



# Rural Population Research Network

A USDA supported multi-state research project on the causes and consequences of demographic change in rural America

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Brief: 2025-2

## Identifying and Understanding Rural Legal Deserts to Inform Public Policy

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Legal scholars and social scientists in the United States have become increasingly interested in rural legal deserts, or places that lack a sufficient number of attorneys.<sup>1</sup> The loss of legal services is often associated with rural population loss and decline in local services.<sup>2</sup> This issue is important because the legal system only works when people have legal representation to assert their rights or to seek redress.<sup>3</sup> Rural people living in legal deserts may be at greater risk of wrongful incarceration, financial distress, or physical harm. For example, a lack of criminal defense attorneys may put rural people at risk of wrongful conviction or longer sentences. A lack of personal injury lawyers to pursue workers' compensation or disability claims increases the risk of poor health and poverty. A lack of family law attorneys to settle divorce and child custody and support cases puts rural women and children at risk of physical and financial harm. There is a need to identify and describe rural legal deserts to better inform policy.

We first identify legal deserts by applying statistical classification techniques to lawyer gap rates to group 2,307 non-metropolitan counties into seven classes. Lawyer gap rates are calculated as local demand for lawyers minus the local supply, using employment in private practice law offices from the U.S. Census Bureau. Local demand is the average lawyer rate for the county's rural-urban continuum code (RUCC). Our research answers the following questions: *What is the threshold to qualify as a legal desert? Are there different types of legal deserts? How many exist and where are they located?* Next, we describe the demographic, economic, and social characteristics of legal deserts. This answers the question: *Are legal deserts also marginalized or disadvantaged places?* Finally,

### KEY FINDINGS

- There is no single definition of a legal desert, rather there are several types of legal deserts based on the severity of lawyer shortages.
- Over half of non-metro counties fall into a legal desert, but most are concentrated in a few states in the American West and South.
- Legal deserts are more distant, disconnected, diverse, and disadvantaged. Current programs to address lawyer shortages are not designed to address these disadvantages, limiting their use.
- We recommend licensed legal paraprofessionals as a solution. LLPs are licensed by the state bar to provide legal services in specific areas, often in court, without direct supervision from an attorney.

we critically review, and offer recommendations to improve, existing public policies to address lawyer shortages in rural areas. This answers the questions: *Do lawyer assistance programs take into account socioeconomic disadvantages in the community? What policies are likely to work best in legal deserts?*

### There is no binary definition of a legal desert, it falls along a continuum

*Critical legal deserts* have the most severe attorney shortages in non-metropolitan America, with 8.2 fewer lawyers per 10,000 residents than what is needed in the county. This affects 11% (n=253) of rural counties in the U.S. In *urgent legal deserts* the lawyer gap is slightly smaller, albeit still large, at 5.6 fewer lawyers per 10,000. This occurs in 18% (n=413) of rural counties. We also identify a group of *emerging legal deserts* where modest lawyer shortages (2.9 fewer lawyers per 10,000) may worsen without state and local interventions. This emerging group accounts for 22.5% or 518 rural counties. On the other hand, we also find that not all of rural America suffers from an attorney shortage. In fact, 17% of counties have a *high legal presence* with a large surplus of lawyers relative to need. Refer to figure 1.

### The American Bar Association’s definition of legal deserts is too high

The American Bar Association (ABA) threshold<sup>4</sup> of one lawyer per 1,000 residents matches our average legal class (see figure 1). This is insufficient to identify the severity of legal deserts. For example, rates are only 0.2 lawyers per 1,000 for critical legal deserts, 0.3 for urgent ones, and 0.6 for emerging deserts. Using the higher ABA rate not only overstates the problem by including counties that do not have a severe lawyer shortage, but will likely result in limited resources not being directed to communities with a demonstrated need for legal services. We recommend *lowering the ABA threshold from 1.0 to 0.5 lawyers per 1,000 residents*. Further, ABA data has limitations because it includes trained lawyers who are not in private practice and are therefore generally unavailable for hire by the public.<sup>4</sup>

