

# ASSESSING LEGAL NEEDS OF LAWRENCE COUNTY'S VULNERABLE POPULATIONS



## SUSTAINING HOOSIER COMMUNITIES

2017-2018

A partnership between Maurer School  
of Law's Access-to-Justice Program &  
Lawrence County Circuit Court





# SUSTAINING HOOSIER COMMUNITIES

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# SUSTAINING HOOSIER COMMUNITIES

## Acknowledgements

This project was completed as a collaboration between the students in a course under the Indiana University Maurer School of Law's Access-to-Justice program, LAW-B515: Project Management for Lawyers, and Lawrence County Circuit Court as part of the 2017-2018 Indiana University Sustaining Hoosier Communities (IUSHC) initiative. IUSHC is a program within the IU Center for Rural Engagement (CRE).

This report represents original student work and recommendations proposed by the students in LAW-B515: Project Management for Lawyers for Lawrence County Circuit Court. The memos from the three top student teams who studied the needs of rural residents, the needs of low-income seniors, and the needs of homeless and low-income populations in Lawrence County are included in this report. The contents of this report represent the views of the students in LAW-B515: Project Management for Lawyers and do not reflect those of IUSHC, CRE, Indiana University, or Lawrence County.

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# SUSTAINING HOOSIER COMMUNITIES

## About Sustaining Hoosier Communities

Indiana University Sustaining Hoosier Communities is an initiative that partners with a local community within south central Indiana to explore, understand, and resolve challenges and projects identified by the community. Based on a tested model for university/community engagement that has been successfully implemented by over 25 universities and their community partners, Sustaining Hoosier Communities is a yearlong collaboration between Indiana University and a single community partner.

Indiana University’s faculty who opt in to Sustaining Hoosier Communities match their courses to the projects based on their areas of research, expertise, and teaching. Each course uses a cross-disciplinary approach to explore and solve sustainability issues identified by the community partner through project-based research. Faculty and community stakeholders agree before classes begin on a scope of work and deliverables for each class, and project liaisons are identified by the community and the university to coordinate this unified effort.

Sustaining Hoosier Communities is just one example of many types of community engagement Indiana University plans to pursue as part of the Center for Rural Engagement. By harnessing the research, expertise, energy, and service of Indiana University’s faculty, staff, and students, Indiana University and our local partners work collaboratively to improve the health, prosperity, and vitality of southcentral Indiana.

To learn more about IU Sustaining Hoosier Communities, visit [www.shc.indiana.edu](http://www.shc.indiana.edu).

To learn more about the IU Center for Rural Engagement, visit [www.rural.indiana.edu](http://www.rural.indiana.edu).

## Sustaining Hoosier Communities Project Process





# SUSTAINING HOOSIER COMMUNITIES

## About the Course

LAW-B515: Project Management for Lawyers is a course within the Indiana University Maurer School of Law's Access-to-Justice (A2J) Service-Learning Program, which seeks to improve the lives of vulnerable Hoosiers in the 11-county region of south-central Indiana. Maurer's A2J Program is the largest access-to-justice service learning program in the United States that has mobilized over 180 law students to collaborate with legal-aid providers and social service providers across Indiana to design strategies to increase access to justice for underserved populations on a *pro bono* basis. Each academic year, approximately 60+ first-year law students and 17+ second- and third-year law students will participate in this program. New projects will be launched in additional counties in the 11-county region every two years.

Students in LAW-B515: Project Management for Lawyers partnered with the Lawrence County Circuit Court to assess the most pressing and unmet legal needs of Lawrence County's low-income populations, including residents of rural counties, minority language speakers, migrant workers, seniors, veterans, homeless persons, and persons with mental illness. By examining the current legal services delivery systems as well as reviewing effective and innovative programs nationwide, students helped determine the level of access to legal services for rural and underserved communities and recommended ways to improve the delivery of civil legal services to low-income Hoosiers in Lawrence County.



# SUSTAINING HOOSIER COMMUNITIES

## About the Legal Access for Lawrence County’s Vulnerable Populations

Lawrence County is home to approximately 46,000 individuals and experiences a poverty rate of 13.7% (as of 2016). The need for legal services for vulnerable populations is staggering, but the resources within Lawrence County are scarce. The memos included in this report from LAW-B515: Project Management for Lawyers were ranked as the top three in the class: Needs of Rural Residents in Lawrence County, Needs of Homeless and Low-Income Members in Lawrence County, and Needs of Low-Income Seniors in Lawrence County.

The needs of rural residents and homeless/low-income populations in Lawrence County include the lack of unemployment assistance, mental health facilities, and transportation options and are often related to the opioid crisis. Unemployment is thought to be the predominant contribution to the persistent, cyclical effect poverty has in Lawrence County and is further exacerbated by the opioid epidemic. The lack of attorneys in rural areas and the inability to purchase affordable, stable housing are also serious issues facing these populations.

Low-income seniors in Lawrence County are often homebound and unable to leave their homes to perform daily activities due to lack of public transportation, the inability to drive, or the financial means to modify their homes as they age. The result of being homebound often results in lack of companionship and the consequent deterioration of their mental capacities due to this isolation. These are significant contributing factors to how low-income seniors access the limited social and legal services they do have available to them.

By analyzing the demographics of Lawrence County’s underrepresented populations, students in LAW-B515: Project Management for Lawyers could better understand the existing legal and social services Lawrence County residents can access as well as how access to these services can ultimately be improved.



# SUSTAINING HOOSIER COMMUNITIES

## The Project: Connecting Course & Community

Law students in LAW-B515: Project Management for Lawyers were assigned to study particular demographic groups: seniors, veterans, homeless persons, rural population, minority language, migrants, persons with mental illness, and juveniles who wound up into the Lawrence County problem solving court. Through a series of seven assignments, each team focused on one of these demographic groups in either Monroe County or Lawrence County and engaged in an ecosystem scan of unmet needs of the demographic group and used their research to identify barriers to accessing legal services as well as to suggest recommendations on how to improve the access to these services.

In the first six assignments, student teams investigated the most pressing needs of their demographic groups within Lawrence County and on a national level; how social service providers, legal aid providers, and legal officials attempted to address these needs; how members of this group think about their most pressing challenges and legal problems, including unmet civil legal needs; and the perspectives of a national expert who shared programs and interventions to address these legal issues. Each law student interviewed six stakeholders: (1) a social service or human service provider, (2) 3-4 members of the demographic group identified by a social service or human service provider, (3) a local legal-aid provider who serves the demographic group, (4) a court official, commissioner, and/or a clerk of that office, (5) a national legal-aid provider who serves the selected group, and (6) an alumnus who engages in pro bono service that serves their demographic group. In the seventh assignment, each team created a memorandum for the Indiana Coalition Court Access that identified the needs of the assigned demographic group, the gaps in addressing these needs, and strategies for more effectively meeting these needs. Each team then created an in-class presentation that communicated research findings to Lawrence County Circuit Court representatives.



# SUSTAINING HOOSIER COMMUNITIES

## Student Outcomes

- Built relationships with social service and legal-aid providers throughout Lawrence County
- Assessed unmet legal needs of Lawrence County's vulnerable populations
- Examined current legal services delivery systems to determine rural and underserved communities' access to legal services
- Reviewed legal services programs to determine ways to improve resource allocation and collaboration with other programs
- Conducted comprehensive legal needs assessments and legal aid system scans
- Prepared memorandums for the Indiana Coalition for Court Access

## Community Partner Outcomes

- Support from Maurer School of Law for legal aid work
- Identification of gaps in local and regional legal services in Lawrence County
- Recommendations for resource development to bridge these gaps
- Comprehensive legal needs assessment and legal aid system scan that can influence policy-makers and legal-aid providers in making strategic decisions on how to allocate resources to effectively deliver civil legal services in Lawrence County



**TO:** Indiana Coalition for Court Access  
**FROM:** IU Maurer School of Law Team Studying Legal Needs of Seniors in Lawrence County  
Katie Slisz, Julie Ardelean, Hannah Michalek, Francesca Campione, and Melanie Boskovich  
**DATE:** April 13, 2018  
**RE:** A2J Service-Learning Project – Our Research and Findings

## **I. Introduction**

The IU Maurer School of Law, through the Center for Law, Society & Culture, is conducting a statewide legal needs assessment on behalf of the Indiana Coalition for Court Access (“CCA”). Our team engaged in part of this statewide endeavor and acquired meaningful insights into the unmet legal needs of low-income senior members in Lawrence County. We have identified challenges faced by these low-income members, limiting their ability to address their basic legal needs and/or legal relief for the problems they encounter and experience, including challenges navigating the social service systems, community organizations, legal-aid providers, and legal institutions. We have learned about important unmet legal needs, how such needs are currently addressed and left unaddressed, services provided, and gaps in local and regional delivery of legal aid.

As the final phase of our A2J service-learning project, this memo incorporates feedback and insights from a variety of sources including interviews and listening tours with a social service provider, legal aid provider, community members, a court/legal official, and a national expert. We have combined what we have learned from these interviews, listening tours, and literature reviews into this memorandum for the CCA.

## II. Identifying Needs

### (A) Legal Needs Studies:

As the average life expectancy rate for Americans continues to rise, the social and legal needs that accompany age are becoming ever more pressing. With old age comes compounded medical and care needs, and more people than ever require assistance. An unsurprising but completely overwhelming trend that emerged during the course of our literature review is that many of the issues that seniors face contribute to and grow from one another, often leading to a downward and cyclical spiral of their overall well being and condition<sup>1</sup>. Three of the most prevalent issues that cause this phenomenon include elder abuse, veterans' issues, and employment and compensation issues.

