc/TD5T-RGCY>].

21 S.D. Codified Laws § 16-23-11 (West, Westlaw through laws of the 2018 Reg. Sess. effective March 23, 2018, and Supreme Court Rule 17-12).

state law graduates who had no prior link to South Dakota.²² 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.²³ If attorneys are willing to practice in rural South Dakota given financial supports, we have every reason to believe that adequate incentives would draw them into rural California, too.

Alternatively, funds could support a loan forgiveness program or other form of financial relief for those who commit to practice in a rural area. Loan Repayment Assistance Programs (LRAP) are run by many law schools, but most are limited to graduates performing public interest work. In California, only Stanford Law School's LRAP program extends to those engaged in private practice in an underserved community, like many of the state's rural areas.²⁴ Nevertheless, a strong argument can be made that private practice in an underserved community is a form of public interest law practice and should qualify for the sorts of financial supports that California physicians receive when practicing in such locales.²⁵

Another way to provide financial support to rural attorneys is through a tax credit. This policy intervention was recently considered, but ultimately rejected, by Maine's legislature.²⁶ Financial support of incubators, institutions that train attorneys to market themselves and serve low-income and modest-means clients, is yet another way to meet rural legal needs. Such incubators have been successful in urban California, and we anticipate that rural-focused incubators could also help ameliorate the attorney shortage in rural California.²⁷

California stakeholders could also take other constructive actions, including gathering additional data to better inform policy interventions. With detailed information about lawyers' practices and sources of income in rural California, for example, stakeholders could better assess the feasibility of rural practice and the needs of rural lawyers.²⁸ How much do rural lawyers rely, for example, on court appointed work, and are the fees paid for such work adequate to sustain rural practices? Such information is critical to the design of policies that will best entice newly licensed lawyers to attorney deserts and help keep them there.

22 Pruitt et al., *supra* note 3, at 108-09 (citing Telephone Interview with Suzanne Star, Director of the Division of Policy and Legal Services of the South Dakota Unified Judicial System (Dec. 1, 2017)).

23 *Id.*

24 Pruitt et al., *supra* note 3, at 60 (discussing *Miles and Nancy Rubin Loan Repayment Assistance Program*, Stanford Law Sch. 1-3 (Oct. 2017), <https://law.stanford.edu/wp-content/uploads/2015/03/LRAP-2018-Pro-gram-Terms-1.pdf> [<https://perma.cc/77YQ-D2JF>]).

25 See Hannah Haksgaard, *Rural Practice as Public Interest Work*, 71 Maine L. Rev. 209 (2019); Hannah Alsgaard, *Rural Incentive Programs for Legal and Medical Professionals: A Comparative Analysis*, 59 S. D. L. Rev. 585 (2014); see also Office of Statewide Health Planning and Development, Health Professions Education Foundation, <https://oshpd.ca.gov/loans-scholarships-grants/hpef/#loan-repayments> (detailing scholarship and loan repayment programs that support medical professionals in California's underserved communities, including rural ones) (last visited May 12, 2019).

26 H.R. 128-1680, 2018 Leg., 2d Reg. Sess. (Me. 2017).

27 For example, the Los Angeles Incubator Consortium (LAIC) is a successful example of an attorney incubator program that has helped local attorneys and law school graduates successfully adjust to serving modest-means clients. The LAIC is a partnership between Southwestern Law School, UCLA School of Law, Loyola Law School, Los Angeles, local legal aid organizations and the Los Angeles County Law Library, which trains new attorneys in Los Angeles. See Los Angeles Incubator Consortium, <https://www.laincubatorconsortium.com/> [<https://perma.cc/9AZV-XG49>]; Pruitt et al., *supra* note 3, at 55-56 (discussing past attempts to establish rural-focused incubators in California).

28 See Lindsay Stafford Mader, *Way Out Yonder*, 78 Tex. Bar J. 524, 526 (2015) (finding that the median salary for rural attorneys in Texas exceeded the median salaries for Austin, Dallas, Houston, and San Antonio).

