

Learning the Rural Practice of Law

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*Ashli R. Tomisich**

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ABSTRACT

This Article explores how law schools can better educate students about the possibilities and opportunities presented by rural practice and prepare them with the skills to succeed. An aging population and dwindling availability of jobs increases the need for practitioners in rural areas. While new graduates may be willing to pursue rural law practice, employers and graduates frequently note graduates are not prepared for the skill-based practice of law. Many students reflect that law school remains too theoretical to be pragmatically helpful in their first jobs, particularly given the unique nuances and challenges of rural law practice. Recent graduates report practical skills training had the strongest positive impact in preparing them for the practice of law. Growing beyond the old law school model of “thinking like a lawyer” is crucial in creating learning

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opportunities for law students to cultivate necessary practice skills and develop professional identities. Grappling with complex and novel situations while demonstrating creative thinking is critical to success in rural practice. This Article examines the utility of more practical training in law school, specifically in preparing students who aim to become rural practitioners.

I. INTRODUCTION

An eager student from a small rural town in Wyoming is passionate about completing their law degree to go home and contribute by representing their community, which is facing unprecedented challenges brought about by shifting economic markets, energy trends, and dynamic urbanization. After completing their law degree, the new lawyer joins an established solo practitioner and begins accepting clients. However, they are overrun by complex clients and the depth and breadth of legal content on which they did not receive practical training. They are unequipped for the nuance of effective billing, which impacts their ability to pay themselves each month. Finally, due to rushed advice and lack of mentorship from the senior attorney, they face a malpractice grievance within the first six months of practice. Shortly after a public reprimand resulting from the malpractice claim, the new attorney elects to work with a larger firm and leaves the legal desert they were passionate about representing. This narrative is concerningly common for many legal deserts throughout Wyoming.¹

The practice of law, long held in high esteem and position, is foundationally a public profession. Through their important work, lawyers help advocate, uphold, and craft the law, which serves as the bedrock for civilized society.² Beyond representing clients, lawyers have official standing in the eyes of the court.³ Attorneys are critical in making the legal system function and remain relevant in the wake of the ever-changing flow of culture, values, and needs. Lawyers provide a voice to those who need it, facilitate a platform for change, and contribute to holding the legal system together in an increasingly litigious and turbulent world.⁴

¹ Tonya Lambert, *Promoting the Practice of Law in Rural, Regional & Remote Communities*, LAWNOW (Jan. 7, 2022), <https://www.lawnow.org/promoting-the-practice-of-law-in-rural-regional-remote-communities/> [https://perma.cc/PV6X-PJKV]; Alan Romero, *Efforts to Encourage and Support Rural Law Practice in Wyoming*, 22 WYO. L. REV. 155, 155–59 (2022).

² See generally WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (1st ed. 2007), http://archive.carnegiefoundation.org/publications/pdfs/elibrary/elibrary_pdf_632.pdf [https://perma.cc/9WLY-QY7X].

³ *Id.* at 1.

⁴ *Id.* at 1; ROY STUCKEY, BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 1–26 (Deborah Maranville et al. eds., 2015).

Americans must take an active interest in lawyers' training, the basis for their education, and ways to improve the legal education process. This Article addresses how American lawyers are educated, the pedagogical foundation of law school, and how current law school education may support or hinder the practice of law for rural attorneys.

Access to justice in rural and remote locations is increasingly problematic as seasoned rural attorneys retire without a successor, limiting mentorship opportunities for incoming lawyers, while new lawyers flock to the cities.⁵ Furthermore, the shortage of rural attorneys creates a vacuum beyond the courtroom, as lawyers often fill community roles, advocate for change as leaders, and volunteer in meaningful ways.⁶ The culminating impacts from decreasing access to justice for rural regions includes an increased risk of abuse to marginalized communities and the potential exploitation of individuals.⁷ A few graduates demonstrate an interest in serving rural spaces but encounter numerous barriers impeding their ability to practice successfully, such as the lack of skills training.⁸ Barriers to practicing law in rural locations include limited exposure to the possibilities presented by rural legal work and misconceptions about it.⁹ For instance, big-city firms dominate the recruitment process through summer internship programs, comprehensive benefits, and larger salaries. Additionally, small-town practitioners may not have the liquidity to hire and train interns or new associates. Further, they must be generalists in the law, restricting the ability to specialize. Finally, law schools fail to teach business skills to run a law firm, a necessary element to a successful small rural practice without the larger firm infrastructure and staffing.¹⁰

These barriers are exacerbated by the challenges all new lawyers face as they transition from student to practitioner. One of the primary critiques from law students is that law school is too theoretical and lacks the

⁵ See Lambert, *supra* note 1; Romero, *supra* note 1, at 155–59; Patrick G. Goetzinger & Robert L. Morris, *Project Rural Practice: Its People & Its Purpose*, 59 S.D. L. REV. 444, 444–62 (2014).

⁶ Am. Counts Staff, *One in Five Americans Live in Rural Areas*, U.S. CENSUS BUREAU (Aug. 9, 2017), <https://www.census.gov/library/stories/2017/08/rural-america.html> [<https://perma.cc/6DM6-KD3F>]; Wendy Davis, *No Country for Rural Lawyers: Despite Incentives, Small-Town Attorneys Still Find it Hard to Thrive*, A.B.A.J. (Feb. 1, 2020, 12:00 AM), <https://www.abajournal.com/magazine/article/no-country-for-rural-lawyers> [<https://perma.cc/Z68M-8HK6>]; Robin Runge & Christyne J. Vachon, *Planting the Seeds and Getting into the Field: The Rule of Law Schools in Ensuring Access to Justice in Rural Communities*, 59 S.D. L. REV. 616, 646–48 (2014).

⁷ Luz E. Herrera, *Community Law Practice*, 148 DAEDALUS 106, 107 (2019); Runge & Vachon, *supra* note 6, at 646–48.

⁸ *Id.*; Lambert, *supra* note 1.

⁹ Lambert, *supra* note 1.

¹⁰ *Id.*

practical application needed to enter the field immediately.¹¹ Employers mirror this critique and frequently note law students are not prepared for the skills-based practice of law.¹² Recent law graduates report practical skills training had the strongest positive impact in preparing them for the practice of law.¹³ Yet, experiential learning is a controversial topic within legal pedagogy, with conflicting opinions surrounding this instruction.¹⁴

The role of skills training and experiential learning within law school curriculums has been hotly debated since the 1960s. The American Bar Association (ABA), the accrediting body for law schools, adopted a six-credit graduation requirement for experiential learning in 2016.¹⁵ Whether this new requirement is enough to substantially advance law school graduates' skill development is unclear. Several reports advocate for a more significant curricular shift towards experiential learning in law schools.¹⁶ Unique to rural practice, lawyers must demonstrate independent skills and innovation to meet the challenges presented without the structured support of a large firm's infrastructure and expertise, something experiential courses are uniquely suited to train.¹⁷

Producing practice-ready attorneys is essential for students and the broader community.¹⁸ Investigating what legal education does well and where it can improve is pivotal to better equipping lawyers to practice. By

¹¹ See Timothy Casey, *Reflections on Legal Education in the Aftermath of a Pandemic*, 28 CLINICAL L. REV. 85, 85–90 (2021); Eve Darian-Smith, *The Crisis in Legal Education: Embracing Ethnographic Approaches to Law*, 7 TRANSNAT'L LEGAL THEORY 199, 199–202 (2016); STUCKEY, *supra* note 4, at 10; SULLIVAN ET AL., *supra* note 2, at 1–225.

