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# The Past, Present, and Future of Rural Northern New England: A Study of the Demographics Crisis and How It Affects the Rural Lawyer Shortage

Christopher Chavis

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# THE PAST, PRESENT, AND FUTURE OF RURAL NORTHERN NEW ENGLAND: A STUDY OF THE DEMOGRAPHICS CRISIS AND HOW IT AFFECTS THE RURAL LAWYER SHORTAGE

*Christopher Chavis*

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# THE PAST, PRESENT, AND FUTURE OF RURAL NORTHERN NEW ENGLAND: A STUDY OF THE DEMOGRAPHICS CRISIS AND HOW IT AFFECTS THE RURAL LAWYER SHORTAGE

*Christopher Chavis\**

## ABSTRACT

Like most of rural America, Northern New England is facing a shortage of lawyers in its rural spaces. The three states are facing an aging bar and demographic trends that indicate that this will only continue. The situation is already dire. The Northern New England states currently rank among the oldest states in the country and there are counties where young lawyers are an almost extinct species. The current trends are not unprecedented. As one of the first areas to industrialize, New England saw its young people leave the countryside early and start to flock to growing cities. As the frontier opened, Northern New England also supplied its people to that effort. By the early twentieth century, the region looked moribund. However, developments in the twentieth century helped the region reverse the outmigration trends and begin to thrive again. In recent years, however, Northern New England has begun to resemble its nineteenth century self: its young people are moving to cities and to growing areas in the South and West. This article will analyze the history of Northern New England and argue that this trend is not irreversible and that steps can be taken to entice young lawyers to move back to the region. However, success in this endeavor will require cooperation by the various stakeholders involved and a concerted effort to address the problem.

## I. INTRODUCTION

One of the most beloved literary characters in American culture is lawyer Atticus Finch from Harper Lee's *To Kill a Mockingbird*.<sup>1</sup> Steadfast and strong willed, Finch stood up against the cultural norms of his small Alabama town and defended a client that many thought did not deserve to be defended. One of the central lessons of that story was the importance of the rural lawyer as a vanguard against injustice in small communities. In a community marked by geographic isolation, where cultural norms can often impede the application of justice, the lawyer acts as a protector, a guardian, and a facilitator. He or she ensures that justice is delivered and that the person's rights are respected in the process. Despite the critical nature of the rural lawyer and the implicit acknowledgement of it within our cultural zeitgeist, the vast majority of rural communities are suffering from lawyer

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\* Christopher Chavis is the Program and Social Media Coordinator for The Alliance for Lawyers and Rural America. He is a 2012 graduate of Dartmouth College and a 2015 graduate of Michigan State University College of Law where he worked as a research assistant in the Indigenous Law and Policy Center. He is currently a Master of Public Administration candidate at the University of North Carolina at Chapel Hill.

1. HARPER LEE, *TO KILL A MOCKINGBIRD* (1960).

shortages and rural Northern New England is no exception. In fact, rural Northern New England's lawyer shortage comes at the confluence of a couple of major factors. First, the Northern New England states are among the oldest in the nation with median ages that sit atop the nation. This fact is reflected in the demographics of the bar. Many Northern New England communities, particularly in Maine, have few, if any, young lawyers. They are also dealing with the lawyer shortage that is gripping almost all of rural America. The demographics of Northern New England point to a future where the rural lawyer shortage will get much worse.

The story of Northern New England is also complex and ever-changing. It was one of the first areas to be impacted by the Industrial Revolution as it saw its countryside dwindle and its cities rise. Improvements in transportation infrastructure opened up its vast beauty to urban dwellers to its south and facilitated the rise of an industry supporting tourism that began to facilitate growth again. However, recent years have seen the region return to the patterns that marked it during the Industrial Revolution. Much as the nineteenth century saw its young people move to the cities and the West, the same patterns are repeating themselves again. We cannot analyze the rural lawyer shortage in Northern New England without also analyzing the historical patterns that have influenced the demographics of the region as a whole.

In this paper, I will explore the historical patterns of outmigration and brain drain in Northern New England and how it has been addressed in the past. I will also look at the current rural lawyer shortage and analyze the patterns that are currently present and possible ways that that issue can be addressed in the future.

## II. HISTORICAL OVERVIEW

We cannot discuss Northern New England's rural lawyer shortage in a bubble and ignore the fact that it is reflective of a larger pattern. The United States is urbanizing and young people are increasingly leaving rural areas.<sup>2</sup> This is not atypical in American history; people have long flocked to the cities in search of economic opportunity and leisurely pursuits. However, this trend has seen a marked increase in recent years and has had detrimental effects on rural communities.<sup>3</sup> More than perhaps any other region in the country, New England has a long history with rural outmigration and its effects. As the birthplace of the Industrial Revolution and the source of many of the men and women who settled the American frontier,<sup>4</sup> New England has long seen its sons and daughters wander in search of new opportunities and adventures.

As Americans moved westward and the Industrial Revolution sprouted in New England, the demographics of the region began to change. Many small-town people migrated to the growing cities in search of work in the emerging factories. In some areas, the Industrial Revolution began to reshape the countryside, turning once

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2. See, e.g., Dipak Kumar, *Rural America Is Losing Young People—Consequences and Solutions*, PENN WHARTON PUB. POLICY INITIATIVE (Mar. 23, 2018), <https://publicpolicy.wharton.upenn.edu/live/news/2393-rural-america-is-losing-young-people-> [https://perma.cc/F5ZF-7G2T].

3. See *id.*

4. See LOIS KIMBALL MATTHEWS, *THE EXPANSION OF NEW ENGLAND: THE SPREAD OF NEW ENGLAND SETTLEMENT AND INSTITUTIONS TO THE MISSISSIPPI RIVER 1620-1865* (1909).

sleepy hamlets into centers of industry. In the first half of the nineteenth century, Manchester, New Hampshire, along the banks of the Merrimack River, was founded. Lewiston, Maine, along the banks of the Androscoggin River, transformed from a sleepy hamlet into a center of industry. Industry came to dominate the New England economy and the small towns that continued to flourish were the ones that had small-scale manufacturing and the necessary infrastructure to support its growth. In towns such as Winooski, Vermont; Laconia, New Hampshire; and Rumford, Maine, small-scale manufacturing thrived because of the proximity of nearby rivers.<sup>5</sup>

The decline of rural New England in the nineteenth century was further hastened by improvements in transportation infrastructure. The development of canals and railroads allowed New England's growing cities to acquire their agricultural goods from the more fertile lands of the West, to the detriment of the New England farmer.<sup>6</sup> In some places, however, the cultivation of specialized crops, such as the potato in Northern Maine, was able to slow or reverse this trend.<sup>7</sup> As a whole, the urbanization of New England and the onset of the Industrial Revolution proved detrimental to rural New England.

