

2023 SENATE JUDICIARY

SB 2267

2023 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2267
2/1/2023

A bill relating to the number of attorneys that may participate in the rural attorney recruit program

9:04 AM Chairman Larson opened the meeting.

Present are Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Braunberger and Paulson.

Discussion Topics:

- Judgeships
- Incentives
- Recruiting
- Retaining attorneys

9:05 AM Senator Bekkedahl Introduced the bill and provided written testimony #18196.

9:11 AM Sally Holewa, State Court Administrator, testified in favor of the bill and provided written testimony #17914.

Todd Ewell, Deputy Director of the North Dakota Commission on Legal Counsel for Indigents, testified in favor of the bill and provided written testimony #18287.

9:20 AM Chairman Larson closed the public hearing.

9:21 AM Senator Luick moved to do pass the bill and rerefer to appropriations.

Senator Estenson seconded the motion.

9:21 AM Roll call vote was taken.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passed 7-0-0.

Senator Estenson will carry the bill.

Senate Judiciary Committee

SB 2267

02/01/23

Page 2

This bill does affect work force development.

9:24 AM Chairman Larson closed the meeting.

Rick Schuchard, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2267: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was rereferred to the **Appropriations Committee**. This bill affects workforce development.

2023 SENATE APPROPRIATIONS

SB 2267

2023 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2267
2/13/2023

Relating to the number of attorneys that may participate in the rural attorney recruit program.

8:08 AM Chairman **Bekkedahl** opened the meeting. **Senators** Bekkedahl, Krebsbach, Burckhard, Davison, Dever, Dwyer, Erbele, Kreun, Meyer, Roers, Schaible, Sorvaag, Vedaa, Wanzek, Rust, Mathern are present.

Discussion Topics:

- Committee Action

Senator Mathern moves **DO PASS**.

Senator Davison seconded.

Roll call vote.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Karen K. Krebsbach	Y
Senator Randy A. Burckhard	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Curt Kreun	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Jim P. Roers	Y
Senator David S. Rust	Y
Senator Donald Schaible	Y
Senator Ronald Sorvaag	Y
Senator Shawn Vedaa	Y
Senator Terry M. Wanzek	Y
Senator Rust	Y

Motion passed 16-0-0.

Senator Estensen will carry SB 2267.

8:11 AM Chairman Bekkedahl closed the hearing.

Peter Gualandri on behalf of *Kathleen Hall, Committee Clerk*

REPORT OF STANDING COMMITTEE

SB 2267: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar. This bill affects workforce development.

2023 HOUSE JUDICIARY

SB 2267

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

SB 2267
3/1/2023

Relating to the number of attorneys that may participate in the rural attorney recruit program.

2:30 PM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. S. Olson, Rep. Rios, Rep. Rep. Schneider, Rep. VanWinkle. Absent: Rep. Henderson, Rep. S. Roers Jones, Rep. Satrom and Rep. Veeder.

Discussion Topics:

- Attorney shortages in rural areas.
- Program to promote this bill.
- Funding portion of the bill.

Rep. Brad Bekkedahl: Introduced the bill. Testimony # 21563, #21606, #21607

Travis Finck, Executive Director, ND CLCI: Testimony #21446

Sally Holewa, State Court Administrator: Referenced testimony #17914

Hearing closed at 2:51 PM.

Rep. Schneider moved a Do Pass;

Seconded by Rep. VanWinkle

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	A
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	A
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	A

Motion Carries 9-0-4 Representative Schneider will carry the bill.

The meeting closed at 2:53 PM.

House Judiciary Committee
SB 2267
March 1, 2023
Page 2

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2267: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2267 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2267

SB 2267
Senate Judiciary
February 1, 2023
Testimony of Sally Holewa

Chair Larson and members of the committee, for the record, my name is Sally Holewa. I am the state court administrator.

SB 2267 is a bill to expand the number of attorneys who may participate in the rural attorney recruitment program. The rural attorney recruitment program was created in 2021 to provide a monetary incentive for attorneys to live and work in rural communities. That incentive is \$45,000 distributed evenly over a period of 5 years. The cost is split between the state (50%), participating community (35%) and the State Bar Association (15%). For your information, I have attached the report that was filed with Legislative Council on June 30, 2022 (Attachment A). The report includes information about the program and maps showing where attorneys are located in the state.

Since the program started, we have had two recruitment efforts. The first recruitment effort ended in April and resulted in contracts with two attorneys. The second recruitment effort ended this past December and resulted in 4 communities applying for the program. The supreme court is in the process of reviewing recommendations, but I expect that we will shortly have two more contracts in place. If that expectation is met, we will have reached the cap on the number of participants. Because the program stretches across 5 years, this means that, unless someone drops out of the program, we will be unable to recruit any further participants until the year 2027, when the first participant will be completing his

final year in the program. I understand the need to control the cost of the program by putting caps on participation and to move slowly until the program has shown some success. The program has shown some success in meeting the goal of recruitment but it is still too new to know whether it will meet our goal of retention.

If it is helpful for you in reaching a decision on SB 2267, our program is modeled after a program that South Dakota started in 2013. According to a recent news story in the Capital Journal (Attachment B), the South Dakota program “has resulted in the recruitment of 31 lawyers over the past 10 years in every corner of the state, 14 of whom were practicing in rural areas last year.” The story goes on to say that of the 10 attorneys who have completed the program, seven have stayed in rural communities.

Although our program is very new, I support expanding it at this time simply because it will be difficult to maintain any momentum for the program if we have to reintroduce it to attorneys, cities and counties every few years.

I urge a do pass on SB 2267.

**Report to
Legislative Management
Regarding
Rural Attorney Recruitment Program**

**Submitted by Sally Holewa
North Dakota State Court Administrator**

June 30, 2022

Table of Contents

Introduction 1

Eligibility Requirements and Recruitment Process 1

Current Participants..... 2

Program Costs 2

N.D.C.C. 27-02.2 Attorney Recruitment Program 3

North Dakota Court System Administrative Rule 62 Rural Attorney Recruitment
Program 6

Guidelines for Rural Attorney Recruitment Program 8

Rural Attorney Recruitment Program FAQ 12

Map 1 – Location of all Licensed North Dakota Attorneys..... 15

Map 2 – Location by County of Licensed In-State Attorneys..... 16

Introduction

The Attorney Recruitment Program was established under N.D.C.C 27-02.2 in the 2021 legislative session (SB 2233). The primary sponsor of the bill was Sen. Bekkedahl, who introduced it at the request of a group of lawyers that included Judge Michael Hurly from Rugby and Williston city attorney Taylor Olson. It is modeled after a successful South Dakota program that has been in effect since 2013. The goal of the program is to encourage attorneys to live and work in rural communities. The method to do this is an incentive payment of \$45,000 paid in equal annual installments over the course of five years. Funding provided for the program limits payments to a maximum of 4 attorneys in any given year. The program was placed within the judicial branch for implementation and fiscal responsibility purposes. The court has adopted North Dakota Court System Administrative Rule 62 to guide implementation of the program.

Slightly more than half of the 3,070 attorneys licensed to practice law in North Dakota in 2021 live in the state. I have attached a map that shows the number of attorneys by county. With 87% of the in-state attorneys living in the 7 most populous counties, it is clear that there is a shortage of attorneys serving in the more rural areas of the state.

Attorneys in rural areas provide the same type of services as their urban counterparts. They may serve as a district court, municipal court or tribal court judge, state's attorney, city attorney, public defender or legal services attorney. They may serve as court-appointed counsel in juvenile, mental health or civil commitment of dangerous sex offender cases. They may serve as counsel for a school board, church or business. They may have a private law practice that deals with adoption, agricultural law, criminal law, divorce, estate planning, guardianship, probate, real estate or any of the other legal issues that may crop up in a person's life.

Eligibility Requirements and Recruitment Process

The program matches eligible attorneys with eligible communities. All attorneys in good standing with the North Dakota Board of Bar Examiners are automatically eligible for the program upon receipt of their application for the program. Because there is no review of the applications required, there is an open recruitment process for them, meaning they can apply at any time.

