



Report of the Ohio State Bar Association Rural Practice Gap Task Force

Executive Summary

Over the last several years, the Ohio State Bar Association has been monitoring attorney registrations and other demographic data to identify trends in the profession. While active attorney registrations have declined slightly, the Ohio Bar has noticed an alarming trend: the number of attorneys in private practice¹ in rural areas is not keeping pace to provide sufficient access to legal services in these communities. Based on current data, a crisis is looming for rural Ohio if trends continue, where large swathes of the state will not have access to an attorney in their area.

With these concerns in mind, the Ohio State Bar Association, under the leadership of President Michelle Kranz and Immediate Past President Dean Wilson, convened the Rural Practice Gap Task Force. The task force gathered interested stakeholders and set out to review current data and propose potential solutions to redirect the current trajectory of the legal profession in rural Ohio.

The objective of the Rural Practice Gap Task Force is to increase the number of attorneys in rural communities, which are experiencing attorney shortages and challenges in delivering legal services, leading to enhanced access for all Ohioans.

To do so, the task force divided into three subcommittees to focus on discrete subject-matter that then fed into the interventions and recommendations contained in this report. The subcommittees included 1.) Recruitment, Mentoring, and Support, 2.) Education and Outreach Collaborations, and 3.) Funding and Policy Reforms.

Based on the work and recommendations of the subcommittees, the task force has identified a “Top Three” in our recommendations, including:

- 1 Create and support high school rural practice pipeline programs serving rural areas.
- 2 Add a staff position at the Ohio Bar to coordinate rural practice support.
- 3 Develop/support connection and mentorship programs for new rural practitioners.

These three recommendations will serve as a starting point in pursuing solutions to the rural practice gap problem. Additionally, the task force has identified several, long-term recommendations to assist in encouraging attorneys to practice in rural parts of Ohio.

¹ Defined as lawyers reporting that they hold IOLTA/client trust accounts. While this data does not provide certainty, it is best directional data available.

Background

As mentioned in the executive summary, current data shows a growing gap between access to attorneys in major metropolitan areas and rural communities. In its annual Profile of the Legal Profession for 2020, the American Bar Association defined a legal desert as a county with fewer than one lawyer per 1,000 residents. In order to have adequate access to legal services, the Ohio Bar estimates that there should be approximately one lawyer per 700 residents on a county-wide basis. This is the standard the Ohio General Assembly adopted in House Bill 150 of the 134th General Assembly.

While attorney registrations provide a statewide view, this figure does not show nuances in the profession, particularly how many of these attorneys are in private practice and how many are in other positions (i.e. government attorneys, not actively using a law licenses, etc.). In order to measure Ohio's current status, the task force considered Interest on Lawyer Trust Account (IOLTA) data provided by the Ohio Access to Justice Foundation as the most accurate available data on the number of attorneys in private practice. The following are figures illustrating this data.

