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Liberty and Justice for Y'all: Allowing Legal Paraprofessionals to Practice Law to Reduce the Effects of Legal Deserts in Rural Georgia

Amanda Claxton*

I. INTRODUCTION

The lack of attorneys in rural America¹ is not merely a social or cultural problem—it is a legal problem that officers of the courts cannot

*I am both humbled and proud to share this Comment which represents years of research and a lifetime of experience in rural communities. I must express my sincerest gratitude and appreciation to Professor Timothy Floyd and Law Library Director Billie Jo Kaufman for their guidance and persistent encouragement throughout the research and writing process. My small role in reducing legal deserts begins here but will extend for the rest of my professional career as I amplify the voices of those in communities like Kite, Georgia. Still, much work is required judicially, politically, and legally to close the justice gap faced by rural populations; a change so culturally-embedded takes everyone—including you.

1. “Rural America,” like a “legal desert,” is often defined by what it is not, rather than what it is. For decades, scholars have struggled to define rurality. *See, e.g.*, Elizabeth Beeson & Marty Strange, *Why Rural Matters: The Need for Every State to Take Action on Rural Education*, 16 *JOURNAL OF RESEARCH IN RURAL EDUCATION* 63–140 (Fall 2000), https://jrre.psu.edu/sites/default/files/2019-08/16-2_3.pdf [<https://perma.cc/TXB9-Q3AJ>] (“[T]he frustration over the lack of a precise demographic definition of ‘rural[]’ . . . obscures a more fundamental cultural dilemma. We are an urban society now, one that is pretty sure we know what ‘urban’ is, but not at all sure we know what ‘rural’ is.”); Daniel T. Lichter & James P. Ziliak, *The Rural-Urban Interface: New Patterns of Spatial Interdependence and Inequality in America*, 672 *ANNALS A. ACAD. POL. & SOC. SCI.* 6, 12–14 (July 2017), <https://www.jstor.org/stable/26362014> [<https://perma.cc/4M8T-B562>]; JANET M. FITCHEN, *ENDANGERED SPACES, ENDURING PLACES: CHANGE, IDENTITY, AND SURVIVAL IN RURAL AMERICA* 246 (1991) (“The official definition assigned to rural America is a definition by exclusion: Essentially, that which is not metropolitan America is rural America.”); RALPH A. WEISHEIT ET AL., *CRIME AND POLICING IN RURAL AND SMALL-TOWN AMERICA* 8 (2d ed.

continue to ignore. Legal deserts are geographical areas where legal services are widely unavailable.² Particularly in rural Georgia, legal deserts are a substantial issue. Attorneys and nonprofit organizations have attempted to ease the detrimental effects of legal deserts in a variety of ways; for various reasons, those efforts have been insufficient, and rural counties struggle to attract lawyers. Still, there is one method of resolving legal deserts that Georgia has yet to attempt: creating an exception in Georgia's Rules of Professional Conduct³ to allow legal paraprofessionals to obtain a limited license to practice law.

A growing amount of research has surfaced within the last decade highlighting the effects of legal deserts.⁴ Nationwide, a few states have recognized that allowing nonlawyers to practice law in a limited scope could reduce the prevalent justice gap, particularly concerning poverty and indigent clients.⁵ This Comment promotes access to justice while advocating on behalf of rural communities within legal deserts. More explicitly, this Comment advocates for increased legal representation within geographically-remote locations while exploring the opportunity to amend Georgia's ethical standards to make the legal field—and justice—more accessible for all.

Creating an exception to Georgia's Rules of Professional Conduct to allow legal paraprofessionals to practice law in a limited scope, even using other states with similar programs as a model, will not be an easy feat. Nevertheless, allowing limited licensure of legal paraprofessionals could explicitly benefit rural areas in Georgia where lawyers are sparse. Empowering a workforce familiar with rural culture and lifestyle while easing the barrier to enter the legal field is necessary to reduce the burden of legal deserts in Georgia.

II. LEGAL DESERTS

“Access to Justice” is a general term that describes access to the legal system, competent legal representation, and the right to enforce one's legal and constitutional rights.⁶ Many advocates argue that if legal

1999) (“Moreover, the implied meaning of rural varies according to how urban is defined and measured”).

2. *See infra* Section II.

3. GA. RULES OF PRO. CONDUCT (2021).

4. *See infra* Section II.

5. *See infra* Section III.

6. Yael Cannon, *Closing the Health Justice Gap: Access to Justice in Furtherance of Health Equity*, 53 COLUM. HUMAN RIGHTS L. REV. 517, 536 (Spring 2022) (embracing the idea that “. . . access to justice should be more than procedural. A person is without justice if structural deficiencies steeped in racism and subordination of people living in poverty lead to unmet legal needs . . .”); *see also* Kathryn A. Sabeth, *Simplicity as Justice*, 2018

services offered by attorneys and court systems are not accessible to everyone, the justice system does not work as intended.⁷

While an individual's ability to afford an attorney frequently correlates to their financial status, access to justice is not a burden exclusive to indigent or low-income clients. Instead, several additional demographics struggle to access necessary representation. As such, access to justice initiatives are typically expansive in scope. Those efforts, for example, include increasing access to affordable attorneys,⁸ creating opportunities for *pro se* litigants to utilize self-help centers,⁹ assisting those with limited English proficiency,¹⁰ removing physical barriers for those with disabilities,¹¹ and curbing the use of abusive fines and excessive fees.¹²

Legal deserts are access to justice issues. A "legal desert" is a geographical area where access to legal services is nonexistent or

WIS. L. REV. 287, 291–94 (2018) (advocating for the simplification of the court process to protect rights otherwise sacrificed by inefficiency and complexity).

7. *NCAJ Launches Updated Justice Index*, NATIONAL CENTER FOR ACCESS TO JUSTICE (May 18, 2021), <https://ncaj.org/ncaj-launches-updated-justice-index> [<https://perma.cc/DM2A-BWF8>] (“Access to justice means having a fair chance to be heard,” said Jamie Gamble . . . “We look to our justice system to solve problems that cannot be solved elsewhere[] . . . If it doesn’t work for everyone, it doesn’t work.”).

8. *Attorney Access*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/state-rankings/2020/attorney-access> [<https://perma.cc/5NDX-WE73>] (last visited Oct. 2, 2022) (“Even for those who are comfortably middle class, the cost of a lawsuit can cause serious hardship. For people of more modest means, paid counsel is simply out of reach for matters as important as evictions, mortgage foreclosures, child custody and child support proceedings, and debt collection cases.”).

9. *Self-Representation*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/state-rankings/2020/self-representation> [<https://perma.cc/5R4R-9J24>] (last visited Oct. 2, 2022) (“Making courts user-friendly for self-represented litigants is imperative if we are to keep the promise of equal justice for all. People should have access to legal help when they need it— but they should also be able to access a fair hearing when they appear in court without representation.”).

10. *Language Access*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/state-rankings/2020/language-access> [<https://perma.cc/MR6F-YSKF>] (last visited Oct. 2, 2022) (“More than 25 million people in the United States have limited proficiency in the English language. While many of these people use English at work and in their daily lives, understanding what happens in a courtroom can be more difficult.”).

11. *Disability Access*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/state-rankings/2020/disability-access> [<https://perma.cc/94YP-WTSR>] (last visited Oct. 2, 2022) (“For people with disabilities, meaningful access to justice is even more challenging than it is for others. Often, it depends on support and accommodation from the justice system.”).

12. *Fines and Fees*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/state-rankings/2020/fines-and-fees> [<https://perma.cc/G2T2-78ME>] (last visited Oct. 2, 2022) (“The same monetary sanction that trivially inconveniences an affluent person can prevent a low-income family from paying the rent.”).

severely limited.¹³ Legal deserts, for a variety of reasons, struggle to support a market for legal services. Those reasons might include widespread poverty,¹⁴ clients' inability to pay attorney fees,¹⁵ or a cultural distrust of lawyers.¹⁶ With an inadequate number of lawyers in rural areas, "the legal needs of residents—whatever their income, demographics, or legal issues—cannot be met."¹⁷ Advocating for access to justice is at the core of eradicating legal deserts.

There is currently no mathematical or technical formula for determining whether an area is a legal desert. Instead, "legal desert" is a more generalized, comprehensive characterization that insinuates a slew of legal and cultural challenges. In the United States, legal deserts are prominent in rural areas.¹⁸ Alternatively, metropolitans accumulate lawyers easily.¹⁹ For that reason, and because cities are generally more

13. See generally Lisa R. Pruitt, Amanda L. Kool, Lauren Sudeall, Michelle Statz, Danielle M. Conway & Hannah Haksgaard, *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 13 HARV. L. & POL'Y REV. 15 (June 18, 2018) (highlighting distinct challenges faced by rural communities and popularizing the term "legal desert").

14. See *infra* Section III.

15. See generally Legal Servs. Corp., *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-Income Americans* 6 (2017), <http://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> [<https://perma.cc/QGL5-J2NB>].

16. See Will Breland, *Acres of Distrust: Heirs Property, the Law's Role in Sowing Suspicion Among Americans and How Lawyers Can Help Curb Black Land Loss*, 28 GEO. J. POVERTY LAW & POL'Y 377 (Spring 2021), <https://www.law.georgetown.edu/poverty-journal/wp-content/uploads/sites/25/2021/07/377-03-Breland-Acres-of-Distrust.pdf> [<https://perma.cc/67E2-394U>] ("... exploitation has caused many, particularly in the African American community, to view legal professionals with distrust, particularly regarding property matters." (emphasis omitted)).

17. Pruitt et al., *supra* note 13, at 120 ("We have reason to believe that . . . attorney shortages are nearly endemic to rural areas across the country."); See Christopher Chavis, *Quantifying the rural lawyer shortage—a summary and progress report*, LEGAL RURALISM (Nov. 18, 2017), <http://legalruralism.blogspot.com/2017/11/quantifying-rural-lawyer-shortage.html> [<https://perma.cc/3NP2-8H84>] ("[U]nderemployment of lawyers is a pandemic across rural America . . . [and] this seems to be a problem that is rather unique to the legal profession.").

18. See Nick Devine, *Equality Before the Law: Ending Legal Deserts in Rural Counties*, GEO. J. POVERTY LAW & POL'Y (Nov. 3, 2020), https://www.law.georgetown.edu/poverty-journal/blog/equality-before-the-law-ending-legal-deserts-in-rural-counties/#_edn1 [<https://perma.cc/U8Q6-UXEB>] (emphasizing the sparsity of lawyers in rural communities); see generally Mark Palmer, *The Disappearing Rural Lawyer*, 2CIVILITY (Aug. 27, 2019), <https://www.2civility.org/the-disappearing-rural-lawyer/> [<https://perma.cc/Q8UQ-GMEW>].

19. *ABA Profile of the Legal Profession*, AMERICAN BAR ASSOCIATION, 1, 24 (July 2021) [hereinafter *ABA Profile 2021*], <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf> [<https://perma.cc/6FWM-RGVK>].

infrastructurally sound than remote areas,²⁰ metropolises are customarily not considered legal deserts.²¹ Essentially, legal deserts are an issue unique to rural America.

While the term legal desert is novel, the obstacles faced by rural communities are longstanding, particularly concerning legal representation. The challenges posed by inaccessible legal services permeate many areas of life and have, unfortunately, become the norm in rural communities. For instance, legal deserts make it increasingly difficult for a spouse to attain a divorce with the help of an attorney who does not pose a conflict of interest, for a grandparent to acquire visitation rights for a grandchild at a reasonable cost, for an immigrant to receive legal advice from an attorney who speaks their first language, or for a woman being abused by her husband to hire an attorney who is also a woman.²² Because legal services in rural areas are frequently geographically inaccessible, individuals often are forced to drive several miles to a neighboring county or pay outrageous attorney fees to acquire assistance for those issues.²³ Thus, legal concerns such as these may remain unresolved, or the client will dispute the issue as a *pro se* litigant, which will more likely result in a loss.²⁴

A. Interpretations and Necessity of Data

After recognizing a need for comprehensive statistics, in 2020 and 2021, the American Bar Association (ABA) published information detailing the number of lawyers in every county in each state.²⁵

20. Michelle Kumar, *Rural Communities Fall Through the Cracks of Bad Infrastructure*, THE PUBLIC PURPOSE (Nov. 22, 2021), <https://thepublicpurpose.com/2021/11/22/rural-communities-fall-through-the-cracks-of-bad-infrastructure/> [<https://perma.cc/438Q-J9VE>] (explaining how rural areas have significantly worse infrastructure, including transportation systems and broadband access, than urban areas).

21. *ABA Profile 2021*, *supra* note 19, at 24–44.