The migrations were not just from rural to urban, however; intra-rural migration occurred as people left rural New England for the promise of a new life and increased social mobility on the frontier, a development that was facilitated by the aforementioned improvements in transportation infrastructure. One migrant from rural New England to Indiana asked in the nineteenth century, "[d]o you think I would stay here and be a *common man*, when I can go there and be a *judge*?"<sup>8</sup> The settling of the West is particularly noteworthy because it represents one of the first brain drains in American history, as New Englanders took their talents and settled the nation's interior. In what would later become the American Midwest, New Englanders made up a disproportionate share of lawyers, doctors, educators, and other skilled professionals.<sup>9</sup> New England also supplied many of the important political leaders of the early Midwest. Stephen A. Douglas, former United States Senator from Illinois and perhaps most famous for his series of debates against Abraham Lincoln, was born in Brandon, Vermont, and it was his Vermont upbringing that had a large impact on his later political philosophy.<sup>10</sup>

Moving from New England to the Midwest was often not a solitary effort. It is important to note that in some cases, the settling of the frontier involved a relatively high percentage of a given area's population. For example, ten to twelve families from Addison County, Vermont, moved to Sylvan Township, Michigan, between 1832 and 1834.<sup>11</sup> The migration to the West hit Northern New England particularly

5. George K. Lewis, *Population Change in Northern New England*, 62 ANNALS OF THE ASS'N OF AM. GEOGRAPHERS 309 (1972).

6. Frederick Jackson Turner, *New England 1830-1850*, 1 HUNTINGTON LIBR. BULL. 173-74 (1931).

7. Alexander E. Cance, *The Decline of the Rural Population in New England*, 13 PUBLICATIONS OF THE AM. STAT. ASS'N 96, 99 (1912).

8. MATTHEWS, *supra* note 4, at 199.

9. Turner, *supra* note 5, at 163.

10. Jane Lindholm & Ric Cengeri, *Learning More About Brandon's Stephen A. Douglas*, VT. PUB. RADIO (2013), <http://digital.vpr.net/post/learning-more-about-brandon-s-stephen-douglas> [<https://perma.cc/38BW-3M8R>].

11. MATTHEWS, *supra* note 4, at 228.

hard. Between 1840 and 1850, New Hampshire, Maine, and Vermont were per capita the most active states in populating the West.<sup>12</sup> By the end of the nineteenth century, population growth in Northern New England had become anemic and its population had aged.<sup>13</sup> Between 1880 and 1890, the three Northern New England states grew by 43,000 while the rest of New England grew by 650,000.<sup>14</sup> These patterns persisted and Northern New England would continue to grow at a slower rate than the rest of the region until the mid-twentieth century. One author lamented the brain drain that enveloped rural New England by stating that, “[w]e New Englanders have boasted so proudly and so truly that our barren hillsides furnished the brains of a nation. Why did we forget the inevitable corollary that these little hill towns could not furnish the intellectual leaders for a people and still have genius at home?”<sup>15</sup>

What changed? In the twentieth century, Northern New England was able to at least partially rebound because of a few factors. First of all, and perhaps ironically, improvements to transportation infrastructure opened up the region as a haven of recreation. By the early twentieth century, the development of roads and railways had made it easier for urban dwellers to easily venture into Northern New England. Many of these urban dwellers, even those of modest means, found themselves able to take advantage of the relatively low cost of housing, and purchased second homes on old farms. In some cases, these old farmhouses even became second homes for the affluent.<sup>16</sup> The development of the interstate highway system would further accelerate this development. Interstate highways made fleeing the major urban areas and heading north a substantially smaller undertaking than it would have been a generation before. For example, in 1950, it would have taken seven and a half hours to drive from Boston to Burlington, Vermont.<sup>17</sup> By 1970, this travel time had been reduced to merely four hours.<sup>18</sup> Increased tourism in Northern New England gave rise to entirely new industries, primarily centered around providing services to tourists and taking advantage of the money that they were putting into local economies. The expansion of services to support the tourist population also resulted in the existence of amenities, like shopping centers, that had previously only been found in urban communities. Population growth was also driven by increased investment in higher education, which led to enrollment growth and the economic activity associated with it.<sup>19</sup> Between 1960 and 1970, the rural college towns of Castleton, Vermont, and Plymouth, New Hampshire, grew by 49.2 percent and 31.6 percent, respectively.<sup>20</sup> Economic activity generated by the growth of colleges led to further population growth in these towns.

The increased economic activity led to greater population growth as people

12. Turner, *supra* note 6, at 158.

13. William B. Bailey, *Urban and Rural New England*, 8 PUBL'N OF THE AM. STAT. ASS'N 345, 360 (1903).

14. George K. Lewis, *Population Change in Northern New England*, 62 ANNALS OF THE ASS'N OF AM. GEOGRAPHERS 307, 309 (1972).

15. Frederick E. Pierce, *Nervous New England*, 210 NORTH AM. REV. 81, 83 (1919).

16. Cance, *supra* note 7, at 100-01.

17. Lewis, *supra* note 14, at 312-13.

18. *Id.*

19. *Id.* at 316.

20. *Id.*

migrated to rural New England to take advantage of economic opportunities. By the end of the twentieth century, rural New England's growth was outpacing the national average, a stark reversal from just decades before. Between 1970 and 1980, rural New England grew 16.4 percent, higher than the national average of 11.4 percent over the preceding decade.<sup>21</sup>

I would also be remiss not to mention the impact of social movements on the population of Northern New England, particularly in Vermont. In the 1960s, the "Back to the Land" movement attracted college-educated, middle-class people to Vermont.<sup>22</sup> In essence, the movement provided a mechanism for Vermont to attract people with skills that could prove useful to the state. These people would weave themselves into the fabric of the state and have a great impact on the its political future. Notable leaders that emerged from that movement include United States Senator Bernie Sanders<sup>23</sup> and Vermont Supreme Court Justice Marilyn Skoglund.<sup>24</sup> The impact of this movement on the population of Vermont's small towns can be deduced by analyzing the population reversals that took place between 1960 and 1970. The 1960 Census recorded that 143 Vermont towns had lost population since 1950.<sup>25</sup> In 1970, only fifty-nine towns lost population from 1960.<sup>26</sup> The movement also made its way to New Hampshire and Maine, but was less effective at altering those states' demographics.<sup>27</sup>

### III. THE PRESENT DAY

Much as it did almost 200 years ago, Northern New England is seeing its young population leave and its population age. By median age, Maine, New Hampshire, and Vermont are the three oldest states in the country, and since 2000, their median ages have risen 6 percent, 5.9 percent, and 5 percent, respectively.<sup>28</sup> As during the times of the Industrial Revolution, Northern New England is fighting against the confluence of multiple factors, namely the migration of younger people to cities<sup>29</sup>

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21. Samuel A. McReynolds, *Rural Life in New England*, 50 AM. ARCHIVIST 532, 539 (1987).

