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### ENDNOTES

1. Metzger, P., Meeks, K., & Pishko, J., [Greening the Desert: Strategies and Innovations to Recruit, Train, and Retain Criminal Law Practitioners for STAR Communities](#), *Deason Criminal Justice Reform Center* (Sept. 2020).
2. *Id.*
3. As discussed at note 14, *infra*, this policy brief defines a county as rural if it falls into categories 5-9 under the Economic Research Service's [Rural-Urban Continuum Codes](#), *U.S. Department of Agriculture* (Dec. 10, 2020). Researchers derived population data from the U.S. Census Bureau, [County Population Totals: 2020-2021](#), *U.S. Census Bureau* (2021), and attorney locations data from a list of Texas State Bar members on December 31, 2021 (on file with authors). For further discussion of the researchers' demographic analyses, see [Methods](#), p. 18.
4. [American Bar Association Profile of the Legal Profession, 2020 at i](#) (2020). State Bar of Texas, [Attorney Population Density by Metropolitan Statistical Area 2020-21](#) (2021).
5. *Id.* For purposes of this policy brief, a lawyer is considered 'local' when the criminal case(s) that they are handling are prosecuted in the county where they have their primary business address. Thus, a lawyer is only 'local' in the county of their primary business address. See note 7, *infra*.
6. Counties with lawyer density of 1 or fewer per 1,000 compared against rural counties. See note 3, *supra*.
7. Data derived from the list of lawyers admitted to the Texas State Bar in 2021, note 3, *supra*. All data in this figure refer to Texas lawyers reporting a primary business address in Texas. Texas lawyers have the option to list their substantive practice areas when they register with the State Bar. See [Tex. Gov't Code § 81.115](#) (2017) for Texas attorney online profile requirements. However, lawyers are neither required to list their practice areas nor to be constrained to practice within the areas they list. Thus, these practice data might be both over- and underinclusive.
8. All data in this figure refer to Texas lawyers reporting a primary business address in Texas (94,347). Deason Center analysis of appointment data showed 4,459 attorneys of the 4,590 attorneys listed as accepting appointments in 2021 reported a primary business address in Texas. See [Methods](#), p. 18.
9. Additional data were derived from Texas Indigent Defense Commission (TIDC) records, including a list of attorneys who accepted appointments (on file with the Deason Center). For further discussion of the analyses depicted in this figure, see [Methods](#), p. 18, and note 7, *supra*.
10. *Id.*
11. U.S. Const. Amend. VI; *Gideon v. Wainwright*, 372 U.S. 335 (1963); *Argersinger v. Hamlin*, 407 U.S. 25 (1972).
12. Data analyses are explained in note 9, *supra*, and in [Methods](#), p. 18.
13. Neither constitutional county judges (who often preside over misdemeanors in small counties) nor justices of the peace (who set bail in most counties) are required to have a law degree. Texas Association of Counties, [About Texas County Officials: Texas County Judge](#), [About Texas County Officials: Texas Justice of the Peace](#) (2022).

14. Researchers and policymakers typically define rurality to include counties in RUCC Category 4. However, RUCC Category 4 includes counties that have a population of 20,000 or more and are adjacent to metropolitan areas. The geographic fluidity of legal practice, and input from the Deason Center’s Rural Advisory Board, led the Center to use a more conservative definition (RUCC 5-9) for this policy brief.
15. See note 7, *supra*.
16. Blakeslee, N., *The Reluctant Prosecutor*, *Texas Monthly* (Oct. 2008). See also *Tex. Gov. Code § 41.251(3) (2007)*, defining “part-time” employment for prosecutors.
17. Some elected county attorneys, and some assistant district or county attorneys, can maintain private legal practices if their prosecutor’s salary is less than 80% of the benchmark salary set by the legislature. In 2022, that benchmark salary was \$140,000 a year, meaning that lawyers earning less than \$112,000 a year as prosecutors could maintain civil legal private practices, as long as they do not interfere with county business. See *Tex. Gov. Code § 46.005 (2007)*. See also *TX Att’y Gen. Op. No. GA-0094 (2003)* (No statutory limit on Motley County Attorney’s right to maintain a private civil practice in Motley and Floyd Counties).
