

INCARCERATION & ACCESS TO JUSTICE: THE RURAL LENS

Matthew Chavez
District Defender
Twelfth District LOPD
8/21/19

HOW RURAL IS NEW MEXICO?



- NM has higher percentage of rural areas than national average.
- 1910: 85.8%
- 2010: 22.6%
- Of NM's 33 Counties:
 - 6 completely rural
 - 6 mostly rural
 - 21 urban, with varying rural areas

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY



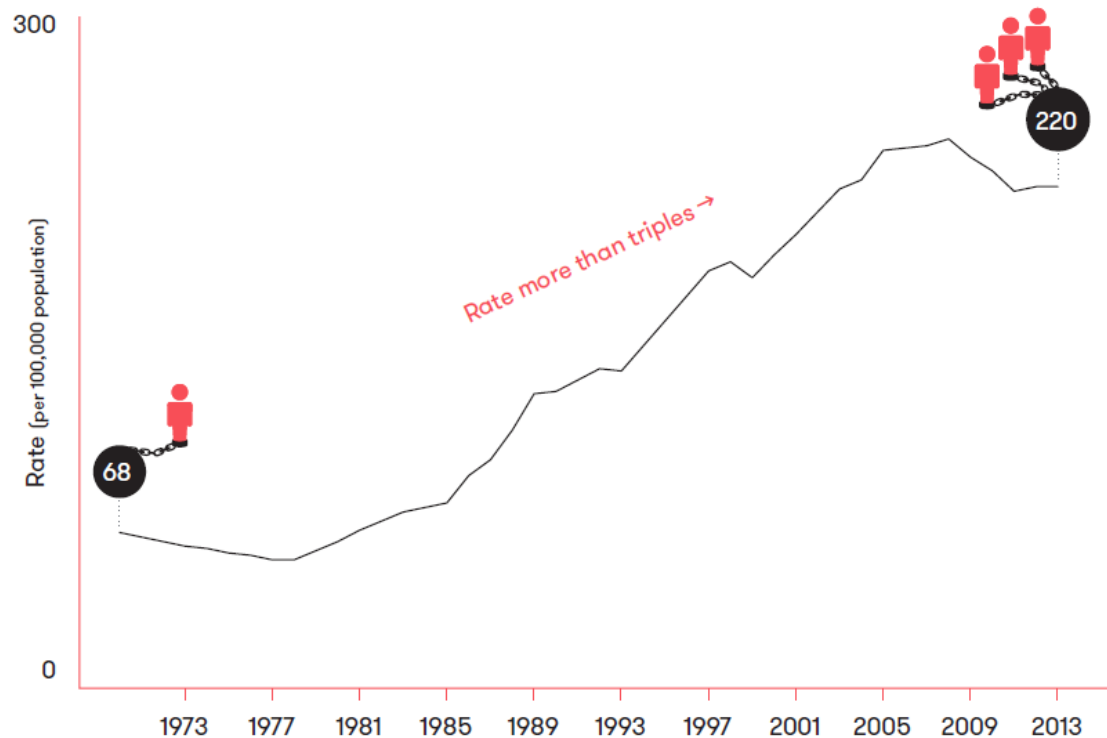
- 2017 Vera Institute study.
- Small counties have driven overall jail growth since 1970, despite the conventional perception that this has been exclusively a phenomenon of large cities.
- Despite their substantially lower crime rates in comparison to urban areas.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

Figure 1

National pretrial incarceration rate



- Rural jails have the highest rates of growth in pretrial detention in the country.
- Pretrial incarceration rates in rural counties increased 436 percent between 1970 and 2013.
- Financial incentives encourage rural jail systems to board in individuals from other authorities.
- In 11 states in the South and West, for example, more than 30 percent of people in jail were held for other authorities.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

