Access to Justice is

RURAL ACCESS

Office for Access to Justice
U.S. DEPARTMENT OF JUSTICE

Why Rural Justice is an Access to Justice Issue

In rural areas, home to one out of every five Americans, our nation's foundational promise of equal justice under law can feel out of reach. Imagine that you live in a rural community and discover one day that you have to appear in court. The nearest courthouse may be hours away, meaning you may need to take an entire day off of work and pay for a hotel just to appear on time. You may not have a car to get to the courthouse and your area, like many rural areas, lacks access to public transit, so you must find someone else willing to drive the distance with you and miss work themselves. Perhaps the court changed the date of your appearance, but the postal service does not serve your home. Instead, the notice went to a P.O. Box that you are only able to check once a week, so you missed the court appearance altogether. Even if the court provides for virtual hearings, you might not have reliable access to the internet or feel comfortable navigating a virtual appearance. Maybe you do not speak English well and therefore have little understanding of the initial court summons or are unable to communicate with court staff. And when you go to look for legal counsel, you may discover that the only attorney in your community has retired, has an ethical conflict that prevents them from representing you, or costs too much.

Access to justice barriers are often exacerbated for rural Americans, and these unique and complex hurdles are too often ignored. But justice should not depend on geography. The mission of the Office for Access to Justice (ATJ) is to ensure that the promises and protections of our civil and criminal legal systems are available to all communities. Realizing this mission requires more than improving access to court proceedings. It means ensuring fair access to the wide range of benefits and protections provided for by law, especially for rural communities who have historically been underserved.[1]

Understanding Legal Access in Rural America

Rural America is not a monolith. The experiences of a rural agricultural community in Georgia differ considerably from those of a remote Alaska Native Village. The lack of a single definition of rurality also complicates analysis of rural access to justice at a national level. Yet the available data show how rural communities across the country face common disparities that contribute to a growing access to justice crisis.

- When compared with their urban counterparts, rural Americans are more likely to have household incomes below the federal poverty line.[2]
- Forty percent of U.S. counties have fewer than 1 lawyer per 1,000 residents, compared with 14 per 1,000 in New York City and 40 per 1,000 in the District of Columbia.[3]
- Rural low-income Americans do not receive any or enough legal help for 94% of substantial civil legal problems.[4]
- Non-metropolitan areas are served by just 1.6 legal aid lawyers for every 100,000 residents, compared with 3.5 legal aid lawyers per 100,000 residents in metro areas.[5]
- Rural jurisdictions frequently rely on part-time judges and prosecutors as well as contract indigent defense counsel, which can result in ethical conflicts and diminished access to the Sixth Amendment right to counsel in criminal proceedings.[6]

Rural America at a Glance.

- One fifth of Americans live in areas identified as rural by the U.S. Census.[7]
- More than 20% of rural Americans are over age 65.[8]
- One-third of adults in rural communities report living with a disability.[9]
- Almost a quarter of Veterans live in rural communities.[10]
- 24% of rural Americans identify as members of a racial or ethnic minority.[11]
- 28% of rural Americans lack access to fixed high-speed broadband internet, compared with just 2% of urban Americans.[12]

Expanding Access to Justice for Rural Communities

Developing Community-Centered Solutions.

Solutions to the rural access to justice crisis must begin with rural communities themselves. Those who live and work in rural areas, and organizations that represent them, are best situated to recognize both the needs and the strengths of their local community, developing people-centered approaches to harness existing resources and respond to challenges. ATJ launched quarterly convenings with the over 40 state Access to Justice Commissions, to ensure regular communication with local leaders, including in rural areas, across America. ATJ also visited Alaska, where local attorneys, Tribal leaders, service providers, and state court officials have worked together to develop the Community Justice Worker Program, utilizing community-centered strategies. The Program, highlighted in the 2023 Legal Aid Interagency Roundtable (LAIR) report, trains and empowers individuals already located in rural Alaskan communities to provide limited forms of legal assistance without needing a law degree. Over 400 volunteers have already received training, and the Program, with the support of the Legal Services Corporation, is now working with legal service providers in five other states to expand the model to assist disaster relief efforts for rural Native communities.

Leveraging Technology, Responsibly.