18. TIDC, *Managed Indigent Defense Systems in Texas Counties* (2021). TIDC has since awarded grants for rural regional offices in the Concho Valley (Runnels, Schleicher, Concho, Sterling, and Coke Counties) and the area surrounding Taylor County, including Coleman, and Shackelford Counties. See TIDC, *Tom Green County Dashboard* (2022).
19. Analysis of attorney data from the State Bar of Texas, note 3, *supra*, and the Texas Office of Court Administration (on file at the Deason Center). For further discussion, see *Methods*, p. 18.
20. For purposes of this analysis, the Center considered a lawyer to be “local” to the county of the primary business address they registered with the Texas State Bar. See note 9, *supra*, and *Methods*, p. 18
21. See note 11, *supra*.
22. TIDC, *Annual Report for Fiscal Year 2020*, at 17 (2021), referring to Class A and Class B misdemeanors, which carry, respectively, maximum jail sentences of one year (Class A) and six months (Class B). *Tex. Penal Code § 12.21, 12.22 (1994)*.
23. TIDC, *Legislative Appropriations Request to the 88th Legislature (FY24 - 25)*, at 9 (2022).
24. *Id.*
25. *Greening the Desert*, *supra*, at 4-5.
26. *Id.*
27. *Id.* at 5.
28. American Prosecutors Research Institute, *Rural Victim Assistance: A Victim/Witness Guide for Rural Prosecutors* (2007).
29. *Barker v. Wingo*, 407 U.S. 514 (1972) (noting that the court having only three terms per year contributed to the length of delays and that the delays impact evidence).
30. Davies, A. & Clark, A., *Gideon in the Desert: An Empirical Study of Providing Counsel to Criminal Defendants in Rural Places*, *71 Maine Law Review* 245, at 247 (2019). Pishko, J., *The Shocking Lack of Lawyers in Rural America*, *The Atlantic* (July 18, 2019).
31. Boruchowitz, R., Brink, M., & Dimino, M., *Minor Crimes, Massive Waste The Terrible Toll of America’s Broken Misdemeanor Courts*, *National Association of Criminal Defense Lawyers*, at 12 (2009).
32. *Greening the Desert*, *supra*, at 4-5.
33. *Legislative Appropriations Request to the 88th Legislature (FY24 - 25) supra*, at 4 (2022).

34. *Greening the Desert, supra*, at 4.
35. *Id. See also* Piccchi, A., Rural America's "Brain Drain": How Student Debt is Emptying Small Towns, *CBS News* (Jan 21, 2019); Chief Justice Says Student Loan Debt an Impediment to Lawyers Landing in Rural Iowa, *Radio Iowa* (Jan 28, 2022)(noting that pay in rural communities is often less while law school debt remains the same).
36. *Public Defense Primer*, at 11 (2021).
37. Fouts, M., *An Afternoon in the Life of a Rural Prosecutor, Texas Prosecutor* (2011).
38. Kittay, D., *Success on the Horizon? New Efforts to Increase Rural Access to Justice, Bar Leader, Vol. 47, No. 5* (May 1, 2022).
39. *Greening the Desert, supra*, at 6.
40. *Id.*
41. *Public Defense Primer, supra*, at 11, 22.
42. *Id.*
43. Parlier, A., Galvin, S. L., Thach, S., Kruidenier, D., Fagan, E.B., *The Road to Rural Primary Care: A Narrative Review of Factors That Help Develop, Recruit, and Retain Rural Primary Care Physicians, Academic Medicine, Vol. 93, Issue 1*, at 131 (Jan 2018).
44. Texas A&M University, *Rural Student Success Initiative* (2022). *See also* Program Helping Rural Students with Higher Education, *AgriLife Today* (Nov. 4, 2021).
45. Gettinger, A., *A Big Reason Rural Students Never Go to College: Colleges Don't Recruit Them, The Hechinger Report* (Mar. 6, 2019).
46. *See Rural Student Success Initiative and Program Helping Rural Students, supra*.
47. West Texas Rural Education Partnership Summit, *Texas Tech University, College of Education* (2022); Stein, R., *Texas Tech Receives \$1.5M Gift to Continue Addressing Rural Teacher Shortage, Texas Tech University, College of Education* (May 10, 2022).
