THE FUTURE OF RURAL LAWYERING: HOW LAW SCHOOLS SHOULD EMBRACE A GENERAL PRACTICE LEGAL CLINIC MODEL TO ADDRESS THE CURRENT AND FUTURE LEGAL NEEDS OF RURAL AND SMALLER COMMUNITIES

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ABSTRACT
There exists a current and serious crisis facing many rural and smaller communities with its rapidly declining attorney population. Attorneys in these communities are aging and retiring and there are not enough new lawyers coming in to replace them. This crisis presents significant problems to these communities and its members, such as making it harder for an individual to access appropriate and necessary legal services and threatening the overall economic well-being and stability of these communities. Law schools, and other important stakeholders, have been taking substantial steps to help direct more new lawyers into these rural communities after graduation; and law school in-house clinics, one of the most effective ways to impact a law student’s professional skills, are in a great position to be leaders in promoting rural law practice. This Article addresses the question of how law schools might help this crisis using their in-house legal clinic programs to promote and encourage law students to go into rural or smaller communities. This Article argues how those law schools who are committed to addressing the need of providing new lawyers to rural communities should embrace offering a general practice in-house legal clinic, as opposed to offering more specialty clinical offerings to its students. While not a perfect solution for every law school, this Article demonstrates how a general practice in-house clinic is very similar to the characteristics of a rural lawyer’s legal practice and, as such, may present an ideal opportunity for law schools to promote and encourage new lawyers to go into practice in rural and smaller communities.

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I. Introduction

There is no question that there is a shortage of rural lawyers in the United States. It is also clear that there is a gap in access to justice in smaller and rural communities in light of the rapidly aging attorney population. Recently, in response to this crisis, national, state, and local bar associations—including some law schools—have started sounding the alarm. These responses have caused an abundance of discussions and calls for action within the legal community. Several jurisdictions have accepted the challenge and undertaken various initiatives and programs to address the shortage of rural lawyers. But there has also been a call to law schools to be part of the solution, with some scholars arguing that law schools are in the best positions to foster law students to go into rural practice. Some law schools (several within the Midwestern part of the country) have accepted this responsibility and adopted interesting and creative programs or partnerships within their schools to promote the practice of law in rural and smaller communities.

The current and future challenge of rural lawyering presents a unique opportunity for law school experiential learning programs. Specifically, law school in-house clinics are in a great position to be leaders in promoting rural law practice. However, interestingly and excitingly, law school clinical programs are also undergoing a change. There has been increased acceptance within the legal community that law school clinics (including field placement programs) are one of the most effective ways to impact a law student’s professional development and identity while in law school. As a result, special and distinct areas of practice clinics are on the rise in law

1. See discussion infra Part II.
2. See discussion infra Part III.
schools. On one hand, it is wonderful to see the increased prevalence of clinical and field placement programs at law schools. On the other hand, it is possible that these changes may not be the best model to promote general law practice and encourage law students to go into rural or smaller communities.

This Article will primarily focus on how a general practice model within law school in-house clinics can be used to help bridge the gap and facilitate new lawyers into rural and smaller communities. In particular, this Article will discuss how law schools committed to addressing the need of providing new lawyers to rural communities should embrace offering a general practice in-house legal clinic rather than offering more specialty areas of law clinics to students.

First, this Article will lay out the current crisis facing many rural communities—the rapidly declining attorney population—and how this crisis presents a well-documented gap in access to justice and legal services in those communities. This Article will also give an overview of some of the various types of rural lawyer initiatives and programs that are taking place across the country, including some of the interesting and creative solutions being adopted at law schools. Next, this Article will look at the recent trends in law school clinical programs—in particular, the shift away from general practice law clinics and the rise of specialty areas of law clinical programs.

Following this framework, this Article will propose that law schools use a general practice in-house clinic model as a way to address the shortage of rural lawyers and promote the benefits of general practice to students. Next, this Article will show how this could be accomplished by walking readers through a similar framework that is being implemented at one of the smallest law schools in the country. After, this Article will critically analyze this school’s program, discussing the positives and negatives of running an in-house general practice legal clinic. Finally, this Article will argue that while not a perfect solution for every law school, a general practice in-house clinic is one way law schools can promote and encourage new lawyers to go into practice in rural and smaller communities.

II. THE CRISIS OF A SHORTAGE OF RURAL LAWYERS

Back in 2013, Ethan Bronner wrote an article for the New York Times entitled “No Lawyer for 100 Miles, So One State Offers Pay,” where he famously noted that “[j]ust 2 percent of small law practices are in rural areas,
where nearly a fifth of the country lives.’” Even in 2021 one could still find the same status of rural lawyers across our country. Just type the phrase “rural lawyer” in your Internet search engine and look through the top few results. You should immediately discover there is even more concern being raised about the issues with a shortage of rural lawyers. Just consider the titles of recent news articles: *Wanted: Lawyers for Rural America,* More Lawyers Should Consider Practicing in Rural Areas, and *The Shocking Lack of Lawyers in Rural America.* Even recent podcast episodes exhibit the same phenomenon: Do You Have What It Takes to be a Rural Lawyer? and Disappearance Of Rural Lawyers. While one should always read what they find on the Internet or listen to on a podcast with a grain of salt, in this particular situation, there is ample data gathered from legal scholars and national and state bar associations which overwhelmingly supports this assertion.

First and foremost, a lot of this data can be attributed to the wealth of bar journals and law review articles where top scholars on this subject have been sounding the alarm, analyzing the nature of the crisis, and offering proposed solutions to address the situation. In reading the scholarship on this issue, one will see ardent phrases such as “endangered species” and “legal deserts” being regularly tossed around when describing the current status and emergency of the rural lawyer shortage. This Article relies on


9. See discussion infra Part II.

10. See discussion infra Part III.

the extensive research previously conducted by several scholars who have critically looked at the lawyer shortage in certain rural areas and considered its current and future impact on the legal system and rural communities. Just a few years ago, one of the main scholars in this field, Professor Lisa R. Pruitt, along with several other rural law scholars, conducted an extensive survey for the *Harvard Law and Policy Review* analyzing rural access to justice issues in six states: California, Georgia, Maine, Minnesota, South Dakota, and Wisconsin.12 In particular, the authors considered how the law schools in each of those states contributed to the efforts addressing the shortage of rural lawyers within their jurisdictions.13 Based on their rich data, the authors made very insightful observations of common themes between the states14 and proposed a variety of recommendations for possible solutions to the problem.15 One of their proposed solutions was explicitly calling on law schools to help by way of their experiential learning opportunities—such as clinics—since these opportunities directly expose and likely “validate” rural encounters to those individuals (i.e., law students) who will be the ones called to go into these rural areas after graduation.16

Additionally, the actions and reports from several jurisdictions and multiple organizations, including the American Bar Association (ABA) and various state and local bar associations, doubly confirm the urgency of this crisis.17 In 2012, the ABA’s House of Delegates approved a resolution acknowledging the declining numbers of lawyers in rural areas and calling on governments of all levels to address this issue.18 This issue was again front and center in the ABA’s 2020 Profile of the Legal Profession Report.19 The publication devoted its entire first chapter to illustrating the survey results

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13. Id. at 97–101.
15. Id. at 129–53.
16. Id. at 150.
18. Goetzinger & Morris, supra note 11, at 452–54 (discussing the creation and passage of the ABA’s House of Delegates Resolution).
19. AM. BAR ASS’N, supra note 17, at 1.
of what have been labeled as legal deserts. As then-ABA President Judy Perry Martinez, a Louisiana native, observed in her opening statement to the publication:

[H]ere’s something I didn’t know until recently: Louisiana has more lawyers per capita than all but eight states. More even than California, believe it or not. . . . Most lawyers in Louisiana are clustered around New Orleans and Baton Rouge[.] No surprise there. But many Louisiana parishes have hardly any lawyers at all. That information is included in a new and groundbreaking chapter on legal deserts, which lists the number of lawyers in every county in every state.

These ABA survey results confirmed what scholars and those in the media have noted. While there are 1.3 million lawyers in the United States, lawyers tend to be found more often in or around bigger cities and there still remain large pockets of the United States where there continue to have very few to no lawyers. To put it in a different perspective, out of the more than 3,100 counties across the country, approximately 54 do not have any lawyers, 182 only have one or two lawyers, and overall “40% of all counties and county-equivalents in the United States—1,272 of 3,141—have less than 1 lawyer per 1,000 residents.” One only needs to look through the state maps in the ABA publication for a visual depiction of just how many legal deserts actually exist in each state.

This lack of rural lawyers impacts the states that are less populated and considered more rural in the public’s perception, such as South Dakota, North Dakota, Arkansas, and Iowa. Take South Dakota for example, one of the first to discuss and attempt to address the crisis of the shortage of rural lawyers in its state. About 52 percent of South Dakota’s population is considered rural. While Chief Justice David Gilbertson first sounded the alarm in 2005, even action in such an admittedly rural state was not officially taken until his State of the Judiciary message in 2011 when he stated, “We face the very real possibility of whole sections of this state being without access to legal services. Large populated areas are becoming islands of

20. *Id.* at 1–22.
21. *Id.* at i.
22. *See id.*
23. *Id.* at 2.
24. *Id.*
27. *Id.*
justice in a rural sea of justice denied.”

28. Statistics from around that time frame indicated “six counties have no lawyers, nineteen counties have one to three lawyers, fourteen counties have four to six lawyers, while sixty-five percent of the active members of the State Bar of South Dakota were concentrated in only four cities.”

29. The attorneys in rural South Dakota were called “an endangered species,” and since that time many of the state’s important stakeholders have been working toward a solution.

30. A similar scene can be found directly above in North Dakota, where in 2014 it was noted there was an average of only 1.3 lawyers per 1,000 residents in the state’s rural communities.

31. Additionally, only about 85 out of the nearly 357 towns in the state had a lawyer present in the community, and “21 counties had fewer than 4 attorneys (4 counties had no lawyers, 8 counties only 1).”

Arkansas is similar to the Dakotas in that it is also traditionally considered rural, despite some data suggesting it has steadily become more urbanized. While half of the state’s population can be found in 10 counties, with about a third of these numbers concentrated in just 4 of the 10 counties, most of Arkansas’s other counties are less populous, containing populations of fewer than 25,000.

32. Data about the lack of lawyers in these less densely populated regions is noteworthy, or “sobering,” as Professor Pruitt described it best in her 2015 article, where she conducted an empirical study of the rural lawyer shortage in Arkansas.

33. In looking at two different sources for her data to determine the average ratio of attorneys in rural Arkansas counties, one source revealed there was an average attorney ratio of 0.77 attorneys per 1,000 residents (compared to the state’s average ratio of 2.55 attorneys per 1,000 residents), while the other source indicated just an

28. Goetzinger & Morris, supra note 11, at 446 (quoting MASS. BAR ASS’N, RESOLUTION 10B (Jan. 25, 2012)).

29. Id.

30. See id. at 447.


32. Id. at 618 (quoting Bruce Cameron, Another Approach, RURAL L.AW. (Dec. 31, 2013), http://ruralawyer.com/2013/12/31/another-approach/ [https://perma.cc/A5ZB-3GML]).


34. Id. at 585–86.

35. Id. at 600.
average of 0.37 private practice attorneys per 1,000 residents (compared to the state’s average ratio of 0.99 private practice attorneys per 1,000 residents). \(^{36}\) Finally, as reported in a news article in the Des Moines Register entitled “Rural Areas Face Declining Lawyer Numbers,” in 2014 Iowa’s most populated county contained about 2,517 attorneys, or 1 attorney per 171 residents. \(^{37}\) Iowa’s second lowest populated county only had 2 lawyers, or 1 lawyer for every 2,565 residents. \(^{38}\)

But this issue is not only limited to those jurisdictions one would typically associate as having more rural counties. Consider 2020 ABA President Perry Martinez’s opening statement where she expressed a concern for the lack of rural lawyers in her home state of Louisiana—despite Louisiana being ninth in the country for lawyers per capita. \(^{39}\) Even states with larger populations, such as California, Texas, New York, and Illinois, recognize they have a problem on their hands. \(^{40}\) To illustrate, California is the most populous state in the country. \(^{41}\) Despite it containing several of the country’s largest cities and having one of the top 10 most lawyers per capita across the country, \(^{42}\) California is expansive in geography. \(^{43}\) It is within all this space that one can find several rural and sparsely populated counties. \(^{44}\) In fact, as Professor Pruitt’s study found, “rural Californians outnumber the entire population of a few states, and there are almost as many of them as the entire population of South Dakota.” \(^{45}\) Texas, the second most populous state in the country, paints a similar picture. \(^{46}\) On the one hand, it has Travis County, home to the city of Austin, which has more than its fair share of lawyers (more than 8 lawyers per 1,000 residents). \(^{47}\) On the other hand, it has 67 counties with 5 or less attorneys (17 of these 84 counties have only 1

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36. Id. at 600–02.
38. Id.
39. See AM. BAR ASS’N, supra note 17, at i.
40. See id. at 2.
41. Pruitt et al., supra note 11, at 32.
42. See AM. BAR ASS’N, supra note 17, at 3, 4.
43. Pruitt et al., supra note 11, at 32.
44. Id.
45. Id.
46. See AM. BAR ASS’N, supra note 17, at 2–3, 8.
47. Id. at 2.
lawyer, and 6 of these counties have no lawyers).\textsuperscript{48} Even New York and Illinois have started looking at ways to address the shortage of rural lawyers in their respective states despite the fact that they are among the most populous states in the country, and that New York has the most lawyers per capita with Illinois following close behind.\textsuperscript{49} In Illinois, most of these lawyers can be found in and around Cook County.\textsuperscript{50} It was recently reported that “Cook County and its six collar counties account for 65\% of the state’s population and 90\% of its lawyers. That leaves 95 counties in Illinois with just 10\% of its lawyers.”\textsuperscript{51} Compare this to New York, where in one northern county there are only “31 lawyers for 40,000 residents, or fewer than one lawyer per 1,000 residents.”\textsuperscript{52}

This issue is only going to get worse as many of these rural attorneys are older and will likely retire in the near future. The New York Bar Association recently created a Task Force on Rural Justice based on an alarming study conducted by Albany Law School’s Government Law Center (GLC).\textsuperscript{53} The study found that approximately 75 percent of the attorneys in rural communities were 45 years or older and likely to retire in the next 20 to 30 years, which, if left unreplaced, would leave many rural communities with significant access to justice issues.\textsuperscript{54} The rapidly aging population of these rural attorneys is well-documented in other jurisdictions, such as in the


\textsuperscript{49} See generally AM. BAR ASS’N, supra note 17, at 2–3, 13, 20.


\textsuperscript{51} Id.

\textsuperscript{52} See AM. BAR ASS’N, supra note 17, at 2.