Only cities with a population of 5,000 or less or counties with a population of 16,000 or less are eligible to apply for the program. Their applications are reviewed by an ad hoc committee of 3 appointed by the Chief Justice. The ad hoc committee may accept an application as filed, request the applicant provide further information or reject the application if it is incomplete or does not meet the qualifications for participation in the program. Following its review, the ad hoc committee forwards a recommendation to the supreme court on whether to approve or deny the communities participation in the program. Because community applications must be reviewed by a committee, the application process for them is limited to a specified 2-month period. The initial recruitment process ran from February 1 - March 31, 2022. There will be a second recruitment period in this first year which will begin in October. In future years, we anticipate a single recruitment period in the fall months to coincide with the city and county budget planning cycles.

Current Participants

We currently have 3 participating attorneys on the program roster. Two are located in the Grafton area and the third is in the far southwest.

Two communities, Walsh County and the City of Grafton, have been accepted into the program.

The court does not attempt to match participating attorneys and communities. Instead, the court maintains a list of eligible participants on its website. It is then up to each community to reach an agreement with a participating attorney. Once an agreement is reached, the court, community, state bar association, the attorney, and if applicable, local bar association will enter into a contract regarding the requirements of the program and the obligations of each of the parties.

Walsh County has reached an agreement with a local attorney and the State Bar Association that will go into effect on July 1, 2022.

Program Costs

Costs for the incentive payment are split between the state, participating community and the State Bar Association. By statute, the responsibility for providing the incentive payment is:

State: 50% (\$22,500)

Participating Community: 35% (\$15,750)

State Bar Association: 15% (\$6,750)

Statute allows the State Bar Association to partner with the North Dakota Bar Foundation and any other legal association to assist with the State Bar's portion of the incentive payment.

To date, there have been no costs specifically associated with the program since all work related to implementation has been done by existing court staff.

Because the five-year requirement of the program spans bienniums, N.D.C.C. 27-02.2-09 authorized the establishment of a continuing appropriation for depositing funds and paying incentive fees. This has been established as the Attorney Recruitment Assistance Program. The legislation did not include any initial funding for this program. We currently have one contract in place, with a first payment due on July 1, 2023.

CHAPTER 27-02.2 ATTORNEY RECRUITMENT PROGRAM

27-02.2-01. Attorney recruitment program - Participation - Assessment.

1. The supreme court may establish a program to assist rural counties and municipalities in recruiting attorneys.
2. A county or municipality interested in participating in the program shall apply to the supreme court. After determining eligibility, the supreme court shall conduct an assessment of the applicant to evaluate the applicant's need for an attorney and the ability of the applicant to sustain and support an attorney.
3. In making the selection of an eligible applicant, the supreme court shall consider the assessment and:
 - a. The demographic of the county or municipality;
 - b. The age and number of the members of the county or local bar association;
 - c. The recommendation of the presiding district court judge;
 - d. The economic development programs within the county or municipality;
 - e. The geographical location of the county or municipality in comparison to other counties or municipalities participating in the program; and
 - f. Any prior participation in the program by the county or municipality.
4. The supreme court shall maintain a list of counties and municipalities that have been assessed and are selected for participation in the recruitment assistance program.
5. The supreme court may revise the assessment of any county or municipality or conduct a new assessment as necessary to reflect a change in conditions.

27-02.2-02. County eligibility.

A county is eligible to participate in the recruitment assistance program if the county:

1. Has a population of sixteen thousand or fewer;
2. Agrees to provide the county's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

27-02.2-03. Municipality eligibility.

A municipality is eligible to participate in the recruitment if the municipality:

1. Has a population of five thousand or fewer;
2. Agrees to provide the municipality's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

27-02.2-04. Attorney eligibility.

An attorney licensed to practice in the state who meets all requirements set by the supreme court may participate in the recruitment assistance program. An attorney participating in the program shall practice in a supreme court-selected county or municipality for at least five consecutive years. No more than four attorneys may participate in the program at any given time.

27-02.2-05. Incentive payment to participating attorneys.

An attorney selected by the supreme court to participate in the recruitment assistance program is entitled to receive an incentive payment of forty-five thousand dollars to be paid in five equal annual installments.

27-02.2-06. Agreement for payment of recruitment assistance - Repayment.

1. An agreement for the payment of recruitment assistance under this chapter must require the county or municipality served by the attorney to provide thirty-five percent of the total amount of the incentive payment in five equal installments.
2. The state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota shall pay fifteen percent of the annual installment to the supreme court.
3. After the county or municipality certifies to the supreme court that the county or municipality has paid the attorney the annual amount and the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota has paid its installment to the supreme court, the supreme court shall pay the attorney the remaining balance of the annual installment.
4. Subject to appropriation by the legislative assembly, the supreme court shall pay the required amount of funds pursuant to this chapter and the funds received from the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota, as required under this chapter, to an attorney participating in the program.
5. If an attorney breaches the agreement, the attorney shall repay all funds received under this chapter and under the terms and conditions set by the supreme court. Failure to repay the funds is grounds for discipline by the supreme court.

27-02.2-07. County and municipal funding.

A county or municipality may appropriate funds for the purpose of carrying out this chapter. A county or municipality may enter an agreement with any other county, municipality, school district, or nonprofit entity to assist the county or municipality in carrying out this chapter.

27-02.2-08. Payments.

1. Notwithstanding any other provision of law, the supreme court may receive fifteen percent of the total amount of an incentive payment in five equal annual installments from the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota as required under this chapter.
2. A county or municipality may prepay its portion of the incentive program to the supreme court at any time during the five-year period.

27-02.2-09. Attorney recruitment assistance program fund - Continuing appropriation.

The attorney recruitment assistance program fund is established in the state treasury. Payments collected under section 27-02.2-08 must be deposited in the attorney recruitment assistance program fund. The funds deposited in the attorney recruitment assistance program fund are appropriated to the judicial branch on a continuing basis for the purpose of making attorney payments under the recruitment assistance program.

27-02.2-10. Filing and approval of recruitment assistance agreement.

A recruitment assistance agreement entered under this chapter becomes effective when the agreement is filed with and approved by the supreme court. The agreement must require the attorney to practice law full-time in the eligible county or municipality for at least five consecutive years.

27-02.2-11. Ineligibility for participation in other program.

If an individual has previously participated in an attorney recruitment program under this chapter, or any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide attorney services within an underserved area, the individual may not participate in another attorney recruitment program under this chapter.

27-02.2-12. Rulemaking authority.

The supreme court may adopt rules as necessary to implement this chapter.

27-02.2-13. Annual report.

Before July first of each year, the supreme court shall submit a report on the status of the program to the legislative management.

Administrative Rule 62 - RURAL ATTORNEY RECRUITMENT PROGRAM

Effective Date: 9/22/2021

Section 1. Authority and Purpose. Under N.D. Const. art. VI, § 3, and N.D.C.C. ch. 27-02.2, the supreme court through this rule establishes a Rural Attorney Recruitment Program to assist counties and municipalities in recruiting attorneys.

Section 2. County or Municipality Application. A county or municipality interested in participating in the program must submit an application to the supreme court. The application must include:

- (a) An explanation of the county or municipality's need for an attorney and its ability to sustain and support an attorney.
- (b) Detailed information on:
 - (1) The demographics of the county or municipality, including population;
 - (2) The age and number of the members of the county or local bar association;
 - (3) Economic development programs within the county or municipality.
- (c) A written recommendation from the presiding judge of the judicial district in which the county or municipality is located.

The applicant county or municipality must agree that, if they are selected for participation in the program, they will pay their portion of the incentive payment as required under N.D.C.C. § 27-02.2-06.

Section 3. Assessment.