48. *See Rural Student Success Initiative, supra; Texas Tech Receives \$1.5M Gift, supra*.
49. Ralston, J., *Paving a Path, Texas A&M Foundation Spirit Magazine* (2021). *See also* Texas Tech Receives \$1.5M Gift, *supra*.
50. *Id.*
51. *Grow Your Own Grant Program, Texas Education Agency* (2022). For examples of Texas programs, see Texas Education Agency, *TEA Awards 2019-2021 Grow Your Own Cycle 2 Grants*, (2019).
52. *Id.*
53. Sakariassen, A., *Grow Your Own Teacher Programs Lift Off, Montana Free Press* (2021).
54. *Grow Your Own, Tennessee Dept. of Education* (2022).
55. *Program helping rural students with higher education, Texas A&M AgriLife Today* (November 4, 2021).
56. *Physician Shortage Area Program, Thomas Jefferson University, Sidney Kimmel Medical College* (2022).
57. *Id.*
58. *Id.*
59. *Id.*

60. [Fast-Track Your Health Career Through the Rural Health Opportunities Program \(RHOP\)](#), *Wayne State College* (2022).
61. *Id.*
62. Keenan, J., [Report: Work Needed to Build Rural Health Workforce](#), *University of Nebraska Medical Center* (Jun. 16, 2022).
63. [Rural Law Opportunities Program](#), *Nebraska College of Law* (2022); [Wayne State and Chadron State Rural Law Opportunities Program Receives American Bar Association Brown Select Award](#), *Wayne State College* (Jan. 17, 2018).
64. [Rural Legal Practice Initiative](#), *Kansas State University* (2022); [Rural Law](#), *Washburn University* (2022).
65. [New York State Bar Association \(NYSBA\), Report & Recommendations of the Task Force on Rural Justice: Interventions to Ameliorate the Access-to-Justice Crisis in Rural New York](#), at 25 (Apr. 2020).
66. [Recruiting Rural Law Students](#), *The University of North Carolina at Chapel Hill* (December 15, 2020).
67. [Stafford Mader, L., Way Out Yonder](#), *Texas Bar Journal* (July 2015). [Hard Work Out West](#), *Texas Bar Blog* (March 30, 2015). [Man About Town](#), *Texas Bar Blog* (Mar. 9, 2015). [She Grew Up In Boots](#), *Texas Bar Blog* (Mar. 2, 2015).
68. Chavis, C. D., [Location, Location, Location: Rural Law Schools and Their Role in the Rural Lawyer Shortage](#), *Legal Ruralism* (July 14, 2017).
69. *Id.*
70. A notable exception is the [Rural Law Opportunities Program](#), *Nebraska College of Law* (2022). The program establishes a pipeline from undergraduate studies to law school focused on rural law practice. Another notable exception is the [Caprock Regional Public Defender Office and Clinic](#) located at Texas Tech University School of Law. The [Caprock Clinic](#) allows law students to gain public defense experience in rural counties. Texas Tech University School of Law, [Clinical Programs](#) (2022).
71. [Location, Location, Location](#), *supra*.
72. [Response from questionnaire sent to Austen Massey, Assistant District Attorney, 106th Texas District Attorney's Office](#) (October 25, 2020). Complete questionnaire response on file at the Deason Center.
73. [The 2022 Top 50 Go-To Law Schools](#), *Law.com* (March 13, 2022) (“These law schools sent the highest percentage of 2021 graduates to associate jobs at the largest 100 law firms”); [10 Law Schools That Lead to Jobs at Big Firms](#), *US News & World Report* (May 26, 2021); [The 25 Best Law Schools for Landing a High-Paying Job at a Big Firm](#), *Business Insider* (July 27, 2016).
74. [Location, Location, Location](#), *supra*; [Hartocollis, A. and Fawcett, E., As More Top Law Schools Boycott Rankings, Others Say They Can't Afford to Leave](#), *The New York Times* (Nov. 18, 2022); [Korn, M., Yale and Harvard Law Schools Abandon U.S. News Rankings](#), *The Wall Street Journal* (Nov. 16, 2022).