New England area, Arkansas, South Dakota, North Dakota, Minnesota, and Iowa. As the comprehensive multi-state surveys indicated, “the primary reason for dwindling attorney numbers in rural areas is that lawyers there are aging and retiring, and too few new lawyers are stepping forward to take their place.”

All of the above data validates that there is a real problem. So why does this problem exist, what is being done to address this issue, and what can law schools—particularly clinics—do about it? The next Part of this Article will briefly discuss why this issue presents a host of problems, the ways in which the rural lawyer shortage crisis has been addressed, and how law schools and, in particular clinical programs, have been called to action.

It is important to understand the significance of a lack of rural lawyers across the country. First of all, a shortage of lawyers presents a clear access to justice issue for those in rural communities. As Lorelei Laird explained to host Stephanie Ward in her Asked and Answered podcast,

[T]his causes problems for people who live in those areas, because they still have legal needs; they still have to write wills, and get divorced, and all those other things. And they have to drive two or three hours to a city to do it now, which is expensive and not necessarily a good solution.


56. Justice in the Hinterlands, supra note 33, at 602–03 (noting the “disturbing trend” that the attorneys in rural counties in Arkansas are above the average age of attorneys in the overall state).


58. Pruitt et al., supra note 11, at 121.

59. See id.; Justice in the Hinterlands, supra note 33, at 589; Runge & Vachon, supra note 31, at 619.

60. Ward, supra note 7.
Some of the legal issues that could occur from a lack of lawyers in rural communities include: a loss of family property, individuals with disabilities going without needed benefits, and individuals facing housing or eviction issues. There is also a significant correlation between rural communities and poverty that cannot be ignored. According to a 2017 study conducted by the Legal Services Corporation to help measure the justice gap of low income Americans, approximately 10 million people living in rural areas had family incomes below 25 percent of the federal poverty guideline (back in 2017 this was $30,750 annually for a family/household of four). Additionally, approximately 75 percent of these low income rural residents experienced at least one civil legal problem in a year, which most often concerned a healthcare or consumer/finance issue. And about 86 percent of these individuals received inadequate or no professional legal assistance for their civil legal issue. Several others have also noted the disproportionate impact of the shortage of lawyers in rural communities on the poor. The lack of rural lawyers causes a similar serious impact to those rural residents facing criminal offenses. This issue is on perfect display anecdotally in

61. Runge & Vachon, supra note 31, at 619 (describing some of the likely legal issues that can occur from a lack of access to legal advice and counsel in civil and criminal areas).

62. Id.


64. LEGAL SERVS. CORP., supra note 63, at 48.

65. Runge & Vachon, supra note 31, at 619 (“The lack of attorneys living in rural communities has a disproportionate impact on the poor.”); Chavis, supra note 55, at 280 (noting access to justice and impact on the poor due to the rural lawyer shortage); Simpson, supra note 4 (“Legal deserts disproportionately affect rural and especially poor people, who may have to travel hundreds of miles, or experience lengthy and expensive delays for routine legal work.”); Robin Runge, Addressing the Access to Justice Crisis in Rural America, AM. BAR ASS’N (July 1, 2014), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america/ (“The lack of attorneys living and practicing in rural communities is an acute access to justice issue because it means low-income individuals in those communities are more likely not to have access to their most basic needs.”).

66. See generally Lisa R. Pruitt & Beth A. Colgan, Justice Deserts: Spatial Inequality and Local Funding of Indigent Defense, 52 ARIZ. L. REV. 219 (2010) (analyzing the lack of criminal defense attorneys in rural Arizona). See also Runge & Vachon, supra note 31, at 620 (discussing the impact on the constitutional rights of criminal defendants due to the lack of public defenders in rural areas of the United States); Diane E. Coursele, When Clinics are “Necessities, Not Luxuries”: Special Challenges of Running a Criminal
reporter Jessica Pishko’s article for The Atlantic where she describes what happened when one rural Louisiana town used a local informant to take down 19 people in drug-related offenses.67 What resulted was an array of criminal (oftentimes constitutional) legal issues predominantly caused by a very limited supply of public defenders, which in and of itself raised some significant ethical conflicts of interest issues and further compounded the hardships to those 19 defendants.68

Not only will a shortage of lawyers cause significant legal ramifications, but a shortage of rural lawyers will also have damaging implications to rural communities at large. As will be highlighted below, having fewer lawyers in rural communities means that there will be fewer individuals to help serve in community leadership roles or otherwise assist in furthering the communities’ economic development.69 Rural lawyers often play other vital roles in rural communities, such as assisting in part-time governmental positions and serving on school or nonprofit organization boards.70 Ultimately, this can lead to devastating consequences on the economic stability of rural communities.71 Furthermore, there is also an argument that having fewer rural lawyers harms people’s health.72 According to research

Appeals Clinic in a Rural State, 75 MISS. L.J. 721, 729 (2006) (“In rural states, the dearth of attorneys, particularly attorneys with adequate criminal defense experience, makes it difficult to provide competent, conflict-free representation in multi-defendant cases.”).


68. Id.


70. Id. at 218.

71. Goetzinger & Morris, supra note 11, at 447 (quoting pertinent parts of the South Dakota bar president’s messages: “The impact of losing rural lawyers on the economic viability of rural communities and the delivery of justice to these areas is potentially devastating. . . . The decline of Main Street lawyers is directly connected to the health of the local economy, impacts shrinking budgets, and is key to effective advocacy to ward off discussions about courthouse closings and county consolidation.”).

published in 2020 from two professors at the University of Minnesota, Duluth Medical School, who studied this issue in rural areas in northern Wisconsin and Minnesota, the most common legal issue for rural residents in those areas was related to healthcare access. They ultimately concluded that having fewer lawyers in these areas actually contributed to exacerbating the physical and mental health needs of these communities.

Before looking at how law schools have been asked to help, it is worth briefly mentioning that law schools are not the only ones addressing the situation. Several state and local bar associations and governments have heeded the call and undertaken different initiatives over the last several years. South Dakota has been an exemplary leader in this field getting all of the various stakeholders, such as the judiciary, the legislature, and the state bar, to work towards a solution. One of their efforts was creating the Project Rural Practice (PRP) program and the Rural Attorney Recruitment Program, a vital component to the PRP which in its first iteration provided financial incentives to up to 16 attorneys to practice in rural communities. In 2017, the program had 15 lawyers participating in the program and there were several attorneys who were in discussions to commit to the program, which at that time had secured financial support to support an additional 16 attorneys in the program. Since then there is some evidence to suggest that South Dakota’s efforts have made a positive impact on the rural lawyer shortage in the state.

73. Statz & Termuhlen, supra note 72, at 1519; see also Pruitt et al., supra note 11, at 18–19 (citing LEGAL SERVS. CORP., supra note 63, at 19 (recognizing health as one of the three most common civil legal issues for low income rural residents)).

74. Pruitt et al., supra note 11, at 21; see also Linda L. Chezem, Public Health Law & Equal Access to Justice in Rural America, 59 S.D. L. REV. 529 (2014) (examining the status of rural public health law structures and identifying instances where rural lawyers could benefit from incorporating public health law into their legal practice).


76. Pruitt et al., supra note 11, at 108–09.

77. See id.; see also Runge & Vachon, supra note 31, at 632 (“South Dakota’s program is easily the most developed and the best example of an effort to provide a financial incentive to attorneys who take on moving to a rural community to practice law.”); Wendy Davis, No Country for Rural Lawyers: Small-Town Attorneys Still Find it Hard to Thrive, A.B.A. J. (Feb. 1, 2020), https://www.abajournal.com/magazine
Several other bar associations have formed rural lawyer committees or task forces. For example, in addition to New York’s Task Force, the Iowa State Bar Association has a Rural Practice Committee program where they host meet and greets at Iowa law schools, bring attorneys and law students together in “speed dating” activities, and work to find opportunities for new, young attorneys in rural areas. Similar to Iowa’s program, the Nebraska Bar Association has a bar-sponsored program with its Rural Practice Initiative, and it also has a financial incentive through its Rural Practice Loan Assistance Repayment Program. Other bar associations coordinate fellowship programs for law students; for example, the Illinois State Bar Association created a Rural Practice Initiative committee and offers a Rural Practice Fellowship Program. The Ohio State Bar Association offers a Rural Practice Clerkship program. Finally, while not all uniformly adopted, there have been a variety of other solutions proposed which could address the rural lawyer shortage crisis from advocating for a la carte (i.e., unbundled) legal services to technology-based programs which could deliver more legal services remotely, to allowing paraprofessionals to assist more with certain limited legal matters.

78. See New York State Bar Association to Examine the State of Rural Law Practice in New York, supra note 53.


85. Palmer, supra note 50 (citing programs in Washington, Minnesota,
However, as it specifically pertains to this Article, there have also been direct calls to law schools to help address the rural lawyer shortage crisis. Law schools are said to be in ideal positions. They play a critical role in helping law students shape their professional identities and exposing students to the various sides of practicing law, one of which could be rural lawyering. The premise is that this exposure to rural communities will hopefully lead law students to have more positive impressions about rural practice and make it seem like an attractive option for their future careers.

Law schools have been called to "permeate every aspect of their mission and operation, from recruitment to the classroom to career services counseling." Different ideas have been discussed, including housing incubator programs or establishing a nonprofit law firm, offering financial incentives (such as loan repayment assistance programs for students who go into a rural practice or grants to students who work in rural communities during the summers in between law school), coordinating bus tours that take law students into rural areas, organizing fellowships in rural communities during or after law school, and hosting workshops or guest lecture series.

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86. Pruitt et al., supra note 11, at 145–54 (discussing a variety of options law schools should consider in addressing the rural lawyer shortage); Wandler, supra note 84, at 239 ("Efforts to increase the number of rural practitioners in key areas across the state should start before potential rural lawyers have graduated from law school and extend beyond law school training.").

87. Pruitt et al., supra note 11, at 145–54; see also Chavis, supra note 55, at 289 (noting law school is "a good time to begin to familiarize [students] with the reality of rural practice and introduce them to what it would be like to work in a rural space"); Runge & Vachon, supra note 31, at 621 ("Law schools can play an essential role in increasing their graduates' interest in and commitment to rural practice by providing learning opportunities during law school that prepare students for the unique aspects of rural law practice.").

88. Justice in the Hinterlands, supra note 33, at 665 ("Student exposure to rural work done by attorneys . . . could help allay fiscal and other practical concerns of graduating students who are open minded about rural practice.").

89. Pruitt et al., supra note 11, at 146.

90. Justice in the Hinterlands, supra note 33, at 665.

91. Pruitt et al., supra note 11, at 123 (LRAFs).

92. Id. at 113–14 (USD).

93. Id. at 60, 86 (California and Wisconsin).

94. Id. at 61, 96–97 (Maine).

95. Id. at 99 (Maine).
Some law schools have already adopted some of these solutions.\footnote{See id. at 124–25 (synthesizing law school efforts).} For example, the University of South Dakota School of Law was very influential in getting the state’s PRP and corresponding financial incentive program, the Rural Lawyer Recruitment Program, off the ground, as discussed above.\footnote{Goetzinger & Morris, supra note 11, at 450.} In addition, several law schools\footnote{For some examples of these law school coordinated individual matching programs see the online descriptions at the University of Wisconsin, Funding for Summer Internships, UNIV. WIS.-MADISON L. SCH., https://law.wisc.edu/career/public/interest/summer_funding.html [https://perma.cc/X3H8-MW2L]; the University of Nebraska-Lincoln College of Law, Rural Law Opportunities Program, NEB. COLL. L., https://law.unl.edu/RLOP/ [https://perma.cc/Q65G-UDLR] and Rural Practice Initiative, supra note 80; the University of Iowa, Rural Clerkship Program Introducing Law Students to Small Towns Like RAGBRAI Stop Garner, UNIV. IOWA (July 25, 2017), https://now.uiowa.edu/2017/07/ragbrai-2017-day-three-garner-rural-summer-program [https://perma.cc/CK43-EFP5]; Drake University, Rural Practice, DRAKE UNIV. L. SCH., https://www.drake.edu/law/careers/resourcesforstudents/ruralpractice/ [https://perma.cc/H9S2-E3Q8]; the University of Maine, Maine Law’s Rural Lawyer Project Awarded Three-Year Grant from the Betterment Fund, UNIV. ME. SCH. L. (Oct. 22, 2019), https://mainelaw.maine.edu/news/maine-laws-rural-lawyer-project-awarded-three-year-grant-from-the-betterment-fund/ [https://perma.cc/R9S4-D4HT]; the University of North Dakota, UND Law Pilot Program to Offer Internships in Rural North Dakota, UNIV. N.D. (Nov. 14, 2013), https://commons.und.edu/news-archive/567/ [https://perma.cc/KD67-3HU4]; and Andrew Weeks, Law Firms, UND Work to Combat Shortage of Rural Attorneys, DICK. PRESS (Jan. 3, 2020), https://www.thedickinsonpress.com/business/small-business/4850510-Law-firms-UND-work-to-combat-shortage-of-rural-attorneys [https://perma.cc/ULT3-FZQW].} generally, these programs involve placing a law student with a rural practitioner who exposes them first-hand to what it is like to operate a rural law practice.\footnote{Wandler, supra note 84, at 257–59 (discussing certain law schools’ educational programs).} Other law schools have taken more holistic approaches to the issue. The University of Wyoming, for example, has created an entire Rural Law Center that is more all-encompassing in nature by not only trying to prepare students to go into rural communities, but also providing a variety of resources to rural communities and lawyers who practice in those areas with free legislative research services and online resources to a number of rural-focused and law-related topics.\footnote{Id.} Runge & Vachon, supra note 31, at 628 (citing Rural Law Center, UNIV. WYO., https://www.uwyo.edu/law/centers/rural-law-center/ [https://perma.cc/8MHZ-79HC]).
One of the more talked about law school initiatives that addresses the rural lawyer shortage crisis are so-called “incubator” programs. As will be discussed below, because there are several similarities between incubator programs and law school in-house clinics, incubator programs are worth describing in more detail. According to the ABA, there currently exist over 60 incubator programs across 33 states and 4 countries.\(^{102}\) While not all of these existing programs are tied to a law school, generally these programs are designed to support recent law school graduates who want to work in solo or small law firm practices.\(^{103}\) While there are several different models, the basic concept is that “new law graduates receive hands-on training and mentoring [from experienced attorneys] while providing pro bono legal services.”\(^{104}\) Graduates learn directly from these attorneys while practicing law, which allows them to be introduced into the community and start developing their professional networking, client relationship, and law office management skills in a more structured environment.\(^{105}\) For these programs to work effectively, proponents argue that law schools should bear the majority of the costs and house these offices, cover the overhead expenses associated with the law office, and pay for the personnel expenses of the experienced attorneys that work with the graduates (either on a full-time or part-time basis).\(^{106}\) Despite most of these current incubator programs being operated in more urban areas, those who are concerned with the rural lawyer shortage crisis have directly pointed to several of these incubator programs as potential solutions.\(^{107}\) For example, California law schools have heavily relied on incubator programs to help the state address its significant access to justice issues.\(^{108}\) Additionally, in Georgia, the state bar association, supreme court, and five ABA-accredited law schools have partnered


\(^{103}\) Wandler, supra note 84, at 252; see also ABA STANDING COMM. ON DELIVERY LEGAL SERVS., supra note 102, at 16 (reporting in 2016, 73 percent confirmed purpose of incubator project participation in 2021).