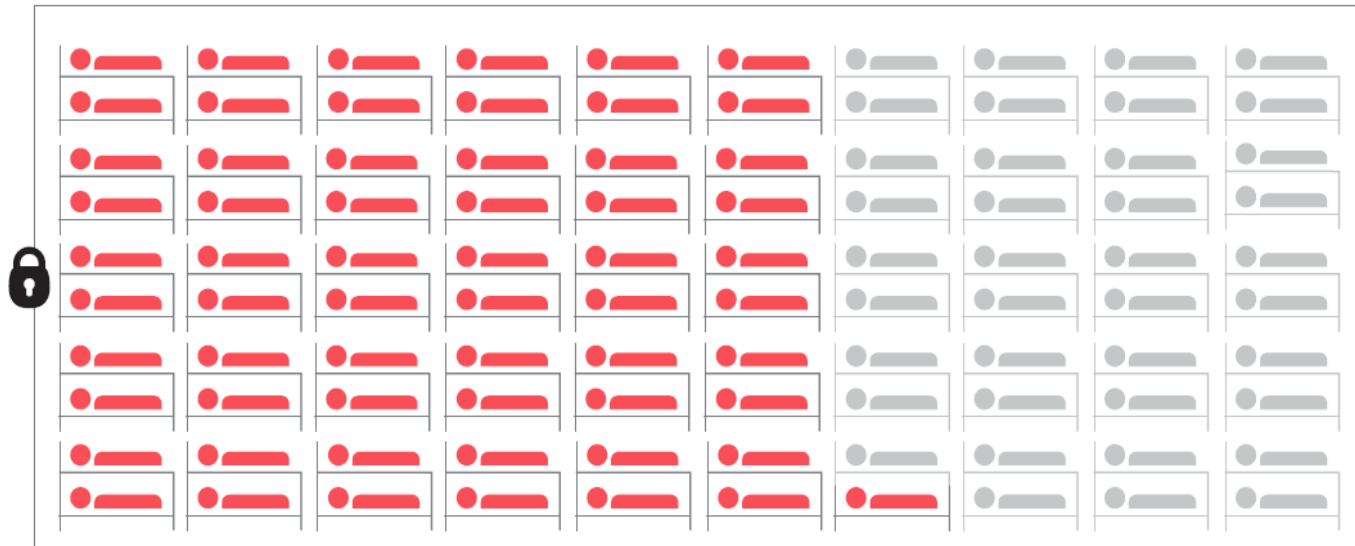
Figure 2

Jail populations are mostly pretrial

■ 61% in jail are
awaiting trial



■ 39% in jail
are convicted



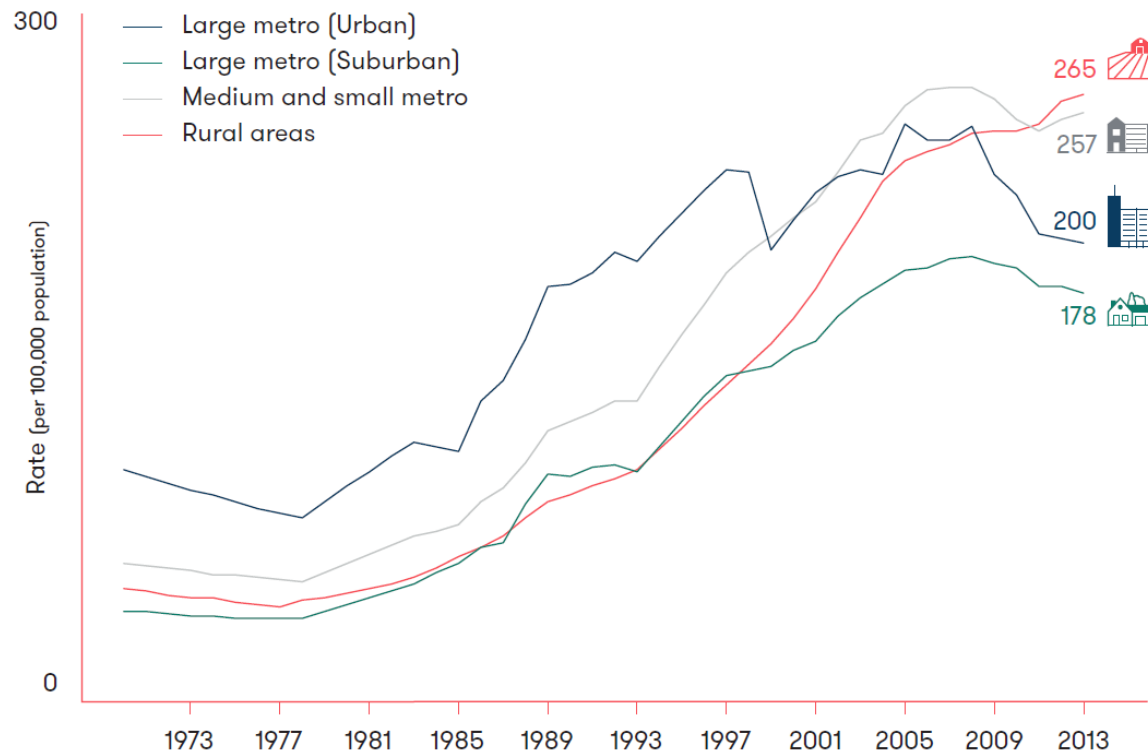
- Five-fold increase from 1970 to 2013

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

Figure 3

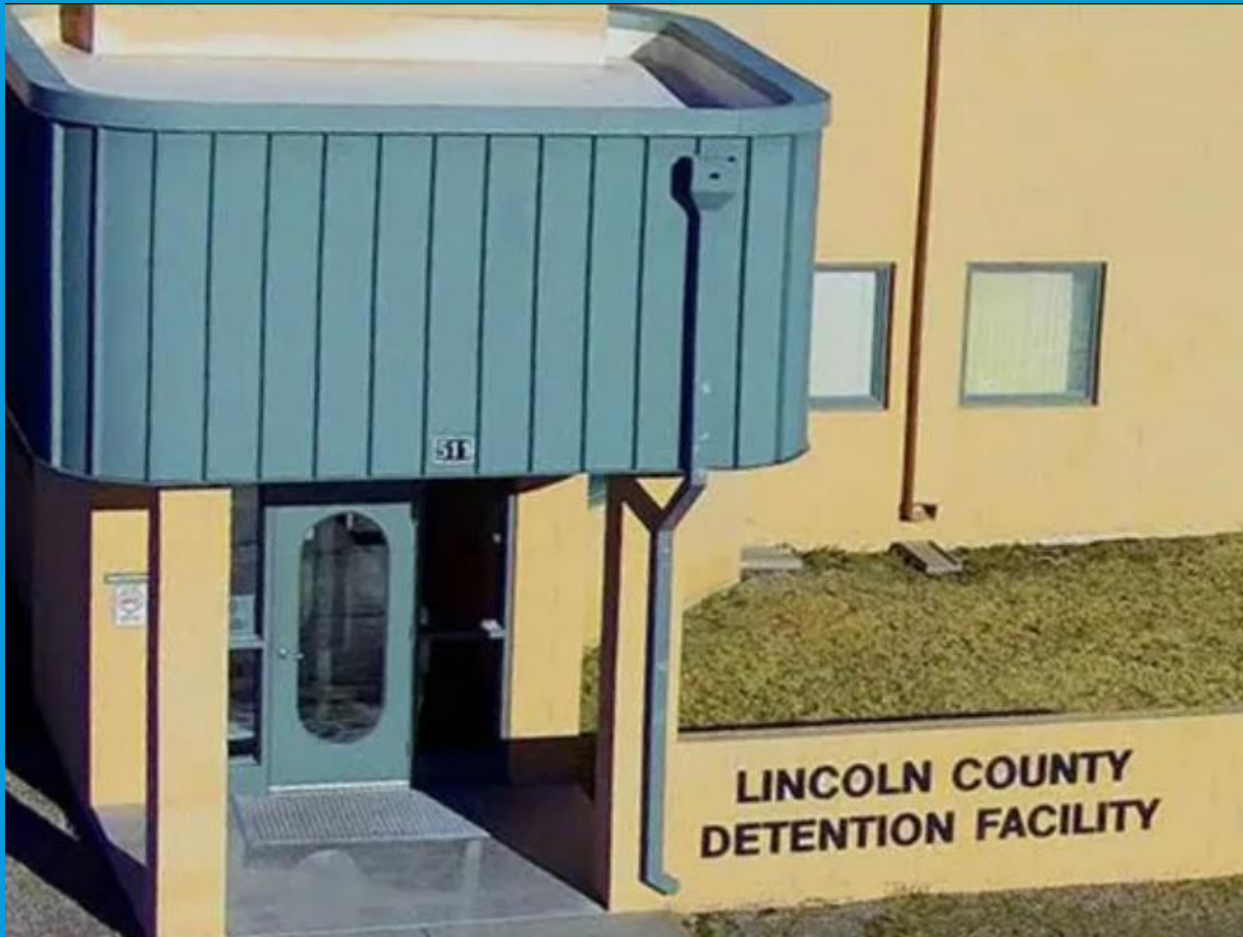
Pretrial incarceration by urban-rural counties