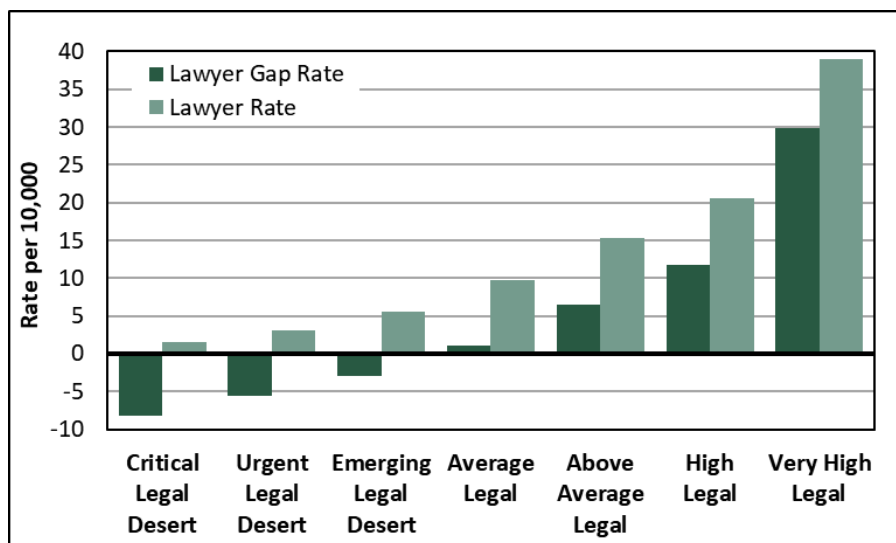
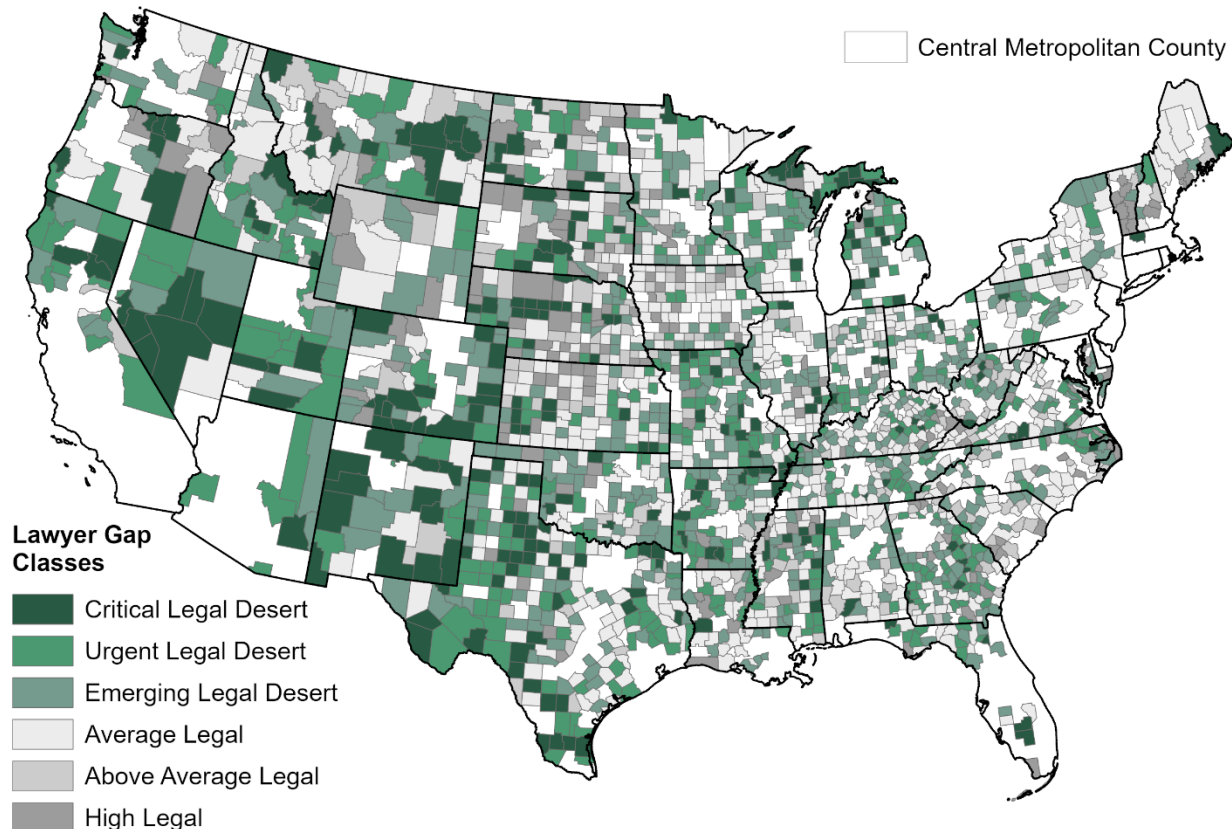