In conducting a literature review, our group identified elder abuse as being among the top concerns facing senior citizens. Perhaps contrary to our expectations, we found that, most astonishingly, a large percentage of elder abuse is committed by family members, often children, paid caregivers, and friends of the seniors. Elder abuse can manifest in different forms, and is not always easy for seniors or their loved ones to identify. One form of elder abuse, physical abuse, is easier to spot as it manifests in outward, physical signs. However, if the abuse is perpetrated by their children, seniors will often not come forward out of a desire to protect their children despite the harm they are inflicting. Additionally, in the case of physical abuse by a caregiver or

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<sup>1</sup> For example, many seniors have a number of physical conditions and ailments associated with aging such as arthritis, loss of balance, and osteoporosis. These medical conditions on their surface are unrelated to the issue of safe housing. However, if an elderly woman cannot access the cupboards, or safely go up the stairs, or keep the house in order, due to lost strength or mobility, what would otherwise be a safe home now has become a hazard. Additionally, if that woman decides to ask someone to make her home more accessible, she is opening herself up to be taken advantage of financially, as seniors are often the victims of fraudulent scams. In this way, one isolated issue of medical health and mobility can directly contribute to the safe housing issue, which can lead to seniors being vulnerable to elder abuse.

close friend, seniors also hesitate to speak up due to embarrassment of being in such a situation at all. Elder abuse can also manifest in the form of fraud or scams, typically over the phone or via email, as well as financial exploitation by trusted family and friends. In these situations, seniors often do not realize what is happening until it is too late and their money has been taken.

A second area of concern that emerged in our literature review is seniors' needs pertaining to veteran status. These issues are important because a great majority of men over the age of 65 are members of this group. Veterans suffer from mental and physical disabilities, requiring more care than other elders. However, there are also additional benefits and aid from the Department of Veterans Affairs ("VA") that are available to assist this population with legal, health, and other needs.

Despite the abundance of resources from the VA, and other organizations available to elderly veterans, there are many barriers that prevent them from being accessed. For example, elderly veterans are often unaware of the benefits available to them, are unable to navigate the "procedural minefield" it takes to apply, are delayed from receiving the benefits due to extreme backlog, or are assigned a fiduciary who takes advantage of their financial resources and other benefits. This is a prime example of how seniors' issues can compound upon each other. In this context, the fiduciary, meant to help the veteran receive benefits due to his acute need and special status, is the one taking advantage of financial resources and benefits. Additionally, legal support in completing the paperwork, filing claims, or spotting and/or adjudicating fiduciary mishandling, which is unlikely to occur, because the VA has strict rules and barriers governing the role of attorneys in supporting veterans in these efforts. Only attorneys who have been

accredited by the VA are permitted to represent veterans in the preparation, further limiting the access options for veteran seniors.

A third pressing issue identified through our literature review is a lack of compensation and employment. Since seniors are older and therefore are unqualified or unable to perform many jobs, it is logical that they struggle with finances. Additionally, today's seniors came of age in a time when education, nonetheless higher education, was not the norm. Many seniors held less profitable jobs, which set them up for less savings in retirement. Seniors rely on social security for a significant portion of their income. While that many compensate some of their needs, it does not solve everything. The rising cost of medical bills, as well as the costs associated with home modifications for improved accessibility, place a higher financial burden on this demographic.

**(B) Social Service Provider:**

In interviewing social service providers from Hoosier Uplands Area XV on Aging (“Hoosier Uplands”), we found that their reflections shared many similarities with the research we compiled from our literature review, but also that there were some differences based on geographic location. The research we read was predominantly from California, while we are working with communities in Lawrence County, which is more rural and therefore presents seniors with different challenges than seniors in a more urban area. For example, the social service providers identified that many Lawrence County seniors are homebound for a variety of reasons, including the inability to drive, the lack of public transportation, and the financial inability to modify their homes to allow for greater accessibility. This manifests in social needs since seniors are unable to leave their homes to carry out daily activities such as getting groceries

and going to doctor appointments. The service providers at Hoosier Uplands also noted that as a result of being homebound, many seniors lack companionship, and their mental capacities tend to deteriorate due to this isolation and neglect.

The social service providers were unable to elaborate on the nature of legal issues that senior citizens face, but they were able to identify some general categories of need. Despite this lack of specificity, they did emphasize that there is an urgent need for legal services in Lawrence County, and they suggested that law students may be equipped to help. In estimating the needs of their clients, the social service providers estimated that 60-70% of seniors in Lawrence County have legal needs concerning a power of attorney, 20-30% are estimated to need support with Miller Trusts, and 10% need legal support for elder abuse issues such as neglect or fraud. Specifically, seniors in Lawrence County typically need help with writing living wills, dealing with health care representatives, and obtaining guardianship.

While it may not be categorized as a social or legal need, the social service providers clearly said that all needs come back to one common problem: financial need. Without increased financial capacity at the individual, social service provider, or community level, it is nearly impossible to provide seniors with adequate resources. This promotes a cycle where these needs are neglected and worsened, and in turn, create greater needs.

**(C) Legal Aid Provider:**

In meeting with Indiana Legal Services (“ILS”), the common needs among the elderly in Indiana as highlighted in our previous interviews were amplified yet again. The central message conveyed at ILS is that every need, when it is boiled down, is a legal need, or touches upon one in some way. For example, home-care may be considered a social need but can have major legal

implications. One ILS attorney, Mr. Frohman, identified housing and property issues, guardianship, driver's license suspensions, guardianship over grandchildren, and consumer problems such as wage garnishment, to be among some of the most common issues, both legal and social, that seniors face in Bloomington. He speculates that such needs would be very similar when compared to other counties in Indiana such as Lawrence County.

Mr. Frohman did share that legal needs differ in this demographic depending on age, income level, and other identity markers. For example, he noted that ILS typically does not serve the oldest members of the community as it predominantly serves impoverished people, which is a demographic that does not fare well with age and thus has lower life expectancies. Mr. Frohman identified differences in gender since elderly women tend to be more fearful of certain circumstances and are more likely to seek legal representation than elderly men.

**(D) Legal Official:**

In the next phase of our research, our group conducted an interview with Commissioner Brad Raper, who has been serving as a circuit commissioner in Monroe County since 2004. Commissioner Raper works mostly with family law, specifically with paternity cases, but he was able to provide information applicable to the needs of Lawrence County seniors due to his exposure to these issues from the legal community in general and the seniors he sees in the family law context.

When discussing the most common problems seniors face, Commissioner Raper speculated that seniors are unable to care for themselves and are "abandoned" by family members. He noted the difficulties that seniors face when they do not have a network of people they can reach out to for help. This reflection is similar to the lack of in-home care that our group

identified in our initial literature review. Commissioner Raper also affirmed that although he personally does not see these problems in his work with paternity cases, general transportation and physical/mental incapacity that comes with aging would be two other major problems seniors face.

Moreover, Commissioner Raper shared that the greatest legal needs of seniors are guardianship and self-sufficiency. Seniors are often unable to care for themselves or manage their finances. Previously, our research indicated that seniors may have trouble taking care of their health and day-to-day tasks. As such, this discussion about seniors' inability to maintain and organize their finances was a perspective that our research had not yet associated with the issue of self-care.

Commissioner Raper also expanded our group's understanding of the guardianship issue, as he described it both in terms of seeking to gain guardianship of grandchildren and needing a court-appointed guardian for themselves. When grandparents do try to gain custody of their grandchildren, courts often favor leaving the child with a biological parent. Even if the grandparents can provide what seems like a "better" life for the child, the parents will usually maintain custody as long as they can meet the low threshold set for maintaining parental rights. For the seniors who take care of their grandchildren, especially in Southern Indiana where there is an opioid crisis, these custody battles prompt major legal concerns.

Finally, Commissioner Raper speculated that fraud and elder abuse are also important legal problems. He did not extensively discuss problems arising from lack of an updated will or power of attorney, which we found to be prevalent in our previous research.

**(E) National Expert:**

Marsha Greenfield is the Vice President of Health Legislation at LeadingAge, a company that partners with and lobbies for non-profit aging service providers. When asked about the general needs of seniors, Ms. Greenfield identified problems that our group encountered in previous interviews and research, and also pointed to some issues we had not identified. She discussed the social determinants of health needs, struggles of becoming dependent on someone else for daily tasks, and lack of access to personal care. She also addressed a problem that our group had not spent much time discussing: the lack of affordable housing available to seniors. In addition to not being able to afford housing, she mentioned that seniors have trouble accessing publicly available services to which they are entitled, such as social security and Medicaid. As our society has transformed into a technologically dependent one, many seniors do not have the ability to use the Internet to sign up for these programs. Consequently, seniors may miss out on the benefits that these programs offer.

Focusing on legal needs in particular, Ms. Greenfield spent a substantial amount of time informing us about the different types of elder abuse. She said that elder abuse not only comes along with physical and social repercussions, but many legal ones, as well. Elder abuse occurs not only in institutional settings, but also in community settings where caretakers and family members abuse or take advantage of the person for which they are caring. In some cases, trusted financial advisors take advantage of seniors' lack of awareness and clean out all of their financial resources. In fact, many victims of elder abuse face similar problems as victims of domestic



violence, such as not knowing who to turn to for help and being afraid of what will happen if they do ask for help.

An issue that often accompanies elder abuse is that many seniors do not even know what a legal need is or that a legal form of redress is available. Instead, they will turn to family members or friends for help rather than seeking out advice from an attorney. When dealing with abuse and exploitation, people often do not want to come forward because they are afraid, embarrassed, and do not want to report a trusted family member or friend. Other legal problems frequently encountered include guardianship, consumer issues such as fraud, and lack of power of attorney. The problems that Ms. Greenfield addressed were consistent with the needs we identified prior to the interview, but Ms. Greenfield was able to elaborate and provide us with more insight.