¹² Peter A. Joy, *The Uneasy History of Experiential Education in U.S. Law Schools*, 122 DICK. L. REV. 551, 582–83 (2018).

¹³ Lambert, *supra* note 1.

¹⁴ Joy, *supra* note 12, at 582–83.

¹⁵ Emily Traylor Vande Lune, Note, *Settling for Six: Should the American Bar Association have Done More to Promote Experiential Learning in Law Schools?*, 39 J. LEGAL PRO. 305, 306 (2015); STUCKEY, *supra* note 4, at 1–26; A.B.A. SECTION OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, *TRANSITION TO AND IMPLEMENTATION OF THE NEW STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2* (2014) [hereinafter *TRANSITION TO AND IMPLEMENTATION OF THE NEW STANDARDS*], https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2014_2015_aba_standards_and_rules_of_procedure_for_approval_of_law_schools_bookmarked.pdf.

¹⁶ See CLINICAL LEGAL EDUC. ASS'N, CLINICAL LEGAL EDUCATION ASSOCIATION (CLEA) COMMENT ON DRAFT STANDARD 303(a) (3) & PROPOSAL FOR AMENDMENT TO EXISTING STANDARD 302(a) (4) TO REQUIRE 15 CREDITS IN EXPERIENTIAL COURSES (2013) (available at <https://clea.wildapricot.org/Resources/Documents/2013-01-07%20CLEA%2015%20credits.pdf> [<https://perma.cc/UPH9-9CMX>]); Lune, *supra* note 15; SULLIVAN ET AL., *supra* note 2, at 1–26.

¹⁷ See Lambert, *supra* note 1.

¹⁸ Hannah Haksgaard, *Rural Practice as Public Interest Work*, 71 ME. L. REV. 210, 217–18 (2019).

preparing students with the skills they need to succeed, experienced attorneys can pass their practices along, allowing them to focus on the art of law without the distraction and frustration of both parties feeling overwhelmed by gaps in practical knowledge.¹⁹ An experiential learning environment nurtures a productive space to grow a robust practice with economic stability.

The perceived value of a secondary degree is diminishing, partly due to graduates entering the workforce lacking foundational skills.²⁰ Producing practice-ready graduates based on a curriculum that considers the dynamic factors of real-world practice may shift this perception.²¹ If there is a solution that law schools, the local bar association, or broader accrediting bodies can effectuate to bridge gaps and invest in supporting students, then new lawyers and the communities they serve will reap the benefits of the legal system in rural areas.

This Article explores how law schools can better educate students about the possibilities and opportunities presented by rural practice and prepare them with the skills to pursue such opportunities. It argues better educating and preparing students is accomplished by expanding an understanding of the efficacy of legal training as it relates to the development of new lawyers practicing in a rural setting. Part II will discuss the history of experiential learning within law school pedagogy.²² Part III will review the impact of the experiential learning approach on cultivating practice-ready graduates.²³ Finally, Part IV will establish the need for prepared practitioners in rural locations, specifically in identified legal deserts.²⁴

II. HISTORY OF EXPERIENTIAL LEARNING IN LEGAL PEDAGOGY

A law degree is classified as a professional degree that produces a service professional. Service professionals in any capacity, such as doctors, teachers, and lawyers, operate within an implicit contract.²⁵ In exchange for privileges and standing, they provide essential social services that enhance, moderate, and advance public welfare as defined through

¹⁹ Herrera, *supra* note 7, at 107–08; Lambert, *supra* note 1.

²⁰ Alex Nicholson, *The Value of a Law Degree*, 54 L. TCHR. 194, 194–96 (2020); Margaret Spellings, *The Perils of Trashing the Value of College*, CHRON. OF HIGHER EDUC. (Feb. 22, 2018), <https://www.chronicle.com/article/the-perils-of-trashing-the-value-of-college/>.

²¹ See Nicholson, *supra* note 20, at 194–200.

²² See *infra* Part II.

²³ See *infra* Part III.

²⁴ See *infra* Part IV.

²⁵ See SULLIVAN ET AL., *supra* note 2, at 1–12, 21.

common public goals.²⁶ All professional education aims to teach a novice how to think, perform, and conduct themselves ethically and morally.²⁷ Professional mastery is demonstrated through six tasks: (1) developing fundamental knowledge and skill, (2) engaging in complex practice, (3) learning to make judgments under uncertain conditions, (4) learning from experience, (5) engaging with a professional community, and (6) developing a willingness to contribute to public service.²⁸

Apprenticeship is stylized to each professional realm. Teaching novices how to apply their highly structured knowledge to new and conflicting situations to produce competent, practice-ready professionals is crucial to addressing the foundational skills problem. Sullivan observed, “Learning happens best when an expert is able to model performance in such a way that the learner can imitate the performance while the expert provides feedback to guide the learner in making the activity his or her own.”²⁹ Apprenticeship aims to educate the learner to think, perform, and conduct themselves as professionals. Traditional legal education has proven effective in providing structured knowledge in the classroom. However, it falls short of exposing students to substantive engagement with real-world application and effective ethics development.³⁰

Legal education is a hybrid model attempting to balance practice-based learning with the structure of a modern research institute. This blend between practice and research began at Harvard in the 1870s; however, the blend has always been uneven and fraught with tension.³¹ Over time, the academic research focus of the pedagogical model has become dominant. The original Harvard administration, led by law school dean Christopher Columbus Langdell, was drawn to the idealized German model of the university, shaped mainly by academic intellectuals, and driven by the scientific method. This model idealizes advanced epistemology, in other words, understanding what knowledge is, how it is created, and how it can be used to underwrite progress.³² The emphasis is on what is observable and formal knowledge without additional context. This model utilizes the scientific method to analyze and understand the law.

²⁶ *See id.*

²⁷ *See* STUCKEY, *supra* note 4, at 253–56.

²⁸ SULLIVAN ET AL., *supra* note 2, at 22.

²⁹ *Id.* at 26.

³⁰ *See* CLINICAL LEGAL EDUC. ASS’N, *supra* note 16, at 1–2; *see generally* E. EUGENE CLARK, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992); ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 11–21 (1st ed. 2007).

³¹ *See* Joy, *supra* note 12, at 552–55; Lawrence Ponoroff, *What’s Really Wrong with Legal Education and What You Can Do About It*, 50 U. TOL. L. REV. 323, 323–24 (2019); SULLIVAN ET AL., *supra* note 2, at 4.

³² SULLIVAN ET AL., *supra* note 2, at 4.

Within this framework, the Socratic method and training to “think like a lawyer” was born, aiming to bridge thought into action and directing focus away from what the student knows and instead focusing on what a student can do.³³ This approach prioritizes heavy coursework related to reading, answering questions when called upon in a lecture hall, and grappling with nuanced esoteric ideas. These concepts continue to permeate legal education today.

A. Law School: Experiential Learning

The ABA commissioned two seminal reports prepared by task forces and special committees to develop professional experiences through law school curriculum: the 1979 *Report and Recommendation of the Task Force on Lawyer Competency: The Role of Law Schools* (Compton Report) and the 1992 *Report of the Task Force on Law Schools and the Profession* (MacCrate Report).³⁴ Both reports identified law school training as predominantly theoretical, lacking development of an ethical professional identity and practical skill training for students. These reports were later built upon by the 2007 Carnegie Report, prepared by the Carnegie Foundation for the Advancement of Teaching, an independent research and policy center. The Carnegie Foundation synthesized the reports by concluding, “A law degree requires no experience beyond honing legal analysis in the classroom and taking tests. In most schools, direct preparation for practice is entirely up to student initiative. Too often, the complex business of learning to practice is largely deferred until after entry into licensed professional status.”³⁵

Despite having many of these reports for decades, the ABA’s only substantive response did not arrive until 2016 after many commentators and legal scholars pushed the ABA to lead the experiential learning requirement. In 2016, the ABA mandated that law schools provide students with six credits of experiential learning (of the eighty-three total required credits) as defined within Rules 303(1)(3) and 302(a)(4) of the ABA standards.³⁶ While this is only 7% of the total curriculum, this was

³³ *Id.* at 6.

