



ALBANY LAW SCHOOL

GOVERNMENT LAW CENTER

REPORT

Rural Law Practice in New York State

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Introduction

In an effort to understand the realities of rural legal practice, the Government Law Center initiated a first-of-its-kind survey of rural practitioners in New York State. With support from data scientists at the Center for Human Services Research at the University at Albany, the Government Law Center conducted a survey of rural attorneys between August and October 2018. The results—both empirical and qualitative—revealed a number of significant legal trends in rural New York counties. For instance:

- The great majority of legal practices are small, comprised of solo practitioners or small practices of two to five attorneys.
- Many rural attorneys are overwhelmed by volume of cases, financial stress, and limited resources, among many other rural practice burdens.
- Rural practitioners have trouble finding qualified attorneys to refer cases to.

- Over half the attorneys surveyed are at retirement age or are soon approaching it.
- Several high-needs practice areas have a shortage of experts.
- Rural practice involves unique challenges, including due-process issues related to non-attorney judges, inefficiencies in town justice courts, a lack of access to broadband, and a prevalence of indigent clients.

This report will present findings organized around key issues identified in our survey. The report will illuminate what many rural practices are like; the nature of access-to-justice gaps in rural communities; and how rural practice and systemic burdens impact efficient delivery of legal services in rural New York counties.

Background

Our target population for this rural-attorney survey were the 5,257 attorneys with listed rural-county addresses in the attorney registration list kept by the New York State Office of Court Administration.¹ These rurally registered attorneys represent only 3% of all state attorneys.² Of that total number, the rural-attorney survey was directly emailed to the 2,058 attorneys who had valid email addresses in their

registration data.³ To reach more attorneys, the survey link was emailed to various legal associations, groups, and organizations throughout the state, whom we asked for help distributing it, and advertised on social-media websites.⁴ A total of 919 responses were collected, 573 of which represented attorneys providing services in rural counties and could be analyzed for the purposes of this study.⁵ The analyzed sample of 573 responses represents 11% of the total number of rurally registered attorneys in New York State.

The survey included several open-ended questions about the challenges and rewards of rural practice, as well as possible solutions to the challenges facing rural areas. The rural practitioners we surveyed submitted hundreds of candid responses to these questions, which are excerpted below.

I. What Are Rural Practices Like?

The following section will share survey results about legal practices in rural counties, including data on practice types, areas of law practiced, number of legal matters handled, and demographics. A sample of qualitative answers from rural practitioners help bring this data to life.

Rural Practice Types

Rural practices are predominately small; 72.8% own their practice; 85% work full time; 48.5% work in a solo practice; and 30.9% work in a practice with two to five attorneys. See figures 1 and 2.

Figure 1: Descriptive statistics of types of rural practices

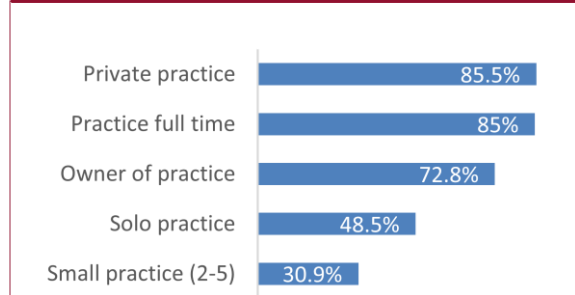
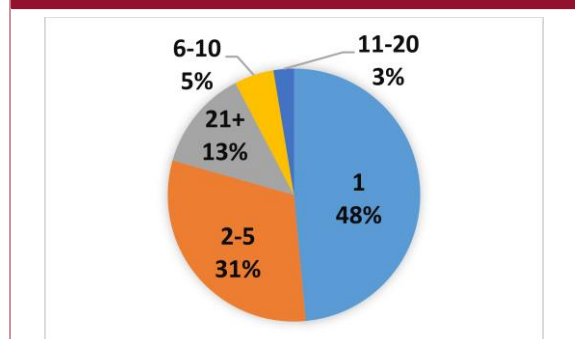


Figure 2: Practice size (# of attorneys)



The majority of respondents (85.5%) reported working in private law practice, followed by government (12.4%) and legal services organizations (11.7%). Figure 3 is a summary of the practice types.