22. See, e.g., Kate Daloz, *Back-to-the-Land Movement Paved the Way for Bernie Sanders*, ROLLING STONE (Apr. 19, 2016, 5:17 PM), <https://www.rollingstone.com/culture/culture-news/how-the-back-to-the-land-movement-paved-the-way-for-bernie-sanders-65188/> [<https://perma.cc/8AN8-4B2W>].

23. *Id.*

24. Angela Evancie, Nina Keck & Amy Kolb Noyes, *Those "Aging Hippies" Who Moved To Vermont . . . Where Are They Now?*, VT. PUB. RADIO (June 8, 2018), <http://digital.vpr.net/post/those-aging-hippies-who-moved-vermont-where-are-they-now> [<https://perma.cc/H49F-MBSS>].

25. Lewis, *supra* note 14, at 318.

26. *Id.*

27. See Aislinn Sarnacki, *The Good Life: The Movement That Changed Maine*, BANGOR DAILY NEWS (2014), [http://external.bangordailynews.com/projects/2014/04/goodlife/?chapter=root&utm\\_source=bangordailynews&utm\\_campaign=refer](http://external.bangordailynews.com/projects/2014/04/goodlife/?chapter=root&utm_source=bangordailynews&utm_campaign=refer) [<https://perma.cc/5KFW-6WC3?type=image>].

28. U.S. CENSUS BUREAU, *The Nation's Older Population Is Still Growing*, CENSUS BUREAU REPORTS (June 22, 2017), <https://www.census.gov/newsroom/press-releases/2017/cb17-100.html> [<https://perma.cc/6WQM-EWVC>].

29. Beau Dure, *Millennials Continue Urbanization of America, Leaving Small Towns*, NAT'L PUB. RADIO (Oct. 21, 2014, 6:38 AM), <https://www.npr.org/2014/10/21/357723069/millennials-continue-urbanization-of-america-leaving-small-towns> [<https://perma.cc/SP8K-X8NZ>].

and to states in the South and West.<sup>30</sup> Between 2016 and 2017, the slowest growing region of the country was the Northeast, which saw only 0.2 percent growth, which compares unfavorably with the one percent growth seen in both the South and West.<sup>31</sup> The decline of rural New England towns is also reflected in the data. Between 2016 and 2017, the average town of less than 5,000 people in the Northeast experienced a change of -0.2 percent in their population.<sup>32</sup> Since 2000, the share of native Northern New Englanders living in the South and West has increased.<sup>33</sup> This is a particular echo in the modern migratory patterns of modern day Northern New Englanders and it highly resembles what was observed in the nineteenth and early twentieth centuries.

A deeper dive into Maine's demographics also helps us understand how this issue is particularly affecting rural Maine. In 2015, the median age for the United States was 37.4, while Maine's was 43.5.<sup>34</sup> Only Androscoggin, Penobscot, and Cumberland Counties were below the statewide median at 40.4, 40.8, and 41.7, respectively.<sup>35</sup> These three counties are home to Maine's three largest cities and its two largest universities. The relatively young age of Androscoggin County is also likely influenced by the influx of Somalian refugees that began arriving in 2001.<sup>36</sup> The first wave of refugees that arrived in the early 2000s had a median age of 20.<sup>37</sup> The rest of Maine's counties has a median age of 45.7.<sup>38</sup> If we exclude York County, which is a part of the Portland Metropolitan Area and whose median age is 43.7, the median age for rural Maine climbs to 46.1, a full two and a half years older than the state as a whole.

One of the effects of this outmigration is that the legal profession in Northern New England is heading towards a demographics crisis. The bar associations in Maine, New Hampshire, and Vermont have all, within the last few years, issued reports that discuss their aging demographics. According to a 2017 report issued by the New Hampshire Bar Association, 52% of New Hampshire's bar is over the age

30. William H. Frey, *Millennial Growth and "Footprints" Are Greatest in the South and West*, BROOKINGS (Mar. 6, 2018), <https://www.brookings.edu/blog/the-avenue/2018/03/06/millennial-growth-and-footprints-are-greatest-in-the-south-and-west/> [https://perma.cc/RHP4-JULY].

31. CENSUS BUREAU, CB17-210, IDAHO IS NATION'S FASTEST-GROWING STATE, CENSUS BUREAU REPORTS (Dec. 20, 2017), <https://www.census.gov/newsroom/press-releases/2017/estimates-idaho.html> [https://perma.cc/28XB-FTDF].

32. CENSUS BUREAU, CB18-78, CENSUS BUREAU REVEALS FASTEST-GROWING LARGE CITIES (May 24, 2018), <https://www.census.gov/newsroom/press-releases/2018/estimates-cities.html> [https://perma.cc/6DYR-HELJ].

33. See Gregor Aisch, Robert Gebeloff & Kevin Quealy, *Where We Came From and Where We Went, State by State*, N.Y. TIMES: THE UPSHOT, <https://www.nytimes.com/interactive/2014/08/13/upshot/where-people-in-each-state-were-born.html> [https://perma.cc/XD5V-HSX9].

34. ME. DEV. FOUND. & ME. STATE CHAMBER OF COMMERCE, MAINE'S LABOR SHORTAGE: NEW MAINERS AND DIVERSITY 1 (2016) [hereinafter MAINE'S LABOR SHORTAGE].

35. *Id.* at 2.

36. AMANDA K. RECTOR, MAINE DEP'T OF LABOR, AN ANALYSIS OF THE EMPLOYMENT PATTERNS OF SOMALI IMMIGRANTS TO LEWISTON FROM 2001 THROUGH 2006 1 (2008).

37. *Id.* at 3.

38. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.



of 51, with 25% being over the age of 61.<sup>39</sup> This represents the continuation of trends identified in a 2007 report that found that 40.3% of New Hampshire's bar members are over the age of 50, an increase from 2000 when that number was 30.7%.<sup>40</sup> In New Hampshire, we can clearly spot a troubling trend. In just fifteen years, the share of lawyers over the age of 50 has increased rather dramatically. Across the Connecticut River, the situation is even more dire. According to a 2015 report from the Vermont Joint Commission on the Future of Legal Services, 61% of Vermont's lawyers are over the age of 50.<sup>41</sup> All of the cited reports make clear that there is a rural lawyer shortage in the most remote regions of their states and that unless action is taken, it will only get worse; and given the aging of their respective bars, it will likely get much worse.

Disparities in access to justice for people living in rural spaces has been long noted. In 1990, the Maine Commission on Legal Needs, chaired by Senator Edmund Muskie, issued a report that stated that

[p]oor people living in a city in which a legal service office is located were nearly two times more likely to obtain legal assistance, and six times more likely to have obtained free legal service, than those not living in such a location. Residents of these cities were also twice as likely to be aware of the availability of free legal services.<sup>42</sup>

Proximity to legal services is an important deciding factor in a person's ability to access them.

