

Austin Winter

Dr. Cutler

Summer Legal Fellows

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This summer I was the IP Summer Legal Fellow at Albany Law School's Government Law Center. Not only was I able to utilize the majority of my skills this summer, I also gained a lot of new experiences. The primary goal of this summer was to support the Government Law Center's Rural Law Initiative that works with the New York State Bar Association's Rural Justice Task Force to improve access to justice for rural New York. During my time, I also worked alongside Albany Law Professor Dr. Seve Falati to brief cases related to intellectual property law. This experience was one I greatly value and recommend to any Siena student that is considering attending Albany Law School.

My first task at Albany Law was to explore Taier Perlman's "Rural Law Practice in New York State" report that provided valuable information on the realities of rural legal practice. This report provided an introduction to the many hardships' rural attorneys and clients face. The report surveyed 919 people, 573 of which were rural attorneys. In rural areas, the majority of legal practices are small and are only comprised of solo or few practitioners. Rural attorneys are overwhelmed, financially stressed, unqualified and unspecialized, soon retiring, and lack modern day technology and broadband that would enhance their practice. Next we looked at a Harvard Law Review publication titled "Legal Deserts: A Multi-State Perspective on Rural Access to Justice." This article provided a deeper dive into the rural access to justice crisis that plagues

rural America. The publication provided state surveys that looked into rural justice shortages across different states in the United States. This publication provides a perspective on the difference between rural and urban law and why so few young attorneys are willing to work in rural areas. I found it striking that in Georgia, 65% of their 10.3 million residents live in places that are “Rural” and that according to the article, “Most lawyers and legal services are concentrated within the metropolitan Atlanta area, leaving a dearth of lawyers and legal services outside that conurbation.” The research that was conducted during the first few weeks at Albany Law really drove home the fact that rural Americans’ legal needs are growing and rural lawyers are shrinking. From this research and review of the articles, I identified 3 issues that I believed were most important and need to be addressed. I chose, the shortage of legal presence and lack of specialization, case volume, and attorneys in rural areas fast approaching retirement age. I was then required to prepare and briefly describe why I chose those challenges in a discussion with staff from the Government Law Center.

Next, we were provided a presentation on West Law and Lexis Nexis by Saadia Iqbal from Albany Law School. I was able to reference the presentation and use Saadia as a resource when Professor Seve Falati gave me the task of finding and briefing intellectual property cases: *Clorox Co. v. S.C. Johnson & Son, Inc.*, *Cincinnati Bell Foundry Co. v. Dodds*, and *Bimbo Bakeries USA, Inc. v. Botticella*. Professor Falati gave me some resources on the IRAC method and I proceeded to write case briefs on each of the 3 cases for feedback. This not only helped introduce me to legal research and case briefing but also established a great relationship with a law school professor.

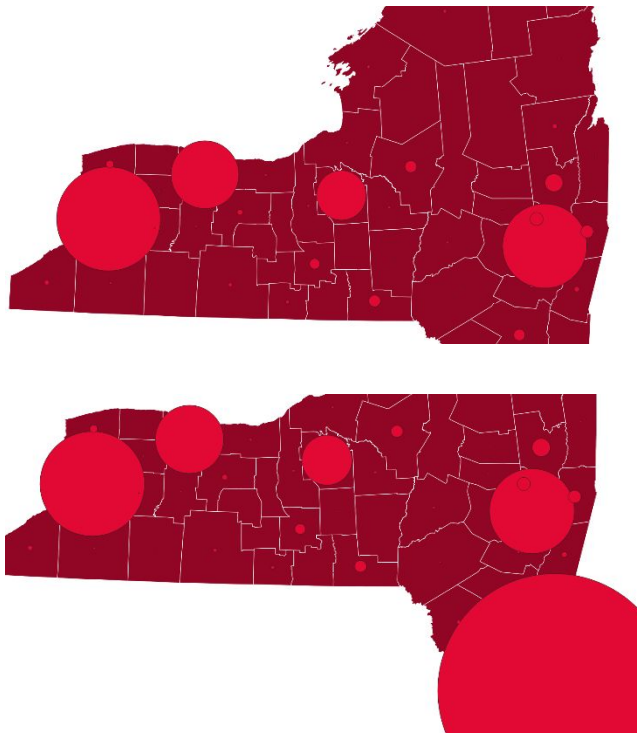
By my 3rd week, the fellows and I worked to reorganize and research the Rural Justice Task Force's rural law program spreadsheets. We developed a comprehensive spreadsheet that surveyed rural law programs across the nation by state bar organizations, law schools, and private organizations. The spreadsheet was organized by state and covers rural law programs available or unavailable in all 50 states. For the month of July, we diligently worked to find as many rural law programs as we could. We emailed numerous organizations to get a better understanding of the programs that work to combat the increasing shortage of lawyers and improve access to justice within rural communities. As we tried to assemble detailed information on how each state is addressing this issue, every piece of information was valuable. Anything that the organization could tell me about the rural justice programs or lack thereof was valued in creating this spreadsheet. We found hundreds of programs and this discovery allowed us to begin

thinking of what a rural justice program would look like in New York state.

