



# Interim Recommendations

Commission on Indiana's Legal Future

JULY 30, 2024

“THE DOGMAS OF THE QUIET PAST ARE INADEQUATE TO THE STORMY PRESENT. THE OCCASION IS PILED HIGH WITH DIFFICULTY, AND WE MUST RISE WITH THE OCCASION. AS OUR CASE IS NEW, SO WE MUST THINK ANEW AND ACT ANEW. WE MUST DISENTHRALL OURSELVES, AND THEN WE SHALL SAVE OUR COUNTRY.”

ABRAHAM LINCOLN  
DECEMBER 1, 1862

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# Introduction

It seems only fitting to open this report with a quote from a famous Hoosier and lawyer. The context of Lincoln’s words, writing to Congress as the Civil War raged, was unquestionably one of the greatest challenges faced in our nation’s history and he spoke to the gravity of the time. But his message—that the past cannot be the answer to the future and that “We can succeed only by concert”—is also one that we would do well to apply today as we confront an existential threat to the legal profession and those we serve.

Indiana’s attorney shortage is real and rapidly approaching a critical point. According to the American Bar Association, our state ranks in the bottom ten nationally with only 2.3 attorneys per 1,000 residents. Over half of our counties have fewer than one lawyer per 1,000 residents—the ABA’s threshold for a legal desert.

This puts at risk access to justice for Hoosiers everywhere. It endangers the trust and confidence the public holds in our court system and undercuts respect for the rule of law and those trained to uphold it. It is also, by and large, a challenge entirely of our profession’s own making and, therefore, one we are fully capable of correcting so long as we rise to the occasion together.

Stemming the tide will require bold and thoughtful innovation, and we thank the Court for empowering this Commission with the assignment to undertake an exploration of what is possible and return with its recommendations on what is necessary. And we thank the Court for populating the Commission with a group of lawyers motivated not by self-interest in their individual practices but by a passion for the collective health of the profession—unselfish lawyers willing to think and act anew.

What follows are interim recommendations that would not be possible without such talented and collaborative people, as well as the many volunteers on the Commission work groups from all areas of the profession who said, “How can I help?” and immediately set to work. With what they’ve done so far and a year of their future effort still on the horizon, we are truly in their debt.



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# Background

On April 4, 2024, following a convening of stakeholders from across the legal profession, the Indiana Supreme Court created [the Commission on Indiana's Legal Future](#) and charged it with exploring options for addressing Indiana's attorney shortage and presenting findings and recommendations to the Court for future actions. Within the Commission, the Court also created five work groups, each with a specific focus:

- **Business & Licensure Models.** Recommending improvements to the current law firm business model and professional regulations to meet the needs of modern and future practice.
- **Pathways to Admission & Education.** Recommending models for alternative pathways to legal practice in Indiana and streamlining connections between secondary, undergraduate, and law school institutions.
- **Incentivizing Rural Practice.** Recommending ways to connect law students, practitioners, and other legal professionals to opportunities in rural communities.
- **Incentivizing Public Service.** Recommending ways to promote interest in public service legal work such as criminal justice, family services, civil legal aid, and government.
- **Technology Applications.** Recommending ways to safely and ethically utilize emerging technologies to fill gaps in legal representation.

The Court directed the first round of recommendations, those involving legislative changes or funding requests, be provided by August 1, 2024. The Commission's final report is due to the Court by July 1, 2025.

The co-chairs set the first Commission meeting for June 17, 2024, and asked the various work groups to meet beforehand to review suggestions from the April convening. Each work group met at least twice and then presented to the Commission recommendations for budget requests, statutory amendments, and amendments to Court rules. On June 28, 2024, the Court issued an order making two changes to its Admission & Discipline Rules based on immediate Commission recommendations.

The Commission met again on July 24, 2024, to review refinements to the work group ideas and adopt this report with its included interim recommendations.

