Rural Justice: Improving Access to Justice in the Rural Reaches of Southern California

Lisa R Pruitt

Available at: https://works.bepress.com/lisa_pruitt/47/
Los Angeles Lawyer Kevin Rivera discusses state and federal laws requiring law firms and other legal employers in California to provide reasonable accommodation to attorneys with disabilities.

Accommodating Attorneys

Los Angeles Lawyer

Civil Gideon’s Progress
page 12

New Voir Dire Standards
page 17

On Direct: Gloria Allred
page 8

EARN MCLE CREDIT

PLUS

RURAL LEGAL SERVICES
page 26

MARCH 2018 / $5
While Southern California can boast well over 100,000 attorneys, a mere 1,500, about 1 percent, serve its rural inhabitants

WHEN

Californians think “rural,” their initial association is probably the Great Central Valley—the food basket for the state and, indeed, the nation. Southern California, on the other hand, evokes images of urban enclaves like Hollywood and Beverly Hills, the sprawling suburbs of the San Fernando Valley, and, for the wider region, the beach life. Rural communities, however, are scattered throughout California, including the state’s southern third. All Southern California counties—Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino, Ventura, and Santa Barbara—are considered metropolitan, signifying a county population of 100,000 or more. Yet many of these counties—especially in the Inland Empire—are massive in terms of land area and include significant pockets of rurality.

Although Southern California is home to 113,023 attorneys, nearly 99 percent (111,545) of them practice in urban areas. Fewer than 1,500 attorneys (barely above 1 percent) work in the region’s rural zones. The ratio of attorneys to urban residents is 1 to 188, while each rural lawyer serves nearly four times as many residents, or 1 to 704.

Some three million people—more than eight percent of California’s population—live in rural areas and small towns. Like their urban counterparts, rural Californians often struggle for access to affordable and safe housing, steady and fair employment, adequate healthcare, immigration advice, educational opportunities, and public assistance. While these challenges are not unique to rural places, the demographic characteristics associated with rural communities (e.g., less educated, older, higher rates of disability) and their geographic features (sparse populations and small population clusters, sometimes isolated from metropolitan areas by mountains and deserts) are often barriers to legal service delivery.

Relatively few lawyers serve rural Californians, and the California Commission on Access to Justice would like to see that change.

Lisa R. Pruitt is the Martin Luther King, Jr., Professor of Law at the University of California, Davis. She also serves as cochair of the Rural Task Force for the State Bar of California and is a member of the California Commission on Access to Justice. Rebecca H. Williams will graduate from the University of California, Davis, School of Law in May 2019. The authors wish to express gratitude to Michele Statz, Luz Herrera, and Lauren Sudeall Lucas for their comments.
THE LAST LAW OFFICE FOR THE NEXT 300 MILES
The commission seeks to raise urban lawyers’ awareness of their rural counterparts. A key reason for doing so is that attorneys in places like Los Angeles are well situated to alleviate rural access-to-justice deficits throughout Southern California.

The Rural Socioeconomic Scene

While about one-sixth of Americans reside in rural locations, rural America is home to just 2 percent of small law practices. This imbalance aggravates the justice gap along the rural-urban axis. In recent years, the New York Times and the ABA Journal percent of rural Americans did so; child poverty rates were 19 percent and 22 percent, respectively. California data for 2008-12 reveal a similar disparity in poverty rates between urban and rural populations. While California’s urban poverty rate was 17.5 percent in the wake of the Great Recession, the rural poverty rate was 18.9 percent. Rural economies also have been slower to rebound in the decade since the crisis. The rural population also includes disproportionately high percentages of veterans, the elderly, and people living with disabilities—all highly vulnerable populations with distinct legal needs.

In part because of these vulnerabilities, many rural Americans need legal advice to secure state and federal benefits to which they are entitled. The same is true, of course, for rural Californians, including those in Southern California. Although a higher percentage of rural Californians live in poverty, a lower percentage of them receive government aid, such as Temporary Assistance to Needy Families. This mismatch may be due to lack of legal assistance in securing such benefits, suggesting just one type of rural legal need that too often goes unmet.