- Growth shifts from urban to rural areas.
- Rural incarceration growth: 49 per 100,000 people in 1970, to 265 per 100,000 people in 2013 — a 436 percent increase.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY



- What explains the growth of rural jail incarceration?

Given that rural jails—and the jurisdictions that they serve—are systematically understudied, further research will be required to examine how practices at each phase of the criminal justice process—arrest, charge, bail and pretrial release, case processing, or sentencing and disposition—drive rural jail growth in a particular locality, state, or region. However, there is an existing, if small, body of research that reinforces two persistent and interrelated planks that may begin to explain rural jail growth: 1) systemically fewer resources that discourage the use of detention alternatives; and 2) increasing financial incentives that, conversely, encourage expanded jail capacity.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY



Implementing Alternatives to Incarceration for Women in Rural Communities

Lessons Learned from Campbell County, Tennessee

Evelyn F. McCoy and Megan Russo

October 2018

Justice reform conversations tend to focus on issues in larger urban areas and on men, who represent the great majority of people involved in the justice system. However, small and rural communities across the country are wrestling with how to reduce overuse of the justice system, including local jail incarceration, and the many thousands of women that are arrested, detained pretrial, sentenced, and incarcerated. This case study, part of a series highlighting work supported by the Safety and Justice Challenge Innovation Fund, examines how Campbell County, a rural community in Tennessee, designed and launched the Women In Need Diversion (WIND) program to address the particular needs of women in jail.

Jail populations in the United States have grown nearly fivefold since the 1980s despite a steady decline in overall crime rates (Friedman, Grawert, and Cullen 2017; The Sentencing Project 2018). In 2015, local jails admitted nearly 11 million people and held an estimated 721,400 people in confinement on average (Minton and Zeng 2016). Counties of fewer than 250,000 people have driven jail growth despite lower crime rates than in urban areas (Friedman, Grawert, and Cullen 2017; Kang-Brown and

- Incarcerated Women in Rural Communities.

- The number of women in confinement is also rapidly rising.
- The number of women incarcerated in prisons and jails increased by nearly 700 percent between 1980 and 2014 (The Sentencing Project 2015).
- Today, nearly half of justice-involved women are in local jails.
- The growth of incarcerated women is outpacing men by more than 50 percent (The Sentencing Project 2015).

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY



Implementing Alternatives to Incarceration for Women in Rural Communities

Lessons Learned from Campbell County, Tennessee

Evelyn F. McCoy and Megan Russo

October 2018

Justice reform conversations tend to focus on issues in larger urban areas and on men, who represent the great majority of people involved in the justice system. However, small and rural communities across the country are wrestling with how to reduce overuse of the justice system, including local jail incarceration, and the many thousands of women that are arrested, detained pretrial, sentenced, and incarcerated. This case study, part of a series highlighting work supported by the Safety and Justice Challenge Innovation Fund, examines how Campbell County, a rural community in Tennessee, designed and launched the Women In Need Diversion (WIND) program to address the particular needs of women in jail.

Jail populations in the United States have grown nearly fivefold since the 1980s despite a steady decline in overall crime rates (Friedman, Grawert, and Cullen 2017; The Sentencing Project 2018). In 2015, local jails admitted nearly 11 million people and held an estimated 721,400 people in confinement on average (Minton and Zeng 2016). Counties of fewer than 250,000 people have driven jail growth despite lower crime rates than in urban areas (Friedman, Grawert, and Cullen 2017; Kang-Brown and

- Incarcerated Women in Rural Communities.
 - Incarcerated women experience mental health, substance use, and co-occurring disorders at double the rate of men.
 - Nearly two-thirds of incarcerated women are mothers of minor children, and a majority are the primary caregivers for their children (The Sentencing Project 2015).
 - The WIND program (Women in Need Diversion) is a 9- to 12-month specialized court. The court targets women 18 years or older with no violent offenses or weapon convictions who have yet to be convicted (i.e., pre-adjudication); women who have taken a plea at arraignment are ineligible. Candidates could be referred to WIND by jail staff, probation, the district attorney's or public defender's office, or by direct jail in-reach by the project coordinator.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY