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# Definitions

There are limited resources available to address Indiana's attorney shortage. Those resources need to be applied sparingly, in areas of highest legal need and where we would see the biggest impact. It is important, then, to have a common understanding of how to define those areas. For purposes of its discussions, the Committee has initially looked to the following parameters:

- **Rural County.** [The Purdue Extension's Center for Rural Development](#) defines a "rural county" as any county with a total population of less than 40,000, with a population density of less than 100 people per square mile, and where the population of the largest city in the county is less than 10,000. Forty-two Indiana counties meet this definition.
- **Legal Desert.** According to [the American Bar Association](#), the national average of lawyers/1,000 residents (statewide) is roughly 4.0, and the ABA identifies a "legal desert" as any county with a ratio below 1.0. Forty-nine Indiana counties meet this definition when using the business addresses of our lawyers.

The Commission recognizes that these parameters do not encompass all areas of high legal need. Many factors might influence identifying these areas depending on the potential resource being applied. Such factors might include, for example, the ratio of attorneys to resident at a smaller scale than county-wide; the nature of the clientele served by a legal practice; a particular field of law; more specific geographic limitations of a region; or the relative age of the attorney population.

The Commission therefore also considers areas of high legal need to include:

- **Underserved Communities.** Communities with insufficient attorneys to serve legal needs as determined by the Office of Judicial Administration based on data.

Additionally, addressing the attorney shortage will require opening the doors of legal representation to individuals beyond lawyers. These might be navigators, paralegals, or some new level of professional. Collectively, these individuals are referred to sometimes as paraprofessionals, limited license legal technicians or practitioners, or sometimes by the slightly pejorative blanket term, "non-lawyers."

For its purposes, and throughout this report, the Commission uses the term “allied legal professional.” This term is also used by the Institute for the Advancement of the American Legal System as a blanket term for these individuals.

- **Allied Legal Professional.** An individual not licensed as an attorney who provides legal representation, advice, or otherwise practices law under constraints authorized by the Indiana Supreme Court.



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# I. Funding Recommendations

## a. Priority: Legal Practice Startup Subsidy

Provide startup funding to lawyers willing to commit to practice in areas of high legal need.

A lawyer opening a business and working and serving in a community provides an economic boost to that community. But there are many individual startup costs for lawyers seeking to open their own law firm anywhere, much less in a rural county or legal desert. These can include typical overhead costs such as rent, utilities, and insurance, but also the costs specific to a lawyer practicing in the modern legal environment such as case management and billing software, Westlaw, Lexis, and Zoom. These costs can be significant, particularly when an attorney cannot benefit from a group rate or other economies of scale that are generated when practicing as part of a larger firm. And the costs have the highest impact in the startup phase of a firm, when the lawyer is still seeking a steady clientele. A modest stipend to those lawyers, particularly newer lawyers, would alleviate some of those overhead stressors and incentivize lawyers to practice in areas of high legal need; access to a State-level enterprise rate on services would also help.

## b. Priority: Public Interest Scholarship Program

Fund scholarships for incoming law students committed to practicing in the public interest field.

The Indiana Commission for Higher Education has a scholarship program for undergraduate students who commit to serving as teachers in Indiana upon graduation. A similar program should be funded for incoming law students who a) commit to practicing in public service in Indiana for a period of years after graduation, and b) receive an Indiana-focused and skills-based legal education at an Indiana law school. As an initial cohort, this scholarship should target students willing to serve as prosecutors or public defenders. These are high-need fields with salaries borne by counties, and which are therefore often not competitive with the salaries of State-funded jobs. This scholarship would help mitigate the cost of law school for those students, reducing their debt load

post-graduation and giving them more flexibility to then practice in these lower-paying fields. Eventually, the scholarship should be expanded to those students committed to practicing in areas of high legal need or in legal aid. *A draft scholarship proposal targeting prosecutors and public defenders is included as Appendix A.*