22. See *What is Access to Justice?*, NATIONAL CENTER FOR ACCESS TO JUSTICE, <https://ncaj.org/what-access-justice/> (last visited Oct. 2, 2022) (explaining the importance of access to justice for an individual “fighting to preserve a home, protect herself from a debt collector, or free herself from an oppressive and unsafe relationship[]”).

23. Cedra Mayfield, *Legal Deserts: Lawyers Are Fleeing Some Parts of This State, Leaving 1M People Unrepresented*, DAILY REPORT (Aug. 29, 2022), <https://www.law.com/dailyreportonline/2022/08/29/legal-deserts-lawyers-are-fleeing-some-parts-of-this-state-leaving-1m-people-unrepresented/> [<https://perma.cc/AHG4-3WFD>] (“[A]ccessing justice isn’t as simple as taking a 15-minute ride for everyone. ‘The farther you go down south, the wider Georgia gets,’ Ponder said. ‘We don’t have public transportation down there.’”).

24. See *infra* Section III.

25. *ABA Profile 2021*, *supra* note 19, at 24–44; *ABA Profile of the Legal Profession*, AMERICAN BAR ASSOCIATION, 1, 1–22 (July 2020) [hereinafter *ABA Profile 2020*],

According to that data, there are approximately 1 million lawyers in the United States, which amounts to nearly four lawyers per 1,000 people.²⁶ However, that proportion is deceiving.²⁷ Many states, like New York and California, consist of atypically large populations of lawyers.²⁸ Other states, like South Carolina and Tennessee, have far fewer lawyers.²⁹ Those states with more lawyers skew data in a way that understates the severity of legal deserts nationally. In other words, examining data on a large scale creates the false appearance that rural communities have adequate legal representation.

The same phenomenon occurs when examining the data of Georgia. In Georgia, there are roughly three lawyers per 1,000 people.³⁰ This number seems high, especially compared to neighboring states.³¹ On one hand, counties surrounding Atlanta, such as Fulton, Cobb, and Gwinnett counties, have a remarkably large number of lawyers.³² On the other hand, dozens of counties within Georgia are home to less than ten

<https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf> [<https://perma.cc/MH2S-Z4BM>] (last visited Oct. 9, 2020). However, unlike in 2020 and 2021, the ABA did not update the data in the most recent publication of *Profile of the Legal Profession. ABA Profile of the Legal Profession*, AMERICAN BAR ASSOCIATION, 1 (July 2022) [hereinafter *ABA Profile 2022*], <https://www.americanbar.org/content/dam/aba/administrative/news/2022/07/profile-report-2022.pdf> [<https://perma.cc/T6T9-AX7S>]. For that reason, the data used throughout this Comment describing the number of lawyers in each county reflects that presented in the 2021 edition.

26. *ABA Profile 2021*, *supra* note 19, at 24.

27. *ABA Profile 2021*, *supra* note 19, at 24. (“[Lawyers] are not evenly distributed among the 50 states, or even within the states. . . . Where there are more people, there are also more lawyers.”).

28. In 2021, California had the highest population in the nation and was ranked second-highest in the number of lawyers, with 167,709 lawyers. New York State had 185,076 lawyers, but with half the population of California. *ABA Profile 2021*, *supra* note 19, at 11.

29. As of January 2020, South Carolina had 10,853 lawyers and a population of 5,124,712. Thus, South Carolina had 2.1 lawyers per 1,000 people. South Carolina had the lowest proportion of lawyers-per-population of any other state. Tennessee, another of Georgia’s bordering states, had 18,818 lawyers. Meanwhile, Tennessee’s population was 6,916,897. Thus, Tennessee had roughly 2.7 lawyers per 1,000 people. *ABA Profile 2021*, *supra* note 19, at 25.

30. In 2020, Georgia’s population was 10,725,274, and there were 33,158 attorneys in the state. Thus, there were around 3.1 lawyers per 1,000 people in Georgia. *ABA Profile 2021*, *supra* note 19, at 25.

31. *See ABA Profile 2021*, *supra* note 19, at 25. (displaying data of the number of lawyers per state in comparison to population).

32. *ABA Profile 2021*, *supra* note 19, at 39. In 2020, Gwinnett County was home to 1,871 lawyers; Cobb County was home to 3,147 lawyers; and Fulton County was home to 14,418 lawyers.

lawyers, including several counties that are home to zero lawyers.³³ Examining data of lawyers per county in Georgia accentuates the massive disparity in legal accessibility between rural and metro communities.³⁴ Thus, to understand how deeply rural areas are devastated by a lack of attorneys, data should be examined on a county-by-county basis, not merely by analyzing the state as a whole.³⁵

III. POVERTY IN RURAL AMERICA

Poverty is relevant to conversations about legal deserts because the legal system was not designed for indigent clients or jurisdictions without attorneys.³⁶ If money (or the lack thereof) was not at issue, then clients could simply pay an out-of-county attorney or take time off work and drive to a neighboring county. However, merely spending more or traveling long distances to attain an attorney is not a luxury most indigent clients behold. Thus, when examining a legal desert's effect on a rural community, it is imperative to acknowledge that poverty compounds that disparity.

A. Poverty and the Law

It is no surprise that “[b]eing poor in a legal desert can compound existing inequities . . . [because] populations that are more likely to need a lawyer, such as the elderly and disabled populations,” are underrepresented.³⁷ Stated differently, those who need legal help often struggle the most to find it, much less pay for it:

33. The four counties in Georgia that did not have any lawyers in 2020 were Baker County, Clay County, Echols County, and Webster County. *ABA Profile 2021*, *supra* note 19, at 39.

34. Interestingly, in Georgia, “. . . a county with few lawyers is actually less isolated than it seems, given its geographic proximity to other counties.” PRUITT ET AL., *supra* note 13, at 69 n.279. This occurs because Georgia is ranked second-highest nationally in the number of counties, though the state is not the second-largest in terms of land mass or even population. Jerry Carnes, *Why does Georgia have so many counties?*, UNIVERSITY OF GEORGIA'S CARL VINSON INSTITUTE OF GOVERNMENT (June 10, 2019), <https://cviog.uga.edu/news/061319-counties.html> [<https://perma.cc/S7V9-D994>] (“Georgia’s is the eighth largest state in population, but our 159 counties are second most in the U.S. behind Texas.”). Despite this interpretation of data, rural portions of the state remain desperate for legal assistance.

35. See generally *ABA Profile 2021*, *supra* note 19.

36. *Self-Representation*, *supra* note 9 (“Many courts are buil[t] around a paradigm that assumes two parties who are both represented by attorneys—even when their dockets are overwhelmingly populated by people who are trying to navigate the system alone.”).

37. Zachery Newton, *Legal Deserts: Race & Rural America*, 26 MICH. J. RACE. & L. (Mar. 22, 2021), <https://mjrl.org/2021/03/22/legal-deserts-race-rural-america/> [<https://perma.cc/434M-Y82H>]. Relatedly, the disparity of treatment between white people

High-income individuals can afford to obtain legal advice at “critical junctures in life, such as getting married or divorced; welcoming a child; negotiating with a school district around special education obligations to a student; leasing or purchasing a home; paying taxes; navigating family-based or employment-based immigration applications; or planning to live and die with dignity.” But low-income individuals often lack awareness of their rights and lack access to such legal resources.³⁸

Recent data from the Legal Services Corporation (LSC) exemplifies the prevalence of civil legal problems for low-income households.³⁹ Specifically, in 2021, LSC found that approximately seventy-four percent (74%) of low-income households experienced one or more civil legal problems within that year.⁴⁰ However, low-income Americans rarely seek legal help.⁴¹ Last year, low-income households only sought legal assistance for twenty-five percent (25%) of their significant civil legal issues.⁴² The unfortunate truth is that, nationwide, indigent Americans received insufficient legal help, or no legal help, for ninety-two percent (92%) of those particular legal challenges.⁴³ Simply recognizing a legal need does not mean legal services could be provided. On the contrary, for those demographics in low-income households, lack of funding makes attaining an attorney in a legal desert much more difficult.

and people of color in the United States cannot be understated. Access to justice is critical to diminish racial inequalities within the American justice system. *See What is Access to Justice?*, *supra* note 22 (“People of color suffer disproportionately from the justice system’s maltreatment of disadvantaged litigants. They are also disproportionately likely to be involved in high-stakes cases that put their basic needs and the stability of their families at risk.”).

38. Cannon, *supra* note 6, at 567–68 (quoting Samantha Morton, *Legal Information And Rights Education As An Element of Care: A Promising Health Justice Strategy*, HEALTH AFFS. (June 7, 2021), <https://www.healthaffairs.org/doi/10.1377/forefront.20210603.174251/full/> [<https://perma.cc/4HS3-JE3J>]).

39. *The Justice Gap Section 3: The Prevalence of Civil Legal Problems*, LEGAL SERVICES CORPORATION, <https://justicegap.lsc.gov/resource/section-3-the-prevalence-of-civil-legal-problems/> [<https://perma.cc/MUU9-ZFA4>] (last visited Aug. 15, 2022) (displaying data from the 2021 Justice Gap Measurement Survey to show the dominance of civil legal issues among low-income households).

40. *Id.* In the same study, CLS found that sixty-two percent (62%) of low-income households experienced at least two legal problems, thirty-nine percent (39%) faced five or more legal problems, and twenty percent (20%) of all low-income households experienced at least ten legal problems during the year. *Id.*

41. *See The Justice Gap Section 4: Seeking and Receiving Legal Help*, LEGAL SERVICES CORPORATION, <https://justicegap.lsc.gov/resource/section-4-seeking-and-receiving-legal-help/> [<https://perma.cc/7SL9-AFX3>] (last visited Aug. 15, 2022).

42. *Id.*

43. *Id.*

There is a multitude of reasons why low-income individuals refuse to—or struggle to—seek legal assistance when they need it. Generally, expensive legal services,⁴⁴ negative attitudes towards legal professionals,⁴⁵ and lack of knowledge concerning the potential benefits of a lawyer all act as barriers to pursuing and retaining legal assistance.⁴⁶ Those barriers are especially burdensome in rural areas, where geographical access to a lawyer remains difficult or nearly impossible.

The civil realm is not alone in offering characteristically inaccessible legal services.⁴⁷ Despite constitutional protections embedded within the Sixth Amendment,⁴⁸ indigent criminal defendants often struggle to retain representation or must wait long periods before speaking with an attorney.⁴⁹ Specifically in rural areas, common indicators of poverty—low poverty values, limited household incomes, and high unemployment rates—are likewise indicators of increased crime rates.⁵⁰ Essentially, the geographical areas or jurisdictions that typically need more indigent defense services are the least likely to afford them.⁵¹ Moreover, counties

44. Eric M. Eckert, *Baylor launches cost-conscious Legal Mapmaker program to narrow 'access to justice' gap*, BAYLOR UNIVERSITY MEDIA COMMUNICATIONS (Sept. 15, 2016), <https://www.baylor.edu/mediacommunications/news.php?action=story&story=172819> [<https://perma.cc/UV3D-W46J>] (“More than 100 million poor and middle-income Americans cannot afford representation for basic human needs Basic human needs are . . . related to shelter, sustenance, safety, health and child custody.”).

45. See Staci Zaretsky, *Scientific Study Concludes No One Trusts Lawyers*, ABOVE THE LAW (Sept. 24, 2014), <https://abovethelaw.com/2014/09/scientific-study-concludes-no-one-trusts-lawyers/> [<https://perma.cc/56PN-WLGA>] (“While lawyers are perceived as some of the most capable and competent professionals . . . they’re almost on par with prostitutes when it comes to warmth.”); see also Susan T. Fiske and Cydney Dupree, *Gaining trust as well as respect in communicating to motivated audiences about science topics*, PROC. NAT’L. ACAD. SCI. (2014), <https://www.pnas.org/doi/epdf/10.1073/pnas.1317505111>.

46. See *The Justice Gap Section 4: Seeking and Receiving Legal Help*, *supra* note 41 (noting that many people do not know that lawyers can resolve many of their civil legal problems).

47. See generally PETER EDELMAN, NOT A CRIME TO BE POOR: THE CRIMINALIZATION OF POVERTY IN AMERICA (2017).

48. U.S. CONST. amend. VI (“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial . . . and to have the Assistance of Counsel for his defence.”).

49. *OJP Fact Sheet: Indigent Defense*, U.S. DEPARTMENT OF JUSTICE (Dec. 2011), https://www.ojp.gov/sites/g/files/xyckuh241/files/archives/factsheets/ojpfis_indigentdefense.html [<https://perma.cc/2ZDB-87P4>] (“Since the 1963 Supreme Court *Gideon v. Wainwright* ruling, states, counties, and local jurisdictions have established varying means of providing public representation for defendants unable to afford a private attorney.”).

50. David Carrol, *Right to Counsel Services in the 50 States: An Indigent Defense Reference Guide for Policymakers*, IN.GOV 96, 101 (March 2017), <https://www.in.gov/publicdefender/files/Right-to-Counsel-Services-in-the-50-States.pdf> [<https://perma.cc/S73C-UQ6C>].