- (a) On receipt of an application from a county or municipality desiring to participate in the program, the supreme court will appoint a three-member temporary committee to assess the application. The membership of the temporary committee will consist of a district judge, an attorney and a court administrator.
- (b) The committee must determine whether the county or municipality is eligible to participate in the program based on the requirements listed in N.D.C.C. §§ 27-02.2-02 and 27-02.2-03.
- (c) If the county or municipality is eligible, the committee will evaluate the information in the application to assess whether the applicant needs an attorney and has the ability to sustain and support an attorney.
- (d) In its evaluation of the application, the committee must consider:
 - (1) The information provided by the applicant under subsection (2)(b);
 - (2) The presiding judge recommendation required under subsection (2)(c);
 - (3) The geographical location of the applicant in comparison to other counties or municipalities participating in the program;
 - (4) Any prior participation in the program by the county or municipality.

- (e) In assessing the information provided in the application, the committee may conduct whatever outside research it considers appropriate. On completion of its evaluation, the committee must transmit its recommendations in writing to the supreme court.
- (f) The supreme court may revise the assessment of any county or municipality or appoint a temporary committee to conduct a new assessment.

Section 4. Attorney Application.

- (a) An attorney selected for participation in the program must locate their law office in the participating county or municipality, locate their residence in close proximity to the participating county or municipality, and carry malpractice insurance. The attorney applicant must agree to live and practice law full-time in the participating community for at least five consecutive years. Participants in the program will be required to make an annual declaration confirming their continued practice and residence in the applicable county or municipality.
- (b) An attorney interested in participating in the program must submit an application to the supreme court. The application must include:
 - (1) A Certificate of Good Standing showing that the applicant is licensed to practice law in the state of North Dakota;
 - (2) Proof that the applicant is a U.S. citizen, U.S. national or permanent resident of the U.S.;
 - (3) A copy of the applicant's law school transcript;
 - (4) Information about the applicant's participation in any scholarship, loan repayment or tuition reimbursement program that obligated the applicant to provide attorney services within an underserved area;
 - (5) Information about whether the applicant was ever subject to an investigation or disciplinary action by any bar association;
 - (6) Information about the applicant's criminal history, including any felony or misdemeanor convictions.

Section 5. Administration.

- (a) The office of state court administrator must:
 - (1) maintain a list of counties and municipalities that have been assessed and selected for participation in the program;
 - (2) inform the state bar association of North Dakota and the applicable county or municipality when an applicant has been selected for participation in the program;
 - (3) inform program participants if one of the entities responsible for payment fails to deposit their share of funding.
- (b) Before July 1 of each year, the supreme court must submit a report on the status of the program to legislative management.

Rural Attorney Recruitment Program - Guidelines

1. Communities that qualify for the Rural Attorney Recruitment Program
 - a. Must be a county with a population of 16,000 or fewer; or
 - b. Must be a municipality with a population of 5,000 or fewer

2. Review and Assessment of applications
 - a. Applications will be solicited on or around February 1 in the first year of the program and on or around October 1 of each subsequent year. The solicitation period will allow up to 60 days to submit the completed application. The fall application period is used to coincide with local governments budgeting cycle and the Courts Facility Improvement Grant cycle.
 - b. The chief justice will appoint an ad hoc committee of 3 members to review applications. The committee will consist of a district court judge, an attorney, and a court administrator.
 - c. The committee's review is not limited to the application but may include whatever outside research it considers appropriate.
 - d. The committee may not consider an incomplete application **OR** the committee may return an incomplete application and request the applicant include missing information.
 - e. The committee may not consider an application that is post-marked or transmitted electronically after the deadline for submission has passed. The committee may consider an application that is post-marked or transmitted electronically within the deadline for submission but received late due to postal service or technical issues.
 - f. Committee decisions must be in writing and forwarded to the Supreme Court within 60 days after the closing of the application period.
 - g. The Supreme Court may revise the committee's assessment of an application or may appoint a new temporary committee to conduct a new assessment.
 - h. No more than 4 attorneys may participate in the program at any given time.

3. Factors the ad hoc committee must consider in evaluating county or municipality application
 - a. Information provided in the application;
 - b. Recommendation of the presiding judge of the judicial district in which the applicant resides;
 - c. Geographical dispersal of participating communities; and
 - d. Any prior participation in the rural attorney recruitment program.

4. Eligibility requirements for attorneys
 - a. Must be a U.S. citizen, U.S. National or permanent resident of the United States;
 - b. Must be licensed to practice law in North Dakota and be in good standing;
 - c. Must be willing to locate their law office in the participating county or municipality;
 - d. Must agree to live in close proximity to the participating county or municipality;

- e. Must agree to practice law full-time in the participating community for at least 5 consecutive years; and
 - f. Must carry malpractice insurance.
5. Selection of attorneys for participation. There will be a continuous application period for attorneys to apply for the program. Applications will be submitted electronically through the court's applicant management system.

Any attorney licensed to practice law in North Dakota is presumptively eligible to participate in the program, provided the attorney completes an application and submits:

- a. Proof of U.S. citizenship (a birth certificate issued by a U.S. state or by the U.S. State Department or a U.S. passport or Certificate of Citizenship or a Naturalization Certification) or proof of permanent resident status (Permanent Residence Card I-551);
 - b. Their law school transcript;
 - c. Information about any current or past participation in any scholarship, loan repayment or tuition reimbursement program that obligated the applicant to provide attorney services within an underserved area;
 - d. Information about any investigation or disciplinary action by a bar association; and
 - e. Criminal history information including any felony or misdemeanor convictions or an equivalent offense in another jurisdiction.
6. Factors making an attorney ineligible for the program
- a. An attorney may only participate in the Rural Attorney Recruitment Program once. Previous participation in this program, whether successfully completed or not, renders the attorney ineligible for further participation.
 - b. An attorney who has previously or is currently participating in any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide services in an underserved area is not eligible to participate in this program.
 - c. An attorney who is currently the subject of an investigation by the Judicial Conduct Commission and Disciplinary Board, or equivalent board in another jurisdiction, may not be considered for the program until the complaint has been resolved.

ON-GOING OBLIGATIONS AND EXPECTATIONS

Participating County or Municipality

- Prior to July 1 each year - Deposit required funds into Attorney Recruitment Fund or provide proof that required fee has been paid to participating attorney within the timeframe established by the contract with an attorney
- Notify supreme court if concerns about participating attorney's service or residence

Participating Bar Association

- Prior to July 1 of each year - Deposit required funds into Attorney Recruitment Fund or provide proof that required fee has been paid to participating attorney within the timeframe established by the contract with an attorney

State Bar Association

- Prior to July 1 of each year - Deposit required funds into Attorney Recruitment Fund or provide proof that required fee has been paid to participating attorney within the timeframe established by the contract with an attorney

Eligible Attorney - active participant

- Promptly advise office of the state court administrator of any change of address;
- By February 1 of each year, submit a declaration to the office of the state court administrator confirming their continued practice in the participating community and residence within close proximity to the participating community as well as compliance with all other terms of the contract

Eligible Attorney - inactive participant

- By February 1 of each year, submit a statement of continuing interest in the program to the office of the state court administrator and affirm that in all material respects the details in the original application have not changed
- Promptly submit a new application for the program if there has been a material change in the details contained in the original application
- At any time, an eligible attorney may submit a written request to the office of the state court administrator to request removal from the roster of eligible attorneys

Office of the State Court Administrator

- Before July 1 of each year, submit a report to legislative management on the status of the program;
- On an annual basis, solicit applications from counties and municipalities;
- Maintain a continuous application process for attorneys;
- Provide staff support to Ad Hoc Committee;
- Maintain a list of counties and municipalities that have been assessed and selected for the program;
- Maintain a list of attorneys who have submitted applications and been deemed eligible for the program;
- Inform the state bar association when a county or city has been selected for participation in the program;

- Inform all parties to a contract if one of the entities responsible for payment fails to deposit their share of the funding or fails to provide proof that the required funding has been paid directly to the participating attorney.

