Rural Access to Justice in the Golden State

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California, the most populous U.S. state with more than 39 million residents,¹ is rarely thought of as rural. But California is not only populous, it is vast. The third largest state in the nation, California covers nearly 156,000 square miles and is divided into 58 counties whose average size (2,816 square miles) is twice that of Rhode Island. It should thus come as no surprise that rural pockets dot every region of the Golden State, with the central, far northern, and eastern parts, in particular, featuring considerable rural stretches. Though a couple million people might appear insignificant in the context of such a population behemoth, California’s couple million rural residents outnumber the entire populations of several states.

In spite of California’s relatively small rural population, the state has been on the vanguard of awareness of access to justice in the rural context. In 2010, the California Commission on Access to Justice (CCATJ) published Improving Civil Justice in Rural California, a comprehensive 72-page report that quickly became a standard-bearer on the topic. The Rural Access Task Force, which was responsible for the publication, still operates as a standing committee of the CCATJ and is planning an update of the 2010 Report.

Funding

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Among other findings, *Improving Civil Justice* documented geographical disparities in legal aid funding. Rural Californians get the short end of the funding stick, as illustrated by the fact that legal aid organizations serving poor people in rural counties spent just $18.56 per poor resident, compared to $44.43 per poor resident in the state’s seven most urban counties. In counties with mixed rural and urban populations, the average expenditure was $26.43 per poor resident.\(^2\) Since that report was published, rural funding has fallen to $14.72 per poor resident, less than a third of the urban funding level, which has increased to $47.23 per poor resident.\(^3\)

Responding to such data and trends, the CCATJ has since begun to advocate that new funding streams be allocated in ways that better serve rural communities, acknowledging their particular spatial and economic challenges, as well as that the legal aid organizations serving these communities do.\(^4\) In an October, 2016 letter to the Legal Services Trust Fund (LSTF) of the State Bar of California, CCATJ advocated for revised funding allocation to “help bridge the justice gap.”\(^5\) The letter called the Commission’s attention to three principles of the 2010 Report that support a reallocation:

- **Pursue Geographic Equality** “the amount and type of legal assistance available to low and moderate income Californians should not depend on where those individuals reside.”
- **Expand Funding for Rural Legal Services** with the caveat that “any initiative to address the severe lack of resources in rural areas should not be developed in a way that unnecessarily undermines urban programs.”
- **Develop Minimum Access Guidelines** as a basis for funding considerations.

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\(^3\) Letter from CCATJ to Legal Services Trust Fund Commissioners, October 12, 2016 (on file with author).

\(^4\) *Id.* Among other issues, the letter specifically noted the disproportionate impact of wildfires on rural communities, as well as the added work legal aid organizations do in the wake of such disasters.

\(^5\) *Id.*
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The letter also called attention to the state’s burgeoning rural-urban funding gap, noting that since the 2010 Report, 25 of 28 rural counties had seen their legal services funding per impoverished person fall below the new state average of $21.37. The LSTF has yet to take formal action on the letter, but it has discussed rural concerns at several meetings.

California is already a “majority minority” state: nearly 39% of the population is Hispanic or Latino; about 15% is Asian American; 6.5% is African American; and 3.8% self-identify as two or more races.6 Fewer than 38% identify as white alone.7 Given this degree of long-standing racial and ethnic diversity, California’s situation as a “gateway” state, and the population churn associated with agricultural labor, it is perhaps not surprising that some of the most notable pro bono efforts that large urban firms have undertaken in relation to rural California aim to provide immigration assistance, especially in the Central Valley.8 (And, of course, LSC-funded organizations are limited in providing assistance with immigration matters). Such pro bono outreach has also made use of technology to connect metropolitan legal resources to rural needs.9

Where California Attorneys Are—and Are Not

As in many other states, one aspect of California’s recent attention to rural access to justice has been an awareness of the diminishing number of rural attorneys. Mapping the presence (and absence) of attorneys in different parts of California has thus become critical. This task was taken up in 2016 by Professor James W. Meeker of UC Irvine and two graduate students. Meeker’s team mapped 2016 attorney address data from the State Bar of California

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7 Id.
9 Id.
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using a California classification scheme that divides the state into sub-county geographical units known as Medical Service Study Areas (MSSAs), each of which is categorized as “rural,” “urban,” or “frontier.” “Urban” populations range from 75,000 to 125,000 people and reflect recognized community boundaries that share similar socio-economic and demographic characteristics. “Rural” MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile, while “frontier” MSSAs are defined by population densities of fewer than 11 people per square mile. The attorney data was correlated to U.S. Census Bureau data from the 2014 American Community Survey.