\(^{104}\) Wandler, supra note 84, at 252.

\(^{105}\) Justice in the Hinterlands, supra note 33, at 663 (discussing how a proposed distance incubator program could help prepare law students for small or solo practices in underserved communities).

\(^{106}\) Id.

\(^{107}\) See Wandler, supra note 84, at 253–54; Justice in the Hinterlands, supra note 33, at 663; RUNGE & VACHON, supra note 31, at 623–24; Chavis, supra note 55, at 284, 287–90.

\(^{108}\) Justice in the Hinterlands, supra note 33, at 663 n.225 (listing all of the California incubator programs); see also Pruitt et al., supra note 11, at 55 n.174.
together to form Lawyers for Equal Justice, an incubator program which trains and supports recent graduates to provide low bono legal services.\textsuperscript{109} While there are other law schools out there that have adopted some kind of incubator-like program,\textsuperscript{110} three specific law school programs are worth highlighting here: Vermont Law School, University of Arkansas Little Rock William H. Bowen School of Law, and Drake University Law School.

Instructively, both the Vermont Law School and University of Arkansas Little Rock William H. Bowen School of Law have created incubator programs specifically related to addressing the rural lawyer shortage issue. Vermont’s 18-month incubator pilot project was established in 2014.\textsuperscript{111} It was a collaboration between the state bar and the state’s only law school.\textsuperscript{112} It provided a certain number of new lawyers with opportunities to work directly with bar and law school faculty members in establishing their solo or small town law practices.\textsuperscript{113} Some of the things that the program did was put everyone in communication with each other via email and establish a series of regular meetings for trainings and case reviews.\textsuperscript{114} The law school also provided training by way of its established course curriculum.\textsuperscript{115} Interestingly, the traditional clinical pedagogical practice of “case rounds” was cited as being used by these participants in one of the law school’s courses.\textsuperscript{116} Notably, the University of Arkansas Little Rock incubator program is very similar to the Vermont program in that it is 18 months and provides participants (i.e., recent law school graduates) with regularly scheduled workshops and trainings, free access to legal research

\textsuperscript{109} Pruitt et al., supra note 11, at 75.

\textsuperscript{110} For example, City University of New York [CUNY] was one of the first incubator programs in the country. For more discussion about CUNY’s program see Fred Rooney & Justin Steele, Exporting the Legal Incubator: A Conversation with Fred Rooney, 9 UNIV. MASS L. REV. 108, 111 (2014).


\textsuperscript{112} Wandler, supra note 84, at 255–56; Chavis, supra note 55, at 287.

\textsuperscript{113} Chavis, supra note 55, at 287.

\textsuperscript{114} Wandler, supra note 84, at 255–56.

\textsuperscript{115} Chavis, supra note 55, at 287.

\textsuperscript{116} Wandler, supra note 84, at 255 n.116 (citing Vermont Lawyer Incubator Pilot Project, VT. BAR ASS’N, https://www.vtbar.org/UserFiles/files/iNCUBATOR/VIIP program%20description.pdf [http://perma.cc/SU66-VXJT] (noting on page 2 that program attorneys will meet regularly for “rounds” discussions of cases and work on business plans through the Vermont Law School Law Practice Management course)).
and case management tools, along with free access to document templates and forms, and mentoring and coaching from experienced attorneys. In addition to these supportive resources, the program also provides a financial incentive to participants to help offset the initial costs of launching a practice. The ultimate goal of the program “is to support Bowen alumni in launching viable small or solo practices in rural, underserved Arkansas communities.” Finally, Drake University Law School has itself been a staunch supporter to the rural lawyer shortage cause and worked with some of its alumni to create Rural Access to Justice Initiative (RAJI) back in 2018. Analogous kinds of law school and alumni mentorship and resources are provided to new Drake graduates who would like to pursue a rural practice. And similar to Arkansas’ program, participants are given a financial incentive to offset the cost of opening their own practices.

And finally, although not specifically related to rural practice, it is worth mentioning Chicago-Kent College of Law’s incubator program given its direct connection to in-house clinics. Since 2012, the law school has used its in-house law school clinic to support a one-year incubator program for “a select group of entrepreneurial-minded recent IIT Chicago-Kent graduates” who are pursuing solo or small law practice careers. Much of the same kind of support is provided to these participants, such as “substantive and skills training workshops, coaching in marketing and business development, mentoring support, [and] networking opportunities[].” The law school

118. Rural Practice Incubator Program Benefits, supra note 117.
119. What is the Rural Practice Incubator?, supra note 117.
121. Id.
122. See Rural Practice, supra note 98.
124. Solo and Small Practice Incubator, supra note 123.
houses this program, provides the required office space and overhead, free access to legal research databases, a law library, and necessary business equipment. However, rather than a collaborative effort between other local licensed attorneys and faculty members, like Vermont’s program, the participants’ work at Chicago-Kent comes through the law school clinical program. Once selected for the one-year program, participants are available to take on cases that cannot be handled at the clinic, and they also are able to work with clinic faculty and assist clinic students on their own clinic cases. Commentary has been generally positive about this particular program. Getting a source of cases, free office space, and free access to various resources is certainly beneficial. There is also a benefit to the public and an impact on the access to justice issues in the area as there are more attorneys available to take on low or moderate income-based clients. Participants also receive mentoring from the clinical faculty who, by the very nature of their jobs, are trained for and value the importance of guided and supervised practical learning experiences. However, unique to the program is that participants also get to work alongside law students, assisting in the student’s own professional development and helping model solo practice in action for the students.

Generally speaking, there are several benefits to these incubator programs. First, participants get real hands-on experience, training, and mentoring in these programs. As will be highlighted below, the importance and value a person receives from these practical learning experiences cannot be overstated. A participant gets to use an experienced attorney as a “sounding board” when handling real cases; they receive immediate feedback, advice, and mentoring from the attorney about projects, cases, and clients. The participant also gets to take advantage of a pre-established law office environment without shouldering the initial financial and administrative burdens associated with opening their own practice. They are also often given free access to trainings, technology, case management systems, legal research tools, and library and legal form resources. Finally, they are able to work directly in the community and start developing their

125. Lasker, supra note 123, at 10.
126. Id.
127. Id.
128. See generally id. at 11.
129. See id. at 10.
130. See id.
131. Solo and Small Practice Incubator, supra note 123.
132. Wandler, supra note 84, at 254.
professional reputation and entrepreneurial business plan skills. As one scholar noted, “An incubator model would further the goal of increasing the number of graduates trained to open solo or small practices by helping graduates solidify subject matter expertise and practice skills.” The public also benefits from these programs since they are given increased access to legal services in comparison to what might not otherwise have been provided in the area. And besides fostering goodwill in the community and providing the community with more practice-ready lawyers, law schools benefit from more positive graduate placement and ranking statistics through these programs. The one potential downside is obviously cost. Someone needs to pay for the expenses that are associated with running a law office, although some claim that these incubation programs can be self-sufficient after a few initial years of operation. In addition, others have noted that there are significant disadvantages to current incubator programs as most of them operate in urban populations.

While all of these efforts are to be commended, the actual results of all of these efforts have been mixed—both as it relates to effectiveness of the incubator programs and other above-mentioned law school initiatives. While there is some evidence to suggest that a law school’s commitment to rural lawyering initiatives has made a positive impact, there are also some signs that these efforts are not sustainable or not being fully utilized. For

133. See id. at 253–54 (describing some of the benefits to incubator programs).
134. Id. at 256.
135. See id.
136. See Justice in the Hinterlands, supra note 33, at 663 (noting that law schools would benefit from using incubator programs as it would help add numbers to employment data and enhance rankings).
138. Justice in the Hinterlands, supra note 33, at 664 (arguing for distance incubator programs to address the needs of rural lawyer shortage).
139. Wandler, supra note 84, at 256–57.
140. See Goetzinger & Morris, supra note 11, at 450, 452 (noting that the University of South Dakota’s participation in the PRP was “indispensable” and “critical” to the program’s success); Pruitt et al., supra note 11, at 114–15 (noting what seemed to be initially successful results to South Dakota’s PRP); id. at 55 n.174 (noting some success to the Los Angeles Incubator Consortium in helping law students adjust to rural areas); Wandler, supra note 84, at 257–58 (noting some examples of promising law school collaborations with rural summer programs).
141. See Davis, supra note 77 (discussing some issues with Drake Law School’s
example, several incubator projects are no longer in existence despite valiant
efforts and well-publicized marketing campaigns. By way of illustration, it
does not appear that Vermont’s incubator program is currently operational,
CUNY’s incubator program (which was one of the first in the country back
in 2007) is no longer operational due to financial and structural issues,142 and
two California law school-backed rural focused incubator programs have
failed, although not for lack of demand or community need.143 Even Drake’s
RAJI results have been inconsistent, with its first two program participants
pulling out of the program after a year due to the financial constraints of
running one’s own practice.144 Although, on a positive note, Drake has been
transparent about the struggles encountered in implementing rural lawyer
incubator programs and the law school remains committed to addressing the
rural lawyer shortage issue.145 Instructively, the RAJI program is still being
offered and collecting applications. Drake regularly brings in rural lawyers
to talk to law students about the benefits of rural practice,146 and now
provides summer stipends to law students who wish to work in rural or small
town practices.147

In their calls for action, some have directly pointed to clinical education
as one of the ways law schools can help address the rural lawyer shortage
problem.148 “Law school clinical education programs also offer ideal
opportunities for law students to become ‘practice ready,’ especially when
the law school itself is based in a more rural community.”149 “If law schools

program); see also Pruitt et al., supra note 11, at 145 (discussing failed law school
incubator initiatives in California).
142. Wandler, supra note 84, at 253.
143. Pruitt et al., supra note 11, at 55.
144. See Davis, supra note 77.
145. See id. Statement of Program Director Patricia Houlihan is quoted as saying,
“Actually running a law office on your own, while building your business and learning
the practice of law—it’s very, very stressful and difficult.” Id. She also noted the law
school was reevaluating its approach and considering ways to get law students into these
areas earlier than after graduation. Id.
146. Runge & Vachon, supra note 31, at 630; see also Rural Practice, supra note 98.
147. Rural Practice, supra note 98.
148. Pruitt et al., supra note 11, at 150 (“Another curricular consideration is whether
and how experiential opportunities such as clinics, externships, and internships expose
students to—and validate—rural career trajectories.”).
149. Runge & Vachon, supra note 31, at 622–23 (advocating for law schools to
expose students “to a type of legal practice or area of law through externships, clinical
legal education, law clerk positions, and pro bono service [which] is critical to helping
them determine what kind of lawyer they want to be”).
gave students exposure to rural practice and rural issues, as through clinical experiences, substantive teaching, and public service or pro bono opportunities, some students might discover that rural practice is more attractive than they thought.\textsuperscript{150} Law students who participate in clinics get hands-on practical lawyering experiences which will help guide them into the type of lawyer they will want to become. As one scholar for the \textit{Legal Ruralism} blog eloquently noted back in 2017:

\begin{quote}
There is perhaps no more better exposure to an issue than being immersed in it. . . .
\end{quote}

A student attending a law school in a rural community. . . has the opportunity to be immersed in the local environment and have contact with local attorneys, local courts, and the problems of rural people. Rural schools can facilitate this exposure by offering legal clinics. . . .

Prolonged first hand exposure is perhaps the best way to help someone decide whether or not they want to practice in a given area.

The onus is on the rural law school however to make sure that these opportunities are available. . . . The law school existing in a rural space is not enough, it has to try to integrate the students into their surroundings and it has to create partnerships with local attorneys and government agencies to make this possible.\textsuperscript{151}

This same scholar has more recently gone on to say:

\begin{quote}
[T]here is a role that legal academia can play in solving this problem. First, they could assist in the further integration of “rural” into the law school curriculum and experience so students are able to gain exposure while they are in law school. This includes promoting law schools that are currently in rural areas and urban law schools providing opportunities for their students to gain clinical experience in rural spaces.\textsuperscript{152}
\end{quote}

Other scholars in this field have explicitly made the connection to law school clinics, noting that while not many law schools provide students with

\begin{footnotes}
\item[150] \textit{Justice in the Hinterlands}, supra note 33, at 665 (citations omitted).
\item[151] Christopher D. Chavis, \textit{Location, Location, Location: Rural Law Schools and Their Role in the Rural Lawyer Shortage}, \textit{LEGAL REALISM} (July 14, 2017), http://legalruralism.blogspot.com/2017/07/location-location-location-rural-law.html [https://perma.cc/KM3R-6P4B].
\item[152] Chavis, \textit{supra} note 55, at 284 (discussing Vermont’s clinic incubator program).
\end{footnotes}
“significant or meaningful opportunities . . . to connect with rural America,” offering similar rural lawyer experiences in a clinical setting is just one way law students can learn about what it would be like to work in a rural community.\footnote{153} Finally, one scholar went so far as to describe in detail the reasons why clinics may help:

Clinics that provide students the opportunity to interview, counsel, and represent individual clients in court or administrative processes also offer invaluable opportunities for all law students to decide whether this form of practice appeals to them, but especially an attorney considering rural law practice. Much of rural law practice involves client interaction and development. As such, it is important for a student considering such a career choice to take the opportunity to work with clients while under the supervision of faculty, where a primary focus is self-reflection and professional development.\footnote{154}

However, in order to appreciate how clinical programs can play a part in solving the rural lawyer crisis, it is important to understand the nature and evolution of clinical education. This next Part will provide a brief historical overview of law school in-house clinical programming, consider current clinic models being offered in various law schools, illustrate the recent rise of specialty clinics, and discuss possible reasons for these newer programs.

III. THE RISE OF SPECIALTY LAW SCHOOL CLINICS

In looking at the transformation of legal education over the last century, it is clear that clinical education has experienced a significant amount of change. In fact, as one scholar has noted, “It is not an exaggeration to conclude that clinical legal education represents the most significant reform in American legal education since Christopher Langdell’s invention of the case method at Harvard a century earlier.”\footnote{155} While there were certainly very early examples and proponents of clinical education,\footnote{156} clinical programming really came on the scene during the 1960s and 1970s.

\footnote{153} Pruitt et al., supra note 11, at 150; see also Wandler, supra note 84, at 270–71 (discussing a possible comprehensive law school program with targeted required in-community clinic placements during a student’s 3L year).

\footnote{154} Runge & Vachon, supra note 31, at 627–28.