Implementing Alternatives to Incarceration for Women in Rural Communities

Lessons Learned from Campbell County, Tennessee

Evelyn F. McCoy and Megan Russo

October 2018

Justice reform conversations tend to focus on issues in larger urban areas and on men, who represent the great majority of people involved in the justice system. However, small and rural communities across the country are wrestling with how to reduce overuse of the justice system, including local jail incarceration, and the many thousands of women that are arrested, detained pretrial, sentenced, and incarcerated. This case study, part of a series highlighting work supported by the Safety and Justice Challenge Innovation Fund, examines how Campbell County, a rural community in Tennessee, designed and launched the Women In Need Diversion (WIND) program to address the particular needs of women in jail.

Jail populations in the United States have grown nearly fivefold since the 1980s despite a steady decline in overall crime rates (Friedman, Grawert, and Cullen 2017; The Sentencing Project 2018). In 2015, local jails admitted nearly 11 million people and held an estimated 721,400 people in confinement on average (Minton and Zeng 2016). Counties of fewer than 250,000 people have driven jail growth despite lower crime rates than in urban areas (Friedman, Grawert, and Cullen 2017; Kang-Brown and

- Incarcerated Women in Rural Communities

Conclusion

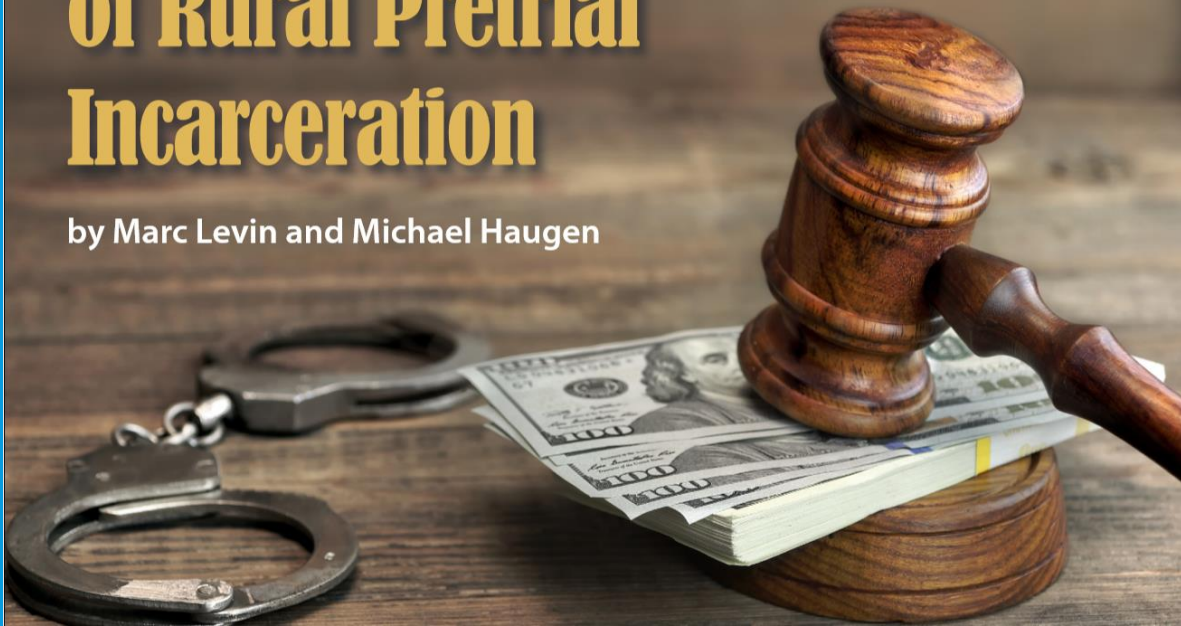
Both rural communities and incarcerated women face unique challenges resulting from a particular set of needs that cannot be readily addressed by today's most common interventions, which traditionally focus on interventions for men in nonrural jurisdictions.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

OPEN ROADS AND OVERFLOWING JAILS: Addressing High Rates of Rural Pretrial Incarceration

by Marc Levin and Michael Haugen



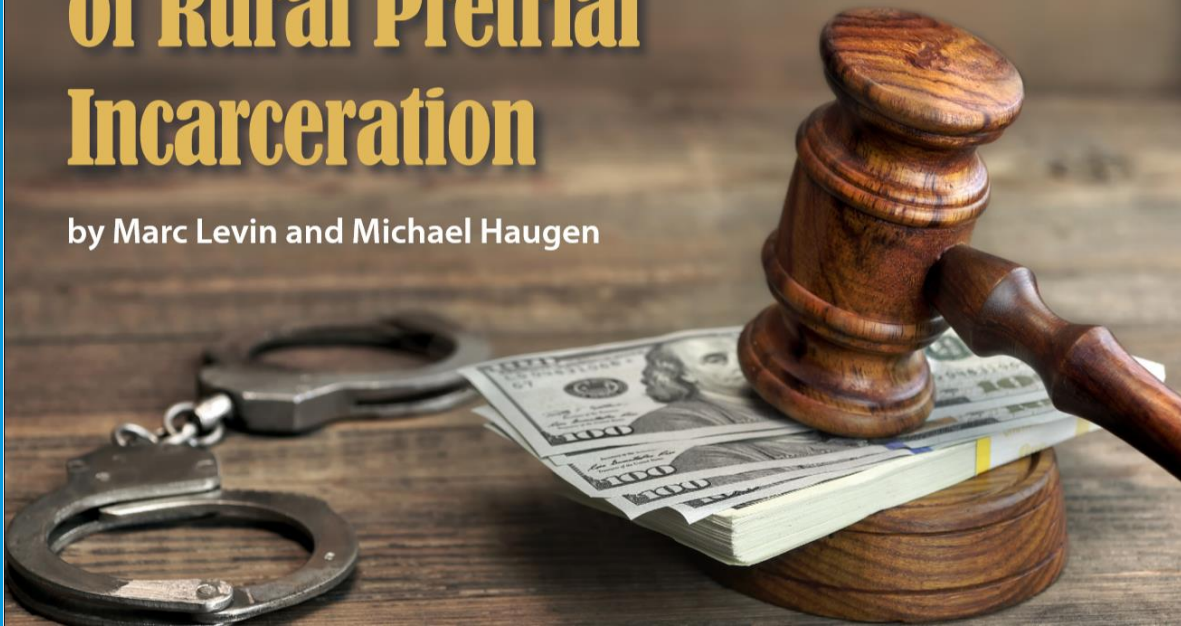
- “Right on Crime”—conservative / libertarian study of the rural incarceration phenomenon.