Meeker’s analysis revealed that among California’s 192,226 active attorneys, nearly 96% (189,551) have addresses in urban MSSAs; slightly more than 3% (7,333) have addresses in rural MSSAs; and less than one-fifth of one percent—just 324 attorneys (0.17%)—have “frontier” addresses. Meanwhile, among the state’s 39.2 million residents, more than 33 million (87%) live in urban MSSAs; 12.35% (4.7 million) live in “rural” MSSAs; and about two-thirds of a percent (252,378) live in frontier MSSAs.

The attorney-to-population mismatch is apparent from these statewide figures. The ratio of attorneys to urban residents in California is 1:175, while each rural lawyer serves nearly four times as many residents (1:626), and each frontier lawyer serves still more (1:738). San Francisco County, which is consolidated with San Francisco City and is the most densely populated county with 829,000 people living in just 204 square miles, has the highest attorney-to-population ratio at 1:41 (20,218 attorneys serving 829,072 residents). The lowest attorney-to-

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10 See CALIFORNIA MEDICAL SERVICE STUDY AREAS, https://oshpd.ca.gov/MSSA/ (last visited December 11, 2017) [hereinafter MSSA].
11 Id.
12 Id.
13 MSSA, supra note 10.
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population ratio is in Kings County in the Central Valley, 1:1,364 (111 attorneys serving 151,390 residents).

To develop a more nuanced picture of the attorney distribution in a state as massive and diverse as California, I designated seven regions based largely on economic and historical affinity: Southern California, the Inland Empire, the Central Valley, the Central Coast, the Greater Bay Area, the Gold Country/Sierra-Nevada, and far Northern California (“Far North”). Because of the significance of agriculture in the Central Valley and Central Coast, these regions are most commonly associated with rurality. In fact, just over a quarter (26.2%) of the Central Valley’s 5.5 million residents live in rural or frontier MSSASs, while nearly half (47%) of the Central Coast’s 1.4 million residents do.

As a region, the Central Valley’s attorney to population ratio is a respectable 1:340. That figure is dramatically skewed, however, by the inclusion of Sacramento County, with an especially high ratio of 1:146, not surprising in a state capital. When Sacramento County is removed, the Central Valley’s ratio falls to 1:624. Indeed, as noted above, the worst attorney–to-population ratio in the state is in Kings County, and several other Central Valley counties also have abysmal ratios, including Tulare (1:991); Kern (1:821); Stanislaus (1:767); and San Joaquin

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14 The counties are Los Angeles, Orange, San Diego and Ventura.
15 The counties are Imperial, Inyo, Riverside, and San Bernardino.
16 The counties are Fresno, Kern, Kings, Merced, Sacramento, San Joaquin, Stanislaus, Tulare, and Yolo.
17 The counties are Monterey, San Benito, San Luis Obispo, Santa Barbara, and Santa Cruz.
18 The counties are Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.
19 The counties are Alpine, Amador, Calaveras, El Dorado, Madera, Mariposa, Mono, Nevada, Placer, Sierra, and Tuolumne.
20 The counties are Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba.
21 Reflecting the Central Valley’s association with rurality, a major legal aid organization serving the Central Valley is called California Rural Legal Assistance. Further, other organizations focused on the Central Valley also use the word “rural” in their names, e.g., the California Institute for Rural Studies. This is somewhat odd because far northern California is actually far more rural as a region than the Central Valley.
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(1:708). These attorney shortages are less surprising when you consider the high concentrations of poverty in the region.

Given the poor attorney ratios in the Valley, it is not surprising that the lowest ratio among Central Coast counties is San Benito (1:801), the only county that is, in fact, not on the coast. (It is so categorized because it lies west of the coastal range). Like the Central Valley to which it is adjacent, San Benito County’s economy is dominated by agriculture, and the poverty rate is high. Other Central Coast counties are also agricultural in part, but their coastal exposure is a magnet for tourism, wealth and human capital—including lawyers—which improve the attorney-to-population ratios. The overall ratio for the Central Coast region is 1:283.