51. *Id.*

with higher poverty rates generally dedicate more government funding to broader social services, effectively depleting the amount of money dedicated to funding indigent criminal defense.⁵²

Lasting societal change may occur only when those most affected by “poverty, oppression, subordination, and the suppression of power take the lead in organizing, developing leaders, and building power.”⁵³ For that reason, Georgia should follow the lead of other states that have empowered the workforce in rural communities to practice law, such as paralegals or legal technicians, so that communities with high poverty rates have a greater chance of overcoming poverty barriers and accessing legal services.⁵⁴

B. Poverty in Rural America

Poverty perpetuates the effect that legal deserts have on rural and remote areas and, unfortunately, rural America has some of the highest poverty rates nationwide.⁵⁵ Unsurprisingly, the poorest demographics in rural America are often racial and ethnic minorities.⁵⁶ In the United States, over three hundred counties are persistently poor, meaning at least twenty percent (20%) of the country’s population have lived in poverty for thirty years or more.⁵⁷ Of those rural counties which are persistently poor, approximately eighty-five percent (85%) are located in southern states, including Georgia.⁵⁸ When examining individual

52. *Id.*

53. Cannon, *supra* note 6, at 571; *see* Sabbeth, *supra* note 6 at 297 (“There is democratic value in containing potential abuse by powerful parties.”); *see also* Colleen F. Shanahan & Anna E. Carpenter, *Simplified Courts Can’t Solve Inequality*, 148 DAEDALUS 128, 131 (2019), https://www.amacad.org/sites/default/files/daedalus/downloads/Wi19_Access-to-Justice.pdf [<https://perma.cc/U7AK-UQYE>].

54. *See infra* Section VII.

55. *See* ECON. RESEARCH SERV., USDA, RURAL AMERICA AT A GLANCE (2017 ed.), 1, 5 [hereinafter USDA ERS], <https://www.ers.usda.gov/webdocs/publications/85740/eib-182.pdf?v=43054> [<https://perma.cc/YEK4-444C>] (“Rural poverty is regionally entrenched. Over 300 rural counties (15.2 percent of all rural counties) are persistently poor, compared with just 50 urban counties (4.3 percent of all urban counties).”); Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, AMERICAN BAR ASSOCIATION (July 1, 2014), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol_40_no_3_poverty/access_justice_rural_america/ [<https://perma.cc/T835-L8XJ>] (last visited Oct. 9, 2022) (“Rural America is disproportionately poor.”); *see also* Andrew Schaefer et al., *Child Poverty Higher and More Persistent in Rural America*, U.N.H. CARSEY SCH. PUB. POLICY (Feb. 23, 2016), <https://scholars.unh.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1265&context=carsey> [<https://perma.cc/DVE5-CDSN>].

56. *See generally* USDA ERS, *supra* note 55.

57. USDA ERS, *supra* note 55, at 5.

58. USDA ERS, *supra* note 55.

counties that are considered persistently poor, it is evident that poverty is regionally concentrated, yet those same counties “contain multiple and diverse pockets of poverty and affluence.”⁵⁹

Encompassing around seventy-two percent (72%) of the country’s land, rural America generally relies on agriculture, mining, and manufacturing services; consequently, rural areas often struggle to compete with urban areas in terms of economic development and industries.⁶⁰ Various other characteristics of rural America make it objectively less-desirable than urban areas, including “long-term outmigration of young adults, fewer births, increased mortality among working-age adults, and an aging population.”⁶¹ Moreover, modern urbanization has instigated a diminished growth potential and weaker economic vitality of rural areas.⁶² Additionally, the median household income of rural areas is historically around twenty-five percent (25%) lower than the urban median.⁶³ Partly because of those contributing factors, the population in rural America is shrinking.⁶⁴ Despite the movement of people from rural to urban areas and high poverty rates, rural communities still exist.⁶⁵

C. *Pro Se* Litigation in Legal Deserts

When considering the pervasiveness of poverty in rural America, it is foreseeable that the number of *pro se* litigants in legal deserts continues to rise. At least half of all civil litigants in the United States are *pro se*, or self-represented.⁶⁶ Overwhelmingly, at least one party is *pro se* in almost eighty percent (80%) of all family law cases nationwide.⁶⁷ The

59. USDA ERS, *supra* note 55.

60. USDA ERS, *supra* note 55, at 1.

61. USDA ERS, *supra* note 55.

62. USDA ERS, *supra* note 55.

63. USDA ERS, *supra* note 55, at 4. The fact that the median household income of rural areas is lower than its urban counterparts can be mitigated by the fact that costs of living are generally lower in those rural areas. Nevertheless, other contributors like “lower levels of labor force participation in rural areas due to an older population, higher disability rates,” and “the sizable downturn in manufacturing” after 2007 remain detrimental to rural communities. USDA ERS, *supra* note 55, at 4.

64. USDA ERS, *supra* note 55, at 1.

65. USDA ERS, *supra* note 55, at 5. (“Overall, the rural poverty rate declined slightly from 2010 (16.5 percent) to 2016 (15.8 percent), a slow recovery based on historic precedent.”).

66. JULIET M. BRODIE ET AL., POVERTY LAW, POLICY, AND PRACTICE 690 (2d ed., Wolters Kluwer 2021) (noting that an increase of *pro se* litigants has been regarded as a “crisis” and attracted attention of legal professionals for decades, though it “shows no sign of abating.”).

67. *Id.*

high number of *pro se* litigants nationwide is one manifestation of inaccessible or unaffordable attorneys.⁶⁸

Consistently, *pro se* litigants attain unfavorable legal outcomes compared to those clients with legal representation.⁶⁹ As such, the current treatment of indigent litigants in the United States is “an embarrassment and is a serious and growing problem.”⁷⁰ Even though many scholars have proposed solutions to assist indigent and *pro se* litigants in court proceedings, those efforts cannot replace the value of retaining a legal professional with procedural and substantive knowledge of the law.⁷¹

1. Efforts to Assist *Pro Se* Litigants and Reduce *Pro Se* Litigation

Strategies such as simplifying the court system and establishing a constitutional right to attain civil legal counsel are predicted to aid *pro se* litigants when legal counsel is unavailable or unattainable.⁷² These solutions could be valuable in legal deserts where litigants may not have access to an attorney.

For instance, some legal professionals argue that simplifying the civil court system to become more accessible to *pro se* litigants is necessary to assist *pro se* litigants.⁷³ Richard Zorza, a prominent supporter of streamlining the court system, advocated for establishing more self-help

68. *Self-Representation*, *supra* note 9.

69. D. James Greiner et al., *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 HARV. L. REV. 901, 927 (2013) (explaining that legal representation improves likelihood of success); see generally Rebecca L. Sandefur, *The Impact of Counsel: An Analysis of Empirical Evidence*, 9 SEATTLE J. SOC. JUST. 51 (2010) (describing the positive effects of legal representation).

70. Benjamin H. Barton, *Against Civil Gideon (and for Pro Se Court Reform)*, 62 FLA. L. REV. 1227, 1228 (2010).

71. See generally Saleel V. Sabnis, *Understanding the Challenges Posed by Pro Se Litigants*, AMERICAN BAR ASSOCIATION (Dec. 13, 2016), <https://www.americanbar.org/groups/litigation/committees/professional-liability/articles/2016/fall2016-understanding-the-challenges-posed-by-pro-se-litigants/> [https://perma.cc/8NQU-3M6F] (detailing distinct challenges posed by *pro se* litigants).

72. Another less-popular suggestion to expand access to justice for *pro se* litigants is to alter the role of judges. See, e.g., Jona Goldschmidt, *Required, Permissible, and Impermissible Forms of Federal Judicial Assistance to Self-Represented Litigants: Toward Establishment of a Judicial Duty of Reasonable Assistance*, 25 CARDOZO J. EQUAL RTS. & SOC. JUST. 217 (2019); Louis S. Rulli, *Roadblocks to Access to Justice: Reforming Ethical Rules to Meet the Special Needs of Low-Income Clients*, 17 U. PA. J. L. & SOC. CHANGE 347 (2014).

73. BRODIE ET AL., *supra* note 66, at 690; see generally Sabbeth, *supra* note 6.

centers.⁷⁴ Additionally, Zorza and other like-minded advocates seek to make court documents and forms more universally-accessible and comprehensible,⁷⁵ to utilize technology to provide low-cost legal aid to *pro se* litigants,⁷⁶ and to implement staff training that would allow for court staff to provide legal information regarding completing standard documents and procedures.⁷⁷ These proposed solutions, however, merely provide procedural relief. Even if efforts to assist *pro se* litigants procedurally were successful, those individuals remain unrepresented and likely lack substantive knowledge of the law.

In addition to procedural safeguards, other factors contribute to a successful case, including understanding substantive law. Nevertheless, while efforts to increase access to justice by empowering nonlawyers to provide legal services are pending, these proposed solutions could offer relief, even if minimal.⁷⁸

IV. EFFORTS TO ABOLISH LEGAL DESERTS

There are several proposals to close the justice gap and make legal services more accessible in rural areas.⁷⁹ Some examples include raising federal funding, creating virtual law firm offices,⁸⁰ expanding loan forgiveness,⁸¹ increasing the accessibility and functionality of law libraries, mandating *pro bono* requirements, and establishing medical-legal partnerships.

74. Richard Zorza, *Self-Represented Litigants and the Access to Justice Revolution in the State Courts: Cross-Pollinating Perspectives Toward a Dialogue for Innovation in the Courts and the Administrative Law System*, 29 J. NAT'L ADMIN. L. JUDICIARY 63 (2009); see generally Alyse Bertenthal, *Speaking of Justice: Encounters in a Legal Self-Help Clinic*, 39 POLAR: POL. & LEGAL ANTHROPOLOGY REV. 261 (2016).

75. Zorza, *supra* note 74, at 70–72.

76. Zorza, *supra* note 74, at 72–73.

77. Zorza, *supra* note 74, at 73–74.

78. See generally Standing Committee on Legal Aid and Indigent Defendants, *Directory of Law Governing Appointment of Counsel in State Civil Proceedings*, AMERICAN BAR ASSOCIATION (2016), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_judges_manual_ga.pdf [<https://perma.cc/2GHD-DYS2>] (compiling statutory provisions, cases, and court rules that require or permit judges to appoint legal counsel for civil litigants).

79. James J. Sandman & Ronald S. Flagg, *Forward, Symposium: Revitalizing Rural America*, 13 HARV. L. & POL'Y REV. 1, 6–14 (2018) (highlighting the challenges of delivering legal services to underprivileged, rural populations and iterating a variety of solutions to increase accessibility of the justice system).

80. See *infra* Section V.

81. See *infra* Section V.

A. Law Libraries

One solution to reducing the effects of legal deserts is the expansion of law libraries. Law libraries provide legal resources and limited guidance in maneuvering the court system.⁸² Because resources are limited in rural communities such that “rural areas may require solutions different from those often prioritized in more urban areas,” law libraries provide *pro se* litigants with an opportunity to seek legal information independently.⁸³

Law library expansion programs are successful, in large part, because advocates recognize the severe access to justice gap that is prevalent in legal deserts.⁸⁴ Even though the law “[l]ibrary staff cannot provide legal advice to visitors, like how to interpret case law or how to proceed in court[.]” the staff may assist visitors in accessing legal information via specialized training.⁸⁵ For example, law libraries provide a space for those without computers or the internet to research and print electronic materials for reference.⁸⁶ These critical services aid *pro se* litigants who may not have the financial means to retain an attorney or those who do not fall below the threshold income requirement to qualify for *pro bono* legal assistance.

In Georgia, the effect of legal deserts is accentuated when comparing law libraries around the state. For instance, a reference library inside the Fulton County Superior Court provides free access to print and electronic legal resources.⁸⁷ Conversely, law libraries in many counties, particularly within underserved communities, are limited to a small closet or a collection of outdated treatises. Despite the benefits of the law library program, there is a limit to the amount of legal assistance that law librarians can provide. Unless the requirements of Georgia’s Rules of Professional Conduct are loosened, law librarians who are not licensed attorneys shall not offer proper legal advice or help complete necessary court documents. Non-attorney law librarians could effectively teach the public how to research the law, but practicing the law is an immensely different task. Moreover, additional challenges arise when the law librarian is a licensed attorney because the librarian must not establish a client relationship.

82. Pruitt et al., *supra* note 13, at 73–74.

83. Pruitt et al., *supra* note 13, at 74.

84. Pruitt et al., *supra* note 13, at 73–74.

85. Pruitt et al., *supra* note 13, at 73.

86. Pruitt et al., *supra* note 13, at 73–74.

87. See Law Library, Fulton County, <https://fultoncountyga.gov/inside-fulton-county/fulton-county-departments/superior-court/law-library> [https://perma.cc/Z54U-2AFR] (last accessed Oct. 26, 2022).

