

A Proposal to Establish The National Rural Justice Center

Introduction

Data from the 2000 Census and other sources reveal a stark picture of rural poverty. Rural counties with poverty rates above the national average outnumber urban counties almost 5 to 1. Of the 500 poorest counties in the country, 459 are rural, and of the 500 lowest per capita income counties, 481 are rural.¹ The Rural Poverty Research Institute (RUPRI) notes that poverty falls disproportionately on rural residents and areas—and it is getting worse.² The RUPRI Report concludes that solutions to rural poverty must be long term and must increase the capacity of rural communities to build human, social, physical, and economic capital.³ Unfortunately, the resources necessary to increase capacity, such as transportation, jobs, development capital, government and social service infrastructure, are scarce in rural communities. So are the resources necessary to provide basic access to legal services for the rural poor.

Nationally a major source of funding for legal services to the poor is the Legal Services Corporation (LSC). The LSC appropriation is required to be distributed on a per capita basis without regard to geographic size of service area, despite the increased costs associated with serving a rural service area.⁴ Another major source of funding, pooled interest on lawyers' trust accounts (IOLTA), is significantly smaller in predominately rural states with fewer lawyers. Resource development in rural areas is also problematic. Raising general operating funds in rural areas, such as individual contributions and United Way grants, does not produce significant revenue. Access to legal services is further exacerbated in rural areas because there are fewer volunteer lawyers. The American Bar Association (ABA) Center for Pro Bono, with funding from the Open Society Institute, implemented a Rural Pro Bono Project in recognition of the critical shortage of lawyers in rural communities.⁵ An ABA survey found that only 20 percent of lawyers practiced in areas with populations of less than 50,000.

At the same time, we know from experience over the last thirty-five years that access to legal services is effective at addressing many of the needs of rural families and communities. Timely legal assistance can address the immediate needs of individuals and families--such as freedom from violence, homelessness, and hunger. Legal

¹ "A RUPRI Data Report—Rural Poverty and Rural-Urban Income Gaps: A Troubling Snapshot of the 'Prosperous' 1990s" (P2002-5) (July 3, 2002), www.rupri.org.

² *Id.*

³ *Id.*

⁴ Those costs include maintaining more offices; travel; toll free telephone service, increased interconnectivity and technology expenses, and the need for specialized training to address rural economic development issues.

⁵ See, Parins, Claire, "Presence and Partnerships: Delivering Pro Bono Legal Services in Rural Communities," *Clearinghouse Review Journal of Poverty Law and Policy* (March-April 2002), pp. 743-758.

assistance is also a critical component of rural economic development. Often, one of the key reasons that rural communities are not able to develop the infrastructure they need is the lack of a strong and viable non-profit network that can bring resources into the local community. This lack of capacity directly contributes to reduced services, reduced infrastructure development and a lower quality of life. To develop the capacity for sustainable development, rural non-profits need access to legal counsel.

The high incidence of poverty in rural communities, the lack of resources for rural legal services, and the proven effectiveness of those services requires a strong national voice to advocate for increased access to legal services in rural America.

The Need for a National Rural Justice Center

LSC sponsored a symposium on rural issues and delivery in Nebraska City, Nebraska from October 31 to November 2, 2002. That Symposium brought together a small group of “national thinkers,” including service providers and their clients from LSC-funded and non LSC funded programs. Invitees included those with rural pro bono, minority and family farmer advocacy, Native American and migrant worker expertise, clients, stakeholders from the courts and academic and policy institutions focused on rural poverty issues.

The Symposium was intended to help identify the most critical issues faced by programs that deliver legal services in rural areas and to identify existing or potential solutions.⁶ The Symposium also sought to start a process that would result in the replication of successful and promising innovations in rural delivery. This desired outcome is shared with the ABA Rural pro Bono Project’s aim to promote a restructuring of rural pro bono delivery systems by helping build models for effective rural delivery and sharing that information for replication.

Four workgroups at the Symposium addressed networking; the urban/rural dichotomy; best practices in service delivery; and maximizing resources. The last day of the session, the workgroups reconvened and shared their work and recommendations. The consensus of all the workgroups was the need for a national voice for rural legal services. The participants envisioned a national organization with the capacity to:

- coordinate national activities and information sharing, including promoting replication of successful delivery models;
- increase the funding and resources available for rural legal services at the national level;
- partner with other rural organizations in the National Rural Network;
- establish a national rural legal services website;
- insure focus on rural issues at all national legal services-related conferences; and
- increase the capacity and expertise in rural community economic development within legal services programs.

⁶ See “A Report on Rural Issues and Delivery and the LSC-Sponsored Symposium,” April 2003, available at <http://www.lsc.lri.gov>.