Improving Rural Civil Justice

Concerns about rural access to justice have held the attention of the California Commission on Access to Justice for some time, and in 2010, the commission published a pathbreaking report, Improving Civil Justice in Rural California. The 76-page document has become a national standard-bearer on rural access issues. Compiled and published under the leadership of Justice Ronald B. Robie, Third District Court of Appeals and then-chair of the commission, the report recognizes that rural Californians confront a wide range of legal issues, often without counsel. Indeed, rural Californians get the short end of legal aid funding, as illustrated by the fact that just $18.56 per poor person goes to serve those in rural counties, compared with a mean of $44.43 per poor person in the state’s seven most urban counties (including Los Angeles and Orange), and $26.43 in counties with mixed rural and urban populations. Since the report’s publication, the rural-urban funding gap has widened, with rural funding tumbling have featured front-page stories on this increasingly acute phenomenon. Several states have begun to probe the details of their rural lawyer shortages and to develop strategies for ameliorating these rural deficits. Most notably, in 2013, South Dakota became the first state to pay attorneys annual stipends for moving to and practicing in underserved rural counties.

A shortage of attorneys is hardly the only challenge facing rural residents. A recent Wall Street Journal article ran the startling headline, “Rural America is the New ‘Inner City,’” replete with charts illustrating how rural places now lag behind even center cities (never mind suburbs and small cities) in numerous measures of well-being, e.g., percentage of adults with college degrees, percentage of males 16 and older with jobs, teen pregnancy, and mortality caused by cardiovascular disease, cancer, and chronic lung disease.

Thus, it should come as no surprise that rural poverty rates exceed those in urban areas, and this has been the case for decades. While 13 percent of urban Americans lived in poverty in 2015, 16.7 percent of rural Americans did so; child poverty rates were 19 percent and 22 percent, respectively. California data for 2008-12 reveal a similar disparity in poverty rates between urban and rural populations. While California’s urban poverty rate was 17.5 percent in the wake of the Great Recession, the rural poverty rate was 18.9 percent. Rural economies also have been slower to rebound in the decade since the crisis. The rural population also includes disproportionately high percentages of veterans, the elderly, and people living with disabilities—all highly vulnerable populations with distinct legal needs.

In part because of these vulnerabilities, many rural Americans need legal advice to secure state and federal benefits to which they are entitled. The same is true, of course, for rural Californians, including those in Southern California. Although a higher percentage of rural Californians live in poverty, a lower percentage of them receive government aid, such as Temporary Assistance to Needy Families. This mismatch may be due to lack of legal assistance in securing such benefits, suggesting just one type of rural legal need that too often goes unmet.

Improving Rural Civil Justice

Concerns about rural access to justice have held the attention of the California Commission on Access to Justice for some time, and in 2010, the commission published a pathbreaking report, Improving Civil Justice in Rural California. The 76-page document has become a national standard-bearer on rural access issues. Compiled and published under the leadership of Justice Ronald B. Robie, Third District Court of Appeals and then-chair of the commission, the report recognizes that rural Californians confront a wide range of legal issues, often without counsel. Indeed, rural Californians get the short end of legal aid funding, as illustrated by the fact that just $18.56 per poor person goes to serve those in rural counties, compared with a mean of $44.43 per poor person in the state’s seven most urban counties (including Los Angeles and Orange), and $26.43 in counties with mixed rural and urban populations. Since the report’s publication, the rural-urban funding gap has widened, with rural funding tumbling
to ask for legal assistance due to language barriers or out of fear for what will happen if they disclose their immigration status.\textsuperscript{27}

Rural communities are almost by definition geographically isolated from population centers and services offered there. The dearth of public transportation in rural places can render burdensome, if not prohibitive, travel to and from institutions that provide all sorts of services—including health care, social services, and legal assistance.\textsuperscript{28} Lack of accessible legal advice means vulnerable populations may be less able to get other services, avoid consumer fraud, and maintain their independence.\textsuperscript{29}

Aggravating this lack of face-to-face access is the fact that rural folks are also less likely than urban residents to have access to technology, including cell phones, computers, and Internet access—especially broadband.\textsuperscript{30} Only 58 percent of rural Californians have Internet access, compared with 63 percent of their urban counterparts.\textsuperscript{31} These deficits in technology infrastructure impede access to self-help resources, educational materials, and government websites.\textsuperscript{32}