Critique of the law library program, as well as other efforts to aid *pro se* litigants, is not intended to depreciate any efforts made by law librarians to provide legal assistance where needed, nor is it intended to suggest the measures should cease. Instead, the critiques are directed toward restrictive policies that should be changed. If Georgia's Rules of Professional Conduct are amended to allow limited licensure of legal technicians to practice law in a limited scope, then the law library program could develop to colossal stature without direct attorney supervision. Easing the burden of legal deserts is not a result of merely one solution but a culmination of efforts by all, including law librarians and policymakers.

B. Pro Bono Requirements and Opportunities

The White House Legal Aid Interagency Roundtable noted that approximately sixty-three million Americans qualify for free civil legal assistance.⁸⁸ Yet, at least half of those seeking legal help are turned away because the *pro bono* organization lacks resources.⁸⁹ Every lawyer in America would need to provide *pro bono* service to close the wide justice gap for the twelve percent (12%) of the population left without legal counsel, even after accounting for legal aid services.⁹⁰ In rural America, nonprofit legal assistance is even less accessible than in cities because, although every state offers nonprofit legal assistance programs to indigent clients, those offices and attorneys are typically based in more urban cities.⁹¹

Georgia Bar Rule 6.1⁹² encourages attorneys to provide at least fifty (50) hours of *pro bono publico* legal services each year. However, Rule 6.1 mandates that “[n]o reporting rules or requirements may be imposed without specific permission of the Supreme Court There is no disciplinary penalty for a violation of this Rule.”⁹³ Further, Rule 6.1 states that every lawyer “should aspire” to fulfill this responsibility

88. White House Legal Aid Interagency Roundtable, Civil Legal Aid 101 1, 2, [hereinafter Legal Aid], <https://www.american.edu/spa/jpo/lair/upload/lair-toolkit-civil-legal-aid-101-tab-content-pdf-version.pdf> [<https://perma.cc/LH59-8GRL>] (last visited Sep. 4, 2022).

89. *Id.*

90. Jodi Nafzger, *Bring on the Pettifoggers: Revisiting the Ethics Rules, Civil Gideon, and the Role of the Judiciary*, 34 NOTRE DAME J.L. ETHICS & PUB. POL'Y 79, 83 (2020).

91. Runge, *supra* note 55 (noting that nonprofit legal assistance organization “offices and attorneys are primarily based in the urban communities in the states and they have seen consistent, drastic cuts in funding over the past 20 years.”).

92. GA. RULES OF PRO. CONDUCT r. 6.1 (2021); Ga. R. & Regs. St. Bar 6.1.

93. GA. RULES OF PRO. CONDUCT r. 6.1 (2021); Ga. R. & Regs. St. Bar 6.1.

yearly.⁹⁴ While providing *pro bono* services is an ethical responsibility, participation in *pro bono* work is discretionary.⁹⁵

Requiring licensed attorneys to complete a requisite number of *pro bono* hours each year would undoubtedly aid many clients who would otherwise represent themselves. Yet, even if every attorney performed the recommended fifty hours of *pro bono* services each year, “the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means.”⁹⁶ Meaningful strides in reducing Georgia’s legal deserts demand policy changes more substantial than forced *pro bono* participation.⁹⁷

C. Medical-Legal Partnerships

Medical-legal Partnerships (MLPs) are healthcare models that incorporate lawyers into a clinical healthcare setting.⁹⁸ MLPs are designed to promote health justice using “upstream, preventative, and community-based” models of “holistic health care and legal assistance.”⁹⁹ MLPs are effective, in part, because they identify systemic issues within a particular community, providing support and identifying areas where longer-term solutions are necessary.¹⁰⁰

The American Academy of Arts and Sciences recognized that MLPs are promising because they address the “web of issues” that civil litigants often face.¹⁰¹ One-size-fits-all schemes are not the most effective way to alleviate legal burdens because each community is socioeconomically and socially distinct. In other words, MLPs underscore how community members could be the answer to easing a justice gap within their communities. Similarly, to reduce legal deserts in rural America, rural issues and demographic-specific challenges should be examined.

94. GA. RULES OF PRO. CONDUCT r. 6.1 (2021); Ga. R. & Regs. St. Bar 6.1.

95. See GA. RULES OF PRO. CONDUCT r. 6.1, cmt. 10 (2021).

96. *Id.*

97. See *A New Report and Recommendations: Civil Justice for All*, AM. ACAD. ARTS & SCIS. 1 (Sept. 24, 2020) [hereinafter *Civil Justice for All*], <https://www.amacad.org/news/new-report-civil-justice> [<https://perma.cc/LZP7-GVHK>] (advocating for increased legal representation of low-income households, pro bono work, cross-disciplinary collaboration with nonlawyers, non-legal advocates, simplification of court processes, data collection on civil justice, and access to justice).

98. Cannon, *supra* note 6, at 561.

99. Cannon, *supra* note 6, at 562.

100. Cannon, *supra* note 6, at 562; see Elizabeth Tobin-Tyler & Joel B. Teitelbaum, *Medical-Legal Partnership: A Powerful Tool for Public Health and Health Justice*, 134 PUB. HEALTH REP. 201, 203 (2019).

101. Cannon, *supra* note 6, at 562.

V. ATTORNEYS DO NOT WANT TO PRACTICE IN RURAL AMERICA

Legal scholars interested in access to justice challenges have advocated that “simply supplying more lawyers is not a long-term solution to the justice gap.”¹⁰² But, even recruiting and maintaining lawyers is a struggle for rural communities. For several reasons, new lawyers do not want to practice in rural areas. Those reasons, among others, include rising student debt, cultural challenges, fewer opportunities for professional growth, and seeming sequestration from modern society.

A. *Student Debt is Rising*

Student debt is interconnected to legal deserts because an attorney’s salary often directly influences where the lawyer accepts a job, builds a home, and raises a family.¹⁰³ The ABA reported that recent law graduates tend to “postpone major life decisions like marriage, having children and buying houses, or reject them outright, because they carry huge student loan debts.”¹⁰⁴ As a result of restrained financial opportunities in rural areas, new attorneys statistically opt to practice in more urban jurisdictions, forgoing rural practices.¹⁰⁵ The effect of student debt on an attorney’s choice to practice is unfortunate, especially considering how the number of attorneys in Georgia approaching retirement is increasing,¹⁰⁶ and the number of young attorneys beginning to practice law in rural areas is decreasing.¹⁰⁷

Despite nationally-rising student debt, Georgia has yet to explore the idea of recruiting attorneys to practice in rural America by offering loan forgiveness as an incentive to move to legal deserts. This incentive would function similarly to the public loan forgiveness policies that benefit

102. Cannon, *supra* note 6, at 562.

103. See ABA Profile 2022, *supra* note 25, at 63–66.

104. ABA Profile 2022, *supra* note 25, at 63.

105. Pruitt et al., *supra* note 13, at 122 (“... student loan debt is an economic deterrent to rural practice.”); see also John Cromartie, Christiane von Reichert & Ryan Arthun, *Factors Affecting Former Residents’ Returning to Rural Communities*, U.S.D.A. ECON. RES. SERV. 1–27 (May 2015), https://www.ers.usda.gov/webdocs/publications/45361/52906_err185.pdf?v=7346.3 [<https://perma.cc/HAY7-58RC>] (finding that twenty to twenty-four-year-olds leave rural, isolated counties nearly twice the rate as other counties).

106. See Sharri Edenfield, *Meeting the Succession Plan Challenge*, GA. B. J. (2015), http://digitaleditions.walsworthprintgroup.com/article/From_the_YLD_President/1976689/253199/article.html [<https://perma.cc/49CL-RTRU>]; Pruitt et al., *supra* note 13, at 71.

107. Pruitt et al., *supra* note 13, at 71 (explaining how legal deserts will be more prominent if the number of retiring lawyers in rural areas are not replenished).

public service and government-employed attorneys.¹⁰⁸ In sum, attempts to attract young lawyers to rural areas do not seem promising amidst rising student debt.¹⁰⁹ Rather, a solution to utilize the workforce already residing in those rural areas should be explored. Nevertheless, even if student loan forgiveness were offered to rural attorneys, derogatory perceptions of rural people and lawyers continue to deter lawyers from practicing in those communities.

B. Ruralism and the “Country Lawyer”

Aside from financial stability worries, many recent law students are hesitant to practice in rural areas because they are unaccustomed to rural culture. Many believe that “[i]f you don’t know anything about agriculture, land, real estate, [or] small-town culture, you’re going to have a hard time making it work . . . [Y]ou need to grow up in a rural area to be successful in a rural area.”¹¹⁰ While this may be true for some, it does not represent reality for all attorneys. Ultimately, such statements discourage attorneys from practicing in rural areas by furthering negative stereotypes about rural communities and the people within them.

The stigmas associated with rural communities perpetuate the myth of the country lawyer, who is stereotyped as “middle-aged or older, an avuncular mix of wisdom and good humor. He is a generalist, in a small town, deeply connected to his community. He is trusted and respected. The person who is called upon when trouble threatens.”¹¹¹ The often grossly inaccurate, negative stereotypes of rural people and the longstanding country lawyer archetype have deterred young lawyers from practicing in rural areas.¹¹² Meanwhile, law schools are notorious for “pushing law students toward large legal markets and high-powered

108. See generally 34 C.F.R. § 685.219 (2021) (noting eligibility for the Public Service Forgiveness Program).

109. But see Lindsay Stafford Mader, *Way Out Yonder*, 78 TEX. BAR J. 524, 526 (2015) (noting that, like in Texas, rural attorneys in other states generally make less money than those in cities).

110. Wendy Davis, *No Country for Rural Lawyers: Small-town attorneys still find it hard to thrive*, ABA JOURNAL (Feb. 1, 2020), <https://www.abajournal.com/magazine/article/no-country-for-rural-lawyers> [<https://perma.cc/P3Y8-BB23>].

111. Judy M. Cornett & Heather H. Bosau, *The Myth of the Country Lawyer*, 83 ALBANY L. REV. 125 (2019–2020).

112. See generally Bailey Tulloch, *Reconstructing Rural Discourse*, 120 MICH. L. REV. 1337, 1344–45 (2022) (describing ruralism and the implications of derogatory or outdated representations of rural people).

firms.”¹¹³ Consequently, in addition to the “fear of a financially precarious life or ‘backward’ towns and ‘uncivilized neighbors,’” attorneys of all ages are disincentivized from practicing in rural areas.¹¹⁴

Stereotypes, perceived social norms, and misconceptions about ruralism are significant considerations when determining whether to practice law in rural communities.¹¹⁵ Even though rural America is often characterized as a haven away from stressful city living,¹¹⁶ those born and raised in rural areas are typecast as uneducated or unsophisticated.¹¹⁷

Though many stereotypes concerning rural communities are simply inaccurate,¹¹⁸ the harsh truth is that rural communities face statistically

113. *Id.* at 1345. However, some law schools have student-led organizations that advocate for increased legal representation in rural communities. For example, Mercer Law School’s Rural Law Student Association (RLSA) provides networking opportunities for students seeking to practice in rural communities. RLSA recognizes the need for attorneys in legal deserts, and highlights the benefits associated with practicing in those areas. Through speaker panels and regular events, RLSA provides ample opportunities for law students to meet rural practitioners and other law students interested in rural practice. RLSA is one of Mercer Law School’s largest organizations. *Student Organizations*, MERCER, <https://law.mercer.edu/students/organizations/> [<https://perma.cc/CEN5-4RKS>] (last visited Oct. 23, 2022) (describing Mercer Law School’s Rural Law Student Association); see Mercer Law RLSA (@mercerrlsa), INSTAGRAM, <https://www.instagram.com/mercerrlsa/> (last visited Oct. 23, 2022).

114. TULLOCH, *supra* note 112, at 1345.

115. Debra Lyn Bassett, *Ruralism*, 88 IOWA L. REV. 273, 279 (2003) (“Ruralism involves discrimination on the basis of factors stemming from living in a rural area Our society . . . perpetuates various stereotypes of rural dwellers, ranging from the ‘country bumpkin,’ embarrassingly ignorant of basic social conventions, to the dirty, slow-thinking, slow-speaking ‘mountain men’ with low intelligence quotients attributed snickeringly to family inbreeding.”).

116. See Raymond T. Coward & William M. Smith, Jr., *Families in Rural Society*, RURAL SOCIETY IN THE U.S.: ISSUES FOR THE 1980S 8 (2019) (“Many Americans continue to hold a largely nostalgic and romantic image of rural living. The myth that is perpetuated portrays country living and family life as simple, pure, and wholesome; slower paced; free from pressures and tensions; and surrounded by pastoral beauty and serenity.”).

