



# UNDERSTANDING RURAL LEGAL DESERTS

IOWA STATE UNIVERSITY  
Extension and Outreach

## Introduction and Background

The purpose of this publication is to empirically identify legal deserts across non-metropolitan counties to better inform research and policy on this issue. The majority of existing literature surrounding legal deserts lacks any tangible definition of what this term means, both conceptually and empirically. Often the issue is summed up as an absence of legal resources and attorneys, and that is as far as the definition goes.<sup>1</sup> In other instances, the issue is measured by the number of lawyers per 1,000 residents, and it is implied that less than 1 lawyer per 1,000 people is considered a legal desert.<sup>2</sup> This threshold comes from the American Bar Association's (ABA) 2020 Profile of the Legal Profession, which mapped out the number of lawyers per 1,000 residents by county for every state in the US.<sup>3</sup>

To our knowledge, this is the only study examining legal deserts across all counties in our nation. The ABA collected data from each state's attorney licensing body to get a count of lawyers for each county. However, the report acknowledged weaknesses in its data. Not all licensed attorneys are available to the public, as many work for the government, corporations, or non-profits, and not every state differentiates between active and inactive licensed lawyers. Our methods were designed to account for these shortcomings and allow for a more narrowed approach in understanding rural legal deserts.

## Methods

To identify rural legal deserts, our units of analysis include N=2,307 counties in the 48 conterminous United States that are not part of a central metropolitan area. Counties are an ideal spatial scale because boundaries are relatively stable over time, there is a wide array of data available at that scale, it is an appropriate meso unit between neighborhoods and states, and because counties have a political structure that can effect change at the local level.<sup>4</sup>

Legal deserts are measured using a lawyer gap rate consisting of two components: the actual lawyer rate in the county minus the sufficient lawyer rate given the county's level of urbanization. We do this because the need for lawyers may not be a linear function of population. Instead, it may be a function of more complex

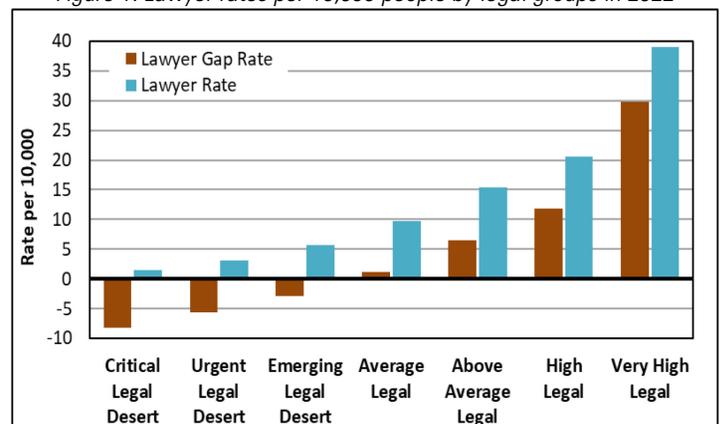
economies and social conditions linked to urbanization and proximity to metropolitan areas.

## Defining Legal Deserts

Our first objective is to empirically identify legal deserts using law office data from the US Census. Applying statistical classification techniques to lawyer gap rates, or the difference between the demand and local supply of lawyers, we come to the following conclusions. First, there are different types of rural legal deserts based on the severity of the shortages. In other words, there is no binary definition of a legal desert, rather it falls along a continuum. See figure 1.

*Critical legal deserts* have the most severe attorney shortages in non-metropolitan America, with -8.2 fewer lawyers per 10,000 residents than what is needed in the community. In *urgent legal deserts* the lawyer gap is slightly smaller, albeit still large, at -5.6 per 10,000. We also identify a set of *emerging legal deserts* where modest lawyer shortages (-2.9 gap) may worsen without state and local interventions. It is important that legal deserts are not treated as monolithic. To effectively address legal deserts, policies need to be designed and implemented to take into account the severity of the problem. What may work well in an emerging legal desert may not in a critical one.