**Attorney Availability**

While anecdotal evidence has for some time suggested a shortage of attorneys in California’s rural areas, data quantifying the problem has not been analyzed until recently.\textsuperscript{33} An ex officio member of the California Commission on Access to Justice, Professor Emeritus James W. Meeker of the School of Social Ecology at UC Irvine,\textsuperscript{34} and his students, Xiuye Wang and Carrie Reiling, analyzed California’s 2016 attorney address data utilizing the concept of Medical Service Study Areas (MSSAs) to differentiate points along the rural-to-urban continuum. The MSSAs are clusters of census tracts.\textsuperscript{35} The MSSA taxonomy divides states into subcounty geographical units, which are then categorized as “urban,” “rural,” or “frontier.” Urban MSSAs have a population ranging from 75,000 to 125,000, reflect recognized community and neighborhood boundaries, and have similar demographic and socioeconomic characteristics.\textsuperscript{36} Rural MSSAs have a population density of fewer than 250 persons per square mile with no population center exceeding 50,000, and “frontier” MSSAs have a population density of fewer than 11 persons per square mile.\textsuperscript{37}

Using these simple categories to examine closely eight Southern California counties reveals the stark disparity between the number of lawyers practicing in the region’s urban centers and those in rural and frontier areas. MSSA data for the entire region from 2010 reveals a total population of about 23 million people living within an area that spans almost 49,000 square miles. More than 95 percent of Southern California residents live in areas categorized as urban under the MSSA scheme, while less than five percent reside in rural and frontier areas. The distribution of attorneys, however, is even more lopsided. As noted above, Southern California is home to more than 113,000 attorneys, of whom just one percent practice in rural and frontier areas. The distribution of attorneys in relation to population and poverty rates is depicted in the table on page 28.
square miles. Thus, residents of rural and frontier areas in Southern California are grossly underserved. The map on page 29 illustrates this phenomenon. Every red dot represents an attorney, and each yellow dot is a county seat. The lighter the background, the lower the population density.

When viewed on a county-by-county basis, Meeker’s data spotlight particular regions of Southern California in which the rural attorney shortage is most acute. For example, in Imperial County, there are several socioeconomic and demographic factors that create a particularly great need for accessible and affordable legal assistance. Imperial County is by far the most rural Southern California county, with no urban MSSAs. The county’s population is more than 80 percent Hispanic, its economy is largely agricultural, and many of its residents are migrant workers. Because agricultural labor is highly seasonal, Imperial County has one of the highest unemployment rates in the nation—about 20 percent.

Imperial County also has the highest percentage of rural poor among the eight Southern California counties examined. Nearly one in four residents live below the poverty line. Additionally, residents of Imperial County are geo-physically isolated from the rest of Southern California. The county is bordered by mountain ranges to the north and west, desert (and a different jurisdiction, Arizona) to the east, and Mexico to the south.

Unmet Need

These circumstances suggest a great unmet need in Imperial County, in which just 167 lawyers practice. (These attorney data figures include not only attorneys in private practice or otherwise accepting clients but also include judges, prosecutors, public defenders and others employed by public agencies.) With the fewest attorneys among all Southern California counties, Imperial County has a very poor attorney-to-resident ratio: each attorney serves an average of 1,060 residents. Compounding matters, the vast majority of Imperial County attorneys—147 of them (88 percent)—are clustered within a single MSSA, the county’s largest city and county seat, El Centro. Just 20 attorneys practice in the other four Imperial County MSSAs combined, though they are collectively home to more than half of the county’s population. For residents living outside the county seat, traveling to the nearest attorney is, at best, an inconvenience. Those who are undocumented will face additional challenges. Due to its proximity to the Mexico-U.S. border, border patrol agents and checkpoints pepper the main thoroughfares to and from El Centro.