Figure 3: Practice types

	Percent
Private law practice	85.5
Government	12.4
Legal services organization	11.7
Non-profit organization	5.2
Locally owned company	3.7
Other	3.7
Public Institution	1.4
Non-locally owned company	0.7

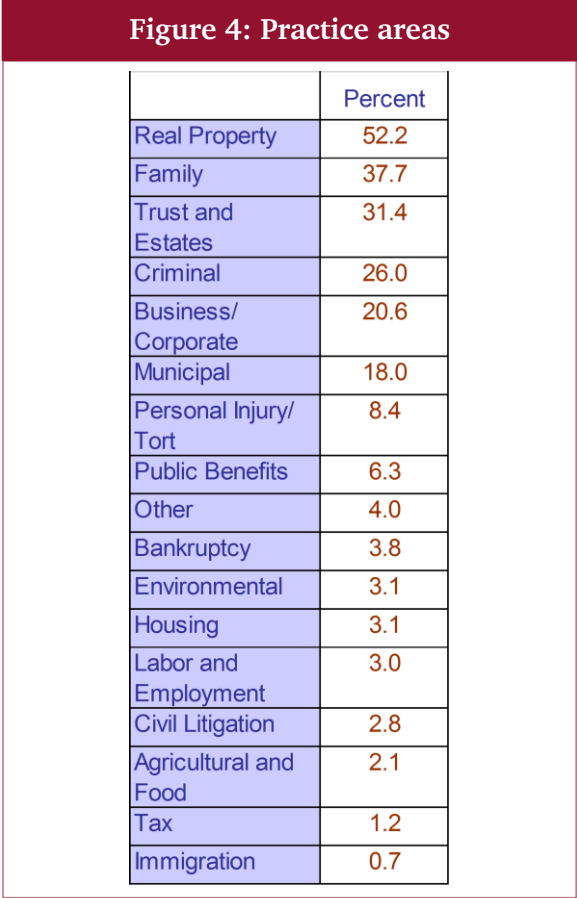
Practice Areas

Most rural attorneys take on matters in a variety of practice areas. 62% of respondents reported being general practitioners, and 38% reported being specialists. Respondents shared some of the challenges of being general practitioners in a rural county.

“Although I have a busy practice, I (like most rural practitioners) often take on matters that "stretch" our expertise. Some areas I feel less comfortable in, but take on nonetheless because of the nature of the practice. I am careful to refuse to represent in areas such as bankruptcy, tax, Medicaid planning, etc. that require particularly specific knowledge, but there are others that I take on that require a high learning curve. That can be very stressful if you are someone who wants to provide excellent legal services.”

“Unprepared for realities of the extreme variety of cases; each court has different terminology, different procedure, and different expectations, and the older local attorneys have ‘their way’ to do things (whether or not that way is the right way or the only way makes no difference), making practicing in a rural area a challenge.”

When asked to select the top three focus areas of their practice, more than half indicated real property law (52.2%), with family law (37.7%), trust & estates (31.4%), and criminal law (26%) being the next top focus areas. The full list of selected practice areas is shown in figure 4.



Practice Volume

Many respondents reported the strain of managing a high volume of cases. Nearly 40% of respondents handle over 100 legal matters per year; 24% handle 76 to 100; 17.8% handle 51 to 75; and 18.7% handle 50 or less. Many reported feeling overwhelmed by the amount of cases they have to manage:

“I get more intake calls than I can return. We have a serious shortage of attorneys in my area.”

“Don’t bother coming if you limit yourself to 40 hours a week. In past years, half my practice consisted of night work.”

“I have only taken one day off, including weekends, all year. Tough to find office help, and I'm overworked.”

Attorney Demographics

This survey revealed the lack of diversity among rural practitioners. Of the 90% of respondents that chose to answer questions about gender, race/ethnicity, and age, 60% identified as male, 38.1% as female, and 1.9% preferred not to say or identify.

A large majority (95.7%) identified as white; 74.3% of respondents were 45 years old or older. More about attorney age will be discussed in Section III. The lack of diversity was reflected in some respondents' answers about the challenges they face.

“Good ole boys club is strong in rural areas. Hard to establish new law firm.”

“Many members of the private bar and institutions can be extremely socially conservative and set in their ways. Casual racism and sexism are rampant.”

“Lack of diversity of thought, opinion and politics. Overwhelming bias in favor of law enforcement/prosecution.”

II. The Rewards and Challenges of Rural Practice

The survey included several open-ended questions about the nature of rural practice, soliciting hundreds of candid thoughts from rural attorneys. For each question, careful review of the answers illuminated a number of themes, which emerged in similar answers by many respondents. The following section describes these themes.

The Rewards of Rural Practice

When respondents were asked to share what is *most rewarding* about rural practice, five themes emerged. These themes, along with demonstrative quotes follow.