	Partners	Program/Initiative Title	Program Type
Connecticut	Legal Services Corporation	Statewide Legal Services of Connecticut	
Delaware	Emailed Caroleena Goldman, Administrative Assistant and Coordinator of Access to Justice Initiatives		
Florida	Legal Services Corporation	Florida Rural Legal Services, Inc.	
Georgia	Georgia Supreme Court, State Bar of Georgia, Emory University School of Law, Georgia State University College of Law, John Marshall Law School, Mercer University School of Law, and University of Georgia School of Law	Lawyers for Equal Justice ("L4EJ")	
Georgia	Young Lawyers Division (YLD) of the State Bar of Georgia Mercer University—Walter F. George School of Law Georgia State University College of Law University of Georgia School of Law Emory University School of Law Atlanta's John Marshall Law School	Succession Planning Pilot Program	
Hawaii	University of Hawaii at Manoa William S. Richardson School of Law, Legal Aid Society of Hawai'i, Volunteer Legal Services Hawai'i.	Hawai'i Emerging Legal Practitioners Access to Justice Project (HELP)	Legal Incubator
Idaho	Idaho State Bar	Idaho Volunteer Lawyers Program	
Idaho	Idaho State Bar Idaho Legal Aid Services DisAbility Rights Idaho Idaho Volunteer Lawyers Program	Access to Justice Idaho Campaign	Clinics
Illinois	The Illinois State Bar Association/ Non-Profit Organization	The Public Interest Law Initiative-Pro-Bono Committee	
Indiana	NO PROGRAM, RECIEVED EMAIL RESPONSE		

While this research was going on, Taier Perlman (Staff Attorney for Albany Law’s Rural Law Initiative) asked if I would be able to provide a visual representation of the attorney shortages in New York given my experience in GIS (Geographic Information Systems). I was delighted to be able to use my skills in GIS to help visualize the rural access to justice crisis. I began by downloading a 373,000-entry dataset of NYS Attorney Registrations. I used PostgreSQL to organize and manipulate the data into a table that accurately portrayed the

number of attorneys per city and county in New York. With this data table, I used QGIS to map the data onto a NYS County map. Below you will see bubble maps that show how urban areas have such a greater attorney density than rural areas. For example, New York City has 85,000 attorneys, thus the size of the bubble is significantly larger than that of Albany's. These maps accurately portray the shortage of attorneys in rural counties.



After the fellows and I concluded our research of state bar organizations, we split up into two groups. Zach Coderre and I assembled a document highlighting the best state bar rural justice program types. We broke our document down into 3 categories: Incentives, free services, and rural law recruitment and relationship building. The programs we chose that best represented these categories were South Dakota Legal Self-Help (Rural Attorney Recruitment Program), The Oregon State Bar's Diversity & Inclusion Department, California Rural Legal Assistance, Inc., University of Nebraska Law (Rural Attorney Recruitment Program), and the Nebraska State Bar

(Rural Practice Initiative). We contacted these organizations via email and phone to learn more and ask questions such as: When did this program begin and how? How do you measure the success of your program? Who funds the initiative? Being able to be in contact with these organizations further enriched our analysis of successful rural law programs that could have the potential to improve the current state of rural law in New York.

To conclude our fellowships, we wrote policy briefs on behalf of the NYSBA Rural Justice Task force committees. The purpose of the policy brief was to provide a proposal for ways the committee can tackle the problem they serve to address. The committees we could write on behalf of were Rural Law Practice, Broadband & Technology, Funding, Law Schools & New Attorneys, and Law & Policy. Our policy briefs would provide insight on the kinds of programs that could be supported or created by the committee in support of access to justice for rural New York. I chose to write my policy brief for the Broadband and Technology committee and focus on how better broadband and technology could improve access to justice for rural New York. I wanted to touch on the new authorization of over \$39 million by the FCC to support the expansion of broadband over the next 10 years in rural New York. I further explored how this new expansion could help bring legal services to rural New York. I explored key virtual practice programs that helped to address the access to justice gaps in rural areas across the globe. I then used those programs to infer how similar programs implemented in New York would help solve New York's access to justice gap. I particularly looked into the creation of legal service hubs within the most attorney-populated areas of New York. These hubs would virtually provide legal services on behalf of assigned rural counties to ensure all of New York is equally represented. I proposed hubs being located in New York City (85,009 attorneys), Westchester County (12,777

attorneys), Erie County (5,716 attorneys), Albany County (4,635 attorneys), Monroe County (3,725 attorneys), Onondaga County (2,730 attorneys), and Saratoga County (980 attorneys). These centers would help address rural legal shortages by sharing the legal needs of the surrounding rural districts in New York. This would develop a greater responsibility to serve the underserved.

Overall, my experience with Siena's Summer Legal Fellows program in partnership with Albany Law successfully provided a glimpse at my future in law. Not only did I get to learn new skills to better prepare me for law school but also establish connections with staff at a law school I am considering. The work was wonderful but the additional memories that were made at the New York State Capital, the court of appeals, and other tours made the experience all the more enjoyable and unforgettable.