



# State considers incentives to lure attorneys to 'legal deserts'

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KEYWORDS **NEW LAWYERS**

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Attorney Ingrid Barce joined a big law firm in Chicago shortly after graduating from Indiana University Maurer School of Law but felt it wasn't the right fit for her.

She returned home to Benton County to join the family law firm with her father Jud Barce.

"You'll get offers from bigger firms and bigger cities," said Barce, who is a fifth-generation attorney. "I just don't think this area really can be beat."

Family tradition provided some pressure for her to go to law school. Her family's firm opened in 1891, and all of their clients are from word of mouth, serving clients in mostly Benton, Warren, Fountain and Newton counties. They do estate planning and municipal law.

"I really love it here, and I think I'm really lucky, because I don't think a lot of attorneys can say they like their job most of the time," Barce said.

Barce knows that her transition from big-city firm to small-town law is not the norm, that the shortage of lawyers in rural areas continues to grow. But she also know that satisfaction can be found in the switch.

When asked what her pitch would be for attorneys to come out to rural Indiana, she said the low cost of living. And she said she also gets quality face time with her clients that some attorneys don't get at a bigger law firm.

"We would love to have at least one other firm (here) just to kind of work with people on things," Barce said. "We really do need attorneys out here."

## Incentives to go rural

The Commission on Indiana's Legal Future submitted a hefty list of 26 interim recommendations in July to try to address the shortage, and many of those proposals were approved by the Indiana Supreme Court in October.

One of the recommendations was grants to help lawyers cover overhead costs such as rent, utilities and insurance in addition to startup costs for management and billing software, Westlaw, Lexis and Zoom.

A startup grant would be \$20,000 paid out over several years, with an initial outlay of \$10,000.

In exchange for the grant, lawyers would set up shop in a rural area or legal desert.

More than half the state's 92 counties are considered legal deserts, defined by the American Bar Association as having less than one lawyer per 1,000 residents.

Justin Forkner, commission co-chair and chief administrative officer of the Indiana Supreme Court, said the grant program would be similar to programs the Indiana Economic Development Corp. offers for small businesses around the state.

Indiana Court of Appeals Judge Nancy Vaidik, the commission's other co-chair, said the panel is trying to collaborate with other state agencies that are interested in starting businesses in rural areas.

The Office of Judicial Administration expects it could start accepting applications for the program in July.

Another recommendation that was made to the high court was a "regulatory sandbox" program that would allow paralegals to perform some tasks now reserved for attorneys.

Forkner said the allied legal professionals would need to be supervised by a lawyer and meet certain educational requirements. Also the program would be limited to the needs of public defenders and prosecutors, not for commercial law firms.

The commission also has recommended a loan repayment program for attorneys who choose to practice in a legal desert.

Another initiative that has cropped up since the commission issued its initial recommendations is an alternate pathways program, a sort of apprenticeship for lawyers.

The program would allow a student to take some law courses, pass a mini bar exam and then work the supervision of an attorney for three years in a public service, public defender, prosecutor, or in a legal desert community. They would then go through all the other steps, like the character fitness requirements, to become attorneys.



Justin Forkner



Nancy Vaidik

"The law schools were directly involved in helping craft that as a new model of how to get through a legal education process and get admitted," Vaidik said.

## Legislation

The Indiana General Assembly also has been working on ways to address the attorney shortage in the state.

Sen. Cyndi Carrasco, R-Indianapolis, authored Senate Enrolled Act 524, which would expand the pool of attorneys eligible to serve as corporation counsel for Indiana counties.

The state's current law requires corporation counsel to reside in the county they're serving. The legislation, now awaiting action by Gov. Mike Braun, would allow an attorney in a neighboring county to serve as the corporation counsel.

House Bill 1049 would establish a scholarship program for county deputy prosecuting attorneys and public defenders as a way to address the shortage in rural areas. The measure is awaiting action before the Senate Education and Career Development Committee. •