Rural Attorney Recruitment Program FAQs

1. Why is there a limited recruitment period for communities but not for attorneys?

Community applications are limited to a specific period of time because they are reviewed by a temporary committee of three. Having a set period of time focuses the work of the committee and prevents the court from having to appoint multiple committees during the year.

For attorneys, unless there is something of concern revealed in the application process, applications are automatically approved if they meet the minimum qualifications.

2. What are the population limits for communities to qualify for the program?

County populations must be 16,000 or fewer based on the latest national census.

Municipality populations must be 5,000 or fewer based on the latest national census.

3. The rule requires a letter from the presiding judge of the judicial district. Where can I find this information?

On the North Dakota Court System website there is a map of the judicial districts and a list of the presiding judge for each district. Click on the following link and then move your cursor over the map to see the judicial districts. Once you locate your judicial district, clicking on it will bring up the name and address of the presiding judge.

<https://www.ndcourts.gov/district-court>

4. What is the difference between a “participating county or municipality” and a “participating community”?

A “participating county or municipality” is a county or municipality that is providing payment for services under the rural attorney recruitment program. A “participating community” is the geographical area surrounding a participating county or municipality. The frame of reference for this geographical area is not defined and could be co-extensive with a county, group of counties, judicial district, general service area, number of miles, or some other point of reference that the parties have agreed on.

5. What is meant by “locate their residence in close proximity to the participating county or municipality”?

“Close proximity” is not defined in the rule but may be interpreted as a reasonable commute to the participating attorney’s law office.

6. What is meant by “live and practice law full-time in the participating community”?

While an attorney may choose to locate his or her residence outside the specific county or municipality that is providing payment for their services under this program, the

attorney must establish a law office in the specific municipality or county and reside and practice law full time in the general geographic area.

7. May communities submit a joint application to share costs and services under the program?

Yes, a city or county may reach an agreement with other cities or counties to share costs and services and submit a joint application for the program. The application should include the specifics of the arrangement the communities have agreed to regarding how much time the attorney will be expected to serve in each community and how the annual costs will be divided between the communities.

8. May a community and an attorney file a joint application for the program?

While we encourage a community and attorney to reach a mutual agreement prior to applying for the program, the application and approval process for each differs so it is not possible to file a joint application. However, the community application should note the agreement between the parties.

9. What is the process to match an eligible community with an eligible attorney?

Communities and attorneys are encouraged to review the list of eligible communities and attorneys and come to a mutual agreement. However, the supreme court may assign an eligible attorney to a community and request that the community enter into an agreement with the attorney.

10. Is there a complaint process to deal with an attorney who is providing unsatisfactory or insufficient service?

There is no informal complaint process available. If the community and the attorney are unable to resolve differences, the only options are to enforce the contract through appropriate legal measures or to file a complaint with the Disciplinary Board.

11. What is the process if an attorney wants to leave the community before the 5-year period has ended?

The attorney should follow the contract provisions for early termination. These may include a requirement to provide a minimum number of days' notice, re-payment of certain expenses or forfeiture of planned payments.

12. What is the process for if one of the participants does not pay their annual installment?

Contact the party owing the payment to determine if the lack of payment was an oversight. If payment is still not forthcoming, contact the office of the state court administrator. That office will notify all parties to the contract of the unpaid obligation and arrange for a discussion between all parties. If the parties are unable to reach a resolution on the matter, the participating attorney may seek enforcement of the contract through appropriate legal measures.

13. How does an attorney who is not an active participant in the program get off the eligible attorney list if they are no longer interested in the program?

At any time an attorney may send a letter to the office of the state court administrator stating that they would like to be removed from the roster.

Alternatively, an attorney may choose not to file the annual statement of continuing interest and that will automatically result in the attorney being removed from the list after February 1.

14. How does a community get off the eligible community list if they are no longer interested in the program?

At the direction of the county or city commission, the county or city auditor may send a letter to the office of the state court administrator stating that the community would like to be removed from the roster.

15. Is an attorney who is not a North Dakota resident but is licensed to practice law in North Dakota eligible for the program?

Yes. The only residency requirement is that the attorney reside “in close proximity” to the participating “county or municipality.”

16. Is the program limited to attorneys in private practice?

No. The program is open to any attorney, regardless of whether they intend to work, or are already working in, the private or public sector.

17. Is an attorney who is already working in the community eligible for the program?

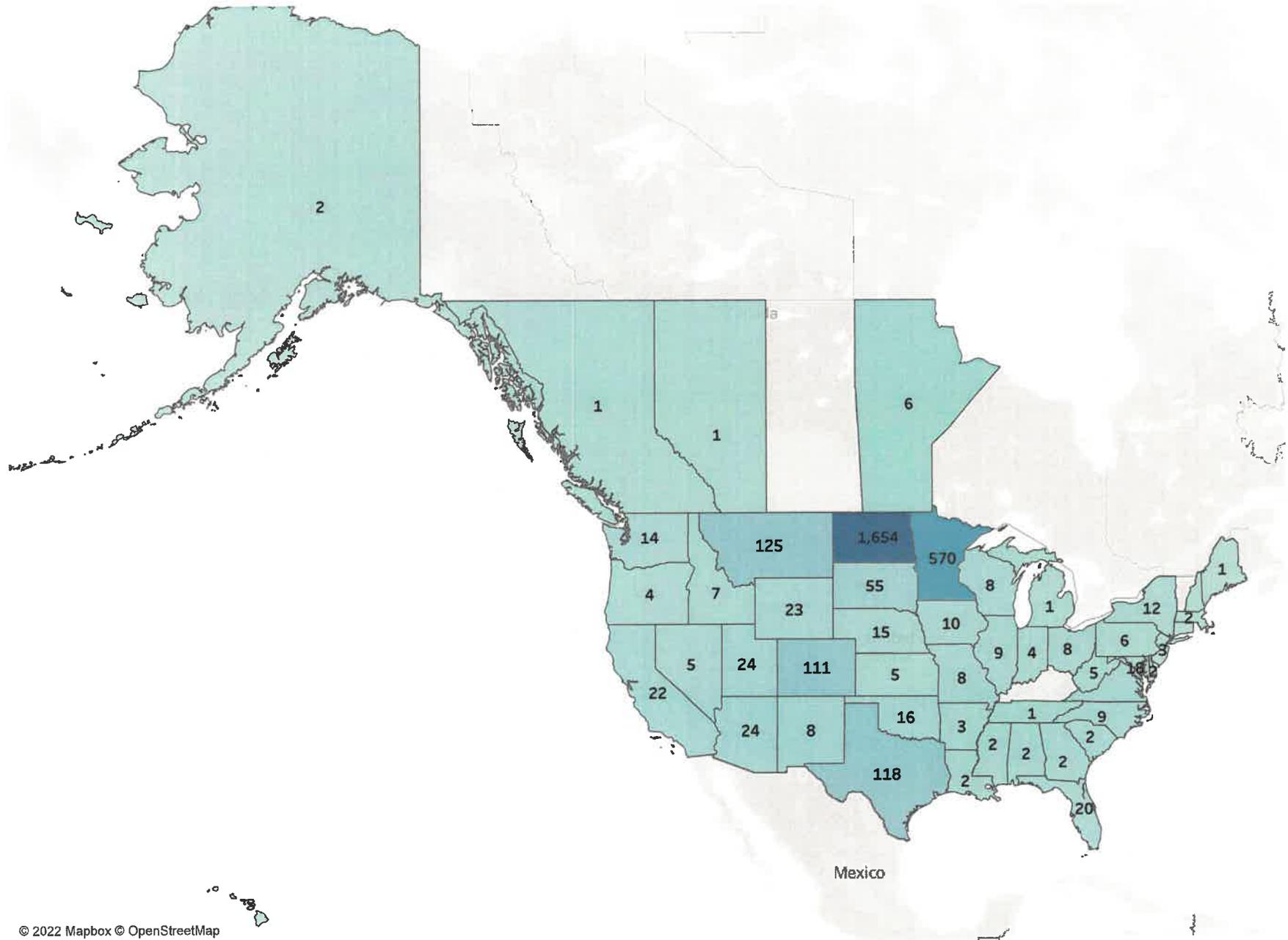
Yes. The program is intended to recruit attorneys to rural locations but also to retain those attorneys who are already working in rural areas.