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

OPEN ROADS AND OVERFLOWING JAILS: Addressing High Rates of Rural Pretrial Incarceration

by Marc Levin and Michael Haugen



Solutions for Safely Reducing Rural Pretrial Incarceration

Reduce Number of Offenses Carrying the Potential for Arrest and Jail Time

Expand Use of Police Diversion

Police diversion represents an opportunity

Create Presumption of Recognizance Release

As noted above, the concept of innocent until proven guilty

Promptly Administer Risk Assessment Upon Intake

For example, 1.05-6054 provides that a risk assessment should be

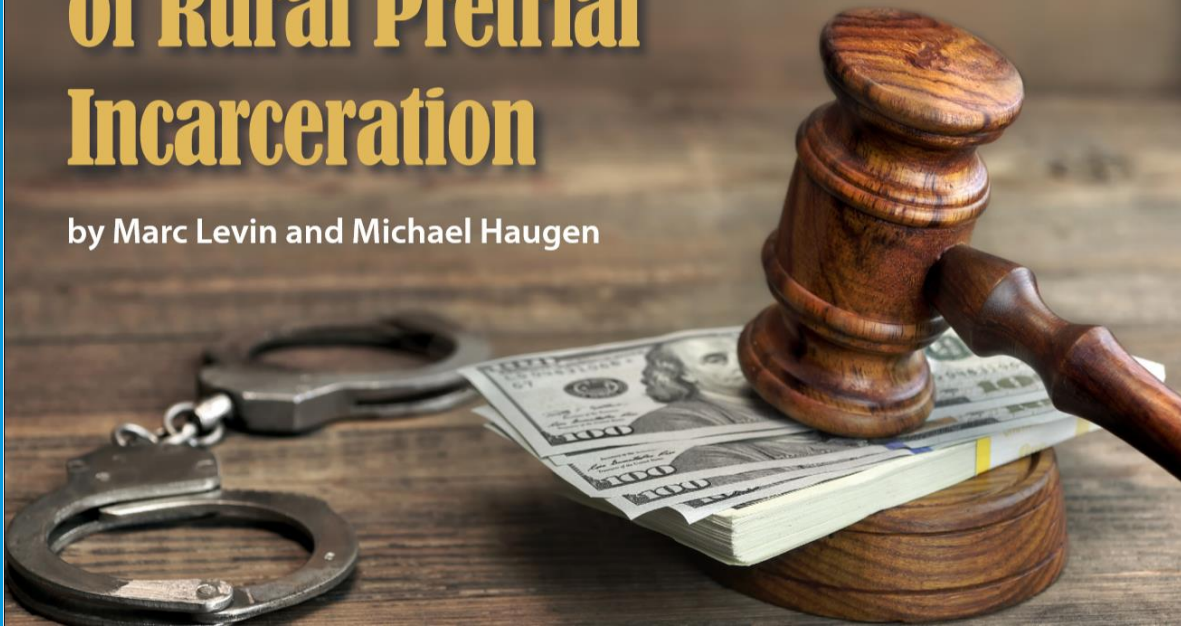
Revise State Bail Laws, Including the Option of Preventive Detention

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

OPEN ROADS AND OVERFLOWING JAILS: Addressing High Rates of Rural Pretrial Incarceration

by Marc Levin and Michael Haugen



Exercise Prosecutorial and Judicial Discretion Regarding Use of Financial Conditions and Pretrial Diversion Toward Mental Health and Drug Treatment Alternatives

Curtail Use of Bail Schedules and Adjust Bail Amounts When Financial Release Is Used, Based on the Presumption of Release