Perhaps the most detailed reporting on the rural lawyer shortage and Northern New England's aging bar comes from a 2013 report by the Maine Board of Bar Overseers. This report provides a more detailed geographic breakdown of the aging lawyer population and the shortages within each county.

According to that report, only ten percent of the lawyers outside of Cumberland County, the state's largest and most urban county, are under the age of thirty-five.<sup>43</sup> A deeper dive into these numbers paints an even grimmer picture. Here are some highlights:

- Of the six lawyers in private practice in Piscataquis County, three of them are fifty-five and older and none are under the age of forty.<sup>44</sup> Their countywide median age is 49.2.<sup>45</sup>
- Of the sixty lawyers in private practice in Lincoln County, forty-four of them are fifty-five and older and only five are under the age of forty.<sup>46</sup> Their

39. N.H. SUP. CT. COMM'N ON THE N.H. BAR IN THE TWENTY-FIRST CENTURY, REPORT OF THE NEW HAMPSHIRE SUPREME COURT COMMISSION ON THE NEW HAMPSHIRE BAR IN THE TWENTY-FIRST CENTURY 17 (Oct. 30, 2017).

40. COMM'N ON THE STATUS OF THE LEGAL PROFESSION N.H., REPORT AND RECOMMENDATIONS TO THE NEW HAMPSHIRE SUPREME COURT 43 (2007).

41. VT. JOINT COMM'N ON THE FUTURE OF LEGAL SERVS., FINAL REPORTS AND RECOMMENDATIONS OF THE FIRST YEAR STUDY COMMITTEES 20 n.29, 21 (2015).

42. ME. COMM'N ON LEGAL NEEDS, REPORT OF THE MAINE COMMISSION ON LEGAL NEEDS, AN ACTION PLAN FOR THE 1990'S 8 (1990).

43. ME. BD. OF OVERSEERS OF THE BAR, REPORT AND RECOMMENDATIONS OF THE BOARD OF OVERSEERS OF THE BAR'S TASK FORCE TO STUDY BAR DEMOGRAPHICS 2 (2014).

44. *Id.* at 10.

45. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.

46. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

countywide median age is 49.1.<sup>47</sup>

- Of the twenty-seven lawyers in private practice in Washington County, eighteen of them are fifty-five and older and only four are under the age of forty.<sup>48</sup> Their countywide median age is 46.5.<sup>49</sup>
- Of the thirty-one lawyers in private practice in Somerset County, twenty-four of them are fifty-five and older and only four are under the age of forty.<sup>50</sup> Their countywide median age is 44.6.<sup>51</sup>
- Of the twenty-four lawyers in private practice in Franklin County, sixteen of them are fifty-five and older and only 2 of them are under the age of forty.<sup>52</sup> Their countywide median age is 44.4.<sup>53</sup>
- Of the fifty-four lawyers in private practice in Aroostook County, thirty of them are fifty-five and older and only twelve are under the age of forty.<sup>54</sup> I will also add that thirteen lawyers are over the age of seventy.<sup>55</sup> Their countywide median age is 46.1.<sup>56</sup>
- By contrast, of the 1,345 lawyers in private practice in Cumberland County, the state's most urban county, 609 of them are fifty-five and older and 312 of them are under the age of forty.<sup>57</sup>

While we do not have data of this minutiae on the counties in New Hampshire and Vermont, we do have data from the Bureau of Labor Statistics that should help illuminate and provide us with a way to conduct a comparative analysis of these shortages. The Bureau tracks employment data for metropolitan and nonmetropolitan areas and provides information on any given industry such as employment numbers, employment per 1,000 jobs, location quotient, and median and mean wages.<sup>58</sup>

To conduct this analysis, I will use the "location quotient" as my controlling number. The location quotient is measured by taking the share of employment of a given industry in the local community and dividing it by the national average. If the number is 1, then that industry has local employment that is roughly the national average. Anything below 1 is below the national average. It is important to note that almost all of rural America has a location quotient of below 1. With the exception of Southwest Montana, every rural community in the United States has a lawyer shortage and employs lawyers at a rate below the rest of the country. Here are some

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47. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.

48. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

49. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.

50. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

51. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.

52. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

53. MAINE'S LABOR SHORTAGE, *supra* note 34, at 2.

54. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

55. MAINE'S LABOR SHORTAGE, *supra* note 34, at 10.

56. *Id.* at 2.

57. ME. BD. OF OVERSEERS OF THE BAR, *supra* note 43, at 10.

58. For definitions of "metropolitan" and "nonmetropolitan," see *May 2016 Metropolitan and Nonmetropolitan Area Definitions*, BUREAU OF LABOR STATISTICS, [https://www.bls.gov/oes/2016/may/msa\\_def.htm](https://www.bls.gov/oes/2016/may/msa_def.htm) [<https://perma.cc/MJJ6-VWZR>].

highlights for New England<sup>59</sup>:

- The area with the lowest location quotient is Northeast Maine, which has a 0.23 location quotient. Northeast Maine roughly consists of the Downeast and Northern regions of Maine.
- In Northern New England, only the Manchester, New Hampshire and Burlington, Vermont areas have location quotients that exceed 1. No area in Maine exceeds 1; the Portland, Maine area comes the closest at 0.96.
- Two out of the three nonmetropolitan areas with state capitals, Central New Hampshire and Northern Vermont, each have location quotients that are relatively high for rural areas. Their location quotients are 0.95 and 0.86 respectively. The drop off to the next rural community, Southern Vermont, is relatively steep. Southern Vermont's location quotient is 0.65.
- Southwest Maine, which includes Augusta, is the exception to the rule that state capitals boost legal employment. Its location quotient is only 0.53.
- The inclusion of Montpelier in Northern Vermont makes it difficult to compare each state's most remote regions. Northern New Hampshire has a location quotient of 0.27.
- West Central and Southwest New Hampshire are not faring much better, however, with a 0.31 location quotient. West Central New Hampshire corresponds roughly with the New Hampshire side of the Upper Valley region, which centers around Lebanon, while Southwest New Hampshire is the Monadnock region, which centers around Keene.

The economic numbers would seem to confirm the existence of a rural lawyer shortage in Northern New England. In its most remote regions, Northern New England employs lawyers at a rate as low as twenty-three percent of the national average. This data would also serve to disprove the notion that simply paying someone more would be enough to get them to consider moving into a rural community. There is absolutely no correlation between salary and the location quotient of a given community. The urban communities do pay more but the median and average salaries in rural communities are so scattered that there is no correlation to be found.