Other Inland Empire counties also present significant access-to-justice concerns. San Bernardino County is the largest county in the contiguous United States with a landmass greater than Rhode Island, New Jersey, Delaware, and Connecticut combined. It stretches from the city of San Bernardino to the Nevada border, encompassing a significant portion of the San Bernardino Mountains and Mojave Desert. It also includes, by far, the greatest amount of rural territory among all Southern California counties: nearly 20,000 square miles—96 percent of the county—are rural or frontier. Such geographic vastness presents significant logistical, transportation, and financial challenges for those living in the county’s far-flung reaches.

Only 255 attorneys work in rural parts of San Bernardino County, and seven of the county’s 26 MSSAs have fewer than 10 attorneys each. The situation is further aggravated by the concentration of the county’s attorneys in the southwest corner of San Bernardino County, where most urban MSSAs are located. Traveling to meet a lawyer is a particular burden on the 21 percent of San Bernardino County’s rural and frontier residents who live near or below the poverty line.

San Bernardino County’s neighbor to the south, Riverside County, has a smaller rural land area (5,778 square miles), as well as a smaller rural population (73,659). However, Riverside County also has the fewest rural attorneys—just 65—among all Southern California counties. As a result, the average rural Riverside County attorney serves 1,133 residents and nearly 90 square miles.

While Southern California’s inland counties account for the majority of the region’s rural land area, the rural attorney shortage is also evident in coastal areas. Among Southern California’s coastal counties, all but one—the entirely urban Orange County—feature rural or frontier MSSAs in which attorneys are in short supply.

With abundant data detailing rural justice deficits in Southern California, Los Angeles attorneys and firms looking for pro bono opportunities need look no further than the rural communities in their own backyards.

Even Los Angeles County—home to California’s most populous city and the second most populous in the nation—has the second largest rural population among Southern California counties, with nearly 200,000 rural residents.

Call to Action

As the data indicate, Southern California is not without some distinctly rural access-to-justice challenges. Some of these arise, in part, from the dramatically uneven distribution of lawyers across the region. While rural residents would doubtless benefit from attorneys who live and work in their communities, an important short-to-midterm strategy is to take advantage of existing urban resources, channeling some of those resources to the region’s rural pockets. As a starting point, Los Angeles lawyers can help ameliorate rural deficits by doing pro bono work in rural communities. The American Bar Association strongly encourages pro bono work, recommending that lawyers provide at least 50 hours of pro bono legal services per year to “persons of limited means” or to “charitable, religious, civic, community, governmental and educational organizations” that serve those of modest means.

With abundant data detailing rural justice deficits in Southern California, Los Angeles attorneys and firms looking for pro bono opportunities need look no further than the rural communities in their own backyards. Indeed, the opportunity to serve rural clients should appeal to urban lawyers. UCLA law professor Richard L. Abel has observed that “[l]awyers prefer to do pro-bono far removed from their paying work, substantively and often geographically, partly to avoid conflict of interest (actual and positional), and partly for the sake of novelty.” Rural Southern
California features an abundance of the novelty factor for Los Angeles attorneys willing to step outside their metropolitan comfort zones.

Urban bar associations can encourage attorneys to fulfill their pro bono responsibilities, at least in part, by serving rural clients.\(^{51}\) Attorneys and firms based in metropolitan areas can jump-start their rural pro bono efforts by partnering with rural bar associations and nonprofits serving rural communities.\(^{52}\) Such collaborations can effectively leverage the vast resources of the urban bar with the cultural know-how of rural practitioners and organizations.\(^{53}\)

Another way rural communities can capitalize on urban resources is to use technology in innovative ways that connect rural clients with those resources. In addition to using online resources for legal aid, rural clients could also connect to urban lawyers via video conferencing, phone calls, e-filing, faxing, e-mail, or other electronic means.\(^{54}\) Clients benefit when they avoid the cost of unnecessary travel.\(^{55}\)

OneJustice is an example of an organization that literally drives urban attorneys to meet the legal needs of rural communities. Through its Justice Bus Project, OneJustice transports attorney and law student volunteers from urban Los Angeles, San Diego, and Orange County to rural areas in Southern California.\(^{56}\) Volunteers typically partner with local legal aid organizations to staff free legal clinics and offer counseling on a variety of issues tailored to the communities’ needs.\(^{57}\) Since its inception, the Justice Bus Project has brought almost 2,000 volunteers into rural and underserved areas, providing legal services to more than 5,000 low-income Californians.\(^{58}\)