18. Does an attorney who is working in the public sector need to have malpractice insurance if they are covered by their employer’s insurance?

If the attorney is employed full-time in the public sector and their employer’s insurance covers the equivalent liabilities that malpractice insurance would, the attorney does not need to carry malpractice insurance.

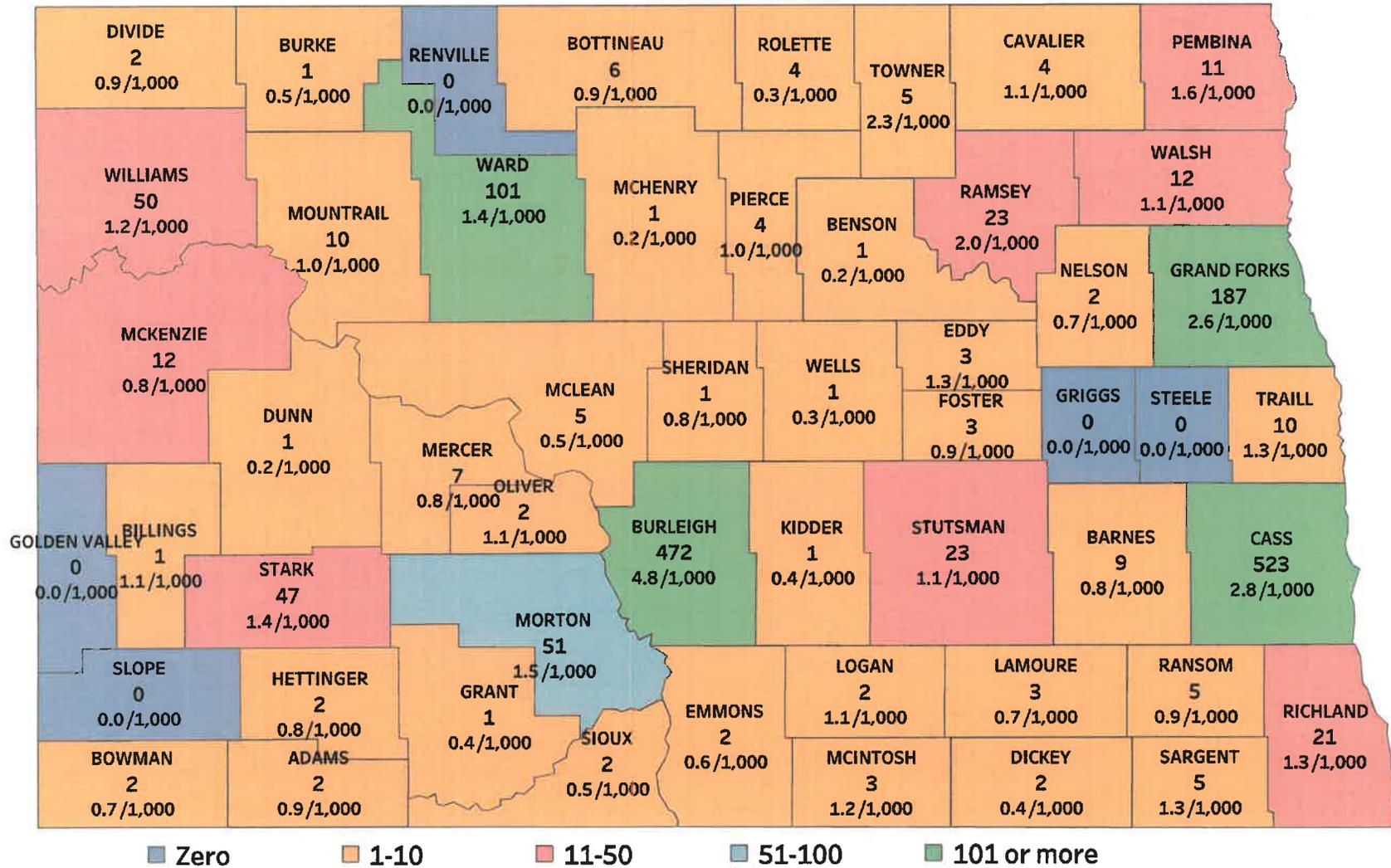
Map 1

Attorneys licensed to practice law in North Dakota by state (US and Canada)



Map 2

North Dakota attorneys by county and per capita



*Per capita estimates based on US 2020 Census Bureau data

https://www.capjournal.com/news/urban-rural-lawyer-divide-persists-despite-state-program-s-efforts/article_23993896-95d6-11ed-9974-931a7b00281f.html

Urban-rural lawyer divide persists despite state program's efforts

By John Hult South Dakota Searchlight
Jan 16, 2023



The Tripp County Courthouse in Winner.

John Hult / South Dakota Searchlight

1/28/23, 11:25 AM

Urban-rural lawyer divide persists despite state program's efforts | Local News Stories | capjournal.com

In 2013, then-Chief Justice of the South Dakota Supreme Court David Gilbertson was quoted in *The New York Times* for a story on a shortage of lawyers in rural areas.

Gilbertson helped spearhead an effort called "Project Rural Practice," a coordinated effort to address that issue.

The goal was critical, Gilbertson told reporter Ethan Bronner. Sixty-five percent of lawyers in South Dakota lived in four urban areas: Sioux Falls, Rapid City, Aberdeen and Pierre.

"We face the very real possibility of whole sections of this state being without access to legal services," he said.

A decade later, South Dakota has more lawyers overall, but the ratio of rural to urban has gotten worse. As of January, 72 percent of lawyers live in the same four cities.

That's why Patrick Goetzinger, another champion of Project Rural Practice, views the state's legal access issues through a different lens than those who would argue that South Dakota has a shortage of lawyers overall.

"We don't have a problem with the number of lawyers," the Rapid City attorney said. "We have a distribution problem."

And while Goetzinger acknowledges that the widened ratio is concerning, he sees Project Rural Practice as a program that's made a difference in several rural counties.

1/28/23, 11:25 AM

Urban-rural lawyer divide persists despite state program's efforts | Local News Stories | capjournal.com

The joint efforts of the State Bar of South Dakota and the Unified Judicial System (UJS) to draw new lawyers to small towns have resulted in the recruitment of 31 lawyers over the past 10 years in every corner of the state, 14 of whom were practicing in rural areas last year.

The UJS Rural Attorney Recruitment Program, funded by the Legislature, is the state arm of the Bar-led Project Rural Practice. It pays new lawyers about \$12,500 a year for five years for working in counties with populations of 10,000 or less or cities with populations of 3,500 or less. The counties or cities foot 35 percent of the bill.

So far, 10 attorneys have completed all five years. Of those, seven have stayed rural.

The program made a difference for Zach Pahlke, the Tripp County state's attorney. Pahlke is one of the seven who stuck around.

He grew up in Winner, the son of two lawyers, but he didn't initially expect to follow in their footsteps. He decided to go to law school a year after earning his business administration degree from the University of Nebraska-Lincoln.

"I was looking to come back to South Dakota, but I can't say I would have come back to Winner without this program," Pahlke said.

In many ways, practicing in a rural area is more difficult for a recent graduate than practicing in urban areas. Wages are lower and the number of available cases are fewer — a daunting thought for a law school graduate with a heavy debt load.

The UJS program essentially covers student loan payments, which made Pahlke's choice to come back easier to make.

1/28/23, 11:25 AM

Urban-rural lawyer divide persists despite state program's efforts | Local News Stories | capjournal.com

Also a help: his parents' guidance. One of the most difficult parts of being a young lawyer in a small town is the sheer range of legal questions they might face.

"Rural practice is pretty general and broad, so you know a little about a multitude of fields rather than specializing," Pahlke said. "It does take a while to build up a competence in multiple areas, and in rural areas there are fewer attorneys to guide you."