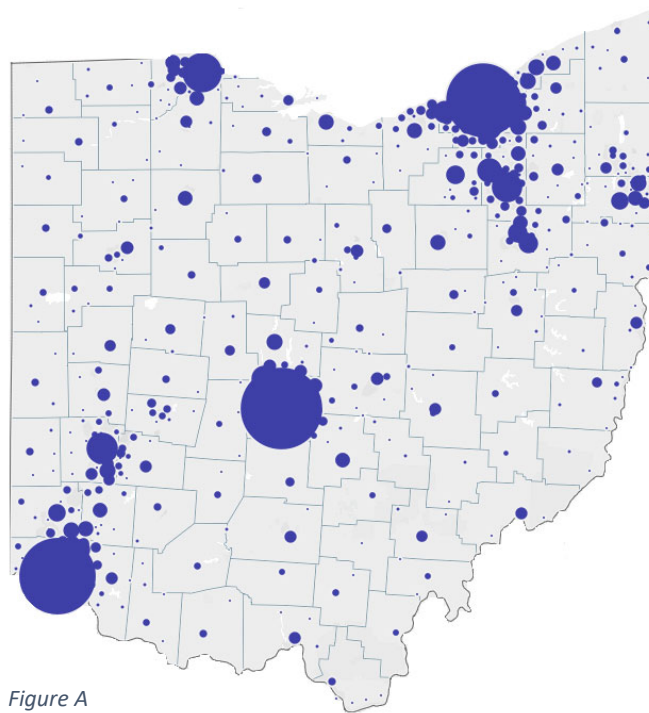


Figure A

Figure A shows a heat map of the location of attorneys in private practice. The large circles over Cuyahoga, Franklin, Hamilton and, to a lesser extent, Lucas and Summit counties indicate the concentration of attorneys in Ohio. As of January 2024, Ohio has just under 11.5 million residents and roughly 18,600 private practicing attorneys.

Private Practice Attorneys / County Population

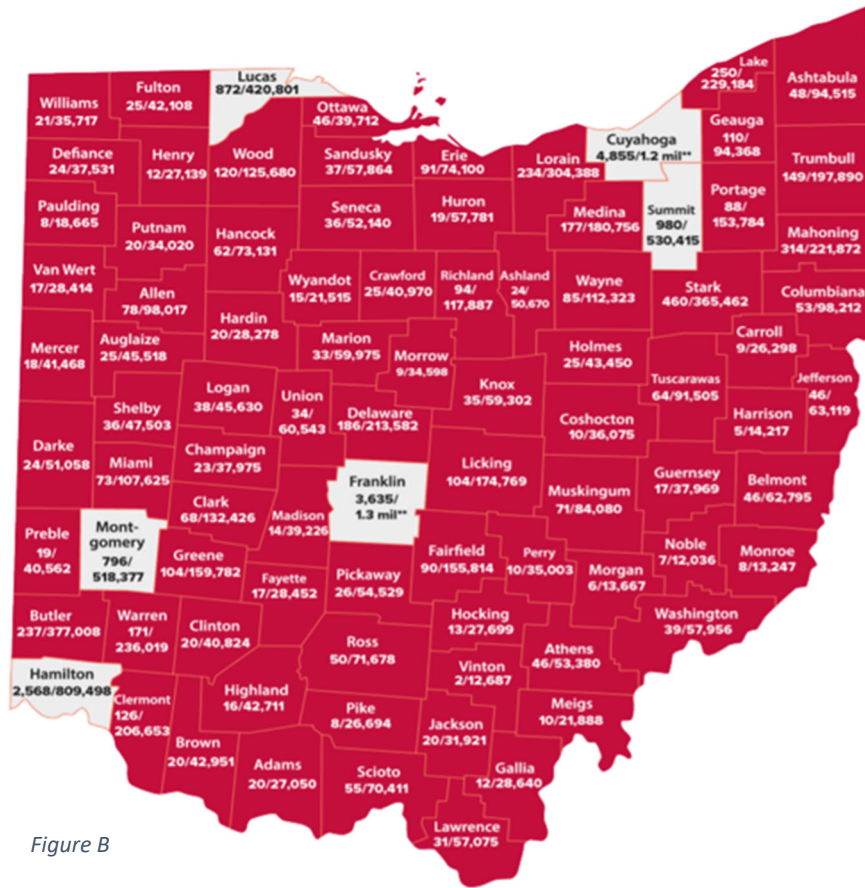


Figure B

Figure B includes population data by county. The red counties indicate a ratio of fewer than one attorney to 700 residents and an attorney shortage area. As of January 2024, 82 of 88 counties are considered underserved areas. The white counties represent 73% of Ohio's active attorneys and 42% of the state's population.

Even more alarming is the median age data of private practicing attorneys in several Ohio counties. From a statewide perspective, the median age of a private practice attorney in Ohio hovers around 54.5 years old. As of early 2024, several counties are well above this average. For example, the average age of an attorney is 71.39 in Paulding County, 67.7 in Morrow County, 65.42 in Clinton County, and 65.24 in Pickaway County. Further, the average age of an attorney is above 60 in 19 counties. Age data also shows that these same counties currently do not have enough younger attorneys to fill the places of older attorneys who may be considering retirement soon.

