Ensuring the Survival of Wyoming's Newest Endangered Species: Rural Attorneys

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Comment:

ENSURING THE SURVIVAL OF WYOMING’S NEWEST ENDANGERED SPECIES: RURAL ATTORNEYS

Pierce Peasley

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I. Introduction

The rural attorney is a newly endangered species in modern America. The decline in attorneys practicing in rural America has accelerated in recent years. While twenty percent of the United States’ population resides in rural communities, only two percent of the nation’s attorneys reside in these communities. Wyoming similarly suffers from this shortage. Attorneys in Wyoming rural communities are departing and not being replaced. Wyoming attorneys approaching the age of retirement will continue to add to the rural attorney shortage if these attorneys are not replaced. Departing attorneys leave holes in the communities that rely on them as an integral component of the community.

Nevertheless, while the rural attorney shortage grows, a record number of students are attending and graduating from law school. Upon completing law school, these students typically move to larger cities. Many of these students seek the allure of higher paying and more specialized careers. As attorneys in small

* J.D. Candidate, University of Wyoming College of Law, Class of 2022. To Solenn, your support and love mean more to me than you know, I owe so much of my success to it. Thank you to Professor Alan Romero for your guidance, your own dedication to this issue provided an invaluable asset in my writing. To each of the individuals interviewed who provided unique insight on their own experiences with rural law, thank you. To the Wyoming Law Review Board and staff, especially Briana Long and Alicia Evans, thank you dedicated effort to shaping this comment into what it is today. Thank you to Kate Gamble, for her dedication to research which helped shape this piece. To my parents Steve and Melissa, I would not be the man I am without your help and love over the years, thank you. Finally, to my grandfather Frank D. Peasley and my uncle F. Scott Peasley, thank you for your example of what it means to be a dedicated rural attorney, this piece would not exist without your work and its impact on me.


2 See id.


4 See infra Part II.A.


6 Interview with Frank Peasley, Atty., Peasley & Armstrong LLP, in Douglas, Wyo. (July 1, 2021); see also Wyo. Rural Practice Survey, supra note 5, at 18.


9 Davis, supra note 5.

10 Id.; Ryan Cecil, The Pros and Cons of Being a Big City Attorney, Thrive Global (Oct. 3,
communities relocate or retire, the attorneys and their communities struggle to attract new attorneys to serve their clients and residents.\textsuperscript{11}

As attorneys depart from rural areas, they leave behind more than unfilled jobs.\textsuperscript{12} Departing attorneys leave communities without conflict resolution, mediation, and guidance to the local organizations to which they belonged.\textsuperscript{13} These attorneys leave behind their first-hand experience of the problems and challenges that small communities and the residents face.\textsuperscript{14} Because rural attorneys are fundamental to their communities, it is vital that vacancies in rural areas are replaced.\textsuperscript{15} Saving the Wyoming rural attorney “endangered species” is a task that will likely involve multiple levels of participation from both private and governmental entities.\textsuperscript{16} This effort to preserve and recover rural attorneys throughout rural communities is a step toward creating strong communities.\textsuperscript{17}

To help resolve this problem, Wyoming should identify and support students from, or who desire to move to, rural communities.\textsuperscript{18} Through the implementation of a rural attorney incentive program, Wyoming will be able to mitigate the challenges rural attorneys face when entering into rural practice.\textsuperscript{19} By addressing concerns and challenges that new attorneys face, Wyoming may encourage attorneys to move to rural communities and establish long term practices.\textsuperscript{20}

This comment suggests that the Wyoming State Bar Association, the University of Wyoming College of Law, the Wyoming State Legislature, and the Wyoming Supreme Court should work together to incentivize and support attorneys practicing in rural areas to ensure the legal needs of Wyoming’s citizens are sufficiently met.\textsuperscript{21}

\textsuperscript{11} E-mail from Barbara Anne Greene, President, Basin Area/South Big Horn Cnty. Chamber of Com., to author (May 19, 2021, 09:34 MST) (on file with author).

\textsuperscript{12} See generally Hillary A. Wandler, \textit{Spreading Justice to Rural Montana: Expanding Local Legal Services to Undererved Rural Communities}, 77 Mont. L. Rev. 225 (2016) (discussing the lack of attorneys throughout rural Montana and the underserved population that is left behind when attorneys leave these communities).

\textsuperscript{13} See \textit{id.} at 227–28, 239; Telephone Interview with Chuck Rowling, Professor of Pol. Sci., Univ. of Neb.-Kearny (Aug. 9, 2021); Robert Gordon, \textit{Lawyers, the Legal Profession & Access to Justice in the United States: A Brief History}, \textit{Dædalus}, Winter 2019, at 177, 178 (discussing services other than legal services that attorneys provide).

\textsuperscript{14} See Telephone Interview with Chuck Rowling, \textit{supra} note 13.

\textsuperscript{15} See generally Wandler, \textit{supra} note 12.

\textsuperscript{16} See \textit{infra} Part IV.

\textsuperscript{17} Telephone Interview with Chuck Rowling, \textit{supra} note 13.

\textsuperscript{18} See \textit{infra} Part IV.

\textsuperscript{19} See \textit{infra} Part IV.

\textsuperscript{20} See \textit{infra} Part IV.

\textsuperscript{21} See \textit{infra} Part IV.
Part II provides an overview of the current landscape of rural practicing attorneys and the barriers to entry that attorneys in rural communities face.\textsuperscript{22} Part III analyzes rural attorney incentive programs incorporated by states surrounding Wyoming.\textsuperscript{23} Part IV proposes a Wyoming rural attorney incentive program focused on engaging law students to enter rural communities.\textsuperscript{24} Finally, Part V addresses potential criticisms.\textsuperscript{25}

II. WYOMING BACKGROUND

Wyoming is predominantly a rural state.\textsuperscript{26} Compared to the other forty-nine states, Wyoming is the tenth largest state in size, but inhabited by the smallest population.\textsuperscript{27} “Rural” is commonly defined as areas containing less than “six or fewer people per square mile.”\textsuperscript{28} Forty-seven percent of Wyoming residents reside in rural areas.\textsuperscript{29} Consequently, the State struggles to provide all of its citizens access to legal professionals.\textsuperscript{30} Some Wyoming communities have few or no practicing attorneys.\textsuperscript{31}

Wyoming’s non-urban citizens do not suffer from the same lack of attorneys that their rural counterparts do.\textsuperscript{32} Laramie, Natrona, and Albany County contain

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\item Wyoming’s non-urban citizens do not suffer from the same lack of attorneys that their rural counterparts do.\textsuperscript{32}
\end{itemize}
fifty-four percent of the attorneys in the state and serve thirty-eight percent of the Wyoming population.\textsuperscript{33} This leaves only forty-five percent of the state’s attorneys to serve the remaining twenty counties—significantly below the state and regional average for attorneys per capita.\textsuperscript{34}

\textit{A. The “Extinction” of Rural Attorneys in Wyoming}

In Wyoming, on average 1,000 citizens are represented by 2.9 attorneys.\textsuperscript{35} The Rocky Mountain region has an average of 3.1 attorneys per 1,000 people.\textsuperscript{36} While Wyoming appears statistically consistent with the regional average, this statistic is deceiving because Wyoming and states within the region, especially Colorado, include both urban and rural areas when calculating this average.\textsuperscript{37} This inclusion of urban and rural areas, leads the higher number of urban attorneys to be included when calculating the entire statistic, leading to inflated numbers per 1,000 residents.\textsuperscript{38} Conversely, in more urban areas, such as New York, the number of attorneys per 1,000 people soars to 9.2.\textsuperscript{39}

For example, Converse County, a rural county in Wyoming, has a population of 13,822 people.\textsuperscript{40} The Wyoming State Bar Directory lists eighteen attorneys within Converse County—1.3 attorneys per 1,000 residents.\textsuperscript{41} That is nearly 2.4 times lower than the state average.\textsuperscript{42} Of the eighteen attorneys in Converse County,


\textsuperscript{34} Rural Attorney Research, supra note 30.


\textsuperscript{36} See id. Other states in the Rocky Mountain region such as Colorado, Montana, and Idaho, have 3.7, 3.0, and 2.1 attorneys per 1,000 people respectively. See id.

\textsuperscript{37} See id.

\textsuperscript{38} See id.

\textsuperscript{39} See id.

\textsuperscript{40} QuickFacts: Converse County, Wyoming, U.S. Census Bureau (July 1, 2019), https://www.census.gov/quickfacts/conversecountywyoming [https://perma.cc/U83H-EKH7]. Converse County has 3.3 people per square mile, meeting the definition of “rural.” Id.