The Supreme Court could also reconsider lowering the “cut score” on the California Bar Exam. A higher pass rate would likely bolster the number of rural practitioners, while also presumably resulting in a more diverse profession.²⁹ 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.³⁰

California law schools also have a critically important role to play in ameliorating the rural lawyer shortage. 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 at the University of South Dakota Law School each fall, encouraging them to consider rural practice and touting its rewards.³¹ While this is not feasible in California given the size and complexity of the state’s legal education market, California law schools do have opportunities to legitimate and promote rural practice to their students.

First, 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 think about their student pipeline, in particular applicants who hail from rural areas.

Indeed, law schools should consider recruiting at rural high schools and colleges or prioritize admission of applicants from rural places. This would be helpful because those who grew up in rural places are generally more likely to return there.³² 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 grade point average.³³

29 Cal. Assembly Comm. On Judiciary, Hearing Background Paper, Declining Passage Rates On The California Bar Exam: Possible Explanations And Impacts, 28 (Feb. 14, 2017), [http://ajud.assembly.ca.gov/sites/ajud.assembly.ca.gov/files/Back ground%20Paper%202.14.17.pdf](http://ajud.assembly.ca.gov/sites/ajud.assembly.ca.gov/files/Back%20ground%20Paper%202.14.17.pdf) [<https://perma.cc/A35G-AUQL>].

30 See E-mail from Mitch Winick, President and Dean, Monterey Coll. of Law, to Lisa R. Pruitt, Professor of Law, Univ. of Cal., Davis (Mar. 20, 2018, 8:28 AM) (on file with Harvard Law School Library). See also Christopher Chavis, *Location, Location, Location: Rural Law Schools and Their Roles in the Rural Lawyer Shortage*, Legal Ruralism Blog (July 14, 2017, 5:29 PM), <http://legalruralism.blogspot.com/2017/07/location-location-location-rurallaw.html> [<https://perma.cc/T325-KPXN>].

31 See David Gilbertson, *Reflections on the Rural Practice of Law in South Dakota: Past, Present, and Future*, 59 S. D. L. Rev. 433, 441 (2014) (discussing Chief Justice Gilbertson’s efforts to promote rural practice every year during 1L orientation week at the University of South Dakota).

32 See *supra* note 29.

33 Nebraska boasts the Rural Law Opportunities Program (LROP), a pipeline program aimed at recruiting rural students who commit to returning to rural areas to practice law. See E-mail from Anthony Schutz, Assoc. Professor, Univ. of Neb. Coll. of Law, to Lisa R. Pruitt, Professor of Law, Univ. of Cal., Davis (Sept. 4, 2018, 11:22 PDT) (on file with Harvard Law School Library). LROP provides undergraduate scholarships to high school students from rural Nebraska communities; those students are guaranteed admission to the Nebraska College of Law if they meet minimum GPA and LSAT requirements. *Id.* The program also provides participating students with an LSAT prep course, educational programming, and mentorship from law students and rural practitioners. *Id.* See also Karen Sloan, *How to Lure Lawyers to Small Town USA? Start There*, Law.Com, Nov. 1, 2016, <https://www.law.com/sites/almstaff/2016/11/01/how-to-lure-lawyers-to-small-town-usa-start-there/?slreturn=20171017072523> [<https://perma.cc/H3F6-QDLW>]; Lorelei Laird, *University of Nebraska launches program encouraging more attorneys in state’s rural areas*, ABA Journal, Oct. 27, 2016, http://www.abajournal.com/news/article/university_of_nebraska_launches_program_en-couraging_more_attorneys_in_rural [<https://perma.cc/V3KV-3ATK>].

