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## Efforts to Encourage and Support Rural Law Practice in Wyoming

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PREFACE:

## EFFORTS TO ENCOURAGE AND SUPPORT RURAL LAW PRACTICE IN WYOMING

*Alan Romero\**

For over 100 years, the University of Wyoming College of Law has prepared students for practice in rural communities, because that's where many of its graduates have gone. But in 2009, recognizing the need for particular attention to rural issues and legal services, the College of Law established its Rural Law Center.<sup>1</sup> One of the Rural Law Center's missions is to "[h]elp prepare students for rural practice and service."<sup>2</sup> Most of that preparation continues to be through the school's curriculum, extracurricular competitions and activities, internships, externships, and clerkships. But the Rural Law Center encourages students to consider rural practice and gives students opportunities to learn about rural practice and issues, such as through presentations, conferences, and researching and writing about rural law and policy issues.

The lack of and need for rural lawyers has been even greater in some other states, like South Dakota.<sup>3</sup> The State Bar of South Dakota established Project Rural Practice in 2011 to address the need for lawyers in rural South Dakota.<sup>4</sup> The American Bar Association recognized the importance of the issue and invited the

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<sup>1</sup> See Alan Romero, *Legal Issues from A Rural Perspective: The University of Wyoming Rural Law Center*, WYO. LAW., Oct. 2012, at 22, 22.

<sup>2</sup> *Id.* at 23.

<sup>3</sup> See, e.g., Patrick G. Goetzinger & Robert L. Morris, *Project Rural Practice: Its People & Its Purpose*, 59 S.D. L. Rev. 444, 446 (2014).

<sup>4</sup> See *id.* at 447–48.

State Bar of South Dakota to prepare a report and resolution for the ABA House of Delegates. That report warned:

The main street attorney in rural America is an endangered species. The small number of rural lawyers in relation to the unmet need for legal services in rural areas is shocking. The impact of losing rural lawyers on the economic viability of rural communities and the delivery of justice to residents in these areas is potentially devastating.<sup>5</sup>

The ABA House of Delegates unanimously adopted the resolution in 2012, urging governments to “support efforts to address the decline in the number of lawyers practicing in rural areas” and bar associations to “develop programs to increase the number of lawyers practicing in rural areas.”<sup>6</sup>

The ABA report highlighted the South Dakota State Bar’s Project Rural Practice and suggested it could “provide a template for use by other Bar organizations.”<sup>7</sup> That project aspired to provide and publicize practice support for rural lawyers, to encourage rural communities and others to provide incentives to rural lawyers, and to connect lawyers with rural opportunities.<sup>8</sup> South Dakota’s legislature subsequently supported the effort with funding incentives for new rural lawyers.<sup>9</sup>

South Dakota’s efforts drew national attention to the issue.<sup>10</sup> Many newspapers, magazines, and journals reported about the need for rural lawyers.<sup>11</sup> In the years following, other states, localities, state bar associations, and law schools took actions to recruit and retain lawyers in rural communities.<sup>12</sup>

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<sup>5</sup> *Project Rural Practice*, STATE BAR OF S.D., <https://www.statebarofsouthdakota.com/project-rural-practice/> [<https://perma.cc/2JQQ-KBLQ>] (last visited Sep. 27, 2021).

<sup>6</sup> Goetzinger & Morris, *supra* note 3, at 453.

<sup>7</sup> *Project Rural Practice*, *supra* note 5.

<sup>8</sup> *Id.*

<sup>9</sup> See Goetzinger & Morris, *supra* note 3, at 455–57.

<sup>10</sup> See *id.* at 457–58.