**(F) Listening Tour:**

For our listening tour, our group visited Johnson Christian Village (“JCV”) assisted living center to speak with senior members of the Lawrence County community. JCV is affiliated with Christian Horizon, a faith-based, not-for-profit organization.

When asking the seniors about the most serious problems of their demographic group, we received a variety of answers. One of the most common answers was transportation. The residents noted that as they grew older, they lost their ability to drive. One resident told us about local public transportation in the community that will pick up and drop off seniors for seventy-five cents per ride. The resident felt this was a reliable source of transportation, but it is only available on weekdays. Therefore, if seniors cannot rely on local family or friends for transportation, they do not have access to transportation on weekends. The residents also

identified the need for more community members to care about helping senior citizens. A couple of the residents expressed their desire for more programs to encourage people to do activities with the seniors so they have more entertainment and company. Many seniors in the assisted living center feel lonely. Isolation, lack of transportation, and self-sufficiency were some of the general needs we thought we might encounter, and we saw examples of all three of these.

Another need we identified was finances, which was also the most prevalent need according to the social service provider. While the seniors we spoke to did not focus on their finances as an issue, some did say that they did not have a will or an estate plan, and bringing someone to JCV to help with that would be beneficial. When asked where seniors could turn to for support in addressing these issues, they did not know. This exemplifies a problem in itself: even when seniors are able to recognize a problem, they do not know where to turn to for help. Many are reliant on the staff at JCV or their family members.

Additionally, we found that many seniors are unable to identify legal needs. When we asked one woman what, in her opinion, was the greatest legal needs of senior citizens, she responded with, "I think we can use more crafts." This exemplifies how seniors have trouble identifying and understanding what legal problems are, which in turn prevents them from seeking and receiving legal assistance. We expected to hear answers about guardianship, power of attorney, and healthcare. The residents did not talk much about healthcare other than relying on other people for assistance. We asked about power of attorney, wills, and estates, but most of the seniors did not know much about them. However, residents did mention needing legal assistance for the houses that they no longer lived in after moving to the assisted living center.

As such, the listening tour demonstrated that seniors are not aware that the problems they face are legal problems and can be legally redressed. One resident did not even have the mental capacity to answer basic questions about herself, which demonstrates why seniors fall victim to fraud and elder abuse. Even though we did not receive direct answers to most of our questions, we learned a lot about the needs of seniors and enjoyed listening to the residents.

**(G) Summary:**

Overall, it became overwhelmingly clear that there are a myriad of social and legal issues that senior citizens face. Most of these issues combine and compound to create a cycle of harmful effects on the population's health and overall wellbeing. In comparing all of the research and interviews we have compiled throughout this project, it is clear that the greatest identifiable needs include lack of independence and lack of knowledge about available resources and legal redress. The common needs we identified were the same throughout the course of our research and interviews. These umbrella issues then can be divided into more specific legal and social needs, including elder abuse and fraud, guardianship, lack of mobility, and inability to perform daily activities.

### **III. Addressing Needs and Gaps in Addressing Needs**

**(A) Social Service Providers:**

Hoosier Uplands sees a number of different senior needs throughout Lawrence County. The majority of people they serve seek in-home services. Seniors need help with daily living activities, like getting dressed, bathing, and taking medications. Hoosier Uplands connects seniors with in-home care to help them with these tasks. Those seniors who need more help then

go to Hoosier Uplands to find a nursing home where they can move for a more permanent form of living aid. Further, some seniors are already receiving a great deal of help from a child or a grandchild and need to establish guardianship. Often times, a senior has no power of attorney or guardian, and Hoosier Uplands will connect the senior with a legal aid provider. Hoosier Uplands also noted that seniors come to seek help from the fraud protection program: Senior Medicare Patrol (“SMP”).

When seniors come to Hoosier Uplands with these issues, the social service providers have specific ways to address these needs. The main services offered are options counseling and case management. Hoosier Uplands works as the first point of contact for these seniors who are seeking help in the home or moving to a place where they can receive additional help. Hoosier Uplands walks seniors through the steps of what needs to happen and often provides seniors with options, guiding them to where they should seek the help they need, like the local attorney or Indiana Legal Services. They also refer clients to the State Health Insurance Programs (“SHIP”) and provide guidance for access to Medicare and Medicaid.

Regarding general needs that Hoosier Uplands is unable to meet, they identified seniors’ needs for transportation, ramp construction (or home modifications to create a more handicapped-accessible home), and the need for Life Alert in emergencies because many seniors do not have cell phones. Hoosier Uplands finds itself unable to meet these general needs because there is insufficient funding, and it is also short staffed. While Hoosier Uplands cannot meet all of the needs of seniors in Lawrence County, The Lions Club and Southern Indiana Center for Independent Living (“SICIL”) provide services for seniors as well. For legal needs that are unmet in the community, Hoosier Uplands identified the need for power of attorney, asset

protection and Medicaid problems (Miller's Trust), and also neglect, abuse and fraud. They see a number of seniors who make just enough to not qualify for Medicaid, but not enough to pay for a nursing home or other long-term care. While Hoosier Uplands does not deal with legal needs, they do notice a substantial amount of their clients that need help establishing a power of attorney.

**(B) Legal Aid Provider:**

ILS provides legal assistance to low income residents across the state of Indiana. At the Bloomington branch of ILS, some of the most common legal needs for which seniors seek legal representation or assistance include housing/property, guardianship, driver's license suspensions, custody over grandchildren, and consumer issues. However, given the lack of resources and time that ILS maintains to provide legal representation, it does not represent these needs equally. Some needs are more prevalent and were expanded upon with more detail in our interview.

Generally, ILS will provide courtroom representation for a variety of issues, such as housing and guardianship. However, there are some cases for which ILS advises clients, but does not provide courtroom representation. For instance, if clients seek representation for consumer issues, such as fraud, ILS attorneys will provide legal advice. After advising the client about his or her individual situation, ILS will suggest that the client only contact the attorneys if problems arise or changes occur in the future. Two of the most prevalent consumer issues that seniors face include debt collection and wage garnishment. Clients need reassurance from attorneys at ILS that if collection agencies call about paying off debt, they will not be sent to jail. If ILS cannot remedy the situation, the attorneys will refer clients to agencies that can provide more appropriate assistance for specific issues. For instance, when seniors seek help to get their

driver's licenses reinstated after having a suspended license, ILS will guide them about the next steps to take. Additionally, if a senior does not want or need a guardian, but the guardianship was inappropriately forced by a family member, ILS interacts with outside sources, such as Adult Protective Services, to remedy the situation.

Moreover, custody over grandchildren is another common legal issue for which low-income elderly seek representation. However, ILS consistently refuses to provide representation for grandparents seeking custody. Indiana Legal Services' inability to meet this need is twofold. First, while the legal need for child custody is plentiful, ILS has limited access to resources and a large number of cases requiring representation. Therefore, the attorneys must be selective in their selection process. The organization feels it promotes consistency by turning down all child custody cases. Second, ILS attorneys do not want to assist non-natural parents in the custody process. The main reasoning is that the attorneys believe it is wrong to take away parental custody from the natural parents. Therefore, they choose to decline representation.

ILS will refer cases to District 10, another legal aid provider in Bloomington, if they are unable to meet seniors' legal needs. District 10 similarly serves the legal needs of low income residents. Likewise, District 10 refers cases to Indiana Legal Services if the attorneys are unable to satisfy the legal need, such as adult guardianship. In addition to District 10, ILS will refer clients to Indiana University Maurer School of Law's Community Legal Clinic and Disability Law Clinic if the issue is appropriate given the clinic's work. However, more resources are necessary to meet the community's legal needs, since they do not have enough funding or attorneys to represent the demand for representation among low-income demographics. The elderly population is one of the low-income groups that suffer, especially for custody of

grandchildren, since they do not have enough funding or attorneys to represent this major legal need. Additionally, ILS recognizes that there are gaps in legal aid for seniors' health care, benefits, and tax issues, including tax debt. Gaps exist for these issues because they involve a number of administrative issues that are difficult to navigate.

**(C) Legal Official:**

Commissioner Raper discussed a number of different needs for seniors. The top legal needs that the Commissioner addressed are seniors who desire to adopt grandchildren and guardianship or power of attorney support. The adoption cases are difficult because the law often times wants to give the custody of the children to the natural parents. In times when the parents leave the children with the grandparent, the grandparent is the "de facto custodian," which gives the grandparent legal standing to get child support from both parents if he or she needs this. In custody cases they either settle, are dropped after they are filed, or go to court. The Commissioner mentioned that oftentimes these people do not have representation and, unless rights are being terminated, representation is not required. While Commissioner Raper notes that this is not the most efficient way of taking care of the cases, he also does not know what else can be done.

When examining the guardianship cases, Commissioner Raper notes that these cases have issues because the Commissioner only knows what he is told. This means that elder needs must be reported or no one can step in to help the senior who finds themselves in trouble. As ILS shared as well, the Commissioner pointed to Adult Protective Services as dealing with these cases. He shared that oftentimes they are also able to establish when guardianship is needed or a

guardian is taking advantage of the senior. Similar to the custody cases, most of these settle, are dropped, or go to court.

**(D) Summary:**

The services provided by Hoosier Uplands, Commissioner Raper, and ILS are each uniquely focused. However, these services each interact with each other while simultaneously providing different services to assist the elderly with their legal needs.

