

WASHINGTON STATE BAR ASSOCIATION

Preliminary Summary: Washington State Rural Practice Outreach¹ Discussions

as part of the WSBA Legal Practice in Washington's Rural Communities Project

Updated September 1, 2020 (version 2)

Rural Practitioner Outreach Overview:

Dates Conference Calls Conducted:	June 16 – August 20
Number of Conference Calls Conducted:	18 (82% return)
Counties where practitioners live/practice:	Adams, Asotin, Benton, Chelan, Clark, Columbia, Douglas, Ferry, Franklin, Garfield, Grays Harbor, Grant, Klickitat, Lincoln, Pacific, San Juan, Skamania, Wahkiakum, Whitman

Washington Law School Outreach Overview:

University of Washington	8/26 (call w/ Elana Matt-Associate Dean of Student and Career Services)
Seattle University	8/10 (Zoom meeting with Cindy Yeung-Director of Access to Justice Institute, Georgia Woodruff-Assistant Dean Center for Professional Development, Gillian Dutton – Externship Program Director)
Gonzaga University	7/2 (Zoom meeting with Lauri Powers-Assistant Dean of Professional Development)

¹ This summary contains notes from outreach that was conducted by WSBA staff to practitioners and law school leadership in Washington state. Other outreach has been conducted by staff and other stakeholders, e.g. Washington Young Lawyers Committee, but that information is not included in this summary.

Rural Practitioner Outreach Calls - Preliminary Themes:

In general, all of the practitioners contacted were supportive of WSBA reaching out and working on this topic. Moreover, all of the practitioners spoke openly and candidly with WSBA staff. Some preliminary common themes are as follows:

- **About the Practice**

- Most rural practitioners are either solo practitioners or work as prosecutors.
- Many of the practitioners are from the communities in which they work. Others came from other rural communities throughout the state and country.
- Most solo practitioners have little or no staff support (some exceptions exist in Pacific and Adams/Whitman/Lincoln where family owned and/or consolidated firms exist).
- Most concur that a general practice is necessary, but even then, there are gaps in types of legal services provided. e.g., gaps in family law practice and immigration seem to exist in most rural communities.
- When starting a practice in a rural community, most practitioners agreed it would be helpful to have a mentor to not only help substantively, but to break down barriers of acceptance by the local community.

Most practitioners acknowledge it would be very difficult to start a practice if an attorney is saddled with a large amount of student debt. While student debt wasn't the case for many existing rural practitioners we spoke with, for those with large amounts of student debt, most claimed their debt was not a determining factor in their decision to practice in their community, especially given income based repayment plans.

- **About the Community**

- Communities are small; everyone knows everyone, and people know each other on a first-name basis.
- Much business is acquired by word-of-mouth and through casual conversations outside of the office. Practitioners make contacts by getting involved in the community (hospital board, school activities, city/county boards, coach youth sports, library, etc.).
- It is difficult for a practitioner's spouse to find employment if they are not already connected in the area, though some practitioners thought that given the cost of living, two incomes wasn't always necessary.
- It is very difficult for a practitioner who does not already have a spouse/partner to find a spouse/partner in a rural community.
- Most of the practitioners we spoke with were from the area or a similar small town. They enjoy being a "big fish in a small pond" and could not imagine living in a city. Practitioners have credibility with the community if they are from the area.
- Community members are loyal to their current or family attorney, but would welcome newcomers, especially if the newcomers demonstrate hard work and ethics.
- Most practitioners choose not to practice family law because there is often plenty of work to do in other practice areas, as well as the unique stresses of practicing family law are

not for everyone. As such, there is a great need for family law practitioners in every community.

- Practitioners feel protective of their clients and dislike sending them to other practitioners if a matter is outside their practice area. Practitioners worry about how the client will be treated and how much they will be charged. Most practitioners we spoke with expressed that there is lots of work to do, but that they were “only one person” and couldn’t help everyone.
- Practitioners have to want this rural community lifestyle.
- Several practitioners began with a contract for county defense or guardianship, or with the city as city attorney in addition to starting a solo office.

- **Unmet Needs and Barriers**

- Managing conflicts of interest are common for most practitioners. Often, practitioners may represent both sides (concurrent vs. dual representation); practitioners often have to have clients sign waivers before representation. Many have to refer cases outside their counties/areas. The practitioners we spoke with talked about having a high tolerance for conflicts.
- Generally, while practitioners acknowledged the need for more attorneys in their area, they also said that there is a maximum capacity of how many attorneys the community can support.
- Some practitioners provide unbundled legal services due to client’s financial restraints. Some also get creative in providing legal services (e.g., in exchange for other services as opposed to money, pro bono, etc.).
- Barriers to entering the legal profession in their communities include practice area (e.g., knowledge of agricultural law, lack of family law practitioners), geography, infrastructure (e.g., unreliable internet connection), economic, education, and social issues. Many practitioners indicated they were open to mentoring new attorneys, interns, and APR 6 law clerks. Some indicated concerns about a formal-long term mentorship relationship due to capacity issues. Others were open if it was low-no cost. One practitioner’s firm is currently mentoring two APR6 law clerks.

- **Resources and Next Steps**

- Generally, practitioners need help in recruitment of attorneys to fill vacancies in private and public practice.
- Generally, practitioners believed law schools could help support rural practice by offering internships and/or financial incentives. e.g., lower tuition/loan forgiveness. Moreover, law schools can also help by exposing students to rural/agriculture law practice as well as provide training in setting up a law practice office and aspects of running a business.
- Most practitioners were supportive of a rural placement type program. Some practitioners were familiar with placement programs in the medical profession, but worry that a lawyer’s program may not place someone who would be committed to serving in

the community long-term. However, practitioners stressed that clients can tell if the lawyer is sincere and dedicated to the community.

- Many practitioners have used and value WSBA resources (e.g., legal research tools, Legal Lunchbox, on-demand CLEs, sections, list serves, etc.).
- Some practitioners indicated a need for mentorship and networking resources for those practicing in rural communities.
- Some practitioners suggested WSBA develop/support a rural legal clinic.
- All were willing to continue the dialogue with WSBA.