Two other California regions, perhaps less known outside the state, are even more dominated by rural and frontier living than Central California: the Far North and the Gold Country/Sierra Nevada. In addition to agriculture (including, notably, marijuana), tourism is a staple of their economies. In the Far North, less than one-fifth of the 1.1 million residents live in urban MSSAs, while 70% live in rural MSSAs, and another 11.6% live in frontier areas. These 16 counties are served by fewer than 2,300 lawyers spread across some 43,000 square miles (27% of the state’s land area), for a ratio of 1:486, or one attorney for every 20 square miles. That’s an extremely stark contrast with San Francisco County, where there are nearly 100 attorneys for each square mile! Far North counties with particularly poor attorney ratios include Glenn (1:1078); Modoc (1:1037); Lassen (1:1011); Colusa (1:857); Tehama (1:745); Sutter (1:714); Lake (1:600); and Del Norte (1:520).

22 A similar phenomenon is seen in amenity-rich counties in the Greater Bay Area—upscale counties like Napa, Sonoma and Marin, which have varying claims to be rural in part nevertheless enjoy robust attorney populations, with ratios of 1:238, 1:222, and 1:79, respectively. The attorney-to-population ratio for the entire Greater Bay Area is 1:124.
23 MSSA, supra note 10.
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In the Gold Country/Sierra-Nevada, more than 60% of 967,000 residents live in rural (58.09%) or frontier (2.25%) areas.24 The region is served by nearly 2,900 attorneys for a ratio of 1:335. A number of these counties, however, have very poor attorney to population ratios, including Madera (1:1182), Yuba (1:821), Mariposa (1:641), Sierra (1:604), Tuolumne (1:560), and Calaveras (1:504). The farther from a major metropolitan area (e.g., the Greater Bay Area, greater Sacramento) a county lies, the lower its attorney-to-population ratio tends to be. This may be a consequence of greater economic activity in exurban areas, or even that lawyers living in these exurban areas commute into metropolitan areas while using Gold Country addresses for their bar membership. Like other places rich in natural amenities, these counties may also attract retired and semi-retired lawyers who are nevertheless maintaining active status with the bar.25 We would also expect these counties to be more attractive to young lawyers who are drawn to outdoor amenities.

An analysis of the rural attorney shortage in California should consider more than attorney-to-population ratios. The attorney counts in the state’s least populous counties, which includes many in the Gold Country/Sierra Nevada, are among the most revealing—and worrisome. Consider Sierra County, a sliver of a county stretching west to east across the Sierras, where about 3,000 people live, spread over 962 square miles. Five attorneys have addresses in Sierra County, but only one is available for private representation. Others work as judges, prosecuting attorneys, and in other roles.26 This reveals an important limitation of the Meeker data: they do not indicate how many attorneys in any given MSSA (or county) are

24 MSSA, supra note 10.
25 See generally LAWRENCE HAMILTON ET AL, PLACE MATTERS: CHALLENGES AND OPPORTUNITIES IN FOUR RURAL AMERICAS, Carsey Institute, 2008, https://scholars.unh.edu/cgi/viewcontent.cgi?article=1040&context=carsey (characterizing one group of rural counties as amenity-rich, and therefore having more hopeful futures than most rural counties).
26 Email from Herb Whitaker, Managing Attorney, Legal Services of Northern California Mother Lode Office, Auburn, California, to Prof. Lisa R. Pruitt, November 27, 2017, 5:27 pm (on file with author).
accepting clients; many are employed by government entities and in jobs for which attorney licensure is not required. In addition to Sierra County, those with low attorney counts include Alpine (3), Modoc (9), Colusa (25), Glenn (26), Mariposa (28), Trinity (32), and Lassen (33). These low attorney counts signal the sorts of additional concerns seen in states where many counties have small populations: when the attorney count drops below a certain level, few if any of the attorneys present are actually working in private practice or accepting clients; in addition, conflicts of interest become increasingly common. As a consequence, residents must sometimes travel to neighboring counties to access justice-system services, while attorneys must travel from outside the county to keep the justice system and local government functioning. In California’s vast mountainous regions, such travel is no small burden. No four-lane highway traverses Sierra County, and the main thoroughfare is historic State Highway 49.

Up this point, I have focused primarily on the state’s northern and central regions, but a significant part of California’s southern third is also rural. The Inland Empire—so named to differentiate it from the coastal areas that dominate the national imaginary—is a region of deserts and mountains, including vast portions of public land. Comprised of just four counties, this region constitutes 26% of the state’s land area (almost as much as the 16 Far North counties) and is home to 12% of California’s population.