<sup>11</sup> See, e.g., Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D. L. REV. 466, 468 (2014); Ethan Bronner, *No Lawyer for Miles, So One Rural State Offers Pay*, N.Y. TIMES, (Apr. 8, 2013), <https://www.nytimes.com/2013/04/09/us/subsidy-seen-as-a-way-to-fill-a-need-for-rural-lawyers.html> [<https://perma.cc/87V8-WC4H>]; Lorelei Laird, *In Rural America, There Are Job Opportunities and a Need for Lawyers*, ABA J. (Oct. 1, 2014, 5:40 AM CDT), [https://www.abajournal.com/magazine/article/too\\_many\\_lawyers\\_not\\_here\\_in\\_rural\\_america\\_lawyers\\_are\\_few\\_and\\_far\\_between](https://www.abajournal.com/magazine/article/too_many_lawyers_not_here_in_rural_america_lawyers_are_few_and_far_between) [<https://perma.cc/Q57U-9QZ2>]; Danielle Paquette, *8,500 Residents. 12 Attorneys: America’s Rural Lawyer Shortage*, WASH. POST (Aug. 25, 2014), <https://www.washingtonpost.com/news/storyline/wp/2014/08/25/how-do-you-keep-them-down-on-the-farm-once-theyve-passed-the-bar/> [<https://perma.cc/G9Z2-74W2>]; Karen Schwartz, *Adventurers Sought in Rural America*, STUDENT LAW. (Feb. 1, 2015), <https://abaforlawstudents.com/2015/02/01/adventurers-sought-rural-america-2/> [<https://perma.cc/C7SP-ZJQK>].

<sup>12</sup> See, e.g., Lisa R. Pruitt, et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL’Y REV. 15 (2018); Regina Garcia Cano, *States Trying to Lure Lawyers into Rural Practice*, AP NEWS (Dec. 21, 2014), <https://apnews.com/>

Wyoming likewise seemed to start talking about the issue more. In 2012, the *Wyoming Lawyer* published an issue focused on rural lawyers and legal services.<sup>13</sup> In 2013, the UW Rural Law Center and College of Law Office of Career Services hosted a panel discussion about rural practice and incentives, featuring discussion of the South Dakota program. Discussions continued about incentives and support programs, such as a legal incubator to help recent law graduates establish rural practices. A student organization was formed that advocated for incentives and support programs. But even though various efforts to encourage and support rural practice have continued, surely with some effect, none of the more substantial incentive and support programs established in other states have been adopted in Wyoming.

The State Bar and the UW College of Law's Rural Law Center have recently been working together to assess and address the need for lawyers in rural Wyoming. The State Bar's 2019–2021 strategic plan included an objective to “[e]xplore rural access to justice . . . and identify potential recruitment incentives.”<sup>14</sup> At the same time, the Rural Law Center was planning a conference about rural lawyers and access to justice. Those shared objectives led to a collaboration in organizing and hosting a conference at the College of Law last year discussing small, solo, and rural practice. Along with practical advice about such practice, the conference included a presentation about the shortage of lawyers in Wyoming, possible causes, and possible solutions, and a presentation about South Dakota's Rural Attorney Recruitment Program.

The working group that organized the conference has continued to explore ways to address the need for rural lawyers in Wyoming. The group prepared a survey of the Wyoming State Bar membership to help evaluate the extent and causes of the state's rural lawyer shortage and ways to address those causes. The survey results indicate a greater decline in and a greater need for lawyers in more

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article/5d84ec8fed2b41bd883328582697ee0b [https://perma.cc/F9P9-8KJW] (reporting about financial support for new rural lawyers in Nebraska and Arkansas); Wendy Davis, *No Country for Rural Lawyers: Small-Town Attorneys Still Find It Hard to Thrive*, ABA J. (Feb. 1, 2020, 12:00 AM CST), <https://www.abajournal.com/magazine/article/no-country-for-rural-lawyers> [https://perma.cc/B3QE-L8BU] (reporting about rural lawyer recruitment and incentives in Iowa, Alaska, and Arkansas); April Simpson, *Wanted: Lawyers for Rural America*, PEW (June 26, 2019), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/06/26/wanted-lawyers-for-rural-america> [https://perma.cc/2F45-VVJ5] (reporting about rural lawyer recruitment and retention in North Dakota, Nebraska, Arkansas); Gary P. Toohey, *Choosing the Road Less Traveled: Reversing the Rural Lawyer Exodus*, PRECEDENT, Winter 2014, at 6, 10–11 (reporting about rural lawyer recruitment and retention efforts in North Dakota, Iowa, Nebraska, and Kansas); Debra Cassens Weiss, *Lawyer Shortage in Rural Nebraska Is Target of State Bar Initiative*, ABA J. (Oct. 1, 2013), [https://www.abajournal.com/news/article/lawyer\\_shortage\\_in\\_rural\\_nebraska\\_is\\_target\\_of\\_state\\_bar\\_initiative](https://www.abajournal.com/news/article/lawyer_shortage_in_rural_nebraska_is_target_of_state_bar_initiative) [https://perma.cc/9SHF-JHR8]; *Rural Incubator Project for Lawyers*, MONT. LEGAL SERVS. ASS'N, <https://www.mtlsa.org/rural-incubator-project-for-lawyers/> [https://perma.cc/Q37Y-P2T8] (last visited Nov. 10, 2021).