Figure 1: Lawyer rates per 10,000 people by legal groups in 2022



## Legal Deserts in Rural America and Iowa

Legal deserts affect many rural communities. Over half of non-metro counties fall into one of our three legal desert classes. Of that amount, about 30% are critical and urgent legal deserts that are most in need of policy interventions. However, these counties are spatially concentrated in a few states. Legal deserts are disproportionately located in southwestern states (Arizona, Nevada, New Mexico, and Utah), the large states of California and Texas, the Midwest states of Michigan and Missouri, and the southern states of Florida and Georgia. We recommend that regional policies and programs need to be developed to take into account the unique circumstances and cultures of these areas. This could be accomplished by having legal desert programs be developed for and coordinated by USDA’s regional rural development centers, which facilitate the creation of evidence-based community programs.<sup>5</sup> Figure 2a displays legal deserts for all non-metro counties in the US, as well as counties in Iowa.

Figure 2a: Legal deserts in non-metropolitan US in 2022

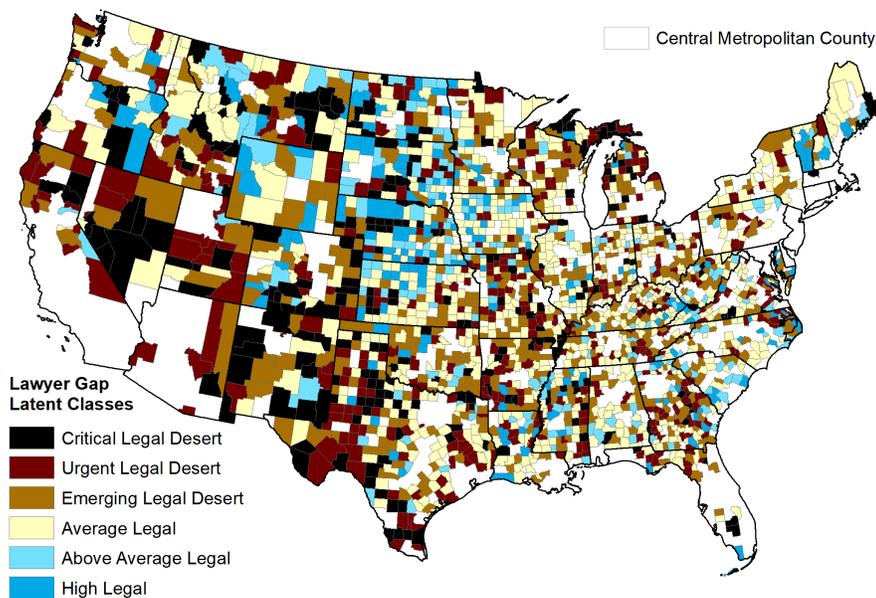
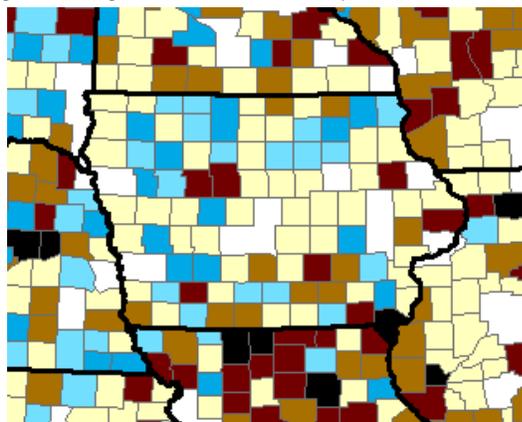


Figure 2b: Legal deserts in non-metropolitan Iowa in 2022



In Iowa, there is only one critical legal desert that is located in Lee County (Ft. Madison) in the southeast part of the state. However, the state has 7 urgent legal deserts. Three are in micropolitan areas of Clinton, Ft. Dodge, and Oskaaloosa. The others are in rural counties of Adams (Corning), Calhoun (Rockwell City), Delaware (Manchester), and Van Buren (Keosauqua). In general, legal deserts tend to cluster in the southern tier of counties in Iowa.