San Bernardino County alone is more than 20,000 square miles, about twice the size of Massachusetts. Yet only 11.5% of Inland Empire residents live in rural and frontier MSSAs; the vast majority live in metropolitan areas such as San Bernardino, Riverside and Palm Springs.

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27 See supra/infra note(s) [ ] and accompanying notes; see also Lisa R. Pruitt & Beth Colgan, Justice Deserts: Spatial Inequality and Local Funding of Indigent Defense, 52 ARIZ. L. REV. 219, 269-72 (2010).
28 Sierra County residents, for example, have access to court self-help resources in neighboring Nevada County. The latter has fixed hours, while the former is by appointment only. Sierra County Superior Court Self-Help http://www.sierra.courts.ca.gov/selfhelp/index.htm (last visited December 17, 2017).
29 Vast segments of eastern (Sierra Nevada) and northern (Sierra Nevada and Cascades) California include extensive public lands, which is one reason few people reside there.
Those and other urban MSSAs are also, predictably, where the region’s lawyers are concentrated, leaving residents of more remote areas of southern California underserved.  

Indeed, the attorney-to-population ratios in these counties are also troubling: Imperial County (1:1060); San Bernardino (1:754); and Riverside (1:577). Inyo County has a less alarming ratio (1:355), but just 55 attorneys are available there to serve 18,000 people scattered across more than 10,000 square miles.

Even counties like San Diego and Ventura are home to rural regions east of the coastal areas for which they are known. Extraordinarily, Los Angeles County—home to more than a tenth of the state’s population and the second largest city in the nation—also includes rural pockets. Indeed, the only California county other than San Francisco with no rural or frontier MSSAs is Orange County, a small but densely populated coastal county tucked between Los Angeles and San Diego counties.

Some of the disparities in lawyer availability are best revealed not by comparing counties or regions, but by looking at where lawyers are within a particular county. Fresno County makes an interesting case study because it represents a blend of rural and urban: Fresno (City), California’s fifth largest city, is surrounded by rural areas, with the Sierra Nevada rising to the east and central valley farms stretching south and west from it. The county covers some 6,000 square miles, of which 98% is classified as rural under the MSSA scheme. While 37% of the population live in those rural areas, just 5% of Fresno County attorneys have addresses there. Thus, each lawyer in an urban part of Fresno County serves around 417 people and 0.06 square miles, while each rural lawyer serves around 2,887 people and 48 square miles.

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30 A more detailed analysis of this region is offered in Pruitt & Williams, supra note 8.
31 Pruitt & Williams, supra note 8.
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In Far Northern California, Shasta County is the most populous and only metropolitan county (population 180,000); its county seat, Redding, with a population of about 92,000 residents, is by far the largest city north of greater Sacramento. Indeed, Redding is the only part of Shasta County that is not rural or frontier, yet 87% of Shasta County’s attorneys (387 of 443) have addresses in the Redding MSSA. Only 33 of the county’s attorneys have addresses in rural parts of Shasta County, and just 23 have addresses in frontier MSSAs. Shasta County covers nearly 4,000 square miles and many of its residents reside far from the critical mass of attorneys situated in Redding. The attorney-to-population ratio in Redding is 1:257, while it is 1:1,408 in the remainder of Shasta County.

Finally, Meeker’s analysis suggests that the poor and elderly—both vulnerable populations—are over-represented in rural California, which is consistent with national trends. In the Far North, for example, 89.2% of residents over age 65 and 91% of those living below the poverty line reside in rural or frontier areas compared to 82% of the overall population. In the Gold Country/Sierra-Nevada, 63.2% of the elderly and 72.9% of those below the poverty line live in rural or frontier areas, compared to 60% of the general population. In the Central Valley, 25.6% of the elderly and 27.5% of those below the poverty line live in rural or frontier MSSAs.

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compared to 26.5% of the population.\textsuperscript{37} The data indicate that poor people are distributed evenly though rural and urban parts of the Central Valley, which includes a number of population centers, whereas the poor are more concentrated in rural and frontier areas of counties in the Far North and Gold Country/Sierra-Nevada, which generally have smaller county seats. The elderly, too, are somewhat over-represented in rural and frontier parts of those eastern and far northern regions, but slightly under-represented in rural and frontier parts of the Central Valley.