To resolve this issue, the Ohio State Bar Association first offered the Rural Practice Clerkship Program. In partnership with the Ohio State Bar Foundation, the Ohio Bar launched the Rural Practice Clerkship Pilot Program in 2015 with just three attorneys. Slowly, the program expanded to include more attorneys and eventually received a Civil Justice Grant from the Ohio Supreme Court in 2020. While the pandemic impacted the structure of the program, the Ohio Bar found that, while successful in getting students exposure to law in rural communities, many

students opted to begin practicing elsewhere once they graduated. Since the program, in isolation, did not produce long-term results, it was discontinued.

Then, the Ohio Bar advocated for the passage of H.B. 150, which established the Rural Practice Incentive Program under the Ohio Department of Higher Education. Through the program, newer attorneys (less than 8 years in practice) who agree to serve as a county prosecutor, public defender, or appointed counsel in an “underserved community” are eligible for up to \$50,000 in student loan repayment. An underserved community is defined as above – one attorney or less in private practice per 700 county residents. The initial application period for the program is open at the time of this writing until March 15, 2024. With an initial appropriation of \$1.5 million in state general revenue, the Ohio Bar expects applications to exceed available funding even for the relatively limited pool of eligible attorneys.

More recently, the Board of Governors established this task force. The initial meetings of the task force included an overview of the problem, information on generational differences and expectations, examination of law student debt and the financial challenges when starting out in the practice of law, additional perspective on opening or joining a rural law practice from new lawyers, and discovery on how other states have approached the rural practice gap in their communities. With that knowledge, the task force broke into three subcommittees to deep dive on specific topics.

Work and Findings of the Subcommittees

Subcommittee #1: Recruitment, Mentoring, and Support

The first subcommittee focused on how to draw more attorneys to rural parts of the state, as well as how to provide support to these attorneys while they are establishing their practices. The group reviewed career steps, such as examining pipeline programs that give students in rural communities more exposure to potential legal careers, so that they may then choose to return to their home communities as professionals. It investigated new ways to attract younger lawyers to rural areas by focusing on changes in the perception of rural practice and gaining a better understanding of the reasons for where and why people choose to live and work. The subcommittee also worked with law schools to learn how to identify students who are the right fit for rural practice work, as well as conduct student focus groups in both undergraduate programs and law schools to learn from students about what may draw them to rural practice, including mentoring and core competency certification programs.

Recommendations of Subcommittee #1

Create and support high school pipeline programs serving rural areas.

Fifty-five percent of law students first considered law school before they reached college. Many of the undergraduate students the subcommittee met with indicated that some sort of law or government-based experience got them interested in attending law school. All but one of these students indicated that they were very likely or open to the idea of returning to rural areas to practice after completing law school. Many of them report feeling an obligation to return to help their community, while several indicated a sense of community in rural areas while providing opportunities for involvement in local communities. This will become increasingly true

as options for remote JD study become available, with less need to leave for a more urban area to pursue legal education.

Develop a system of identification, connection, mentorship, retention, and support for attorneys 5-10 years from retirement and soon-to-be or newly licensed attorneys looking to return or relocate to rural areas.

Practitioners noted that it is not just an issue of recruitment, but also of identification and retention of lawyers in rural areas. The subcommittee recommends establishing a process by which new or soon-to-be lawyers interested in rural practice are identified and then that information is shared with bar associations in rural areas to connect new lawyers with attorneys who hope to retire in the next 5-10 years. This could begin in law school, as some other states already have law school student organizations focused on rural practice.

Expand rural practice incentives.

The subcommittee recommends expanding the definition of “service attorney” under R.C. §3333.13 to include private practice lawyers who are working in underserved communities.

Explore opportunities for incubator or support services in rural areas.

