

Oregon State Bar

Rural Practice Project Survey

Executive Summary

Oregon New Lawyers Division

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2023 ONLD Chairperson

TABLE OF CONTENTS

Background	3
Survey Parameters	3
Highlighted Survey Responses	4
Continued Participation from Rural Practitioners	8

I. BACKGROUND

In late 2022, then Chief Justice of the Oregon Supreme Court Martha Walters and Oregon State Bar President Kamron Graham tasked the Oregon New Lawyers Division (ONLD) with taking some initial steps to determine how both the ONLD and the Oregon State Bar (OSB) can better support rural practitioners.

At the 2023 Retreat, held on January 7 in Astoria, the ONLD held a generative discussion on this issue. Special guests in attendance included Chief Justice Meagan Flynn, OSB President Lee Ann Donaldson, OSB Past-President Kamron Graham, OSB President-Elect David Rosen, OSB CEO Helen Hirschbiel, OSB Chief Access to Justice Officer Keren Farkas, OSB Chief Equity and Professional Development Officer Karen Lee, former ONLD Chair Jennifer Nicholls, and OAAP Director Kyra Hazilla.

The ONLD formed a joint ATJ/Student Outreach Rural Project Work Group to move forward on this issue. As the first order of business, the Rural Project Work Group decided to survey rural practitioners to learn more about issues facing them in the recruitment and retention of lawyers.

As 2023 OSB President Lee Ann Donaldson and ONLD Chair Sean Pank stated in the introduction to the Rural Practice Project Survey:

The leadership of the Oregon State Bar is well aware that rural practitioners and rural communities face far different challenges than the more urban parts of the state. The bar is committed to working with rural practitioners to come up with ideas that address some of those challenges. The Oregon New Lawyers Division (ONLD) is taking the lead on the first steps, on behalf of the Board of Governors (BOG). They'd like your help in understanding the advantages and challenges you find in your practice and the community where you live. To accomplish this, we invite you to share your thoughts to assist in identifying the issues and to help leadership understand a range of perspectives.

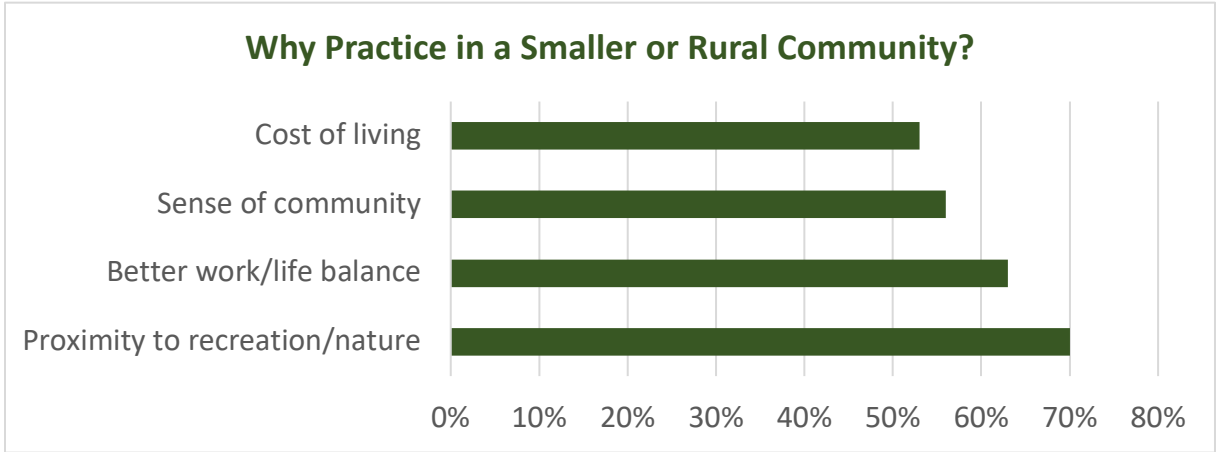
II. SURVEY PARAMETERS

The survey was sent to all attorneys practicing in counties which Oregon Bureau of Labor & Industries considers "non-urban" for minimum wage purposes. This included 18 counties which totaled 507 active, inactive and retired OSB members. One-hundred forty-seven people responded, a 29% response rate.

Participants were given ample opportunities to provide open-ended comments, in addition to selecting responses from a list of provided options. Forty-one attorneys had more to say about the difficulty of hiring new attorneys, and 29 had additional comments regarding rural practice, generally. Highlights of the survey responses follow.