\textsuperscript{42} Rural Attorney Research Project, supra note 30. The attorneys who are not incorporated within the private practice attorneys list include those who work full-time at the county attorney’s, city attorney’s, or public defender’s office. These attorneys provide an important role in the legal needs of these communities; however, they do not take cases related to civil legal issues. Part-time attorneys, while still providing essential services to help meet the legal needs of the county, were not included in this calculation. However, part-time attorneys were not included because these attorneys are statistically likely to be nearing retirement. Therefore, only “full-time” attorneys were included to best demonstrate the shortage of attorneys in rural areas. When part-time attorneys are included
only five are actively practicing, private practice attorneys. Of these five, two are part-time and nearing retirement. Using this data, Converse County shifts from 1.3 attorneys per 1,000 residents to 0.21 full time private practice attorneys per 1,000 residents. As attorneys in communities like Converse County continue to retire, they leave a heightened demand from residents that the remaining attorneys likely cannot fill.

All three full-time attorneys in Converse County work in Douglas, the county seat. This leaves the other communities in the county, such as Glenrock, with no attorneys despite the demand for one. Residents in rural communities express a need to have attorneys in their communities. Rural residents without attorneys however, are required to drive to another town for legal counsel.

In another example, Basin, Wyoming, the county seat of Big Horn County with a population of 1,281 people, has only one attorney serving the community. Yet residents of Basin must travel to another community to meet with a lawyer because the attorney in Basin does not provide any private practice services. Requiring Basin residents to drive to larger communities for legal counsel can be complicated and can cause residents to forego obtaining legal advice.

in the calculations, the number of attorneys per 1,000 residents still remains lower than the state, regional, and national average. See id.

43 Id.
44 Id.
45 Id.
46 Interview with Frank Peasley, supra note 6.
47 Rural Attorney Research, supra note 30.
48 Interview with Fred Dilts III, Att’y, in Douglas, Wyo. (Aug. 5, 2021). Fred Dilts served as an attorney in Converse County throughout the majority of his career and maintained an extensive list of clients from Glenrock, Wyoming. Id. “County Seat” is defined as “the chief town of a county, where the county buildings and courts are located, and the county business transacted.” County Seat, BLACK’S LAW DICTIONARY (5th Pocket ed. 2016). Glenrock, population 2,576, has not had a full-time attorney for roughly 10 years. Rural Attorney Research, supra note 30.
49 E-mail from Robin Petty, Sec’y, Buffalo Chamber of Com., to author (May 16, 2021 18:25 MST) (on file with author); E-mail from Carol King, Lander Chamber of Com., to author (May 17, 2021, 09:39 MST) (on file with author E-mail from Moriah Brist, Visitor Ctr. Manager, Goshen Chamber of Com., to author (May 19, 2021, 20:15 MST) (on file with author); E-mail from Barbara Anne Greene, President, Basin Area/South Big Horn Cnty. Chamber of Com., to author (May 19, 2021, 09:34 MST) (on file with author); E-mail from Lisa Morrison, supra note 31; E-mail from Ruth Dugger, supra note 31.
50 E-mail from Barbara Anne Greene, supra note 49.
51 Id.
52 Id.
53 Id.
The shortage of rural attorneys can be seen throughout the state. Counties such as Big Horn, Crook, and Weston County, each have fewer than five actively practicing, private practice attorneys, despite more listed within the Wyoming State Bar Directory. However, these counties each have over 6,000 residents. Accumulated data for each county in Wyoming regarding the number of practicing attorneys per county, shown in Table 1 below, indicates that there is less than one attorney per 1,000 residents in at least six Wyoming counties.

Table 1.

<table>
<thead>
<tr>
<th>County</th>
<th>Population</th>
<th>Number of Full Time Private Practice Attorney’s</th>
<th>Attorneys per 1,000 Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Horn</td>
<td>11,882</td>
<td>3</td>
<td>0.25</td>
</tr>
<tr>
<td>Converse</td>
<td>13,582</td>
<td>3</td>
<td>0.21</td>
</tr>
<tr>
<td>Crook</td>
<td>7,584</td>
<td>2</td>
<td>0.26</td>
</tr>
<tr>
<td>Hot Springs</td>
<td>4,621</td>
<td>2</td>
<td>0.43</td>
</tr>
<tr>
<td>Platte</td>
<td>8,582</td>
<td>5</td>
<td>0.58</td>
</tr>
<tr>
<td>Weston</td>
<td>6,927</td>
<td>1</td>
<td>0.14</td>
</tr>
</tbody>
</table>

The present rural attorney shortage in Wyoming is expected to continue to grow. A Wyoming State Bar survey found that fifty-seven percent of practicing rural attorneys who responded had obtained their law degree prior to 2000. Roughly thirty-six percent of these had obtained their degree before 1990. Similarly, the age of Wyoming’s practitioners is increasing. Forty-five percent of Wyoming’s attorneys are over the age of fifty-five, while only twelve percent are between the ages of twenty-five and thirty-five. While most attorneys in Wyoming

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54 Rural Attorney Research, supra note 30.
55 Id. But see Legal Directory, supra note 41, at 407, 409, 411 (listing the number of attorneys, regardless of whether they are actively practicing or not, within Big Horn, Crook, and Weston County as eleven, six, and eight respectively).
57 Rural Attorney Research, supra note 30 (suggesting that the rural attorney shortage is more exasperated than published data).
58 Id.
59 See infra notes 60–63 and accompanying text.
60 Wyo. Rural Practice Survey, supra note 5, at 5.
61 Id.
62 Id.
63 Id. at 1.
are above the age of fifty, seventy-two percent were either solo practitioners or practiced in a small firm. These statistics can present a challenge for Wyoming as retiring solo practitioners typically struggle to create succession plans without attorneys in the firm to replace them. Smaller firms often have similar issues, since many are comprised of attorneys close in age.

While thirty-seven percent of the rural attorneys indicated that they plan to retire in the next five years, only seven percent of those attorneys plan to sell or hand over their practice to another attorney. As these lawyers retire, rural communities continually have a shrinking pool of attorneys to choose from for legal services within their community. Therefore, an increasing number of rural residents in Wyoming are no longer able to consult an attorney or they are forced to drive to other towns for legal counsel.

B. Lack of Attorneys Already Impacts Wyoming Residents

A survey conducted by the Legal Services Corporation in 2017 found that low-income rural residents in the United States received “inadequate or no professional legal help” for eighty-six percent of their civil legal problems. Wyoming is not immune from this problem. The National Law Journal found that Wyoming is among the worst in the nation in providing access to justice. Access to justice is determined by the ability of citizens to: 1) find legal assistance; and 2) the amount of time necessary to resolve their legal issues. Acknowledging this lack of access to

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64 Id. at 8. 72.5% of survey respondents stated that they belonged to a firm that comprised of one to five attorneys. Id. See also Brook Moore, 2019 Solo & Small Firm, ABA (Dec. 4, 2019), https://www.americanbar.org/groups/law_practice/publications/techreport/abatechreport2019/solosmallfirm19/ [https://perma.cc/49KH-Q8TM] (defining small firms as those consisting of two to nine attorneys).


66 See Moore, supra note 64.

67 Wyo. Rural Practice Survey, supra note 5, at 18.

68 Id.

69 E-mail from Barbara Anne Greene, supra note 49; see also Rural Attorney Research, supra note 30.


72 Id.

73 See id.
legal care, the Wyoming Supreme Court, through the Wyoming Access to Justice Commission (“the Commission”), established a five-year plan in 2014 to develop legal access programs serving the indigent in the state.\textsuperscript{74}

The Commission emphasized the need to support legal services to Wyoming residents with low to moderate income.\textsuperscript{75} A higher percentage of rural Wyoming residents live below the poverty line compared to their urban counterparts.\textsuperscript{76} Having attorneys within these rural communities who serve indigent populations would help recognize the goals of the Commission.\textsuperscript{77} To conclude, by encouraging and supporting attorneys in rural Wyoming, the goals of increasing access to justice for indigent residents of Wyoming can be better recognized.\textsuperscript{78}

\textbf{C. Barriers to New Attorney Entry in Rural Communities}

New rural lawyers’ concerns related to practicing law in rural communities are both real and imagined.\textsuperscript{79} These concerns can create barriers for attorneys entering rural communities.\textsuperscript{80} These concerns vary, but typically are related to lack of financial stability, access to mentorship, and challenges of rural life.\textsuperscript{81}

\textit{1. Financial Concerns for Practitioners and Law Students}

Incoming rural attorneys understandably are often concerned about the ability to generate income.\textsuperscript{82} Rural lawyers often earn less than their urban counterparts.\textsuperscript{83} A Wyoming State Bar survey found financial concerns was a top concern for rural Wyoming attorneys.\textsuperscript{84} A similar concern of new attorneys in rural communities is knowing how to run a business to ensure a steady income.\textsuperscript{85} These concerns have


\textsuperscript{75} Id.