Hoosier Uplands' services focus more extensively on options counseling and case management specifically for senior citizens. This is very unique, since their efforts are specifically focused on the needs of seniors. As opposed to the legal-aid and legal official, the social service provider encounters seniors much more frequently in their work. Hoosier Uplands may be the first point of contact for seniors with general or legal needs. After identifying a legal issue, Hoosier Uplands will refer the client to ILS in Bloomington, a local attorney, or the Southern Indiana Center for Independent Living. However, Hoosier Uplands noted that in the past six months, they only referred about 5% to 10% percent of cases to legal aid. In contrast, at ILS, the attorneys often receive case referrals from courts, agencies, and social service providers, to name a few. About 25% to 40% of all the issues that ILS receives are from social service providers, though it is closer to 25%. ILS does not encounter general needs for seniors; therefore, its services are narrowed to representing or advising clients about legal matters. Given that Hoosier Uplands focuses on options counseling for general services, this may explain why only a small percentage of cases receive legal aid referrals. Clients may not often bring matters to



Hoosier Uplands that are legal in nature. Additionally, this suggests that perhaps social service providers in Lawrence County do not send seniors to legal aid providers as much as courts, agencies, and law enforcement.

One of the main barriers faced by both Hoosier Uplands and ILS is the lack of funding. There are not enough funds for sufficient outreach efforts and staff members to handle the number of cases they receive, which creates a tremendous strain on the number of cases they can take on. For instance, attorneys at ILS do not represent any grandchild custody cases, although it is one of the major legal needs they encounter. Commissioner Raper also emphasized the prevalence of these cases in the court system. Representation is not required unless rights are being terminated. However, Commissioner Raper noted that navigating civil hearings pro se can be difficult. Regarding this specific issue, he explained that it is very difficult for a grandparent to retain custody over a grandchild. ILS similarly recognizes that seniors are vulnerable in the court system since they lack knowledge about the legal process. Therefore, ILS recommends that the courts become more involved to protect pro se litigants when attorneys cannot provide legal representation, since the system does not adequately take care of their needs and rights. Given the prevalence of custody over grandchildren within the community, additional means to remedy this legal issue through legal aid and the courtroom procedures are necessary.

Additionally, there appears to be a disconnect between ILS and Hoosier Uplands, since ILS does not receive many clients from Hoosier Uplands. This disconnect suggests that perhaps either there is an underlying problem with the referral process, clients do not choose to receive legal aid, or that seniors are unable to make the long commute between the two organizations. Hoosier Uplands does not follow up with its clients to confirm if they reached out to the legal aid

providers. Elderly clients at Hoosier Uplands may be disincentivized to seek out legal aid for a variety of reasons, such as lack of public transportation or distrust in the legal system. The disconnect between social service providers and legal aid providers may be a barrier that can be remedied through a more active referral process that holds seniors accountable for seeking assistance. Also, as Hoosier Uplands suggested, a form of in-home legal assistance could provide a solution for seniors who are otherwise unable to visit Indiana Legal Services or another form of legal aid.

#### **IV. Strategies for More Effectively Meeting Needs**

##### **(A) National Expert:**

In the final installment of our interview tour, we engaged in a lengthy discussion via conference call with Ms. Greenfield, Vice President of Health Legislation for the organization LeadingAge. To best understand the exemplar strategies shared by Ms. Greenfield, it is helpful to have some context on the experiences that shape her current perspective.

Ms. Greenfield started in the field of elder law after serving as a caregiver for her mother and discovering the severe difficulty, even for a practicing family law attorney, in finding and securing the resources to support her sick and aging mother. The experiences and hardships that came pursuant to caring for her mother brought Ms. Greenfield to work for the National Federation for Family Members and eventually, in 2004, to LeadingAge. In her current role as VP, she represents nonprofit aging-service providers nationwide and oversees all of their healthcare lobbying.

Ms. Greenfield's personal and professional experiences make her uniquely positioned to reposition our group's focus from identifying problems in the senior community to learning

about and assessing strategies used to address those problems. This Part of the memo will concentrate specifically on these efforts: first, conveying some of the strategies used in other states to address seniors' needs, and second, analyzing the feasibility and likely success of implementing these strategies in Lawrence County.

The strategy about which Ms. Greenfield dedicated the majority of time was the Elder Abuse Shelter project in Riverdale, New York. This program is especially innovative given the nature of the problem it seeks to address. As context, elder abuse can be a particularly elusive problem to identify in a community, because it can be difficult to detect, elders often do not know when they are victimized, many elders are being taken advantage of or abused by their children or caregivers so are embarrassed to come forward, and there are not the same mandatory reporting "checkpoints" that exist institutionally for children. As Ms. Greenfield put it, there are systems in existence to support some of seniors' problems. For example, applying for low income housing and securing Medicaid and/or Medicare are situations for which there is a clear process that can be exploited even without a lawyer's support. But abuse and financial exploitation are issues that require a lawyer for resolution. So, ultimately, the necessity of legal redress compounded with the difficulty of locating victims makes this problem especially urgent, and this strategy for redress especially noteworthy.

The Elder Abuse Shelters were established over ten years ago by a lawyer who saw a need in his community. He partnered with a local prosecutor, secured funding through the Harry and Jeanette Weinberg Foundation, and began offering wrap around services to elders who had been victims of abuse. The program separates the senior victim from her abuser and provides her with a place to live, medical care for any manifestations of the abuse, access to long-term care,

legal assistance, and support prosecuting the abuse. The program also attempts to overcome the barrier of elderly refusing to come forward when they are victimized; by training individuals such as doormen and pharmacists, who come into contact with the elderly more regularly, how to recognize the signs of abuse, they have created a version of mandatory reporting on a micro scale.

Ms. Greenfield also spoke at length about the important efforts of agencies such as the Medicare Rights Center and the Connecticut's Center for Medicare Advocacy in addressing the legal and social needs of senior groups. Similar to the Elder Abuse Shelters, both of these agencies were founded by attorneys who recognized how difficult it is to access and understand the Medicare program to which seniors are entitled. The role of these agencies is to offer substantive assistance by lobbying legislature, providing referrals, publishing literature to help elderly navigate the program, educating legislatures and general public on key points and concerns in this area, and providing advice to elders and their caregivers, in part through a hotline which takes calls from individuals all over the county.<sup>2</sup>

The third strategy we discussed with Ms. Greenfield was the work of a specific grant which funded projects for the relief of a narrow subset of elders. Specifically, she spoke about the work completed under the Federal grant which funded programs that support needs of Holocaust survivors. Various groups across the country used this funding to initiate and manage programs to coach community groups to work with these survivors, provide cultural competency

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<sup>2</sup> To illustrate an example, there used to be a law that in order for an elderly person to get therapy through Medicare, they had to show evidence that they were improving as result of the therapy. The Center for Medicare Advocacy challenged this law, and the issue was immediately settled. In the interim, thousands of people were denied health coverage because they were getting older and, as to be expected, not improving. Agencies such as these play a huge role in advocating for laws and regulations that keep our seniors' safe and cared for.

trainings, and help the elders directly to address in some capacity the trauma they have experienced.

**(B) Summarize:**

In order to evaluate the likelihood that these, or similar programs, would be successful in Lawrence County, we first need to discuss what makes them effective in the places where they exist now. Doing so allows evaluators and local leaders to distinguish the elements necessary for the programs' success, so that we can better align our own initiatives.

The Elder Abuse Shelters have been replicated in fifteen cities across the country in states as varied as Ohio, California, Connecticut, and Maryland. These programs are successful in large part due to the community involvement. As a grass root local project, this strategy was designed specifically for the people in the community, was staffed by people in the community, was supported by the backing of local police and prosecutors. They trained the local doormen and pharmacists.

This community-based model could certainly be successful in other places, as made clear by its replication in fifteen cities. But in Lawrence County, this level of local commitment may be difficult to find given that—at least in our research thus far—many people outside the legal community did not seem to think that elder abuse is a problem. Additionally, the level of isolation in rural Indiana is much different than the reality of elders of New York. Determining how to pinpoint the victims of elder abuse can be especially difficult a rural environment where doormen, for instance, are nonexistent. Perhaps by researching the process used to set up shelters in Ohio would provide Lawrence County with some strategies it could emulate in setting up a similar resource.

The Connecticut-based Center for Medicare Advocacy would also be an incredible resource in Lawrence County. The problem is that these agencies require substantial funding, and a theme of our research is a lack of financial resources on individual and regional basis which may provide an obstacle to setting up such a resource. Ms. Greenfield suggested that a first step to initiating a similar resource in rural Indiana would be to connect with the Center for Medicare Advocacy in Connecticut, asking them what is needed to get off the ground, and become a satellite or offshoot of their program, rather than attempting to start an independent program.

Finally, the strategy of relying on federal grants to fund programs for narrow groups of seniors may not be promising for seniors in Lawrence County. It has not been apparent in our research that there is a mass of Holocaust survivors in Lawrence County, so although this particular grant would not be applicable to the most relevant needs for Lawrence seniors, there may be federal grants for other categories of trauma survivors that might be more applicable. That said, funding is a huge obstacle to meeting legal and social needs for our local elders. This was underscored by our interview with the Social Service Provider, Hoosier Uplands, where the need for funding in general and for specific projects is both a need in itself and an obstacle to meeting other needs.

Each of the strategies Ms. Greenfield shared with us had a few elements in common which led to their success: they were made in response to local needs, they were led by strong local leaders who are familiar with and invested in the communities they serve, and they were narrow in the scope of what issue they sought to address. As such, strategies for relief of the legal and social issues discussed in Part I will require local leaders in Southern Indiana to

identify a single issue on which to focus, secure funding, and find partners and volunteers to assist in providing the relief. Our conversations with community members throughout this project highlights that Lawrence County has plenty of individuals who care deeply about the plight of their seniors and who would be key candidates for this sort of leadership.