75. See [NYSBA Report on Rural Justice](#), *supra*. For an example of a rural law course, see [University of Michigan Law, Law in Rural America](#) (last accessed Nov. 28, 2022).
76. [Kwan, M. M. S., Kondalsamy-Chennakesavan, S., Ranmuthugala, G., Toombs, & M. R., & Nicholson, G. C., The Rural Pipeline to Longer-Term Rural Practice: General Practitioners and Specialists](#), *PLOS ONE*, 12(7), e0180394 (Jul. 7, 2017); [Playford, D. E., Nicholson, A., Riley, G. J., & Puddey, I. B., Longitudinal Rural Clerkships: Increased Likelihood of More Remote Rural Medical Practice Following Graduation](#), *BMC Medical Education*, 15(1), 55 (2015); [Helland, L. C., Westfall, J. M., Camargo, C. A., Rogers, J., & Ginde, A. A., Motivations and Barriers for Recruitment of New Emergency Medicine Residency Graduates to Rural Emergency Departments](#), *Annals of Emergency Medicine*, 56(6) 668-673 (Sep. 27, 2010); [Brokaw, J. J., Mandzuk, C. A., Wade, M. E., Deal, D. W., Johnson, M. T., White, G. W., Wilson, J. S., & Zollinger, T. W., The Influence of Regional Basic Science Campuses on Medical Students' Choice of Specialty and Practice Location: A Historical Cohort Study](#), *BMC Medical Education*, 9(1), 29 (2009).

77. Holst, J., Increasing Rural Recruitment and Retention through Rural Exposure during Undergraduate Training: An Integrative Review, *Int. J. of Environ. Res. and Public Health* 2020, 17(17), 6423 (Sep. 3, 2020). See also *The Road to Rural Primary Care, supra*, at 131 (finding a positive association between predoctoral rural medicine programs and practice in an underserved urban or rural area).
78. American Bar Association, ABA Standards and Rules of Procedure for Approval of Law Schools 2022-2023, at Standard 303 (2022) (Law graduates must “satisfactorily complete ... one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement[.]”)
79. See note 70, *supra*. See also, Rural Summer Externship Program, *infra*.
80. Clerkship & Internships, *Texas Rio Grande Legal Aid* (2022).
81. Caprock Regional Public Defender Office, *Texas Tech University School of Law* (2022).
82. Rural Summer Externship Program, *Deason Criminal Justice Reform Center, SMU Dedman School of Law* (2022).
83. Rural Summer Externship Program, *supra*.
84. Longemann, E., Apply Now for Rural DA Fellowship Program, *University of Denver Strum College of Law, Office of Career Development* (Apr. 27, 2021).
85. *Id.*
86. Beeman, M., Culley, T., & Marsh, A., Indigent Defense Mentoring, *National Legal Aid & Defender Association* (Dec. 2015).
87. About Us, *Texas Opportunity and Justice Incubator* (2022). New attorneys pay \$4,200 for one year of TOJI services, which include weekly virtual training, career coaching, and practice support. See Frequently Asked Questions, *Texas Opportunity & Justice Incubator* (2022); TOJI Membership Fees, *Texas Bar Practice* (2022)(Lawyers who pay the annual fee up-front pay a reduced price of \$3,780).
88. *Id.*
89. Colorado Attorney Mentoring Program & Colorado Bar Association Modern Law Practice Initiative, *Rural Virtual Practice Program Handbook* (2017).
90. *Id.*
91. *Id.*
92. See Requirements for Stipend Recipients, *Texas Education Agency*. See also, approved grant applications from Stephen F. Austin State University (2019) and Texas A&M University (2019).
93. TIDC has previously administered attorney externship and mentoring programs, including the Caprock Regional Public Defender Office and Clinic and the Future Indigent Defense Leaders program. See TIDC, Mentoring (last accessed Nov. 28, 2022). The non-profit Texas District and County Attorneys Association (TDCAA) provides extensive training for prosecutors, including specialty training for rural prosecutors and is acutely aware of the rural lawyer shortage. See, e.g., Domestic Violence Training for Rural Counties, TDCAA. See also, Fouts, M., A Morning in the Life of a Rural Prosecutor, *The Texas Prosecutor* (Mar-Apr 2011); An Afternoon in the Life of a Rural Prosecutor, *supra*.
