

What if I had to Drive to Vermillion, S.D., to See a Doctor?

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Fog shrouds the distant, windswept hills on this overcast, Nebraska morning along U.S. Route 20. Route 20 runs across northern Nebraska for 431 miles.

Nebraska

Nebraska has 93 counties. In 12 of them, there are no practicing lawyers. In 21 more, there are three or fewer.

If you start in Logan County (see location below) looking for a practicing attorney — and these are all distances by car, not by crow — to the south you'd drive 124 miles to the nearest county with a practicing lawyer. Not the nearest town with a lawyer, but the county line. To the east, 126 miles. To the west, 164 miles. To the north you'd drive 100 miles to the border of a county with a practicing lawyer. But that county is more than 6,000 square miles in area. Who knows how far it is to the nearest lawyer.

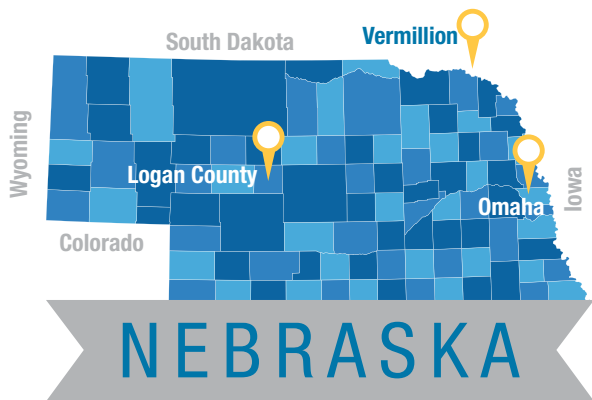
To give these miles some context, the distance from my home in Omaha to the University of South Dakota School of Law is 138 miles. What if I had to drive to Vermillion, S.D., every time I

wanted to see my doctor? I would get less medical care. Likewise if I had to drive to Vermillion to see my lawyer, less legal care.

Small towns in Nebraska are losing their lawyers. Their lawyers are dying, they are retiring, they are becoming incapacitated. Some want to retire, but their clients won't let them because there is not another lawyer nearby. Or they want to take on someone they can train, who will allow them to take more time off and eventually take over their practice — but they can't find anyone.

If there are only one or two lawyers in the area, legal work starts leaving. The local lawyers have to refer some of the work out of the county, or even out of state. This makes it even more difficult to get new lawyers into, say, southwestern Nebraska — where some local residents have established out-of-state relationships because they've been referred to attorneys in Denver, and some of that business leaves the state forever.

Access to justice in some Nebraska counties requires a very long drive. And it is more than just the clients and their access to justice. It is also the town itself: It loses important civic leaders.



93 number of counties in Nebraska

21 counties have three or fewer practicing lawyers

12 counties have no practicing lawyers

138 miles distance from Omaha to Vermillion, S.D.

The Initiative

This year I wear two hats. I am the president of the Nebraska State Bar Association (NSBA) and the James L. Koley '54 Professor of Constitutional Law at Creighton. As president, I see the need for lawyers in Greater Nebraska. As professor, I see a need for good jobs for graduating law students. These twin needs are what are behind the Rural Practice Initiative.

The initiative is a program started by the NSBA and run by the bar with the great support of the Creighton University School of Law and the University of Nebraska College of Law. In large part, it is designed to educate law students about the benefits of a small-town law practice.

Other states have similar initiatives. Iowa and South Dakota are leaders in this area. But Nebraska does something different.

The NSBA realizes that you can talk all you want about the terrific legal practice and quality of life to be found in small

communities, but talk is not enough. Law students don't want to be told my opinion or yours; they want to be shown the facts so they can make up their own minds.

James McElhane once wrote, regarding convincing juries, “[N]o one likes to be told how to think. People like their own ideas. Your job is to be a guide. To show, not tell. [G]ive the fact finders [here the law students] what they need ... to help them make up their own minds ...”¹ This is a guiding principle of our Rural Practice Initiative.

The bar association realized that it could make a dent in the two problems of the lack of lawyers in rural Nebraska and difficult job market for new lawyers by being a guide, by showing, not telling. And so the NSBA's initiative includes bus tours. The bus tours began two years ago. Sam Clinch, NSBA associate executive director, began running two bus tours each year — one with students from Nebraska College of Law and the other with students from Creighton School of Law. Clinch takes them to small towns in Nebraska where they meet area attorneys and judges, the Chamber of Commerce, local businessmen and women, and real estate agents. They see the schools, medical facilities and local housing.

They see firsthand that:

- > These are great places to raise a family.
- > They offer an exciting and varied practice.
- > A new attorney can quickly become a leader in the community.
- > The cost of living is low (which, of course, helps them with their school debt).
- > There are opportunities for their spouses.
- > And that they are needed and will be welcomed into the community with open arms; they'll not be just anonymous lawyers in an office-share with a couple of other lawyers in a downtown big city, but in demand and needed by their community.

The Secret

“The secret of all persuasion is to induce the person to persuade himself.”² The Rural Practice Initiative is based on this great secret.

The Cost

An important feature of the initiative is the creation of summer clerkships for law students. Two challenges with the summer clerkships are the cost to the student of summer housing in the new community and convincing the local lawyers that the cost of paying a clerk will be worth it. To that end, the NSBA applied for and received a grant from the American Bar Association. The grant is for 2015 and will provide housing assistance to the students and student-salary assistance to the lawyers hiring the students. This grant money will, we anticipate, help increase student and law firm participation in the initiative.

Success?

Is it working? In the first year of this initiative, two students received offers of clerkships and both accepted. Three students received offers of permanent employment and two accepted. That is success.

Nebraska

There may not be much of a call for a Rural Practice Initiative in, say, Delaware. It might not be such a problem if a Delawarean had to drive to another of the state's three counties to see his or her lawyer. Delaware is 96 miles long and varies from nine to 35 miles in width. Nebraska is 210 miles top-to-bottom and 430 miles wide.

When Nebraska was looking for a new state slogan — back when we adopted “Nebraska: The Good Life” — Calvin Trillin, a writer for *The New Yorker*, suggested this one: “Nebraska: It's a Long Way Across.” It is a long way across and, in many parts of the state, a long way to a practicing attorney.

¹ James W. McElhane, Great Arguments, *ABA Journal*, www.abajournal.com/magazine/article/great_arguments/, posted March 1, 2004 (last visited July 1, 2014).

² Harry Overstreet, *Influencing Human Behavior* (found at <http://addictquotes.blogspot.com/2010/08/advertising-and-copywriting-quotes.html>).



The Rural Practice Initiative bus tour visited Albion, Neb., in Boone County in 2013.