³⁴ CLINICAL LEGAL EDUC. ASS’N, *supra* note 16, at 2.

³⁵ Jerry R. Foxhoven, *Beyond Grading: Assessing Student Readiness to Practice Law*, 16 CLINICAL L. REV. 335, 337 (quoting SULLIVAN ET AL., *supra* note 2, at 88).

³⁶ *Standards: 2023-2024 Standards and Rules of Procedure for Approval of Law Schools*, A.B.A., https://www.americanbar.org/groups/legal_education/resources/standards/ (last visited Aug. 30, 2023) [hereinafter *2023-2024 Standards*]; A.B.A., MANAGING DIRECTOR’S GUIDANCE MEMO: STANDARDS 303(a)(3), 303(b), AND 304 MARCH 2025 (REVISED JUNE 2023) 1–6 (2023), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/guidance-memos/23-june-guidance-memo-303-304.pdf.

the ABA's first substantive step to incorporate practical skills training into the required law school credits.

B. Criticisms of Experiential Learning and Responses

Critics argue experiential learning is too subjective, too expensive, would stifle curricular flexibility, and would exacerbate falling bar passage numbers.³⁷ Separating learning from practice has produced far-reaching echoes in the conversation surrounding legal education today. Sullivan observed, "Learning the law thus loses a key dimension when it fails to provide grounding in an understanding of legal practice from the inside."³⁸ This approach's unexpected outcome is recurrent student and employer complaints about losing orientation and meaning.

1. Experiential Learning is Too Subjective

Critics argue focusing on practical training is too subjective, denigrating theory and application.³⁹ However, the existing approach to legal education leaves significant gaps, creating the unintended consequence of dissonance between structured knowledge and practical application.⁴⁰ The current legal educational model provides little to no human element or client interaction, nor does it integrate ethics or forming a professional identity.⁴¹

2. Experiential Learning Increases Law School Tuition

Critics of the experiential learning requirement also argue adding additional experiential learning opportunities and clinical faculty is expensive and would increase the cost of tuition.⁴² Clinical opportunities are more resource-intensive than traditional law school courses, with a lower teacher-to-student ratio resulting in more full-time faculty needs.⁴³ However, statistical data indicate this hypothesized concern has not come

³⁷ See *infra* Part II.B.

³⁸ SULLIVAN ET AL., *supra* note 2, at 8.

³⁹ See Dawn A. Morley & Md Golam Jamil, *Introduction: Real World Learning—Recalibrating the Higher Education Response Towards Application to Lifelong Learning and Diverse Career Paths*, in APPLIED PEDAGOGIES FOR HIGHER EDUCATION: REAL WORLD LEARNING AND INNOVATION ACROSS THE CURRICULUM 1–18 (Dawn A. Morley & Md Golam Jamil eds., 2021).

⁴⁰ See Darian-Smith, *supra* note 11, at 226–27; STUCKEY, *supra* note 4, at 10–12; SULLIVAN ET AL., *supra* note 2, at 29.

⁴¹ Lune, *supra* note 15, at 307.

⁴² *Id.* at 318–19; Letter from Robert C. Post, Professor of Law, Yale L. Sch., to Chief Judge Oliver, Mr. Currier, and Council Members, (Jan. 22, 2014) [hereinafter Post Letter], https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/201401_comment_s303a3_robert_c_post.pdf.

⁴³ Lune, *supra* note 15, at 318–19.

to pass for the schools offering clinical guarantees.⁴⁴ Additionally, a Law School Admission Council (LSAC) survey indicated that clinical offerings are the third most important consideration for incoming law students, demonstrating the importance of these courses to individuals looking to enter the legal profession.⁴⁵ A survey of the class of 2018 noted that graduates continue to observe law schools failing to provide law firm management training but stated clinical experiences were the most influential positive experience in school.⁴⁶

3. *Experiential Learning Stifles Curricular Flexibility*

The another primary criticism is that forced experiential credit requirements could stifle curricular flexibility.⁴⁷ As law schools cater to the needs of many students, all with individual career goals, critics worry requiring the same educational path would be detrimental to students.⁴⁸ With a set curriculum for the first year, the increase in experiential credits would leave only three semesters for other substantive law courses to prepare for the bar exam and specialized expertise.⁴⁹ Critics cited this graduation requirement as “onerous and confining.”⁵⁰ The argument that the six-credit requirement detracts from foundational or doctrinal courses does not account for the inherent flexibility and broad possibilities within the ABA’s experiential learning standard and indicates a bias against professional training.⁵¹

⁴⁴ *Id.* at 319.

⁴⁵ Karen Tokarz et al., *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL’Y 11, 54 (2013).

⁴⁶ SKIP HORNE, NALP FOUNDATION—U.S. LAW SCHOOL ALUMNI EMPLOYMENT & SATISFACTION: OUTCOMES THREE YEARS AFTER GRADUATION CLASS OF 2018 (2022).

⁴⁷ Lune, *supra* note 15, at 319–20; Post Letter, *supra* note 42.

⁴⁸ Brian Leiter, *Ellmann v. Leiter on the Proposed Clinical/Experiential Learning Requirement*, BRIAN LEITER’S L. SCH. REPS.: A MEMBER OF THE L. PROFESSOR BLOG NET. (Jan. 7, 2014), <https://leiterlawschool.typepad.com/leiter/2014/01/ellmann-the-proposed-clinical-experiential-learning-requirement.html>; Email from David I. Walker, Assoc. Dean for Academic Affairs, B.U., to Honorable Solomon Oliver, Jr., Chair, Council of the Section of Legal Educ. and Admissions to the Bar, Barry A. Currier, Managing Dir., Legal Educ. and Admissions to the Bar, A.B.A. (Jan. 7, 2014) [hereinafter Walker Email], https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/201401_comment_s303a3_david_i_walker.pdf.

⁴⁹ Lune, *supra* note 15, at 319; Walker Email, *supra* note 48.

⁵⁰ Letter from Yale L. Sch. to Honorable Solomon Oliver, Jr. (Mar. 4, 2014), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/comments/201403_comment_std_303a3_sterling_professors_yale_law_school_2.pdf.

⁵¹ See Lune, *supra* note 15, at 319–20.

4. *Experiential Learning Risks Falling Bar Passage Rates*

Finally, law school pedagogy has historically resisted the growing national pressure to integrate more hands-on learning, citing the danger of diminishing academic rigor and the possibility of falling bar passage numbers.⁵² Managing a bar passage rate of 75% is tied to critical ABA accreditation for law schools. This requirement functionally results in a bar exam driven curriculum. However, in 2026, states will have the opportunity to participate in a redesigned bar exam, which “will place more emphasis on legal skills and rely less on the memorization of doctrinal law—partially in response to criticism that the existing exam does not reflect the actual practice of law.”⁵³ This development further illustrates the growing frustration that law school graduates are becoming licensed without the necessary tools to practice ethically and effectively. Given the ABA’s adoption of six experiential credits and the possibility of a new bar exam in the coming years, the time for law schools to closely reevaluate their pedagogy has arrived.