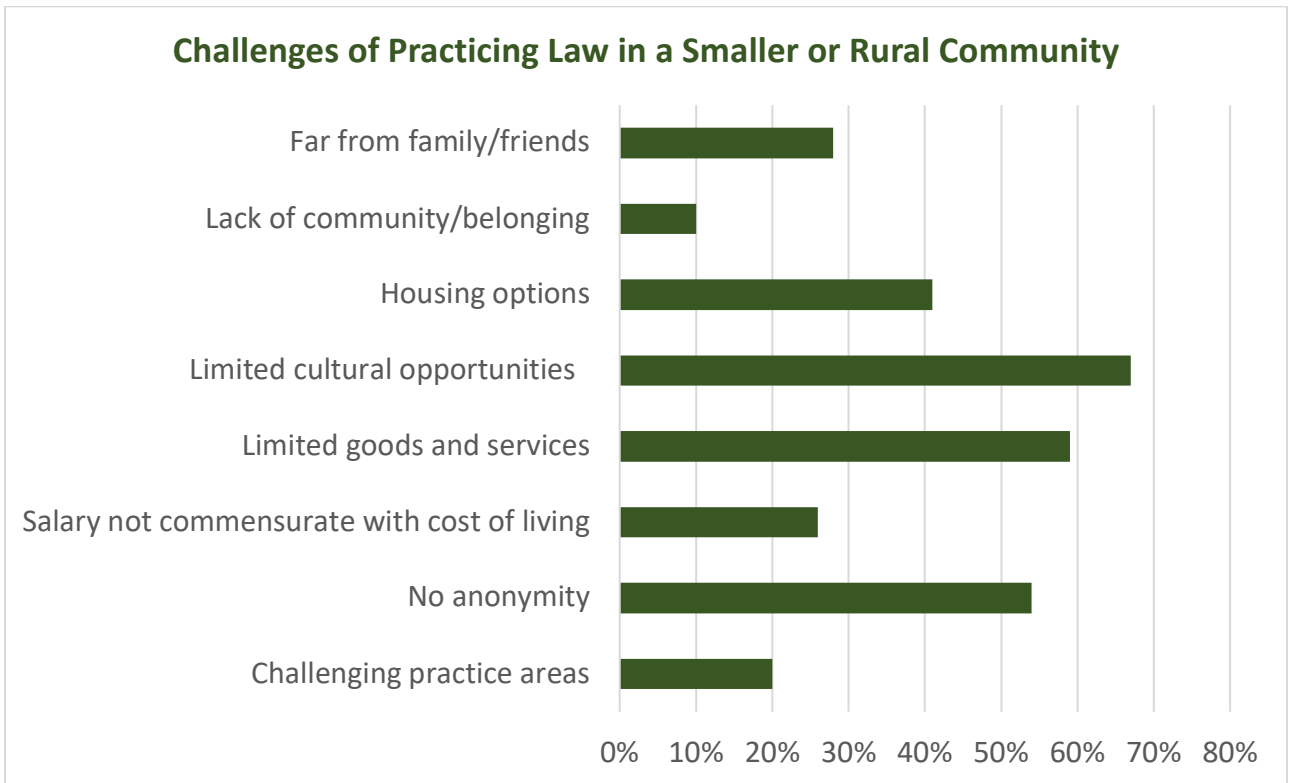
III. HIGHLIGHTED SURVEY RESPONSES

A majority of practitioners had good things to say about practicing in a rural environment.



Respondents often mentioned traffic/parking/ease of getting to work as additional benefits of rural practice, along with opportunities to get involved in community life.

As for challenges, there are many.



Difficulties mentioned specifically by practitioners were more broadly ranging than benefits. Some comments include, “Very few bar activities,” “Fewer people can pay for the full cost of your services, but LOTS of people need those services,” and “conflict of interest is constant due to small pool of clients, lack of viable staffing options, technical resources.”

Rural practitioners expressed concern about an insufficient number of attorneys to support full access to justice. They also disclosed that fewer clients are being served.

Turning Away Clients

Nearly 2/3 of lawyers turned away more clients in the past five years, compared to earlier in their practice.

Nearly 2/3 of lawyers know that clients they've turned away have been less likely to find representation.