The aforementioned Vermont report lays out a clear consequence of the rural lawyer shortage: an increase in pro se litigants and the damage that this can do to the legal system and the ability to administer justice. For example, it has an effect on the ability for someone to retain their housing or gain custody of their children. In 2012, it was found that ninety percent of landlord-tenant defendants and seventy-four percent of foreclosure defendants were self-represented.<sup>60</sup> It was also found that eighty-four percent of child custody cases had a situation where at least one party was self-represented.<sup>61</sup> As the bars of Northern New England continue to age, this problem will likely only continue to get worse.

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59. *Occupational Employment and Wages, May 2015*, BUREAU OF LABOR STATISTICS, <https://www.bls.gov/oes/2015/may/oes231011.htm> [<https://perma.cc/Z7Y8-JTDT>].

60. *FINAL REPORTS & RECOMMENDATIONS OF THE FIRST YEAR STUDY COMM.*, *supra* note 41, at 19.

61. *Id.*

## IV. THE MYTH OF THE LAWYER SURPLUS

One item that bears mentioning in this analysis is the idea of the “lawyer surplus.”<sup>62</sup> One of the most pervasive myths in modern legal discourse is that we have an oversupply of lawyers in this country. These myths, perpetuated based on metrics that are systemically biased against the economic realities of small town practice, serve to obscure the crisis that is enveloping our rural communities. Many of these studies examine our “need” for lawyers by only examining available job openings, not the population that needs to be served. Rural populations are chronically underserved by lawyers. Twenty percent of Americans live in rural communities, yet only two percent of lawyers practice there.<sup>63</sup> The economic structure of rural practice, however, does not create “job openings” or easy to quantify items that we can use to quantify the shortage.

In 2011, the *New York Times* published a chart that sought to quantify the “lawyer surplus” in many states.<sup>64</sup> In doing so, they relied on job openings and compared that to the number of graduates produced within that state.<sup>65</sup> Any astute student of rural practice can figure out the flaw in this measurement. In American culture, the image of the “country lawyer” has been that of a solo practitioner, who hangs their shingle and practices on their own, and this image is backed by reality. In the aforementioned 2017 report by the New Hampshire Bar Association, it was found that being a solo practitioner is the dominant method of legal practice in the state, with thirty-three percent of all active lawyers in the state practicing in one-person firms,<sup>66</sup> which in 2004 made up seventy-one percent of all firms in the state.<sup>67</sup> Being a solo practitioner is often the only way to practice in rural America, a fact that distorts the statistics that often used to report on the economic outlook for lawyers. The perpetuation of the idea that we have a “lawyer surplus” creates a dangerous image that distorts the need to address the lawyer shortage that is actually gripping rural America.

## V. SOLUTIONS

How do we bring young lawyers back to rural New England? This is a challenging and perplexing question. As previously outlined, the lawyer shortage exists as a part of a broader trend towards urbanization. In Northern New England, this trend is resulting in both an older bar and general population. Slowing and possibly even reversing this will require a concerted effort by the three states and the stakeholders within. There are a few possible solutions. First of all, much as the modernization of infrastructure helped to facilitate the turnaround in the mid-

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62. See, e.g., Catherine Rampell, *The Lawyer Surplus, State by State*, N.Y. TIMES ECONOMIX BLOG (June 27, 2011, 11:35 AM), <https://economix.blogs.nytimes.com/2011/06/27/the-lawyer-surplus-state-by-state/> [<https://perma.cc/2SUQ-9QSC>] (noting that “the nation’s law schools are churning out many more lawyers than the economy needs . . . in the long run.”).

63. Ethan Bronner, *No Lawyer for Miles, So One Rural State Offers Pay*, N.Y. TIMES (Apr. 8, 2018), <https://www.nytimes.com/2013/04/09/us/subsidy-seen-as-a-way-to-fill-a-need-for-rural-lawyers.html> [<https://perma.cc/C68T-J555>].

64. Rampell, *supra* note 61.

65. *Id.*

66. REPORT AND RECOMMENDATIONS TO THE N.H. SUPREME COURT, *supra* note 39, at 6.

67. *Id.*

twentieth century, the same could likely happen today. When tourism and a growing seasonal population brought shopping centers and other amenities commonly found in urban centers, it helped lead to a younger population moving into rural New England. While this solution does not directly address the rural lawyer shortage, it does address the broader demographic trends that are driving it. Secondly, the nature of rural practice lies in being a solo practitioner, thus erecting a potential barrier to recent graduates who may not have the startup capital and necessary connections to move into that arena. There are a couple of ways that this could be addressed.

For starters, we could encourage the existence and growth of rural legal incubators, which provide young lawyers with an environment that helps them grow their own practice and receive mentorship and resources while they do so. More funding could also be allocated to rural New England's legal aid organizations so young lawyers have an entry point into rural practice. There are studies that show the economic benefits, for the broader population, of investing in civil legal aid.<sup>68</sup>

Finally, there is a role that legal academia can play in solving this problem. First, they could assist in the further integration of "rural" into the law school curriculum and experience so students are able to gain exposure while they are in law school. This includes promoting law schools that are currently in rural areas and urban law schools providing opportunities for their students to gain clinical experience in rural spaces. We see inklings of this already. In addition to the aforementioned Maine example, Seattle University's law school operates an extension campus in Alaska where students can spend the entirety of their third year.<sup>69</sup> Law schools should also focus on attracting more rural students to their law schools and finding ways to incentivize them to return to their home communities. A program currently exists in Nebraska where rural students can receive scholarships to attend a public undergraduate institution with guaranteed admission to the University of Nebraska School of Law, provided that they meet certain criteria.<sup>70</sup>

Given the dire need to address this issue and the troubling demographic trends already in motion, it will take a concerted effort to begin to address and find a solution to this problem. There are many potential paths that can be taken, many of which are not mutually exclusive of each other.

### *A. Improvement of Infrastructure*

Much as Northern New England in the nineteenth and early twentieth centuries was isolated from the rest of the country because of its relatively remote location, it is today isolated by the digital divide that is rapidly growing in our country. The biggest infrastructure issue facing rural communities around the country is high-speed broadband, defined as internet that provides the user with download speeds of at least 100 Mbps, and its expansion. The lack of high-speed broadband access

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68. See TODD GABE, ECONOMIC IMPACT OF CIVIL LEGAL AID SERVICES IN MAINE (2016), <https://www.justicemaine.org/wp-content/uploads/Gabe-Report-Submitted-November-14-2016.pdf> [<https://perma.cc/KXY6-94FF>].

69. SEATTLE UNIV. SCH. OF LAW, ALASKA 3L PROGRAM, <https://law.seattleu.edu/academics/programs/alaska-law-campus/programs#alaska3L> [<https://perma.cc/DDU3-BVPO>].

