

VIRGINIA STATE BAR

Lawyer Population Study Committee

May 14, 2024 at 3:00 PM

AGENDA

- 1 Welcome and Call to Order/Roll Call
- 2 Action Items
 - a) Committee Name
 - b) Mission Statement
 - c) Scope of Work
 - d) Focus Area Subcommittees
 - e) Proposed Schedule for Study Committee Meetings
- 3 Discussion
 - a) Stakeholders
 - b) Research Initiatives
- 4 Other Business
- 5 Adjournment

VSB Study Committee – Topics for 2nd Meeting (May 14, 2024)

**Items require direct action by committee*

Mission Statement*

To examine and raise awareness of the declining number of lawyers practicing in Virginia, resulting impacts on the population and economy of the Commonwealth, particularly in geographic areas that may be described as “legal deserts,” and to make recommendations to address these trends, mitigate adverse impacts, and improve access to legal services, the legal profession and the justice system for all Virginians.

Scope of Work*

- Examine trends in the Virginia lawyer population to better understand the demographics and legal practice areas of Virginia State Bar members, including their changes over time;
- Define and characterize “Virginia legal deserts,” and highlight the impact of the distribution and makeup of practitioners on access to legal services and access to justice, including developing trends in the same;
- Analyze and determine how best to publicize VSB membership information and related trends, including declines in new attorney bar admissions, anticipated retirement of senior lawyers, and related impacts on the VSB and the health of the profession and the justice system;
- Develop accessible and readily implementable recommendations to grow the population of Virginia attorneys statewide and in underserved locations, including ways to attract and retain Virginia lawyers to work in at-risk geographic areas; and
- Identify regulatory reforms, legislative actions, and other potential solutions to increase attorney numbers and mitigate the impacts of “legal deserts” and refer them to stakeholder groups for development and implementation as appropriate

Focus Area Subcommittees & Related Scope of Work*

- Virginia Admissions & Attorney Volume
 - Examine trends in the Virginia lawyer population by locality to better understand the demographics and legal practice areas of Virginia State Bar members
 - Analyze and determine how best to publicize VSB membership information and related trends, including declines in new attorney bar admissions, anticipated retirement of senior lawyers, and related impacts on the VSB and the health of the profession and the justice system
 - Develop accessible and readily implementable recommendations to grow the population of Virginia attorneys statewide
 - Identify regulatory reforms, legislative actions, and other potential solutions to increase attorney numbers
 - directly propose them to decision-making bodies, as appropriate
 - refer them to stakeholder groups for development and implementation
- Virginia Legal Deserts
 - Define and characterize “Virginia legal deserts,” and highlight the impact of the distribution and makeup of practitioners on access to legal services and access to justice, including developing trends in the same

- Develop accessible and readily implementable recommendations to grow the population of Virginia attorneys in underserved locations, including ways to attract and retain Virginia lawyers to work in at-risk geographic areas
- Identify regulatory reforms, legislative actions, and other potential solutions to mitigate the impacts of “legal deserts”
 - directly propose them to decision-making bodies as appropriate
 - refer them to stakeholder groups for development and implementation as appropriate

Potential Stakeholders by Study Focus Area

- Virginia Admissions & Attorney Volume
 - Virginia Law Schools – help law students identify where they want to practice; can encourage/discourage Virginia practice.
 - Virginia Board of Bar Examiners – determines bar admission standards, including the format and administration of the Virginia bar exam.
 - American Bar Association – accreditation requirements heavily impact law school admission standards.
 - Law students – perception of Virginia admissions standards and the organized Bar all impact attractiveness of Virginia practice
 - VSB - membership classes; dues; CLE requirements; benefits like section materials and referral service
 - Virginia Access to Justice Commission
- Legal Deserts
 - Local lawyers
 - Bar leaders
 - Bar association presidents and leadership
 - VSB Executive Committee and Council members
 - Local judges
 - Local government elected and appointed officials
 - Local chamber of commerce leaders
 - Other local business leaders
 - Local public and social service providers
 - Local legal aid leaders
 - Local public
 - Legal tech solution providers
 - Virginia Alliance of Paralegal Associations
 - Legal Services Corporation
 - Legal Services Corporation of Virginia
 - Academic researchers

Research Initiatives

- Virginia Admissions & Attorney Volume
 - Identify and invite guests to initial meetings to help inform direction/priorities
 - VSB staff to present on membership information and available data