## New Threshold

We find the American Bar Association’s (ABA) definition of a legal desert, which is less than 1 lawyer per 1,000 residents, to be far too high for use in research and policy. The ABA threshold matches the rate for our average legal class, meaning the 1 per 1,000 rate only distinguishes between average and below average lawyer counties. This threshold is insufficient to identify the severity of legal deserts. For example, in our analysis the lawyer rates are only 0.2 per 1,000 for critical legal deserts, 0.3 for urgent ones, and 0.6 for emerging deserts. Using the higher ABA rate will not only overstate the problem by including counties that do not

have a lawyer shortage, but it will also make it more likely that limited resources are not directed to communities with a demonstrated need for legal services. It is imperative that the de facto definition of a legal desert be lowered. Based on our findings, we recommend a new threshold of 0.5 lawyers per 1,000 be used to identify rural legal deserts.

## High Legal Places in Rural America

Not all of rural America suffers from an attorney shortage. On the contrary, we find that 192 non-metro counties have a *high legal presence*, with a large surplus of 15.6 more lawyers per 10,000 residents than what is needed in the community. However, this only accounts for 8.3% of non-metro counties nationally, and most are concentrated in a

few states in the Northeast where there are very few legal deserts.

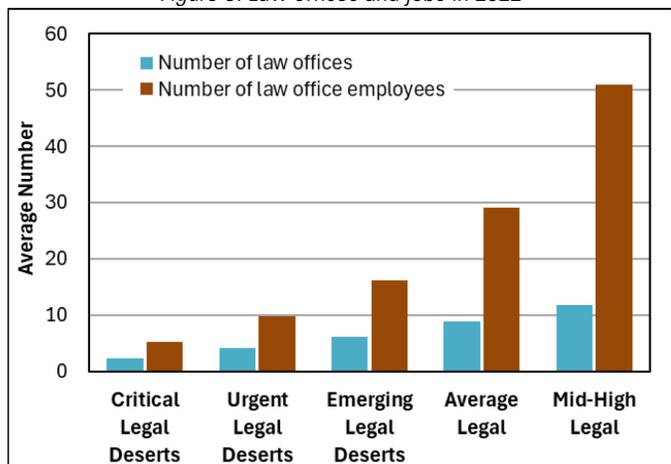
Two states exemplify the uneven distribution of lawyers. Utah and South Dakota have both a large number of legal deserts and high legal counties. This opens some opportunities to address legal shortages within those states, by connecting relevant organizations in high legal counties with those in legal deserts to find innovative ways to provide services.

## Numbers of Lawyers and Law Offices

Legal deserts have far fewer lawyers and law offices. On average, legal deserts have two to four law offices in the county, and over

95% are small firms with less than five employees. In critical legal deserts, half of the communities have no law office in the county, and most legal deserts are surrounded by counties that also have a lawyer shortage. In other words, there is a critical need for more rural legal professionals. See figure 3.

Figure 3: Law offices and jobs in 2022

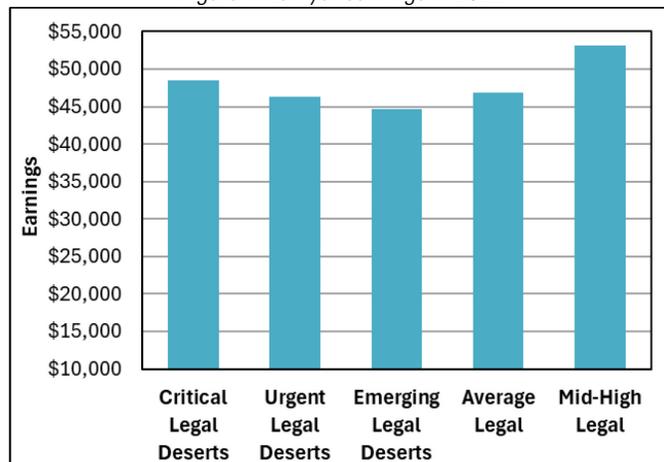


To address legal needs in rural areas, we recommend *licensed legal paraprofessional (LLP) programs* as a long-term solution, based on our review of existing policies. LLPs can address the most common legal questions and proceedings locally, with more complex issues referred to an attorney in a nearby county. The time and cost of becoming an LLP is small compared to becoming a lawyer, reducing the need to earn a high salary to pay off student loan debt, a major challenge for many rural attorneys. Potential LLPs could be recruited from within legal desert communities, where they are more likely to stay long-term due to social and family connections. Further, local LLPs will have existing social networks to build trust among clients, will understand the local culture and community issues, and may well have needed language skills. These are advantages that an outside attorney would be hard-pressed to overcome in the near-term.