70. NEB. COLL. OF LAW, RURAL LAW OPPORTUNITIES PROGRAM, <https://law.unl.edu/RLPO> [<https://perma.cc/ZW2V-5RE7>].

presents a barrier to attracting the young labor force that many rural spaces need in order to stem the tide of outmigration. In fact, a 2014 Pew Research study found that sixty percent of people between the ages of eighteen and twenty-nine cannot give up the internet, whether for work or personal reasons.<sup>71</sup> The Northern New England states are a mixed bag on this issue. Vermont and Maine are among the lowest performers in the country while New Hampshire sits firmly in the middle of the pack.<sup>72</sup> The gap between New Hampshire and the rest of Northern New England is quite large. While 46.6 percent of rural New Hampshire residents have access to high-speed broadband, only 9.3% of rural Vermonters and 7% of rural Mainers do.<sup>73</sup> However, New Hampshire's rural access rate still lags significantly behind the other New England states with respect to the access enjoyed by their rural populations. While this issue does not specifically touch the rural lawyer shortage and the aging demographics of the bar, it does affect the ability to attract and retain the young professionals that rural spaces will need in order to address the shortage.

In March 2018, the Maine Department of Economic and Community Development prepared a report on their plan to expand rural broadband throughout the state, heavily relying on public/private partnerships in order to do so.<sup>74</sup> In its report, it cites the need to look at what is being done in New York to expand broadband into its rural areas. Given the geographic and demographic similarities between rural New York and New England, this is a wise move and could provide Maine officials with insight on best practices as they move forward.

In January 2015, Governor Andrew Cuomo announced a \$500 million investment from the State of New York to expand high-speed broadband to rural areas in the state.<sup>75</sup> The money will be provided to private partners committed to matching the state's funds. Governor Cuomo conditioned, with very limited exceptions, that the companies that accept the money must be committed to providing high-speed broadband access.<sup>76</sup> The program, currently in its third phase of grant making, has seen some success. According to the Governor's office, high-speed broadband is now available to ninety-eight percent of New Yorkers and the rest are being connected through Phase III of the program.<sup>77</sup> However, the state has run into issues reaching its most rural areas. Some residents of the remote parts of

71. N.H. BROADBAND MAPPING & PLANNING PROGRAM, BROADBAND: THE CONNECTION TO NEW HAMPSHIRE'S FUTURE 10 (2015), [http://www.iwantbroadbandnh.org/sites/default/files/NH\\_Broadband\\_Report\\_2015\\_UNH.pdf](http://www.iwantbroadbandnh.org/sites/default/files/NH_Broadband_Report_2015_UNH.pdf) [https://perma.cc/R77C-JGC3].

72. *Id.* at 11.

73. *Id.*

74. See ME. DEP'T. OF ECON. & CMTY. DEV., STATE OF MAINE BROADBAND ACTION PLAN (2018), <https://www.maine.gov/connectme/sites/maine.gov.connectme/files/inline-files/State%20of%20Maine%20Broadband%20Action%20Plan%20-%20March%202018.pdf> [https://perma.cc/4AJ5-GJEU].

75. Will Brunelle, *Cuomo Re-Announces \$500 Million Broadband Initiative*, POLITICO (Jan. 16, 2015), <https://www.politico.com/states/new-york/albany/story/2016/05/cuomo-re-announces-500-million-broadband-initiative-052525> [https://perma.cc/9QYY-8CGF].

76. *Id.*

77. *Governor Cuomo Announces More Than \$2 Million in New NY Broadband Program Round III Awards for the Finger Lakes*, N.Y. STATE (Mar. 1, 2018), <https://www.governor.ny.gov/news/governor-cuomo-announces-more-2-million-new-ny-broadband-program-round-iii-awards-finger-lakes> [https://perma.cc/V848-FGFV].

rural New York, including areas that border Northern Vermont, are being offered the option of purchasing HughesNet at a subsidized price and receiving lower than expected internet speeds.<sup>78</sup> The geographic similarities between rural New York and New England may provide some transferable lessons for the agencies and organizations that seek to expand broadband in those areas.

In the past, Vermont's leaders have promised universal access, similar to what Governor Cuomo is working towards in New York. In 2011, then-Governor Peter Shumlin created "Connect VT" with the goal of connecting "every corner of Vermont" to broadband, using the then-federal standard of 4 MBps download speeds.<sup>79</sup> In 2014, the Vermont legislature further expanded on that and stated that its goal was to have universal access to speeds of 100 Mbps by 2024.<sup>80</sup> In a 2017 report to the legislature, Vermont's Public Service Department estimated that it would cost \$600 million to provide universal access to high-speed broadband.<sup>81</sup>

New Hampshire has been less ambitious in implementing its goals of broadband expansion, instead preferring to open pathways for municipalities to pursue expansion. In July 2018, New Hampshire governor Chris Sununu signed legislation that would allow municipalities in the state to issue revenue bonds to finance the construction of broadband infrastructure.<sup>82</sup> The hope is that that legislation will increase the ability of municipalities to assume the burden of the expansion of broadband infrastructure.

Addressing rural broadband is an important first step towards working to reverse the demographic trends that have resulted in rural New England's lawyer shortage. It is important to remember, however, that this is just a first step and not a panacea. In order to address the lawyer shortage specifically, more will have to be done. Possible next steps are outlined in the coming sections.

### B. Investing in Lawyers

Perhaps the largest barrier that many young lawyers face when moving to a rural area is getting their foot in the door and their practice off the ground. Since much of rural practice is done in small firms or by solo practitioners, getting started in the rural legal world can often be prohibitively difficult. Unlike more urban areas, there are often not many traditional "openings" that one can apply to. If new lawyers lack connections to the legal sphere of a given community or the capital to start their own firm, they are often left without a way to get started. Many law students have

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78. Joe Mahoney, *Frustration Grows over New York's Broadband Gaps*, PRESS-REPUBLICAN (May 10, 2018), [https://www.pressrepublican.com/news/local\\_news/frustration-grows-over-new-york-s-broadband-gaps/article\\_f9fca2fc-c7f5-50eb-be33-c78aab8d00df.html](https://www.pressrepublican.com/news/local_news/frustration-grows-over-new-york-s-broadband-gaps/article_f9fca2fc-c7f5-50eb-be33-c78aab8d00df.html) [<https://perma.cc/B3MF-FFD6>].

79. Hilary Niles, *Shumlin Celebrates Broadband Progress, Though Target is Missed*, VTDIGGER (Nov. 20, 2013), <https://vtdigger.org/2013/11/20/shumlin-celebrates-broadband-progress-though-target-missed/> [<https://perma.cc/7AS6-JSDB>].

80. Steve Zind, *Under New FCC Standard, 30 Percent of Vermonters Now Lack Broadband*, VT. PUB. RADIO (Feb. 3, 2015), <https://www.vpr.org/post/under-new-fcc-standard-30-percent-vermonters-now-lack-broadband> [<https://perma.cc/5V9U-4QFD>].

81. VT. DEP'T OF PUB. SERV., REPORT TO THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE CONNECTIVITY DIVISION FOR FISCAL YEAR 2017 11 (2018).