Practitioners and students alike reported that financial concerns are a primary concern of an attorney interested in practicing in a rural area. Loan forgiveness, financial stipends, and other incentives may attract a person to a rural area. However, there was consensus that a person would not necessarily remain in a rural area for those reasons. Practitioners indicated that shared resources, such as conference rooms, shared offices, administrative support, mentors, and guidance in the business of practicing law would attract more individuals to rural areas. The committee recommends exploring this as part of the broader initiative. Additionally, the Ohio Bar should create a rural practice committee to help further support and mentor lawyers engaged in rural practice.

Create as staff position at the Ohio Bar to coordinate rural practice support.

The Ohio Bar should seek resources to create a full-time position to coordinate rural practice initiatives. This position will be responsible for developing and supporting these initiatives and being a point person between the rural local bars and the Ohio Bar.

- a. Enhance perceptions of rural practice.

Part of the charge for this position and the Ohio Bar rural practice committee should be to enhance the perception of rural practice. Undergraduate students relayed that a factor attracting them to rural areas is the significant legal need. Moreover, they perceived it as an access to justice issue that they could have a part in helping resolve. They also emphasized their ability to be involved in their community and a desire to rehumanize rural areas and the people living in them. At the same time, practitioners emphasized quality of life issues, including small, tight-knit communities, a sense of gratification, and their ability to get involved in the community. The new staff person at the Ohio Bar should help develop messaging as they are considering their recruitment and retention efforts.

Subcommittee #2: Education and Outreach Collaborations

The charge of the second subcommittee was to identify stakeholders and partners impacted by the rural practice gap and who will be influential in implementing interventions. This may include collaborating with county judges and the Supreme Court of Ohio, government entities, and county and townships leaders. It may also include collaborating with agricultural and other rural organizations for education support, including groups like 4-H, FFA, Ohio Farm Bureau and Ohio Center for Law-Related Education (OCLRE). In addition, the subcommittee explored ways to encourage established attorneys in rural areas to focus sooner on business transition and succession planning to connect them with rising attorneys.

The subcommittee identified two sets of interested parties: (1) stakeholders outside the Ohio Bar and (2) potential partners within the association.

- ***Stakeholders Outside the Ohio Bar:*** Supreme Court of Ohio, Ohio Judicial Conference, Ohio Access to Justice Foundation, Ohio Public Defender, County Commissioners Association of Ohio, Ohio Township Association, Ohio Farm Bureau, 4-H, FFA, Ohio Center for Law-Related Education, Ohio Association of Agricultural Educators, Ohio Chamber of Commerce, NFIB Ohio, local bar associations, legal aid, local chambers of commerce, community nonprofits (such as the iBELIEVE Foundation), educational institutions (some overlap with Subcommittee #1)
- ***Potential Partners within the Ohio Bar:*** Solo, Small Firms, and General Practice Section; Estate Planning, Trust, and Probate Law Section; Senior Lawyers Section; Real Property Law Section; Young Lawyers Section; Agricultural Law Committee

Recommendations of Subcommittee #2

Refine the list of stakeholders and potential partners and formulate what the request is of each (i.e., develop the “ask”). The subcommittee identified potential messaging for each stakeholder category:

- ***For the legal community*** (*Supreme Court of Ohio, Ohio Access to Justice Foundation, Ohio Public Defender, judges, local bars, legal aid, OCLRE, various OSBA committees and sections*), ensure these groups understand the problem and importance of having sufficient access to attorneys in every community. Request their support in relationship building, particularly at the local level, and assistance in raising awareness of the issue.
- ***For elected officials*** (*county and townships leaders*), start by outlining the problem with available data and focus on betterment of the community (resources available to constituents and businesses, economic development prospects, problems with lack of availability of attorneys locally, etc.). Request engagement in advocacy efforts and sharing resources (such as the Rural Practice Incentive Program) within their circles.
- ***For the agricultural community*** (*OFB, 4-H, FFA, and OAAE*), lean on this group as leaders in rural communities (similar to elected officials above) but focus on support

of educational programs. This group may benefit from an initial outline of the problem with available data. Request that they spread awareness of the issue, promote identified initiatives, and assist with “pipeline” projects, in particular. Additionally, directly encourage 4H and FFA youth (by having the Chief Justice or Ohio Bar president speak at State FFA Convention) to consider a career in law.