TO: Indiana Coalition for Court Access

FROM: IU Maurer School of Law Team Studying Legal Needs of Rural Residents in Lawrence County

Kendall Beuligmann, Brittini Crofts-Wassmer, Carolyn Griffith, Derek Harvey, Elena Lentz, Macy Pesavento

DATE: April 13, 2018

RE: A2J Service-Learning Project – Our Research and Findings

### **I. Introduction**

The IU Maurer School of Law, through the Center for Law, Society & Culture, is conducting a statewide legal needs assessment on behalf of the Indiana Coalition for Court Access (“CCA”). Our team engaged in part of this statewide endeavor and acquired meaningful insights into the unmet legal needs of low-income rural members in Lawrence County. We have identified challenges faced by these low-income members limiting their ability to address their basic legal needs and/or legal relief for the problems they encounter and experience, including challenges navigating the social service systems, community organizations, legal-aid providers, and legal institutions. We have learned about important unmet legal needs, how such needs are currently addressed and left unaddressed, services provided, and gaps in local and regional delivery of legal aid.

As the final phase of our A2J service-learning project, this memo incorporates feedback and insights from a variety of sources including interviews and listening tours with a social service provider, legal aid provider, community members, a court/legal official, and a national expert. We have combined what we have learned from these interviews, listening tours, and literature reviews into this memorandum for the CCA.



## II. Identifying Needs

### (A) Legal Needs Studies

To develop a framework for the specific vulnerabilities of rural populations, our group first conducted a literature review of recent legal needs studies from other parts of the county. This provided our group with an overview of both the general needs (which may or may not be legal in nature) and civil legal needs experienced by rural residents. Two general needs that were repeated throughout the literature were (1) a general lack of attorneys in rural areas and (2) difficulties in transportation which make it difficult to access already scarce legal resources. Rural communities often lack the incentives to recruit and retain young lawyers. Many lawyers are dissuaded from practicing in rural areas because of limited professional support and a lack of urban amenities.<sup>1</sup> Statistics show that “although 20% of people in the United States live in rural areas, only 2% of lawyers practice in these areas.”<sup>2</sup> Thus, rural residents often must travel up to 200 miles to access a lawyer.<sup>3</sup> This transportation barrier impacts the ability of rural residents to access the already scarce legal service providers. Additionally, even if there is an attorney closer to home, a general shortage of attorneys to cover all the cases in a community means that nearby attorneys may often be conflicted out of representation.<sup>4</sup>

The literature also revealed a number of civil legal needs of rural populations. One set of civil legal needs that commonly arose in the literature stemmed from violations of labor laws and health and safety regulations. Rural areas often contain large populations of migrant workers that are unaware of their rights or unable to enforce them.<sup>5</sup> Legal service providers in these areas often report finding many illegal employment practices such as wage and hour violations,

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<sup>1</sup> The California Commission on Access to Justice, *Improving Civil Justice in Rural California* 12 (2010).

<sup>2</sup> Lorelei Laird, *In Rural America, There are Job Opportunities and a Need for Lawyers*, A.B.A. J. (2004).

<sup>3</sup> Robin Runge, *Addressing the Access to Justice Crisis in Rural America*, 40 A.B.A. Hum. Rts. Mag. 3.

<sup>4</sup> The California Commission on Access to Justice, *Improving Civil Justice in Rural California* 27 (2010).

<sup>5</sup> *Id.* at 8.

retaliatory firings when employees report violations or invoke their rights, extremely unsafe working conditions, and fraudulent payroll activities.<sup>6</sup> Many workers are afraid to report employment issues because unemployment is already pervasive in rural areas with few opportunities to take up other work.<sup>7</sup>

A second set of common civil legal needs exhibited by rural populations are those relating to rental housing. Rural areas suffer from a lack of enforcement of state and federal laws regarding housing and zoning.<sup>8</sup> This leaves many low-income residents in need of legal assistance to report their landlord's noncompliance. Because of the shortage of attorneys mentioned above, particularly lawyers willing to take up the cause of low-income housing, many rural housing options remain uninhabitable.<sup>9</sup> With no access to legal redress, tenants often take matters into their own hands by withholding rent payment, which often leads to eviction.<sup>10</sup> This, in turn, can lead to homelessness.

In addition to the general and civil legal needs discussed, the literature also debated the very definition of "rural." Based on the definition presented in The California Commission on Access to Justice's report, "rural" refers to a geographically remote area with a sparse population and a connection to agriculture. The report defined "rural" as an area (usually a county) having fewer than 250 persons per square mile.<sup>11</sup> Noting that not all rural areas are equally rural, however, a report from the Department of Agriculture at Purdue University introduced the concept of "Relative Rurality" to discuss the spectrum of rurality.<sup>12</sup>

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<sup>6</sup> *Id.* at 26.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 8.

<sup>10</sup> *The Legal Problems of the Rural Poor*, 1969 Duke Law J. 495, 511-12 (1969).

<sup>11</sup> *Id.*

<sup>12</sup> Brigitte S. Waldorf, *What Is Rural and What Is Urban in Indiana?*, <https://pcrd.purdue.edu/files/media/What-is-Rural-and-What-is-Urban-in-Indiana.pdf> (last visited Apr. 12, 2018)

## **(B) Social Service Provider: Hoosier Uplands**

In order to expand on the needs identified in the literature review and explore the needs specific to rural residents in Lawrence County, our team met with David Miller, Kris Mathews, and Amy Hopper of Hoosier Uplands.<sup>13</sup> Hoosier Uplands has been a social service provider in Lawrence County for over fifty years. As a mainstay in the community, Hoosier Uplands is familiar with the general needs of the county--many of which relate to the opioid crisis. They specifically identified a lack of unemployment assistance, mental health facilities, and transportation options as the county's major needs. While the county has a relatively high unemployment rate, it has few services to help individuals with job searches. Hoosier Uplands believes that unemployment is a contributing factor to the cyclical effect that poverty has on the area and is exacerbated by the opioid crisis. They also discussed the need for increased mental health options. As mentioned above, Lawrence County has been greatly affected by the opioid crisis and has a high demand for treatment facilities. However, there are hardly any inpatient facilities in the area, so Hoosier Uplands often has to refer clients to facilities in Louisville—more than an hour away. Furthermore, Lawrence County lacks reliable public transportation. Mitchell and Bedford are the only towns with public buses, but even these only run from 9:00 a.m. to 3:00 p.m. Rural Transport and Medicab also exist in Lawrence County but Hoosier Uplands indicated that these services are often impractical because of the cost and restrictions on who is allowed to ride.

Hoosier Uplands also identified custodial issues and landlord-tenant issues as two of the most common civil legal needs of the rural Lawrence County community.<sup>14</sup> The opioid crisis has led to an increased number of grandparents seeking custody of their grandchildren as the parents

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<sup>13</sup> Interview with David Miller, Kris Mathews, and Amy Hopper, Hoosier Uplands, in Mitchell, Ind. (Feb. 16, 2018).

<sup>14</sup> *Id.*

are unable to care for their children because of their addiction. Relatedly, many of these same grandparents, parents, and children also face landlord-tenant problems. Many rural community members cannot afford to purchase a home, forcing them to find rental housing. But with a lack of options, many rural residents are forced to deal with landlords that rent homes in unlivable conditions for high prices. Many tenants also obtain their lease through a “gentleman’s handshake,” leaving no paper trail or means of legal recourse when landlord-tenant disputes arise. Additionally, rural areas often do not have housing codes, meaning that tenants have no recourse for uninhabitable rental conditions. Hoosier Uplands indicated that even areas with housing regulations suffer because there is a general lack of enforcement.

### **(C) Legal Aid Provider: Justice Unlocked**

After talking with the main social service provider in the area, our group also met with Jamie Sutton, Executive Director at Justice Unlocked, a legal service provider in Bloomington, Indiana.<sup>15</sup> There is no similar legal service provided in Lawrence County. Justice Unlocked identified two main general areas of need for rural residents in Lawrence County. The first is that rural communities suffer from poor education or lack thereof. Many rural residents do not have any form of higher education and the ones that do generally do not return to rural areas after graduation. This results in a “brain drain” on the county.

In addition to lack of education, Justice Unlocked (like Hoosier Uplands) pointed to general needs relating to transportation.<sup>16</sup> Because Justice Unlocked is located in Bloomington, outside of Lawrence County, the office reported that they have many clients who face major difficulties in reaching the office to obtain legal aid. The lack of public transportation in Lawrence County is particularly troublesome for the elderly who prefer in-person legal

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<sup>15</sup> Interview with Jamie Sutton, Executive Director, Justice Unlocked (Mar. 22, 2018).

<sup>16</sup> *Id.*

assistance. Transportation is even a barrier for legal aid providers like Justice Unlocked because the courthouse in Lawrence County has not incorporated e-filing, meaning that attorneys from the office must travel a significant distance to file paperwork on behalf of clients. (E-filing becomes mandatory on April 25, 2018 in Lawrence County.)

In terms of civil legal needs, Justice Unlocked identified family law as the area in which they provide the most assistance.<sup>17</sup> They reiterated what Hoosier Uplands identified about custody issues relating to the opioid crisis. Justice Unlocked explained that “Children In Need Services” have doubled between 2010 and 2017. Apart from the opioid crisis, the legal service provider described how many rural residents informally modify their parenting agreements, rather than going through the courts. Because these informal agreements lack court approval, however, the court cannot recognize them. Thus, should issues arise in the future regarding parenting time, child support, or custody, courts are unable to recognize past agreements. Similar to the problems Hoosier Uplands identified, Justice Unlocked also reiterated a need for more attorneys to handle landlord-tenant disputes. They indicated that they handle a number of problematic real estate deals based on “handshakes” rather than official paperwork. This type of deal often leads to rural tenants being taken advantage of by predatory landlords.