(1) *Love for and impact on their community*

Many respondents mentioned a sense of well-being from the community impact their legal services provide.

“I love it! It is very rewarding. Unlike large firms, I have had constant client contact and believe I am making a positive difference in my community.”

“Building deep relationships with people and places. Seeing positive outcomes after years of work.”

“Knowing that I am a respected member of the community participating in many civic activities.”

“To be able to work with clients on a more personal basis and to have worked with clients over 35 plus years. As a result you end up representing families on a multi-generational level. Not unusual to have represented parents, children and even grandchildren.”

“Being able to meet the needs of my neighbors, friends and family, and help the area to grow and prosper.”

(2) *Reward of helping their clients in meaningful ways*

Survey takers also reported seeing the meaningful impact their services have on the clients they serve.

“Seeing the difference you can make. Most people know each other and you can see the impact you make in almost every day life.”

“I’m from a rural community and I actually practice in my hometown. I’m primarily a real estate/estate planning attorney but small town practice means that I end up doing a variety of work outside my normal areas as well. The scope of my work is rewarding, as is the ability to make a difference on a small level. I especially enjoy working with my older clients, who are often confused by the probate process and Medicaid rules or the way real estate closings are currently handled (vs. how they were handled 30 years ago when they purchased their first home). If I can give them any sort of assistance or peace of mind through an unfamiliar process, I feel like I’ve done my job.”

(3) *Reward of helping underserved poor clients*

Many of the attorneys surveyed wrote about the reward of being able to help low-income clients. This demonstrates their pro bono contributions, and public service ethos.

“Helping folks who could not otherwise afford it...preventing an injustice from happening.”

“The population I serve is disadvantaged and truly needs my help and the services I provide. I get to know my clients personally. Rather than working for a large firm in an urban setting where clients might represent mere billable hours, I really get to know my clients and understand their needs and can better serve them.”

“Helping people who otherwise would be eaten alive by the system.”

(4) *Quality of life in rural communities*

Respondents also shared comments on the quality of life benefits they experience practicing and living in a rural community.

“Not having to commute. Working with neighbors and people you know who also know you.”

“The very personal nature of practicing in a small area. Many clients are friends as well. The fairly quick turnaround of these cases. The fact that I can (often) better control my schedule. I have two young-ish kids and I can be more available for them during the day.”

“I enjoy the rural lifestyle because people are generally more respectful.”

“I see my clients in the community, and some are doing quite well. I can work less than a full time job and have time to volunteer.”

“I started my career at a big NYC firm and moved upstate when we had children. I’ve had a great and satisfying career.”

“People can earn a very good living here, and it is a beautiful place to live.”

“I really enjoy it. Many rural communities can be tightly knit which makes it fun to be working with neighbors on a regular basis.”

(5) *Appreciation for type of practice, the local bar community and relationships with the courts*

The benefits of tight-knit communities also extend to the respondents’ professional lives.

“A small legal community promotes and rewards highly professional and ethical accountability among the bar.”

“Being in a tight-knit community, I recognize the other practitioners and court staff involved in my cases and they recognize me. We know what to expect from each other and a respect grows for the efforts we see from each other.”

“Practice in a rural setting permits the practitioner to become familiar with the issues and the people at a greater level than afforded by urban practice areas.”

“I get to spend most of my time in the Courtroom, rather than at my desk, because I am needed by so many clients.”

“It is much more congenial to practice law in a rural county than in more populated areas. I have practiced in cities, and I was dismayed at how rude, unprofessional, and untrustworthy some attorneys in these areas have been.”

“Having spent the first 14 years of practice in New York City, and the last 29 years in upstate New York, I can say without any hesitation that practicing law in a rural area is both professionally and personally more rewarding. The manner in which law is practiced in rural New York State is the way in which it was designed to be practiced.”

The rewards of rural practice are many, and demonstrate the unique benefits that living and working within a rural community can offer a practicing attorney. The following section will expand on some of the unique challenges.

The Challenges of Rural Practice

When respondents were asked to share what is *most challenging* about rural practice, eight themes were identified.

(1) *Prevalence of indigent clients*

76% of the lawyers we surveyed agreed that rural clients “often” cannot afford legal services. One wrote, “Many prospective clients do not have financial resources to litigate even small cases.” Over a third of respondents indicated that they decline cases because the client could not afford their services (34.4%).

“The biggest challenge is being asked to help someone who you think you can help, but they cannot afford legal representation. We can only cut fees and do pro bono so much before it is not practical.”