\textsuperscript{77} Telephone Interview with Jennifer Williams, Att’y, J.A.W. Law Office, (Aug. 11, 2021); Telephone Interview with Chuck Rowling, supra note 13 (“Attorneys in rural communities don’t just serve clients, they help start businesses, and sit on community boards offering advice. They don’t just practice law but serve the community through a variety of other ways.”).

\textsuperscript{78} See supra notes 35–76 and accompanying text; Wyo. Access to Justice Comm’n, supra note 74, at 4.

\textsuperscript{79} Wyo. Rural Practice Survey, supra note 5, at 18.

\textsuperscript{80} See infra notes 82–97 and accompanying text.

\textsuperscript{81} See infra notes 82–97 and accompanying text.

\textsuperscript{82} Wandler, supra note 12, at 237.

\textsuperscript{83} See id. at 238.

\textsuperscript{84} Wyo. Rural Practice Survey, supra note 5, at 28.

\textsuperscript{85} Telephone Interview with Seth “Turtle” Johnson, Att’y, Slow & Steady Law (Aug. 5,
been detailed by rural Wyoming attorneys who have described their experiences practicing in rural areas. One attorney described working out of his parents’ offices when he first started his practice, while another attorney remembered having to supplement his income with a second job. Financial concerns in rural Wyoming legal practices remains a barrier to entry for incoming attorneys.

2. Access to Mentorship and Practice Guidance

Lack of mentorship was another main concern of Wyoming State Bar survey respondents. Learning to practice law outside of school is challenging. Learning without the assistance of an older attorney adds additional complexity. While the Wyoming State Bar offers mentorship, younger attorneys in the state often feel embarrassed or uncomfortable bringing their questions to elder attorneys in the current mentorship format. Therefore, it is important to reform the current

2021). Seth Johnson, an attorney and the founder of Slow and Steady Law in Saratoga Wyoming, was raised on a ranch near Saratoga and returned home after law school to open a law office. It’s difficult for people to come back, such as myself and start a business, and raise a family. The money, the know-how, and just learning to be an attorney all combine to make it fairly difficult to be a solo practitioner out of law school in a small town. Id. Interview with Fred Dilts III, supra note 48. Fred Dilts III, a retired attorney who served Converse County, detailed the struggle of his own private practice in rural Wyoming—he practiced out of the back of his father’s office due to the lack of his ability to afford rent. Id. See also Interview with Frank Peasley, supra note 6. Mr. Peasley bought a restaurant in Douglas, WY to supplement his income. Id.

86 Interview with Frank Peasley, supra note 6.
87 See supra notes 82–87 and accompanying text.
88 Wyo. Rural Practice Survey, supra note 5, at 28.
89 Telephone Interview with Seth “Turtle” Johnson, supra note 85; Interview with Frank Peasley, supra note 6; Interview with Fred Dilts III, supra note 48.

91 Mentorship Outreach Program, Wyo. State Bar, https://www.wyomingbar.org/my-bar/mentor-outreach-program/ (last visited Oct. 23, 2021). The current mentorship program through the Wyoming State Bar is a webpage that allows an attorney to fill out a series of questions after which the state bar will assist to put a mentor in touch. It’s intimidating and not always the most comfortable circumstances to discuss with older attorneys some of the questions I have. Sure, the state bar offers assistance like that, and it’s fun to be the one who brings a unique challenge or question, but it’s a lot harder to bring some of the day-to-day things I’m just trying to figure out, without feeling embarrassed or being able to feel comfortable.

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mentorship program to ensure new rural practitioners in Wyoming feel confident asking for assistance.93

3. Rural Life

Attorneys also express concern about the challenges that come with rural life.94 Common issues associated with rural living are lack of employment opportunities for spouses, concerns related to access to healthcare and other professional services, and the feeling of physical and professional isolation.95 These issues, however, may be less of a concern given ever-increasing opportunities for employees to work from home.96 In addition, telehealth services and virtual opportunities to connect with friends and family have made rural communities easier to live in.97

The allure of living in rural areas is also increasing as many Americans seek a quieter way of life.98 Thirty-nine percent of urban inhabitants responded to a survey stating that they have considered leaving the city for somewhere less crowded.99 American’s currently are leaving cities for suburban and rural communities.100 With

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93 See supra notes 89–92 and accompanying text; Telephone Interview with Seth “Turtle” Johnson, supra note 85.
94 Wandler, supra note 12, at 237.
95 Rural vs. Urban vs. Suburban Living & Homeownership: Things to Consider, AQUATELL, https://www.aquatell.ca/pages/urban-vs-rural-life-advantages-and-disadvantages [https://perma.cc/LZC9-55AY] (last visited Dec. 29, 2021); Ryan Ariano, I Moved from LA to a Town of 2,300 people—here were the biggest culture shocks I faced in small-town America, INSIDER (Aug. 2, 2019, 7:41 AM), https://www.businessinsider.com/small-town-america-culture-shock-2019-8#small-towns-are-more-intimate-but-also-more-isolating-than-big-cities-9 [https://perma.cc/FKC9-B66C]; Telephone Interview with Clay Anderson, Atty, Dakota Law Firm (Aug. 8, 2021) (“It’s not always finding a lawyer that wants to work in a small town that is a problem, but a lot of times finding both a lawyer and a spouse who both want to live in a small town. It’s hard a lot of times for them to find the job that they want, or often times they just aren’t from a small town and just can’t handle the lifestyle change.”).
98 See Scigliano, supra note 97.
this shift, the opportunity for Wyoming to implement a program attracting legal professionals has never been greater.101

III. Other Western States’ Solutions

Montana, Nebraska, and South Dakota have created rural law programs in the last ten years to entice and retain attorneys in their rural communities.102 These rural law components typically consist of financial and educational incentives to encourage attorneys to serve in rural areas.103 In exchange for receiving benefits for participating in the program, attorneys agree to serve rural communities for a specified period.104 South Dakota’s first in the nation program, provides a financial stipend in exchange for a four-year commitment to work in a rural community.105 Nebraska has implemented a clerkship program for law students combined with a partial loan forgiveness program for attorneys who commit to serve rural communities for three years.106 Finally, Montana, has implemented a robust mentorship program for new attorneys and also provides financial, educational, and advertising benefits for participating attorneys.107 These programs can serve as a framework for Wyoming in implementing a similar program.108

A. South Dakota Rural Attorney Recruitment Program

The shortage of attorneys in rural communities in South Dakota is a critical issue.109 Fifty-five percent of South Dakota’s population lives in rural communities, making the population density similar to Wyoming.110 To remedy their rural attorney shortage, South Dakota instituted a first-in-the-nation program in 2011 to attract and retain attorneys in rural South Dakota.111 The rural attorney incentive program is a joint effort by the South Dakota Unified Judicial System (U.J.S.),


102 See infra Parts III.A., III.B., III.C.

103 See infra Parts III.A., III.B., III.C.

104 See infra Parts III.A., III.B., III.C.

105 See infra notes 120–125 and accompanying text.

106 See infra notes 173–178 and accompanying text.

107 See infra notes 187–204 and accompanying text.

108 See infra Part V.


the South Dakota State Bar, and the South Dakota Legislature. The program’s purpose is to “assist rural counties and municipalities in recruiting attorneys.”

To qualify for the program, a county must have a population of 10,000 persons or less, agree to pay a fee related to the cost of the program, and be eligible under the U.J.S. determination. Individual municipalities have the same requirements and are eligible to apply, except they must have a population of under 3,500 persons. Counties and municipalities must apply to the U.J.S., the U.J.S. then assesses the counties’ legal needs and ability to sustain and support an attorney. Once admitted, counties do not need to reapply, as the U.J.S. continues to list those counties to attorneys seeking to participate in the program.