94. Hanson, M., Average Law School Debt, *Education Data Initiative* (2021) (including \$160,000 total student debt and \$118,400 for law school alone).
95. Gideon in the Desert, *supra*, at 259-263 (defining rural as those with a RUCC Code of 4-9).
96. The income estimate used in this model is \$60,000, the average annual income for public sector attorneys nationally. See note 97, *infra*. The average lawyer debt used in this model is \$160,000. See Average Law School Debt, *supra*.

97. Texas Criminal Defense Lawyers Association and Texas County and District Attorneys Association Job Board postings (Nov. 2022) (available at [https://www.tcdla.com/TCDLA/Jobs/Job\\_Openings.aspx](https://www.tcdla.com/TCDLA/Jobs/Job_Openings.aspx) and <https://www.tdcaa.com/job-bank/>). TIDC, Planning Study: Hill County Public Defender, at 12-15 (Feb. 28, 2020) (estimating a \$57,000 starting salary for an assistant county attorney or public defender in Kerr County and surrounding rural counties).
98. Public Service Loan Forgiveness, *Federal Student Aid* (2022). Only one federal loan assistance program specifically supports full-time prosecutors and public defenders. Administered by the U.S. Department of Justice's Bureau of Justice Assistance, the John R. Justice program provides loan repayment assistance after just three years of service as a public defender or prosecutor. However, Texas has not participated in the program since 2015. See U.S. Dept. of Justice, Bureau of Justice Assistance, *John R. Justice Program* (Apr. 25, 2022).
99. The Texas Access to Justice Foundation provides supplemental repayment assistance for public interest lawyers who work in nonprofit legal aid organizations. However, legal aid offices primarily provide *civil* legal service, so very few public defenders qualify. Texas Access to Justice Foundation, *Texas Student Loan Repayment Assistance Program: Program Guidelines* (Feb. 11, 2020). In 2021, the only public defenders eligible for this assistance would have been those employed by the Texas Rio Grande Legal Aid program. *Public Defense Primer, supra*, at 33.
100. *Tex. Ed. Code § 61.9601-9609* (2001).
101. Any lawyer who is employed for less than five years must repay the loan assistance along with interest and costs. *Tex. Ed. Code § 61.9605(c)*(2001). The employment requirement may also exclude elected or part-time attorneys.
102. A similar program authorizes the Board to help repay law school loans of attorneys who work for nonprofits that serve indigent people. *Tex. Ed. Code § 61.951-958* (2001). That program authorizes repayment of up to 50% of the attorney's outstanding balance over 10 years. *Tex. Ed. Code § 61.953* (2001). But that program appears inactive, and only a small fraction of Texas public defenders would qualify. See Texas Higher Education Coordinating Board, *Types of Financial Aid - Loan Repayment Programs* (2022) (showing that no such program is available).
103. This figure shows the amount that would be repaid under the Texas Higher Education Coordinating Board program. The average lawyer debt used in this model is \$160,000. See *Average Law School Debt, supra*.
104. *Managed Indigent Defense Systems in Texas Counties, supra*.
105. See *Tex. Gov. Code § 41.251, supra*.
106. *But see* *Federal Student Aid, Repayment Plans* (2022) (some income-based repayment plans discharge loans after 25 years).
107. According to TIDC's fiscal year 2021 reports from 254 counties and 3,317 attorneys, the median annual pay for indigent defense cases was \$18,550, and the median percent of time spent on indigent defense was 60%. Data on file with TIDC and Deason Center.
108. See *Cameron County District and County Court Attorney Fee Schedule, TIDC*, at 1 (2011) (flat rate for a misdemeanor plea is \$150). Other states report that their assigned private counsel confronts similarly dismal finances. According to a 2019 report, North Carolina private assigned counsel spend, on average, over half of their pay on overhead (such as rent, legal database fees, and support staff), making their effective pay rate less than \$20 per hour. See North Carolina Office of Indigent Defense Services, *FY19 Private Appointed Counsel (PAC) Effective Pay Rate Study*, at 2 (2019). For a general description of the challenges of part-time prosecution, see Lauck, S., *Missouri's Peculiar System Takes a Toll on Rural Lawyers, Missouri Lawyers Media* (Nov. 7, 2011).