“I really enjoy practicing here because of the relationships with the other lawyers and the judges but the poverty and need is overwhelming the courts. I work very hard and sometimes there is little money to show for it at the end of the month after my overhead is paid.”

“Lack of funds. My clients cannot afford my services and I cannot sustain a practice on only 18-B representation [i.e., cases in which an attorney is appointed by the court to represent a criminal defendant] as those fees are too low.”

“There are too many folks who have to choose between legal services that they need and feeding or taking care of their family and children. This forced choice results in people having no legal services, too little legal services or a legal bill that they simply cannot pay.”

(2) *Financial stress on the lawyers*

The prevalence of indigent clients contributes to the financial stress many rural attorneys experience.

“Balancing providing free or discounted services to low income clients and trying to earn a living and support a family.”

“My client base is often below the poverty level so payment is a challenge. Operating a contemporary solo practice with necessary technology, infrastructure and compliance is difficult with my economic client base. I am tethered to my practice. I work through my weekends, work through my vacations, there is no fallback.”

“It really sucks!! Many clients cannot pay for the services they need, then fail to pay after you have helped them in their time of dire need, often facing criminal conviction and incarceration. I work 65-80 hours a week on a regular basis.”

Other lawyers cut their fees for clients in need, but struggle to manage the resulting burden.

“Most clients cannot afford to pay normal legal fees, and I end up with at least half of my caseload being fully pro bono or very minimal payments. I don't make much money most years. When I asked a fellow rural practitioner how he managed to stay in business, he said ‘we eat a lot of spaghetti.’ Another fellow rural practitioner used to say that he was ‘practicing law on the edge of poverty.’”

“Inability to afford support staffing. Trying to render services and still make adequate living. Difficulty of balancing personal life with demands of workplace.”

“While there are a sufficient amount of potential clients in my area, their ability to afford even a minimal hourly rate leaves me doing work at almost a pro-bono level for clients who are not really pro-bono clients. It makes it very difficult to maintain my type of practice here and even harder to earn a living at it requiring me to work non-legal jobs just to get by.”

(3) *Professional isolation*

Many attorneys mentioned a number of practice burdens related to working within a very small bar and feeling unsupported by bar associations.

“The dwindling number of available practitioners and the dwindling supported interaction with other similar practitioners. There used to be state-wide trainings and now for the most part training is at your desktop.”

“I think being accepted into the relatively small legal community was the most challenging aspect of the rural environment. All of the attorneys and court staff know each other. It felt like it was years before I became part of the local legal community.”

“Lack of colleagues to bounce ideas off of on matters.”

“NYSBA [New York State Bar Association] should offer lower rates to rural lawyers. CLE [Continuing Legal Education] rates should be reduced.”

“The Bar Associations are a joke. There's no concerted outreach to the rural community by the legal community.”

“Not enough practical CLE to be able to effectively assist clients in areas in which I am unfamiliar.”

(4) ***Overwhelming caseload/not enough attorneys to assist***

48.8% of respondents agreed that there were not enough legal practitioners to serve rural clients' needs.

“There are not enough attorneys to take case assignments so we are all overworked, broke because the levels of compensation are way too low (especially with law school debt, stressed out & ready to have breakdowns.)”

“The pool of private attorneys is quickly dwindling and the amount of indigent clients that need legal representation seems to be increasing. There are therefore not enough private attorneys to take assignments, which causes a small pool of available attorneys to have heavy caseloads, which is not necessarily beneficial to the individual clients.”

“Often overwhelmed by caseload, doesn't leave enough time for other activities.”

(5) ***Non-attorney judges, due process issues, systemic inefficiencies and unfairness***

Respondents shared repeated complaints about the difficulties of working within the town and village court systems.

“Our local Justice Court system is fraught with unconstitutional conduct because non-attorney judges do not understand, respect or care to know the law. We need a district court.”

“Judges are given too much leeway and power. If you appeal an order they can seek retribution in other ways.”

“Town and village justice courts where non lawyer judges do not understand the law and have strong connections with people in positions of power. People on the wrong side of the power balance have a great deal of difficulty getting justice, even when the law is clearly on their side. Even with more training these courts don't seem to improve. I think it would be better to have specialized divisions within the supreme or county courts (e.g., housing court, small claims) for the whole county, with judges who are lawyers.”

“The election of judges who may not be qualified makes it difficult to predict the outcome of cases, which is especially problematic when I'm trying to decide whether to take a case for a client who cannot pay. If I feel that I can help them, it is worth the loss of income, but if the judge is awful or unpredictable, sometimes I have to tell clients that I can't help them, which is heartbreaking.”