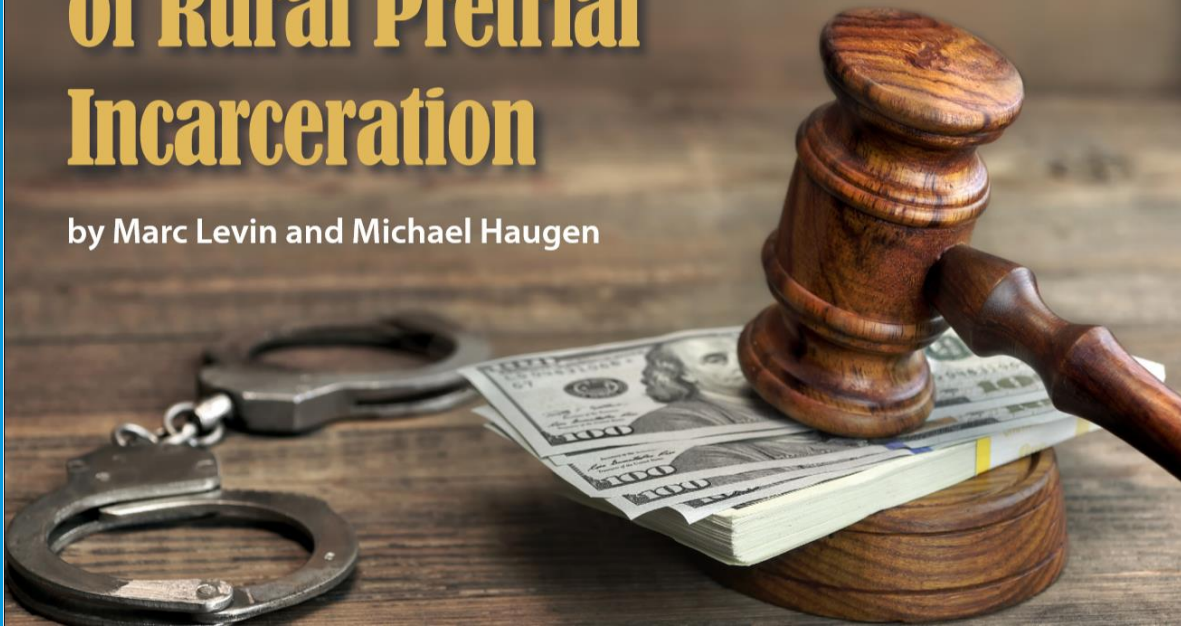
Explore Use of Pretrial Services and Supervision, Including Regional and Nonprofit Options, for Defendants After Due Process Hearing Demonstrates Recognizance Release Without Conditions is Inadequate to Address Flight and Public Safety Risk

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

OPEN ROADS AND OVERFLOWING JAILS: Addressing High Rates of Rural Pretrial Incarceration

by Marc Levin and Michael Haugen



Expedite Provision of Counsel to Indigent Defendants

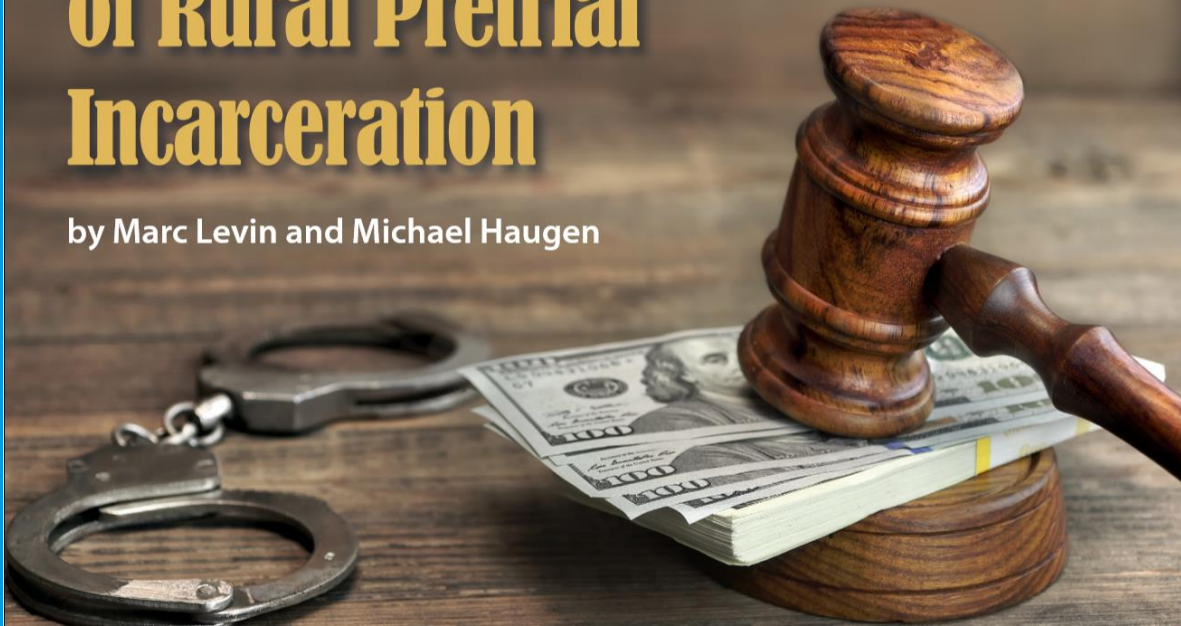
The lack of legal representation is a major challenge, particularly in rural areas. The role of defense attorneys is critical in bringing facts to the court's attention that may justify pretrial release without financial conditions or with a bail amount the defendant can afford. Furthermore, for those defendants who ultimately get out of jail by entering a plea to time served, that cannot legally occur until the defendant speaks with a lawyer, since a line of Supreme Court decisions requires this defendants be afforded the opportunity to consult with an attorney before entering a plea. Unfortunately, rural areas face the most difficulty in providing counsel. For example, some 11 counties in Nebraska do not have a single attorney other than the elected prosecutor ([Gerlock](#)). One way Nebraska has sought to address this is by creating a career path program modeled after one for medicine through which college freshmen typically from rural areas wishing to practice law there can receive pre-law

RURAL DISPARITIES: INCARCERATION

A NATIONAL STORY

OPEN ROADS AND OVERFLOWING JAILS: Addressing High Rates of Rural Pretrial Incarceration

by Marc Levin and Michael Haugen



Legal representation at the time pretrial release decisions are made, including setting of financial and other conditions, may reduce the likelihood of the setting of higher bond amounts which increase the odds of pretrial detention, and moreover, such a policy may not have any detrimental effect on crime rates ([Carmichael and Voloudakis, 21](#)).