III. IMPACT OF EXPERIENTIAL LEARNING

Law schools should prepare students for law practice, erasing the gap between degree and practice.⁵⁴ However, completing the requirements for a law degree does not indicate a student has the skills, values, and knowledge to transition to practice.⁵⁵ The MacCrate Report and the Carnegie Report assert three foundational requirements for a law degree: legal analysis, skills development, and professionalism.⁵⁶ While the existing model used in legal education supports the legal analysis component of teaching, it does little to prepare students for the practice of law, developing skills, and professionalism.⁵⁷ A student must repeatedly perform as a lawyer and receive feedback to develop and hone legal judgment and skills.⁵⁸

⁵² Joy, *supra* note 12, at 579–83; Lune, *supra* note 15, at 317–19.

⁵³ Karen Sloan, *Old Bar Exam of New One? States Will Have a Choice in 2026*, REUTERS (Jan. 19, 2023, 3:26 PM), <https://www.reuters.com/legal/government/old-bar-exam-or-new-one-states-will-have-choice-2026-2023-01-19/> [https://perma.cc/P3M9-SF8Z].

⁵⁴ Mark Edwin Burge, *Repealing the Statute of Wizarding Secrecy in Legal Education*, 50 CUMB. L. REV. 117, 137–38 (2020); See Darian-Smith, *supra* note 11, at 199.

⁵⁵ See STUCKEY, *supra* note 4, at 427.

⁵⁶ SULLIVAN ET AL., *supra* note 2, at 27–29.

⁵⁷ See Darian-Smith, *supra* note 11, at 1; SULLIVAN ET AL., *supra* note 2, at 1–20.

⁵⁸ See generally DAVID KOLB, EXPERIENTIAL LEARNING: EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT (2d ed. 2014).

The gap between degree and practice exacerbates the established and pressing need to recruit and retain new attorneys in rural areas.⁵⁹ Rural America is on the brink of losing necessary legal representation with devastating impacts on marginalized communities.⁶⁰ While the issue is multidimensional, a stronger emphasis on experiential education within law schools may better support new lawyers in starting their rural practice immediately after graduation.⁶¹ No research speaks directly to this nuance, though many speculate additional skills training through experiential learning would be helpful in further advancing practice-ready graduates. Law school pedagogy was formed upon the case-study methodology, focusing on the epistemology of learning and placing the practical application as a distant secondary concern.⁶² The inadvertent effect is the delayed impact of practical skills training and further limiting the development of an ethical professional identity while in law school.

In response to this growing tension, law schools refocused on the need for social purpose and developed clinical education in the 1960s.⁶³ However, experiential learning did not become required in the curriculum until the ABA amended its rules to include the requirement of six experiential learning credits to graduate in 2016.⁶⁴ While many agree this is a step in the right direction, the Clinical Legal Education Association's (CLEA), an organization of over 1,000 law teachers, advocates more clinical education is necessary and fundamental to the training of lawyers.⁶⁵ CLEA's 2013 proposal was submitted before the ABA amended Rules 303 and 304.⁶⁶ In this proposal, CLEA urged the ABA to adopt a minimum requirement that law students take fifteen experiential learning credit hours out of the eighty-three total credits required to graduate.⁶⁷

The proposal notes law schools are dramatically behind other professional schools with a much stronger experiential learning

⁵⁹ Pierce Peasley, Comment, *Ensuring the Survival of Wyoming's Newest Endangered Species: Rural Attorneys*, 22 WYO. L. REV. 162, 170 (2022); April Simpson, *Wanted: Lawyers for Rural America*, STATELINE (June 26, 2019, 12:00 AM), <https://stateline.org/2019/06/26/wanted-lawyers-for-rural-america/> [<https://perma.cc/Z6TM-XFN6>].

⁶⁰ See Simpson, *supra* note 59.

⁶¹ Melissa L. Kidder, *The Future of Rural Lawyering: How Law Schools Should Embrace a General Practice Legal Clinic Model to Address the Current and Future Legal Needs of Rural and Smaller Communities*, 70 DRAKE L. REV. 83, 102 (2022); Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, 40 HUM. RTS. MAG., No. 3, 2014 (available at https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america/?login).

⁶² See SULLIVAN ET AL., *supra* note 2, at 4–7.

⁶³ *Id.* at 8.

⁶⁴ 2023-2024 Standards, *supra* note 36.

⁶⁵ See CLINICAL LEGAL EDUC. ASS'N, *supra* note 16, at 1–2.

⁶⁶ *Id.*

⁶⁷ *Id.*

requirement. Medical training requires over half of the educational credits dedicated to clinical coursework, and dentistry requires over 57% of the educational credits toward direct patient care.⁶⁸ Social work requires one-third of the educational credits to be field education.⁶⁹ Comparing legal education to other professional service degrees highlights a staggering difference in educational pedagogy. Legal education's minimal experiential credit requirement at the time of the 2013 proposal was less than 1% of a student's total educational credits, well below the 25% minimum of most professional schools.⁷⁰ The prevailing research demonstrates the need for practical training to develop substantive knowledge, professional identity, and comprehensive ethical skills.⁷¹

Rather than dismissing what traditional law school pedagogy has proven to do well, a thoughtful analysis of integrating these critical skills into the course curriculum would help find a solution. There may be a pedagogical shift that can maintain the benefits of training students to effectively "think like lawyers" while equipping them with the skills they need to work with and advocate for their clients. Professional degrees are characterized by course content, practical application, and ethical application. Law school accreditation and the bar exam have not been tied to the second and third components, leaving those critical pieces to develop (or not) under the supervision of specific faculty or administrations.⁷²

Active integration with community stakeholders will likely illuminate what gaps graduates demonstrate in the workforce and practice. Working with employers, alumni, and local bars can help identify what consistent issues emerge on a systemic scale. Attorneys who consistently hire new lawyers and interns have tremendous insight into what substantive and practical gaps exist. This information can help law schools address systematic issues in conjunction with the curricula and effectively prepare practitioners. Additionally, conversations with diverse stakeholders, including rural community leaders, can identify gaps in new graduates' knowledge, identify unique regional needs, and identify specific practice areas that would fill gaps in representation. Law schools can review data and gather input from various stakeholders and work to address the issues or gaps that emerge. Furthermore, employers and recent alumni can articulate the gaps in knowledge they perceive after starting rural practice. Collaborating with similarly situated law schools on successful initiatives

⁶⁸ *Id.* at 3.

⁶⁹ *Id.*

⁷⁰ CLINICAL LEGAL EDUC. ASS'N, *supra* note 16, at 2–3; Lune, *supra* note 15, at 212; STUCKEY, *supra* note 4, at 812.

⁷¹ Megan Bess, *Transitions Unexplored: A Proposal for Professional Identity Formation Following the First Year*, 29 CLINICAL L. REV. 1, 1–3 (2022); see generally KOLB, *supra* note 58.

⁷² See SULLIVAN ET AL., *supra* note 2, at 74–79, 92–95.

related to integrating innovative solutions may guide law schools to develop effective programs. Law schools are well-positioned to reconsider how lawyers are trained during their academic coursework. After considering all research, stakeholder perspectives, and industry observations, law faculty can initiate progressive, thoughtful changes to realign learning components and assessment goals.

