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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/ndsuptadminr/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

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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

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