

Rural Legal Markets

Elizabeth Chambliss

Research on rural access to justice tends to appeal to a romantic conception of rural lawyers as trusted generalists who serve their communities through pro bono, low bono, and community service, and some characterize rural private practice as public interest work. Many commentators call for law school, bar, and government programs to attract law graduates to rural practice and more than ten states have implemented such programs. Yet we know relatively little about modern rural legal markets or the recipes for sustainable private practice in rural places. National data suggests that many solo and small firm practitioners are struggling, and most evidence suggests that rural law practice is especially financially challenging. The broader literature on rural America paints a stark picture of economic decline. This literature raises questions about supply-side strategies to increase the number of private practitioners as a means of expanding access to legal assistance in rural communities.

This mixed methods study investigates the contours of private practice in rural South Carolina and the role of private practitioners in serving underserved clients and communities. It focuses on identifying the ingredients of sustainable rural practice and the incentives for rural practitioners to engage in pro bono and community service. The study has three main findings. First, specialization is a key ingredient for successful rural practice, as it is for private practice generally. New lawyers may take whatever clients they can get, but over time most practitioners become more specialized, and less accessible; and some specialties can be lucrative, such as personal injury and real estate. Second, personal injury cases can be an important means of subsidizing less lucrative work, but personal injury work has become more commoditized as the result of mass market advertising, making low-margin practice sustained by periodic personal injury cases less viable. Finally, family ties play a critical role in attracting and sustaining rural private practitioners, raising further doubts about importing lawyers as a strategy for expanding rural access to legal assistance. The study suggests instead that we should look for ways to directly subsidize locally sourced, low-margin practice: for instance, by offering health care benefits to lawyers for part-time public employment; raising the rates for criminal defense, guardian ad litem, mandatory mediation, and other public appointments; paying lawyers to provide on-site legal assistance at county courthouses; and authorizing other types of providers to offer some types of legal assistance.