Law students must be equipped to practice in dynamically unique environments, ranging from various subject matters and practice areas. Law school aims to equip students with a broad yet robust set of skills, an admirable and enormous task. A perennial review of conceptualized learning goals within a framework of ever-developing competencies that account for the shifting changes of law best considers and equips students to practice in a broad spectrum successfully. No program can fully equip students with every skill needed for their careers; however, there is a resounding need to thoroughly consider how law schools can integrate more practical training and knowledge into the existing structure and explore the potential of aligning more focused learning competencies within these needs.

IV. DYING RURAL LAW PRACTICE

“In no profession is the gulf greater between ideals and practice than it is for lawyers.”⁷³ There is a concerning and growing disparity between rural and urban legal representation, particularly as it impacts communities’ access to justice.⁷⁴ New lawyers are unwilling to move to small communities and open a law practice.⁷⁵ The implications are vast, ranging from negative impacts on rural communities’ access to justice and victimization of marginalized populations.⁷⁶ This Part aims to understand the challenges new lawyers face when entering practice in rural locations with a small or solo firm and if law schools can meaningfully mitigate some of these challenges. The following discussion will frame the issue by defining rural and legal deserts and the dangerous impacts that emerge in communities without lawyers.

Nearly half of all lawyers in the United States work in solo or small law firm practice.⁷⁷ However, these practitioners in rural areas are retiring

⁷³ Robert W. Gordon, *Lawyers, the Legal Profession & Access to Justice in the United States: A Brief History*, 148 DAEDALUS 177, 177 (2019).

⁷⁴ Haksgaard, *supra* note 18, at 210–12; Lambert, *supra* note 1.

⁷⁵ Lambert, *supra* note 1.

⁷⁶ See Davis, *supra* note 6.

⁷⁷ Herrera, *supra* note 7, at 107.

swiftly, leaving large community gaps without any local attorneys to fill.⁷⁸ The COVID pandemic accelerated this problem by increasing national retirement among adults fifty-five or older.⁷⁹ On the other side of this problem, new lawyers are not entering rural spaces to replace the exodus of rural practitioners. Numerous barriers prevent enticing and keeping fresh legal talent in rural communities, including debt, lack of mentorship, and housing.⁸⁰ New lawyers face significant stressors getting established in small communities; loneliness and running a firm limit the ability to achieve a healthy work-life balance.⁸¹ Many rural practitioners report the need for independent innovation and creative problem-solving, indicating new rural attorneys need comprehensive and practical knowledge on the first day of work.⁸² Providing law students with the necessary tools is essential in preparing future rural lawyers for the challenges they face in practice.⁸³

A. *Legal Deserts*

There is a painful shortage of lawyers in rural America.⁸⁴ Only 2% of licensed attorneys serve rural locations, which accounts for 20% of the U.S. population.⁸⁵ Of the minimal 2% registered as active in rural service, many may work in government jobs, are retired, work in non-legal jobs, or are not practicing in the area of law potential clients need.⁸⁶ Rural residents seeking legal counsel often face numerous barriers beyond access to an attorney, including distance, insufficient public transportation, and lack of technology or internet access.⁸⁷ The lack of access to justice in rural areas

⁷⁸ See Bob Melzer, *A New Approach to Exit and Monetize the Small or Solo Law Practice*, A.B.A. (Feb. 26, 2020), https://www.americanbar.org/groups/senior_lawyers/publications/voice_of_experience/2020/february-2020/new-approach-to-exit-and-monetize-small-solo-law-practice/?login.

⁷⁹ See Richard Fry, *Amid the Pandemic, a Rising Share of Older U.S. Adults Are Now Retired*, PEW RSCH. CTR. (Nov. 4, 2021), <https://www.pewresearch.org/short-reads/2021/11/04/amid-the-pandemic-a-rising-share-of-older-u-s-adults-are-now-retired/> [https://perma.cc/N6M4-F5DB].

⁸⁰ Davis, *supra* note 6; Simpson, *supra* note 59.

⁸¹ Davis, *supra* note 6; Peasley, *supra* note 59, at 170; WYO. STATE BAR, WYOMING RURAL PRACTICE SURVEY 28–31 (2020), <https://www.wyomingbar.org/wp-content/uploads/Wyoming-Rural-Practice-Survey.pdf> [https://perma.cc/NV35-9U56].

⁸² Kidder, *supra* note 61, at 159.

⁸³ Sameer M. Ashar, *Deep Critique and Democratic Lanyering in Clinical Practice*, 104 CAL. L. REV. 201, 201–05 (2016); Runge, *supra* note 61.

⁸⁴ See Haksgaard, *supra* note 18, at 1–5; Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL'Y REV. 15, 142 (2018).

⁸⁵ Pruitt et al., *supra* note 84, at 22.

⁸⁶ *Id.*

⁸⁷ See Jack Karp, *No Country For Old Lawyers: Rural U.S. Faces a Legal Desert*, LAW360 (Jan. 27, 2019, 8:02 PM), <https://www.law360.com/articles/1121543/no-country-for-old-lawyers-rural-u-s-faces-a-legal-desert> [https://perma.cc/779U-XRDG]; Pruitt et al., *supra* note 84, at 23.

facilitates citizens' unfamiliarity with various legal rights and recourse.⁸⁸ Devastating effects could include victims of domestic violence facing more severe injury, individuals on disability getting evicted without longer prison sentences.⁸⁹ In a 2018 *Harvard Law Review* article, Pruitt and colleagues commented on these cascading events, noting, "A lack of access to justice can evolve into a greater and entrenched lack of agency in one's life, effectively snowballing to become a greater handicap than the original unaddressed legal issue."⁹⁰ When viewed holistically, lack of access to justice triggers the pressing need for legal representation in rural locations to protect the fundamental rights and livelihoods of rural citizens. The research into this growing issue is intermittent at best and limited by the changing elements of various locations and their unique struggles.⁹¹

Pruitt surveyed five states and reported on gaps in representation, programs pioneered by each state, and recommendations for improving each program's effectiveness.⁹² The themes include a lack of funding for legal aid, race and poverty issues, politics, and lawyer attrition and retention in rural locations.⁹³ In proposing new approaches, Pruitt recommends further data collection to better inform developing programs, tailor ideas around each region's unique needs and technology, and streamline the vision and utility of legal aid and pro bono services.⁹⁴ Law schools are best positioned to educate and train law students, make them aware of rural opportunities, and provide ample experiential training opportunities to start practice immediately.⁹⁵ These legal deserts have become a touchstone for comprehensive dialogue and have drawn extensive focus on how to best approach fixing these gaps in representation and mediating the consequences that flow from that gap.⁹⁶

The front line of rural lawyering can be defined as a community law practice.⁹⁷ Community law practices have three key characteristics: (1) they entrust their community with their livelihood; (2) they are embedded socially and economically within their communities; and (3) they are the first responders to systemic injustices and routine personal legal

⁸⁸ Haksgaard, *supra* note 18, at 213–14.

⁸⁹ Pruitt et al., *supra* note 84, at 23.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Pruitt et al., *supra* note 84, at 27–32.

⁹³ *See id.* at 23.

⁹⁴ *Id.* at 134.

⁹⁵ *Id.* at 145.

⁹⁶ Kidder, *supra* note 61, at 105; Dan Kittay, *Success on the Horizon? New Efforts to Increase Rural Access to Justice*, A.B.A. BAR LEADER (May 1, 2022), https://www.americanbar.org/groups/bar-leadership/publications/bar_leader/2021_22/may-june/success-on-the-horizon-new-efforts-to-increase-rural-access-to-justice/.