Lawyers expressed concern and pessimism about their ability to retire: “I will try to bring in someone to take over the practice. It is just difficult to interest young lawyers in this type of practice.” “I will retire and try to sell my practice. That is challenging because I have to find someone who wants to be in a small town.” “I will be forced to die at my desk.”

Retirement

Nearly half of respondents (48%) have 20+ years of experience.

One-third of respondents hope to retire in the next five years.

Of those who plan to retire, nearly 1/3 plan to close their practice, though approximately half would rather not close.

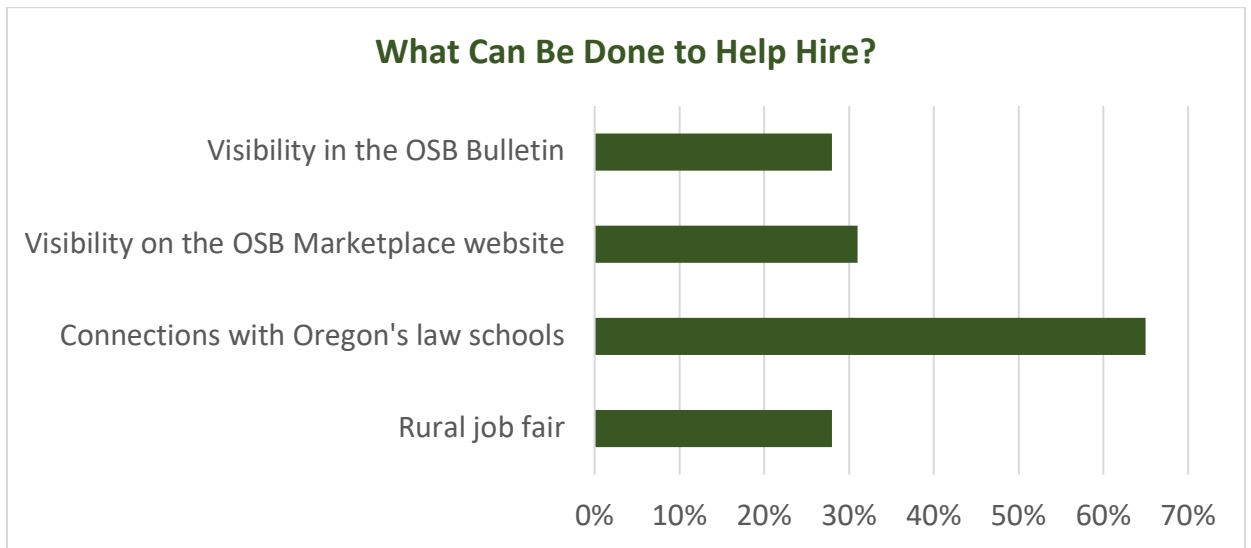
Practitioners hoping to hire new attorneys have many tools at their disposal but need more help. Some remain pessimistic about recruitment potential and, even more so, about retention of new lawyers: “Part of the problem with hiring is retaining attorneys. They work here for a year or two to get experience while they wait to move back to the larger areas.”

Hiring

Over half (58%) have needed to hire for their practice in the last seven years.

Nearly half (40%) could not fill the position.

For open positions, nearly 80% said it had been open for over a year.



While there were many individual comments on the challenges of hiring new attorneys in rural areas, many of the comments fell into similar areas.

Open-Ended Responses on Hiring

Some had success hiring graduates who grew up in Eastern Oregon.