### **c. Priority: Launching a Regulatory Sandbox Program**

**Fund an Indiana legal regulatory sandbox to encourage and facilitate innovations aimed at easing the attorney shortage.**

In 2020, the state of Utah pioneered the use of a regulatory sandbox, the Utah Office of Legal Services Innovation, to provide a venue for creative legal regulatory innovation. The Office operates as an agency of the Utah Supreme Court and allows entities to offer innovative forms of legal services in a controlled manner outside the bounds of the typical rules governing the legal profession. It allows Utah to test initiatives that might otherwise run afoul of unauthorized practice of law limitations, rules allowing for only lawyer ownership of law firms, and more. And it authorizes, and evaluates the success of, pilot initiatives for nontraditional service models while still protecting the profession and consumers by maintaining a professional discipline process. Indiana should seek funding for the overhead and staff to launch a similar sandbox program that can promote the use of alternative business and practice models.

### **d. Priority: Fund Non-Profit Model Startup Costs**

**Provide startup funding to law firms using a non-profit business model.**

There is, appropriately, much focus on providing legal services to individuals of low income. Given an overall rising cost in legal services, however, there is an increasing gap into which more people are falling—a gap between the low-income applicants who qualify for legal aid and the higher income needed to realistically afford full-price legal services. This is creating a “modest means” and “middle class” access to justice problem magnified by the limited number of lawyers able to serve those clients. Lawyers in Oregon have

helped address this gap by pioneering a 501(c)(3) non-profit law firm with a sliding scale fee structure that provides legal assistance on family law, housing, and estate work in unbundled legal representation.

Launching one of these firms comes with some startup cost in overhead and initial staffing. But when coupled with potential future availability of allied legal professionals to provide representation in those fields (at lower costs) and existing regulatory provisions that permit limited scope representation for nonprofit organizations, a modest investment in those startup costs could launch a long-term, self-sustaining endeavor. The Court should offer grant funding to support this. In addition, the regulatory sandbox program discussed above could approve and monitor implementation of this new model. *A handout on a proposed pilot is attached as Appendix B.*

## **e. Priority: Encourage the Establishment of a Statewide Legal Incubator Program**

**Build a system that sets new lawyers up for success as business owners and managers.**

Generally, an incubator is an apparatus that provides critical infrastructure while something grows until it can function independently. Originally used to reference facilities to grow chicken eggs, the term was coined to apply to growing new start-ups, which may lack initial capital and support. According to Purdue Global, “Incubators are common in technology and business fields, providing such services as management training and office space and ultimately venture capital financing . . . . [L]egal incubators also focus on providing the general public access to justice with affordable or free legal services.” Legal incubators teach new attorneys the wide range of business skills necessary to start and run a small law firm. Law students or new attorneys take classes on everything from renting space to billing to human resources. Mentors are matched with participants; peer support is a given. Currently, there are 60 programs nationally. The Supreme Court with the State Bar and the Indiana law schools should explore funding and launching a legal incubator for those interested in starting their own law firm in areas of legal need. The ABA maintains a directory of incubators around the country. *An ABA infographic on legal incubators with a link to that directory is attached as Appendix C.*

## **f. Provide Student Loan Help for Practitioners in Legal Deserts**

**Fund a complementary initiative to help offset student loan debt for lawyers entering practice in legal deserts.**

Indiana has an established program, the Indiana State Loan Repayment Program, which is administered by the Department of Health and provides medical loan repayment stipends to health professionals serving in identified health professional shortage areas. And there are existing programs that provide student loan assistance for some lawyers based on their practice area. The federal John R. Justice Grant Program, for example, provides student loan reimbursement for prosecutors and public defenders. That program is administered by the Office of Judicial Administration in partnership with the Indiana Prosecuting Attorneys Council and Indiana Public Defender Council. The Indiana Bar Foundation also operates a Loan Repayment Assistance Program for lawyers working for qualifying Indiana civil legal aid programs. There is not, however, a program specifically for law school graduates practicing in areas of high legal need. North Dakota, South Dakota, and Wyoming all operate programs that could be modeled here in Indiana, offering an annual stipend over a period of years. *A summary of the IN-SLRP, as well as similar programs for other states, are attached as Appendix D.*