⁹⁷ Herrera, *supra* note 7, at 106, 108.

problems.⁹⁸ Community lawyers form a symbiotic relationship with their clients. Their presence increases community empowerment through providing information, legal representation, and counsel on local matters impacting the community.⁹⁹ Losing these critical pillars in rural towns has devastating impacts on the overall community.

Legal scholars have raised the alarm for years, warning of the dire consequences flowing from a lack of rural lawyers, noting urban centers will become “islands of justice in a rural sea of justice denied.”¹⁰⁰ The most critical impact of rural deserts is the diminishing access to justice, particularly within high-risk demographics.¹⁰¹ Imagine a single parent in a small town gets a call that their ex-partner has picked up their two children from school and left town. Panicked, the parent reaches out to a local attorney, but the attorney does not have time to take a domestic dispute, particularly when there is no existing order. Desperate calls to numerous other regional firms result in no hope for legal representation or advice on what to do next. This overwhelming picture is a reality for many rural citizens seeking legal advice and finding severely overwhelmed attorneys or, in many locations, no attorney at all.

Rural people may need an attorney at some point, whether to get divorced, draft a will, start a business, or challenge a contract.¹⁰² A 2017 study demonstrated that 75% of low-income households in rural populations experienced at least one civil legal problem, usually related to consumer or finance issues; of that 75%, 86% received inadequate or no professional legal assistance.¹⁰³ Beyond civil representation, the criminal court system faces its unique challenges. In many rural locations, prosecutors and public defenders contract with the county.¹⁰⁴ Given the ethical considerations of conflicts of interest, many public defenders are conflicted out of representing clients, meaning rural citizens have even fewer legal options.

However, it is shortsighted to limit the impact of legal deserts to access to justice alone; everyone’s legal trouble integrates and impacts broader topics. Frustrations with legal matters create a cascading series of negative economic impacts that can devastate smaller communities.¹⁰⁵ Businesses elect to start up in more urban areas, families move out of town, and the

⁹⁸ *Id.* at 107.

⁹⁹ *Id.*; Haksgaard, *supra* note 18, at 215.

¹⁰⁰ Kidder, *supra* note 61, at 88–89 (quoting Goetzinger & Morris, *supra* note 5, at 446).

¹⁰¹ Pruitt et al., *supra* note 84, at 19–20.

¹⁰² Kidder, *supra* note 61, at 110–11.

¹⁰³ *Id.* at 93.

¹⁰⁴ *Id.* at 94; Pruitt et al., *supra* note 84, at 106.

¹⁰⁵ Pruitt et al., *supra* note 84, at 93.

heart of small-town America slowly stops beating.¹⁰⁶ The dwindling number of rural attorneys impacts everyone regardless of socio-economic statuses or party affiliation, making everyone a stakeholder in finding a solution.¹⁰⁷

B. *Wyoming's Legal Deserts*

Wyoming is not immune to the growing threats of legal deserts. The number of active, licensed attorneys per county can be misleading; many may work in government roles, are retired, or do not accept clients.¹⁰⁸ Wyoming dropped from 3.1 lawyers per 1,000 citizens in 2019 to 3.0 lawyers per 1,000 citizens in 2022.¹⁰⁹ Sixty percent of the state's population of lawyers live in four counties, leaving 40% of attorneys to serve the remaining nineteen counties.¹¹⁰ For example, Converse County has a population of 13,786 with sixteen attorneys registered, bringing the ratio to 1.16 lawyers per 1,000 citizens, nearly 2.4 times lower than the state average.¹¹¹ However, of the sixteen attorneys, only three actively practice, shifting the number to 0.21 lawyers per 1,000 citizens.¹¹² This shortage of attorneys is pervasive in many counties throughout Wyoming and is expected to grow with the acceleration of retirements from older, practicing attorneys.¹¹³

The Wyoming State Bar Rural Practice Survey (2020) found 57% of practicing respondent rural attorneys obtained their law degrees before 2000, and 36% graduated before 1990.¹¹⁴ Only 12% of rural attorneys are between the ages of twenty-five and thirty-five.¹¹⁵ While 37% of respondent attorneys plan to retire in the next five years, only 7% plan to pass their practice on to a successor, further shrinking the pool of available

¹⁰⁶ See generally Webinar Video: "Legal Deserts in America: A threat to Justice for All," A.B.A. (July 28, 2020), <https://www.americanbar.org/news/abanews/aba-news-archives/2020/07/webinar-video---legal-deserts-in-america--a-threat-to-justice-fo/>.

¹⁰⁷ Hilary A. Wandler, *Spreading Justice to Rural Montana: Expanding Local Legal Services in Underserved Rural Communities*, 77 MONT. L. REV. 235, 274–76 (2016).

¹⁰⁸ Peasley, *supra* note 59, at 164–65.

¹⁰⁹ A.B.A., PROFILE OF THE LEGAL PROFESSION (2022).

¹¹⁰ Peasley, *supra* note 59, at 165; *QuickFacts: Wyoming*, U. S. CENSUS BUREAU, <https://www.census.gov/quickfacts/WY> [<https://perma.cc/JAS2-E2RA>] (last visited Aug. 30, 2020).

¹¹¹ See *infra* Table 1; *QuickFacts: Converse County Wyoming*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/conversecountywyoming,WY/PST045222> (last visited Dec. 22, 2023); *A–Z Lawyer Directory Search*, WYO. STATE BAR, <https://www.wyomingbar.org/for-the-public/hire-a-lawyer/membership-directory/?lastname=&firstname=&firm=&city=&state=&county=Converse&sort=lastname&search=Search> (last visited Dec. 22, 2023).

¹¹² Peasley, *supra* note 59, at 166–67.

¹¹³ *Id.* at 162.

¹¹⁴ WYO. STATE BAR, *supra* note 81, at 5.

¹¹⁵ *Id.* at 18.

attorneys in Wyoming's legal deserts.¹¹⁶ This disturbing trend makes the mounting issues surrounding access to justice more extreme.

An article written by Karen Sloan found that Wyoming is among the worst in the nation for access to justice.¹¹⁷ Sloan defines access to justice as the ability of citizens to find legal assistance and the amount of time necessary to resolve their legal issues.¹¹⁸ In 2014, the Wyoming Supreme Court established a five-year plan to address Wyoming's inability to mitigate this justice gap, explicitly aiming to recruit more *pro bono* attorney volunteers.¹¹⁹ Fewer rural attorneys makes this challenge even more difficult.¹²⁰ Furthermore, Wyoming citizens and attorneys face distinctive barriers impeding their access to justice, including lower broadband internet and cell service, vast distances between towns, and nonexistent public transportation.¹²¹

The following tables report Wyoming-specific data on legal deserts. Table 1 illustrates the ABA defined attorney-to-citizen ratios for legal deserts in Wyoming. At the time of this survey, 60% of active attorneys served approximately 33% of the state's total population.¹²² Table 2 presents a more realistic reporting of Wyoming's legal desert ratios by only accounting for active attorneys with a registered trust account.¹²³ Legal desert reporting is more realistic in Table 2 because registered trust accounts are held by attorneys who accept clients. Thus, retired attorneys, attorneys who work in government positions, or those who do not accept clients are effectively prevented from inflating the attorney-to-citizen ratio, providing a more practical view of Wyoming's legal deserts.

However, these ratios are not an exact representation. Some attorneys may have a trust account but do not actively accept clients, or conversely, do not hold trust accounts but accept specific cases that do not require holding client funds.¹²⁴ While many attorneys accept cases outside of the

¹¹⁶ *Id.*; Peasley, *supra* note 59, at 162, 166.