In determining a county’s or municipality’s eligibility, the U.J.S. applies a factor test considering the demographics of the applicant, the age and current membership of the applicant’s bar, the recommendation of the presiding circuit judge, the economic development programs of the applicant, prior participation by the applicant, and the location of the applicant compared to other areas receiving assistance. Moreover, the program evaluates individual attorneys applying to the program and examines existing ties between an attorney and a county or municipality. To be eligible to participate in the program, attorneys must agree to practice in the county or municipality they select for at least five years.

The program focuses on alleviating financial concerns related to rural practice. Each participating attorney receives an annual financial stipend for their participation. The program cost is divided between the State Bar of South Dakota which is responsible for fifteen percent (15%), the county or municipality the lawyer resides in which is responsible for thirty-five percent (35%), and the State of South Dakota which is responsible for the remaining fifty percent (50%).

There may be concerns for the county or municipality regarding their portion of the cost since many rural areas lack an adequate tax base to spread the cost between counties.

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112 Id.
114 Id. § 16-23-2.1.
115 Id. § 16-23-2.2.
116 Id. § 16-23-2.
117 Id.
118 Id. § 16-23-3.
119 Id.
120 Id. § 16-23-4.
121 Hanna DeLange, A Champion for Rural Law, 23 The South Dakotan Law, no. 1, 2019, at 26, 28–29.
122 S.D. Codified Laws § 16-23-5.
123 Id. § 16-23-11.
residents.\textsuperscript{124} South Dakota, however, authorizes counties and municipalities to fund their portion through the county, municipalities within the county, school districts, or nonprofit entities.\textsuperscript{125}

The financial impact helps ease the financial burden that rural attorneys likely would otherwise encounter when beginning their practices.\textsuperscript{126} The success of the program has been apparent since its inception.\textsuperscript{127} Since 2011, South Dakota’s program has expanded the number of available positions from sixteen rural attorney participants to thirty-two attorney participants.\textsuperscript{128} Furthermore, in 2019, the program’s sunset clause was removed, allowing for an indefinite extension of the program.\textsuperscript{129} The Chief Justice of the South Dakota Supreme Court, David Gilbertson noted, “[i]t is clear that we are obtaining quality participants in the program.”\textsuperscript{130} He also commented that the increase in program participants has established a steady flow of attorneys to rural communities.\textsuperscript{131}

The legislation creating South Dakota’s rural attorney incentive program includes a provision requiring participating attorneys who do not abide by the contract terms to reimburse the U.S. for the money they received under the program.\textsuperscript{132} This provision increasing the likelihood of a return on investment of the associated entities is an important part of the legislation.\textsuperscript{133} Previous participants have acknowledged that the financial incentive allows new attorneys to focus on learning the law and building their client bases.\textsuperscript{134}

\begin{footnotes}
\item[125] S.D. Codified Laws § 16-23-7.
\item[126] Telephone Interview with Clay Anderson, \textit{supra} note 95; E-mail from Kirby Krogman, Atr’y, Krogman L. Off., to author (Jul. 26, 2021, 14:23 MST) (on file with author).
\item[128] S.D. Codified Laws § 16-23-4; \textit{Rural Attorney Recruitment Program, supra} note 111.
\item[129] Act of March 20, 2019 (HB 1046), ch. 99, 2019 S.D. Laws. HB 1046 removed the sunset clause in the previous statute. \textit{See id.} The limitation currently placed upon the program limits the number of attorneys that may participate at one time, to thirty-two attorneys, rather than a specified year for the program to expire. \textit{Id. See also} S.D. Codified Laws § 16-23-4; Cory Allen Heidelberger, HB 1046: Extend Rural Attorney Recruitment Program Indefinitely, Dakota Free Press (Jan. 14, 2019), https://dakotafreepress.com/2019/01/14/hb-1046-extend-rural-attorney-recruitment-program-indefinitely/ [https://perma.cc/8H6Y-J82L].
\item[130] Heidelberger, \textit{supra} note 129.
\item[131] \textit{Id.}
\item[133] \textit{See id.;} Heidelberger, \textit{supra} note 129 (“Chief Justice Gilbertson says we’ve only had one recruit bail out of the 24 counties, and under very unique circumstances.”).
\item[134] Telephone Interview with Clay Anderson, \textit{supra} note 95. Clay Anderson is a veteran of the Iraq War, and a success story of the South Dakota Program. \textit{Id.} After serving his country, Clay
\end{footnotes}
Previous participants have attributed much of the success to the program's coordinator. The program coordinator position is key to a successful program because it establishes one individual as the point of contact for every entity participating in the program. Effective coordination between each entity and participating attorneys is essential.

South Dakota’s program entices attorneys to practice law rural communities, and enables many attorneys to stay in rural areas. The increasing number of attorneys in rural South Dakota provides greater access to justice for rural residents, positioning the program for continued success.

B. Nebraska Rural Practice Initiative

Nebraska also confronts challenges related to access to justice in rural parts of the state. Thirty-four percent of Nebraska’s population resides in rural areas. Over half of the state’s ninety-three counties are rural. Similar to Wyoming and South Dakota, Nebraska also suffers from attorney shortages in rural areas. Prior to intervention by the state in 2012, twelve Nebraska counties had no attorneys and thirty-four counties had less than three attorneys. After the implementation of Nebraska’s rural attorney program in 2012, these disparities began to lessen. The state supplemented their program in 2014 with legislation,

returned to South Dakota knowing that he wished to serve rural South Dakota residents. Id. Clay currently resides in Miller, South Dakota where, in addition to being an attorney, he is a business owner and community figure. Id.

Id. (“[I]t would be important for any state trying to establish a similar program to have someone extremely dedicated, like Suzy, to make the program work.”); E-mail from Kirby Krogman, supra note 125.

E-mail from Kirby Krogman, supra note 125.

Id.

See supra notes 126–131 and accompanying text.

See supra notes 109–138 and accompanying text.

See infra notes 141–186 and accompanying text.


Compare id., with Attorneys per County in Nebraska 2020, supra note 143.
including loan forgiveness to increase the program’s attractiveness.\textsuperscript{146} Eight years after implementation, eleven counties remained without attorneys, and only twenty counties had less than three attorneys.\textsuperscript{147} This improvement shows Nebraska’s efforts of enhancing access to justice in rural areas has been successful.\textsuperscript{148}

An attorney from West Point, Nebraska, Lyle Koenig, proposed a rural attorney incentive program after observing a need for attorneys in rural Nebraska.\textsuperscript{149} Koenig, along with the Nebraska Legislature and the Nebraska State Bar Association, formed the Rural Practice Initiative (RPI) in 2013.\textsuperscript{150} The program began as a clerkship for interested law students where students who were interested in rural practice would take a bus tour of rural areas meeting with rural attorneys.\textsuperscript{151} This clerkship program still exists, with attorneys encouraging students to apply for summer clerkship with their rural firm.\textsuperscript{152} This allows the attorneys to evaluate students as potential future associates, while offering students an opportunity to experience day-to-day work in a rural practice.\textsuperscript{153} Upon hiring a summer clerk, the hiring attorney is responsible for paying the student, assisting the student in finding housing, and displaying the benefits to the student of working in a rural area.\textsuperscript{154} In return, the rural attorney gets assistance from the student throughout the summer.\textsuperscript{155} This exposes law students to realistic experiences of practicing as a rural attorney.\textsuperscript{156}

The program’s main goal is to attract and retain lawyers in rural communities.\textsuperscript{157} This goal led the Nebraska State Bar Association and the University of Nebraska


\textsuperscript{147} Attorneys per County in Nebraska 2020, supra note 143 (excluding counties with zero attorneys from total count of counties with three or fewer attorneys).

\textsuperscript{148} Telephone Interview with Tasha Everman, Assistant Dean & Dir. of Career Dev., Univ. of Neb. Coll. of L. (May 27, 2021).


\textsuperscript{151} See Sloan, supra note 149, at 2; Telephone Interview with Tasha Everman, supra note 148.


\textsuperscript{153} See id.; Moore, supra note 64 (stating that a “small law firm” consists of roughly two to nine attorneys practicing within one firm).

\textsuperscript{154} Participation Benefits, supra note 152.

\textsuperscript{155} Id.

\textsuperscript{156} Telephone Interview with Tasha Everman, supra note 148.