117. See James B. Wadley & Pamela Falk, *Lucas and Environmental Land Use Controls in Rural Areas: Whose Land Is it Anyway?*, 19 WM. MITCHELL L. REV. 331, 338–39 (1993) (“Rural people are considered to be less adept at dealing with the intricacies of modern life. Rural people are simple, uncultured, redneck, but certainly not urbane, or sophisticated. Rural people are also viewed as low key, laid back, and unmotivated.”).

118. Individuals unfamiliar with rural culture and demographics falsely assume that “rural America is predominantly inhabited by white, religious conservatives.” Those inaccurate representations of rural people and rural attorneys influence policymakers, creating additional burdens for people living in those communities. For example, legislators have recently “tighten[ed] the work requirements for federal benefits programs such as SNAP and Medicaid” to resolve the problem of “lazy” citizens, further exacerbating poverty and unemployment. Tulloch, *supra* note 112, at 1348–49; see Alugbenga Ajilore & Caius Z.

higher rates of poverty, poorer access to adequate healthcare,¹¹⁹ and a lack of educational opportunities.¹²⁰ In turn, many attorneys practice law in cities because there are more opportunities for social and cultural exploration. In fact, for many “talented and motivated youth, leaving rural communities is an inevitable and highly encouraged rite of passage from adolescence into adulthood.”¹²¹ If maintaining talent in rural communities is an uphill battle, then recruiting attorneys to those areas will undoubtedly serve as (and has historically been) a challenge.¹²²

Willingham, *Redefining Rural America*, CTR. FOR AM. PROGRESS 9 (July 17, 2019), <https://cdn.americanprogress.org/content/uploads/2019/07/27080905/redefining-rural-america-brief.pdf> [<https://perma.cc/5U6A-XZR5>]. Consequently, the assumption creates challenges for “queer rural dwellers” and ignores the lived experiences of Black, LatinX, Native American, people with disabilities, and immigrants. Bud W. Jerke, *Queer Ruralism*, 34 HARV. J.L. & GENDER 259, 263 (2011); Movement Advancement Project, *WHERE WE CALL HOME: LGBT PEOPLE IN RURAL AMERICA* 58–59 (Apr. 2019), <https://www.lgbtmap.org/file/lgbt-rural-report.pdf> [<https://perma.cc/9Y56-FZUV>] (explaining how social and political climates in rural areas specifically lead to fewer policy protections for LGBT groups). Despite the stereotypes, rural America is a culmination of diverse and unique demographics. J. Dennis Murray & Peter A. Keller, *Psychology and rural America: Current status and future Directions.*, 46 AM. PSYCHOL. 220, 222 (Mar. 1991) (“The people of rural America are a heterogenous group with great diversity in cultures, occupations, wealth, lifestyles, and physical geography . . . Rural areas also contain significant numbers of minority population that are often physically isolated and have unique social service needs.”).

119. Women living in rural communities, especially, suffer from inadequate healthcare. Particularly as it relates to abortion and reproductive rights, courts have generally ignored rural women when applying the undue burden standard. See Jonathan M. Bearak et al., *Disparities and Change Over Time in Distance Women Would Need to Travel to Have an Abortion in the USA: A Spatial Analysis*, 2 LANCET PUB. HEALTH 493 (2017); Hannah Haksgaard, *Rural Women and Developments in the Undue Burden Analysis: The Effect of Whole Woman’s Health v. Hellerstedt*, 65 DRAKE L. REV. 663 (2017). Because the Supreme Court of the United States overturned *Roe v. Wade* and *Planned Parenthood v. Casey* in June 2022, those challenges will only be more difficult. See *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022); see also *Roe v. Wade*, 410 U.S. 113 (1973); *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

120. Pruitt et al., *supra* note 13, at 18.

121. John Cromartie et al., *supra* note 105, at 26 (citing PATRICK J. CARR & MARIA J. KEFALAS, *HOLLOWING OUT THE MIDDLE: THE RURAL BRAIN DRAIN AND WHAT IT MEANS FOR AMERICA* (2009) (noticing that adults in rural communities effectively push young people to leave and encouraging those demographics to defend their communities)).

122. John Cromartie et al., *supra* note 105, at 5 (“. . . rural counties that are geographically remote or relatively lacking in scenic amenities attract far fewer newcomers, thus their (much smaller) immigration flows include much higher proportions of returnees.”); see generally Heather Long, *America’s forgotten towns: Can they be saved or should people just leave?*, WASH. POST (Jan. 2, 2018), <https://www.washingtonpost.com/news/wonk/wp/2018/01/02/americas-forgotten-towns-can-they-be-saved-or-should-people-just-leave/> [<https://perma.cc/R96V-D2PV>].

C. Technological Barriers

To encourage more attorneys to serve indigent clients either at a reduced rate or *pro bono*, several states and state bar associations have encouraged technology and automation to serve more clients at a more affordable cost.¹²³ Advancements in technology that remotely connect *pro se* litigants with attorneys represent a modern effort to minimize the justice gap; this effort is especially beneficial for clients who do not own a means of transportation or have the ability to travel to receive legal services. However, while this service may serve communities with easy access to technology, it does not always help those in rural areas where internet services are not available or affordable.¹²⁴

Dubbed “the digital divide,” insufficient internet access disproportionately affects rural Americans.¹²⁵ The availability of fiber optic internet would undoubtedly assist rural practitioners with conducting legal research, communicating with clients, and allowing urban-based attorneys to communicate with their rural clients without communication difficulties.¹²⁶ Nevertheless, until broadband is accessible for all—including citizens in the most remote communities—virtual offices and court-sanctioned video-conferences will only provide different challenges for rural people and practitioners.

Notwithstanding this critique, virtual offices provide ample opportunities for lawyers to serve an increased demographic at a lower cost in cities where broadband internet and technology are widely available.¹²⁷ Moreover, just because this method is not as effective in

123. Vanessa Butnik Davis, *What Can Technology Do to Increase Access to Justice?*, 73 U. MIAMI L. REV. 433 (2019); Kathleen Elliott Vinson & Samantha A. Moppett, *Digital Pro Bono: Leveraging Technology to Provide Access to Justice*, 92 ST. JOHN'S L. REV. 551 (2018); see also Kara Doles, *Technology as a Sustainable Solution to Expanding Meaningful Access to Justice*, 20 DEC. HAWAII BAR J. 32 (2016).

124. Tanina Rostain, *Techno-Optimism and Access to the Legal System*, 148 DAEDALUS 93 (2019); Pruitt et al., *supra* note 13, at 74 (“Technology-based solutions may have more limited applicability in communities where such internet access is less readily available.”).

125. William C. Silverman and Alexander Volpicello, *Justice in the Internet Age: Legal Access for Rural Americans*, PROSKAUER FOR GOOD (Jan. 9, 2020), https://www.proskauerforgood.com/2020/01/justice-in-the-internet-age-legal-access-for-rural-americans/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration [<https://perma.cc/VZB3-TVM5>] (last visited Oct. 8, 2022).

126. *Id.*

127. Even before the COVID-19 pandemic, state bar associations recognized the benefits of virtual offices. For example, the North Carolina State Bar approved the practice of exclusively virtual law firms, as well as unbundled legal services. However, in its opinion, the North Carolina State Bar warned that attorneys must avoid the unauthorized practice of law. It also warned that the firm must still provide competent representation, despite the limited contact with clients. North Carolina State Bar, 2005 Formal Ethics Opinion 10

rural areas does not mean the effort to increase access to justice should cease, especially where the infrastructure supports it. The varying degrees of effectiveness merely show that rural communities within legal deserts often face inimitable challenges that demand unique solutions.

VI. LIMITED LICENSURE OF PARALEGALS

To be effective in the long-term, access to justice initiatives in legal deserts should have a community focus that highlights marginalized populations' needs. Holistic approaches that consider unique communities' deficiencies, such as implementing medical-legal partnerships and expanding law libraries, demonstrate why individualized solutions are more productive in rural areas. Another way that Georgia might achieve this goal is by allowing the legal profession to be more accessible to marginalized communities by employing those who understand the community's needs. In essence, this proposal entails the creation of an exception to Georgia's Rules of Professional Conduct which would allow certified legal paraprofessionals to practice law in a limited scope.

A. Role of Paralegals

Paralegals are certified legal paraprofessionals who may complete certain tasks under the supervision of a licensed attorney. Those tasks include reviewing and organizing client files, conducting factual and legal research, preparing documents for transactions, drafting pleadings and discovery notices, interviewing clients and witnesses, assisting with real estate closings, and helping prepare for trials. While educational requirements for paralegals vary by jurisdiction, generally, paralegals acquire their titles by completing academic requisites, work experience, or certifications.¹²⁸

In 1967, the ABA endorsed the utilization of paralegals within the legal field.¹²⁹ Since then, the ABA has established a committee on paralegals,¹³⁰ approved specific paralegal programs which satisfy

(Jan. 20, 2006), <https://www.ncbar.gov/for-lawyers/ethics/adopted-opinions/2005-formal-ethics-opinion-10/> [<https://perma.cc/85B7-V7BQ>].

128. *Information for Lawyers: How Paralegals Can Improve Your Practice*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/groups/paralegals/profession-information/information_for_lawyers_how_paralegals_can_improve_your_practice/ [<https://perma.cc/Z6JU-CHAQ>] (last visited Oct. 2, 2022).

129. *Id.*

130. *Id.*

rigorous standards,¹³¹ and adopted Model Guidelines for the Utilization of Paralegal services.¹³² Simply put, the ABA has long recognized that the work of a paralegal is indispensable for many law practices.

Employing paralegals benefits a law practice by helping reduce costs, largely because a paralegal may be billed separately and at lower rates than an attorney.¹³³ In turn, attorneys who employ paralegals may lower their legal fees for all clients because the practice's bottom line is lower. Even if a firm or an attorney chooses not to reduce their costs, the money saved by employing a paralegal could allow law firms to provide increased *pro bono* services.¹³⁴

As it currently stands, in most states, attorneys are responsible for the work product of their paralegals and the paralegals' ethical conduct.¹³⁵ Likewise, paralegals are not subject to any professional rules of conduct established or regulated by the courts, legislatures, or government agencies; notwithstanding, paralegals who are members of national and local paralegal associations must follow those organizations' ethical codes.¹³⁶

131. See *Guidelines For the Approval of Paralegal Education Programs*, AMERICAN BAR ASSOCIATION (Sept. 1, 2021), <https://www.americanbar.org/content/dam/aba/administrative/paralegals/aba-guidelines-for-the-approval-of-paralegal-education-programs-2021-web.pdf> [<https://perma.cc/4M2W-QQM5>].

132. Many states and state bar associations have adopted the guidelines or a similar scheme. Standing Committee on Paralegals, *ABA Model Guidelines for the Utilization of Paralegal Services*, AMERICAN BAR ASSOCIATION (revised Aug. 2021), <https://www.americanbar.org/content/dam/aba/administrative/paralegals/aba-model-guidelines-for-utilization-of-paralegal-services-2021-web.pdf> [<https://perma.cc/EZ85-NDBJ>] (last visited Oct. 2, 2022).

133. See *Information for Lawyers: How Paralegals Can Improve Your Practice*, *supra* note 128; Arthur G. Greene & Therese A. Cannon, *Paralegals, Profitability, and the Future of Your Law Practice*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/content/dam/aba/administrative/paralegals/downloads/Fig2_1.pdf [<https://perma.cc/9VDL-SCMG>] (showing how attorney's fees may be reduced for a single client when a paralegal assists with the matter).

134. See *Information for Lawyers: How Paralegals Can Improve Your Practice*, *supra* note 128 ("Paralegals enhance the ability of law firms to provide more pro bono legal services just as they do paid services."); *ABA Model Guidelines for the Utilization of Paralegal Services*, *supra* note 132, at 20 ("A lawyer who employs a paralegal should facilitate the paralegal's participation in appropriate continuing education and pro bono publico activities The ability of a law firm to provide more pro bono publico services is enhanced if paralegals are included.")