“Very behind the curve in accepting change to the profession. Not one court participates in e-filing. Also, getting court records from the clerk's offices is very difficult and near impossible sometimes yet an absolute necessary step to even review the matter to see if you can assist.”

(6) *Distance burdens*

Many respondents reported challenges related to rural geography. Surveyed attorneys noted that lack of public transportation makes it harder to meet with clients who live far away. They also lamented about how much time they spend driving to get to numerous scattered courts and to meet with clients across multiple county lines.

“Our clients’ needs are vastly different than City clients and they face problems with transportation and lack of access to technology that is easier to combat in a City that can provide more services to those without.”

“Transportation; clients have a very difficult time getting to me which means that I have to go to them. Going to them is great, but it takes up time which means I can take on fewer cases. I would suggest additional satellite offices; improved technology for effective communication.”

“The poorer counties do not have adequate funding to provide transportation, and the distances people have to travel are often great.”

“The distance between clients results in a great deal of driving.”

(7) *Technology issues*

A number of rural attorneys complained about technology shortcomings. This topic will be further discussed in Section IV.

“Many clients have no phone service or limited minutes, and few have computers or internet service. It can be difficult to communicate quickly.”

“Researching cases with horribly slow internet services and trying to conduct business without effective cell phone service.”

“We need faster and more reliable internet service. Net neutrality and rapid expansion of fiber optic internet service.”

“Insufficient services accessible to a rural population, many of whom may not be computer-oriented (or have access to internet)...”

“Communication with clients, especially as far as having office meetings and telephonic contact. There is not a lot of public transportation, and often the poor do not have adequate internet or cell phone service.”

(8) *Conflicts of interest/known too many people in small communities*

Rural practitioners also noted the unique conflicts of interest that occur in smaller rural communities.

“One of the greatest challenges for me is the availability of attorneys to refer in situations of conflict, etc. in the local area.”

“The ethics rules are not geared to and show no understanding of small town life when it comes to conflicts. . . This casts a shadow knowing that at any moment we could be judged by people who have no idea about the reality and struggle of keeping conflicts at bay when you know everyone or their brother or parents, literally.”

III. Is There a Shortage of Lawyers in Rural New York?

Many practitioners and policy-makers intuitively believe that there is a shortage of lawyers in rural New York, but until now there has been very little empirical research to support the claim. Our survey sought quantitative and qualitative responses from rural attorneys to illuminate the nature and extent of this shortage.

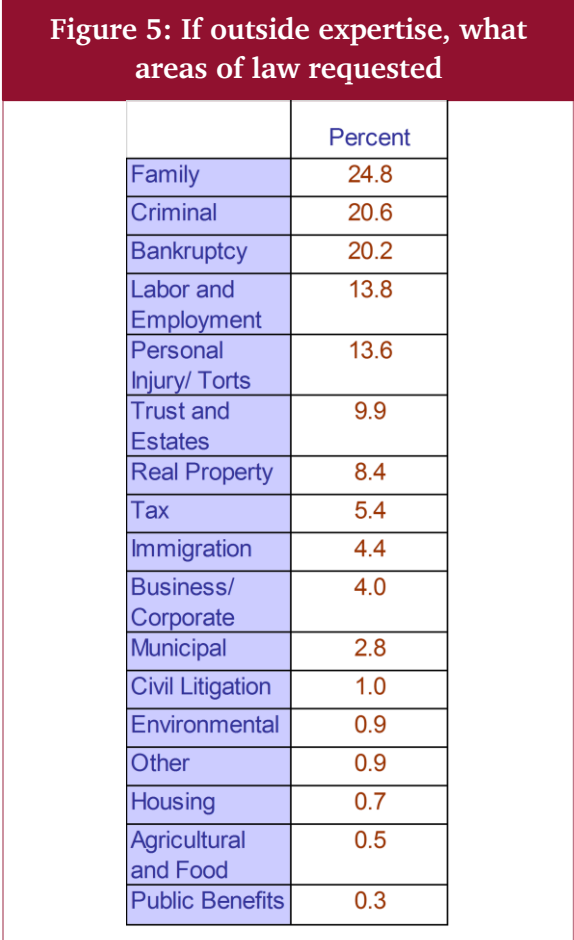
The following section will share data about rural practices that evidence access-to-justice gaps in rural New York. Data includes reasons for declining legal services, the difficulty of making referrals, and the greying bar with limited new attorneys entering rural practice. A sample of qualitative answers from surveyed attorneys sheds further light on the numbers.