\textsuperscript{157} Id.
College of Law in 2016 to supplement the program by recruiting undergraduate students from rural communities to attend law school. The program now selects five students from each of its smaller four-year schools, Wayne State College, Chadron State College and the University of Nebraska at Kearney. These schools attract rural Nebraska students that the state believes are more likely to return to the rural areas after law school. These undergraduate students apply for and, if selected, join the program while studying for their undergraduate degree. While completing their undergraduate, selected students also participate in law school programming including mentoring, campus visits, and LSAT prep. The full cost of their undergraduate tuition is paid for if the participants maintain a 3.5 GPA. Also, as long as these students achieve a minimum LSAT score set by the University of Nebraska College of Law, they are guaranteed admission to law school. Despite some challenges, Nebraska believes this program is successful.

The success of this program is apparent by the increase in attorneys throughout rural Nebraska. Without the program, it is likely that the number of counties with no attorneys would continue to grow. However, within five years of the program’s implementation, attorneys started moving to rural areas. Program administrators acknowledge that there is risk of lost investments in this program since not all of selected students may return to rural areas or even attend law school. The state believes, however, that even if only a few students return to rural areas, the program may still reverse the loss of attorneys in these communities.

Some of the program’s components, such as the bus tour were identified as less beneficial and were removed. The bus tour was seen as less beneficial

158 Id.; see also Sloan, supra note 149, at 2.
159 Sloan, supra note 149, at 2.
160 See id.
161 Id.
162 Id.
163 Id.
164 Id.
165 Telephone Interview with Tasha Everman, supra note 148.
166 Id. (“On paper even though some counties still have zero attorneys, some counties that had only one or two, now have three or four, and some of the counties have replaced their older retiring attorneys with a younger one.”).
167 Id.
168 Id. The program was implemented in 2013 and by 2017 there were more attorneys in smaller communities than in previous years. Id. “Counties that maintained their level of attorneys can be misleading,” stated Dean Everman, “as often the attorneys in these counties were younger ones stepping into the shoes of retiring attorneys.” Id.
169 Id.
170 Id.
171 Id.
because many students who expressed interest in the program already understood what rural life was like.172 While removing less useful parts of the program, the State Bar and the State Legislature supplemented RPI by implementing the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act (“the Act”) allowing “public legal service entities and rural clients to hire competent attorneys.”173 This legislation provides loan repayment assistance to attorneys serving designated rural areas.174 To qualify for loan repayment, the Act requires attorneys to work full-time and serve in a designated legal profession shortage area.175 The Act also requires that recipients practice in these communities for at least three years.176 The Act compensates recipients with not more than six thousand dollars.177 Nebraska’s Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board (“the Board”) can alternatively determine a higher compensation amount as necessary to account for factors such as inflation.178

The Act also created a basis for the Board to identify geographic areas of legal shortages.179 The legislation requires qualifying areas to periodically be updated and provides a factor test for the Board to make these determinations.180 The factors considered include: recent reliable statistical data of the number of attorneys practicing in the area compared to the area’s population, distance between client populations and nearby attorneys, the population’s need for legal services, the capacity of local attorneys providing services and scope of those services, and past and future demographic trends.181 Other factors may also be used in the Board’s determinations.182

The Nebraska Legislature funds the Act and supplements funding by soliciting outside contributions.183 Allowing outside organizations to assist in funding alleviates some taxpayers’ concerns regarding the cost of the program.184 Rural towns have previously contributed to the loan forgiveness fund and have provided reduced-rent or free office spaces for qualifying attorneys.185 Supporting attorneys

172 Id.
174 See id.
175 Id. § 7-206(1).
176 Id. § 7-206(6).
177 Id. § 7-206(3).
178 Id.
179 Id. § 7-210.
180 Id.
181 Id.
182 Id.
183 Id. §§ 7-208 to -209.
184 Id.; Telephone Interview with Tasha Everman, supra note 148.
185 Telephone Interview with Tasha Everman, supra note 148 (“It is important to get buy-in from the towns that are the ones that are facing this shortage.”).
from their undergraduate degree to their full integration practicing within rural communities is essential to Nebraska for improving access to justice concerns in rural areas.\(^\text{186}\)

**C. Montana’s Rural Incubator Project for Lawyers**

Montana has nearly double the population of Wyoming.\(^\text{187}\) However, forty-four percent of Montanans live in rural areas.\(^\text{188}\) Twenty of Montana’s fifty-six counties have three attorneys or less and the Montana bar is currently comprised primarily of attorneys nearing retirement-age.\(^\text{189}\) Therefore, many challenges Montana confronts related to providing rural residents with legal services are similar to the challenges faced by Wyoming.\(^\text{190}\)

In 2018, a joint effort by the Montana Legal Services Association, Alexander Blewett III School of Law, Montana Justice Foundation, and the State Bar of Montana formed the Rural Incubator Project for Lawyers (RIPL). RIPL was established to resolve access to justice concerns in Montana rural communities.\(^\text{191}\) The program’s focus is dedicated “to establishing sustainable law practices that serve the legal needs of limited-income individuals and small businesses in rural and underserved communities across Montana and the tribal nations.”\(^\text{192}\)

The program requires that participating attorneys provide two-hundred and fifty reduced fee services per year, attend continuing legal education related to the RIPL program, and participate in regular staffing and mentorship calls.\(^\text{193}\) The program also requires the operation of an independent law firm to serve or provide remote services to rural communities.\(^\text{194}\)

RIPL incentivizes participation by providing extensive mentorship opportunities, modest loan repayment assistance, and access to office and meeting


\(^{\text{188}}\) Counting Rural Montana, supra note 187.

\(^{\text{189}}\) State Bar of Mont., Membership Survey 2017, at 1 (Feb. 2017), https://www.americanbar.org/content/dam/aba/administrative/barservices/resourcepages/membership/membershipsurvey_montana.pdf [https://perma.cc/5RUM-Y58S] (“51% (up from 42% in 2014) are over 50’’); Profile of the Legal Profession, supra note 33.

\(^{\text{190}}\) See Wyo. Rural Practice Survey, supra note 5, at 28.

\(^{\text{191}}\) Telephone Interview with Mēghan Scott, Coordinator, Rural Incubator Project for Lawyers (RIPL) (April 4, 2021).


\(^{\text{193}}\) Id.; Telephone Interview with Meghan Scott, supra note 191.

\(^{\text{194}}\) Rural Incubator Project for Lawyers, supra note 192.
space throughout the state.\textsuperscript{195} This helps reduce the challenges of rural practice and incentivizes attorneys with a desire to practice in rural areas.\textsuperscript{196} Despite the program’s success, however, some program fellows believe that there is room to improve.\textsuperscript{197} While the program offers an extensive mentorship program, program fellows believe that mentorship is key and including increased opportunities for group collaboration and mentorship would continue to grow the program.\textsuperscript{198} The program has implemented various improvements.\textsuperscript{199} For example, the program used to require applicants to reside in rural Montana and had practiced law for at least five years.\textsuperscript{200} These requirements were waived, resulting in an increase in applicants.\textsuperscript{201} As program participation increases, services provided to rural communities improves.\textsuperscript{202}

Montana’s goal of enhancing legal services to rural communities continues to be achieved.\textsuperscript{203} This program’s success has improved access to justice for rural communities in Montana and will likely continue to be essential to ensuring legal representation for indigent residents of Montana.\textsuperscript{204}

Rural states surrounding Wyoming have recognized the importance of providing greater access to justice to rural residents through the implementation of rural attorney programs.\textsuperscript{205} South Dakota provides an annual financial

\textsuperscript{195} \textit{Id.; see also} Telephone Interview with Jennifer Williams, \textit{supra} note 77 (“The program also provides free advertising to participating attorneys. The Montana State Bar Association has highlighted the program in several publications, allowing participants to be recognized in their legal communities, something that can be difficult to do in rural communities. Being a part of RIPL was a great opportunity, in that it allowed me to connect to other attorneys in the state. It helped me meet people and get my face out there.”).

\textsuperscript{196} Telephone Interview with Walter Clapp, Attorney, Honor Coin Law (June 18, 2021) (“To be able to go to someone and get help with procedural or substantive or major questions, is essential and a good part of the program. Programs like these provide an amazing opportunity for people with a bit of the entrepreneurial spirit and a drive for hard work. You can move to these towns, and with technology advancing as it is, get all the work you can handle and more. However, you really must be willing to put in the time and the effort and understand that it will be difficult, but if you’re willing to do it, the rewards are amazing.”).

\textsuperscript{197} \textit{Id.}

\textsuperscript{198} \textit{Id.} (“More virtual [online] support, and more physical in person support, whether that be getting together with the other program fellows or providing access to someone for both mental and professional support, is something that I think could continue to be built on and improved.”).

\textsuperscript{199} Telephone Interview with Mèghan Scott, \textit{supra} note 191 (“Any good program that is taking on such a challenging issue needs to be able to adapt.”).