<sup>13</sup> WYO. LAW., Oct. 2012.

<sup>14</sup> WYO. STATE BAR, 2-YEAR STRATEGIC PLAN (June 2019–May 2021), <https://www.wyomingbar.org/wp-content/uploads/2019-2021-Strategic-Plan-1.pdf> [https://perma.cc/8XVZ-S4ZW].

rural counties than in more populated counties.<sup>15</sup> A higher percentage of rural lawyers report experiencing representation conflicts, lack of job opportunities for spouses and partners, lack of social opportunities, and lack of professional and technical support.<sup>16</sup> Around 80% of lawyers in the least populated counties are solo practitioners and only 37% of them consider themselves as specializing in a practice area,<sup>17</sup> so they may be more likely to need support in developing a practice and expertise.

Wyoming should take more action to address the need for rural lawyers. Wyoming does not presently have as dramatic a lack of rural lawyers as many other states have,<sup>18</sup> which probably has contributed to Wyoming being slower than many other states to do something more substantial and structured about it. But it is already a problem in Wyoming, and the problem will surely worsen without more efforts to address it. Of nine possible strategies to attract and retain rural lawyers, survey respondents thought the most helpful would be mentorship, financial and practical help in starting a practice, opportunities to experience rural practice through internships and clerkships, and intensive practice management training.<sup>19</sup>

The State Bar's most recent strategic plan resolves to "[c]ontinue and expand [its] commitment to solo practitioners and small firms" in three of these four ways, "mentorship facilitation, practice management aids and practical support targeted at the establishment or transition of firms."<sup>20</sup> The UW College of Law and its Rural Law Center will likewise continue and expand their efforts to help prepare students for rural practice and arrange internships and clerkships.

While the State Bar and College of Law can do many of these things without large expense, providing financial help in starting a practice obviously requires money. The State Bar plans to explore a micro-loan program to help start solo and small firms.<sup>21</sup> Some states have gone further in financially assisting, and thus attracting, lawyers to start a rural practice, as Pierce Peasley's following article discusses.<sup>22</sup> State and/or local government participation and funding would obviously make such programs more possible and substantial.

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<sup>15</sup> Alan Romero, *Assessing and Addressing the Need for Rural Lawyers in Wyoming*, WYO. LAW., Oct. 2021, at 26, 27.

<sup>16</sup> *Id.* at 28.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 27.

<sup>19</sup> *Id.* at 30.

<sup>20</sup> WYO. STATE BAR, TWO-YEAR STRATEGIC PLAN (June 2021–May 2023), <https://www.wyomingbar.org/wp-content/uploads/2021-2023-Wyoming-State-Bar-Strategic-Plan.pdf> [<https://perma.cc/ZXP3-68KB>].

<sup>21</sup> *Id.*

<sup>22</sup> See Pierce Peasley, *Ensuring the Survival of Wyoming's Newest Endangered Species: Rural Attorneys*, 22 WYO. L. REV. 161, 172–81 (2022).

Evaluating success of various programs can be difficult, but that isn't a reason for inaction. Other states' experiences give reason to expect that any of the possible strategies will help in Wyoming too.<sup>23</sup> To a large extent, the success of such programs depends on the people involved. Even if lack of resources prevents us from doing everything we would like to do to help support rural lawyers, everything we can do can help. Not only may such programs help reduce obstacles to rural practice, they may help lawyers feel the importance and value of such service. The collective and coordinated efforts of the State Bar, the UW College of Law and Rural Law Center, the state and its localities would certainly encourage lawyers to practice in rural areas and help them succeed.

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<sup>23</sup> *See id.*