Because no national organizational structure currently exists with these capacities, a group of Symposium participants volunteered to develop a proposal for a National Rural Justice Center.

Proposed Organizational Structure

The Symposium volunteers constituted a national Steering Committee to identify and recruit about fifteen members for a National Advisory Board of Directors for the National Rural Justice Center (“the Center”).

In identifying national Board members, the Steering Committee will strive to achieve a multi-ethnic, multicultural national Board that will be representative of stakeholders in rural communities across America, including migrant workers, Native Americans, non-English speaking populations, African-American, Hispanic and other ethnic minorities and racial justice groups. Board members will include representatives of LSC funded and non LSC funded programs, pro bono programs, and the private bar. As soon as the national Board members are identified and recruited, a conference call meeting will be scheduled and a date set for a Board planning meeting. Until the full Board is constituted and meets, the Steering Committee will take all necessary steps to advance the formation of the Center, including seeking sources of funding.

The Board members will cooperate in the formation and development of the Center which will initially be an unincorporated association with one of the Board members acting as fiscal agent. The Board will determine the mission, purposes and policies of the Center and will participate in obtaining funding and approving an annual budget for the Center. The Board members will prepare a written collaboration agreement spelling out the details of the Board structure and operations, funding, and priorities. If and when the Board members deem such action necessary, they may take appropriate steps to organize the Center as a not-for profit corporation

Mission and Goals

The mission of the National Rural Justice Center (“the Center”) is to increase access to a full range of civil legal services for rural low-income individuals, families and communities.⁷ The Center goals are:

- To ensure that the legal needs of low-income rural families and communities are met;
- To serve the national rural legal services community by providing leadership and knowledge regarding issues affecting rural legal services delivery;
- To provide a voice to Congress and the Legal Services Corporation regarding rural legal services delivery issues;
- To address issues of advocacy, training, support, and communication for rural legal services providers;

⁷ The mission and goals will be further refined by the national Board of Directors at its first planning meeting.

- To improve the integration of rural legal services into rural communities by identifying legal approaches that focus on working in collaboration with local community organizations to solve underlying community problems;
- To promote the replication of effective rural legal services delivery models including models identified by the ABA Rural Pro Bono Project.
- To increase the resources available for legal services in rural communities.

Strategies

The Center will initially focus on two primary strategies: (1) national advocacy to promote civil rural legal services and (2) communications, knowledge management and training.

National Advocacy

The first strategy is to ensure that the voices of rural legal services providers and their clients are heard at national policy tables, including:

- The Congressional Rural Caucus
- Relevant funders' affinity groups
- Governmental task forces
- The Rural Network
- Legal Services Corporation
- Associations of State and Local Governments
- Associations of Service Providers

As part of this work, we will identify and work with other sectors (such as rural health care and local government) that are working to address the needs of rural communities. This work will allow us to raise the legal-need issues of rural American low-income families in the national forums that are attempting to address rural residents' overall unmet needs. It will also increase the knowledge of the key role that legal services providers can play in economic development. This work is also critical to identifying and developing potential sources of government and private funding for rural legal services.

Communications, Knowledge Management and Training

Rural legal services providers tend to be isolated and struggling to do an enormous job with extremely limited resources. Our second strategy is to promote effective communication between rural providers, to disseminate key resources to rural providers, and to develop a message for the outside world so we can better communicate the importance of rural legal services work. The effect of this work would be to increase resources for rural legal services providers and to help them maximize the effectiveness of the resources already at their disposal. This work would include:

- Setting up effective means by which providers communicate with each other. A secure listserv has already been established through the National Legal Aid and Defender Association (NLADA). Sessions on rural delivery were held at the 2003 Equal Justice Conference and are planned for the November 2003 NLADA Annual Conference and the 2004 Equal Justice Conference. A national conference for rural legal services providers is planned for fall 2005.

- Establishing and maintaining a rural website to be incorporated into the Farmers Legal Action Group (FLAG) ProBono.Net template.
- Developing a “message” about the importance of legal services work to rural communities;
- Identifying effective rural legal services delivery models, including development of outcome assessment criteria to measure effectiveness, and promoting replication of those models through listserv messages that link to website information and in-depth training sessions at conferences. This strategy will include coordination with the ABA Rural Pro Bono Project on the models that are currently being developed and assessed as part of that Project.
- Creating and managing standing committees in substantive areas such as: recruitment and retention of staff; capacity-building; resource development; effective community lawyering/ partnerships; and innovative outreach;
- Providing information about rural fundraising opportunities and creating a national network to regularly provide information on new funding opportunities;
- Providing rural providers with training opportunities that address the unique needs of rural clients and communities, including community economic development issues;
- Providing back-up services to support and improve substantive legal advocacy in rural communities.

Implementation Plan

See the attached twenty-four month implementation plan.