They found that only 13 percent of suspects without lawyers at the bond hearing were released on their own recognizance, but 34 percent of those suspects who did have counsel were released ([Colbert et al., 1753](#)). Furthermore, defendants who had counsel had their average bail set at approximately \$600 less. Lastly, the median time spent in jail for suspects without counsel was nine days, compared with two days for those with counsel.

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers afflicts many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- Rural Lawyer Shortages—Justice Out of Reach
 - 2015 study of Arkansas' 25 rural counties.
 - "Survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities."
 - 220,000 residents, but only 200 lawyers—half of which accept clients.
- Results:
 - "Eighteen Rural Counties have five or fewer attorneys taking private representation."
 - 8 of those counties have two or fewer attorneys.
 - Situation is worsening: Number of counties with 5 or more attorneys decreased 166% from 2010.

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers affects many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- Rural Lawyer Shortages—Justice Out of Reach
 - Attorney Age:
 - “The average year of first licensure of attorneys in the Rural Counties is 1987.”
 - Older attorneys = closer to retirement = attorney shortage worsens.
 - “Twelve Rural Counties have no attorney licensed in the last decade,⁷⁵ and sixteen Rural Counties have no attorney licensed in the last five years.⁷⁶ Six of twenty-five Rural Counties have no attorney with a bar number dated in this millennium. These are Lafayette (most recent bar licensure 1995), Dallas (1997), Woodruff (1998), Bradley (1998), Fulton (1999), and Cleveland County, which has no attorneys according to the AJD.”

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers affects many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- What are the causes of rural lawyer shortages?
 - Poverty?
 - "[W]e found no significant correlation between poverty rates and attorney presence."
 - Remoteness?
 - "[C]ompared to their more urban counterparts, those living in the Rural Counties have less access to entertainment, dining, shopping, cultural, and social opportunities associated with larger population centers."
 - "[T]he per capita rate of attorneys drops the closer a Rural County is to one of the law schools."

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
[Lisa R. Pruitt](#)¹, [Cliff McKinney, II](#)², [Bart Calhoun](#)³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers afflicts many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- What do lawyers and law students say?
 - “Do you plan to practice in a rural county (one with a population of 15,000 or less)?”
 - 4.23%: “Yes”
 - 61.27%: “No”
 - 34.5%: “Don’t Know”

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A... 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium

Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers affects many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population. Those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

- What factors influence law students to consider working in a rural area?
 - "Ability to have one's own practice and be one's own boss"
 - "Ability to develop and maintain localized clientele"
 - "Perception of greater job stability"
 - ***"Proximity to extended family and friends"***

"This was the top ranked answer by the greatest number of respondents, suggesting that pre-existing links to a rural place are significant among those who choose rural practice.

This is a key opportunity that we can cultivate!

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium

Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers affects many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- What factors discourage law students from consider rural practice?
 - "Perception that I would earn a lower income"
 - "Perception that rural areas offer fewer career and economic opportunities"
 - "Distance from nearest city"
 - "Relative lack of entertainment, restaurant, and other similar amenities associated with cities"
 - The single factor ranked as most influential by the greatest number of respondents (25%) was "spouse's job or other commitments in a non-rural place."

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers affects many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

¹574 A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

• Solutions.

- South Dakota.
- Chief Justice David Gilbertson of South Dakota: "A hospital will not last long with no doctors, and a courthouse and judicial system with no lawyers faces the same grim future."
- 2013: "Rural Attorney Recruitment Program."
 - Counties with 10K or fewer residents provide a portion of subsidy.
 - 5-year commitment; \$12,500 subsidy.
 - Program from 16 attorneys in 2013 to 32 attorneys in 2015—and now has a wait list!

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A..., 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers afflicts many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are—and are not—in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

^{*574} A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties—those with populations somewhat larger than the Rural Counties—have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

- Solutions.
 - Nebraska.
 - Loan repayment assistance—similar to NM LRAP.
 - \$6K / year maximum.
 - State funded and supplemented by private donors.

RURAL DISPARITIES: LAWYER SHORTAGES

A NATIONAL STORY

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A... 37 U. Ark. Little Rock...

37 U. Ark. Little Rock L. Rev. 573

University of Arkansas at Little Rock Law Review
Summer, 2015

The Ben J. Altheimer Symposium
Access to Justice

Article
Lisa R. Pruitt¹, J. Cliff McKinney, II², Bart Calhoun³

Copyright © 2015 by the Board of Trustees of the University of Arkansas; Lisa R. Pruitt, J. Cliff McKinney, II, Bart Calhoun

JUSTICE IN THE HINTERLANDS: ARKANSAS AS A CASE STUDY OF THE RURAL LAWYER SHORTAGE AND EVIDENCE-BASED SOLUTIONS TO ALLEVIATE IT¹

ABSTRACT

In recent years, state high courts, legislatures, bar associations, and other justice system stakeholders have become aware that a shortage of lawyers afflicts many rural communities across the nation and that this dearth of lawyers has implications for access to justice. A lack of systematically collected data about precisely where lawyers are--and are not--in any given state is an obstacle to solving the problem. Another impediment is a lack of information about why lawyers are choosing not to practice in rural locales and about the sorts of incentives that might entice them to do so.

^{*574} A principal aim of this article and the empirical work that informs it is to begin to develop evidence that will inform solutions to the rural lawyer shortage. In that regard, the article, written for the University of Arkansas at Little Rock William H. Bowen School of Law's "Access to Justice" symposium, makes two significant contributions. The first is to literally map where Arkansas lawyers are and then to look for trends and patterns regarding the least-served communities. The second is to survey law students and attorneys to determine their attitudes toward rural practice and rural living more generally, while also assessing openness to specific opportunities and incentives aimed at attracting lawyers to underserved communities.