135. See MODEL RULES OF PRO. CONDUCT r. 5.3 (AM. BAR ASS'N 2021).

136. See, e.g., The American Alliance of Paralegals, Inc., *Code of Ethics*, AAPI (2018), https://aapipara.org/images/downloads/Board_Files/aapi_brochure_2018.pdf [<https://perma.cc/8S89-LDL4>]; National Association of Legal Assistants, Inc., *NALA Code of Ethics and Professional Responsibility*, NALA (2022), <https://nala.org/certification/nala-code-ethics-and-professional-responsibility/> [<https://perma.cc/2BCH-8X55>]; National Federation of

B. Lawyers' Ethical Responsibilities

The ABA's Model Rules of Professional Conduct (the Model Rules)¹³⁷ outlines the professional and ethical standards by which lawyers should abide. The Model Rules list approximately fifty-eight rules, delineated in eight sections, with comments explaining each rule.¹³⁸ The ABA adopted its Model Rules in 1983, and it has since been amended several times.¹³⁹ The Model Rules are not binding on any federal, state, or local court, but most states have adopted some variation of the ABA's guidelines.¹⁴⁰ The Georgia Rules of Professional Conduct mimic the formatting of the ABA's Model Rules.¹⁴¹

Like other attorneys nationwide, lawyers in Georgia must adhere to strict ethical standards.¹⁴² In Georgia, the Supreme Court of Georgia maintains the authority to regulate the legal profession. In June of 2000, the Supreme Court of Georgia adopted the Georgia Rules of Professional Conduct,¹⁴³ which became effective on January 1, 2001. The State Bar of Georgia's Office of the General Counsel assists in investigating and

Paralegal Associations, *Positions and Issues – Ethics*, NFPA (2022), <https://www.paralegals.org/i4a/pages/index.cfm?pageid=3301> [<https://perma.cc/B2VU-B77D>]; National Association for Legal Support Professionals, *NALS Code of Ethics & Professional Responsibility*, <https://www.nals.org/page/NALSCodeofEthics> [<https://perma.cc/PH8Q-PQKV>] (last visited Oct. 22, 2022).

137. MODEL RULES OF PRO. CONDUCT (AM. BAR ASS'N 2021). Before the ABA adopted the Model Rules, in 1969, it adopted the Model Code of Professional Responsibility (the Code). The Code had three sections: (1) Canons, (2) Disciplinary Rules, and (3) Ethical Considerations. Canons consisted of general propositions. Disciplinary Rules contained mandatory rules. Ethical Considerations consisted of unenforceable aspirations that lawyers were encouraged to abide but were not punishable. THOMAS D. MORGAN ET AL., *PROFESSIONAL RESPONSIBILITY PROBLEMS AND MATERIALS* 17 (13 ed., Foundation Press 2018).

138. *See generally* MODEL RULES OF PRO. CONDUCT, *supra* note 137.

139. *See Model Rules of Professional Conduct*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/ [<https://perma.cc/J3LD-BAEC>] (last visited Oct. 22, 2022) (listing recent changes to the Model Rules).

140. The Model Rules is not legally-binding until they are adopted by the highest court or state. In essence, the law of the state in which an attorney is licensed may not necessarily be identical to the ABA Model Rules. *Alphabetical List of Jurisdictions Adopting Model Rules*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/alpha_list_state_adopting_model_rules/ [<https://perma.cc/62H3-VR2V>] (last visited Oct. 22, 2022).

141. *See generally* MODEL RULES OF PRO. CONDUCT, *supra* note 137.

142. Generally, a lawyer is subject to discipline in the state in which it is licensed. When attorneys are licensed in multiple states, they are subject to discipline in each of those states. MODEL RULES OF PRO. CONDUCT r. 8.5 (AM. BAR ASS'N 2021); *see* MORGAN ET AL., *supra* note 137, at 19.

143. Ga. R. & Regs. St. Bar, Pt. IV.

prosecuting claims when a lawyer violates Georgia's rules according to the Georgia Rules of Professional Conduct.¹⁴⁴ For violating ethical rules, attorneys could face reprimands, formal admonitions, suspensions, or disbarment.¹⁴⁵

Georgia's law concerning the unauthorized practice of law, Official Code of Georgia Annotated section 15-19-51,¹⁴⁶ currently states:

(a) It shall be unlawful for any person other than a duly licensed attorney at law:

(1) To practice or appear as an attorney at law for any person other than himself in any court of this state or before any judicial body;

(2) To make it a business to practice as an attorney at law for any person other than himself in any of such courts;

(3) To hold himself out to the public or otherwise to any person as being entitled to practice law;

(4) To render or furnish legal services or advice;

(5) To furnish attorneys or counsel;

(6) To render legal services of any kind in actions or proceedings of any nature;

(7) To assume or use or advertise the title of "lawyer," "attorney," "attorney at law," or equivalent terms in any language in such manner as to convey the impression that he is entitled to practice law or is entitled to furnish legal advice, services, or counsel; or

(8) To advertise that either alone or together with, by, or through any person, whether a duly and regularly admitted attorney at law or not, he has, owns, conducts, or maintains an office for the practice of law or for furnishing legal advice, services, or counsel.

(b) Unless otherwise provided by law or by rules promulgated by the Supreme Court, it shall be unlawful for any corporation, voluntary association, or company to do or perform any of the acts recited in subsection (a) of this Code section.¹⁴⁷

Ethical rules have been charged with widening the justice gap by creating a barrier to entry into the legal field.¹⁴⁸ And while other efforts

144. Ga. R. & Regs. St. Bar 2.

145. Ga. R. & Regs. St. Bar 4-102.

146. O.C.G.A § 15-19-51 (2022).

147. *Id.*

148. See generally Daria Roithmayr, *Barriers to Entry: A Market Lock-In Model of Discrimination*, 86 VA. LAW REV. 727-802 (2001), <https://ssrn.com/abstract=278839> [<https://perma.cc/9K2C-2M2J>].

like *pro bono* representation and expansion of law libraries help close the justice gap, those efforts are ultimately insufficient.¹⁴⁹ Allowing paralegals to practice law in Georgia in a limited scope could further efforts to close the justice gap, specifically within legal deserts. Undoubtedly, however, allowing limited licensure of legal paraprofessionals would require amending Georgia's law regarding the unauthorized practice of law.

C. Concerns of Critics

Sanctioning nonlawyers to provide legal services is a relatively new idea that has raised concerns in the legal profession.¹⁵⁰ On one hand, advocates interested in increasing access to justice argue that merely supplying more lawyers is not the answer.¹⁵¹ On the other hand, several states have initiated piloting programs whereby legal technicians are trained and licensed to provide legal services in limited contexts.¹⁵² Concerns of competence, professional competition, and an overall lack of data thwart states from adopting programs allowing nonlawyers to practice law. However, those concerns seem less burdensome when balanced with the potential benefit of easing the burden of legal deserts in rural communities.

1. Competence

Many critics of limited license programs worry that the quality of legal advice provided by nonlawyers would be detrimental to litigants. However, paralegals and legal assistants who qualify for a limited license would have completed a rigorous academic curriculum, gained practical experience, and passed certain exams ensuring competence and

149. See Gillian K. Hadfield, *Innovating to Improve Access: Changing the Way Courts Regulate Legal Markets*, DAEDALUS 83–95 (2014), (“U.S. lawyers would have to increase their *pro bono* work . . . to over nine hundred hours each [year] to provide some measure of assistance to all households with civil legal needs.”).

150. For instance, when the State Bar of California introduced the idea of authorizing nonlawyers to provide legal advice in a regulated and limited context, it received hundreds of negative comments opposing the change. See Sam Skolnik, *California Bar Swamped by Comments Opposing Ethics Rule Changes*, US LAW WEEK (Aug. 6, 2019), <https://news.bloomberglaw.com/us-law-week/california-bar-swamped-by-comments-opposing-ethics-rule-changes> [<https://perma.cc/B925-Z7LY>].

151. Cannon, *supra* note 6, at 562.

152. See Gaurav Sen, *Beyond the JD: How Eliminating the Legal Profession's Monopoly on Legal Services Can Address the Access-to-Justice Crisis*, 22 U. PA. J.L. & SOC. CHANGE 121, 147 (2019) (suggesting that legal technician programs provide imperative legal assistance to those who cannot typically afford it.).

understanding of ethical obligations.¹⁵³ In other states where similar programs were implemented, clients have reported tremendously positive experiences with licensed legal paraprofessionals.¹⁵⁴

Even though licensed paraprofessionals would not be allowed to represent clients to the full extent of licensed attorneys, they would be sufficiently competent to represent their clients in a limited scope. Data from other states support the proposition that licensed legal paraprofessionals encourage “more efficient proceedings and better decision-making . . . by reducing procedural errors, submitting high-quality work product, and preparing clients to present their cases effectively.”¹⁵⁵

Worries about competence are not unwarranted. Especially considering the amount of education and hurdles, such as three years of law school and bar exams, that licensed attorneys must pass, it is unsurprising that attorneys are hesitant to support the limited licensure of legal assistants. But considering the absurdly large proportion of litigants are self-representing,¹⁵⁶ the argument that less-qualified help is better than no help is fatal.

2. Competition

The judicial branch’s role is to regulate the legal profession in a manner that serves the public’s best interest, not any given lawyer’s best interest.¹⁵⁷ Yet, the legal field is—and has always been—exclusive.¹⁵⁸

153. In Washington State, LLLTs were required to acquire at least an associate degree, complete forty-five hours of paralegal curriculum, undergo between 1,500 and 3,000 hours of practical experience, finish fifteen family law credits from an accredited program, and pass the Paralegal Core Competency Exam, the Ethics Exam, and the Family Law Exam. Jason Solomon & Noelle Smith, *The Surprising Success of Washington State’s Limited License Legal Technician Program*, STANFORD CENTER ON THE LEGAL PROFESSION 1, 7 (April 2021) [hereinafter *Surprising Success*], <https://law.stanford.edu/wp-content/uploads/2021/04/LLLT-White-Paper-Final-5-4-21.pdf> [https://perma.cc/F9DJ-KXE3].

154. *Id.* at 9–11.

155. *Id.* at 1.

156. *See supra* Section III.

157. *See Judicial Oversight of the Legal Profession*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/independence_of_the_legal_profession/ [https://perma.cc/ENL4-8UU8] (last visited Dec. 11, 2022).

158. For example, in 2022, the ABA’s Strategic Review Committee recommended the elimination of the law school admission test (LSAT) because it creates disparate negative impacts for women, racial minorities, those with disabilities, and applicants who cannot afford the test. Unsurprisingly, the proposal was faced with backlash. Memorandum from The Strategic Review Committee to The Council (Apr. 25, 2022),

Notwithstanding the fact that barriers to enter the legal profession are traditionally high,¹⁵⁹ attorneys who do not want to grant limited licenses to nonlawyers argue that the profession will suffer from increased professional competition.¹⁶⁰ This concern is moot.¹⁶¹ Limited licensure of legal paraprofessionals is not intended to replace attorneys, but supplement them.

For starters, the work licensed paralegals would perform is the straight-forward and lower-paying tasks that attorneys in large firms do not usually handle, such as assisting clients with completing legal documents.¹⁶² Concerning clientele, in Utah where a limited license program is currently active, data shows that the demographic predominantly captured by legal paraprofessionals are “not those who

https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may22/22-may-memo-revisions-501-503.pdf [<https://perma.cc/N6DV-ZA78>]. Allowing paralegals to practice law in a limited scope is certain to evoke similar reactions.

159. Unlike in the 1950s when lawyers would self-regulate the profession, that is not the case anymore. Then, attorneys would write the rules they were required to follow, and in a biased manner. MORGAN ET AL., *supra* note 137, at 12. In the 1960s and 1970s, lawyer regulation began to change substantially, following several cases in the Supreme Court of the United States. *See, e.g.*, NAACP v. Button, 371 U.S. 415 (1963) (striking the rule that lawyers shall not cooperate with public interest organizations and labor unions); Goldfarb v. Va. State Bar, 421 U.S. 773 (1975) (declaring that lawyer professional standards are subject to federal antitrust challenges and a bar association’s fee schedule was illegal because it constituted price fixing); Bates v. State Bar of Ariz., 433 U.S. 350 (1977) (holding that a state’s highest court’s advertising limitations were unconstitutional pursuant to the First Amendment). *See also* Allison E. Laffey & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, AMERICAN BAR ASSOCIATION (May 2, 2018), <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/> [<https://perma.cc/L9YC-BC67>] (“... minority populations remain woefully underrepresented in the legal profession . . . no matter where you look.”).

160. *See* Deborah L. Rhode, *Access to Justice*, 69 FORDHAM L. REV. 1785, 1807 (2001) (explaining how courts have concerns about the quality and ethical implications of legal assistance from nonlawyers); Jessica K. Steinberg, *Demand Side Reform in the Poor People’s Court*, 47 CONN. L. REV. 741, 779–86 (recognizing that procedural hurdles might decrease if nonlawyers could practice law, but ultimately, especially when the proceeding is complex, nonlawyers are only minimally beneficial).

161. The number of lawyers in the United States has “exploded” within the last fifty years. Now, there are nearly 1.5 million attorneys nationwide. By comparison, in 1970, there were merely around 300,000 lawyers. MORGAN ET AL., *supra* note 137, at 10.