### Lawyer Earnings

We find that lawyers in legal deserts earn about the same as lawyers in other non-metro counties, counter to existing research showing a wage gap (see figure 4). Financial incentives, such as rural attorney recruitment and loan repayment programs, are popular in many states. However, our analysis shows that pay differences do not fully account for why legal deserts exist, which suggests that other non-monetary factors determine whether a county has an adequate or shortage of lawyers. In terms of policy, this means rural attorney recruitment and loan repayment programs may not be as effective as people believe, as the pay differential is insignificant. We recommend that future research and policy identify all barriers to rural law practices, not just financial ones.

Figure 4: Lawyer earnings in 2022

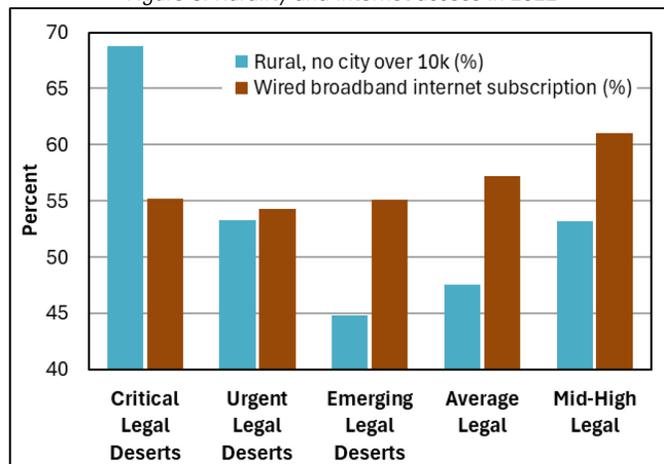


### Legal Desert Demographics

We find that legal deserts are distant, disconnected, diverse, and disadvantaged – but not poor or housing insecure. Consistent with prior research, legal deserts tend to have small populations spread across large counties with few interstates. This hampers the ability of mobile legal clinics to address rural legal issues. Remoteness means long travel times for volunteers, safety issues with travel on two-lane and winding roads, and greater costs for fuel and maintenance with high mileage trips.

Residents in legal deserts also have less access to high-speed broadband internet connections. This means that the legal desert issue cannot be solved solely through tele-legal services, such as the ABA’s Virtual Legal Advice Clinic, or other free legal advice websites. Further, virtual services often do not offer adequate translation in other languages. Refer to figure 5.

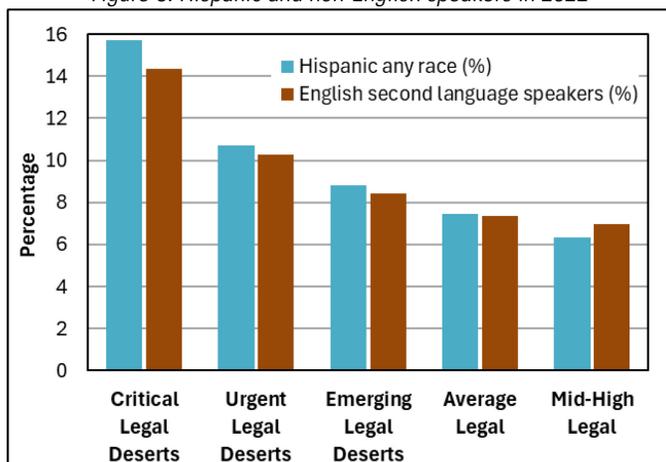
Figure 5: Rurality and internet access in 2022



Legal deserts have large shares of persons of color, especially Latinos, many who are non-native English speakers and some who can only speak limited English. This is shown in figure 6. Many