**(D) Legal Official: Judge Andrea McCord**

To add to our holistic study of the general and civil legal needs of rural residents, we interviewed Judge Andrea McCord of the Lawrence County Circuit Court.<sup>18</sup> The most common general problem facing rural residents that she identified is the opioid crisis, which fits into a web of other problems particularly relating to employment. McCord indicated that the real problem in Lawrence County is not a lack of jobs in the area but rather a difficulty of employees

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<sup>17</sup> *Id.*

<sup>18</sup> Interview with Judge Andrea McCord, Lawrence Cty. Circuit Court (Mar. 26, 2018).

maintaining employment because they cannot pass drug tests. Because many addicts cannot hold down a job, the opioid crisis has also led to an increase in foreclosures. Judge McCord lamented that this cycle of losing a job then losing a house, and then losing custody of children is all-too-common in Lawrence County. She also stressed that there is a lack of mental health facilities available to rural residents in need of treatment. There is only one public facility, Centerstone, and a few privately-owned centers which are not financially available to most rural residents. Judge McCord also mentioned problems with transportation. For many rural residents, just getting to the courthouse is a struggle. Only the cities of Mitchell and Bedford have a bus system. The rest of the county must rely on the “Rural Transit” bus, which is not always reliable or available at convenient times.

As for concrete civil legal needs, the most common needs in Judge McCord’s courtroom relate to family law, including custody disputes, guardianship issues, and divorce.<sup>19</sup> Judge McCord indicated that many of the custody issues that she sees are related to the opioid crisis. She stated that, in the past, the Department of Child Services took around thirty custody cases per year—now they have more than 300. When these family law cases come to the courtroom, Judge McCord indicated that 50% of the parties involved lack representation. Most rural residents choose the pro-se litigation route because of the expense of hiring an attorney, not necessarily because of a lack of attorneys in the area.

A more abstract legal need identified by Judge McCord was the lack of legislation aimed at rural communities.<sup>20</sup> Judge McCord stated that the legislature often develops programs around the needs and resources of urban counties such as Lake, Marion, and Allen. This legislation is

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

often not a good fit for the needs of more rural counties like Lawrence. Even when the programs could be helpful, rural counties often lack the resources to implement them.

**(E) National Expert: Dr. Lisa Pruitt**

Our team spoke next with Dr. Lisa Pruitt, a Professor of Law at the University of California Davis School of Law and a national expert on the needs of rural communities across the United States.<sup>21</sup> Dr. Pruitt identified several general needs facing rural populations including a shortage of lawyers in rural areas. She also indicated that, in areas such as Northern California, she does not see the needs of the rural community being understood or prioritized by legislatures. Dr. Pruitt said that in many areas, the rural community simply does not have the necessary “clout” in the legal and political realms to make change a reality. The shortage of lawyers and political clout in rural areas is intertwined with a lack of evidence of the unmet needs of the rural population. According to Dr. Pruitt, the rural population simply does not receive the same breadth of study as other groups, and researchers are often overwhelmed with the systemic problems that plague rural communities across the nation.

Dr. Pruitt also discussed the civil legal needs that rural communities face, many of which stem from the disparate impact that poor economic conditions have had on rural communities in the United States.<sup>22</sup> The opioid crisis and its impact on family law issues is something that Dr. Pruitt says is common to demographic groups that have been hit harder by poor economic conditions—to which the rural community is no exception. Dr. Pruitt also identified housing issues as a category of major civil legal need for rural communities. She said that housing problems were discussed at a recent rural poverty conference that she attended and that speakers

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<sup>21</sup> Interview with Lisa Pruitt, Professor of Law, Univ. Cal. Davis (Apr. 3, 2018).

<sup>22</sup> *Id.*

were overwhelmingly identifying housing issues as the number one problem for rural communities. She said there is a lot of work to be done on eviction defense in rural communities.

### **(F) Listening Tour**

Our group also performed a listening tour in Lawrence County at the Bedford Public Library, in which we spoke with patrons who agreed to let us use their first names.<sup>23</sup> A majority of the residents we spoke with identified the opioid crisis as the most pressing problem for the community. Many also identified lack of employment opportunities as a major issue for Lawrence County. Dave specifically noted that “brain drain” is a direct result of few job opportunities in the area. Robyn elaborated in her interview that many of the existing jobs do not pay enough to support a family and that this has led many to turn to welfare or to selling prescription drugs. Additionally, in terms of transportation, Dave identified bad roads as a problem for rural residents. Linda, contrary to what was expressed by Hoosier Uplands and Judge McCord, felt that the “Task Bus” was very helpful for residents needing travel assistance.

While not many interviewees discussed employment or drug issues as “legal” in nature, a few, including Mike, did indicate that a lack of employment opportunities “feed into legal problems.”<sup>24</sup> Dave had lost his job after a local company shut down due to poor management. Dave did not identify a legal aspect to this problem and indicated that he put himself back through school to learn a new trade in order to resolve his unemployment issue.

Problems in family law involving divorce and child custody were commonly mentioned by members of the rural community as “legal needs.”<sup>25</sup> Christina said that she has many friends who have had problems with Child Protective Services; Nathan indicated that he sees many

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<sup>23</sup> Interview with Dave, Robyn, Linda, Mike, Christina, Nathan, and Betty, Residents, Lawrence Cty. (Mar. 26, 2018).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*



grandparents in the library seeking orders to obtain emergency custody of their grandchildren. Robyn said that she had been through a long, expensive divorce and that she currently struggles with her ex-husband not paying child support. Many of the rural community members that we spoke with had sought and/or obtained help from a legal professional on these family law issues. Robyn specifically noted that she and her husband had attorneys for their divorce and that she had an attorney who helped her file bankruptcy. Christina noted that her friends who had issues with Child Protective Services had turned to attorneys because many of the community's free services are too backlogged to be helpful. In contrast, Nathan's experience with grandparents who seek custody of their grandchildren shows how members of the rural community often go through the court system unrepresented by an attorney. Library staff noted that the library has all the legal forms one would need and is very helpful for pro se litigants.

Betty and Linda each identified issues outside of family law.<sup>26</sup> While Linda struggled to receive her Medicaid benefits, Betty has had a lot of difficulty in obtaining government assistance to put a new roof on her home. She indicated the Department of Housing and Urban Development (HUD) has not been cooperative with her requests. Neither Betty nor Linda indicated that they had sought legal assistance for the issues they had experienced.

### **(G) Analysis and Summary**

Many themes held true throughout our literary research and interviews with the various legal and social aid providers in the Lawrence County area, although there were some notable differences. With a population density of around 150 people per square mile, Lawrence County satisfies the requirements of official "rurality" but only at a medium level, ranking "4" on Purdue's Index of Relative Rurality which ranges from 0-9, with "0" being the most rural. Thus,

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<sup>26</sup> *Id.*

one can infer from this information that the needs that residents of Lawrence County face will be a mix of needs specific to rural populations as well as some experienced in less rural areas.

Our original research revealed that rural communities suffer from a general shortage of attorneys as well as difficulties in obtaining transportation to get to the few existing legal aid providers. Our subsequent interviews, save for our discussions with actual members of the community, revealed that these two general needs are pervasive in rural Lawrence County. However, when we performed our listening tour, we received conflicting information. For example, while Dave indicated that public transportation is unreliable, Linda reported being extremely happy with the bus system. These differing viewpoints are likely attributable to where the residents actually live in the county. Furthermore, none of the residents that we interviewed seemed to feel as though there were not enough attorneys available, although Christina did indirectly describe this issue when referring to backlogs to receive legal aid. It is likely that the failure to recognize many problems as legal ones has led to a general misconception about the number of available attorneys.

“Brain drain” was also an issue that was discovered in our literature review that subsequently came up in interviews with Justice Unlocked, Hoosier Uplands, and members of the community. Members of the community expressed that the lack of available employment opportunities meant that young people had no desire to return to the area after college. Hoosier Uplands also echoed the feelings of members of the community that existing jobs were few and far between and that most did not pay a decent living wage. Justice Unlocked elaborated on this problem in detail. In contrast, Judge McCord indicated that there are ample jobs, but few that will hire employees with drug addictions.

Some needs in our original research were not found to be prevalent in Lawrence County. For example, Lawrence County does not have a large migrant population and thus issues with illegal employment practices did not arise. Additionally, our research indicated that rural areas see high numbers of violations of labor and health and safety laws, but no one mentioned anything regarding these types of problems with local employers. However, it is notable that our research also indicated that, in areas with poor job markets like in Lawrence County, employees are less likely to report existing violations for fear of not being able to find other employment.

One general area of need that our literature review did not identify is the need for addiction and mental health treatment facilities in light of the opioid crisis. Hoosier Uplands, members of the community, and Judge McCord strongly felt that the opioid crisis created the greatest area of general need for the rural community. It is likely that the research did not focus heavily on this need because, as Dr. Pruitt opined, all areas impacted by the economic downturn are likely to suffer from the opioid crisis, not just rural communities.

Many of the civil legal needs identified in our literature review also came up in subsequent interviews. For example, Dr. Pruitt identified housing issues as the most pressing national problem for rural communities across the nation and both Hoosier Uplands and Justice Unlocked echoed this sentiment. Hoosier Uplands specifically noted that a lack of local zoning regulations complicates the ability of rural Lawrence County residents to fight back against predatory landlords. Our research also indicated that rural areas generally tend to have few zoning laws which are scarcely enforced. Relatedly, Hoosier Uplands and Justice Unlocked indicated that they see many problems arising from the traditional “handshake” deals between landlords and tenants.

Even though family law issues were ubiquitous across the various persons that we spoke with, Dr. Pruitt felt that these issues are not particular to rural populations. Our research indicated that family law issues, and, in particular, custody issues, are extremely common among rural Lawrence County residents. Based on discussions with Judge McCord, Hoosier Uplands, Justice Unlocked, and members of the community, it is clear that many rural residents are experiencing custody issues because of the opioid crisis. Thus, at least in rural Lawrence County, family law and housing issues are the two biggest civil legal needs facing rural residents.