162. Nancy Brooks, *Advantages and Disadvantages of Limited License Legal Technicians*, NATIONAL PARALEGAL REPORTER 12, 13 (Summer 2016), https://www.ennisbritton.com/wp-content/uploads/2018/06/NPR_Winning_essay.pdf [<https://perma.cc/ZH6Y-S86M>] (“Although attorneys might initially have some resistance, . . . these legal technicians will not cut into their business because they will be serving the currently unserved population, those who are pro se.”).

would otherwise hire lawyers, but instead those who would opt for self-representation.”¹⁶³ Moreover, none of the jurisdictions that allow nonlawyers to provide limited legal services have indicated a decrease in lawyer employment.¹⁶⁴ In actuality, law firms that incorporate limited licensed paraprofessionals into their business model have reported higher ratings because of the lower-cost alternative to attorney representation.¹⁶⁵

3. Insufficient Data

Another criticism of allowing legal paraprofessionals to practice law is an overall lack of data showing how granting those limited licenses would improve *pro se* litigants’ outcomes.¹⁶⁶ With only a handful of states adopting this new approach, it could be years before definitive data is available for review. But when examining the limited data available from the handful of states with similar programs, there exists ample potential for the growth of such programs and the reduction of the justice gap. In the time it could take for comprehensive data to become accessible, thousands of people could have received legal help that they otherwise would not have.

Despite these criticisms, the long-term, positive implications of alleviating legal deserts in rural Georgia would overcome those concerns.¹⁶⁷ While some sophisticated legal issues are best resolved with

163. See *Surprising Success*, *supra* note 153, at 20.

164. See Arizona Supreme Court Task Force on the Delivery of Legal Services, *Reports and Recommendations* 40 (Oct. 4, 2019), <https://www.azcourts.gov/Portals/74/LSTF/Report/LSTFReportRecommendationsRED10042019.pdf> [<https://perma.cc/676M-MKH9>] (“The task force acknowledges that some lawyers may prove instinctive skeptics on this issue, but the task force can find no empirical evidence that lawyers risk economic harm from certified LLLPs who provide limited legal services to clients with unmet legal needs.”).

165. See *Surprising Success*, *supra* note 153, at 20 (“[I]f clients initially seek attorney services, firms can transfer the client to a LLLT if the client runs out of money, which allows the firm to avoid losing the client altogether.”).

166. Cannon, *supra* note 6, at 563 (suggesting that the limited license for nonlawyers approach demands further studies).

167. See Sen, *supra* note 152, at 138 (“A long-term legal solution to the access-to-justice crisis . . . can be found with ‘legal technicians,’ a new category of legal professional in between a paralegal and a lawyer.”); Robert Ambrogi, *Washington state moves around UPL, using legal technicians to help close the justice gap*, ABA J. (Jan. 1, 2015), https://www.abajournal.com/magazine/article/washington_state_moves_around_upl_using_legal_technicians_to_help_close_the [<https://perma.cc/676M-MKH9>] (“[W]e want some services delivered only by expensive JD-trained and bar-licensed attorneys. . . . [But, o]ur legal systems desperately need . . . non-JD legal providers who can perform simpler legal work at much lower cost and thereby fill an enormous part of the gaping legal need in this state.”).

a licensed attorney's substantive legal knowledge and practical experience, there are various issues—like completing standard forms—that could be effectively handled by competent legal paraprofessionals and at a lower cost than attorneys would be willing to charge.

VII. USING OTHER STATES AS A MODEL

The ABA has acknowledged the vital work that paralegals complete on behalf of licensed attorneys.¹⁶⁸ Other states with access to justice challenges, including Washington State, Arizona, and Utah, have implemented policies permitting those paraprofessionals who complete additional requisites to practice law in a limited scope.¹⁶⁹ These models provide valuable guidelines for Georgia to consider as it cultivates its own scheme.¹⁷⁰

A. Washington State

Washington State was the first jurisdiction in the United States to regulate and license nonlawyers to practice law in certain situations,¹⁷¹ paving the way for other states, like Arizona,¹⁷² Utah,¹⁷³ and hopefully Georgia, to close their access to justice gaps. Specifically in Washington, a Limited License Legal Technician (LLLT) is defined as a paraprofessional who is “qualified by education, training, and work experience [and] who is authorized to engage in the limited practice of

168. *Information for Lawyers: How Paralegals Can Improve Your Practice*, *supra* note 128 (“Paralegals can be a key element in that team, especially in fostering cost efficiency.”).

169. *Limited Practice Legal Professionals: A Look at Three Models*, 87 THE BAR EXAMINER (Winter 2018–2019), <https://thebarexaminer.ncbex.org/article/winter-2018-2019/limited-practice-legal-professionals-a-look-at-three-models/> [<https://perma.cc/GCZ6-FSNV>] (last visited Oct. 8, 2022) (describing the development, scope of practice, and educational requirements for limited practice legal professional programs in Utah, Washington State, and Arizona).

170. Georgia has not yet considered allowing nonlawyers to practice law in a limited scope. But, other states have considered joining the trend. *See, e.g.*, RJ Vogt, *Legal Deserts Push NM To Consider Nonlawyer Services*, L.360 (June 2, 2019, 8:02 PM), <https://www.law360.com/articles/1163712/legal-deserts-push-nm-to-consider-nonlawyer-services> [<https://perma.cc/B63J-Z9RU>].

171. BRODIE ET AL., *supra* note 66, at 698.

172. *See generally* *Legal Paraprofessional Program*, AZCOURTS, <https://www.azcourts.gov/cld/Legal-Paraprofessional> (last visited Oct. 22, 2022).

173. *See generally* *Licensed Paralegal Practitioner*, UTAH COURTS, <https://www.utcourts.gov/legal/lpp/> [<https://perma.cc/JH3D-A8VA>] (last visited Oct. 22, 2022).

law in approved practice areas of law”¹⁷⁴ Just like attorneys, LLLTs in Washington State are regulated by the Washington Supreme Court.¹⁷⁵

Being the first of its kind in the United States,¹⁷⁶ Washington State’s LLLT program received overwhelming praise.¹⁷⁷ In 2017, the National Center for State Courts and the Public Welfare Foundation conducted a “preliminary evaluation” of Washington State’s innovative program.¹⁷⁸ The evaluation concluded that the program “offers an innovative way to extend affordable legal services to a potentially large segment of the public” in addition to providing “the possibility of improving the quality of filings in court cases involving self-represented litigants”¹⁷⁹ Upon recommendation, the evaluators urged that the LLLT “program should be replicated in other states to improve access to justice. As experience is gained and its program design is optimized, affordable legal services should become widely available to those with needs in areas where the public typically must now use self-representation.”¹⁸⁰

Nevertheless, Washington’s innovative limited license program was not fashioned without opposition.¹⁸¹ Subsequently, on June 2, 2020, the

174. Wash. APR 28 (effective until Jan. 1, 2023).

175. *Id.*

176. Washington State was the first in the United States to fashion a limited license program. However, the province of Ontario in Canada has allowed paralegals to offer limited legal services since 2007. The Law Society of Upper Canada is responsible for regulating and licensing the paralegals. The Law Society found that “[c]onsumer protection has been balanced with maintaining access to justice and the public interest has thereby been protected.” Ontario Paralegal Association Admin, *Executive Summary, Excepted from the Report to the Attorney General of Ontario, Pursuant to Section 63.1 of the Law Society Act (June 2012) (Paralegal 5 Year Review)*, OPA (Oct. 15, 2019), <https://opaonline.ca/paralegal-5-year-review/> [<https://perma.cc/S8MA-Q9DP>]; MORGAN ET AL., *supra* note 137, at 675 (describing Ontario’s authorization of paralegals to practice law in a limited scope).

177. See Brooks Holland, *The Washington State Limited License Legal Technician Practice Rule: A National First in Access to Justice*, 82 MISS. L.J. 75, 128 (2013) (noting that Washington’s program was imperfect, but it offers a “well-regulated framework for enhancing access to justice meaningfully, and perhaps even equitably . . .”).

178. Thomas M. Clarke, *Preliminary Evaluation of the Washington State Limited License Legal Technician Program*, NATIONAL CENTER FOR STATE COURTS (NCSC) (2017), <https://ncsc.contentdm.oclc.org/digital/collection/accessfair/id/405> [<https://perma.cc/AQ8Q-SRFB>].

179. *Id.* at 15.

180. *Id.*; MORGAN ET AL., *supra* note 137, at 675 (“. . . one can imagine ‘legal technicians’ operating out of kiosks in shopping malls as a way to bring services to currently-underserved clients.”).

181. See Rebecca M. Donaldson, *Law by Non-Lawyers: The Limit to Limited License Legal Technicians Increasing Access to Justice*, 42 SEATTLE U. L. REV. 1, 18–41 (2018) (arguing that LLLT programs are not designed to increase access to justice for low-income demographics).

Washington Supreme Court decided to “sunset” its LLLT program only eight years after its inception.¹⁸² In effect, no new LLLT licenses may be issued after July 31, 2022.¹⁸³ The main reason for the elimination of the licensing opportunity was financial concerns.¹⁸⁴ Chief Justice Debra L. Stephens of Washington’s high court formally announced the decision to conclude the program in a letter, stating that “after careful consideration of the overall costs of sustaining the program and the small number of interested individuals, a majority of the court determined that the LLLT program is not an effective way to meet these needs, and voted to sunset the program.”¹⁸⁵

Even though she made the formal announcement to sunset the program, Chief Justice Stephens ultimately disagreed with the decision.¹⁸⁶ Likewise, Justice Barbara Madsen dissented from the decision.¹⁸⁷ In a separate letter, Justice Madsen wrote that the elimination of the program, “which was created to address access to justice across income and race, is a step backward in this critical work. It is not the time for closing the doors to justice but, instead, for opening them wider.”¹⁸⁸ Despite the recent sunset of the program, since its

182. As of May 2022, there were less than forty active LLLTs in the state. That same month, the Washington bar reported that its direct and indirect costs of administering the license surpassed the revenue it created by nearly 1.4 million dollars. Lyle Moran, *Washington Supreme Court sunsets limited license program for nonlawyers*, ABA J. (June 8, 2020), <https://www.abajournal.com/news/article/washington-supreme-court-decides-to-sunset-pioneering-limited-license-program> [<https://perma.cc/A7QY-TLXX>].

183. *Id.*

184. *Id.*

185. Letter from Debra L. Stephens, Chief Justice of the Washington State Supreme Court, to Stephen R. Crossland, Chair of the Limited License Legal Technician Board, Terra Nevitt, Interim Executive Director of the Washington State Bar Association, and Rajeev Majumdar, President of the Washington State Bar Association (June 5, 2020), https://www.abajournal.com/files/Stephens_LLLT_letter.pdf [<https://perma.cc/YP65-Y7LG>].

186. *See* Moran, *supra* note 182.

187. Moran, *supra* note 182.

188. Letter from Justice Barbara A. Madsen of the Washington State Supreme Court, to Stephen R. Crossland, Chair of the Limited License Legal Technician Board, Terra Nevitt, Interim Executive Director of the Washington State Bar Association, and Rajeev Majumdar, President of the Washington State Bar Association (June 5, 2020), https://www.abajournal.com/files/Madsen_Dissent.pdf [<https://perma.cc/5WM9-MTD3>]. In her passionate dissent, Justice Madsen continued to critique the process by which the LLLT program was eliminated: “[T]he court sua sponte ended a completely viable licensing category that the public can draw on. There was no process. No questions. No comments. The public was not consulted. This is not how an institution should go about changing or dismantling such a bold initiative.” To emphasize the disservice of the LLLT program’s eradication, she continues to critique the “hollow” rationale for ending the program: “In no

establishment in June 2012, Washington's LLLT program has received many accolades,¹⁸⁹ and other states have recognized its potential to make justice more accessible for all.¹⁹⁰

Before the program was effectively shut down, becoming an LLLT in Washington required three qualifications: (1) an associate degree, or a higher degree, in any subject, (2) forty-five credits of legal studies courses taken at an ABA-approved or LLLT Board-approved paralegal program, and (3) the LLLT Family Law Curriculum which ensured the LLLT applicant knew the subject matter. LLLT candidates also must have passed three exams: the Paralegal Core Competency Exam, the LLLT Practice Area Exam administered by the Washington State Bar Association, and the LLLT Professional Responsibility Exam, which the Washington State Bar Association administered. Additionally, LLLTs were required to receive 3,000 hours of legal experience as a paralegal or legal assistants before qualifying for certification.¹⁹¹

LLLTs in Washington may provide legal advice, consult with clients, assist clients in maneuvering the court system, and complete documents required by the courts.¹⁹² Initially, LLLTs were not allowed to appear in court, negotiate on behalf of their client, or communicate with opposing counsel.¹⁹³ However, in the best interest of the LLLT, clients, and the Court, a subsequent amendment to APR 28 authorized LLLTs to perform those roles.¹⁹⁴ In providing those services in a limited context, LLLTs are subject to the LLLT Rules of Professional Conduct (LLLT RPC).¹⁹⁵

LLLTs in Washington State are only allowed to help clients in family law.¹⁹⁶ For years, critics called for the expansion of the LLLT program, advocating for the permittance of additional practice areas.¹⁹⁷ Those

other professional area would a regulated license be so summarily erased with so little thought given to those who will be most affected." *Id.* at 3.