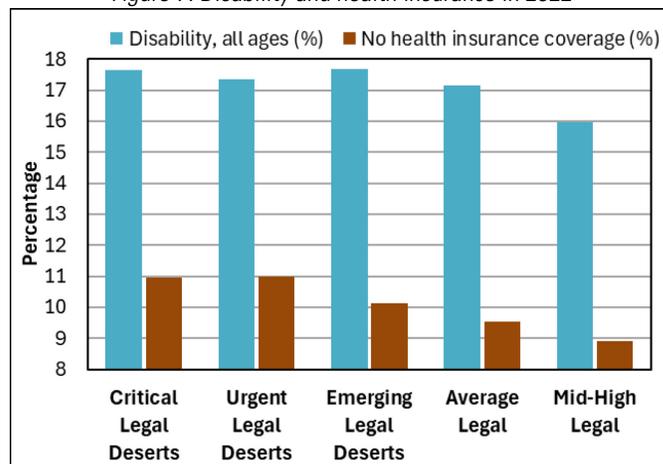
residents have not completed high school, and there are even people who have never attended high school. This hampers rural legal fellowship and externship programs, as many law students will not have the language or cultural competencies to interact with these populations. This is not just a matter of knowing Spanish and Latino culture anymore. Rural America has become more diverse in its diversity, with large gains in people from southeast Asia and Africa. Engagement with people of color, who may have uncertain immigration status, typically requires a large investment of time in order to build trust in the community. Most law student externships are for short durations, leaving little time to build rapport and trust with persons of color, limiting the effectiveness of these legal assistance programs. In addition, law students engaging in community work also need to understand how to communicate and explain complex legal issues to persons without high school educations or without an understanding of US legal and government systems, requiring additional training and sensitivity.

Figure 6: Hispanic and non-English speakers in 2022



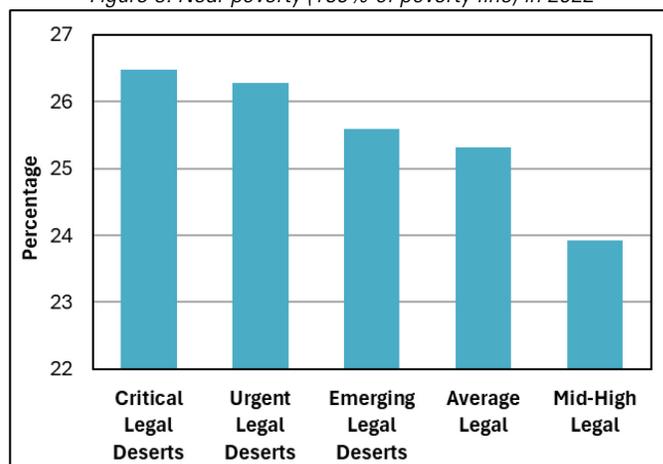
There are high rates of disability in rural legal deserts, and many lack health insurance, even public insurance like Medicaid or Medicare. Further, people in legal deserts work in industries with some of the highest rates of workplace injuries, particularly agriculture, transportation, utilities, and mining. This is evidenced by higher rates of disability in legal deserts (see figure 7). These are specific areas of the law that are unable to be served effectively by LLPs or law student interns. We recommend that states consider awarding *continuing legal education (CLE) credits* to lawyers providing pro bono work on injury and disability cases in legal deserts. CLE can be a mechanism to connect specialized lawyers with rural residents who need their services for cases related to workplace injury, workers' compensation, wrongful death, and disability claims. One issue is that the demand for such services may outstrip the number of lawyers willing to do this pro bono, but nonetheless, it is a creative way to address some of the needs in legal deserts.

Figure 7: Disability and health insurance in 2022



Counter to the literature, we find that rural legal deserts are no poorer than other non-metro counties. Rates of poverty and near poverty (150% of poverty line) are statistically the same, except that near poverty is lower in high legal places. This is an important counterfactual to nearly all previous research in this area, which documents high poverty in legal deserts. There are two potential explanations for this. One is that findings from prior work only applied to a small number of case study legal desert communities, and not all counties in the US, as our study has done. Also, some prior work uses qualitative methods that do not statistically test for differences in poverty using a group of comparison counties. The other explanation has to do with government responses to the COVID-19 pandemic. Stimulus payments and enhanced unemployment benefits increased incomes across the US, resulting in lower poverty rates during this time.<sup>6</sup> Our analysis uses 2022 vintage data, so it is possible that poverty differences were temporarily reduced due to COVID payments.