The city of Winner has opened its checkbook to show appreciation for the program, offering another \$15,000 over five years on top of the UJS payout for another rural practice lawyer.

Goetzinger believes moves like that signal the next step for attracting and retaining rural lawyers: community buy-in.

"That's the kind of story that we like to hear — creative thinking at the local level to supplement and incentivize people coming to their community," he said.

You can find this article at southdakotasearchlight.com.

Rural-Urban Divide for SD Lawyers

The State Bar of South Dakota has 2,025 active members. The vast majority of those lawyers practice in one of four counties.

- Minnehaha: 41 percent
- Pennington: 19 percent
- Hughes: 8 percent
- Brown: 4 percent

Senate Judiciary Committee

February 1, 2023

Honorable Senator Diane Larson, Chair

SB 2267 Rural Attorney Recruitment Program

Chair Larson and Committee Members,

Thank you for the opportunity to introduce SB 2267 to you today. My name is Brad Bekkedahl, Senator from District 1 in Williston. As the prime sponsor of the bill, I will be presenting the bill intent and mechanisms today and there will be supporting testimony after me from those that are in the legal occupation as well as those most directly affected by this proposed program. This bill is an expansion of the pilot program passed in the 2021 session to address the loss and current lack of attorney availability in many of our rural counties and towns in North Dakota. The State Bar Association, in discussion with State Supreme Court representatives, were looking for a way to incentivize the return of attorneys to practice in areas of need.

Essentially, allows the Supreme Court the ability to expand a program to assist rural counties and municipalities in recruiting and retaining attorneys in underserved areas. The local political subdivision wishing to participate must apply for consideration and grant approval to undergo an assessment to determine that the need exists for recruitment. Part of the eligibility requirement is based on population by county or municipality, as well as the county or city agreeing to provide a portion of the incentive payment.

The bill also sets out specific criteria about attorney eligibility for the program. The program was initially established to allow no more than four attorneys to be in the program at any time. I am pleased to report that the current capacity limit of four attorneys in the program has been achieved and this bill would double the limit to not more than eight attorneys in the program at any time. The attorneys accepted to the program will be compensated in the total amount of \$45,000 paid in five annual installments. If the attorney breaches the agreement, the attorney shall repay all the funds received from the program. Failure to repay the funds is grounds for discipline by the Supreme Court. The formula for funding the program is 35% from the county or municipality served, 15% from the State Bar Association, Foundation, or other legal association, and 50% provided by the State appropriation to the Supreme Court. All the funds required will be deposited into a recruitment assistance program fund established in the state treasury. The agreement requires the recipient attorney to practice law full time in the eligible area for at least five consecutive years. An attorney that has previously participated in any other attorney recruitment program, any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide services to an underserved area, is ineligible to participate in another attorney recruitment program in this chapter. The Supreme Court has adopted rules necessary to implement this chapter and provide an annual report to Legislative Management prior to July first each year.

Chair Larson and Committee, this is the bill in a nutshell. I'd be happy to answer any questions the committee may have and beg your indulgence to defer questions I cannot adequately answer to others present today. Please recommend a Do Pass on SB 2267.

SB 2267
Senate Judiciary Committee
February 1, 2023
Testimony of Todd N. Ewell, Deputy Director, NDCLCI

Good Morning. Madam Chair Larson, members of the Committee, my name is Todd Ewell and I am the Deputy Director of the North Dakota Commission on Legal Counsel for Indigents (hereinafter "the Commission").

On behalf of the Commission, I rise in support of SB 2267. The need for qualified attorneys to serve our citizens is critical. This bill is an effort to recruit and retain attorneys in our state's most rural communities. Although the Commission does not currently participate or benefit from this program directly, we do believe in the merits of the legislation. Our hope is attorneys recruited to the rural areas would ultimately consider contracting with the Commission to provide services.

The Commission requests a Do Pass recommendation for SB 2267.

Respectfully submitted:



Todd N. Ewell, Deputy Director
NDCLCI

SB 2267
68th Legislative Assembly
House Judiciary Committee
March 1, 2023
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of SB 2267.

The need for qualified attorneys to serve our citizens is critical. This bill is an effort to expand the program to recruit and retain attorneys in our state’s most rural communities. Although the Commission does not currently participate or benefit from this program directly, we do believe in the merits of the legislation. Our hope is attorneys recruited to the rural areas would ultimately consider contracting with the Commission to provide services or that our attorneys in rural offices may benefit from the program.

Chairman Klemin, members of the Committee, for the reasons stated herein, the Commission on Legal Counsel urges a DO PASS recommendation.

Respectfully Submitted:



Travis W. Finck
Executive Director, NDCLCI

House Judiciary Committee**March 1, 2023**

Honorable Representative Klemin, Chairman

SB 2267 Rural Attorney Recruitment Program

Chairman Klemin and Committee Members,

Thank you for the opportunity to introduce SB 2267 to you today. My name is Brad Bekkedahl, Senator from District 1 in Williston. As the prime sponsor of the bill, I will be presenting the bill intent and mechanisms today and there will be supporting testimony after me from those that are in the legal occupation as well as those most directly affected by this proposed program. This bill is an expansion of the pilot program passed in the 2021 session to address the loss and current lack of attorney availability in many of our rural counties and towns in North Dakota. The State Bar Association, in discussion with State Supreme Court representatives, were looking for a way to incentivize the return of attorneys to practice in areas of need.

Essentially, this bill allows the Supreme Court the ability to expand a program to assist rural counties and municipalities in recruiting and retaining attorneys in underserved areas. The local political subdivision wishing to participate must apply for consideration and grant approval to undergo an assessment to determine that the need exists for recruitment. Part of the eligibility requirement is based on population by county or municipality, as well as the county or city agreeing to provide a portion of the incentive payment.

The bill also sets out specific criteria about attorney eligibility for the program. The program was initially established to allow no more than four attorneys to be in the program at any time. I am pleased to report that the current capacity limit of four attorneys in the program has been achieved and this bill would double the limit to not more than eight attorneys in the program at any time. The attorneys accepted to the program will be compensated in the total amount of \$45,000 paid in five annual installments. If the attorney breaches the agreement, the attorney shall repay all the funds received from the program. Failure to repay the funds is grounds for discipline by the Supreme Court. The formula for funding the program is 35% from the county or municipality served, 15% from the State Bar Association, Foundation, or other legal association, and 50% provided by the State appropriation to the Supreme Court. All the funds required will be deposited into a recruitment assistance program fund established in the state treasury. The agreement requires the recipient attorney to practice law full time in the eligible area for at least five consecutive years. An attorney that has previously participated in any other attorney recruitment program, any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide services to an underserved area, is ineligible to participate in another attorney recruitment program in this chapter. The Supreme Court has adopted rules necessary to implement this chapter and provide an annual report to Legislative Management prior to July first each year.

Chairman Klemin and Committee, this is the bill in a nutshell. I'd be happy to answer any questions the committee may have and beg your indulgence to defer questions I cannot adequately answer to others present today. Please recommend a Do Pass on SB 2267.



STATE OF NORTH DAKOTA COURTS

Home / Rural Attorney Recruitment Program

Rural Attorney Recruitment Program

The [Rural Attorney Recruitment Program](#) is a legislatively created program to assist counties and municipalities in recruiting attorneys to the more rural areas of the state.

Under the program, the state of North Dakota, the North Dakota State Bar Association and a participating community agree to pay an eligible attorney an incentive of \$45,000 to work full-time in the participating community and to live within close proximity to the community for 5 years.