We focused our analysis on Arkansas's twenty-five least populous counties, which we refer to as the "Rural Counties." All except one of these counties has a population of less than 15,000. Collectively, the Rural Counties are home to some 255,000 residents but fewer than 200 total lawyers, less than half of whom accept clients for representation, as signified by having an Interest on Lawyers' Trust Account (IOLTA) account. Representing a third of the state's seventy-five counties, the Rural Counties lie in clusters in each of the state's four quadrants, and most are relatively distant from state and regional population centers. Among these counties, we found no clear correlation between high poverty and low ratios of attorneys to population. As a general rule, the Rural Counties that are farthest from a metropolitan area have the most acute attorney shortages, although several counties in the Mississippi Delta stood out as exceptions. Not surprisingly, the attorney population in Arkansas's Rural Counties is an aging one. We also found that many other nonmetropolitan counties--those with populations somewhat larger than the Rural Counties--have poor attorney-to-population ratios, suggesting that attorney shortages are on the horizon there, too.

Meanwhile, Arkansas's attorneys tend to be highly concentrated in the state's population centers, with particular overrepresentation in Pulaski County (the state's most populous county and home to Little Rock, the state capital) and two contiguous central Arkansas counties: 48% of the state's attorneys are a mismatch for just 21% of the state's population in those three counties. The state's second and third most populous counties, Benton and Washington, in the state's booming northwest corridor, have attorney populations more commensurate with their populations.

WESTLAW © 2019 Thomson Reuters. No claim to original U.S. Government Works.

1

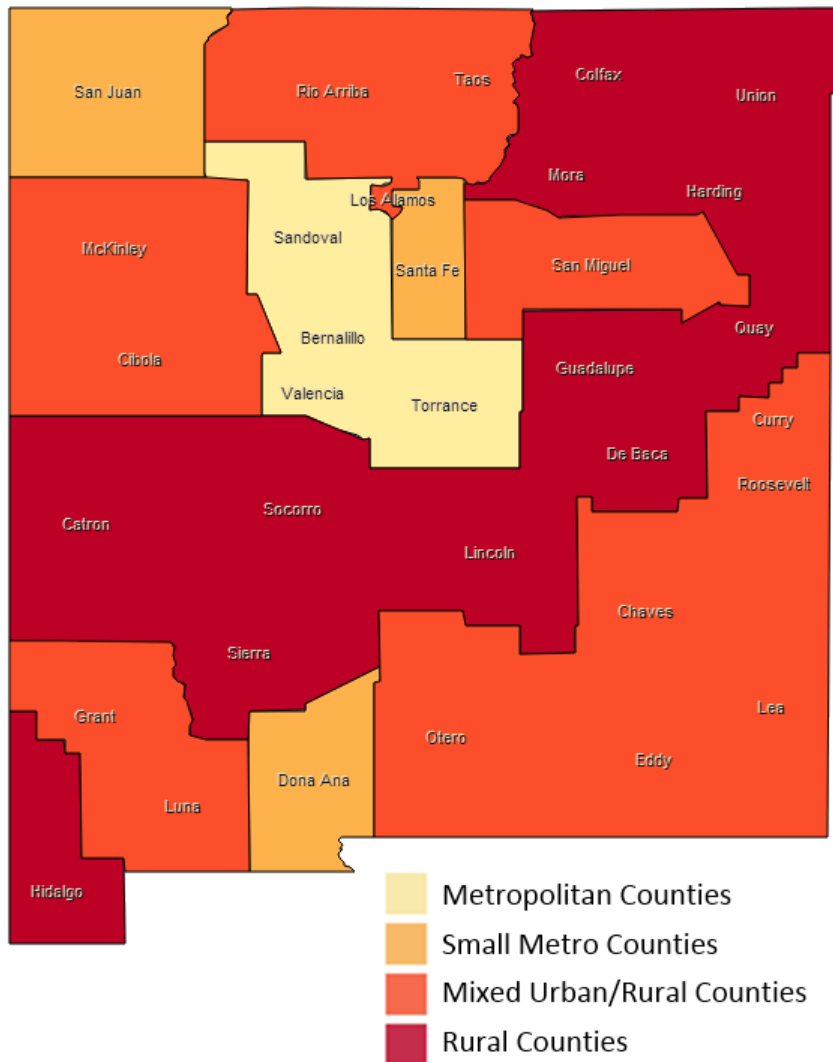
- Solutions.
 - Iowa.
 - 2012 program matching rural practitioners with summer law-student interns.
 - Bar Association Rural Practice Committee.
 - The Rural Practice Committee's chairman, Phil Garland, has explained, "[t]hey need to come and see what we're doing is real law and get used to the community."

RURAL DISPARITIES: A CALL TO LEGISLATIVE ACTION!



- Cultivate Students' Pre-Existing Links to Rural Areas.
- An LOPD- and DA- driven pipeline concept (more on that shortly).
- South Dakota Approach: Rural Subsidies.
- Increase Geographic Pay Differential.

A FIRST STEP: A RURAL FELLOWSHIP PROGRAM



- Statewide Rural Summer Fellowship.
- State-Funded.
- UNMSoL-LOPD-DA Partnership
- Provides a pipeline of Public Defenders and Prosecutors to rural NM.
- A trickle-down effect from the pipeline to the private sector.
- Ripple effect throughout our rural communities.

A FIRST STEP: A RURAL FELLOWSHIP PROGRAM



Matthew Chavez
Twelfth District Defender
matthewe.chavez@lopdm.us