## **g. Supplement Funding for Legal Aid Service**

**Provide additional funding to incentivize service as lawyers for legal aid organizations.**

Lawyers in civil legal aid organizations are among the most poorly compensated in the state and have fallen behind prosecutors and public defenders in compensation. The Court should support an increase in the Civil Legal Aid Fund to provide legal aid organizations additional resources to increase compensation and to support other programs such as loan repayment assistance, which legal aid programs could choose to implement.

## **h. Rural Community Development Matching Grants**

**In partnership with community development stakeholders, fund grants to develop rural legal business climates.**

While individual grants can help ease the burden of some overhead costs for a lawyer or provide relief from student loan debt, ensuring a community has an adequate business environment is a collective task. For example, the Indiana Office of Community & Rural Affairs operates a federally funded block grant program aimed at large-scale community quality of life initiatives. The Court should seek partnerships with community development stakeholders such as OCRA, the Indiana Chamber of Commerce, Accelerate Indiana Municipalities, and the Indiana Association of Counties to develop a matching grant program that allows communities to more effectively invest in their professional legal business climate.

These grants and related development efforts could provide for targeted tax relief for lawyers and legal workforce members in rural counties; tax incentives for individuals and businesses hiring rural lawyers; tax or other monetary incentives the brick-and-mortar components of local legal incubators such as shared workspace, office infrastructure, and meeting space; and incentives for other rural legal business development initiatives. *A list of suggested incentives and efforts is attached as Appendix E.*

## **i. Funding for State Court Technology**

**Effective technology systems at the state court level are critical to access to justice.**

Indiana's court technology initiatives put the state at the forefront, nationally, of delivering meaningful modern legal services. These initiatives would not be possible without adequate state funding. Increasing that funding would enable additional efforts to broaden access to justice using additional emerging technologies. These efforts could include the use of AI technology to supplement the interpreter workforce; to power chatbots that could provide precise legal information and answers to court-related questions; to drive guided interview approaches to court forms; and to maximize court information in Odyssey to automate case processing.

## **j. Funding to Improve Local Technology**

**Smaller municipalities require additional technology infrastructure support.**

Adequate technological resources—effective internet access/ secure servers and computer systems; knowledgeable IT support—are critical to operating any modern court system, wherever it is. But in many smaller counties, cities, or towns, those resources are harder to find and funding is not always available to secure them. The Court should explore grants for trial courts to fund technological needs and collaborate with and support existing Executive Branch efforts to expand broadband access in Indiana’s more rural areas.

## **k. Funding for Technology in Detention Facilities**

**Fund development of more effective remote appearance spaces in detention facilities.**

Appearing remotely is a tremendous way to expand the practice footprint of a limited pool of public defenders. Many detention facilities, however, lack adequate technological support and space to allow defendants to appear remotely. The challenge is particularly acute in county jails, which can suffer from a lack of local infrastructure support. The Court should fund and support grant opportunities in partnership with the Indiana Sheriffs’ Association to facilitate the deployment of technology resources that would make it easier for defendants to appear remotely and remotely confer with counsel.

## **l. Funding for Dual Enrollment Courses**

**Provide funding to mitigate the cost of dual enrollment programs.**

Most Indiana high schools have dual-credit programs where appropriately credentialed high school teachers teach courses in which their students earn college credit. These programs are generally offered at low cost or no cost to high school students. Dual enrollment, on the other hand, allows students to attend (usually by a virtual modality) the college classroom with other college students. This mitigates challenges related to a high school teacher’s credentialing. Students usually pay a higher fee, though, closer to the

same tuition amount per class charged by the college or university, to enroll in those courses. Funding for Dual Enrollment courses that introduce students to professions in the legal community during high school could be beneficial to our overall pipeline of future lawyers and allied legal professionals.