### **III. Addressing Needs and Gaps in Addressing Needs**

Across Lawrence County and the State of Indiana, various organizations are attempting to close the gap between the needs of rural populations, both general and civil legal, and the ways in which these needs are being redressed. Throughout our information gathering, we learned that not all problems are currently being addressed because of a lack of resources. However, we also learned that several programs, policies, and initiatives are in place to better serve rural populations.

#### **(A) Social Service Provider: Hoosier Uplands**

During our interview with Hoosier Uplands, the providers highlighted the most pressing general needs facing Lawrence County including a lack of mental health facilities, unemployment assistance, and transportation options. They also discussed their current programs and initiatives.<sup>27</sup> Hoosier Uplands is the primary social service provider within Lawrence County. Other state agencies exist that could provide social service assistance, but many rural residents are unable to find transportation to get to these agencies. There are smaller social service providers within Lawrence County, such as the YMCA in Washington, Indiana which

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<sup>27</sup> Interview with David Miller, Kris Mathews, and Amy Hopper, Hoosier Uplands, in Mitchell, Ind. (Feb. 16, 2018).

offers programs for youth. Additionally, Becky's Place is located in Bedford and provides assistance to victims of domestic violence. Various churches and food pantries also provide support to the rural population. Still, Hoosier Uplands is the only provider able to travel to clients and provide home visits which is often vital in a rural area.

The most frequently used services Hoosier Uplands provide are their drug addiction and mental health services.<sup>28</sup> Serenity Now, a facility located in Bedford, the county seat of Lawrence County, serves 1,400 patients on a referral basis. However, the facility has been losing money due to the slow reimbursement rates from the federal government and private insurance agencies. Hoosier Uplands believes that if more funding was available, Mitchell, a smaller town in Lawrence County, could sustain a mental health clinic on its own because of the overwhelming need for such services.

Relatedly, Hoosier Uplands identified assistance with custody agreements as another popular request of rural residents in Lawrence County.<sup>29</sup> As discussed above, grandparents are increasingly seeking custody of children as a result of the opioid crisis. Though they are not a legal service provider, Hoosier Uplands attempts to aid these community members in filling out the correct forms online related to guardianship disputes. Though they have been told that the forms had been filled out incorrectly in the past, the organization is working to improve its effectiveness in providing this type of assistance. They identified a great need to supplement the current legal aid services in the county which include Indiana Legal Services' visits to the local library once a month as well as a local lawyer who occasionally volunteers to help with custody issues.

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

While Hoosier Uplands addresses many needs of Lawrence County residents, many other needs are still unmet.<sup>30</sup> Though many rural residents in Lawrence County face economic hardships because of employment, Hoosier Uplands does not currently provide services to help individuals gain employment. Rather, they refer people to the unemployment offices located within state agencies. As discussed in the previous section, rural residents also face difficulties in getting to work due to a lack of transportation. These individuals who are unable to get to work because of transportation issues are also unable to get to these offices to receive assistance. While Hoosier Uplands does not directly provide transportation services, their employees often go above and beyond their work responsibilities to pick up clients and perform home visits.

An additional unmet civil legal need involves housing issues. Hoosier Uplands stated that they work closely with community members on Section 8 housing applications.<sup>31</sup> However, since there is limited Section 8 housing available and many people do not qualify, the organization is limited in who it helps. As previously discussed, unfair rental practices are common within rural communities. Unfortunately, Hoosier Uplands does not offer services specifically targeting low quality housing, though they did express a desire to assist more with the home renovation process. They stated that removing a portion of the run-down homes in the area would prevent “slumlords” from owning uninhabitable homes and charging unfair rent to low income families.

#### **(B) Legal Aid Provider**

During our interview with Jamie Sutton with Justice Unlocked, he identified numerous legal issues that his organization addresses within the area of Lawrence and Monroe Counties.<sup>32</sup> Justice Unlocked most often assists with legal issues involving family law, criminal law, and landlord-tenant disputes. Many individuals who attempt to address their civil legal needs on their

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Interview with Jamie Sutton, Executive Director, Justice Unlocked (Mar. 22, 2018).

own ask clerks within the court's office for legal assistance and are frustrated when the clerks are unable to assist. For this reason, court officials often point individuals to Justice Unlocked. The organization aids individuals by providing them with applicable laws, writing motions, and filling out legal forms provided by the courts. Although Justice Unlocked does not explicitly work on a large scale to alleviate the problems that rural populations experience, they are able to improve the lives of individuals by assisting them with their personal interactions with the court system. Additionally, a large part of Justice Unlocked's work centers around educating clients about how the judicial process works. Sutton indicated that he is passionate about addressing the educational barriers that exist for low-educated rural residents who simply do not understand the court system and its processes.

The most pressing needs that Justice Unlocked addresses are those relating to finances, transportation, and education.<sup>33</sup> Mr. Sutton stated that the most common reason people request help from Justice Unlocked is due to the inability to afford legal representation by other means. These individuals are often directed to Justice Unlocked by the court or social service providers. Ms. Sutton estimated that two-thirds of individuals seeking the organization's assistance do so because of financial instability. These same people often struggle with a lack of transportation as well as a lack of basic knowledge of the legal system. Justice Unlocked then provides the legal services that clients need, which differ based on what each client's situation requires. Many individuals come to Justice Unlocked after having attempted to navigate the court system without an attorney. Others previously had attorney representation but could no longer afford it after lengthy cases. Regardless, their goal is to provide affordable options for receiving legal assistance.

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<sup>33</sup> *Id.*

Justice Unlocked frequently assists with landlord-tenant disputes, which are the most common issue that they see.<sup>34</sup> Some of the clients have only made oral agreements for renting property through “handshake deals.” Accordingly, when these arrangements go bad, the dispute is often handled through the justice system. Because many landlords have litigated previously, they have the advantage of experience within the judicial system. Justice Unlocked levels the playing field by providing these individuals with legal expertise to counteract the experience of the landlords. The organization assists with filing court paperwork and drafting motions. Justice Unlocked also occasionally aids individuals in creating or supplementing agreements with documentation in order to formally explain the parameters of their agreements.

There are some areas of law that Justice Unlocked is not sufficiently equipped to handle within their office, however.<sup>35</sup> For these issues, they refer clients to other local attorneys and organizations. Issues that the organization is unable to address include Medicare/Medicaid benefits, workers compensation claims, Bloomington Housing and Urban Development (HUD) claims, and food stamp issues. He explained that these issues require detailed knowledge in a specific area of law, whereas the claims Justice Unlocked usually addresses rely more simply on common law or statutory law. For example, in cases regarding veteran disabilities, Justice Unlocked points individuals to programs such as the Maurer Disability Clinic for veterans to address their claims. In other cases, the organization provides the contact information for state hotlines or the state bar association if they are unable to find a local match for someone. This ensures that Justice Unlocked either addresses the need requested or points the person in the right direction to receive the legal assistance they require.

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.*



Though they spend the bulk of their time addressing the legal needs of their clients, Justice Unlocked also addresses non-legal needs as the two are often intertwined.<sup>36</sup> Mr. Sutton explained that one way they attempt to alleviate some of these non-legal needs is to minimize the issue of transportation by using electronic or telephonic meetings through FaceTime and Skype. This allows the attorneys to speak with the client without forcing one to travel to the other. Furthermore, Justice Unlocked sometimes travels to the Lawrence County Courthouse so that the clients are not forced to do so.

### **(C) Legal Official**

Our group interviewed Judge McCord from the Lawrence County Circuit Court.<sup>37</sup> In the interview, she discussed the most common general and civil legal needs that rural residents face. As discussed by the service providers above, she highlighted the web of needs created by the opioid crisis. To deal with the many problems that drugs have created in the county, Lawrence County currently operates three drug courts that focus more on rehabilitation rather than punishment. The courts seek to create pathways for persons suffering from addiction to return to their lives rather than facing decades of incarceration. Though she did not have specific numbers of those who had successfully completed the rehabilitation programs, Judge McCord believed that the drug courts within Lawrence County were effective at resolving issues related to the opioid crisis and preventing future ones.

Judge McCord identified family law as the most common civil legal need experienced in Lawrence County.<sup>38</sup> Though many family law cases are unrelated to drugs, she identified an increase in the number of guardianship hearings involving a drug-addicted member of the family. She also explained that most of the family law cases that she sees go through the entire legal

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<sup>36</sup> *Id.*

<sup>37</sup> Interview with Judge Andrea McCord, Lawrence Cty. Circuit Court (Mar. 26, 2018).

<sup>38</sup> *Id.*

process until an agreement is reached. However, the sheer number of family law cases often puts a stress on the county's court system, particularly when litigants are pro se. She estimated that 50% of those in court for divorces, custody hearings, and guardianship hearings do not have representation.

Another frequent legal issue in Judge McCord's court is foreclosure, which as she explained, also relates to the opioid crisis through unemployment.<sup>39</sup> In foreclosure cases, the bank will file notice on a house after which the owner will have an opportunity to work out a repayment plan with the bank. If this plan falls through, however, the bank will be required to file in court. Judge McCord stated that these cases typically go through the entire process and are not dismissed. As in family law cases, the homeowners are often unrepresented throughout this process.

What is particularly challenging in the above types of cases is that plaintiffs are usually unable to afford counsel and, unlike in criminal cases, will not have the right to have counsel appointed.<sup>40</sup> Judge McCord explained how she must explain more of the procedural posture to unrepresented individuals to help them through the court process, including giving them a general overview of what they need to do and where to do it. This explanation takes times of course, but without the assistance (and even despite this assistance in some cases) pro se litigants make mistakes and may miss opportunities. Judge McCord was excited to share that Lawrence County will be switching to electronic filing on April 25, 2018. She felt this will particularly benefit pro-se litigants who will be less intimidated by not needing to go to the court to file.