\textbf{The Role of Law Schools and Attorney Incubators}

High tuition at California law schools and resultant student debt burdens shape most graduates’ decisions about how—and where—they use their law degrees. California has high caliber, public law schools, but the cost of attending these institutions is much higher than comparable schools in other states. The average 2017 cost of attending one of California’s five public law schools was $48,194 in tuition and fees (in state).\textsuperscript{38} That figure is as much as three times the cost of other states’ public law schools with competitive rankings and employment rates.\textsuperscript{39}

It thus stands to reason that the level of student debt associated with California law schools deters students from seriously considering rural practice, where remuneration is unlikely to be competitive with metropolitan salaries. One young lawyer with whom I spoke in late 2017 was practicing in a county seat in far northern California, having chosen that locale in part because she had spent some of her youth in the area. The lawyer had graduated from a UC law school early in the current decade with about $180,000 in student debt. Although her practice

\textsuperscript{37} The percentage of rural or frontier residents whose incomes are 200% of the federal poverty line or lower are 81.8% for the Far North; 72.4% for Gold Country/Sierra-Nevada; and 28.1% for the Central Valley.


\textsuperscript{39} The University of North Carolina School of Law, for example, charged $23,890 for tuition and fees in 2017, while the University of Georgia School of Law cost $17,430, the University of Alabama School of Law cost $23,055, and the William & Mary School of Law cost $32,964. Id
was thriving and she was able to charge clients (mostly local government entities) $200/hour, the lawyer had been unable to make sufficient payments on her student loans to begin pay down the principal; instead her loan balance was steadily increasing due to negative amortization. As a consequence, the lawyer was unable to buy a house. This scenario suggests the need for some sort of generous loan-repayment assistance—a sum commensurate with the high cost of legal education in California—for lawyers willing to serve rural residents, assistance that could come via State Bar programs and/or law schools.

It is also worth seriously considering how California-accredited law schools—some of which are located in rural or quasi-rural areas, e.g., San Joaquin College of Law in Fresno County; Cal Northern School of Law in Butte County; and Monterey College of Law with locations in Monterey, San Luis Obispo and Kern counties—can be a larger part of the solution. Their tuition is often significantly lower than that at California’s ABA-AALS accredited schools. Further, to the extent that these institutions attract students from their surrounding rural areas and send graduates back to serve those rural communities, they could prove key to alleviating rural attorney deficits.40

Indeed, in the years since its 2010 report, the State Bar has supported several incubator projects aimed at launching lawyers to serve modest means clients, and those incubators have sometimes been hosted by Cal-accredited schools. Two of those incubators were in places that are rural by some measure and thus might have channeled lawyers into rural practice. Unlike some of California’s highly successful urban incubators,41 however, the only rural incubator that

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41 The Los Angeles Incubator Consortium (LAIC) is a successful example of an attorney incubator program that has helped local attorneys and law school graduates successfully adjust to serving rural areas. The LAIC is a partnership between Pepperdine University School of Law, Southwestern Law School, UCLA School of Law, Loyola Law School, Los Angeles, local legal aid organizations and the Los Angeles County Law Library which trains new
really got off the ground shut down after about a year. Northern California Lawyer Access, Inc., (NCLA) in Nevada County (Gold Country), attracted a great deal of early interest, and four solo practitioners “graduated” from it in 2015. NCLA was forced to close, however, when the lawyer referral service housing it was shuttered. 42 An incubator to be hosted by San Joaquin College of Law (SJCL), a California-accredited institution in Fresno County, was approved for a State Bar grant but ultimately not funded because the law school was unable to identify a sufficient number of its alumni in need of incubator support. 43 The CCATJ continues to seek new opportunities to support rural-focused incubators.

Conclusion

California is a state with enormous resources, and it could do more to alleviate its rural attorney deficits, to close the justice gap that falls along the rural-urban axis. But California is also a state in which rural people and rural interests have very little political power and negligible social capital. Indeed, following the 2016 election, the collective clout of rural California has plummeted further in the context of a decidedly blue state. One consequence of this rural-urban chasm is that few young lawyers appear interested in rural practice, and those who would seriously consider it are unlikely to undertake such an endeavor because of the strictures associated with student debt. Another consequence of California’s metrocentric attitudes is that institutional actors are unlikely to prioritize programs such as stipends or loan-


Seven solos expressed interest in joining NCLA’s 2016 class and four solos graduated from the class of 2015. Of the latter four, two are now in their own solo practices, one is working as a municipal attorney, and the fourth was asked to take over the practice of a local solo. Despite their small size, they provided hundreds of hours of pro bono legal assistance, including to victims of the wildfires that hit their area last year.

Id.

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repayment assistance, which will probably be necessary to channel more lawyers to the state’s under-served rural reaches.