California law schools could facilitate the formation of student groups promoting rural practice.³⁴ Maine Law's chapter of the Finch Society, for example, connects law students with rural practitioners, provides a space for students to learn more about rural and small-town practice. The student group also advocates for the interests of rural attorneys before the Maine Legislature.³⁵

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.³⁶

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.³⁷ Maine Law, University of Georgia Law School, and several midwestern law schools operate summer programs that pair law students with rural practitioners; some of these are specifically aimed at facilitating succession planning for aging rural practitioners.³⁸ The University of South Dakota Law School funds up to half the wages of a student's summer work with a rural practitioner.³⁹

34 The Finch Society was founded at the University of Arkansas, Little Rock, William H. Bowen School of Law in 2015. Named after Atticus Finch, the small-town lawyer in Harper Lee's *To Kill a Mockingbird*, "the society's mission is to expand legal representation in modest communities through recruitment, mentorship, and patronage[;] [t]he goal is to provide access to justice across the country at large until legal counsel is within close reach of all who are touched by the law." *Law society at Bowen focuses on expanding rural justice*, Univ. Ark. William H. Bowen Sch. of L. (June 10, 2016), <http://ualr.edu/law/2016/06/10/lawsociety-at-bowen-focuses-on-expanding-rural-justice/> [<https://perma.cc/7NKF-3FFZ>].

35 See Student Organizations, Univ. Me. Sch. of L., <https://mainelaw.maine.edu/student-life/student-organizations/> [<https://perma.cc/LG9P-M39M>]; Renee Cordes, *Maine Law tackles the need for more young lawyers in state's rural communities*, Maiebiz (Nov. 13, 2017), <http://www.maiebiz.biz/article/20171113/CURRENTEDITION/311099996/maine-lawtackles-the-need-for-more-young-lawyers-in-state%27s-rural-communitie> [<https://perma.cc/MDE8-36YW>].

36 *Justice Bus Project*, OneJustice, <https://onejustice.org/probonojustice/justice-bus-project/> [<https://perma.cc/AWR5-GDDS>]. This project was made possible by a grant from the California Bar Foundation Diversity Pipeline Program. Grant Agreement Between the State Bar of Cal. Office of Legal Services, Ctr. on Access to Justice and San Joaquin Coll. of Law (Aug. 21, 2017) (on file with Harvard Law School Library).

37 See *Preparing for Rural Practice*, Univ. Me. Sch. of L., <https://www.maine-lawcommunity.org/s/184/16/interior.aspx?sid=184&gid=1&pgid=1049&cid=1924&ecid=1924> [<https://perma.cc/M7CN-U4AK>].

38 See, e.g., *Rural Clerkship Program introducing law students to small towns like RAGBRAI stop Garner*, IOWA NOW, July 25, 2017, 8:53 AM, <https://now.uiowa.edu/2017/07/ragbrai-2017-day-three-garner-rural-clerkship-program> [<https://perma.cc/397T-RBFA>]; *America's Civil Courts: Whom Do We Serve?*, Self-Represented Litig. Network 6, <https://srln.maps.arcgis.com/apps/MapJournal/resources/tpl/viewer/print/print>; *Maine Law to launch Rural Practice Fellowship during workshop on April 8th*, Univ. Of Me. Sch. of L. (Apr. 5, 2017), <https://mainelaw.maine.edu/news/rural-practice-fellowship-workshop-april-8th/> [<https://perma.cc/NJB3-ANAZ>].
.html?appid=7bed22dba4ec45f281b766181b86215 [<https://perma.cc/9QSV-6H4R>] (using 5-year estimates from the Census Bureau's American Community Survey from 2014).

39 Interview by Hannah Haksgaard with Devra Hermosilla, Dir. of Career Serv. at the Univ. of S. D. Sch. of Law, in Vermillion, South Dakota (Nov. 14, 2017). Although the director of career services at USD Law manages the program, the program is available to first- and second-year students from other law schools who attended high school or college in South Dakota. *Id.*

These programs have been well received by the communities they seek to serve; far more Maine rural attorneys signed up to host a student than the number of spots in the program.⁴⁰ The principal reason given for wanting to participate: “We need attorneys here!”⁴¹ California 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 and where entrepreneurial opportunities abound.

In short, California’s rural attorney shortage won’t be alleviated unless a range of stakeholders take seriously rural people and places, along with the opportunities those people and places represent. The State Bar of California, the California Legislature, and California’s legal educators are among the actors who can and must play critical roles in order to ensure access to justice for rural residents of the Golden State.

40 See *supra* note 37.

41 Internal administrative selection documents on file in the Career Services Office at the University of Maine School of Law