- ***For the business community*** (*Ohio Chamber, NFIB, local chambers of commerce, and economic development organizations*), focus on lost business opportunities with the unavailability of local attorneys and note shared struggle for small businesses on issues, such as providing healthcare. Request engagement in advocacy efforts and elevation of this issue.
- ***For stakeholders in other categories*** (*community nonprofits and educational institutions*), the message will depend on the specific nonprofit or community organization and their mission. Request to pursue partnerships where missions align (for example, some nonprofits offering social services also connect their clients to legal services).

Establish CLEs and webinars or other support materials for rural attorneys, bridge the gap between older and newer attorneys, and coordinate with affected Ohio Bar committees and sections.

- The subcommittee recommends coordinating a bank of CLEs regarding succession planning to assist rural practice attorneys and encourage earlier planning. Examples of content include a young lawyer panel discussion on their career motivations, a senior lawyer panel discussion on what succession planning can offer, mid-career attorneys in practice in rural areas to provide guidance, etc.
- The subcommittee also recommends that the Ohio Bar develop practical resources to assist attorneys in opening a small or solo firm (i.e., attorneys willing to share space, administrative resources, copier, etc.) and that the Ohio Bar creates an online community for sharing rural practice opportunities.
- The subcommittee also noted potential opportunities for the Ohio Bar to support networking to connect senior and newer attorneys and to support the Solo, Small Firms, and General Practice Section in an update of the Economics of Law Study, specifically salary and location demographics.

Subcommittee #3: Funding and Policy Reforms

The third subcommittee focused attention on funding and policy reform changes that would incentivize attorneys to practice in rural communities while improving access to lawyers. Policy reform opportunities may include offering more incentives to stay in Ohio and practice in underserved communities, removing barriers to private practice, extending student licenses to allow practice under the supervision of an attorney after law school graduation, and licensing paralegals and allowing these legal professionals to do more under a supervision of an attorney. Funding opportunities and collaborations were also explored.

Recommendations of Subcommittee #3

Remove the requirement that assistant state public defenders serve in a full-time capacity and the prohibition on private practice.

R.C. §120.04 (B)(2) states that “[a]ssistant state public defenders shall be appointed on a full-time basis. The state public defender, assistant state public defenders, and employees appointed by the state public defender shall not engage in the private practice of law.” To increase flexibility, the subcommittee recommends that the state public defender be permitted to hire part-time assistant state public defenders and that those employees be permitted to engage in the private practice of law. However, discretion should be maintained by either the state or local authority to handle their own employee policies.

Expand the Rural Practice Incentive Program.

H.B. 150 of the 134th General Assembly enacted the Rural Practice Incentive Program. As established, the program is available to public defenders, prosecutors, and appointed counsel practicing in underserved communities (counties with less than one attorney to 700 residents). The subcommittee recommends that either:

- a. The program be expanded to include more private practice attorneys practicing in underserved communities (indigent defense work would not be required); or
- b. A program is created to provide stipends to attorneys practicing in underserved communities (rather than limiting the program to student loan repayment).

Additionally, the subcommittee recommends additional funding for the program. It is currently allocated \$1.5 million, which will cover between 30 and 50 attorneys (depending on the contact lengths of eligible applicants).

Seek funding to and establish a fellowship program in northwest and southeast Ohio.

The Toledo Bar Association, in collaboration with Toledo Legal Aid Society and University of Toledo College of Law, has created a fellowship program to assist recent law school graduates by mentoring, guiding, and training recently admitted attorneys. During the 12-month fellowship, attorneys work part-time at the Toledo Public Defender’s office and also receive assistance in establishing and opening a private practice.

The subcommittee recommends pursuing funding to expand this model by creating a similar program to assist new attorneys in northwest and southeast Ohio.

Seek public funding to support legal aid.