Turning Clients Away

Many rural attorneys reported that they had to turn clients away for a number of reasons. 47% of the lawyers surveyed said that they decline 11 or more matters each year; 22% decline 6 to 10 matters a year; and 14.5% decline 1 to 5 matters a year.

The majority—57.1%—indicated that they decline legal services because the matter is outside their expertise. The most requested areas outside the attorney’s area of expertise were family law (24.8%), criminal law (20.6%), and bankruptcy law (20.2%).

Figure 5 shows the areas of law in which attorneys have to turn clients away because of a lack expertise.



Over a third of respondents indicated that they decline cases because a conflict of interest prevented their involvement (34.9%), or because the client could not afford their services (34.4%). Figure 6 summarizes reasons that surveyed rural practitioners decline taking on cases.

Figure 6: Reasons for declining cases

	Percent
Outside expertise	57.1
Conflict of interest	34.9
Client can't afford	34.4
Full caseload	28.6
Too complicated	20.2
Other	11.2
Case not viable	6.3
Client far away	4.9

Inability to Find Referrals

Perhaps the best way to empirically test for a shortage of attorneys is to ask attorneys whether they are unable to find referrals for clients. This measurement, unlike many others, shows that there is a need (because the attorney is looking for a referral) and that it is going unmet (because no referral is found).

In our survey, nearly 40% of respondents indicated that they were often unable to make referrals. Of those respondents, 61.6% reported it was because there were no suitable attorneys available in the client’s geographic area, and 22% reported it was because the clients could not afford attorney’s fees.

The Greying Bar and Retirement

The survey revealed details about the aging bar in rural counties. 74.3% of respondents were 45 years old or older; and more than half (54%) are at retirement age or are soon approaching it. See figure 7 for a fuller breakdown of respondent ages.

Figure 7: Age of respondents

	Percent
55-64 years old	27.3
65-74 years old	23.5
45-54 years old	20.4
35-44 years old	16.2
25-34 years old	9.6
75 years or older	3.1

When asked questions about the longevity of their practices, nearly half (46.4%) indicated that they were planning to retire within 10 years.⁶ When asked about whether respondents had a succession plan, over half (54.5%) indicated that they do not have a viable successor for their practice.⁷

The greying of the bar in rural New York, and the lack of viable successors for existing practices is of grave concern. Unless something is done to address this, within 20 to 30 years, the majority of current rural attorneys will be fully retired, further exacerbating the access-to-justice challenges in rural communities.

“There is a serious shortage of younger attorneys. Many of the experienced practitioners are in their late 50’s and 60’s and will likely be retiring about the same time.”

“I am the only lawyer handling complex business transactions. I am 69 years old and cannot retire because too many people rely on me.”

“Lately it would be finding and keeping good staff and especially one or more associates who are prepared to continue the practice on a long term basis.”

“While there are currently enough attorneys to go around, most are in their 60s, which means many will probably retire in 10-20 years. There may be a crisis in the future, just look at the age of the attorneys.”

“We are running out of lawyers! Something needs to be done to attract young attorneys to the rural areas. . . . Our county is literally running out of lawyers.”

“Because of our county being so rural, it is difficult to coach attorneys to come here, but at the same time, a private practice attorney can make a very good living, six to seven figures a year if they want to work hard. It is a beautiful county and the cost of living is reasonable. But still, attorneys are apprehensive about living in a rural county and they much prefer the city, suburb or similar area. Thus, we struggle on!”

Do lawyers agree there’s a shortage?

Nearly half of the respondents (48.8%) agreed that there are currently not enough legal practitioners to serve rural clients’ needs. Nearly a third (29.4%) disagreed with this statement, which was unexpected. This may be attributed to the overwhelming majority who feel that rural clients cannot afford legal services (76.3%).⁸

Many respondents expressed a need for more attorneys in their geographic region:

“Not enough attorneys; too much is expected of attorneys in rural counties. Need more young attorneys to handle Family Court which is a big drain on local attorneys.”

“Need for more attorneys to represent low income residents in housing cases. More law school clinical programs to provide law students with this type of experience, so as to interest graduates in rural legal services or pro bono practice.”

“It is an incredible challenge to manage a rural, solo law practice and still retain substantial quality of life. I have opened in my home town in 1991 as the fifth practicing attorney in town. I am now the last full time attorney standing. These numbers are consistent throughout the small communities within the Adirondack Park.”

Figure 8 breaks down what surveyed attorneys thought about access to legal services in rural counties.