Figure 8: Near poverty (150% of poverty line) in 2022



## Legal Consciousness

Lastly, we find that rural legal deserts have some capacity to promote legal consciousness in their community, even in the absence of an attorney. Drawing on the community's social capital, local organizations can play a role in improving people's awareness of their legal rights, the legal process, and how to access legal services – what we term *legal consciousness*. While this does not increase the number of legal professionals per se, it would protect residents from making uninformed decisions that may cause them harm. We recommend that state university extension systems, state bar associations, and other relevant groups develop legal consciousness curricula that can be delivered to local leaders, who in turn would train people in their own community using a train-the-trainer model. Local training could be delivered by civic and social groups or by religious organizations, as most legal deserts have at least a few of these local groups. This would allow rural legal deserts to have some degree of agency in addressing the problem locally, and perhaps even start larger conversations about legal access issues and potential solutions in their community.

## Conclusion

In conclusion, this paper demonstrates that there are different severities of lawyer shortages, proposes a new threshold to identify legal deserts, identifies where they occur across rural America, and documents if, and how, such places are disadvantaged. Our approach addresses issues in prior research related to poor measurement of lawyer shortages and a lack of rigorous methods to identify legal deserts. We also review current programs that seek to address legal deserts, and offer recommendations on how the program could be improved upon, given what we know from our analysis. One limitation of our work is not knowing the type of legal specialties practiced in law offices, so we are unable to ascertain if the community offers a full range of legal services. This matters because a county might have an adequate number of lawyers, but may be missing lawyers in key areas, resulting in a different type of legal desert based on comprehensiveness of legal services and not on counts of legal professionals. Measuring comprehensive legal services at the county-level nationally is an important next step in future research on rural legal deserts.

For a detailed description of the data and methods and more information on the topic of rural legal deserts, refer to the publication, "Understanding Rural Legal Deserts to Inform Public Policy: Identifying and Describing Lawyer Gaps in Non-Metropolitan Counties." Available in volume 70, issue 2, of the *South Dakota Law Review* or at <https://smalltowns.soc.iastate.edu/law>.

## Acknowledgements

Prepared by David Peters, professor and extension rural sociologist; and Emma Bartling and Emily Meyer, undergraduate research assistants. For more information contact [dpeters@iastate.edu](mailto:dpeters@iastate.edu) | Tel. (515) 294-6303.

This work was supported by the Iowa Agriculture and Home Economics Experiment Station. Iowa State University is an equal opportunity provider. For the full non-discrimination statement or accommodation inquiries, go to [www.extension.iastate.edu/diversity/ext](http://www.extension.iastate.edu/diversity/ext).

## Notes

- 1 Michele Statz & Paula Termuhlen, *Rural Legal Deserts are a Critical Health Determinant*, 110 AMERICAN JOURNAL OF PUBLIC HEALTH 1519–1522 (2020).  
Amanda Claxton, *Liberty and Justice for Y'All: Allowing Legal Paraprofessionals to Practice Law to Reduce the Effects of Legal Deserts in Rural Georgia*, 74 MERCER L. REV. 340 (2022).  
Timothy A. Slating, *The ISBA's Rural Practice Initiative: Addressing the Problem of Legal Deserts in Illinois*, 47 S. ILL. U. L.J. 567 (2023).
- 2 Michelle Paxton, *Preventing Legal Deserts in our Rural Communities*, AMERICAN BAR ASSOCIATION (2023).  
Heath Hamacher, *Legal Deserts: Scarcity of Lawyers Threatens Justice in Many Rural Areas*, NORTH CAROLINA LAWYERS WEEKLY, (2023).
- 3 2020 ABA profile of the Legal Profession, AMERICAN BAR ASSOCIATION (2020).
- 4 Katherine J. Curtis, Paul R. Voss & David D. Long, *Spatial Variation in Poverty-Generating Processes: Child Poverty in the United States*, 41 SOC. SCI. RES. 146-159 (2012)
- 5 *Regional Rural Development Centers*, USDA
- 6 Danilo Trisi, *Expiration of Pandemic Relief Led to Record Increases in Poverty and Child Poverty in 2022*, CENTER ON BUDGET & POL. PRIORITIES, (2024).