\textsuperscript{200} \textit{Id.}

\textsuperscript{201} \textit{Id.} (explaining that the program began with two fellows, who have completed their fellowship, while the program currently has nine fellows in active participation); 2021 Legal RIPL Fellows, MONT. LEGAL SERVS. ASS’N, https://www.mtlsa.org/ripl-fellows/ [https://perma.cc/6E5Z-UAGV] (last visited Oct. 23, 2021).

\textsuperscript{202} Telephone Interview with Walter Clapp, \textit{supra} note 196.

\textsuperscript{203} \textit{Id.}

\textsuperscript{204} \textit{See supra} notes 187–203 and accompanying text.

\textsuperscript{205} \textit{See supra} notes 109–204 and accompanying text.
stipend alleviating the burden that rural attorneys may face while serving their communities.\textsuperscript{206} Nebraska connects students from rural communities to rural practices, increasing the likelihood law students will begin their careers in rural areas.\textsuperscript{207} Through legislation, Nebraska also provides some loan repayment to attorneys practicing in rural communities to support current and future rural attorneys.\textsuperscript{208} Finally, Montana’s program provides participating attorneys with practical guidance helping new attorneys learn how to run their own rural law firm.\textsuperscript{209} These programs should provide Wyoming a solid foundation to create its own program to incentivize attorneys to practice in rural Wyoming, similarly decreasing access to justice concerns.\textsuperscript{210}

\textbf{IV. Formation of a Wyoming Program}

Wyoming is a unique convergence of its surrounding states.\textsuperscript{211} Similar to the surrounding states analyzed above, Wyoming should create a program focused on attracting and supporting rural attorneys.\textsuperscript{212} Wyoming should consider targeting law students from rural areas who are more likely to want to return to and practice law in rural areas.\textsuperscript{213} “The state should also encourage practicing attorneys to move to or remain in rural Wyoming communities.”

The Wyoming State Legislature should consider a Wyoming attorney incentive program that involves the University of Wyoming College of Law, the Wyoming State Bar Association, the Wyoming State Legislature, and Wyoming counties and municipalities working together.\textsuperscript{215} This combination of entities will likely allow the State to form a robust program to attract and retain attorneys in rural communities.\textsuperscript{216} To encourage participation, the program should include direction from a board and program director, increased focus on student engagement, financial support, general assistance for participating attorneys, and a comprehensive mentorship program.\textsuperscript{217}

\begin{flushright}
\textsuperscript{206} See supra notes 109–139 and accompanying text.
\textsuperscript{207} See supra notes 140–186 and accompanying text.
\textsuperscript{208} See supra notes 140–186 and accompanying text.
\textsuperscript{209} See supra notes 187–204 and accompanying text.
\textsuperscript{210} See infra Part IV.
\textsuperscript{211} See supra Parts II., III.
\textsuperscript{212} See supra Part III.
\textsuperscript{213} See supra notes 157–165 and accompanying text; Telephone Interview with Clay Anderson, supra note 95 (“Part of a successful program is finding those students that want to go back to small towns and doing what you can to get them there.”).
\textsuperscript{214} See infra notes 248–268 and accompanying text.
\textsuperscript{215} See infra notes 218–225 and accompanying text.
\textsuperscript{216} See infra notes 231–246 and accompanying text.
\textsuperscript{217} See infra notes 231–282 and accompanying text.
\end{flushright}
A. Program Board and Program Coordinator

Wyoming should consider establishing a board to oversee the creation of Wyoming’s rural attorney incentive program.218 Potential legislation should mirror Nebraska’s initiative establishing which entities comprised the board and determining the scope of the board’s decisions.219 Wyoming’s board, the Wyoming Rural Attorney Board, should consist of a variety of entities associated with Wyoming’s legal community.220 For example, the Board could be selected from the following unexclusive list:

- the director of Legal Aid of Wyoming;
- the Dean or an accepted proxy of the University of Wyoming College of Law;
- a law school student selected by the Dean of the Law School who is from or intends to practice in a designated rural legal profession shortage area;
- a member of the Wyoming State Bar Association practicing in a designated rural area selected by the President of the Association;
- a member of the Judiciary Committee appointed by the Governor of Wyoming; and
- a justice of the Wyoming Supreme Court, appointed by the Chief Justice of the Supreme Court of Wyoming.221

With the Wyoming Rural Law Board representing important groups within the legal community in Wyoming, it should provide guidance in creating Wyoming’s rural attorney incentive program.222 After implementation of the program, the Board would oversee and administer the general provisions of the program and accept applications from counties, municipalities, and attorneys hoping to participate.223 The Board would also determine the qualifications of the communities in need of additional legal services.224 Additionally, the Board would administer funds to participating attorneys entering rural communities.225

218 See Neb. Rev. Stat. Ann. § 7-204 (2021); Moore, supra note 64; Meltzer, supra note 65.
220 See id.
221 See id.
222 See generally id. §§ 7-201 to -205.
223 See id.
224 See id.
225 See id.
Establishing a permanent coordinator would likely be another important step in creating a successful Wyoming program. South Dakota has a coordinator that is essential to its program. The Wyoming coordinator would serve as a liaison to the College of Law and the Wyoming State Bar Association, coordinating the placement of law students in rural firms and managing a list of firms interested in hiring students. The coordinator would also ensure participating attorneys comply with the program requirements. The coordinator is a key component in other state programs, and therefore, is likely essential for a successful program in Wyoming.

B. Increasing Student Awareness and Knowledge of Rural Practice

Law students often make assumptions related to rural practice. These assumptions may dissuade some students who otherwise are interested in becoming a rural attorney before they experience rural practice. By increasing law students’ exposure and knowledge of rural practice, Wyoming may alleviate potential concerns and misguided assumptions preventing students from becoming rural attorneys.

To select program participants, the University of Wyoming College of Law is well suited to identify students interested in rural practice. The College of Law’s Rural Law Center and Career Services Office should host on-campus information sessions to offer Wyoming law students an opportunity to learn more about rural practice. These information sessions would be used to identify students seeking to practice law in a rural community or who are curious about rural practice. This method of selecting law students could be similar to Nebraska’s program integrating undergraduate students. Working with the Wyoming State Bar, these students would be placed in clerkship or externship programs to experience rural practice first-hand during their second summer of law school.

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226 Telephone Interview with Clay Anderson, supra note 95; E-mail from Kirby Krogman, supra note 126.

227 See supra notes 135–139 and accompanying text.

228 See E-mail from Kirby Krogman, supra note 126.

229 Id.

230 Id.; Telephone Interview with Clay Anderson, supra note 95; Telephone Interview with Walter Clapp, supra note 196.

231 See Wandler, supra note 12, at 237.

232 Id.

233 See id. at 248.

234 See Telephone Interview with Clay Anderson, supra note 95; E-mail from Kirby Krogman, supra note 126.


236 See Telephone Interview with Clay Anderson, supra note 95.

237 Id.

238 Id.
at the College of Law would assist in conducting interviews, mirroring the hiring method already utilized by other firms in Wyoming. By increasing interest in rural practice while students are still in law school, Wyoming’s rural attorney incentive program could increase the number of attorneys’ practicing in rural areas.

Increasing law students awareness of the opportunities associated with rural practice should be incorporated in the program. Particularly, participants could be required to participate in information sessions provided by the Rural Law Center and the Wyoming State Bar. These sessions would host rural attorneys from across the state to discuss their experiences practicing in rural areas. Information sessions would also address law students concerns related to rural practice. Concerns related to the ability to make an income, specialize, and live in a rural area should be covered throughout the year. Alleviating law students concerns could increase students’ interest encouraging additional participation in the program and better preparing participants for their rural practices.

C. Post-Graduation and Rural Attorney Support

Offering a financial incentive is an integral aspect of supporting rural attorneys. Providing a financial stipend for four years would alleviate a primary concern of incoming attorneys moving to rural areas and encourage participation. In funding the program, Wyoming should use South Dakota’s program’s legislation as a model. Using this model, the funding would be divided between the area where the attorney is placed, the State Legislature, and the Wyoming State Bar Association. Spreading the cost between these groups would help alleviate the overall financial price of the program so that no one agency bears the full cost.

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240 See supra notes 140–186, 231–239 and accompanying text.