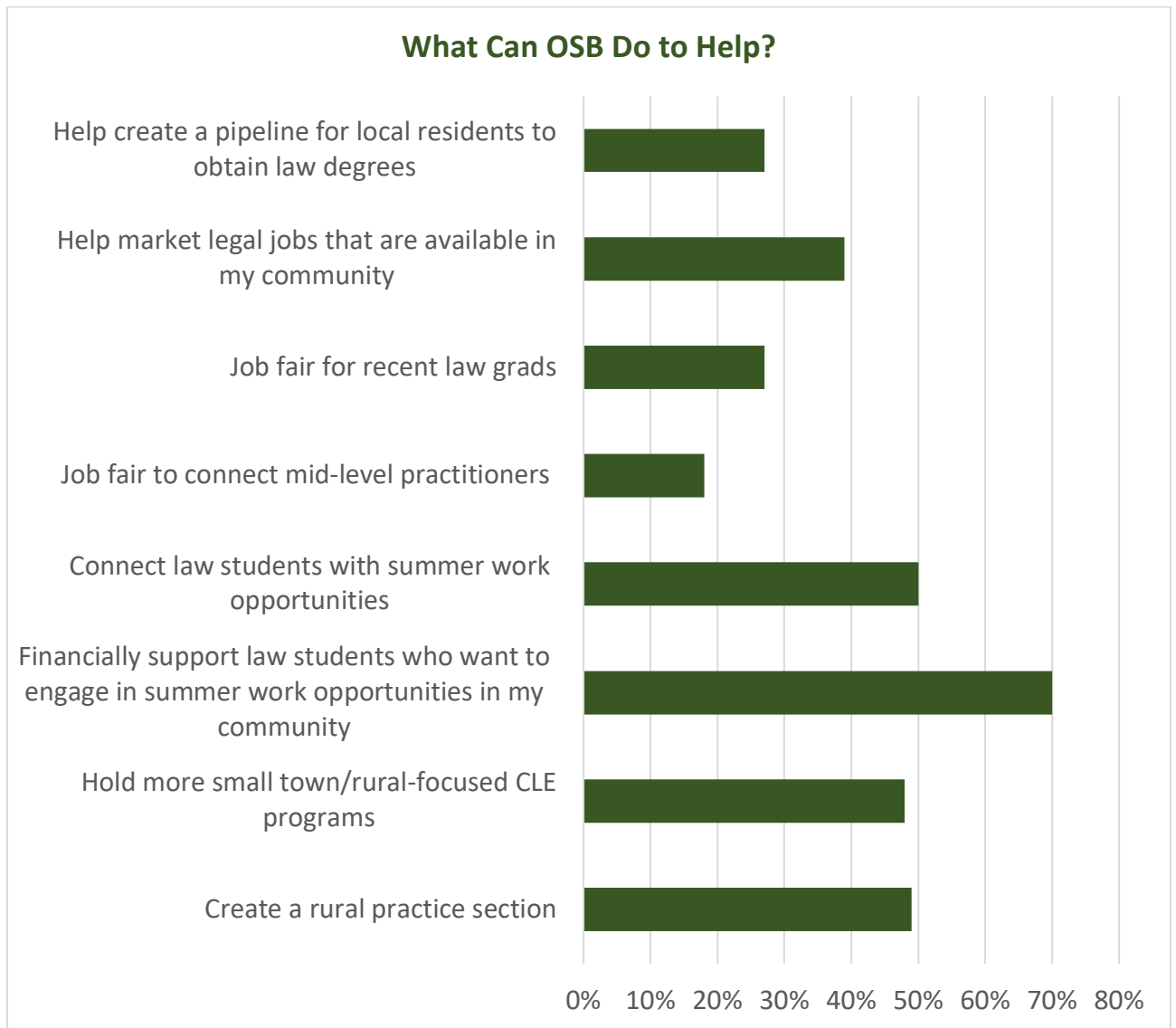
Hard to find someone who wants to live in a small town.

Challenging to hire a new lawyer and watch them leave after a couple of years.

Loan forgiveness and other financial incentives would help.

Remote appearances would help.

Respondents had opinions on what the OSB can do to assist rural practitioners hire new lawyers.



Twenty-six practitioners had specific input on how the OSB/ONLD could assist rural practitioners. Financial incentives/loan forgiveness were frequently mentioned. One practitioner reminded us that rural practitioners come from various places with various needs:

We are not all one "rural" area. What happens in northeast Oregon is dramatically different from south central Oregon. Too many "rural" representatives that supposedly represent my interests I have never met or heard of before.

Twenty-nine practitioners responded to the request for further comments. There was much said about the need for more practitioners and more access to justice for rural residents. Most of the comments were thoughtful and sincere, and indicated an interest in working with the

OSB/ONLD to develop strategies to increase access to justice, increase recruitment of attorneys to their part of the state, and increase retention of attorneys, once they have begun a new practice there.

IV. CONTINUED PARTICIPATION FROM RURAL PRACTITIONERS

Of the 147 people who responded, 41 indicated an interest in helping with future work — whether serving on a task force, speaking with the ONLD about rural practice, or joining a committee or some other assistance. This shows high engagement in, and support of, the project by the impacted practitioners.

If you have any comments or questions about the survey, please contact Cathy Petrecca, OSB Member Services Manager at cpetrecca@osbar.org or onld@osbar.org.



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