\footnote{156} Margaret Martin Barry et al., Clinical Education for This Millennium: The Third Wave, 7 CLINICAL L. REV. 1, 10–19 (2000) (describing examples of early programs and proponents).
and grew exponentially into the 1990s. There are several factors that contributed to the rapid rise of clinical programming, but a significant contributing factor was likely the surge of funding into law schools that incentivized them to create in-house clinical programs based on providing legal services to those in poverty. These financial incentive efforts can be primarily attributed to William Pincus, a lawyer and vice president of the Ford Foundation, who was in charge of the organization’s anti-poverty initiatives and who was instrumental in getting the Ford Foundation to create and fund another organization, later named the Council on Legal Education for Professional Responsibility (CLEPR). CLEPR provided grants to law schools to establish in-house legal clinics to serve the poor. To illustrate its impact, from 1959 to 1978, the Ford Foundation gave over $12 million to CLEPR, which between 1968 and 1978 awarded 209 grants to over 100 ABA-approved law schools. The financial incentives continued even when the Ford Foundation’s funding ceased around 1978 as the Department of Education picked up the tab through what was its Title IX Law School Clinical Experience Program. Again, to illustrate its impact, from 1978 to 1997, Congress gave over $87 million to funding legal education clinical programs. When this federal program ended in 1997, there were “in-house law school clinical programs in at least 147 law schools,” and by 1999, 183 law schools reported having clinical programs, with about 1,700 individuals identifying as clinicians. Every law school offered at least one clinical course by 2007. As of 2020, based on data from 187 law schools, there is a total of 1,521 distinct legal clinics.

While the financial incentives from the 1960s to the 1990s certainly had a significant impact on paving the way for more law school clinical programs,

158. Barry et al., supra note 156, at 18–20.
159. Id. at 18–19.
160. Id. at 19.
161. Id.
162. Id.
163. Id.
164. Id. at 20.
165. Berger, supra note 157, at 134.
two other factors have likely helped set the stage for the creation of specialty law school clinics: initiatives from the ABA and calls from the legal profession for more practical skills training with law students. With respect to the ABA's influence, most of these results have been heavily impacted by changes to the ABA law school accreditation standards. Around the 1970s, approximately the same time as the influx of financial incentives for clinical programs, the Council of the Section of Legal Education and Admissions to the Bar was paying closer attention to law school accreditation standards.  

When the ABA adopted its new numbering system of its 52 standards in 1973, it included for the first time a specific reference to law schools offering instruction on "professional skills." While, as noted above, there was an impressive increase in the number of simulation, clinic, and externship offerings during this time, by 1990 there was still evidence to suggest that despite these numerous experiential learning offerings, these offerings only accounted for just "nine (9%) percent of the total instructional time available to law schools."  

It was around the 1990s when stronger initiatives were undertaken to push law schools to incorporate more practical training into their curriculum. First, there was an ABA Task Force's MacCrate Report (Report) in 1992. In 1989, the Council of the Section of Legal Education and Admissions to the Bar established the Task Force on Law Schools and the Profession: Narrowing the Gap, which was created to look at the full range of values and skills needed to be a lawyer. The Task Force conducted a comprehensive survey of ABA-approved law schools to determine the curriculum that existed to develop these values and skills. As a result of its work, the Task Force published the MacCrate Report. The Report identified 10 fundamental lawyering skills and 4 professional values law students should be encouraged to develop during and after their law school education.

169. *Id.* at 566.
170. *Id.* at 569–70 (quoting AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM 238 (July 1992), https://www.corteindh.or.cr/tabkas/28961.pdf [hereinafter the MacCrate Report]). This ABA report is known as the MacCrate Report in recognition of Robert MacCrate, Chair of the Task Force that produced the report.
171. *Id.* at 570–73 (citing the MacCrate Report, *supra* note 170).
172. *Id.*
174. *Id.* at xii.
175. *Id.*
Report also specifically called on law schools to develop and expand their experiential learning offerings, and should consider doing so through well-structured clinical programs where students would be more exposed to “the pressures and intensity of a practice setting” more so than they would otherwise be in other courses.\textsuperscript{176}

The Report was instrumental in leading to changes in the ABA Standards.\textsuperscript{177} In 1996 the ABA amended its Standards to require every ABA-accredited law school “offer live-client or other real-life practice experiences.”\textsuperscript{178} Again, previously the ABA only addressed professional skills in general and said that law schools had to have professional skills courses.\textsuperscript{179} Then in 2005 the ABA revised Standard 302(a) again.\textsuperscript{180} This time instead of just requiring law schools to “offer” professional skills, law schools were required to ensure “each student receive substantial instruction in . . . other professional skills.”\textsuperscript{181} In addition, the ABA interpretations to the Standards offered explicit examples of what “other professional skills” included.\textsuperscript{182} This meant that law schools had to do something more than just require experiential learning in the legal writing curriculum.\textsuperscript{183} Standard 302(a) was revised again in 2015 to substitute the ambiguous phrase “substantial instruction” with something more definite: “at least six credit hours.”\textsuperscript{184} There was also a corresponding Guidance Memo released which provided detailed explanations on what was intended for these various law school experiential learning education requirements.\textsuperscript{185}

In addition to the ABA’s crucial role in reforming law school accreditation standards to push for more practical training in law schools, there were at the time, and continue to be, strong calls from the legal profession claiming that law students who enter the profession are still not equipped to practice law.\textsuperscript{186} For example, in 2004, responders to the American Bar Foundation’s “After the JD” study noted “a desire for more

\textsuperscript{176} Id. at 234.
\textsuperscript{177} See generally id.
\textsuperscript{178} The Uneasy History, supra note 137, at 572.
\textsuperscript{179} Id.
\textsuperscript{180} Id. at 573.
\textsuperscript{181} Id. (quoting MacCrate Report, supra note 171, at 264–65).
\textsuperscript{182} Id.
\textsuperscript{183} Id.
\textsuperscript{184} Id. at 555, 577.
\textsuperscript{185} Id. at 578–79.
\textsuperscript{186} See id. at 574 (describing surveys).
practical training in their assessment of the most helpful law school courses,” and gave clinical and legal writing courses higher ratings than more conventional law school offerings. Moreover, in a 2009 survey conducted by LexisNexis, 90 percent of attorneys in private practice and corporate law offices said that law schools did not teach the practical skills needed to practice law today. In 2016, the Educating Tomorrow’s Lawyers Foundations for Practice Report confirmed that there is still a gap between the instruction law students receive during law school and the skills and competencies they need to possess when they start practicing law. In attempting to identify the exact foundations a new lawyer needed to practice law, the group surveyed more than 24,000 lawyers in all 50 states from a range of backgrounds and practice settings.

Overwhelmingly, the study indicated “that characteristics (such as integrity and trustworthiness, conscientiousness, and common sense), as well as professional competencies (such as listening attentively, speaking and writing, and arriving on time), were far more important in brand new lawyers than legal skills . . .” Instructively, when asked “to indicate the criteria that would tell them if a job candidate had the foundations most important to them, overwhelmingly [the responders] singled out experience, including legal employment, clinics, [and] experiential education.” Finally, as recent as 2020, in its effort to call for reforms to the traditional bar exam, the Institute for the Advancement of the American Legal System conducted a survey of 50 focus groups (41 groups were of new lawyers, while 9 groups were comprised of attorneys who supervised new lawyers) to gather data about the knowledge and skills new lawyers need to practice competently.

188. Berger, supra note 157, at 145–46 (citing Sandefur & Selbin, supra note 187, at 786 (detailing the results of the After the JD study and its revelations regarding students attitudes toward clinical education)).
189. The Uneasy History, supra note 137, at 574 (citation omitted).
191. Id. at 4.
192. Id. at 3.
193. Id. at 37.
Based on its responses, the Report made 12 recommendations surrounding the abilities and understandings necessary for new attorneys to practice law, one of which was to require a licensing system that required candidates to complete supervised clinics during law school—which could effectively assess many of the building blocks identified in the report.195

All of the above, along with other possible unmentioned factors, likely played a significant role in getting us to where we are today with what is now over 1,500 clinical program offerings across 185 law schools.196 But just as the introduction of clinics has evolved over the years, so too has the exact nature of these clinics. As noted above, the initial efforts were first undertaken during a time in history (i.e., the 1960s) when the country was experiencing a civil rights movement, the President was combating a “war on poverty,” and law students were more politically active and eagerly seeking additional relevant experience.197 Because of these circumstances, most law school clinics that were initially created were some form of civil legal service office that was focused on increasing free poverty law-related based legal services and “rais[ing] the academic community’s awareness of the need for services.”198 But it is clear that there has been a trend away from more classic legal aid or general practice style legal services in-house clinics.199 Or, if not a trend away from these types of clinics, there has certainly been a more recent emphasis on “specialty” programs and law schools have been offering increasingly narrower types of law school clinical programming. This trend is shown through statistics, more emphasis in marketing and advertising materials, and the increased variety of subject matters from clinical scholars.

As an initial point, it is important to note that there is not one common set of vocabulary for how law schools identify or label their clinical programs.200 When looking at this very question of how one defines and labels a clinical offering, Professor Becky L. Jacobs quickly determined that, despite advancing the same overarching mission in legal education, terminology used to describe clinics are “nuances of nomenclature,” and

195. Id. at 68.
197. Kotkin, supra note 166, at 289–90.
198. Id. at 290, 301.
199. See id.
“rich and textured, replete with subtle synonyms.” Back in 2008, Professor Jacobs conducted an “unscientific” survey of law school clinical programs by looking through clinical offerings listed on the websites of each of the top 100 U.S. law schools to try to determine common clinic offerings and new trends in offerings. Based on her findings, Professor Jacobs ultimately concluded: “Law schools have . . . creat[ed] a dizzying array of clinical offerings with subject matters encompassing the full panoply of legal practice areas and with names that appear to have been assigned without reference to any consistent coding convention or organizing principles.” Consequently, any discussion of clinical programs and corresponding course descriptions should be considered knowing that there is at least some degree of inconsistency.

Regardless of the creative labeling within the clinical academy, one can see that there has nonetheless been a clear upward trend for specialty clinics just by looking at the recent data on clinical offerings. All of the most recent data points can be shown through the last five surveys conducted by the Center for the Study of Applied Legal Education (CSALE), a nonprofit organization that is “dedicated to the empirical study of applied legal education.” Since 2007, CSALE has collected data on applied legal education in areas including “program design, capacity, administration, funding, pedagogy, and the role of applied legal education and educators” in the academy. CSALE sends out surveys about every three years and a majority of the law schools participate in the survey each cycle (i.e., about 95 percent of law schools participated in the last survey (2019–2020)). The survey is very comprehensive, sophisticated, and provides invaluable information to the academy. As it relates to the thesis of this particular Article, one of the main types of questions asked in the survey centers on gathering information about individual law schools’ clinical programming,

201. Id. at 346.
202. Id. at 353.
203. Id. at 346.
204. See id.
208. CSALE 2019–20, supra note 206, at 3.
and in particular the number and types of clinics offered at each law school. Specifically, law schools are asked to identify how many clinics they offer to students and then to identify a general substantive focus of each of their clinics.

Since the 2007–2008 survey, it appears the percentage of law schools offering civil litigation/general civil litigation clinics has stayed consistent averaging around 37–39 percent: approximately 37 percent of schools in 2007–2008\(^\text{211}\) approximately 37 percent of schools in 2010–2011\(^\text{212}\), approximately 39 percent in 2013–2014;\(^\text{213}\) approximately 39 percent in 2016–2017\(^\text{214}\); and approximately 38 percent in 2019–2020.\(^\text{215}\) Similarly, the percentage of law schools offering a criminal and civil litigation/general litigation clinic has also stayed consistent averaging around 8–11 percent.\(^\text{216}\) While some have noted that there seems to be a trend away from these general legal aid clinics, others have found some form of civil practice clinic remains the most common clinical offering within law schools.\(^\text{217}\)

Although it may be hard to exactly gauge the number of general clinic offerings, there has certainly been a significant increase in more distinct “specialty” areas for clinics. Again, CSALE data is instructive. For example,

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\(^{209}\) Id.

\(^{210}\) See id.

\(^{211}\) CTR. FOR STUDY APPLIED LEGAL EDUC., REPORT ON THE 2007–08 SURVEY 8 (2008), https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1063&context=other [hereinafter CSALE 2007–08].


\(^{213}\) Id.


\(^{215}\) CSALE 2019–20, supra note 206, at 7–8.

\(^{216}\) Id.

\(^{217}\) Compare Kotkin, supra note 166, at 302 (“From 2007-08 to 2016-2017, the percentage of schools offering a general civil clinic has decreased from 43% to 36%, the largest drop in any subject area. Housing clinics dropped from 21% in 2013-14 to 16% in 2016-17.”), with Jacobs, supra note 200, at 354 (“The most common clinics (ninety or so) involve some sort of civil practice, such as landlord-tenant and domestic relations work. Other civil offering designations include ‘Civil Litigation’ clinics, ‘Small Claims’ clinics, and ‘General Practice’ clinics.”).
in 2007–2008, only about 26 percent of law schools offered an immigration clinic.\textsuperscript{218} This number increased to 46 percent by 2013–2014,\textsuperscript{219} and as of 2019–2020 about 63 percent of law schools offered an immigration clinic.\textsuperscript{220} In addition, in 2013–2014, no law schools were identified through the survey as offering an entrepreneur/start-up/small business clinic,\textsuperscript{221} but in 2016–2017 about 29 percent of law schools offered this type of clinic,\textsuperscript{222} which has increased in 2019–2020 to 37 percent.\textsuperscript{223} Similarly, back in 2007–2008 about 10 percent of law schools offered an intellectual property clinic,\textsuperscript{224} but this has significantly increased to 21 percent in 2013–2014,\textsuperscript{225} 23 percent in 2016–2017,\textsuperscript{226} and 37 percent in 2019–2020.\textsuperscript{227} Tax clinic offerings have also increased in number with only 18 percent of law schools having offered a tax clinic in 2013–2014 compared to 26 percent in 2019–2020.\textsuperscript{228} And finally, veterans clinics have started increasing in number.\textsuperscript{229} Only 10 percent of law schools offered such a clinic in 2013–2014, but now about 22 percent of law schools offer a veterans clinic.\textsuperscript{230}

Even prior to the CSALE surveys, others were starting to see a noticeable increase in specialty law clinic offerings. Again, in her online review of then existing clinical offerings, Professor Jacobs noted this very trend:

Seizing an opportunity, several Iraqi Tribunal Clinics, and hurricane relief clinics have been formed. Several gay, lesbian, bisexual, and transgender (GLBT) clinical programs, an HIV/AIDS clinic, and a vaccine injury clinic also exist, as well as offerings devoted to tobacco control, investor justice, the arts, and sexual violence. Other, more

\begin{thebibliography}{9}
\bibitem{218} CSALE 2007–08, supra note 211, at 8–9.
\bibitem{219} \textit{Id.}
\bibitem{220} \textit{Id.}
\bibitem{221} \textit{Id.}
\bibitem{223} \textit{Id.}
\bibitem{224} CSALE 2007–08, supra note 211, at 8–9.
\bibitem{225} CSALE 2019–20, supra note 206, at 7.
\bibitem{226} CSALE 2016–17, supra note 222, at 9.
\bibitem{227} CSALE 2019–20, supra note 206, at 7.
\bibitem{228} \textit{Id.}
\bibitem{229} \textit{See id.}
\bibitem{230} \textit{Id.}
\end{thebibliography}
common specialty clinics include those devoted to community lawyering, taxpayers, health law, international human rights, legislative advocacy, and administrative/government benefits representation, including disability, workers’ compensation, and welfare.\textsuperscript{231}

It is also worth just highlighting the nature of some of these general law school clinic programs and mentioning that even when a law school offers one of these more general practice law school clinics, there are still other more specialized clinic offerings for law students to participate in. When reviewing some of the publicly available course descriptions of these general practice, civil litigation, and legal aid type law school clinics, it appears that most of them offer services on a wide range of legal issues. For example, the University of Maine offers a General Practice Clinic where students assist low income clients on a variety of legal issues ranging from civil-related issues, such as family and consumer law, to criminal defense work.\textsuperscript{232} Similar to Maine’s General Practice Clinic, both the University of Idaho and the University of Kansas offer what are traditionally known as “legal aid clinics” that offer legal representation to clients needing representation in either criminal or civil-related issues.\textsuperscript{233} The University of Idaho calls this clinic its “Main Street Law Clinic,” where students assist clients in a wide range of both criminal and civil legal issues, while the University of Kansas labels its more general practice clinic as a “Legal Aid Clinic.”\textsuperscript{234} Drake University Law School also offers a General Civil Practice Clinic.\textsuperscript{235} While it offers two different and separate criminal law focused clinics, students in the civil practice clinic assist low income clients on issues including, “landlord/tenant disputes, divorce and custody matters, domestic abuse, contempt

\textsuperscript{231} Jacobs, supra note 200, at 355–56 (citations omitted).