241 See supra notes 140–186 and accompanying text.

242 See supra notes 231–233 and accompanying text; Wandler, supra note 12, at 257.

243 See supra notes 231–233 and accompanying text; Wandler, supra note 12, at 271.

244 See Wandler, supra note 12, at 248.

245 See id.

246 Id. at 237–38.

247 See infra notes 248–268 and accompanying text.

248 See Wyo. Rural Practice Survey, supra note 5, at 28.

249 See supra notes 121–125 and accompanying text.


251 See id. (“After the rural county certifies to the Unified Judicial System that it has paid the attorney the annual amount for which it is obligated and the State Bar of South Dakota or
program, through statutory law, should also empower counties and municipalities to utilize outside sources of funding to help alleviate costs.\footnote{252}{See S.D. Codified Laws § 16-23-7 (2021).}

To efficiently allocate Wyoming’s resources in implementing the Rural Attorney Act, Wyoming should adopt a statute similar to South Dakota’s program that allows only qualified counties and municipalities to participate.\footnote{253}{See id. § 16-23-2.} The Board should adopt criteria similar to South Dakota and Nebraska.\footnote{254}{See S.D. Codified Laws § 16-23-3; Neb. Rev. Stat. Ann. § 7-210.} It should determine the eligibility of individual counties, municipalities, and attorney or law student applicants through various factors.\footnote{255}{See S.D. Codified Laws § 16-23-3; Neb. Rev. Stat. Ann. § 7-210.} These could include the ratio of attorneys and local population, distances between populations and legal services, need for legal services, past and future demographic trends in an area, attorney capacity and scope of their practice, and the individual attorneys background and desire to work in a rural community.\footnote{256}{See Neb. Rev. Stat. Ann. § 7-210 (“In making such recommendations, the board shall consider, after consultation with other appropriate agencies concerned with legal and rural services and with appropriate professional organizations, factors including, but not limited to . . . .”).} The Board could also be given discretion to consider other information on a case-by-case basis to best meet the needs of individual rural communities.\footnote{257}{See supra notes 120–125 and accompanying text. Finances: Funding Your Law Degree, Univ. of Wyo. Coll. of L., http://www.uwyo.edu/law/admissions/finances/index.html [https://perma.cc/UEY2-CPDA] (last visited Oct. 23, 2021). The financial stipend per year would be equivalent to the cost of in-state tuition at the University of Wyoming College of Law at the year legislation is implemented. Id. Roughly $16,838 per attorney in the program for a length of four years. Id. To fund the program financial stipend portion for ten years, with twenty participating attorneys would cost an estimated $1,347,040. See id.} Once approved for funding, eligible attorney applicants should receive approximately sixteen thousand dollars each year for four years in exchange for a five-year commitment.\footnote{258}{See supra notes 120–125 and accompanying text.} The number of accepted attorneys for a five-year period could be limited to ten attorneys to limit the State’s costs and allow for predictable budgeting.\footnote{259}{Upon formation of a program, South Dakota approved sixteen attorneys for a four-year participating term and funded the program for up to twenty-four attorneys for eight years. Given that Wyoming has a lower population than South Dakota a decrease in the number of attorneys per cohort is appropriate. While fewer attorneys may participate, a cap on the number of approved applicants for a period of time would allow for budgeting ease by the Wyoming Legislature. See Patrick G. Goetzinger, Project Rural Practice: Saving an Endangered Species by Recruiting the Sweet Sixteen, ABA (2013), https://www.americanbar.org/groups/bar_services/publications/bar_leader/2012_13/}
five-years in an approved rural county or municipality. During the first year of the commitment, participating attorneys should be given access to free continuing legal education credits and access to the mentorship program, similar to Montana’s RIPL program. These benefits would ensure participating attorneys have support in their first year despite not yet receiving a financial stipend from the program. Having this first year be a trial would allow participants to determine whether they are well-suited for rural practice. A trial year could also help alleviate taxpayer’s concerns since attorneys who commit after the first year are more likely to stay for the contract’s full term. Allowing the attorney to integrate themselves into the community while continuing to offer support is a key aspect of the Montana RIPL program, and should be part of Wyoming’s.

The Wyoming program should not preclude counties and municipalities from offering additional incentives to entice new attorneys to move to their communities. These incentives could include reduced rent or free office spaces, and community advertising to increase community awareness of attorneys’ practices and capabilities. Local support of new attorneys could help build a sense of community and alleviate other challenges attorneys face while beginning their practices.

D. Mentorship

The establishment of a comprehensive mentorship program creating a support network for participating attorneys, similar to Montana’s RIPL program, would

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261 See Telephone Interview with Clay Anderson, supra note 95; Telephone Interview with Walter Clapp, supra note 196 (discussing how each of the specifically mentioned benefits was helpful in forming their practice).

262 Telephone Interview with Clay Anderson, supra note 95 (“You’d need to offer some incentive in the first year, otherwise, without any financial support you may not get enough interest.”).

263 See supra notes 79–100 and accompanying text; Wandler, supra note 12, at 250.


265 Telephone Interview with Clay Anderson, supra note 95.

266 Telephone Interview with Tasha Everman, supra note 148.

267 Id.

268 See WYO. RURAL PRACTICE SURVEY, supra note 5, at 28.
additionally help bolster attorney support.\textsuperscript{269} Mentorship providing guidance to participating attorneys as they begin their practices may encourage attorneys to stay in rural communities.\textsuperscript{270} Some participating attorneys would likely join existing rural firms and receive guidance from current attorneys.\textsuperscript{271} Other participants, however, are likely to start as solo practitioners and will require meaningful access to mentorship for legal and business-related questions.\textsuperscript{272}

A mentorship program may encourage recent law graduates to “hang their shingle” knowing they would have a support network.\textsuperscript{273} This network should include mentorship, continuing legal education courses, and support from other program participants.\textsuperscript{274} This avenue would provide attorneys support during difficult times of practicing as a rural attorney.\textsuperscript{275} The Wyoming State Bar should solicit support from retired rural attorneys and rural attorneys nearing retirement age, who could provide both remote and in-person mentorship.\textsuperscript{276} Participating attorneys should also join monthly calls with a group from the Wyoming State Bar.\textsuperscript{277} During these calls, participants could discuss the specific challenges they face and ask any remaining questions they may have.\textsuperscript{278} Legal questions could largely be resolved by the group and any unresolved issues could be brought to the State Bar Association.\textsuperscript{279}

Providing new attorneys mentorship and networking opportunities would allow for a more manageable transition from law school to practice.\textsuperscript{280} It also would likely alleviate new practitioners’ concerns regarding firm management.\textsuperscript{281} Support groups would likely further address concerns related to rural practice being isolating by connecting attorneys in similar practices.\textsuperscript{282}

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\item \textsuperscript{269} See \textit{supra} notes 187–204 and accompanying text.
\item \textsuperscript{270} See \textit{supra} notes 89–93 and accompanying text.
\item \textsuperscript{271} See \textit{supra} notes 89–93 and accompanying text; Wandler, \textit{supra} note 12, at 244, 257.
\item \textsuperscript{272} Telephone Interview with Clay Anderson, \textit{supra} note 95.
\item \textsuperscript{273} Wandler, \textit{supra} note 12, at 257.
\item \textsuperscript{274} \textit{Id.}
\item \textsuperscript{275} Telephone Interview with Clay Anderson, \textit{supra} note 95; Telephone Interview with Seth “Turtle” Johnson, \textit{supra} note 85.
\item \textsuperscript{276} See \textit{supra} notes 187–204 and accompanying text; \textit{When I'm 64: Lawyers Want to Stay "Needed" in Their Retirement Years}, Roy S. Ginsburg, J.D. (Nov. 27, 2014), https://www.royginsburg.com/published-articles/im-64-lawyers-want-stay-needed-retirement-years/ [https://perma.cc/548J-QY29] [hereinafter \textit{When I'm 64}]; Wandler, \textit{supra} note 12, at 270.
\item \textsuperscript{277} See \textit{supra} note 193 and accompanying text.
\item \textsuperscript{278} See \textit{supra} notes 195–202 and accompanying text.
\item \textsuperscript{279} See \textit{supra} notes 195–202 and accompanying text.
\item \textsuperscript{280} Telephone Interview with Seth “Turtle” Johnson, \textit{supra} note 85; \textit{see also} Wandler, \textit{supra} note 12, at 270–71.
\item \textsuperscript{281} Telephone Interview with Seth “Turtle” Johnson, \textit{supra} note 85.
\item \textsuperscript{282} \textit{Id.}; Wandler, \textit{supra} note 12, at 246; \textit{see also} \textit{supra} notes 89–93 and accompanying text.
\end{itemize}
\end{footnotesize}
Creating a robust program meeting the needs of rural Wyoming citizens is essential to assist in providing access to justice. This program should address the concerns and needs of new attorneys to rural areas by providing mentorship, rural community involvement, financial support, and other forms of assistance that the Board may identify for individual communities.