Figure 8: Do lawyers think there’s a shortage?			
	Agree	Neither agree nor disagree	Disagree
There are currently not enough legal practitioners to serve rural clients’ needs.	48.8%	21.8%	29.4%
There are less legal practitioners in my area than there were in the past.	38.4%	28.5%	33.1%
Rural clients often cannot afford legal services.	76.3%	13.0%	10.8%
More legal services organizations are needed to supplement private rural practitioners.	49.6%	27.1%	23.2%

While the opinions are mixed, three quarters of respondents agreed that rural clients often cannot afford legal services.

IV. Possible Solutions

This small sample of responses by rural practitioners demonstrates the complex and multi-dimensional challenges unique to rural practice. In addition to sharing hundreds of candid reflections on rural practice challenges, some respondents also shared thoughts on viable solutions.

As indicated in figure 8, nearly half (49.6%) of the respondents agreed that more legal services organizations are needed to supplement private rural practitioners. This is no surprise given that the majority report serving clients who cannot afford to pay them.⁹

“I don't know what would improve the situation, other than to provide government-funded civil legal clinics, similar to those available for criminal and family law problems.”

“I suggest that the income eligibility standards for assigned counsel be raised to a higher level.”

“Perhaps legislation providing grants or subsidies to those of us providing specialized services to a lower economic spectrum of clients would help in keeping specialized services available to these potential clients.”

“Reduce the cost of CLE credits for 'low-income' attorneys and provide assistance for those who are 'caught in the middle' income-wise between Legal Aid and affording full price for an attorney.”

“An increased assigned counsel hourly rate may draw in additional attorneys who may be able to piece together a living in the rural areas if they have a full-time employed spouse.”

“More resources are needed at all levels, including government, to meet the challenges that rural practitioners face.”

Other suggestions included helping with law school tuition and debt, which many saw as an obstacle to rural practice.

“I get the impression that young attorneys are coming out of law school with so much debt that they do not feel they can come to our small villages.”

“Law schools should rethink tuition costs as it is no longer possible in most cases to return to a small town with the debt accrued. A rural services tuition award for someone willing to commit to practice in a particular area or staged loan forgiveness would be helpful.”

“It is really rewarding to intimately know the people you serve. I wish there was a way to get law students interested in general practice in a small town, because it is a wonderful quality of life. The problem is that the financial reward is not sufficient for individuals with heavy student debt.”

“It can be great fun practicing law in the country. However, too few young attorneys can consider this choice given the crappy pay and student loan debt. I think that the State should consider loan forgiveness options for private practitioners who devote most or all of their time to providing necessary legal services to the poor of our communities.”

Of the respondents, 43.4% agreed that nontraditional service methods would be useful for reaching more rural clients, while 25.1% disagreed. Similarly, 41.9% of respondents agreed that increased access to

self-help services would benefit rural clients, while 29.5% disagreed.¹⁰

Significantly, the survey revealed repeated complaints about rural broadband/internet access and technology communication shortcomings in rural communities. Respondents reported that these technology gaps had detrimental impacts on business and client services. The complaints noted that such technology issues interrupt the efficiencies of legal practice, including communications with clients, legal research, and video-conferencing with courts. Several rural practitioners noted that inadequate technology infrastructure increases the cost of operation, leading to more long-distance travelling for client meetings and court dates, which can be spared with simple technology solutions. Better technology infrastructure would also benefit the many rural clients that struggle to afford legal services.

“We need better communications, like digital services, internet access, etc., for all purposes. Enhanced technology and better access to affordable technology for the school districts in rural settings.”

“Fewer services for clients, more driving/travel, difficult for some clients to get to appointments. Courts should permit video appearances for attorneys or parties when the appearance is for a status review or simply for scheduling purposes. This would allow parties to make appearances without unnecessary travel or missing work, or needing to find childcare. It would also allow attorneys to meet the client's needs without excessive travel costs or billable time. Also, improved public transportation.”

“Communication and meeting with clients. Many clients do not have transportation or reliable transportation, so meeting with them is a challenge and can hinder legal work, motions amended pleadings, trial prep, etc. Cell service is often spotty for clients and many cannot afford a land line either. Restricted communication makes the job much harder. Programs to provide transportation assistance—shuttle service to court, court Uber—would be hugely helpful. Also improving cell phone service or ensuring that payphones or other means of communication are everywhere our clients are.”

Conclusion

This survey of rural New York practitioners is an important starting point in understanding trends and needs in rural legal practice. While broad conclusions are not possible due to limits of the survey pool (11% of rurally registered attorneys), the majority of legal service providers who participated in our survey are small, self-owned general practices. Over half of these rural practitioners are on the verge of retiring, or will be approaching the age of retirement within 10 to 20 years. Unless younger attorneys take the leap to replace them, or innovative solutions are implemented, access to legal services in rural counties will worsen.