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## II. Legislative Recommendations

### a. Amend I.C. § 33-43-2-1

Decriminalize the practice of law by allied legal professionals where approved by the Supreme Court.

Indiana Code section 33-43-2-1 makes it a class B misdemeanor to profess to be a practicing attorney, conduct a trial in state court, or engage in the business of a practicing lawyer without having been admitted as an attorney by the Supreme Court. This statute would criminalize sandbox initiatives that might allow allied legal professionals to represent parties in court. An amendment would accommodate these approved initiatives.

#### I.C. 33-43-2-1.

A person who:

- (1) professes to be a practicing attorney;
- (2) conducts the trial of a case in a court in Indiana; or
- (3) engages in the business of a practicing lawyer;

without first having been admitted as an attorney by the supreme court or who is not participating in an initiative approved by the supreme court commits a Class B misdemeanor.

### b. Amend I.C. § 36-4-9-11

Loosen restrictions on municipal attorney service.

A city's attorney is a critical individual for an effective government, providing legal advice on infrastructure and capital improvement matters like bonds, eminent domain, and utility

regulation as well as governmental operations like the application of the Open Door Law and the Access to Public Records Act. Indiana Code section 36-4-9-11 requires that for second-class cities (those with a population between 34,000 and 599,999) and third-class cities (those with a population of less than 34,000), the head of the city's department of law must be a resident of the county in which the city is located. The only exception is for third-class cities located in a county with a population of less than 7,000; those city attorneys need only be a resident of Indiana (only two counties, Union and Ohio, qualify).

With the shortage of attorneys, these residency requirements sometimes make it challenging for cities to find competent representation. An amendment to the statute could allow for the attorney to reside in the county or a contiguous county, retaining the connection to the local area but allowing a city to cast a wider net in its search for a lawyer.

#### **I.C. 36-4-9-11.**

(a) In a second class city, the corporation counsel is the head of the department of law. The corporation counsel's first deputy is the city attorney, and the corporation counsel's second deputy is the assistant city attorney.

(b) In a third class city, the city attorney is the head of the department of law.

(c) To be eligible to be appointed as the head of the department of law, a person must meet the following requirements:

(1) Be admitted to the practice of law in Indiana.

(2) Except as provided in subdivision (3), be a resident of the county in which the city is located or a contiguous county.

(3) For a third class city located in a county having a population of less than seven thousand (7,000), be a resident of Indiana.

### **c. Amend Small Claims Limits for Businesses**

#### **Allow for greater owner/employee representation of businesses in small claims cases.**

Indiana Code requires that corporations and other business entities must be represented by an attorney in civil actions not filed on small claims dockets. Various Indiana statutes also provide that the jurisdictional limit for small claims dockets is \$10,000. And Indiana Small Claims Rule 8(C) then allows businesses to be represented in small claims proceedings by certain business owners or employees for claims up to \$6,000. But even



assuming lawyers are available for smaller businesses in areas of legal need, attorney representation can be a high cost that exceeds the amount in controversy. Other states afford business owners and operators the opportunity to pursue actions pro se in cases up to \$25,000. Indiana should investigate raising its small claims jurisdictional limits and make a corresponding change in the Small Claims Rules to give business owners greater flexibility to decide whether to hire counsel or represent the business themselves.

#### **d. Municipal Data Breach Immunity**

**Encourage greater local access to internet services in court facilities by protecting courts and municipalities from civil liability in the event of a data breach.**

Access to the internet matters to the public, lawyers, and litigants not just for appearing in matters remotely, but also to do the fundamental tasks of communicating by email or text, checking calendars and dockets, and accessing documents in the cloud. Wi-Fi access is therefore critical for individuals while in the courthouse. Some counties, however, restrict Wi-Fi access in court facilities to court and county employees. In many instances, this is done in fear of a data breach or malware attack carried out by an individual accessing their network. Without diminishing the threat of these events or the consequences that should apply to those who carry them out, Indiana Code article 34-30 should include a provision protecting courts and municipalities from civil liability in the event of such an event. Doing so might help encourage those entities to open Wi-Fi access to the public.