189. See *Surprising Success*, *supra* note 153, at 12–14.

190. Even though Washington State's program has been effectively shut down, other states have decided to implement similar programs, but addressing the challenges faced by the Washington State program. *Surprising Success*, *supra* note 153, at 22–26 (explaining challenges and opposition to the LLLT program).

191. *Surprising Success*, *supra* note 153, at 7. The experiential requirement was ultimately reduced from 3,000 hours to 1,500 hours, with a waiver available for paralegals who are highly-experienced. *SURPRISING SUCCESS*, *supra* note 153, at 7.

192. *Surprising Success*, *supra* note 153, at 8.

193. *Surprising Success*, *supra* note 153, at 8.

194. *Surprising Success*, *supra* note 153, at 8.

195. WASH. R. LIM. LIC. LEG. TECH. PRO. COND.

196. BRODIE ET AL., *supra* note 66, at 698 (describing Washington's LLLT program and the controversy that the program raised).

197. See *Surprising Success*, *supra* note 153, at 24 ("While not unique to family law, designating a single practice area could make building a sustainable LLLT practice

efforts were fruitless,¹⁹⁸ and many argue that the decline to expand the program contributed to its demise.¹⁹⁹ In light of the decision to sunset the program, there will not be an expansion of this program. However, other states with similar license programs have increased the practice areas in which their equivalent of LLLTs are permitted to practice, and Georgia should do the same.

B. Arizona

Like Washington State, Arizona allows a Limited License Legal Practitioner, renamed the Legal Paraprofessional (LP), that enables nonlawyers to practice law in a restricted scope.²⁰⁰ Just as attorneys, LPs in Arizona are regulated by the State Bar of Arizona.²⁰¹ And, similar to all attorneys and the equivalent of LPs in other states, LPs in Arizona must follow an ethical code.²⁰² To become an LP, candidates may either take the education-based path²⁰³ or the experience-based approach.²⁰⁴

In addition to other certification requirements, LPs in Arizona must pass an exam in each area they seek to practice.²⁰⁵ Those areas are limited to family law, limited jurisdiction civil cases, some limited jurisdiction criminal cases, and state administrative law (with permission from the agency).²⁰⁶ Within those areas of law, LPs are allowed to complete legal documents for their clients, provide legal advice regarding a client's legal rights, remedies, and options, appear before a court or a tribunal, and negotiate on behalf of a client in a limited number of situations.²⁰⁷

challenging. This is particularly true in rural areas However, other LLLTs working in rural or semi-rural counties reported turning away clients due to high caseloads.”)

198. Proposals to expand the LLLT program to include elder law and health law were rejected in 2017. Likewise, proposals to expand the program to include state administrative law, eviction, and debt matters were denied in 2020. *Surprising Success*, *supra* note 153, at 24.

199. With just a single practice area (family law), the LLLT program was deemed “convoluted and arbitrary.” *Surprising Success*, *supra* note 153, at 24.

200. Arizona Code of Judicial Administration (ACJA) § 7-210(J) (2020). The scope of authorized practice is outlined in § 7-210(F).

201. *Id.* at § 7-210(E).

202. *Id.* at § 7-210(J).

203. *Id.* at § 7-210(E)(3)(b)(9).

204. *Id.* at § 7-210(E)(3)(c).

205. *Legal Paraprofessionals (LP) Questions & Answers*, AZCOURTS, <https://www.azcourts.gov/accesstolegalservices/Questions-and-Answers/lp> [<https://perma.cc/5LLC-CJEB>] (last visited Oct. 22, 2022).

206. *Id.*

207. *Id.*

Notably, Arizona's LP program is more expansive than its predecessor in Washington State because it allows program participants to perform more duties and assume more responsibilities in more areas of law. Arizona's program attracts participants and funding more easily by allowing its paraprofessionals to serve clients in a broader range of practice areas. If Georgia were to adopt a program allowing limited licensure of legal paraprofessionals, it would be pertinent that Georgia offered a wide range of practice areas instead of restricting the legal technicians to merely family law.

C. Utah

The Licensed Paralegal Practitioner (LPP) program created by the Utah Supreme Court and the Utah State Bar allows an LPP to assist clients in a limited number of practice areas.²⁰⁸ Those areas include family law matters (specifically, temporary separation, parentage, civil stalking, custody and support, cohabitant abuse, and divorce), landlord-tenant matters, and debt collection matters when the amount in controversy falls below the statutory limit of \$11,000.²⁰⁹ LPPs may open their own firms, use the courts' e-filing systems, enter contractual relationships with natural people, interview clients, own a non-controlling equity interest in a law firm with licensed attorneys, review documents, inform, counsel, assist, and advocate for clients. But LPPs may not appear in court, conduct discovery, or charge contingency fees.²¹⁰

In Utah, LPPs must have either a law degree from an ABA-accredited law school, an Associate degree in paralegal studies, a Bachelor's degree in paralegal studies, a Master's degree in legal studies, or a paralegal certificate (or fifteen hours of paralegal studies) and a bachelor's degree in any subject. Additionally, LPPs in Utah must complete 1,500 hours of legal experience, including 500 hours of experience in family law if the LPP applicant wants to practice in that area, or one hundred hours of experience in debt collection if the LPP applicant intends to practice in that area. Other requirements include a passing score on a paraprofessional ethics exam and a Licensed Paralegal Practitioner Examination in each area the LPP seeks to practice. Like in other states where paraprofessionals may practice law, the Utah Supreme Court imposes ethical standards like those governing attorneys. The Utah State

208. Utah Code of Judicial Administration (UCJA) Rule 14-802 (2022).

209. *Id.* at 14-802(c).

210. *See Licensed Paralegal Practitioner*, *supra* note 173.

Bar may prosecute complaints against LPPs and, if necessary, discipline the LPPs.²¹¹

Again, unlike Washington State's program, Utah's LPP program allows its participants to practice in more areas than one. If Georgia adopted a similar program, though the legal tasks may be limited within the designated practice areas, it would be imperative to allow limited licensees to operate within multiple areas. Interestingly, Utah's LPP program allows the Utah State Bar to waive several of the minimal educational requirements for candidates who have completed seven years (within the last ten years) of full-time law-related experience as a paralegal, which likely increases interest by reducing the barrier to enter the program.²¹² It is imperative that Georgia provide multiple opportunities for paraprofessionals with a wide-range of professional and educational backgrounds to join the program to ensure continued interest and encourage self-sufficiency.

VIII. RECOMMENDATIONS FOR GEORGIA

It would be impossible to allow paralegals to practice law, even in a limited scope, without amending current ethical regulations. Several simple changes would need to be made, including the addition of language indicating the inclusion of paralegals. Alternatively, Georgia could add an entirely separate provision outlining a licensed paraprofessional's express duties and limitations. Whether the solution demands adding an altogether new provision or simply redefining who may be authorized to practice law, amending Georgia's ethical rules is imperative if legal paraprofessionals or certified paralegals should be granted a limited license to practice law in Georgia.²¹³

211. *Licensed Paralegal Practitioner*, *supra* note 173.

212. *Licensed Paralegal Practitioner*, *supra* note 173. ("In a recent survey . . . more than 200 paralegals expressed an interest in getting licensed as an LPP. The majority were interested in establishing an LPP practice within a law firm, while about a third were interested in starting an independent LPP firm.")

213. Particularly in Georgia, paralegals are very restricted in the actions they may perform. However, in other states, paralegals may complete specific tasks without implementing an LPP, LP, or LLLT program. For example, in many states, an attorney is not always required to perform real estate closings. Kate Van Pelt, *Some States Require a Real Estate Attorney at Closing – Does Yours?*, HOMELIGHT (Apr. 30, 2021), <https://www.homelight.com/blog/states-that-require-real-estate-attorney-at-closing/> [<https://perma.cc/5BPA-3RGN>] (last visited Oct. 9, 2022) (noting the nuances of state laws concerning the requirement of licensed attorneys at real estate closings). In states where an attorney is not required to complete all closing documents or appear at the closing, depending on the jurisdiction, an escrow title company, a real estate agent, or a settlement agent may handle closing responsibilities for a witness-only closing. This is not the case in Georgia, where a licensed attorney must perform the real estate closing and exercise control

Using other states as a model, Georgia should create an exception in its Rules of Professional Conduct to allow qualified nonlawyers to practice law in a limited scope. In doing so, Georgia must recognize that a revolutionary program such as this may not take-off immediately. Rather, the development of this program may take several years to gain momentum, especially considering the considerable push-back regarding concerns of competency and competition within the legal field. To further the desirable goal of being a self-sufficient program, an agenda like this would need participants. It would be easier to attract paralegals if Georgia implemented a waiver like Utah's in which some educational requirements are waived for experienced paralegals who seek a limited license.

Additionally, Georgia should also pursue funding from sources outside the state bar association, such as grants. Washington State's LLLT program was insufficient, and though the LLLT program used less than \$200,000 per year, critics alleged that the program drained too much of the Washington State Bar Association's budget.²¹⁴ Regardless of where the money derives, rule-makers should recognize that starting this program will require some financial support from the state bar association, especially before it is self-sustainable. The financial support will likely reap benefits particularly in rural communities where legal deserts are profuse.

IX. LEGAL REPRESENTATION SHOULD BE ACCESSIBLE TO ALL

The accumulation of attorneys in urban areas and the deterrence of attorneys from rural communities—whether because of financial decisions or cultural challenges—leaves rural America without sufficient legal representation, thus creating legal deserts. Institutions and attorneys have joined forces to reduce the detrimental effects of legal deserts by employing a variety of resolutions. Still, one challenge remains: recruiting lawyers to rural America and keeping them.

Begging attorneys to practice law in geographical areas, with seemingly few opportunities and longstanding negative stereotypes, is

over the closing process from beginning to end. State Bar of Ga. Formal Advisory Op. 00-3 (2000). Even if Georgia does not adopt a variation of a limited licensure program for paralegals, Georgia may still consider allowing nonlawyers to conduct procedures in a limited scope, such as real estate closings.

214. See *Surprising Success*, *supra* note 153, at 31. Even though the LLLT program was harshly criticized for its expense between 2013 and 2019, the reality is that the program was limited so that it could not become self-sufficient. Despite attempts to attract more paralegals by reducing the requirements for experienced paralegals and expanding the scope of practice areas allowed, the program's growth-potential was effectively starved from the outset.

not working. An examination of data concerning poverty in Georgia, high numbers of *pro se* litigants, and the proportionally-lower number of attorneys in rural counties are all evidence of insufficient efforts. Even more, the barrier to enter the legal field is too high for many individuals in rural areas to acquire a law degree or for law students with massive amounts of student debt to return to rural areas.

To ensure a longstanding solution that is community-focused and effective, Georgia courts and legislature should consider allowing paralegals to practice law in a limited scope. Amending the law by carving an exception to Georgia's Rules of Professional Conduct means that the rule would no longer serve as a barrier to entering the legal field. By remolding its ethical standards and allowing paralegals to gain limited licenses to practice law, Georgia could fashion a legal system that accommodates the holistic needs of rural citizens without surrendering the ethical standards that guide attorneys. Stated differently, if the barrier to entering the legal field is less stringent, rural communities within legal deserts would have a greater chance of providing competent legal representation where needed.

Individuals living in rural and remote communities may seem few and far between.²¹⁵ Nevertheless, they exist, and they deserve legal representation. The cultural and societal implications of insufficient legal representation will not cease until laws and policies embrace the potential for increased representation of rural communities within the legal field. "Just as we no longer permit discrimination on the basis of race or gender, we can no longer tolerate widespread social—and legally-sanctioned—discrimination against rural dwellers."²¹⁶ The issue of inadequate legal representation—much like the underlying social and political trend of ignoring rural America—will not resolve on its own.

215. Lisa R. Pruitt, *Place Matters: Domestic Violence and Rural Difference*, 23 WIS. J. OF L., GENDER & SOC. 346, n. 55 (2008) ("Rural residents' physical isolation from centers of power helps explain their virtual invisibility to legal actors, the political arena, and, indeed, to broader society.") (referencing Lisa R. Pruitt, *Toward a Feminist Theory of the Rural*, 2007 UTAH L. REV. 421 (2007)).

216. Debra Lyn Bassett, *Ruralism*, 88 IOWA L. REV. 273, 342 (2003). See also Lisa R. Pruitt, *The Women Feminism Forgot: Rural and Working-Class White Women in the Era of Trump*, 49 TOLEDO L. REV. 537, 543 (2018) ("Rural people and places have been (and largely remain) awfully easy to overlook as we rush pell-mell through the second decade of a highly urban-centric 21st century.").