Technology can be a double-edged sword in the fight for access to justice: It has the potential to bridge distances, bringing legal systems and legal assistance—often based in urban areas—to the cell phone or home computer of those who need them, regardless of location. But reliance on emerging technology can also create new barriers to justice for those who may lack a reliable internet connection or do not have access to the necessary devices. ATJ is working to ensure that technological solutions are designed with the needs of rural and other underserved populations in mind. ATJ recently supported DOJ's U.S. Trustee Program with their efforts to break down barriers to virtual bankruptcy meetings by hosting a listening session with legal aid providers who regularly support people in low-income and rural communities through the bankruptcy process. To address the limited technology resources in rural communities, providers identified partnerships with community organizations who provide rural residents with the access to computers and internet needed to participate in the virtual meetings. Based on feedback from the session, ATJ is working with USTP to develop simplified guidance and videos of mock meetings to help people know what to expect during the process.

Expanding Access to Federal Funding.

Many federal agencies offer funding that supports legal and related services, helping to address the critical needs for legal help in rural communities. It can be time consuming or difficult to search multiple sites, so ATJ launched a new Legal Aid Interagency Roundtable resource, creating a hub for access to funding opportunities across federal agencies that can support legal assistance, including to support rural areas. This online tool aims to help prospective grant applicants access federal funding information easily.

Pursuing Innovative Service Delivery Models.

Rural communities are at the forefront of innovation in the delivery of legal assistance and legal information. Some are addressing access to justice gaps by collaborating across professional disciplines, whether creating medical-legal partnerships to allow individuals to meet with health professionals and attorneys in a single visit or developing self-help legal kiosks placed in rural public libraries. ATJ has also met with court leaders and legal service providers across the country who have established mobile legal aid offices, or "justice buses," that bring attorneys and technology hotspots to areas that might otherwise be classified as legal deserts.

Recruiting and Retaining Rural Attorneys.

State and local leaders are also creating new approaches to recruit and retain lawyers in rural areas. ATJ completed a tour of law schools in five states which aimed to elevate public defense and public interest career opportunities in rural areas and spotlight innovative programs and initiatives that address the rural access to justice crisis. On one stop, ATJ visited Maine, where a new state indigent defense office has created a Rural Defense Unit, a corps of state-employed attorneys who travel around rural counties to provide public defender services. In other states, like South Dakota, the state courts, bar, and legislature have worked together to create financial incentive programs to encourage newly graduated attorneys to begin their legal careers in rural areas of the state. Still others are pursuing pipeline programs to drive interest in legal careers, reaching rural students as early as high school.

[1] Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" (Jan. 20, 2021), https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf (identifying "persons who live in rural areas" as an underserved community).

[2] U.S. Census Bureau, *Poverty in the United States: 2022* (September 2023), https://www.census.gov/content/dam/Census/library/publications/2023/demo/p60-280.pdf (finding that 15% of Americans living outside metropolitan areas live below the poverty line, compared with 11% of Americans in metropolitan areas).

[3] American Bar Association, *Profile of the Legal Profession: 2020*, https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf.

[4] Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans* (April 2022), https://justicegap.lsc.gov/resource/section-4-seeking-and-receiving-legal-help.

[5] American Bar Association, *Profile of the Legal Profession: 2023*, https://www.americanbar.org/content/dam/aba/administrative/news/2023/potlp-2023.pdf.

[6] *See, e.g.*, Andrew Davies & Alyssa Clark, *Gideon in the Desert: An Empirical Study of Providing Counsel to Criminal Defendants in Rural Places*, 71 Me. L. Rev. 245 (2019), https://digitalcommons.mainelaw.maine.edu/mlr/vol71/iss2/5 (finding that criminal defendants in rural Texas were significantly less likely to receive appointed counsel in misdemeanor cases).

[7] Press Release, U.S. Census Bureau, Nation's Urban and Rural Populations Shift Following 2020 Census (Dec. 29, 2022), https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html.

[8] Economic Research Service, U.S. Department of Agriculture, *Rural America at a Glance: 2022 Edition* (2022), https://www.ers.usda.gov/webdocs/publications/105155/eib-246.pdf.

[9] Centers for Disease Control and Prevention, *Prevalence of Disability and Disability Types by Urban-Rural County Classification – United States, 2016,* https://www.cdc.gov/ncbddd/disabilityandhealth/features/disability-prevalence-rural-urban.html.

[10] Office of Rural Health, U.S. Department of Veterans Affairs, *Rural Veteran Health Care Challenges*, https://www.ruralhealth.va.gov/aboutus/ruralvets.asp.

[11] Kenneth Johnson and Daniel Lichter, *Growing Racial Diversity in Rural America: Results from the 2020 Census*, University of New Hampshire (May 25, 2022), https://carsey.unh.edu/publication/growing-racial-diversity-in-rural-america.

[12] Federal Communications Commission, *2024 Section 706 Report* (March 18, 2024), https://docs.fcc.gov/public/attachments/FCC-24-27A1.pdf.