\textsuperscript{232} General Practice Clinic, UNIV. ME. SCH. L., https://mainelaw.maine.edu/academicsclinics-and-centers/clac/general-practice/ [https://perma.cc/8SX8-78HR] (“For criminal cases, students might represent clients charged with crimes such as drug trafficking, assault, or theft. Within the realm of family law, students help solve disputes involving parental rights and responsibilities, divorce, guardianship, protective custody, and other matters. For civil matters, students have the opportunity to represent consumers, victims of financial exploitation, or a family trying to keep their home.”).


\textsuperscript{234} See Clinics, UNIV. KAN. SCH. L., supra note 233 (discussing that The University of Kansas School of Law includes the following three clinics: Mediation, Projects for Innocence and Post-Conviction Remedies, and Tribal Judicial Support.); Clinics, UNIV. IDAHO COLL. L., supra note 233.

\textsuperscript{235} General Civil Practice Clinic, DRAKE UNIV. L. SCH., https://www.drake.edu/law/clinics-centers/clinic/civil-practice/ [https://perma.cc/ZXG6-XGN9].
proceedings, guardianships, and small claims.” 236 Again, Vermont Law School, which had that interesting incubator-like type program through its clinic described above, offers a general legal aid type of clinic, where students assist individuals who cannot otherwise afford an attorney with legal “issues such as bankruptcy, children’s rights, disability, domestic violence, family law, housing, immigration, veterans issues and wills.” 237

However, even though a law school may offer students the opportunity to participate in a more general focused clinic, interestingly most of the time there are also other specialized options for students to consider at the institutions. For example, the University of Maine School of Law offers three other types of law school clinics: “Prisoner Assistance, Juvenile Justice, and Refugee and Human Rights.” 238 At the University of Idaho, students can opt to participate in one of the law school’s other five clinical offerings, 239 while at the University of Kansas, students can also choose from three other more specialized clinics. 240 Drake University also offers three other clinics in addition to the general civil litigation clinic and the two criminal focused clinics. 241 There are also four other clinics at Vermont: Environmental Advocacy, Environmental Justice, Energy, and Food and Agriculture. 242 Finally, there are even some law schools which state that they offer some sort of general civil litigation clinic but then allow students to further specialize into a more narrow type of civil litigation practice area once

236. Id.
239. These include Immigration Litigation and Appellate Practice, Clinical Labs (such as Bankruptcy), Family Justice Clinic, and the Entrepreneurship Law Clinic. See Clinics, UNIV. IDAHO COLL. L., supra note 233.
240. They are the following three clinics: Mediation, Projects for Innocence and Post-Conviction Remedies, and Tribal Judicial Support. See Clinics, UNIV. KAN. SCH. L., supra note 233.
241. These include a Children’s Rights Clinic, a Refugee Clinic, and an Entrepreneurial and Transactional Clinic. See Drake Legal Clinic, DRAKE UNIV. L. SCH., https://www.drake.edu/law/clinics-centers/clinic/ [https://perma.cc/3RSA-Z57U].
enrolled in the general clinic. While these other specialty clinics may also be broad in scope, there are still generally more defined legal areas or designed to a targeted clientele that students would be dealing with while at these clinics. To illustrate some of the distinctions, at the University of Maine’s Refugee and Human Rights Clinic, students provide “broader advocacy to immigrants and refugees seeking political asylum and similar protections under federal law.” Students in Vermont Law School’s Food and Agriculture Clinic work on legal and policy issues “related to food and land justice, public health, the economy, food security, and animal welfare.” While students who participate in University of Idaho’s Entrepreneurship Law Clinic work with Idaho businesses and entrepreneurs on transactional legal issues, including possible intellectual property and regulatory concerns.

Two other indicators illustrate the growing emphasis of specialty law school clinics: marketing/advertising and scholarship. Universally, there has been more marketing and advertising in legal education about how law schools deliver practical training for its law students. In particular, however, there has been more focus to prospective law students in highlighting the specialty nature of a law school’s clinical program. Prospective law students are getting hit from all sides with this information. As one clinical scholar noted, “Many law schools prominently feature their clinical offerings on their websites, often accompanied by student testimonials,” while others have noticed “[c]linical programs are featured

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243. See e.g., Civil Litigation & Justice Program, Bos. Univ. L. Sch., https://www.bu.edu/law/current-students/jd-student-resources/experiential-learning/clinics/civil-litigation-program/ [https://perma.cc/ZC49-5K3A]. Students can pick from the following three options in this program: Individual Rights Litigation Clinic, Access to Justice Clinic, and Employment Rights Clinic. Id.


248. See id. at 206–30.

249. Berger, supra note 157, at 147 n.82 (describing the author’s review of law school marketing and promotional materials).
prominently in most law school admissions materials, websites, magazines, and brochures.”250 There are also more nationally recognized organizations, such as U.S. News and World Report, the National Jurist, the ABA Journal, Kaplan, and LSAT, that are getting in the game. Some of these places are explicitly encouraging potential law students to evaluate their selection of a law school through their clinical offerings, oftentimes highlighting how specialty law school clinics can give students an opportunity to “specialize” their lawyering skills by gaining real-world experience in that designated practice area.251 Although admittedly more controversial, some are even using the type and number of clinical offerings when discussing the ranking of law school programs.252

252. See, e.g., The Best Law Schools in the U.S.: The Top 10 by Specialty [2022], LSAT CLARITY (Sept. 16, 2020), https://lsatclarity.com/best-law-schools-in-the-us/ [https://perma.cc/SRVT-KYT6] (“There are two very important things you’ll want to consider when choosing a law school: the specialty you’re interested in, and how much hands-on experience you want.”); Top 10 Law Schools for Clinical Training, KAPLAN, https://www.kaptest.com/study/lsat/top-clinical-training-law-school-programs/ [https://perma.cc/2UKA-N93W] (noting the following law schools were ranked by U.S. News and World Report and describing how many clinics each school offered: Washington University in St. Louis (18 clinics or externships); University of Maryland (17 to 20 clinics); University of Denver (9 law school clinics); University of California-Irvine (8 in-house clinics); University of California-Berkeley (6 school clinics); University of Stanford (11 clinics); University of Michigan-Ann Arbor (16 upper-level clinics); New York University (44 clinics); Yale University (30 clinics); The City University of New York School of Law (11 clinics); American University (10 in-house
Finally, while not quite as strong of an indicator towards specialty clinics as the other two items above, there certainly has also been a noticeable and recent increase of scholarship from more focused law school clinical programs and faculty regarding their own specialty clinical practice. To illustrate, there have been several articles noting the rise of transactional clinical practice in law schools within the last few years. Even those who work in the more rapidly trending specialty areas are recognizing the rise of their own specialty clinical practice area within the law school experiential learning community. For example, one environmental law clinic scholar explicitly noted that his particular specialty has expanded such that “[a]lmost every law school with a significant environmental program now runs an environmental law clinic.” Another scholar has described the significant expansion of veterans law school clinics, which as of 2018, includes the University of Arkansas Little Rock Bowen’s School of Law’s Veterans Legal Services Clinic. Lastly, two scholars have explicitly found

clinics); Georgetown University (17 clinics); 2020 U.S. News: Law Schools—Clinical Training Survey, U.S. NEWS & WORLD REP., https://dataportal.usnews.com/pubsurvey/index.php/printsurvey/view/surveyid/278834 (“In making your choices consider all elements that contribute to a program’s academic excellence, the depth and breadth of the program, faculty research and publication record, etc. Rate programs on a scale of outstanding (5) to marginal (1).”).

253. See Kotkin, supra note 166, at 303 (noting “the burgeoning scholarship reflects the change in the composition of clinical programs”).


256. Steven K. Berenson, Legal Services for Struggling Veterans—Then and Now, 31 HAMLIN J. PUB. L. & POL’Y 101, 136–37 (2009) (discussing the recent expansion of law schools which have started legal clinics designed to help veterans with their benefits claims).

257. Theresa M. Beiner, Bowen School of Law Creates Veterans Legal Services Clinic, ARK. LAW., Fall 2019, at 48, 49 (announcing the Veterans Legal Services Clinic which will be the seventh legal clinic and provide opportunities for law students to represent veteran clients while still in law school).
that intellectual property/transactional clinics are "one of the fastest growing substantive areas of focus for new law school clinics."\textsuperscript{258}

Given the plethora of sources calling for law students to receive more hands-on practical training during law school along with the increased marketing efforts and the rise and acceptance of specialty clinical scholarship, it is no wonder that there has been an increased number of specialty clinics. The data supports this trend. Needless to say, even though there are some who have been critical of what they perceive as a trend away from the more poverty law-focused clinics,\textsuperscript{259} all of this information is still very exciting for those who are involved in clinical education and believe in what occurs during these educational opportunities. There is definitely a strong argument that rural lawyers are more akin to public interest or more pro bono like type attorneys.\textsuperscript{260} For the sake of argument though even if practicing law in a rural community does not necessarily mean that an attorney will be providing more poverty law related legal services, in looking at the general characteristics of a "rural law practice," there are more similarities to the types of legal issues students will be exposed to in a more general law or legal aid-type of clinic. As will be briefly highlighted in the next two Parts, there are certainly transferable skills that any law student who participates in a clinic during law school will be able to take with them to a rural law practice, but there are more direct correlations between participating in a general practice law school clinic and running a rural law practice that may likely help address the current attorney shortage crisis.\textsuperscript{261}

\textbf{IV. WHAT IS "RURAL LAWYERING"?}

Before we can analyze how a general practice legal clinic could help model and encourage students to practice in rural or small communities, it is


\textsuperscript{259} See Kotkin, \textit{supra} note 166, at 302 ("Today, the classic legal services style practice no longer is the most prominent feature of the clinical world. Instead, programs that replicate the more elite elements of private and public practice have proliferated.") (discussing Rebecca Sharpless, \textit{More than One Lane Wide: Against Hierarchies of Helping in Progressive Legal Advocacy}, 19 CLINICAL L. REV. 247, 247 (2012) (chronicling the history of the movement away from direct services in detail and discussing how critical theory and notions of rebellious lawyering contributed to the creation of what she calls a "hierarchy of helping").

\textsuperscript{260} See Haksgaard, \textit{supra} note 69, at 210.

\textsuperscript{261} See discussion \textit{infra} Parts IV, V.
important to understand the general characteristics of a rural legal practice. At the outset it should be noted that this Author did not conduct a survey of rural legal practices, but rather is basing the characteristics discussed in this Part on information gathered from other publications and scholarship that discuss certain unique characteristics of a rural legal practice. As will be demonstrated below, oftentimes how one describes a rural law practice is through anecdotal evidence. In fact, it is hard to really define what is rural, let alone what qualities make up a typical rural lawyer. In analyzing the country lawyer archetype, Professors Judy M. Cornett and Heather H. Bonsau noted “there are very few demographic statistics that definitively detail the rural lawyers and solo practitioners who are most likely to bear the title.” Additionally, in the recent podcast entitled “Do You Have What It Takes to be a Rural Lawyer?” participants acknowledged the difficulty in defining this type of attorney: “It was hard to track down statistics on this, because nobody keeps good track of it.” The very nature of the common characteristics that can be identified (i.e., the fact that rural lawyers are more likely to “do it all”) make it even more challenging to define the rural lawyer.

However, in putting these various sources together it appears that attorneys who practice in rural communities generally have the following three characteristics: (1) they often practice in a variety of legal areas, (2) they participate or are otherwise involved in their communities, and (3) they need to utilize “other” lawyering skills in order to be successful in their practices.

The first and most noted characteristic of a rural legal practice is that attorneys in these areas often are expected to practice in a variety of legal topics. One need not look far to find that there exists a public perception that attorneys in rural communities are more likely to be generalists, whereas attorneys in more urban areas have more opportunities to specialize in a particular area of law. This lack of specialization was even documented

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263. See Haksgaard, *supra* note 69, at 216 (noting rural lawyers are harder to categorize than urban counterparts because of mix areas of practice).
265. *Id.* at 157 (quoting Ward, *supra* note 7).
266. Haksgaard, *supra* note 69, at 216.
267. *See id.*
268. Dwain E. Fagerlund, *Legal Malpractice: The Locality Rule and Other Limitations of the Standard of Care: Should Rural and Metropolitan Lawyers be Held to
back in a 1967 book which analyzed the practice areas of private attorneys in "a 'middle-sized Midwestern city,' given the pseudonym 'Prairie City.'" This study found there was a startling "[l]ack of specialization" within the general legal community. There was not even a noticeable distinction between solo practitioners and those practicing in firms or partnership. Furthermore, even though over half of the attorneys may have indicated that they had a "specialized" practice area, when it came down to what they spent most of their time doing, most attorneys in the study generally attributed their time to general practice areas rather than their stated specialty areas.