Legal aid continues to fill a critical need in our communities yet receives very little direct state support. While legal aids receive some federal funding and private donations, state funding for legal aid is primarily funded through the Ohio Access to Justice Foundation from IOLTA interest and civil filing fees. From the state general revenue funding, the Foundation receives \$1 million annually (\$500,000 is earmarked to support those affected by substance abuse and \$250,000 is earmarked to support veterans).

The subcommittee recommends seeking additional public funding for legal aid, particularly from the state. Specifically, the subcommittee recommends the state provide an additional \$2.5

million per year to reopen three legal aid offices in southeast Ohio and two offices in northwest Ohio that were forced to close due to budget constraints.

Explore allowing additional options for bar admittance.

The subcommittee recommends expanding options for bar admittance by allowing law school graduates to be admitted to the bar if they have been student intern licensees, demonstrating certain curriculum competencies and a required minimum number of supervised hours in an underserved community.

Seek funding for the rural practice coordinator at the Ohio Bar.

For support of these initiatives and to provide additional assistance to new lawyers practicing in rural areas, the subcommittee recommends that Ohio Bar pursue funding for the Ohio Bar rural practice coordinator position.

Encourage the Ohio Public Defender Commission to review experience requirements with an eye towards increasing flexibility for attorneys to serve as appointed counsel.

While quality of representation is essential, the subcommittee recommends that the Office of the Ohio Public Defender explore options to increase flexibility in experience requirements, allowing additional (especially younger) attorneys to serve as appointed counsel in more cases. This serves the dual purpose of increasing access to justice for Ohioans and providing valuable experience for young attorneys.



Rural Practice Gap Task Force: Conclusions and Full List of Recommendations

While the trends in the availability of attorneys in rural Ohio are significant, early intervention may slow the immediate draining of legal talent and long-term solutions will stave off the negative consequences of a total lack of legal representation in areas of our state. The Rural Practice Gap Task Force proposes the following recommendations as initial steps in the right direction:

Top Three Recommendations

- 1 Create and support high school rural practice pipeline programs serving rural areas.
- 2 Add a staff position at the Ohio Bar to coordinate rural practice support.
- 3 Develop/support connection and mentorship programs for new rural practitioners.

Additional Recommendations

- Expand the rural practice incentives enacted by H.B. 150 of the Ohio General Assembly (include more private practice attorneys).
- Explore opportunities for an incubator or fellowship program to provide more support to new lawyers practicing in rural areas, including financial, practice management and business development support.
- Develop a communications plan to change the perceptions of rural practice.
- Refine the list of potential partners/other stakeholders and develop more specifically what we are asking these partners to do.
- Establish CLEs and other resources to support rural practice attorneys.
- Advocate to remove the requirement that assistant state public defenders serve in full-time capacity (prohibits private practice).
- Seek funding to and establish a fellowship program in northwest and southeast Ohio.
- Seek public funding to support legal aid.
- Explore allowing another option for bar admittance in Ohio that is based on demonstrating competencies in certain core curriculum while in law school and completing a minimum number of supervised hours while a student licensee and law school graduate.
- Encourage the Ohio Public Defender Commission to review and re-visit experience requirements for appointed counsel to receive state reimbursements for providing indigent defense.

Recognitions

This report would not be possible without the work of the dedicated individuals on the Rural Practice Gap Task Force, who gave their time and expertise to this conversation. The Ohio Bar thanks you for your service on this task force.

We would also like to thank the Ohio State Bar Association Board of Governors for their support in exploring and tackling this issue.

Special Thank You to the Chief Justice & Other Partners

The Ohio Bar would like to extend a special thank you to Chief Justice of the Supreme Court of Ohio Sharon Kennedy. Chief Justice Kennedy quickly recognized the challenges that the legal community is facing in rural Ohio and has been a leader in working to solve these growing problems. We sincerely appreciate her support and guidance on this and other important issues.

We also want to extend a special thanks to our other public policy partners who also participated in these discussions to provide insight. We appreciate their willingness to share their expertise and understand that they could not take positions on any proposals that may develop as advocacy proposals that may be before their respective employers.

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