

Law school debt fuels California's 'legal deserts'

According to a new report from the American Bar Association, 37% of 1,100 new lawyers who were interviewed said that instead of choosing a job they wanted they chose one that would help them pay off their debt.

Amid the debate over online law school classes, delayed bar exams and temporary licensing, another issue is: How many of those graduates will take their skills and expertise to the parts of the state where they are needed most, and how many can afford to after leaving school with large student debts?

According to a new report from the American Bar Association, 37% of 1,100 new lawyers who were interviewed said that instead of choosing a job they wanted they chose one that would help them pay off their debt.

Meanwhile, legal aid organizations and lawyers in rural counties said the need for new lawyers is more urgent today as people are struggling with new issues caused by the pandemic and business shutdowns.

Professor Lisa R. Pruitt of UC Davis School of Law noted in a recent Daily Journal column the concerns that the cost of their legal education often precludes new attorneys from practicing in rural counties. Pruitt was also the co-author of a 2018 article in the Harvard Law & Policy Review titled "Legal Deserts: A Multi-State Perspective on Rural Access to Justice."

"Law schools have this incentive to charge high tuition, and then spend that money on the students," Pruitt said in an interview. "Of course, faculty salaries are a culprit. But all law schools are on this treadmill of wanting to look better in the light of the U.S. News and World Report rankings. And so it becomes a race to the top, or you can consider it a race to the bottom, for prestige and rankings."

According to Law School Transparency, the average public law school tuition in 1985 was \$2,006. In 2019, it was \$28,186. After adjusting for inflation, public law school was 5.92 times as expensive in 2019 as it was in 1985.

For some students graduating from California's ABA-accredited law schools, this means leaving school owing more than \$100,000.

In 2016, California law school students' average debt was almost \$143,000, nearly \$30,000 more than the national average, according to Pruitt's 2018 study.

For California residents, the estimated cost of attending UC Berkeley School of Law for the 2020-2021 school year is \$54,912, according to the school's website. Dean Erwin Chemerinsky declined to comment due to time constraints.

At UCLA School of Law, California residents will pay \$50,624.74 to attend.

"I think absolutely loan levels are one factor as to why new lawyers aren't seeking out rural opportunities," said UCLA Law Dean Jennifer L. Mnookin. "I do think it's far from the only factor. I think there's a perception among students that larger metropolitan areas may offer more career mobility down the line."

According to Mnookin, the U.S. News and World Report rankings contribute to increasing tuition costs, but so do decreased state funding and other pressures on law schools to increase experiential training and clinical engagement.

"If we could have more state support in a stable way, and be able to use that to bring down our tuition level, I would cheer that opportunity," she said.

Pruitt's study showed that San Francisco had one attorney per 41 residents. Los Angeles, Orange and Sacramento counties all had around one lawyer per 150 people.

But in Merced County, there is one attorney available to serve every 1,282 residents.

Darryl E. Young of Law Office of Darryl Young in Merced, said there is a gap between legal needs and attorneys to provide them. Student debt plays a part in the issue of attracting new lawyers to the county, Young said.

"As tuition prices have gone up, the cost of living is much lower, especially in rural counties," Young said. "So salaries are usually lower as well. It's very difficult for attorneys starting in a rural area because they have a lot of debt. And your potential income is usually a lot lower."

Young also pointed out that as older attorneys are retiring, there are not enough lawyers to fill the gap in certain practice areas.

"Often, I'll get calls for things like Social Security attorneys or workers compensation attorneys," Young said. "And I don't practice in those areas of law. I think there's a very strong need for more attorneys in Merced. It just seems that there's a shortage of attorneys in the local market."

In nearby Kings County, there is about one attorney for every 1,400 people, which is the worst ratio among California's 58 counties.

"In our practice, we don't see a lawyer shortage," said Michael A. Dias, founder of Dias Law Firm Inc. "We've not had any problem getting qualified individuals to come and practice here in Kings County."

However, Dias said if there is a shortage as described in the report, part of the reason could be that the Central Valley has a more significant portion of lower-income people, making the area appear less lucrative for attorneys.