#### **(D) Summary**

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

Based on our interviews with Hoosier Uplands, Justice Unlocked, and Judge Andrea McCord, many civil legal needs are not yet being addressed or are not yet being fully addressed. There are gaps in the services that Hoosier Uplands can provide, and the nearest legal aid providers, Justice Unlocked and Indiana Legal Services, are located in Bloomington--thirty minutes or more from Lawrence County. At a county level, not much has been done to coordinate with these legal service providers because the distance makes it impractical for many rural residents. Therefore, although Hoosier Uplands utilizes various contacts with other providers to correct general needs, when these issues become legal in nature, the assistance they are able to provide becomes limited. Thus, Hoosier Uplands believes the community would benefit from the presence of a legal aid organization—or even a few individuals—located in the county who could better assist the rural population. This need, commonly identified in our literature review, is faced by most rural communities around the country.

Although there is shortage of legal service providers in the area, the social service providers seem to have a strong, communicative relationship with the judges and the court system in Lawrence County. Hoosier Uplands stated that their local judge was “community minded” and often allows them to call and discuss legal questions with him. Similarly, Judge McCord felt that Lawrence County’s justice system operated well. Although there could always be improvements, Judge McCord stated that there are quarterly meetings in which judges, mental health providers, probations officers, and social service providers gather together; they jokingly call it the “Justice League.” These meetings are the perfect forum to develop intersectional approaches to solving problems and have already been successful in the past.

#### **IV. Strategies for More Effectively Meeting Needs**

To get an outside perspective and to learn more about programs and initiatives being implemented around the country, we interviewed Dr. Lisa Pruitt. In addition to learning about the national trends and problems that face rural Americans (discussed above), we also asked her about strategies that are working and how to adapt them to Lawrence County.

#### **(A) National Expert: Recommended Programs**

Dr. Pruitt mentioned three unique programs being implemented around the United States that she thinks are particularly effective and could be implemented in Indiana to address the legal needs of rural communities.<sup>41</sup> These programs include: Project Rural Practice in South Dakota, Rural Practice Fellowship in Maine, and Justice Bus in California.

##### *Project Rural Practice, South Dakota*

South Dakota has seen success with Project Rural Practice, a program designed to study the status of rural attorneys.<sup>42</sup> Because such a large percentage of South Dakota is rural, the state was incentivized to create a program that would address the shortage of lawyers in rural communities. They designed Project Rural Practice to partner with law schools to generate interest in rural practice. Project Rural Practice seeks to legitimize law students' interest in rural practice, emphasizing that rural practice is a valid alternative to big law or government work. In South Dakota, 65% of the member of the South Dakota Bar are located in four cities.<sup>43</sup> To solve this problem, Project Rural Practice created the Rural Attorney Recruitment Program, a program that places students and young attorneys in rural communities, to meet the shortage of attorneys in those communities and create financial incentives for them to stay long term.<sup>44</sup>

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<sup>41</sup> Interview with Lisa Pruitt, Professor of Law, Univ. Cal. Davis (Apr. 3, 2018).

<sup>42</sup> State Bar of South Dakota, *Project Rural Practice*, <http://www.statebarofsouthdakota.com/page/mission-189>.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

Through a partnership among counties, the South Dakota Legislature, the Unified Judicial System, and the South Dakota State Bar, the program created sixteen positions for rural attorneys, who would be paid approximately \$60,000 in incentive payments for a five-year commitment to practice in a rural community.<sup>45</sup> Since the program's creation, The Rural Attorney Recruitment Program has doubled its funding to create opportunities for thirty-two attorneys by 2022. In 2015, the program branched off to include an internship program, with forty-eight counties capable of requesting an intern through the program.<sup>46</sup>

Project Rural Practice has proven very successful in South Dakota, according to Dr. Pruitt, in part because many law students are looking for an alternative to big law.<sup>47</sup> With the South Dakota Bar and the South Dakota School of Law's validation of rural practice, the program has been able to motivate law students and lawyers to seriously consider moving to and becoming active in a rural community. Thus far, nearly two dozen attorneys have been or will be placed in rural areas.<sup>48</sup> While this number may seem small, Dr. Pruitt emphasized that this bump in attorneys can significantly aid those struggling residents of rural communities.<sup>49</sup>

#### *Rural Practice Fellowship, Maine*

Like South Dakota, Maine has identified a potential shortage of attorneys in the coming years.<sup>50</sup> The University of Maine School of Law began efforts to link students to rural communities with a project it calls the Rural Practice Fellowship. This project, a collaboration among the law school, the Maine State Bar Association, the Maine Board of Bar Overseers, and The Maine Justice Foundation, created a fellowship program with the goal of placing students in

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<sup>45</sup> *Rural Attorney Recruitment Program*, <http://ujs.sd.gov/Information/rarprogram.aspx>

<sup>46</sup> *Id.*

<sup>47</sup> Interview with Lisa Pruitt, Professor of Law, Univ. Cal. Davis (Apr. 3, 2018).

<sup>48</sup> *Rural Attorney Recruitment Program*, <http://ujs.sd.gov/Information/rarprogram.aspx>

<sup>49</sup> Interview with Lisa Pruitt, Professor of Law, Univ. Cal. Davis (Apr. 3, 2018).

<sup>50</sup> *Maine Law to Launch Rural Practice Fellowship During Workshop on April 8th*, <https://mainelaw.maine.edu/news/rural-practice-fellowship-workshop-april-8th/> (last visited Apr. 12, 2018).

rural communities under the guidance of practitioners.<sup>51</sup> The program, while still in its early stages, has introduced a seminar focused on specific ethical considerations for rural practice, unique issues that arise in rural practice, and outlining the best type of curriculum to take in law school to be prepared for rural practice.<sup>52</sup> Dr. Pruitt was hopeful that this project, like the one in South Dakota, will be successful.<sup>53</sup>

#### *Justice Bus Project, California*

In the state of California, One Justice introduced the “Justice Bus Project,” a plan to mobilize law students and attorneys to get involved in pro bono work for rural, low-income Californians in a mobile, clinic setting.<sup>54</sup> The bus transports attorneys and law students to communities in need of legal services. Law students are incentivized to participate with the possibility of gaining hands-on experience that they cannot get elsewhere. Since 2007, the program has benefited over 5,000 low-income Californians.<sup>55</sup>

#### *Application in Indiana*

An important insight to be gained from both the Maine and South Dakota programs is the emphasis on reframing the future of the legal profession, instead of trying to solve the problem immediately. Both programs seek to incentivize recent graduates to pursue rural practice in the longer term. Since many students bring with them to law school an interest in rural practice, law schools need to provide more resources to empower students to pursue these plans rather than pushing them toward big cities and firms. Once law students see alumni going into rural practice,

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<sup>51</sup> *Id.*

<sup>52</sup> *Preparing for Rural Practice Program Schedule*, <https://www.mainelawcommunity.org> (last visited Apr. 12, 2018).

<sup>53</sup> Interview with Lisa Pruitt, Professor of Law, Univ. Cal. Davis (Apr. 3, 2018).

<sup>54</sup> Lisa Pruitt and Bradley Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S.D.L. Rev. 466 (2014).

<sup>55</sup> Justice Bus Project, <https://onejustice.org/probonojustice/justice-bus-project/> (last visited April 12, 2018).

they will begin to see this field as a legitimate option and, in turn, national trends will begin to shift.

A rural practice initiative similar to those started in both Maine and South Dakota could also be successful in southern Indiana. Many law students in Indiana have a rural background, and when beginning law school, would still be open to returning to work in these or similar communities. Indiana University Maurer School of Law could incentive rural practice like Maine did with sessions on course-planning that focus on how to be a well-rounded attorney for a rural practice. Moreover, Maurer could build on the educational component of the Maine program by designing courses around rural practice, potentially as a prerequisite for participating in a rural practice fellowship program. To be successful, a strong partnership would need to be created among the law school's decision makers and those in rural practice to design and schedule courses. To implement this program, stakeholders would need the resources to fund students and recent graduates with stipends to incentive their involvement in the program.

The Justice Bus program seeks to provide valuable experience to law students in a clinic setting, and this interest in getting hands-on experience is not unique to California. California capitalized on one of its biggest resources: experience-hungry students. A program similar to the Justice Bus Project could be highly effective in both Lawrence County and around the state more generally, as Indiana also has many experience-hungry students. To be successful, strong partnerships would be necessary between practicing attorneys or legal aid providers, who would oversee the project, and the local law schools. Indiana has several excellent law schools all less than an hour from a rural community. With so many students eager to gain practical experience, reaching communities like Lawrence County that are poor in legal resources should not be a challenge. Stakeholders would need the funding to purchase the bus and to pay for the gas to

travel to these communities as well as the commitment of the communities themselves to advertise the program. Stakeholders would also need funding and support from the schools for the professionals who would be supervising the program.

**(B) Summary and Conclusion**

Difficulties in access to justice exist on a national level and are not merely confined to Indiana. As Dr. Pruitt emphasized, the civil and legal needs we identified in Lawrence County are indicative of those present across the United States. The most beneficial and effective programs, according to Dr. Pruitt, first place a value on their rural populations and then seek to meet their needs using law students as a resource. Moving forward, Indiana needs to value rural residents and prioritize these communities by putting the necessary financial incentives into place to close the gap between legal access and legal needs.





**SUSTAINING HOOSIER COMMUNITIES**



# **RURAL ENGAGEMENT**

A BRIGHTER FUTURE *for* ALL