109. See *Public Defense Primer, supra*, at 11, 22.
110. Hanson, M., *Average Medical School Debt, Education Data Initiative* (Dec. 9, 2021).

111. See generally Scholarships, Loans, and Loan Repayment for Rural Health Professions, *Rural Health Information Hub* (Jan. 10, 2022).
112. Health Resources & Services Administration, NHSC Students to Service Loan Repayment Program (Aug. 2022). See also National Health Service Corps, Loan Repayment Program (Jan 2021).
113. Scholarships, Loans, and Loan Repayment for Rural Health Professions, *Rural Health Information Hub* (2022).
114. Texas Higher Education Coordinating Board, Physician Education Loan Repayment Program (2022). See also Tex. Admin. Code, tit. 19, § 23.70 (2019).
115. *Id.*
116. *Id.*
117. This figure shows the amount that would be repaid under the Physician Education Loan Repayment Program over four years assuming an initial debt of \$180,000. For information about PELRP, see note 115, *supra*.
118. Texas Higher Education Coordinating Board, Report on Student Financial Aid in Texas Higher Education at 135 (Sept. 2018).
119. *Id.*
120. See Indigent Defense Mentoring, *supra*, at 3 (2015) (“The highly autonomous defense bar structure in Texas offers few paths to gaining experience as a competent, client-centered indigent defense practitioner. [...] Unlike in many other states, in Texas there are few opportunities to enter the practice as a public defender and learn under the supervision of more experienced attorneys”).
121. Managed Indigent Defense Systems in Texas Counties, *supra*. TIDC has since awarded grants for rural regional offices in the Concho Valley (Runnels, Schleicher, Concho, Sterling, and Coke Counties) and the area surrounding Taylor County, including Coleman, and Shackelford Counties. See TIDC, Tom Green County Dashboard (2022).
122. See Legislative Appropriations Request to the 88th Legislature (FY24 - 25), *supra*.
123. See note 20, *supra*.
124. See note 121, *supra*.
125. Public Defense Primer, *supra*. See generally Romero, A., Efforts to Encourage and Support Rural Law Practice in Wyoming, *22 Wym. L. Rev.* 155, at 158 (2022) (“Around 80% of lawyers in the least populated counties [in Wyoming] are solo practitioners... so they may be more likely to need support in developing a practice and expertise.”).
126. See Indigent Defense Mentoring, *supra*, at 3 (2015).
127. TIDC, Starr County Regional Public Defender: Grant Evaluation (Nov. 2020).
128. *Id.*
129. Greening the Desert, *supra*, at 5.
130. See notes 107 and 108, *supra*.
131. Public Defense Primer, *supra*, at 11; Fucillo, J., supra, at 350; Davis, W., No Country for Rural Lawyers: Small-Town Attorneys Still Find It Hard to Thrive, *ABA J.* (Feb. 1, 2020) (discussing the economic difficulties of opening and maintaining a rural law practice).
132. *Id.*

133. *Id.*
134. *Id.* Rural public defenders who previously had private practices report that the structure and support of a public defender office made them better advocates.
135. *Id.*
136. Legislative Appropriations Request to the 88th Legislature (FY24 - 25), *supra*.
137. Country Justice in Texas, *Deason Criminal Justice Reform Center* (2022).
138. TIDC, System Building (2022).
139. Rural-Urban Continuum Codes, *supra*.
140. *Id.*
141. See note 14, *supra*.
142. To be classified in categories 5-9 of the RUCC a county must meet two requirements. First, it must be considered ‘non-metropolitan’ by the United States Office of Management and Budget. To meet this requirement, the county may not contain any urban center over 50,000 people, nor may more than 25% of its population regularly commute to or from a county with such an urban center. (One hundred and seventy-two Texas counties are non-metropolitan; these range from RUCC codes 4 through 9.) Second, a county must not contain any urban center with a population of 20,000 or more or be adjacent to another metropolitan county.
143. County Population Totals: 2020-2021, *supra*.
144. See Tex. Gov’t Code Ann. § 81.115 (2017).