¹¹⁷ Karen Sloan, *Access to Justice Best in D.C. and Massachusetts, Worse in Mississippi and Wyoming*, NAT'L L.J. (May. 10, 2016), <https://voicesforciviljustice.org/pub/13557/access-justice-best-massachusetts-worst-mississippi-wyoming/> [<https://perma.cc/AL78-F8PE>].

¹¹⁸ *Id.*

¹¹⁹ WYO. ACCESS TO JUST. COMM'N, 2020 REPORT TO THE WYOMING SUPREME COURT JANUARY 30, 2020 18 (2020), <https://www.courts.state.wy.us/wp-content/uploads/2020/01/2020-ATJ-Plan-.pdf> [<https://perma.cc/MJS4-EZLV>].

¹²⁰ *Id.*

¹²¹ Pruitt et al., *supra* note 84, at 22; Romero, *supra* note 1, at 158.

¹²² Ashli Tomisich, *New Lawyers' Perceptions of Learning the Rural Practice of Law*, at 15 (May 17, 2023) (Ph.D. dissertation, University of Wyoming) (on file with *Wyoming Law Review*).

¹²³ See *infra* Table 2.

¹²⁴ Email from Sharon Wilkinson, Exec. Dir., Wyo. State Bar, to Ashli Tomisich (Dec. 6, 2022) (on file with *Wyoming Law Review*).

county they reside, these numbers represent the legal access for each county. Table 1 demonstrates an overall ratio of 3.6 attorneys per 1,000 residents for the state. However, Table 2 demonstrates that ratio plummets to 1.48 attorneys per 1,000 after removing those attorneys who do not maintain trust accounts.

Table 1: Registered as “active” attorneys in each Wyoming County (Feb. 2023)

County	Registered Attorneys	Population	People per One Attorney	Attorneys per 1000
Teton County	206	23,575	114.44	8.74
Laramie County	529	100,863	190.67	5.24
Sheridan County	119	31,646	265.93	3.76
Albany County	137	37,608	274.51	3.64
Natrona County	202	79,555	393.84	2.54
Park County	63	30,108	477.90	2.09
Sublette County	18	8,697	483.17	2.07
Johnson County	17	8,623	507.24	1.97
Fremont County	70	39,336	561.94	1.78
Carbon County	25	14,649	585.96	1.71
Washakie County	13	7,705	592.69	1.69
Niobrara County	4	2,438	609.50	1.64
Sweetwater County	65	41,614	640.22	1.56
Lincoln County	31	20,153	650.10	1.54
Platte County	13	8,699	669.15	1.49
Campbell County	68	46,401	682.37	1.47
Hot Springs County	6	4,597	766.17	1.31
Converse County	16	13,786	861.63	1.16
Uinta County	23	20,635	897.17	1.11
Crook County	8	7,315	914.38	1.09
Goshen County	13	12,537	964.38	1.04
Big Horn County	11	11,632	1057.45	0.95
Weston County	3	6,745	2248.33	0.44
Total	1660	578,803	348.68	2.87

Color Key; Attorney : Population
5+ : 1,000
4 : 1,000
3 : 1,000
< 3 : 1,000

Table 2: Active Wyoming attorneys with registered trust accounts (excludes most retired, government, and non-client accepting attorneys) (Feb. 2023)

County	Attorneys with Trust Accounts	Population	People per One Attorney	Attorneys per 1000
Teton County	124	23,575	190.12	5.26
Laramie County	247	100,863	408.35	2.45
Sheridan County	75	31,646	421.95	2.37
Albany County	67	37,608	561.31	1.78
Natrona County	103	79,555	772.38	1.29
Niobrara County	3	2,438	812.67	1.23
Park County	35	30,108	860.23	1.16
Sublette County	9	8,697	966.33	1.03
Carbon County	14	14,649	1046.36	0.96
Johnson County	8	8,623	1077.88	0.93
Lincoln County	18	20,153	1119.61	0.89
Fremont County	35	39,336	1123.89	0.89
Hot Springs County	4	4,597	1149.25	0.87
Platte County	7	8,699	1242.71	0.80
Campbell County	37	46,401	1254.08	0.80
Sweetwater County	29	41,614	1434.97	0.70
Washakie County	5	7,705	1541.00	0.65
Uinta County	13	20,635	1587.31	0.63
Goshen County	7	12,537	1791.00	0.56
Converse County	6	13,672	2278.67	0.44
Big Horn County	5	11,632	2326.40	0.43
Crook County	3	7,315	2438.33	0.41
Weston County	1	6,745	6745.00	0.15
Total	855	578,803	676.96	1.48

Color Key; Attorney : Population
5 + : 1,000
4 : 1,000
3 : 1,000
< 3 : 1,000

C. Barriers to Recruitment & Solutions Attempted

New attorneys and law students report law school debt is the biggest obstacle to pursuing a rural law practice.¹²⁵ Related to this concern, students are unsure of how to run a firm in a way that ensures a steady income.¹²⁶ Law schools provide limited opportunities in the required curriculum for critical interviewing, counseling, business and leadership skills, and ethical development, skills needed to start and successfully run a firm.¹²⁷ Critics note law students do not graduate practice-ready for law firms, let alone ready to strike out solo in a remote community.¹²⁸ Without access to a community of mentorship, guidance, and support, students with little to no practical expertise to rely upon find the vast breadth of legal issues intimidating.¹²⁹ Finally, the prospect of a rural lifestyle can be daunting to those who are single, those who have never lived in a small community, or those who do not have a perspective on the culture and expectations of rural clients.¹³⁰

The ABA recommends state bars take an active role in addressing the growing concern of legal deserts.¹³¹ In response to the ABA's recommendation, many state bars, legislative bodies, and local law schools have initiated various programs.¹³² Any program designed to increase rural lawyer recruitment should focus on these five goals: (1) ensure participants have the foundational knowledge of relevant practice areas to the region, (2) help participants build the necessary practice skills for effective advocacy of rural clients, (3) address financial and logical barriers to rural practice, (4) provide mentorship and connection to support well-being in practice, and (5) help new attorneys understand and build a client base in their rural community.¹³³

States have addressed legal deserts as a growing issue in several ways since identifying the expanding threat. Often cited as an early marker of

¹²⁵ Karp, *supra* note 87.

¹²⁶ Peasley, *supra* note 59, at 167.

¹²⁷ Meredith R. Miller, *Designing a Solo and Small Practice Curriculum*, 83 UMKC L. REV. 949, 949, 951 (2015); Wandler, *supra* note 107, at 240.

¹²⁸ Karen Miller-Kuwana & Linda Ouyang, *ANALYSIS: Survey Grades Law Students' Preparedness for Practice*, BLOOMBERG L. (Jan. 31, 2020, 3:00 AM), <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-survey-grades-law-students-preparedness-for-practice> [<https://perma.cc/V6RM-LYEB>]; Wandler, *supra* note 107, at 241–43; *see also* Kittay, *supra* note 86.

¹²⁹ Peasley, *supra* note 59, at 168; *see* Wandler, *supra* note 107, at 240.

¹³⁰ Peasley, *supra* note 59, at 168; Simpson, *supra* note 59; Wandler, *supra* note 107, at 241, 249.

¹³¹ Pruitt et al., *supra* note 84, at 152–55.

¹³² Romero, *supra* note 1, at 155–58.