Anecdotal evidence also corroborates this perception that rural lawyers should expect to handle a wide range of legal issues in their practice. One lawyer who practiced in the rural part of Alabama (with a population of 750) explained how she was only one of three attorneys in the area. Not surprisingly one of the other attorneys was the part-time prosecutor and the other was a part-time municipal judge, who also split criminal cases with this attorney. By necessity this attorney had to practice multiple areas of law, "In Haineville, I did it all—divorce work, criminal defense, civil plaintiffs and defense, probate... You name it, I did it." After graduating from Drake University Law School, another attorney practicing in rural Illinois described himself as a general practitioner, where he "handled 'everything under the sun,' ranging from traffic tickets to real estate, from divorces to the Same Standard of Care?, 64 N.D. L. REV. 661, n.187 (1988) (citing AM. BAR ASS'N, REPORT OF THE AMERICAN BAR ASSOCIATION TASK FORCE ON THE GENERAL PRACTITIONER AND THE ORGANIZED BAR 16-17 (1984)). The report stated: "There is a belief that many general practitioners are reluctant to limit their practice to areas in which they are proficient because, simply put, they need the money." Id. Most people perceive urban lawyers as large firm specialists and rural lawyers as solo general practitioners. Id. Even though most solo practitioners actually practice in cities, solo and small firm practices are more likely than large firms to be located in a rural setting. Id. See also Pruitt et al., supra note 11, at 150 ("Additional, the assumption in legal education that students will eventually focus on one or more narrow practice areas may be a poor fit for lawyers who aim to practice as generalists, a strategy that may well be a practical necessity in rural areas.")

270. Id.
271. Id.
272. Id.
274. Id.
275. Id.
assisting with a murder trial."276 In an article that analyzed the lives of different types of Texas attorneys in smaller communities, a report specifically noted that as similar to other rural attorneys these particular attorneys also practiced a wide “variety of matters.”277 One particular attorney who transitioned from a city practice to a rural practice noted, “Out here, you have to be more of a general practitioner and be aware of not only the particular problem but also how to fix other things in your clients’ lives.”278 Similarly, as a rural Nevada lawyer described his practice,

Besides personal injury, family law, and criminal defense—my daily bread and butter—I have had clients ask me about or have worked on everything from “black lung” cases to mining law, to water law, to landlord-tenant, to estates, to immigration, to disability rights, to educational/student law, to bankruptcy, to tribal law, and all things in between.279

In discussing what it means to be a rural lawyer oftentimes it is said that a rural lawyer “wears multiple hats,” and it is not uncommon for a rural lawyer to have a private practice and also work part-time in some governmental capacity such as a prosecutor, public defender, magistrate, or other elected official.280 In describing his legal practice, another lawyer in South Dakota said:

he works part-time as deputy state’s attorney in [one] [c]ounty, where he prosecutes criminal cases. He also has a private practice representing criminal defendants (in counties other than [the one where he is a prosecutor]), and representing people in civil matters—mainly involving real estate issues, probate and estate planning.281

There are some who disagree with the notion that a rural lawyer cannot specialize in a particular legal area. For example, Bruce Cameron, who has

276. Davis, supra note 77.
278. Id.
280. Curriden, supra note 273, at 65 (noting lawyers in the rural South “are held in high esteem but often must wear multiple hats that can create conflicts of interest. Most act as part-time judges or part-time prosecutors or hold some elected office.”); see also Runge & Vachon, supra note 31 (“Due to the fact that the lawyer may be the only one or one of a few lawyers in a community, a lawyer may find herself wearing multiple hats.”).
281. Davis, supra note 77.
been practicing in a rural Minnesota town since 2007 and written extensively on the subject matter of rural lawyering, disagrees that a rural lawyer cannot specialize. Contrary to others’ description of a rural lawyer, Cameron identifies the rural lawyer as an “adaptive specialist” rather than a “generalist” lawyer. Despite his creative label, even Cameron has acknowledged that there is some variety of work to being a rural lawyer, because while dispelling the myth that rural practice would not involve a variety of legal work, Cameron replied:

If you mean that you won’t be exposed to a fixed rotation through the various departments of a major law firm, you are absolutely right. Rural lawyers have to be a bit more flexible—able to write a will, open a probate, handle a residential real estate closing, serve a summons and complaint in a divorce action, and defend a DUI case. And that’s just what’s on the agenda for Monday.

Moreover, when interviewing rural lawyers for his book, one attorney specifically noted to Cameron that it would be hard to maintain a niche practice given the inherent small population size of an attorney’s practice area.

Personally, I have found that rural people expect a rural lawyer to be able to handle most of their general legal needs. This means I need to be proficient in the basic areas that people need regularly—real estate transactions, wills and estates, and such small business transactions such as formation issues, contracts, and debt collection. Then there are issues specific to rural areas, including agriculture and small community banking.

As a result, even if a rural lawyer specializes in a particular area of law the rural lawyer generally has to be prepared to take on whatever else may walk in the door. As noted by one South Dakota rural lawyer, even though he specialized in agriculture law, “he also takes whatever comes—a

283. Id. at 7, 57.
284. Bruce Cameron, Not Enough Work (and 7 Other Myths About Rural Law Practice), BENCH & BAR MINN., Sept. 2019, at 18, 19 [hereinafter Not Enough Work].
285. CAMERON, supra note 282, at 48.
requirement at a rural firm,” which for this attorney has involved some estate planning, litigation, and even public defender work.286

Notably, this public perception of generalization is not restricted to just those who actively practice and represent clients, but it has also been attributed to members of the judiciary who serve rural populations. In 2015, attorney Laurence Digesti, then president of the Nevada Bar Association, “visit[ed] with members of the bench and bar in several of Nevada’s rural judicial districts during a working road trip. . . .”287 After his tour he wrote a piece entitled A View from the Rural Bench, where he specifically commented on the characteristics of judges in rural communities, noting that “The judges in these districts do everything, from performing administrative duties to hearing all types of cases including, but not necessarily limited to, criminal cases, civil disputes, family law matters, juvenile matters and specialty courts. Simply stated, they do it all.”288

In addition to the above, rural lawyers have also been directly compared to more generalist characteristics of a country doctor289 with others advocating that the initiatives to increase rural lawyers should follow the programs that incentivize medical professionals to practice in rural communities.290 Moreover, further support can be found from students’ own

288. Id.
289. Curriden, supra note 273, at 66 (“A lawyer’s rural practice is also similar to that of a country doctor’s. It does not pay to specialize.”).
290. See Hannah Alsgaard, Rural Incentive Programs for Legal and Medical Professionals: A Comparative, 59 S.D. L. REV. 585, 586–87 (2014). See also Haksgaard, supra note 69, at 211; Wandler, supra note 84, at 263–64 (describing and advocating for a similar program like the University of Washington’s School of Medicine Targeted Rural Underserved Track (TRUST) program that has attempted to address rural gaps in the physician workforce.) See Luring Doctors and Lawyers to Rural America, NHPR (May 1, 2013), https://www.nhpr.org/post/luring-doctors-and-lawyers-rural-america#stream/0 [https://perma.cc/NW3D-2USL] (discussing and comparing the crisis of the shortage of rural lawyers and doctors with various guests, including Patrick Goetzinger, co-chair of the Project Rural Practice Task Force in South Dakota who discussed the efforts being taken in South Dakota to address the shortage of rural lawyers and guest Byron Crouse, program director at the Wisconsin Rural Physician Residency Assistance Program who discussed the similar efforts being taken in Wisconsin to address the shortage of rural doctors). See generally Pruitt et al., supra note 11 (discussing initiatives being undertaken in various jurisdictions to address the shortage of doctors in rural communities, including highlighting and advocating for medical-legal partnerships where appropriate).
hesitations about going into a rural practice and a law school’s ideal rural lawyer law school course coverage. In surveys about rural practice, law students have said they might consider rural practice but are concerned due to the overwhelmingly vast array of subject matters they might need to be competent to handle.291 To illustrate this daunting task, Professor Hillary Wandler discussed the ideal steps the law school would need to consider implementing in order to best prepare its law students for this type of rural practice.292 One of the steps she proposed was to ensure that law students would receive adequate coverage in their law school curriculum that would prepare them for the variety of substantive areas of law they would likely handle in practice.293 Professor Wandler reviewed various rural lawyer articles and determined that the following subject matters would be relevant for those wanting to practice in a rural setting: estate planning, criminal law, disability law or public health advocacy, bankruptcy, family and child welfare law, agricultural law, rural development law, environmental and natural resources law, rural property law, energy law, and legal issues involving small businesses and nonprofit organizations.294 Further recognizing a rural lawyer might by necessity need to be a generalist, others have also advocated that law schools should offer classes “on General Practice, Law Practice Management, and a variety of other skills-based and clinical opportunities.”295

Secondly, when defining what it means to be a rural lawyer, there also seems to be more emphasis on community relationship and involvement. It should be noted that one of the reasons why there is greater emphasis on a rural lawyer’s community involvement is just because there is a smaller pool for competition: “[W]ith fewer attorneys per capita in rural areas, those attorneys are more likely to be sought after to serve on city councils, school

291. See Evenson, supra note 279, at 32 (“Indeed, the biggest challenge lawyers in rural areas face is competently handling the wide variety of issues encountered.”); Haksgaard, supra note 69, at 213–14 (“Rural areas need all types of lawyers—including prosecutors, public defenders, estate planning attorneys, family law attorneys, immigration attorneys, legal aid attorneys, and every other type of attorney.”); Wandler, supra note 84, at 237 (noting that during a meeting of the Montana School of Law’s Rural Advocacy League students who were interested in pursuing rural legal practices also voiced concerns about needing to know such a breadth of areas of law, in particular noting whether they would have sufficient expertise to handle cases opposing lawyers with specialized knowledge in areas like energy law).
292. Wandler, supra note 84, at 241.
293. Id.
294. Id. at 241–42.
295. Pruitt et al., supra note 11, at 150.
boards, and other local governing bodies—as well as to run for seats in the state legislature." Nevertheless, despite the numbers, there still is anecdotal evidence to support that a rural lawyer really does need to build relationships within the community in order to be successful. As Cameron notes, this often involves a long term commitment because it takes time for "[a] new lawyer . . . to build trust and a good reputation." One of the best ways to build these vital relationships is for attorneys to become actively involved in their communities. "Small towns appreciate those who volunteer." In his book, Cameron specifically identified this lawyer as "the entrepreneurial rural lawyer" who was required to be "a political animal" of sorts, since most communities expected their local lawyers to "be involved in community service and community leadership." It is these community interactions and relationships that are essential to a rural lawyer's success.

As one lawyer explained, his successful small town practice could be attributed "to the community involvement he puts in after-hours, attending civic meetings, chatting with local business owners, and holding happy hours in his home." Rural lawyers are uniquely expected to not only provide legal services to the community but also to help their communities by serving on nonprofit organizations, local government positions, school boards, and local bar associations. It is also clear that rural communities desperately need rural lawyers to help further the longevity of their communities in other ways besides just providing legal representation. This is further illustrated in Professor Hannah Haksgaard's article where she argues rural lawyers are really public interest lawyers, one of the reasons is because they are so integral to the rural community and provide such critical community service roles. Quoting a member of the South Dakota judiciary, rural lawyers

297. Laird, *supra* note 286, at 44.
299. Id. at 8, 52 ("A rural law practice (for that matter, a solo or small firm practice) is about service; service to clients, service to community.").
301. Haksgaard, *supra* note 69, at 218 (citing Wandler, *supra* note 84, at 249 ("Legal professionals serving rural areas describe rural residents as 'community-minded and friendly people' who more deliberately relate to and connect with each other.").
302. Id.
“assist[] the infrastructure of these rural counties to vibrantly expand and grow, rather than wither away and ultimately become uninhabited with only remnants of courthouses and what once was a thriving rural society.”

In discussing the rural lawyer shortage in Iowa, some acknowledged the community involvement. For instance, attorney James Pedersen said he volunteered legal knowledge to help set up the Ringgold County Teen Center and to reopen Mount Ayr’s historic Princess Theater. He also served for six years on the local hospital board.

“You will see lawyers and bankers on the library board, you’ll see them on hospital boards,” said Frank Carroll, a former Iowa State Bar Association president, who practices in Des Moines. “So having that person present in the community . . . helps energize the community or at least can provide a resource for energizing the community.” Finally, when asked “How important is community involvement in building and maintaining a small town practice,” one responder noted:

We are very active in the community. I think it is expected of us and gives us a chance to interact with a large segment of the community in a positive manner. Not only does it improve the community, but I believe it is the most effective form of [law firm] marketing in a small community.

Last but not least, not only do attorneys in rural areas need to know a lot of different practice areas but they also likely need to be more competent in other lawyering skills right out of the gate which are not usually emphasized as much in the law school curriculum. As discussed above, legal education has been called to address the deficiencies in a new attorney’s practical lawyering skills.

Additionally, the legal profession is also seeing the need to become more client-centered. But for the rural lawyer in particular, these would

305. Rodgers, supra note 37.
306. CAMERON, supra note 282, at 78.
308. See discussion supra Part III.
309. See Mark A. Cohen, Skills and Education for Legal Professionals in the 2020’s, FORBES (July 1, 2020), https://www.forbes.com/sites/markcohen1/2020/07/01/skills-and-
include more emphasis on soft skills, such as active listening and client counseling skills.\textsuperscript{310} In other words, soft skills include, “emotional intelligence—people skills, collaboration, cultural awareness, empathy, and an ability to communicate effectively with clients.”\textsuperscript{311} And because of the expectation that rural lawyers need to be more involved in the community, this would also mean that they would need to have proficient leadership skills.\textsuperscript{312}

Thus far this Article has demonstrated that there exists a current and serious crisis facing many rural communities with its rapidly declining attorney population that presents a well-documented gap in access to justice and legal services in these communities. While there have been interesting solutions, law schools and, in particular, law school clinics, have been called to action. At the same time, there have been transformative changes in clinical programs—in particular the recent perceived shift away from general practice law clinics and rise of specialty areas of law clinical programs. Now in taking all of the above, and looking at the key characteristics of a rural lawyer, the remainder of this Article will propose how law schools can use a general practice in-house clinic model as a way to address the shortage of rural lawyers and to promote the benefits of general practice to students.

V. THE ARGUMENT FOR THE GENERAL LAW FIRM CLINIC MODEL

As mentioned above, the purpose of this Article is to demonstrate how law schools who wish to help address the shortage of rural lawyers across the country might consider using a general practice law clinic model as opposed to offering more specialty clinics.

At the outset this Author wants to make clear that she in no way means any disrespect or wishes her comments to be negatively critical to her fellow

\textsuperscript{310} Wandler, supra note 84, at 240 n.14 (citing Mader, supra note 277, at 526) (noting rural lawyers’ clients need “patient” counseling and sometimes spend hours with clients when they just need to have someone listen. “Out here, you have to be more of a general practitioner and be aware of not only the particular problem but also how to fix other things in your clients’ lives”). See also Dina Eisenberg, \textit{What Clients Really Want from You}, AM. BAR ASS’N (June 14, 2019), https://www.lawpracticetoday.org/article/what-clients-want/ [https://perma.cc/Q97B-WQAD] (noting clients want “comfort, reassurance, and connection” from their attorney).