82. William Holt, *N.H. Governor Signs Broadband Bill*, VALLEY NEWS (June 2, 2018), <https://www.vnews.com/Gov-Sununu-signs-broadband-infrastructure-bill-into-law-17925605> [<https://perma.cc/6BKC-276A>].

identified this as a potential barrier to moving to a rural space.<sup>83</sup>

One possible solution to this problem would be increased investment in rural legal incubators, which provide young lawyers with a chance to start their own firms but also receive advice, guidance, and sometimes even financial support from a broader agency. This movement has started to penetrate into New England. In 2014, the Vermont Bar Association and Vermont Law School partnered to start the Vermont Rural Lawyer Incubator Project, which provides young lawyers with the chance to start their own firms and receive support from the state bar. The program supports three lawyers for eighteen months and includes mentorship, support, and even a small grant to get their practice off of the ground.<sup>84</sup>

The lawyer incubator movement has only recently begun to make in-roads into rural areas and has largely been an urban phenomenon.<sup>85</sup> However, the limited reach of incubator programs in rural areas means that this alone is unlikely to provide much of a solution to the rural lawyer shortage.<sup>86</sup> The Vermont program, in particular, relies on coursework at Vermont Law School, which is reflected in the fact that, at least among the first cohort, many of the lawyers opted to open firms within close proximity to the law school, thus dulling the impact of the program.<sup>87</sup> A possible idea to increase its reach may involve further investments from the state, which would allow rural incubators to support more attorneys. As mentioned above, rural broadband is also a key part of solving this program because it would allow incubator lawyers to attend remote sessions, in real time, which would increase their ability to be able to move to the most remote areas. While this is an important piece of the puzzle, it is merely a piece and cannot be relied upon to solve the rural lawyer shortage.

A solution to this problem may also involve further investment into civil legal aid, which would create more job openings for young lawyers. All three of the Northern New England states have statewide legal aid organizations that provide legal services to the rural parts of their states. Maine is served by Pine Tree Legal Assistance, New Hampshire is served by New Hampshire Legal Assistance, and Vermont is served by Vermont Legal Aid. For most of the country, these entities receive funding from the Legal Services Corporation (LSC), a federally funded non-profit that disburses funding to qualified legal aid organizations. Funding for the LSC has declined tremendously from its peak funding during the Jimmy Carter Administration.<sup>88</sup> In his 2019 budget request, President Donald Trump even

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83. Hillary A. Wandler, *Spreading Justice to Rural Montana: Expanding Local Legal Services in Underserved Rural Communities*, 77 MONT. L. REV. 235, 237 (2016).

84. See VT. BAR ASS'N., *Vermont Lawyer Incubator Project Seeks Applications*, VT. BAR J. (Winter 2018), <https://www.vtbar.org/News/Details.aspx?NewsId=6614> [<https://perma.cc/4GZH-TN67>] (application deadline noted in the solicitation for applications).

85. Wandler, *supra* note 83, at 254.

86. *Id.* at 256-57.

87. See *id.* at 256.

88. See ALAN W. HOUSEMAN & LINDA E. PERLE, CTR. FOR LAW & SOC. POL'Y, SECURING EQUAL JUSTICE FOR ALL: A BRIEF HISTORY OF CIVIL LEGAL ASSISTANCE IN THE UNITED STATES 38 (2013), <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Securing-Equal-Justice-for-All-2013-Revision.pdf> [<https://perma.cc/JA7R-5L4F>].



proposed eliminating the LSC.<sup>89</sup> Of the three Northern New England statewide organizations, only New Hampshire Legal Assistance is not funded by LSC and the three organizations all receive funding from state resources and private grants.

On a national level, the LSC has cited limited resources as the reason that they are unable to fully solve eighty-five to ninety-seven percent of the problems that they face.<sup>90</sup> The need to ensure that rural people are able to access the legal help that they need provides a compelling case for boosting legal aid funding. A substantial part of closing the justice gap is going to involve ensuring that people have access to legal representation when they most need it and are not simply left to navigate the courts without any help or guidance.

The civil realm is not the only way that a person encounters the legal system. Pursuant to *Gideon v. Wainwright*,<sup>91</sup> all criminal defendants who are charged with a felony and cannot afford a lawyer are entitled to a public defender. There are, however, systemic differences in how civil and criminal legal aid is often handled. First, funding for public defenders is less centralized than civil legal aid. In Maine, indigent legal defense has faced a shortage of funding in recent years. In June 2017, the Maine Commission on Indigent Legal Services, which oversees the funding of criminal defense attorneys who represent indigent clients, exhausted all of its money and, as a result, many lawyers worked for free.<sup>92</sup> The agency then became a pawn in a budget battle between Governor Paul LePage and the Maine legislature. In his budget proposal, the Governor stated, “[t]he right to counsel exists to ensure they receive a fair trial, it is not a ‘make work’ program for lawyers.”<sup>93</sup> I respectfully disagree. Maine is the only state in the country that exclusively contracts with private attorneys for indigent defense and a recent study found numerous issues that have resulted in the inadequate representation of indigent defendants.<sup>94</sup> The current system is not working. A well-funded public defender’s program can help young lawyers gain experience, ensure that people’s rights are respected, and help Maine attract new lawyers to the state.

For an example of how a rural public defender’s office could work, Maine could look to New Hampshire. The New Hampshire Public Defender, the statewide agency that addresses this issue, is an independent non-profit that employs approximately 115 lawyers and gets its funding from negotiations between the organization’s Judicial Council, a group of appointed citizens, lawyers, judges, and the State Legislature. It has also managed to negotiate a clause that allows it to contract with

89. Dorothy Samuels, *Trump Targets the Legal Services Corporation*, BRENNAN CTR. FOR JUSTICE (Apr. 12, 2017), <https://www.brennancenter.org/blog/trump-targets-legal-services-corporation> [<https://perma.cc/3376-FXCK>].

90. LEGAL SERVS. CORP., *THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS* 8 (2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> [<https://perma.cc/V3V2-FZQH>].

91. 372 U.S. 335 (1963).

92. See Marina Villeneuve, *Pending Budget, Maine Attorneys Are Defending the Poor for Free*, PORTLAND PRESS HERALD (June 4, 2017), <https://www.pressherald.com/2017/06/04/pending-budget-attorneys-are-defending-the-poor-for-free/> [<https://perma.cc/698J-YUUZ>].

93. *Id.*

94. See SIXTH AMENDMENT CTR., *THE RIGHT TO COUNSEL IN MAINE: EVALUATION OF SERVICES PROVIDED BY THE MAINE COMMISSION ON INDIGENT LEGAL SERVICES* (April 2019), [https://sixthamendment.org/6AC/6AC\\_me\\_report\\_2019.pdf](https://sixthamendment.org/6AC/6AC_me_report_2019.pdf) [<https://perma.cc/5SZL-VM2X>].

private attorneys if its caseload becomes unmanageable.<sup>95</sup> It also has an expansive network that includes offices throughout rural New Hampshire.<sup>96</sup> Continuing to invest in their public defender's office could pay dividends for New Hampshire and it would be wise for the other Northern New England states to look to their model.