A majority of respondents agreed that rural clients struggle to afford legal services, and more legal services organization support would be beneficial to address this problem. However, this research has illuminated that many of the rural clients that cannot pay for legal services, also do not meet the federal poverty income guidelines to qualify for

legal services organization assistance. Serving this demographic—the working poor—which appear to be a large portion of rural residents, should be of primary concern for all stakeholders invested in rural access-to-justice and community well-being.

Finally, the rural practitioners that are presently serving the needs of rural communities—legal and otherwise—deserve further support, appreciation, and accolades. These attorneys work tirelessly, and at great self-sacrifice, under tremendous resource limitations, systemic inefficiencies, and high

operation costs due to technological deficiency, distance barriers, and low-income clients that cannot fully pay them. Many have always been and are presently deeply entrenched in providing access-to-justice in their rural communities. This report is dedicated to them.

Endnotes

* Taier Perlman is Staff Attorney at the Government Law Center at Albany Law School, where she leads the [Rural Law Initiative](#). The Rural Law Initiative offers limited scope legal services, education, training and scholarship to support rural renewal efforts and access-to-justice in New York’s rural communities.

¹ All of these numbers originate from the NYS Unified Court System, Office of Court Administration’s Attorney Registration Unit (OCA), which maintains an annually updated database of licensed attorneys in New York State.

² According to the *ABA National Lawyer Population Survey: Lawyer Population by State*, New York is home to the largest concentration of registered attorneys of any state in the United States. As of 2017, New York had 179,600 registered attorneys with in-state addresses. It is important to realize, that since the majority of registered attorneys in New York are based in non-rural counties (97%), the bar is urban/suburban normative in meeting the needs of this great majority of practitioners. Rural attorney needs are not prioritized, adding to the difficulties of rural practices generally.

³ A special thank you to Siena College summer fellows Olivia Fleming and Brendan Nashelsky, for their invaluable research and data organizing support in preparation for survey dissemination.

⁴ The attorney survey was shared with local county bar associations, the Albany Law School alumni network, legal services organization leaders, and the New York State Bar Association members. RLI’s community partners were urged to share the survey with their local attorney networks as well. It is not possible to know the exact number of rural attorneys that received the survey link, but it may be assumed that more attorneys received it then the total number of valid email addresses that were available from the OCA’s attorney registration list.

⁵ In an effort to qualify the access-to-justice gaps that exist in rural communities, the survey questions were targeted at rural practitioners that offer legal services to the general public, whether part-time or full-time. (i.e. private law practices, legal service organization attorneys, etc.) Accordingly, of the 919 surveys that

were collected, 346 had to be filtered out for the following reasons: 134 responses were excluded because they practiced exclusively in non-locally owned businesses, government, or public institutions and therefore did not offer legal services to the general public. 212 responses were excluded because they did not indicate working in the designated rural counties, and/or didn't answer what their practice type was.

⁶ For this question asking whether the respondent plans to retire in 10 years, only 407 respondents answered.

⁷ Only 32.6% of respondents answered this question about succession plans. It is unclear why so many chose to skip this question, but one hypothesis is that many rural practitioners have not really thought about succession and/or have no intention to keep their practices going after retirement. Many may choose to wind-down their solo practice.

⁸ Half of the respondents who disagreed with the statement that “there are not enough legal practitioners to serve rural clients’ needs,” reported declining a high number of cases. Coupled with the overwhelming majority (76.3%) agreeing that rural clients often cannot afford legal services, it may be assumed that the disagreeing respondents are indicating a bigger issue about rural legal practice – the inability of clients to pay for legal services, leading to high decline rates. Additional legal practitioners will not solve this challenge of rural practice.

⁹ It's important to note that many of the clients rural practitioners decline due to their inability to pay for legal services may be classified as the working poor, and many of them do not meet the income guidelines for legal aid services. While these individuals and families do not technically meet federal poverty income guidelines, they make very little above the cutoff numbers, and struggle to meet daily living expenses. These in-between clients do not qualify for legal service organizations, nor can they afford to pay an attorney. The primary access-to-justice challenge is how to support this population of working people whose incomes fall just above the poverty line.

¹⁰ A large number of respondents also indicated that they neither agree nor disagree with the provided statements. Since we cannot know whether this response reflects their uncertainty, lack of opinion on the matter, indifference, or some other reason, we acknowledge that this topic deserves further study.