In 2022, the application period for communities will be February 1 - March 31. After 2022, the annual application period for communities will be October 1 - November 30. The required elements of the community application are found in Supreme Court Administrative Rule 62, section 2: <https://www.ndcourts.gov/legal-resources/rules/ndsupctadminr/62>. Completed community applications should be mailed to:

Office of the State Court Administrator
ATTN Rural Attorney Recruitment Program
600 E. Boulevard, Mailstop 180
Bismarck ND 58505-0530

There is an open recruitment period for attorneys, who may apply at any time through the Court's online application process. <https://www.ndcourts.gov/state-court-administration/human-resources/career-opportunities>

[Rural Attorney Recruitment Program - Guidelines](#)

[List of Eligible Communities](#)

[List of Eligible Lawyers](#)

FAQ

1. Why is there a limited recruitment period for communities but not for attorneys? ^

Community applications are limited to a specific period of time because they are reviewed by a temporary committee of three. Having a set period of time focuses the work of the committee and prevents the court from having to appoint multiple committees during the year.

For attorneys, unless there is something of concern revealed in the application process, applications are automatically approved if they meet the minimum qualifications.

2. What are the population limits for communities to qualify for the program? v

3. The rule requires a letter from the presiding judge of the judicial district. Where can I find this information? v

4. What is the difference between a "participating county or municipality" and a "participating community"? v

- 5. What is meant by "locate their residence in close proximity to the participating county or municipality?" ▼
- 6. What is meant by "live and practice law full-time in the participating community"?" ▼
- 7. May communities submit a joint application to share costs and services under the program? ▼
- 8. May a community and an attorney file a joint application for the program? ▼
- 9. What is the process to match an eligible community with an eligible attorney? ▼
- 10. Is there a complaint process to deal with an attorney who is providing unsatisfactory or insufficient service? ▼
- 11. What is the process if an attorney wants to leave the community before the 5-year period has ended? ▼
- 12. What is the process for if one of the participants does not pay their annual installment? ▼
- 13. How does an attorney who is not an active participant in the program get off the eligible attorney list if they are no longer interested in the program? ▼
- 14. How does a community get off the eligible community list if they are no longer interested in the program? ▼
- 15. Is an attorney who is not a North Dakota resident but is licensed to practice law in North Dakota eligible for the program? ▼
- 16. Is the program limited to attorneys in private practice? ▼
- 17. Is an attorney who is already working in the community eligible for the program? ▼
- 18. Does an attorney who is working in the public sector need to have malpractice insurance if they are covered by their employer's insurance? ▼

List of Eligible Communities

Show 10 ▼ entries

Search:

City/County	Judicial District
Grafton	Northeast Judicial District
Walsh County	Northeast Judicial District

Previous 1 Next

List of Eligible Lawyers

Show 10 ▼ entries

Search:

Lawyer	Communities Interested In
Bata, Sydney Einarson	Walsh County Adams Park River Grafton
Frey, Joshua Edwin	Towner County McHenry County

Stateline

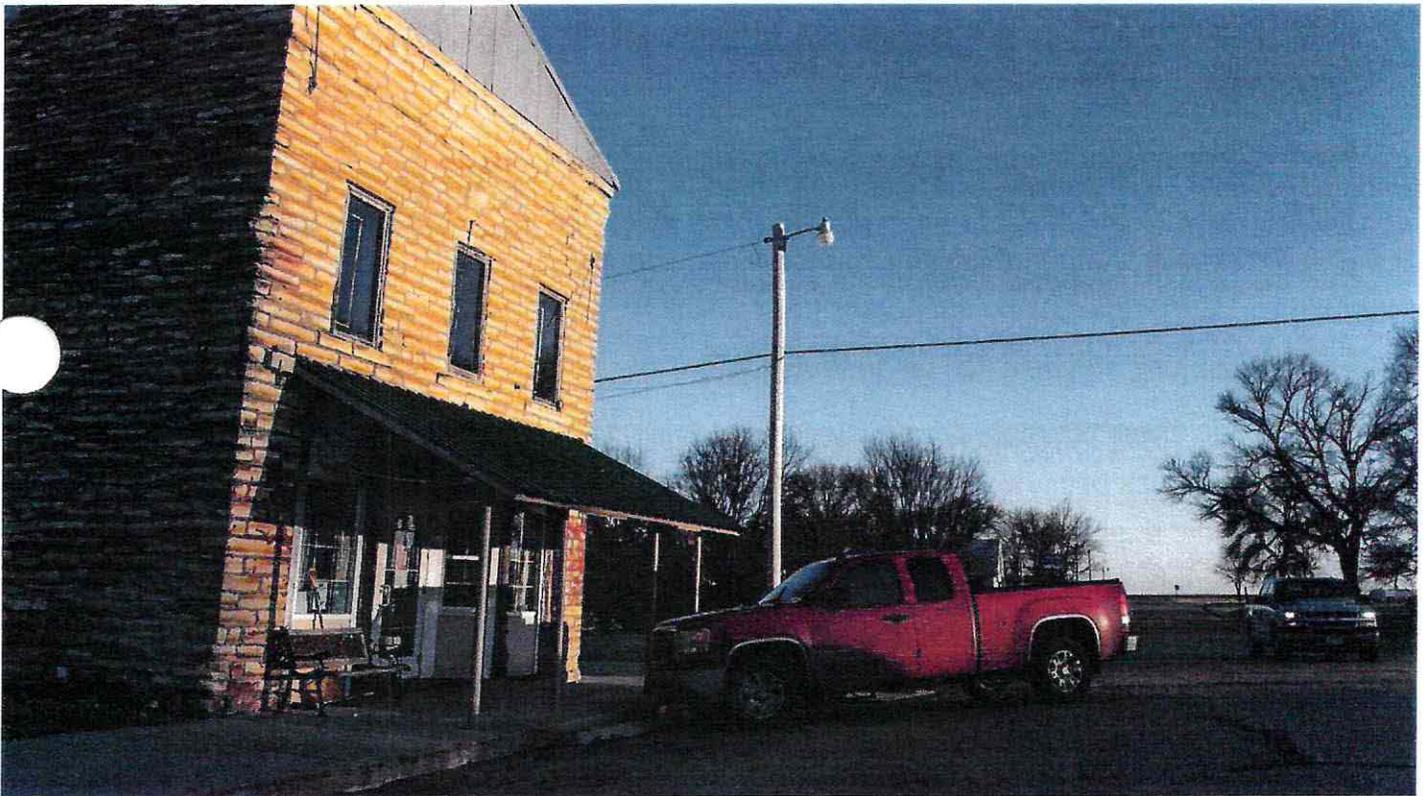
Lack of Rural Lawyers Leaves Much of America Without Support

STATELINE ARTICLE

January 24, 2023

By: Elaine S. Povich

Read time: 7 min



The Pioneers Inn restaurant is seen in the town of Gilead, Neb., population 32, according to the 2020 census. Gilead is emblematic of small towns that lack lawyers, which is a problem in every state, but few state programs have addressed it.

Francis Gardler/Lincoln Journal Star via The Associated Press

While the running joke may be that there are too many lawyers in the world, in many rural places in the United States, there are demonstrably too few.

Despite efforts in recent years by a handful of states, universities and legal associations to ease the problem, there remains a glaring lack of lawyers in many far-flung places. This

leaves those areas and their residents without easy access to legal advice for family issues, wills, estates and property transactions, in addition to any criminal or civil legal disputes. Residents often have to drive long distances to another city or rely on remote video meetings.

“That’s an access problem when you are asking someone to drive 100 miles or more to do a simple will or a simple divorce,” said Sam Clinch, associate executive director of the Nebraska State Bar Association, a state with few lawyers outside its largest cities, Lincoln and Omaha. Nebraska has a small state loan repayment program to help a few attorneys who agree to practice rurally; in a decade, the program has placed 39 lawyers in rural parts of the state.

Some 40% of all counties in the United States – 1,272 of 3,141 – have fewer than one lawyer per 1,000 residents, so few that they are considered “legal deserts,” according to the most comprehensive [survey](#) of attorneys available, conducted by the American Bar Association in 2020.

More recent smaller studies have shown no easing of the problem. An updated American Bar Association lawyer census in 2022 did not break down the attorneys by residence but noted that the overall number of lawyers has remained about the same.

And overarching numbers can be deceiving too.