Dias said there could be a misconception among younger lawyers that it's more challenging to make a living in rural counties. According to Dias, high living expenses in metropolitan areas mean net incomes cover less.

"People get caught with a number," Dias said. "Someone might think, 'I'm going there and they're going to start me out at \$130,000.' And maybe here they start at \$90,000. But the cost of living here is so much less than a metropolitan area."

In one example, Dias saw a local lawyer receive a nearly \$30,000 salary increase to move to a metropolitan area, only to return because city life had fewer advantages.

According to the ABA, the average wage for lawyers working in the Los Angeles-Long Beach-Anaheim area was \$178,470 in 2019. In San Francisco-Oakland-Hayward, lawyers were paid \$188,910. The highest-paid lawyers can be found in San Jose-Sunnyvale-Santa Clara, where they earned on average \$218,420 in 2019.

But for non-profit legal aid organizations, such as California Rural Legal Assistance Inc., the lawyer shortage has caused difficulties in finding attorneys willing to work for them.

"We have had periods when we go over a year with vacancies," said Blaz Gutierrez, regional director of advocacy for the group. "And it's not for lack of promoting the opportunity, but because of the lack of attorneys who live in rural areas or wish to relocate to rural areas."

According to Gutierrez, the burden of repaying law school debt hinders new lawyers seeking out opportunities in rural counties. "The burdens of having to repay law school debt are a major structural issue," Gutierrez said. "I think there's also greater learning to be had about the legal issues and opportunities available in rural areas."

Since the pandemic, Gutierrez said people are increasingly in need of help with housing matters and have questions on eviction moratoriums, which require expertise to navigate.

"We also see a considerable amount of work right now, especially on income replacement programs, such as unemployment insurance or disability insurance," he said.

For lawyers looking to go into public service, Pruitt noted there are federal loan repayment assistance programs, but few that extend to rural private practices.

Even with some university fellowships, it's difficult to encourage people to go out and start from scratch in an area they don't know, said Robert Solomon, professor at UC Irvine School of Law.

"One of the key things in any mentorship and in any fellowship is trying to find someone who has a decent mentor," Solomon said. "The idea of taking a brand new lawyer who might not have passed the bar yet, and then having them hang up a shingle in a rural area is an enormous leap of faith."

Asked if public law schools have a greater responsibility than private schools, such as Stanford Law School, to encourage lawyers to go to rural counties, Solomon replied that Stanford has a better capability of assuming that responsibility through financial aid programs.

In 2017, Stanford University had an endowment of \$25 billion, according to the National Center for Education Statistics. UC Irvine had \$1 billion in 2019, Solomon said.

The tuition for the 2020-2021 school year at UC Irvine School of Law is \$54,626.15, including various fees. To attend Stanford Law School, the price tag is \$64,350.

Solomon believes that tuition is too high and that schools should reconsider how they're structured.

"Is a three-year program necessary, or can it be two years?" Solomon said. "What if we had two years plus you could spend your third year in a rural area providing legal services and that's where you get your foot in and maybe it's a shared cost by the school. Instead of paying \$50,000, your tuition goes for much lesser administrative costs, maybe even get a stipend, sort of like a medical resident."

Christopher Galeano, a student at UCLA School of Law who graduates next year, is an Antelope Valley native and wants to return to practice law in his community. He said he's looking to apply for loan forgiveness programs to go into public interest law.

"Many students often say that they want to first pay off their debt and then go and do the work they want to do," Galeano said. "So essentially, they say, 'Let me get this high-paying job and pay all this debt that I owe, and then I'll go do that work.' I have gone through that experience as well. I've taken on some debt to go to law school, and I didn't get that awesome financial aid package or scholarship that pays my whole tuition or something like that."

Galeano said he believes public law schools have a responsibility to help under-served communities.

"UCLA and other law schools in the UC system are publicly funded," Galeano said. "Those dollars are also tax dollars from rural communities, and they do come from folks who need legal services in one way or another."