- Guest speakers recommended by subcommittee members and others
 - Possible survey/outreach to VSB members to gather additional demographic and practice information as needed and appropriate.
 - Gather and analyze relevant law school statistics (going back 10 - 20 years)
 - Application rates
 - Admission rates
 - In-state vs. out-of-state students
 - Graduation rates
 - Bar exam statistics
 - Conduct law student focus groups/surveys to understand why/why not Virginia
 - Strategic outreach to ABA/VBBE as appropriate
 - Develop maps and infographics
 - Illustrating attorney movement in/out of the state
 - Illustrating law student movement in/out of the state (VA law grads that leave and stay)
 - Illustrating size and distribution of Circuit 33 membership
- Legal Deserts
 - Define important terms
 - “Virginia Legal Deserts”
 - The standard “legal desert” definition, developed by the ABA, is a *county* with fewer than one attorney per 1,000 residents.
 - VSB typically tracks and reports lawyer numbers by circuit of record, not by county/city – discuss/consider VSB’s response to the Legal Evolution analysis that uses the ABA definition? Does it overstate the problem? Misapprehend the problem?
 - A single circuit can have rural, suburban, and urban areas within it, so the population density (of residents and attorneys) can vary greatly across a circuit.
 - Active lawyers may practice in circuits outside of their circuit of record, but that is not something the VSB tracks outside of the Virginia Lawyer Referral Service (VLRS)
 - “Rural,” “Suburban,” and “Urban”
 - US Census Bureau definitions
 - Other definitions to consider - see Legal Evolution analysis which includes a “frontier” classification
 - Other important terms
 - Identify and invite guest speakers to present at initial meetings to inform direction/priorities.
 - Assign members to contact [data and analysis sources](#) such as Weldon Cooper Center, LSC, VCU, VSU, ODU, and resources and people recommended by Matthew Burnett at American Bar Foundation.
 - Plan and Host Local Field Hearings
 - Two per month starting in July, finishing before Thanksgiving 2024
 - Initial Outreach

- Draft and with local bar associations distribute stakeholder survey/prompt questions
 - Develop and publish public service ads
- Attendees
 - Committee members attend as possible, but we will need at least three committee members at each
 - Invite stakeholders that submit useful or compelling comments to speak in person.
 - Members of attending public will be notified about field hearings through public service ads; those who fill out speaker request log will be invited. to speak but guided/controlled as to subject matter.
- Venue – work with local bar associations to request use of BOS/council chambers or public auditoriums
- Location Options
 - Lower Tidewater and Eastern Shore: Norfolk
 - Lower Piedmont: Pittsylvania
 - Southwest: Abingdon
 - Lower Shenandoah and Alleghenies: Hot Springs during VBA summer meeting
 - Upper Shenandoah: Winchester
 - Upper Piedmont: Warrenton
 - Upper Tidewater: Reedville

Anticipated Work Product

- Law School Admissions, Graduation Numbers, and Bar Examination Charts
- Membership Trending & Infographics
- Legal Desert Map(s)
- Lawyer Location Maps
- Movement Maps
- Final Report

Proposed Schedule and Content for Study Committee Meetings*

- May 14, 2024 meeting: determine committee name and subcommittee memberships
- Schedule business meeting in mid-June 2024 to...
 - share initial research plan of subcommittees, including...
 - proposed dates for meetings and field hearings
 - proposed research focus
 - proposed data collection
 - stakeholders for information gathering
 - agree on research timeline
 - host priority guest speaker(s) if any
- Schedule business meeting in December 2024 to...
 - share research findings
 - agree on directions for content and drafting assignments

- determine report drafting timeline
- Schedule business meeting in March 2025 to...
 - Discuss draft report and provide comments/feedback
 - Agree on deadline for finalizing report
 - Identify unfinished work and work outside the scope of the committee's initial charter
- Schedule business meeting in May 2025 to...
 - Adopt final report
 - Future steps for next VSB administration

Legal Desert Subcommittee – Recommended Data & Analysis Sources for Research

- i. Lisa Pruitt – main author of the seminal scholarly work “Legal Deserts: A Multi-State Perspective on Rural Access to Justice”
https://readingroom.law.gsu.edu/cgi/viewcontent.cgi?article=3771&context=faculty_pub
- ii. Daria Page and Brian Farrell – authors of “One Crisis or Two Problems? Disentangling Rural Access to Justice and the Rural Attorney Shortage”
<https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=5280&context=wlr>
- iii. Michele Statz (mstatz@d.umn.edu) - an anthropologist of law and expert in rural access to justice. She is also a researcher on ABF’s Alaska Community Justice Worker grant from the National Science Foundation. Learn more about her and her work at <https://www.michelestatz.com/>.
- iv. Elizabeth Chambliss (echambli@law.sc.edu) – law professor at University of South Carolina School of Law, who is currently doing research on rural attorneys in SC.
https://sc.edu/study/colleges_schools/law/faculty_and_staff/directory/chambliss_elizabeth.php