Nationwide, there are roughly four lawyers for every 1,000 residents, but those numbers don’t mean much because so many lawyers are concentrated in cities. New York state has more lawyers than any state in the country (184,000), the 2020 survey showed, but rural Orleans County, New York, holds just 31 attorneys for the county’s 40,000 residents, about three-fourths of an attorney for every 1,000 people.

California comes in second in overall totals, but it too has counties such as Merced, with 0.74 of a lawyer for every 1,000 people.

The situation is far worse in rural states such as South Dakota, with few attorneys outside of urban centers such as Rapid City and Sioux Falls. South Dakota is one of the few states where the legislature and governor agreed a decade ago on a plan to attract lawyers to rural areas.

The [Rural Attorney Recruitment Program](#) has brought 32 new lawyers to remote areas in the state, according to Rapid City attorney Patrick Goetzing, former president of the South Dakota State Bar Association, who spearheaded the program a decade ago.

Each attorney gets a stipend of \$12,500 a year for five years if they agree to work in rural counties. The stipend, which is in addition to whatever they earn doing legal work, corresponds to what a year of law school cost in the state at the program's inception, Goetzinger said. While many of the lawyers use the funds to pay off school loans, he said they are free to use the money any way they like. If they leave the program before five years, they forfeit the funds.

Goetzinger said in a phone interview that he and a group of attorneys went to the legislature and former Gov. Dennis Daugaard, a Republican, at the time because they needed "a funding source to attract civil practice lawyers to these communities. Money talks."

The legislature agreed to fund half the program, while the communities kicked in 35% and the bar association the remaining 15% of the funds. The total cost was about \$88,000 in fiscal 2021. "We felt if we get 'em for five years, we got 'em," he added. Goetzinger said the program started with 16 lawyers, 10 of whom are still working in rural communities. The program is now authorized for 32 slots, and currently 26 are enrolled.

However, while the program has made an impact, the rural-urban attorney gap is still wide. The *South Dakota Searchlight* [reported](#) that 72% of all South Dakota attorneys still live in four cities: Aberdeen, the capital city of Pierre, Rapid City and Sioux Falls, while only 35% of South Dakotans live in those cities.

While money is important because attorneys generally make more in larger cities, there are other factors keeping newly minted lawyers from settling in small communities, according to experts.

Hannah Haksgaard, professor of law at the University of South Dakota, said in an interview that if the "goal is to be a high earner, you should go to the big cities," though she added that attorneys who do routine work such as wills and estates don't get the big money no matter where they live. But there's more to a lawyer's lifestyle than money, she added.

While budding lawyers often express concerns about lack of access to cultural amenities, such as music and art in smaller places, "some people are concerned about access to ranches and rodeos," she said. "There is a culture in rural areas that's absolutely missing from urban areas. Sure, if you want to go the symphony, you're not going to be in middle of Oklahoma."

Other concerns include finding suitable employment for a professional spouse or having access to good public schools, but those issues are balanced by the ability to get courtroom experience early or having a real impact on the community, said Lisa Pruitt, a law professor at the University of California, Davis. She's the lead author of [an article](#) titled "Legal Deserts: A

Multi-State Perspective on Rural Access to Justice," published in the *Harvard Law & Policy Review* in 2018.

Few other states have adopted South Dakota's model because of cost and because rural residents in states with big urban centers, such as California, have less political clout, Pruitt said. North Dakota is an exception; it has a [program](#) modeled after its southern neighbor.

In a presentation made to a Rural Legal Access Summit in 2018 at the San Joaquin College of Law, Pruitt noted that while California and South Dakota have about the same number of counties (58 and 66 respectively), California has only three counties with a population below 10,000, compared with South Dakota's 48 counties with that population. And when thinking about trying to offset the cost of law school, she pointed out that annual tuition in California averages just over \$48,000 compared with about \$15,600 in South Dakota.

"In California, it's really hard to get the legislature or the state bar to get these various entities that could pony up some money to get lawyers to go to rural places," she said. "In most states, the relevant institutions are not willing to do this because constituencies are not strong enough. It's hard to get lawmakers or The State Bar of California to care about rural people and places because there is no power there."

A search of the California legislature's database turned up no bills specifically designed to address the issue over the past several sessions.

But California and many other states have some programs designed to familiarize young lawyers with rural life and work. In California, for example, the state has a \$5 million program through the Judicial Council for the California Access to Justice Commission to give grants to nonprofit organizations that provide civil legal aid for people in need.

The bar associations in some states run national summer programs or fellowships in which lawyers spend time with rural firms.

Maine approved a [bill](#) just last year to authorize the University of Maine School of Law to open a legal aid clinic in Fort Kent, a city on the Canadian border, and funded it at \$600,000, according to Senate President Troy Jackson, a Democrat who represents Aroostook County, where Fort Kent is located, and who sponsored the bill. No one testified against it.

In an interview, Jackson said while there was little opposition, some residents of other rural parts of the state thought maybe they should get a clinic too. That discussion was put off, but he expects others to make the case if the first program is a success. The funding came

from some excess money in the judicial budget, and he said if the program is to continue past the first biennium, that may be a point of discussion as well.

“It’s up and going,” he said. “They are trying to walk and crawl and run at the same time.”

Without the clinic, there are only two full-time lawyers and one part-timer in Fort Kent, and one of the full-timers only does real estate work. “You often don’t think you want to have a lawyer, but often you end up needing ‘em,” said Jackson, a fifth-generation Maine logger, who said he sometimes wishes he had a law degree.

Nebraska’s program, the [Legal Education for Public Service and Rural Practice Loan Repayment Assistance fund](#), last fiscal year paid 34 recipients between \$1,000 and nearly \$5,000 toward their law school loans if they work in designated rural areas, according to an email from Jeffery A. Pickens, chief counsel of the Nebraska Commission on Public Advocacy.

Clinch, at the Nebraska Bar, said that in addition to the loan program, the bar association partners with three state universities to pay college tuition for undergraduates who express an interest in going to law school and in rural law.

“We hope they go back to rural Nebraska, but it’s not something they have to do,” Clinch said, adding that a survey of the students participating in the program showed that 70% grew up in a rural area. The association also runs bus tours to rural areas so students can meet with local officials and lawyers. “If we place one lawyer in one rural community that needs a lawyer, it’s a success.”

To entice them, he said, the program’s advocates talk about experience rather than money.

“We tell them if you go to a big city and a big firm, you might see the inside of a courtroom once in two years,” he said. “If you practice in a small town or rural area, you’ll be in the courtroom in the first couple weeks and chairing a trial in the first month.”

STATELINE ARTICLE

January 24, 2023

Topics: [Economy](#), [Justice & Labor](#)

Places: [California](#), [Maine](#), [North Dakota](#) & [Nebraska](#)

Top State Stories 1/23

Top State Stories 1/24 >

AUTHORS



Elaine S. Povich
Staff Writer
Stateline



EXPLORE MORE FROM STATELINE

explore by place

explore by topic

About Stateline

Stateline's team of veteran journalists provides daily reporting and analysis on trends in state policy.

[LEARN MORE](#)

Media Contact

Jeremy Ratner

Director, Communications

[202.540.6507](tel:202.540.6507)



Sign Up

Sign up for our daily update—original reporting on state policy, plus the day's five top reads from around the Web.

Email address	SUBMIT
---------------	--------

23.0912.01000

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2267

Introduced by

Senators Bekkedahl, Hogue, Larson

Representatives Ista, Klemin, Roers Jones

1 A BILL for an Act to amend and reenact section 27-02.2-04 of the North Dakota Century Code,
2 relating to the number of attorneys that may participate in the rural attorney recruit program.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 27-02.2-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-02.2-04. Attorney eligibility.**

7 An attorney licensed to practice in the state who meets all requirements set by the supreme
8 court may participate in the recruitment assistance program. An attorney participating in the
9 program shall practice in a supreme court-selected county or municipality for at least five
10 consecutive years. No more than ~~four~~eight attorneys may participate in the program at any
11 given time.