\textsuperscript{311} Cohen, supra note 310.

\textsuperscript{312} Wandler, supra note 84, at 245 (“Within rural communities, lawyers have opportunities to lead on local issues through local government positions, school district positions, boards, and local bar associations.”).
clinical colleagues, especially those who run specialty clinic programs. Law schools should do whatever they can to pave the way to give every law student the opportunity to work with real clients on real legal issues regardless of whether there is a narrow legal focus or more targeted group of clientele involved. Research clearly shows that law students and the overall legal profession significantly benefit from having these real experiential learning opportunities. As those who put together the Best Practices for Legal Education explicitly stated, "it is only in the in-house clinics and some externships where students' decisions and actions can have real consequences and where students' values and practical wisdom can be tested and shaped before they begin law practice." The fact that there has been such a rise of specialty clinical programs is definitely a testament to the efforts of past and current prolific clinical colleagues and their tireless efforts to push for more recognition and status within legal education. It is truly humbling to be considered a member of this welcoming and passionate community, and it is definitely an exciting time to be part of this growing trend in legal education. This Author only wishes to suggest in this piece a possible way the structure of clinical programs could assist the shortage of rural lawyers.

It should also first and foremost be stated that regardless of whether a law student participates in a specialty or more general practice clinic in law school, it is clear that they will be exposed to critical lawyering skills that will certainly aid their rural law practice. The third characteristic of a rural lawyer is the need to be competent in lawyering skills right out the gate. These skills can be found in most law school clinics. In most clinics

313. As noted in Part II of this Article, in a recent study advocating for a better licensing requirement than the traditional bar exam, researchers found (even though not prompted for such response) that new lawyers in its focus groups repeatedly cited clinics as essential in preparing them for the first year of practice, and supervising attorneys were equally enthusiastic about the role of clinics in developing minimum competence in lawyering skills. BUILDING A BETTER BAR, supra note 194. See also The Uneasy History, supra note 137, at 580–81 ("[L]aw schools have to provide every law student with a real-life practice experience in which each student is able to assume the role of a lawyer, which is important for the development of lawyering skills and professional values.") (citing Carnegie Foundation, Educating Lawyers (emphasizing "the value of clinical education as a site for developing not only intellectual understanding and complex skills of practice but also the dispositions crucial for legal professionalism.").)

314. ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION 114 (Clinical Legal Educ. Ass'n 2007).

315. See MacCrate Report, supra note 170.
students are confronted with problem situations of the sort that lawyers confront in practice; the students deal with the problem in role; the students are required to interact with others in attempts to identify and solve the problem; and, perhaps most critically, the student performance is subjected to intensive critical review. 316

Students deal with these unstructured and real client situations under the guidance and supervision of clinical faculty members as opposed to a practitioner outside of the law school. 317 While there are several goals to a clinical legal education, one of these is certainly providing students with professional skills instruction. 318 When at clinic, students receive training on specific lawyering skills such as interviewing, fact investigation, pleading practice, advocacy, and counseling. 319 Furthermore, clinics give students an opportunity to learn from experience which, due to the nature of law school curriculums and licensing requirements, they typically would not have the ability to do until after graduation. The hope is that by providing students with constructive feedback on their performance with real cases, students will start developing their own self and peer critiquing skills that will allow them to grow by continuing to analyze their own performances while in practice. 320 There are voluminous publications out in the field that more adequately speak to all of the benefits of a clinical education, but just to highlight a few, some other benefits students receive when participating in a law school clinic include learning how to act professionally and communicate with real people in the practice (i.e., clients, witnesses, judges, other attorneys, members in the community). Moreover, law students have the opportunity to work on other “competencies,” such as “seeing the big picture, managing workload, coping with stress, and learning

317. Id.
319. See id.
320. Id. at 513–14.
continuously.” As briefly noted in the above surveys, there is evidence to support that law students and supervising attorneys also believe that clinical experience is important to developing law student’s lawyering skills.

Any type of clinic participation will help develop the soft skills one will need to use if they practice in a rural community. One of the fundamental lawyering skills common to all clinical programs is working with others in unstructured situations. Working with others includes the soft skills of active listening and appropriately responding to the unique needs of clients and their situations. Post-graduation students who go work in medium-to-large sized law firms or become full time governmental employees might not need to directly deal with clients at the outset of their careers. But that is not the case with a rural lawyer. As described above anecdotally, rural lawyers are expected from day one to be able to directly interact with their clients. The relationships rural lawyers form with their clients are the key to a successful practice in a rural community, and one cannot form this relationship without being able to utilize important soft skills, including effectively communicating with people. Furthermore, those law students who may go work in more urbanized areas in a smaller boutique specialty law practice and who might have to deal with clients immediately in practice do not have the same type of pressure as rural lawyers for successful client communication as their geographical practice area is larger, presumably containing more opportunities. At the very least it should be easier for attorneys in more urbanized areas to remain under the radar within the general community, as compared to a rural lawyer. As one rural lawyer eloquently stated when describing the benefits and negatives of having a rural law practice, “The biggest pro is that I know everyone in town, and the biggest con is that I know everyone in town.” So one negative client interaction can have a much bigger impact on a rural lawyer’s practice, which makes the need to have competent lawyering skills all that more important to a rural lawyer’s success. When a law student participates in a law school clinic they will be exposed to some of the critical soft skills needed to work as a rural lawyer. Clinic students are typically given their own clients and cases to manage, so in working with their clients they will necessarily need to manage the soft skills of emotional intelligence, such as empathy and cultural awareness. In addition, in working under the supervision of their

321. Building a Better Bar, supra note 194, at 75.
322. Id. at 75–76; Berger, supra note 157, at 145.
323. See discussion supra Part IV.
324. See Justice in the Hinterlands, supra note 33, at 653.
clinical faculty member and directly working with their clients, students will also need to learn how to collaborate.

In addition to the obvious benefits derived from participating in clinics, this Author believes that there could be a significant benefit from running a more general practice law school clinic model to address the shortage of rural lawyers. To support this point, just compare the first characteristic of a typical rural lawyer’s practice to the more general litigation or legal aid type of law school clinic. It is clear that if one were to open up a rural law practice they should generally anticipate needing to be competent in handling a variety of legal issues. Rural lawyers have to be open to taking whatever walks through their door. Even if identifying as an “adaptive specialist,” rural lawyers need to be open to handling other legal issues for their clients and being flexible to shifting their practice to fit the community’s needs. This amounts to some degree of uncertainty that might not otherwise be present if one were to practice in a very niche type of practice. And this uncertainty of what will walk through the door can be much more assimilated in a general litigation or legal aid type of law school clinic, as compared to a specialty clinic where there is an already predefined scope to the legal matter the law student will handle. As highlighted above in the various law school clinic course descriptions, general practice or legal aid law school clinics are broader in scope, with several indicating that they accepted a variety of legal issues.\textsuperscript{326} Thus, it is reasonable to suggest that general litigation or legal aid types of clinics where students can take on both criminal and civil cases are the best replication of a rural lawyer’s practice. Again, rural lawyers generally work on a variety of legal matters. But it is also well documented that rural lawyers often wear multiple hats in the community, and while their private practice may be more limited, they may also work as a part-time prosecutor, solicitor or municipality attorney, public defender, or even a member of the judiciary in another nearby rural community.\textsuperscript{327} Consequently, exposing law students to the opportunity to handle the wide range of legal issues, both criminal and civil, while in law school is just simply more like a rural law practice. Even more general civil litigation law school clinics or legal aid clinics are closer to the characteristics of a rural lawyer’s practice as there is still a broader range of topics that law students might deal with compared to if they enrolled in an intellectual property or immigration clinic.

The expectation that a rural lawyer will need to be comfortable with a wide variety of practice areas is also further supported by the literature on

\textsuperscript{326} See discussion \textit{supra} Part III.
\textsuperscript{327} Haksgaard, \textit{supra} note 69, at 218.
proposed subject matters law schools should be exposing law students to
who plan to open a rural practice. Practicing the key soft skills needed to
build and maintain client relationships is vital, but so too is possessing some
familiarity of a wide range of legal subject matters such as criminal law, real
property, small business and nonprofit organizations, estate planning,
bankruptcy, and family and child welfare laws. Again, the more varied the
types of legal issues the clinic handles, the more varied the law student’s
experience in dealing with a variety of legal issues will be, equating it more
to the type of experience they can expect from a rural law practice.

Law students who participate in one of these broader scope clinics will
gain the exposure to the lawyering skills needed of a rural lawyer along with
a wide breadth of legal issues they might encounter. These opportunities
should lead to more new lawyers going into rural communities because even
though there is not consistent data evidencing the positive impacts of such
programs, in-house clinics share many of the characteristics of incubator-
type programs that have been created in attempts to help support new
lawyers in rural communities. Both clinics and incubator programs center
their missions on providing participants with practical hands-on learning
experiences where they work on their lawyering skills with real cases and
clients.328 Participants are mentored by experienced practitioners in the field
who guide them through their cases and give them feedback and advice
along the way. Of particular significance to aiding the professional
development of a new lawyer is allowing that participant to take advantage
of their mentors’ experience and skills and use them as a sounding board
when reflecting on and forming their own legal strategy to cases.
Instructively, this “sounding board” opportunity in an incubator program is
akin to one of the key pedagogical tools utilized in clinical practice, called
case rounds.329 Moreover, both models allow students to improve their

328. Wandler, supra note 84, at 252. See also Chavis, supra note 55, at 284.
329. “Law clinic rounds are meetings of all of the students in the clinic and their
supervising attorneys, including the clinic professors. In these rounds, which occur
periodically, the participants exchange information about the projects on which they are
working, discuss issues they are working through, identify next steps, and ask their
classmates for assistance in thinking through the issues in the case.” Helen H. Kang, Use
of Role Play and Interview Modes in Law Clinic Case Rounds to Teach Essential Legal
There are several documented benefits to using case rounds in clinical education, but
three noteworthy lawyering skills that are utilized by rounds are collaboration and
providing more exposure to legal knowledge and reflective practice. See id. at 222 (“In
addition to providing an opportunity to broaden and deepen substantive and procedural
knowledge, rounds provide an opportunity to learn professional reasoning, judgment,
collaboration skills, a key soft skill that is required of a rural lawyer. In addition to the support and mentorship that goes on in both clinics and incubator programs, participants are similarly put into actual law firm environments where they are required to use case management systems, more focused legal research tools, and work with appropriate forms in working on their cases. All of these provide participants with the necessary opportunities for professional development—both in terms of their own lawyering skills and general professional identity as a lawyer. And by using the in-house clinic, law schools would be doing so before these would-be rural lawyers have graduated from law school, something that has been advocated for as a way to address this crisis.\footnote{330} As a result, the majority of the benefits that come from participating in an incubator program, where recent graduates are supported by experienced lawyers, are similar to those that already exist in an in-house clinic. In fact, there already seems to be a very strong correlation with incubator participants and those who were engaged in law school related experiences in either pro bono, clinical, or fellowship programs,\footnote{331} so if a law school were to further utilize a general practice clinic model, there should be even more positive connections made for the law student to the rural practice of law before graduation.

Overall, any participation in a law school clinic will allow students to develop critical lawyering skills. Moreover, there are also built-in opportunities when participating in any clinic for a law student to improve the soft skills needed right out the gate for a successful rural law practice. Specialty clinics are valuable opportunities, and they definitely have their place in bolstering law school curriculums and furthering the legal profession. Nevertheless, general practice and legal aid type law school clinics are in better positions to help create an environment similar to that

\footnote{330} See Wandler, supra note 84, at 239 ("Efforts to increase the number of rural practitioners in key areas across the state should start before potential rural lawyers have graduated from law school and extend beyond law school training.").

\footnote{331} See ABA STANDING COMM. ON DELIVERY LEGAL SERVS., supra note 102, at 13 (seeking to determine how various elements of respondents’ law school experience impacted their decision to enter a legal incubator program. “Eighty-one respondents cited pro bono programs, clinics, and fellowships as sources of their pro bono engagement as law students. Over half of the respondents who engaged in pro bono while in law school did so in a pro bono or public interest clinic as a student, and just under half did so in a voluntary pro bono program as a volunteer.”).
of a rural lawyer for law students just considering the wide range of legal issues they handle. In addition, there is a strong correlation to the benefits derived from incubator programs and those that occur in in-house clinics that it would suggest there would be similar success in law school clinics.

However, besides exposing law students to critical lawyering skills and the same kind of “whatever walks through the door” clientele a rural lawyer will need to work with, law school clinics should also consider how they could attempt to incorporate the last important characteristic of a rural lawyer mentioned above: a commitment and expectation of community involvement. The next Subpart of this Article will showcase how one rural law school’s clinic has structured its program to operate like a general practice law firm and also include opportunities for community involvement, which might help foster a law student’s interest in becoming a rural lawyer.

A. The ONU Legal Clinic as an Analogy to a General Law Practice Clinic Model

The Ohio Northern University Legal Clinic (ONU Legal Clinic) has a robust history of service to the community and educating law students to become competent and professional legal practitioners. Ohio Northern University’s (ONU) College of Law has offered clinical education programs to law students for over 55 years.332 The off-campus ONU Legal Clinic office was first established in Lima, Allen County, Ohio in 1989, and currently occupies an entire floor of a bank building in the downtown area.333 At first the ONU Legal Clinic primarily served senior citizens, yet was quickly expanded to an office offering legal services on a variety of civil concerns including domestic relations, social security, expungements, and more.334 In the late 1990s, what was then known as the Enterprise Development Clinic was established to provide assistance to local nonprofit associations and later, with ONU’s ties to the Methodist Church, was expanded to include churches.335

As with other law school clinics, the local communities heavily rely on the ONU Legal Clinic and law student interns for the free legal services it

333. See generally id.
334. See generally id.
335. See generally id.
provides. As there is only one other pro bono legal aid organization in the area, the ONU Legal Clinic is an essential service and resource to many local courts, nonprofits, community resource groups, and government agencies. The ONU Legal Clinic helps make the local justice systems run smoother and more efficiently and helps provide access to justice to many community members that would otherwise not be able to obtain legal assistance.

While course descriptions have changed throughout the years, ultimately the ONU Legal Clinic has continued to offer only two types of broad clinics at the law school: the ONU Transactional Clinic and the ONU Litigation Clinic. The ONU Litigation Clinic is designed to provide students with real client experience across a wide variety of legal issues relating to litigation matters such as family law, social security disability, bankruptcy, and other general litigation matters. The ONU Transactional Clinic is designed to provide students with real-client experience across a wide variety of legal issues relating to corporate governance, nonprofit organization issues, tax, real estate, corporate policies, compliance with federal, state, and local laws, and estate planning and probate matters.