Virginia Lawyer Population Study Committee

Online Reading List*

**Members, please add resources to this list that you believe will be helpful to the study committee's efforts.*

- [It was my understanding that there would be no math \(Part One\)](#)
- [It was my understanding that there would be no math \(Part Two\)](#) (added May 7th)
- [Legal Deserts: A Starting Place for Discussion](#)
- [Navigating Legal Deserts in Far Southwest Virginia](#)
- [ABA Profile of the Legal Profession 2020](#)
- [ABA Profile of the Legal Profession 2023](#)
- [Justice Needs and Satisfaction in The United States report](#)
- [The minimum number of lawyers needed to eliminate legal deserts in the United States](#)
- [Preventing Legal Deserts in Our Rural Communities](#)
- [GIS Technology to assist in identifying “legal deserts”](#)
- [New Group Aims to Help Attys Meet Middle Class Legal Needs](#)
- [Law Schools Can Ease the Drought in Rural “Legal Deserts”](#)
- [The Disappearing Rural Lawyer](#)
- [The Disappearing Rural Lawyer, Part II](#)
- [The Disappearing Rural Lawyer, Part III](#)
- [Wanted: Lawyers for Rural America](#)
- [Rural Lawyer blog](#)
- [ABA Legal Incubators webpage](#)
- [Lawyer Shortage In Some Rural Areas Reaches Epic Proportions](#)
- [Oregon State Bar LRAP Program](#)
- [Midwest Summit explores growing issue of legal service deserts](#)
- [Legal deserts: Scarcity of lawyers threatens justice in many rural areas](#)
- [More States Turn To Paraprofessionals To Fill Justice Gap](#)
- [And Justice For All](#)
- [Georgia Access to Justice Map](#)
- [This state is creating a way to skip the bar exam and making it easier to pass for those who take it](#) (added March 28th)
- (added April 2nd)
- [One Crisis or Two Problems? Disentangling Rural Access to One Crisis or Two Problems? Disentangling Rural Access to Justice and the Rural Attorney Shortage Justice and the Rural Attorney Shortage](#) (added April 2nd)
- [Innovations in Technology Conference 2023: Deserts No More](#) (YouTube video)
- [NCAJ Access to Justice Solutions Symposium: Democratization of Law & UPL Reform Panel III](#) (Vimeo video)
- [Part 4 of the 2022 State of the Commonwealth Report: Virginia’s Lawyers Confront Tougher Times](#) (added April 3rd)

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Member Name	Title & Organization
David Weber	Owner, Goodwin Weber PLLC Part-time state prosecutor in Delmarva
Solomon Ashby	Partner, McIntyre Stein & Ashby, PLLC
Lola Rodriguez Perkins	County Attorney, Surry County
Patrick Murphrey	Assistant City Attorney, Newport News City Attorney's Office
Jennifer R. Franklin	Director of Academic Success and Bar Preparation, William & Mary Law School
Hon. Daniel Ortiz	Judge, Court of Appeals of Virginia
Sandra Chinn Gilstrap	President and Founder, CHINN GILSTRAPP LAW
David Neumeyer (Chair)	Executive Director, Virginia Legal Aid Society
Bruce Russell, II	Owner, Bruce H. Russell, II, P.C.
Kathryn "Katie" Gallagher	Assistant Professor of Law Director of Career Services and Externships Appalachian School of Law Assistant Commonwealth's Attorney, Tazewell (former)
Jerry Kilgore	Co-Chair, State Attorneys General, Cozen O'Connor Virginia Attorney General (former)
Henry Su	Chair, Standing Committee on Pro Bono & Public Service, ABA

Circuit	City/County of Record	Phone
2	Chincoteague Island	757-849-0222
3	Portsmouth	757-961-3977
6	Surry	757-294-5271
7	Newport News	757-926-6466
9	Williamsburg	757-221-2488
19	Fairfax	703-246-2221
22	Danville	434-228-7645
24	Lynchburg	434-455-3090
28	Abingdon	276-889-1750
29	Grundy/Bristol TN	772-633-5546
33	Washington, DC	202-463-2529
33	Washington, DC/Maryland	650-430-2754

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