¹³³ Wandler, *supra* note 107, at 240.

success is South Dakota's Project Rural Practice (PRP) program.¹³⁴ Launched in 2013, this program incentivized new lawyers to practice in rural locations by paying a stipend over five years.¹³⁵ Historically, South Dakota is a fiscally conservative state that does not fund legal aid.¹³⁶ However, the legislature and state bar heard detailed information from rural constituencies and acted to mediate the economic hardship plaguing communities in legal deserts.¹³⁷ The funding is distributed between the county, the legislature, and the state bar association.¹³⁸ This program contracts with rural attorneys and pays the new attorney \$13,000 a year on top of the firm's salary to practice in qualifying counties whose populations are 10,000 people or less.¹³⁹ The program has seen modest success, with most preliminary placements choosing to stay in the rural community where they were placed.¹⁴⁰

Other states have implemented innovative measures to attract and retain rural lawyers. One program included bus tours to observe the opportunity and climate of rural practice.¹⁴¹ Nebraska piloted a program that recruited high school students to the state university with a guaranteed seat to law school if they met certain GPA and testing requirements, the idea being that students from rural locations would be more inclined to return.¹⁴² Arkansas started a rural incubator program, funded by the state attorney general's office and private donations, which provided an eighteen-month continuing education program that introduced participants to judges and offered resources to set up a law practice.¹⁴³ Most of these programs have demonstrated sporadic success, so no one size fits all. Each state should consider its unique needs and challenges.¹⁴⁴

D. The Role of Law School

States that engage with local law schools to design programs for recruiting lawyers into rural locations experience greater success because law schools are well-positioned to narrow the justice gap and aid in building bridges into rural areas.¹⁴⁵ However, like most institutional communities, law schools focus on the safety of established pedagogical

¹³⁴ See, e.g., Pruitt et al., *supra* note 84, at 101, 125; Karp, *supra* note 87; Simpson, *supra* note 59.

¹³⁵ Goetzinger & Morris, *supra* note 5, at 456.

¹³⁶ Pruitt et al., *supra* note 84, at 129.

¹³⁷ See Goetzinger & Morris, *supra* note 5, at 456; Pruitt et al., *supra* note 84, at 126.

¹³⁸ Goetzinger & Morris, *supra* note 5, at 456; Peasley, *supra* note 59, at 173.

¹³⁹ Simpson, *supra* note 59.

¹⁴⁰ *Id.*

¹⁴¹ Sloan, *supra* note 117.

¹⁴² *Id.*; Simpson, *supra* note 59.

¹⁴³ Simpson, *supra* note 59.

¹⁴⁴ Wandler, *supra* note 107, at 277; Pruitt et al., *supra* note 84, at 155.

¹⁴⁵ Pruitt et al., *supra* note 84, at 145, 155; Simpson, *supra* note 59.

practices, prioritizing high-status jobs and incidentally overlooking profitable rural jobs.¹⁴⁶ Building awareness and appreciation for rural practice opportunities can become integrated into the current curriculum by providing courses specific to the necessary skills that most students lack.¹⁴⁷ Starting with admissions, law schools can promote rural practice early in a lawyer's career by considering applicants with rural roots who may want to return.¹⁴⁸ Career services can educate students as they assess their professional paths, inform entrepreneurial students of rural opportunities, integrate speakers, and host employers on campus to recruit and provide informational sessions.¹⁴⁹

Law school curriculum demonstrates friction between practical and experiential learning because of the foundational days of Harvard Law School, where they hired professors with minimal practical experience. Courses became highly theoretical and research-based instead of treating law school as a trade school.¹⁵⁰ Instead of offering various practical rural courses, students are limited to agricultural law and oil and gas law. The lack of applicable classes limits a student's perspective and overlooks how many other subjects integrate into a diverse rural practice.¹⁵¹ Beyond the traditionally offered classes, experiential learning through clinics, externships, and practicums could give students real-time engagement with rural clients and skill-based development.¹⁵² Field experiences can trigger emotional and sensory reactions, which enhance and deepen students' grasp of complex material, improving learning and knowledge retention.¹⁵³ Law students would be more equipped to practice, particularly in rural locations, by integrating these courses into the law school curriculum.

V. CONCLUSION

Lack of access to attorneys can trigger devastating events that result in homelessness, businesses closing, or small towns drying up completely.¹⁵⁴ Legal deserts in America are multidimensional issues that do not have one clear and easy answer. However, there is hope that new graduates will be inspired to advocate for rural citizens if effectively prepared. Considering the barriers these graduates face and evaluating how law schools can better

¹⁴⁶ Lambert, *supra* note 1; see Joy, *supra* note 12, at 571, 574.

¹⁴⁷ Kidder, *supra* note 61, at 117, 121–22, 125; Pruitt et al., *supra* note 84, at 145; Wandler, *supra* note 107, at 244.

¹⁴⁸ Pruitt et al., *supra* note 84, at 146; Simpson, *supra* note 59.

¹⁴⁹ Peasley, *supra* note 59, at 183; Pruitt et al., *supra* note 84, at 146.

¹⁵⁰ Joy, *supra* note 12, at 554; Lune, *supra* note 15, at 321.

¹⁵¹ Pruitt et al., *supra* note 84, at 136, 146.

¹⁵² See *id.* at 146, 150; Wandler, *supra* note 107, at 272.

¹⁵³ Karrigan Börk & Kurtis Burmeister, *Cases and Places: A Field-Based Approach to Teaching Natural Resources and Environmental Law*, 68 J. LEGAL EDUC. 338, 343–345 (2018).

¹⁵⁴ Davis, *supra* note 6; Pruitt et al., *supra* note 84, at 18–19.

prepare students for practice will help equip them with the skills graduates need to succeed.

Law school's accreditation is tied to bar passage, an exam that does not prioritize the practical skills training developed in law school. ABA law school accreditation requirements, coupled with a pervasive concern that practical training will lessen academic rigor, hinders law faculties from diversifying into more experiential learning opportunities.¹⁵⁵ Innovative approaches to integrating practical training into traditional doctrinal coursework could allow students to grasp complex materials while learning the application.

Rural practice is unique. The location is isolated; infrastructure, development, and training resources can be limited; and mentorship from senior practitioners is scattered or non-existent. Against this shifting ecosystem, new graduates face challenges learning to practice law and manage a financially successful law business.¹⁵⁶ While the challenges of a small or solo practice in rural locations are significant, the rewards are tremendous. Community relationships, the autonomy of schedule, highly impactful practices, and meaningful cases drive lawyers to fight for the heartbeat of small-town America. While there is no single solution to solve each facet of this complex problem, law schools are equipped to better prepare new graduates with practical legal skills that will advance their ability to thrive in these unique spaces.¹⁵⁷

The relationship between the utility of experiential learning during law school and effective preparation for rural lawyers for practice is worth exploring. The research reflects a growing crisis surrounding rural practice in legal deserts and adult learners' engagement with practical knowledge in a collaborative setting. Law schools have the opportunity to lead industry development, educating ethical and forward-looking professionals who are eager and competent to advocate for any client. The profession of law comes with tremendous honor and responsibility to stand up for those without a voice and provide illumination to the rule of law with perspective and respect. While meeting such lofty goals on all sides is difficult, self-evaluation of how to better prepare law students for the road of rural practice is a productive first step.

¹⁵⁵ Lune, *supra* note 15, at 321; *see* Joy, *supra* note 12, at 557.

¹⁵⁶ Peasley, *supra* note 59, at 169–70; Herrera, *supra* note 7, at 109.

¹⁵⁷ Pruitt et al., *supra* note 84, at 145.