While Lima, Ohio is bigger than what might be considered “rural” in population (city population of approximately 35,579), ONU is itself located in rural Ada, Ohio, with a population of approximately 5,334. Despite the ONU Legal Clinic’s physical location in a small city, it is surrounded by several less densely populated counties, and the ONU Legal Clinic purposefully takes clients not only from Lima, but from surrounding areas.

336. See id.
337. Legal Aid of Western Ohio, Inc. (LAWO) and Advocates for Basic Legal Equality, Inc. (ABLE) are companion nonprofit regional law firms that provide legal assistance in civil matters to help eligible low-income individuals and groups in western Ohio. Both nonprofits cover a large geographical area, in particular 32 counties of northwest and west central Ohio.
338. Historically, ONU offered several types of subject matter “clinics,” such as Bankruptcy, Prosecution, Public Defender, Labor & Employment; however, in reality these courses were really externships or field placements and not live-person clinics and as a result the course titles were changed in light of the changes to ABA standards which made externship/field placements separate categories from live-client clinics.
339. Law Clinics and Externship Program, supra note 333.
340. Admittedly, the Litigation Clinic does not take on any criminal cases.
341. Law Clinics and Externship Program, supra note 333.
counties, including: Hardin (31,365), Auglaize (45,656), Van Wert (28,275), Mercer (41,172), and Putnam (33,861).\textsuperscript{343}

In terms of logistics, while the law school offers two separate in-house clinics to students, the ONU Legal Clinic essentially operates as one general practice law firm. Both in-house clinics run out of the same office space and are managed by the same two clinicians. Compared to other law schools, ONU has a very small number of clinical faculty members in this program.\textsuperscript{344} The two clinicians work together on deciding which cases should be accepted or considered, and also work together on every case that is accepted at the ONU Legal Clinic. Both clinicians are also responsible for supervising law student interns on the various cases. Similarly, regardless of which in-house clinic the student is registered for that semester, all students work collaboratively throughout the semester. All law students work in the same student workroom. All of the required ABA class sessions are conducted together with most of the assignments being universal or general in nature. While there may be slight differences to the written reflection assignments depending on which clinic the student is enrolled in that semester, the main class topic for each clinic homework assignment is still the same for all students.\textsuperscript{345} Weekly case rounds are also conducted with everyone together, and students are expected to participate equally in the discussions even though they may not be working on the same type of cases. Finally, while students have to register for one of the two specific in-house clinic courses, because of the fluid nature of ONU’s clinical program, students are allowed (and oftentimes encouraged) to work on cases outside of their designated practice area. In practice, students routinely take on “cross clinic” cases, or cases that are outside of their enrolled clinic course.

Lastly, students are also expected to work on a range of community advocacy projects that include collaborations with community organizations and lawmakers regardless of the specific legal clinic they are registered for during the semester. These community projects are in addition to the civil or transactional cases the law student intern is assigned during the semester. To illustrate some of these community service projects, generally the ONU Legal Clinic conducts a Wills Clinic sometime during the semester. The clinicians coordinate with the local Council on Aging organization and,

\textsuperscript{343} \textit{Id.}

\textsuperscript{344} \textit{See generally Law Clinics and Externship Program, supra note 333.}

\textsuperscript{345} For example, one of the class assignments is on conflicts of interest. Students in both clinics discuss the topic together in the clinic class session, but the Transactional Clinic students are asked to write a reflection on how they would deal with this ethics issue relating to a nonprofit organization, while the Litigation Clinic students are asked to write a reflection on how they would deal with this ethics issue in litigation.
based on the number of law students registered that particular semester, the organization finds an appropriate number of elderly individuals who would like to participate. The basics of wills and drafting are covered in one of the clinic classes prior to the event. Then law students meet with these individuals, conduct their interviews, and then draft and, after supervisor approval, finalize the individual's will. Other ONU Legal Clinic sponsored community advocacy projects have included pro se divorce clinics, foreclosure clinics, and expungement clinics. In addition, the two clinicians have also volunteered for other pro bono community events, such as Certificate of Qualification for Employment (CQE) presentations and driver's license reinstatement clinics.

There are two reasons for deliberately incorporating community advocacy projects at the ONU Legal Clinic. First, ONU Law and the ONU Legal Clinic are both very small in nature. Because of the limited number of clinic personnel and student interns, it is not possible to take on many individual cases from the community. Although the help is more limited and has a broader scope, at least the community service projects allow the ONU Legal Clinic to help more people in the community. Secondly, as with the majority of those in the clinical community, both ONU clinicians believe that lawyers should give back to their communities. It is not only important for students to see the clinicians' own commitment to this cause, but to continuously encourage them while at the clinic to be active participants and provide them with so many of these opportunities during the semester, so they can see and experience the benefits of doing so themselves.

There are several similarities between a rural law practice and the ONU Legal Clinic that would demonstrate how this more general law practice clinic model could be structured to expose law students to a more rural type of law practice. For one thing, there is rural exposure just based on location and clientele. Just in terms of geography, students will likely work with rural clients at ONU. As mentioned above, there have been calls to the more rural law schools to take advantage of their unique settings and provide more direct rural engagement opportunities to law students during their law school careers. Despite the fact that the ONU Legal Clinic is physically located in a more urban setting, everything immediately surrounding its location is rural (including the location of the law school itself), and due to its very centralized location, the ONU Legal Clinic regularly takes on rural clients. So the likelihood that students will actually work with a rural client is very high at the ONU Legal Clinic.

Law students at the ONU Legal Clinic have similar opportunities to experience a wide variety of cases, similar to what they might experience as
a rural lawyer. 346 Admittedly, unlike other general law practice clinics noted above, the ONU Legal Clinic does not take on any criminal matters, and there are two distinct types of clinics students can decide to enroll in at ONU. 347 However, while students do have two clinical offerings when enrolling in an ONU clinic, like a rural lawyer’s general practice, both clinical offerings are very broad in nature (i.e., litigation and transactional) and encompass a wide range of legal issues within those universal categories. 348 Also, in reality, law students are exposed to a similar rural general practice environment regardless of the designation on their transcripts since both clinics operate out of the same law office space and both are managed by the same clinic staff. Moreover, law students are actively encouraged to take on cross clinic cases during the semester, which will expose them to different legal issues and clients. Furthermore, even if the law students stay within their designated legal discipline, they will still be directly exposed to other legal issues while at the clinic since both types of clinic students are required to participate in the same clinic classes and case round discussions. Requiring all students to participate in the same clinic class and engage in case rounds together, both of which involve very reflective discussions, fosters the necessary collaboration skills they will likely need as a rural lawyer in a very mentoring environment more akin to the incubator and mentoring programs being utilized currently to address the rural lawyer shortage.

Finally, up until the pandemic, the ONU Legal Clinic accepted walk-in appointments and students were typically asked to talk to and interview whoever walked through the door. Even if the ONU Legal Clinic is ultimately not able to take the prospective walk-in client’s case, students are still exposed to the same kind of “whatever comes” in the door—“a requirement at a rural firm.” 349 Because of the walk-ins and general nature of both types of clinics, there is inherently some degree of uncertainty as to the exact nature and type of cases clinic students will handle, this is similar to the rural practitioner who typically deals with “everything under the sun.” 350

Although thoroughly analyzed in detail above, it is still worth noting that students at the ONU Legal Clinic certainly learn practical lawyering skills, such as client communication and case management. Like the

346. See Law Clinics and Externship Program, supra note 333.
347. Id.
348. See id.
349. See Laird, supra note 286, at 44.
350. See Davis, supra note 77.
supportive incubator programs, students at the ONU Legal Clinic are mentored and given guided supervision with their cases, clients, and lawyering and professional development skills on a very individual and weekly basis. There are also more rural practice focused discussions through clinic classes at ONU, such as cultural competency, empathy, poverty, and pro bono and community service.

Finally, and something that is a more unique feature of a rural law practice, students who participate at the ONU Legal Clinic are exposed to the significance of community service and relationship building. Because rural lawyers are expected to be involved in their community, community engagement projects are built into the semester and students are expected to participate alongside their clinical faculty members in providing legal services to larger segments of the community. In fact, when revising the recent clinic course descriptions this past year, the clinic director specifically included in both clinic descriptions that students would be expected to engage in “a range of advocacy projects that will include collaborations with community organizations and lawmakers.”351 Overall, these community service projects hopefully serve as a valuable model to law students, not only in fostering a willingness to engage in future pro bono legal services during their careers, but as it specifically relates to rural law practice, serving as an example on how they might get involved in their own rural communities.

B. Other Considerations for a General Law Practice Clinic Model

As demonstrated above, while admittedly not the perfect example of a general rural law practice, there are still a lot of positive attributes to the general law practice clinic, and in particular the ONU Legal Clinic model, which would directly benefit a student interested in a rural law practice. While this last Subpart should not be construed to be an exhaustive list, there are a few other noteworthy items to highlight—some strengths and weaknesses—that law schools may wish to consider when operating this kind of a clinic model.

First, cost. One of the alleged downsides to operating in-house clinics is the financial burden associated with essentially running law firms out of a law school.352 While there are certainly costs to running any clinic, the administrative costs are much lower if the law school decides to run its clinics

352. The Cost of Clinical Legal Education, supra note 137.
in one office space with the same clinical faculty and support staff. Additionally, this model also works well for law schools that are focused on providing students with a broader curriculum and more traditional doctrinal course offerings. More so than law schools which provide students with several individualized or specialized courses in unique areas of law (e.g., certificates or joint JD-LLMs degrees). To further illustrate this point, one of the reasons the ONU Legal Clinic essentially runs like a general law office is because the students who enroll in the clinic are coming in with general, typically non-specialized legal education backgrounds. While ONU does offer specialized curricular courses, for the most part, ONU’s curriculum remains very traditional.\textsuperscript{353} Students are required to take several of the above-mentioned subject matters that also mirror some of the topics one would need in a rural practice.\textsuperscript{354} As such, law schools with a similar general curricular focus would be particularly suited to promoting students into a more general legal practice.

There are some disadvantages to using this general practice clinical model. For one, this likely is not a model worth considering for law schools located in urban areas as they likely have more pressing urban-related community demands that need to be addressed. This general law firm practice clinic model might also not be very practical for larger law schools that have a lot of resources at their disposal. There are also some potential drawbacks to working at a general law practice clinic. For one, there is no ability to specialize in any one area of the law.\textsuperscript{355} Admittedly, the two clinicians at the ONU Legal Clinic are under the same pressures that come from dealing with a variety of legal issues similar to those faced by a rural lawyer and their clients. Some clinicians may enjoy the comfort of knowing with relative certainty the type of cases or clients that they will work on. That is definitely not the case if you work at a general law practice clinic. Because of the variety of legal issues at the clinic, case selection becomes very important and some cases—due to their uniqueness or complexity—


\textsuperscript{354} For example, first year law students are required to take an entire year (or 6 academic credits) of Property, which covers both real and personal property, and one semester, respectively, of Torts and Criminal Law. \textit{Id}. In their second year of law school, all students are required to take Business Organizations 1; and, while not required, students are strongly encouraged in individual faculty advising sessions to take Business Organizations 2, Estates, Wills & Trusts, and Domestic Relations. \textit{Id.}

\textsuperscript{355} See Kowalski, \textit{supra} note 251.
need to be referred out to others. Additionally, when you combine different types of clinics together, you open up the possibility of ethical situations to arise, such as potential conflicts of interest, since everyone is working together on a variety of different types of cases.

It is also clear from reading other scholarship on this issue, there are other significant factors that are likely impacting the rural lawyer shortage crisis.\textsuperscript{356} Notably, there are many documented reasons why recent law graduates do not go into practice in a rural or small community.\textsuperscript{357} Some have certainly voiced concerns that the idea of working in a general practice on a wide variety of legal issues and taking whatever walks through the door is simply too daunting to consider as a new lawyer.\textsuperscript{358} However, other reasons for not wanting to go into a rural law practice have included concerns involving finances (e.g., managing the overhead costs of running a law office, trying to pay possible law school debt, and the real possibility of an initial inconsistent stream of income/clients), the lack of prospective jobs for partners, limited resources for families, navigating local politics and customs, and establishing rapport in the community where one may be an outsider.\textsuperscript{359}

Furthermore, as was pointed out with Chicago’s incubator program, even if you have law students work in similar rural practice clinic environments, it will almost certainly not be the actual environment the law student is likely to go practice in after law school.\textsuperscript{360} So even though the law students will get valuable experiences, possibly even some community service related experience, they will not be building those relationships in the actual communities they will practice in (unlike the after law school type of incubator programs that involve newly graduated attorneys).

Overall, while using a general practice clinical model would certainly help to showcase the types of legal issues, the general soft lawyering skills, and the community involvement traits needed in rural practice, which would likely positively impact a law student’s perception of rural practice, it certainly will not, by itself, address some of these other concerns or be the end-all solution to the rural lawyer shortage crisis facing our country.

\textsuperscript{356} See Justice in the Hinterlands, supra note 33, at 645–50.
\textsuperscript{357} See id. at 667.
\textsuperscript{358} See id. at 575 (synthesizing results of concerns from survey responses); Runge & Vachon, supra note 31, at 620–21; Laird, supra note 285, at 42.
\textsuperscript{359} See Justice in the Hinterlands, supra note 33, at 575; Runge & Vachon, supra note 31, at 620–21; Laird, supra note 286, at 42.
\textsuperscript{360} See Wandler, supra note 84, at 253.
VI. CONCLUSION

As was mentioned in the beginning of this Article, there is no question there is a shortage of rural lawyers in the United States and that law schools have been called upon to help address this important issue. The current and future challenge of rural lawyering presents a unique opportunity for law school experiential learning programs—specifically law school in-house clinics. Simultaneously, law school clinical programs are gaining more recognition within the legal community and, as a result of several factors, specialty clinics are on the rise in law schools. Law school clinics are one of the most effective ways to impact a law student’s professional skills and, as such, are in a great position to be leaders in promoting rural law practice. This Article addresses the more narrow question of how law schools might help this crisis using their in-house legal clinic programs to promote and encourage law students to go into rural or smaller communities. Further, this Article demonstrates how those law schools who are committed to addressing the need of providing new lawyers to rural communities should embrace offering a general practice in-house legal clinic—rather than offering more specialty areas of law clinics to students. Admittedly, it will likely take a more comprehensive approach to solve the rural lawyer shortage crisis.\footnote{See Pruitt et al., \textit{supra} note 11, at 153 (“As with solving the access-to-justice crisis itself, no one strategy or program will meet all the needs of law schools aiming to support rural practice and rural justice systems. Rather, innovators in legal education would ideally develop a plethora of interventions. Law schools can then select from among these the best options to serve their particular student body and the communities in which they place their graduates and help launch careers.”).} However, while not a perfect solution for every law school, a general practice in-house clinic may be one way law schools could promote and encourage new lawyers to go into practice in rural and smaller communities.