Most importantly, by investing in legal aid we would be helping young lawyers move to rural areas, establish themselves, make contacts, put down roots, and possibly even begin to build the financial capital necessary to start their law firms or find jobs in smaller firms, if they so desire. We would also be making our legal system more equitable by providing indigent litigants with a place to turn for legal advice and help. As the aforementioned 1990 study notes, people are more likely to use legal services when they are located in close proximity to them and this proposal would increase their ability to do so.<sup>97</sup>

### C. The Role of Legal Academia

Finally, there is a role that legal academia can play in addressing the rural lawyer shortage. Law schools are often where students first begin to explore the many facets associated with practicing law. As such, this is a good time to begin to familiarize them with the reality of rural practice and introduce them to what it would be like to work in a rural space. To some extent, this is already done in Northern New England. Vermont Law School, located in the small town of South Royalton, allows students to work at a legal clinic that addresses the needs of the local population.<sup>98</sup> The University of Maine School of Law also recently launched an initiative that pairs students with lawyers in rural areas of the state for summer internships.<sup>99</sup>

However, there are other models that law schools could explore in order to increase outreach to rural communities around their respective states. For example, schools could use the entire third year as a "study abroad" program. This has been done by Seattle University School of Law through their Alaska program, which allows students from any law school to spend their third year studying and completing externships in Anchorage, Alaska.<sup>100</sup> This allows students to be exposed to an underserved market in a state which has no law school and to build their professional knowledge and network.<sup>101</sup> While Seattle University focuses on an urban part of Alaska, it does offer a possible blueprint for how such a program may work in rural communities.

Northern New England's law schools, particularly the University of Maine and

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95. See Emily Corwin, *Amidst Nationwide Crisis in Public Defense, N.H. Public Defender Thrives*, N.H. PUB. RADIO (Dec. 7, 2015), <https://www.nhpr.org/post/amidst-nationwide-crisis-public-defense-nh-public-defender-thrives> [<https://perma.cc/QBH3-C9TS>].

96. See *Offices*, N.H. PUB. DEFENDER, <https://www.nhpd.org/offices/> [<https://perma.cc/VCR6-DXNK>].

97. ME. COMM'N ON LEGAL NEEDS, *supra* note 42, at 8.

98. See VT. LAW SCH., *South Royalton Legal Clinic*, <https://www.vermontlaw.edu/academics/clinics-and-externships/south-royalton-legal-clinic> [<https://perma.cc/KE5H-544Q>].

99. See U. ME. SCH. OF LAW, *Maine Law Continues to Focus on Rural Practice Initiatives* (Feb. 2, 2018), <https://mainelaw.maine.edu/news/maine-law-continues-focus-rural-practice-initiatives/> [<https://perma.cc/9VPC-A8ZA>].

100. See SEATTLE UNIV. SCH. OF LAW, *supra* note 69.

101. See *id.*

University of New Hampshire, could offer a student the option to extern in a rural community in the state while also allowing the student to complete classes remotely. Similarly to how the University of Maine places students with lawyers in the rural areas of the state during the summer, this program could do the same during the year. This would allow the student to spend an extended period of time building their network in a community while also taking classes and finishing up their law school career. The University of Maine already has similar programming that focuses on urban spaces, so there is already a model in place that could be adapted for this purpose.<sup>102</sup>

There must also be a concerted effort to get rural students enrolled in legal education. Rural students are underrepresented in higher education more broadly. According to the *New York Times*, only twenty-nine percent of rural individuals between the age of eighteen to twenty-four years of age are enrolled in higher education, a figure which pales in comparison to forty-seven percent of their urban and suburban peers.<sup>103</sup> Furthermore, undergraduate institutions are only now starting to actively recruit rural students. Even if law schools try to recruit rural students, they are going to find the pool a bit shallower than they may want. A possible solution for this is to model what is happening in Nebraska. The University of Nebraska recently announced the creation of the Rural Law Opportunities Program, which will give high school graduates from rural Nebraska scholarships to attend one of three state universities and, provided they meet certain criteria, admission into the University of Nebraska School of Law.<sup>104</sup> A similar program could work in Northern New England; students from the rural corners of those states could receive admission and a scholarship to a state university with conditional admission to their state's law school, provided that they meet certain conditions. This would help to widen the potential pool of rural students, who may be more likely to return to their home communities after graduation.

#### *D. The Solutions Work Together*

Solving the rural lawyer shortage and coming demographics crisis in rural Northern New England is going to require a multi-pronged approach and a concerted effort by many of the involved stakeholders. All of these solutions can work in concert with each other to begin to attack this problem and slow or even reverse this trend. If rural broadband is addressed, it will facilitate the creation of rural lawyer incubators and even allow students to study in some of the most remote rural communities. If we address legal aid funding, then we provide a place for students to possibly extern and start their legal careers. Addressing this shortage is going to involve a litany of solutions, all working together to reverse a demographic trend that has been repeatedly seen throughout the history of the region.

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102. U. ME. SCH. OF LAW, *Semester in Practice*, <https://mainelaw.maine.edu/academics/externships/semester-in-practice/> [https://perma.cc/N858-FHD6].

103. Laura Pappano, *Colleges Discover the Rural Student*, N.Y. TIMES (Jan. 31, 2017), <https://www.nytimes.com/2017/01/31/education/edlife/colleges-discover-rural-student.html> [https://perma.cc/8JVU-SVXV].

104. See U. OF NEBRASKA-LINCOLN, *Rural Law Opportunities Program*, <https://law.unl.edu/RLOP/> [https://perma.cc/KA76-BVBD].

## VI. CONCLUSION

Rural Northern New England stands at a crossroads. Its bar is aging, its population is aging, and the problem is on a trajectory to get much worse unless something is done about it. We cannot look at the rural lawyer shortage without taking a look at the issue more broadly. The region's history is marked by outmigration and urbanization, problems that plague it today. In the recent past, the region was able to slow this trend through the development of industries that facilitated the growth of infrastructure and served to attract new people to the area. These advantages have gone away as new infrastructure and advancements have developed. The region is also battling the national trend towards urbanization. There are many solutions that can be analyzed in order to begin to address the problem. Improvement of the region's infrastructure, particularly broadband, must receive high priority but we must also see the creation of programs and funding of initiatives that serve to bring people back to rural communities and help them be successful as lawyers. The Atticus Finches of rural Northern New England are disappearing and it is important that we ensure that others are able to rise up and take their place. This issue is incredibly complex and addressing it will involve a concerted effort by the various governmental entities that will be involved.