Figure 1. Lawyer Gap and Lawyer Rates per 10,000 by Legal Classes for Non-Metro Counties  
*Data Source: Analysis of 2022 County Business Patterns (NAICS 54111), U.S. Census*

### Over half of non-metro counties fall into a legal desert, but they are concentrated in a few states in the American West and South

Over half of non-metro counties fall into one of our three legal desert classes. Of that number, about 30% are critical and urgent legal deserts that are most in need of policy interventions. However, as shown in figure 2, these counties are spatially concentrated in a few states. Legal deserts are disproportionately located in the western and southwestern

states of Arizona, California, Nevada, New Mexico, Texas, and Utah. Lawyer gaps also occur in the Midwest in Michigan and Missouri; and the South in Florida and Georgia. We recommend that regional policies and programs be developed to consider the unique circumstances and cultures of these areas. This could be accomplished by encouraging USDA’s Regional Rural Development Centers to develop and coordinate programs to address legal shortages in rural communities.



**Figure 2. Lawyer Gap Classes for Non-Metro Counties**

*Data Source: Analysis of 2022 County Business Patterns (NAICS 54111), U.S. Census*

**Legal deserts are more distant, disconnected, diverse, and disadvantaged — limiting the effectiveness of current programs to address lawyer shortages**

We find that legal deserts are distant, disconnected, diverse, and disadvantaged—but not poor or housing insecure. This limits the use of mobile legal clinics and tele-legal services. It also means lawyers and law students in fellowship or externship programs must have proper language and cultural competencies to be effective. Legal deserts tend to have small populations spread across large counties with few interstates. Remoteness also means households have less access to high-speed broadband internet services. Legal deserts have larger shares of persons of color, especially Latinos, many of whom are non-native English speakers and some who can only speak limited English. Many are not U.S. citizens in critical legal deserts. Many residents have not completed high school, and there are many who have never attended high school. There are high rates of disability in rural legal deserts and many lack health insurance, even public programs like Medicaid or Medicare. Relatedly, people in legal deserts work in industries with some of the highest rates of workplace injuries, particularly agriculture, transportation, utilities, and mining.

**Lawyers in legal deserts earn about the same as other rural lawyers**

Lawyers in legal deserts earn about the same as lawyers in other non-metro counties, counter to existing research showing a wage gap. In terms of policy, this means rural

attorney recruitment and loan repayment programs may not be as effective as people believe, as the pay differential is minimal. We recommend that future research and policy identify all barriers to practicing law in rural areas, not just financial ones.

## We recommend licensed legal paraprofessionals as a solution

Based on our review of existing policies to address legal needs in rural areas, we recommend licensed legal paraprofessional programs (LLPs) as a long-term solution. LLPs are licensed by a state's bar or court to provide legal services in specific areas, often in court, without requiring direct supervision from an attorney. They can address the most common legal questions and proceedings locally, with more complex issues referred to an attorney in a nearby county. The time and cost of becoming an LLP is small compared to becoming a lawyer, reducing the need to earn a high salary to pay off student loan debt, a major challenge for many rural attorneys. Potential LLPs could be recruited from within legal desert communities, where they are more likely to stay long-term due to social and family connections. Further, local LLPs have existing social networks to build trust among clients, they understand the local culture and community issues, and they may have needed language skills. These are advantages that an outside attorney would be hard-pressed to overcome in the near-term.

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### Data and Methods

Non-metropolitan counties are those not part of a central metropolitan using 2013 Core Based Statistical Area in the 48 conterminous U.S. Refer to "Understanding Rural Legal Deserts to Inform Public Policy." *South Dakota Law Review* 70(2) for more information <https://doi.org/10.70657/SDLR.V70.I2.253>

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The Rural Population Research Network is a USDA NIFA supported network of scholars who conduct research on the most pressing demographic, economic, social, and environmental challenges faced by rural communities in the United States. Our current project (2022-2027) is titled "W5001: Rural Population Change and Adaptation in the Context of Health, Economic, and Environmental Shocks and Stressors." <https://nimss.org/projects/18897>.