OneJustice also harnesses the power of technology and the local expertise of rural community organizations to connect urban attorneys with rural immigrants via Rural Immigrant Connect, an innovative project created out of a partnership between OneJustice and Silicon Valley-based Fenwick & West.\(^{59}\) The program enables Bay Area and Silicon Valley attorneys to assist Central American and Mexican immigrants living in the rural Central Valley by pairing attorneys from these urban law firms with rural immigrant clients.\(^{60}\) After an initial in-person meeting, attorneys communicate with their clients primarily through videoconferencing.\(^{61}\) OneJustice facilitates this communication by placing laptops at rural community organizations in the Central Valley, providing clients with easy access and in-person technological support.\(^{62}\)

The program provides both substantive and cultural competency training for pro bono attorneys, from mentor attorneys with expertise in immigration law to video trainings attorneys can view online, at their convenience.\(^{63}\) While the program is currently limited to the Central Valley, OneJustice aims to use data from Rural Immigrant Connect to create a model that can be replicated across the United States.\(^{64}\) It is easy to imagine a similar program connecting Los Angeles attorneys with immigrants in the Imperial Valley and other rural pockets of Southern California.

**California Rural Legal Assistance**

California Rural Legal Assistance (CRLA) is another organization that has built relationships with urban law firms to facilitate the provision of pro bono services to rural populations. CRLA has more than 20 offices and 50 staff attorneys, but it covers thousands of square miles of rural, agricultural California.\(^{65}\) The organization partners with urban bar associations whose attorneys can volunteer in rural field offices, take client referrals, offer clinics, or advise CRLA staff attorneys.\(^{66}\) One such law firm, for example, worked with CRLA in 2015 in “challenging an Imperial Valley School district’s discriminatory discipline practices, working to end the criminalization of homelessness in the town of Mantraca, and representing a trafficking victim with an immigration matter.”\(^{67}\) The collaboration allowed the firm’s attorneys to benefit from working on unique cases for inspirational clients, and CRLA clients benefited from the firm’s experience in litigating complex legal matters.\(^{68}\)

Southern California law schools in Los Angeles and beyond can also play critical roles in meeting the needs of rural communities. A great starting point is to increase student awareness of the extensive career and public interest opportunities in rural communities.\(^{69}\) Law schools can pique student interest in rural practice by offering coursework relevant to rural legal issues or incorporating rural perspectives into classroom discussions.\(^{70}\)

Schools should also encourage experiential learning opportunities in rural communities, whether through school-sponsored clinics or independent summer programs.\(^{71}\) Students participating in the Community and Economic Development Clinic at the UC Irvine School of Law, for example, had the opportunity to represent farmworkers living in a standard mobile-home park in Riverside County’s Coachella Valley.\(^{72}\) The Legal Services Corporation and Equal Justice Works sponsor Rural Summer Legal Corps, a program offering law students “intensive training from poverty law experts on housing, domestic violence, public benefits, migrant farmworkers, Native American, and family law.”\(^{73}\) That training prepares students for summer placements with civil legal aid organizations in rural locales across the United States.\(^{74}\) Law schools can also play a critical role with their loan repayment assistance programs. When law schools provide this sort of fiscal support, qualifying law graduates have fewer financial worries about the potential precariousness of rural practice, and all who desire to make careers doing public interest work—which should include private practice in under-served rural locales—are more likely to realize that goal.\(^{75}\)

Finally, the report, Improving Civil Justice in Rural California, recommends that rural areas ramp up recruitment and retention efforts for both novice and experienced attorneys.\(^{76}\) Law schools can assist in this effort by collaborating with or sponsoring attorney incubator programs to prepare new attorneys for rural practice.\(^{77}\) Incubator programs, which have proved very successful in Los Angeles,\(^{78}\) Orange County,\(^{79}\) and San Diego,\(^{80}\) provide new law school graduates with practical legal experience and knowledge of how to manage a law practice.\(^{81}\) Such programs could productively target those open to serving Southern California’s rural areas, and they could tailor curricula to rural practice. Because incubators focus on equipping lawyers to market themselves to and serve low-income and modest-means clients, they produce the sort of truly practice-ready professionals rural areas so desperately need.\(^{82}\)