V. ADDRESSING CHALLENGES OF PROGRAM IMPLEMENTATION

Some potential concerns with the program’s implementation include the cost of the program, the willingness of new attorneys to participate in the program, and ensured commitment to the program by participants. These concerns can largely be resolved through careful statutory language. Remaining concerns are outweighed by the program’s benefits.

A. Financial Barriers to Program Creation

The formation of any program unfailingly raises concerns regarding how Wyoming will finance the program, especially since the State has faced financial challenges in the last ten years. The program coordinator and the financial stipend involve a financial commitment that could also provide challenges for rural Wyoming communities and the State.

The State Legislature could ensure the return of their investments by requiring repayment of the financial assistance given to attorneys who do not fulfil their five-year commitments. This would likely alleviate much of the State’s financial risk. The State could also help reduce the obligations of the Legislature and the Wyoming State Bar through grant funding.

283 See supra notes 70–78 and accompanying text; WYO. ACCESS TO JUSTICE COMM’N, supra note 74.
284 See supra Part IV.
285 See supra notes 231–268 and accompanying text.
286 See infra notes 292–299 and accompanying text.
287 See infra notes 303–316 and accompanying text.
291 See Community Grant Program, FOUND. FOR RURAL ACCESS, https://www.frs.org/programs/grant-program/community-grant [https://perma.cc/3BJU-WSB9] (last visited Oct. 23,
could also primarily be funded through a Bank of America grant, similar to Montana’s program.\footnote{See MJF Grants to Fund Consumer Protection Program, Rural Lawyer Incubator, Indian Country Legal Clinics, MONT. LAW., Mar. 2018, at 11, 11, 24. This grant provides legal assistance and helps communities seeking to provide legal assistance to their residents. \textit{Id.} at 11. Montana has received a grant for $325,000 to assist in funding their programs providing legal aid to the underserved communities of Montana. \textit{Id.}}

Moreover, funding a Wyoming rural attorney incentive program provides the opportunity for creativity and flexibility.\footnote{See infra notes 295–299 and \textit{supra} notes 109–139 and accompanying text.} The flexibility of the proposed attorney incentive program could help further reduce costs.\footnote{See infra notes 296–299 and accompanying text.} By utilizing the existing network of firms, the Wyoming rural attorney incentive program could expand existing mentorship programs to new rural attorneys at no cost, providing more extensive assistance and alleviating some pressures of beginning a rural practice.\footnote{Wandler, \textit{supra} note 12, at 246.}

Local communities may also be concerned about their financial obligations.\footnote{See supra notes 288, 289 and accompanying text.} Wyoming’s statute creating this program can be drafted similar to both Nebraska’s and South Dakota’s, to provide flexibility to counties and municipalities seeking funds from outside sources such as non-profits, grants, or federal funding.\footnote{See supra notes 294–296 and accompanying text; S.D. Codified Laws § 16-23-7 (2021); Neb. Rev. Stat. Ann. § 7-208 to -209 (2021).} Counties could mirror the South Dakota approach in finding opportunities to supplement their funding providing them further flexibility.\footnote{See supra notes 294–296 and accompanying text; S.D. Codified Laws § 16-23-7.}

Although there are likely to be funding concerns related to implementing a rural attorney incentive program, statutory flexibility should mostly address these concerns.\footnote{See supra notes 288–299 and accompanying text.} Utilizing a variety of funding options available removes some of the State’s financial burden.\footnote{See supra notes 297–299 and accompanying text.} Therefore, despite concerns related to funding, it is important for access to justice for Wyoming to implement a rural attorney incentive program.\footnote{See supra notes 70–78, 288–301 and accompanying text.}
B. Participation in Program

Finding and recruiting new attorneys to participate in Wyoming’s program may also be a concern. However, lack of participation is unlikely. With slightly over half of the University of Wyoming College of Law’s student body being from Wyoming, students are more likely to be from a rural community. Also, over fifty percent of the student body expressed a willingness to practice in rural Wyoming communities. While fifty percent of students have indicated a willingness to practice in these areas, shortages of attorneys in rural areas still persist, that likely means the shortage is related to the concerns a Wyoming attorney incentive program would address. Therefore, incentivizing participating attorneys would likely bring attorneys to rural areas. Providing mentorship, group work, state bar support, and a financial stipends for four of the participants first five years may create high demand for participation in the program. Ultimately, high demand would likely bring highly qualified attorneys to rural Wyoming.

There is additional concern over the participation of qualified retired or practicing rural attorneys as mentors. This concern, however, is likely exaggerated. Many Wyoming attorneys express a willingness to provide guidance to new attorneys. Older attorneys approaching retirement often look for ways to stay involved. Wyoming’s mentorship program may provide an opportunity for

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303 See Wandler, supra note 12, at 263.

304 Id. at 237.

305 Rural Attorney Research, supra note 30. For the purposes of the survey conducted with University of Wyoming College of Law students, rural areas were considered to be communities with populations of less than 10,000 residents in accordance with the definition of “rural” for this comment. Id.

306 Id.

307 Id.

308 See infra notes 309–319 and accompanying text; Telephone Interview with Walter Clapp, supra note 196; Interview with Frank Peasley, supra note 6; Interview with Fred Dilts III, supra note 48 (“Building a working network of these new and existing lawyers who have established themselves in rural areas is key to long-term success, and something that I wish I had had when I first began my practice in a small town.”).


310 See supra notes 303–309 and accompanying text.


312 When I’m 64, supra note 276; see also infra notes 313–316 and accompanying text.

313 Interview with Fred Dilts III, supra note 48; Wyo. Rural Practice Survey, supra note 5, at 18.

314 When I’m 64, supra note 276 (“After working hard for 30 or 40 years, rest-and-relaxation is usually the first goal—sleeping in, renting and watching the movies you’ve always wanted to see, and reading the daily issues of The New York Times and The Wall Street Journal cover to cover.”).
Encouraging these attorneys to participate could facilitate passing their knowledge to younger attorneys who need guidance as they begin their practices.\footnote{315}{See \textit{id.}; \textbf{Wyo. Rural Practice Survey}, \textit{supra} note 5, at 18.}

The concerns related to implementation of Wyoming’s attorney incentive program should not deter the State from creating this program.\footnote{316}{\textit{When I’m 64}, \textit{supra} note 276.} The need and the benefit of this program are not outweighed by the concerns.\footnote{317}{See \textit{supra} notes 288–316 and accompanying text.} By implementing this program Wyoming can ensure that all rural communities provide adequate legal services to their citizens.\footnote{318}{\textit{See supra} Parts IV., V.}

VI. Conclusion

Access to justice for all Wyoming residents is essential.\footnote{319}{\textit{See supra} Part IV.} By committing to providing rural legal services to Wyoming’s rural citizens, the State can provide stronger, healthier communities that better attract new residents.\footnote{320}{See \textit{generally \textbf{Wyo. Access to Justice Comm’n}}, \textit{supra} note 74 (discussing the importance of providing civil legal services to the indigent in Wyoming).} A program incentivizing and supporting rural attorneys ultimately supports rural communities.\footnote{321}{Levi et. al., \textit{supra} note 7, at 32.} Important aspects of this program include hiring a coordinator for efficient facilitation of the program, engaging law students in the opportunities associated with rural legal practice, providing participants with a financial incentive, and facilitating an extensive mentorship program for rural attorneys beginning their practice.\footnote{322}{See \textit{supra} Part IV.} Wyoming should use other state’s programs as a foundation for drafting Wyoming’s rural attorney incentive program.\footnote{323}{See \textit{supra} Part IV.} A program incentivizing rural attorneys is essential for rural Wyoming communities and will directly benefit them through an increase in legal services provided.\footnote{324}{See \textit{supra} notes 70–78 and accompanying text.} Wyoming must commit to saving the “endangered species” that is the Wyoming rural attorney to ensure they do not become extinct.\footnote{325}{See \textit{supra} notes 35–69 and accompanying text.}

Trouble begins when retirees start expanding two or three hours of relaxation into regular full days of nothing but relaxation. That soon results in boredom and a loss of professional identity.”

\footnote{315}{See \textit{id.}; \textbf{Wyo. Rural Practice Survey}, \textit{supra} note 5, at 18.}