The 2010 report recognized that filling the gaps in rural access to justice will require simultaneous implementation of a range of strategies, including a coordinated effort among key stakeholders. These stakeholders include legal aid providers, self-help centers, local bar associations, county law libraries, and rural community leaders, along with the legal education community and key personnel in the judicial system.\(^{83}\) The human capital and resources of California’s rural communities, however, will not alone be sufficient to meet the growing legal needs of these communities. Urban lawyers and resources will be necessary to alleviate rural justice deficits.

\(^{1}\) Cal. Emp. Dev. Dep’t, California Counties and Metropolitan Areas (Nov. 2015), http://www.labormarketinfo.edd.ca.gov/file/maps/Counties_MetropolitanAreas.pdf.

\(^{2}\) Housing Assistance Council, Rural Data Portal, http://www.ruraldataportal.org/ (roll cursor over California on U.S. map) (last visited Sept. 6, 2017). The HAC defines “rural” as “less than 16 housing units per square mile (.025 housing units per acre) and “small town” as 16 to 64 housing units per square mile.
mile (0.25 to 0.1 housing units per acre), and a low degree of commuting to a metropolitan core area. See also CAL. COMM’N ON ACCESS TO JUSTICE, IMPROVING CIVIL JUSTICE IN RURAL CALIFORNIA 6 (2010) [hereinafter RURAL JUSTICE], http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010_FINAL_2.pdf [visited 2017-05-19] (last available at https://www.reuters.com/). In rural America, seven percent of Cali-

1 RURAL JUSTICE, supra note 2, at 25-29.

4 See, e.g., Lisa R. Pruitt, et al., Justice in the Hinter-


7 See RURAL JUSTICE, supra note 2, at 25-26.

8 See Pruitt & Showman, supra note 4, at 485-87.

9 See RURAL JUSTICE, supra note 2, at 9.


11 See Pruitt & Showman, supra note 4, at 494.

12 See RURAL JUSTICE, supra note 2, at 23.

13 See Pruitt & Showman, supra note 4, at 38.

14 Professor Emeritus of Criminology, Law and Society, Ph.D., J.D.


16 Id.

17 Id.


19 Id.

20 See RURAL JUSTICE, supra note 2, at 3.

21 See RURAL JUSTICE, supra note 2, at 5.

22 See also American Community Survey survey, https://www.census.gov (search “Imperial County”) [hereinafter American Community Survey].

23 See 14000 Piano, “California’s landmass is rural.” RURAL JUSTICE, supra note 2, at 23.


27 Id.; see also RURAL JUSTICE, supra note 2, at 9.


29 See RURAL JUSTICE, supra note 2, at 8-9.

30 Id. at 11, app. A.


33 See RURAL JUSTICE, supra note 2, at 8.


35 See B. J. Jacob & Patrick Schomp, Farmlworker Homelessness in Imperial County, CA, 21 RURAL VOICES 14, 14-16 (2016), http://www.ruralhome.org/storage/documents/rural-voices/rvmarine2016.pdf (estimating that there are anywhere between 386,725 and 1 million agricultural workers in CA, with between 3,501 and 8,000 in Imperial County alone).


38 See Pruitt & Showman, supra note 4, at 485-87.

39 See RURAL JUSTICE, supra note 2, at 9.


41 See Pruitt & Showman, supra note 4, at 494.

42 Professor Emeritus of Criminology, Law and Society, Ph.D., J.D.


44 Id.

45 Id.


47 See Chell, supra note 38.

48 Id.

49 Id.

50 Id.


52 See RURAL JUSTICE, supra note 2, at 5.


58 See Laura Dym Cohen, et al., Launching the Los Angeles Incubator Consortium,” 83 U. M.-K.C. L. Rev. 861 (2014); see also INCUBATOR GUIDE, supra note 81.

59 INCUBATOR GUIDE, supra note 81, at 51-56.