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### **III. Court Rule Recommendations**

#### **a. Amend ADR Rule 1.4**

**Allow for the opportunity to use Alternative Dispute Resolution methods in small claims cases.**

Alternative Dispute Resolution methods aim to facilitate the efficient resolution of cases outside the courtroom and thereby preserve limited judicial resources for only the most intractable of disputes. And they are effective in that aim. They do not, however, apply to small claims cases which aim to dispense speedy justice. Small claims courts, however, have very crowded dockets and the authority to order parties to ADR—where it would not be contrary to the purpose of small claims or otherwise prohibited by law—would allow those judges to manage their courtrooms and the litigants to potentially reach more effective outcomes more efficiently and encourage the use of allied legal professionals in the provision of legal services. An amendment to ADR Rule 1.4 could do this.

**Rule 1.4. Application of Alternative Dispute Resolution**

These rules shall apply in all civil and domestic relations litigation filed in all Circuit, Superior, County, Municipal, and Probate Courts in the state and in all small claims proceedings where not prohibited by law or contrary to informal and speedy dispensing of justice.

## **b. Amend Small Claims Rule 8**

### **Allow greater flexibility for business owners to decide whether to hire counsel or not in small claims cases.**

Recommendation II.c. above proposes investigating expanding the jurisdictional limit of small claims cases. Whatever the outcome of that determination, the Court should amend its Small Claims Rules to allow for business entities to be represented by owners or properly designated representatives up to the full statutory jurisdictional limit.

**Rule 8(C) Party Representation.**

Any assigned or purchased claim, or any debt acquired from the real party in interest by a third party cannot be presented or defended by said third party unless third party is represented by counsel. In all other cases, the following rules shall apply:

- (1) *Natural Persons.* A natural person may represent him/herself or may be represented by counsel in any small claims proceeding.
- (2) *Sole Proprietorship and Partnerships.* A sole proprietorship or partnership may be represented by the sole proprietor or partner, owner, counsel, or by a designated

full-time employee of the business in the presentation or defense of claims arising out of the business, ~~if the claim does not exceed six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must either be defended or presented by counsel or pro se by the sole proprietor, partner, or owner.~~

(3) *Corporate Entities, Limited Liability Companies (LLC's), Limited Liability Partnerships (LLP's), Trusts.* All corporate entities, Limited Liability Companies (LLC's), and Limited Liability Partnerships (LLP's), and Trusts may be represented by counsel, owner, or by a designated full-time employee of the corporate entity, or, in the case of a trust by a trustee, in the presentation or defense of claims arising out of the business ~~if the claim does not exceed six thousand dollars (\$6,000.00). However, claims exceeding six thousand dollars (\$6,000.00) must be defended or presented by counsel.~~

(4) *Full-Time Employee Designations--Binding Effect of Designations and Requirements.*

(a) If a corporate entity, sole proprietorship, partnership, LLC, LLP, or trust designates a full-time employee or trustee to represent it, the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust will be bound by any and all agreements and acts relating to the small claims proceedings entered into by the designated employee or trustee and will be liable for any and all costs, including those assessed by reason of contempt, levied by a court against the designated employee or trustee.

(b) By authorizing a designated full-time employee or trustee to appear under this Rule, the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any present or future claim in this or any other forum in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes.

(c) No person who is disbarred or suspended from the practice of law in Indiana or any other jurisdiction may appear as counsel for a corporate entity or on behalf of a sole proprietorship, partnership, LLC, LLP, or trust under this rule, but may appear as a designated full-time employee of a corporate entity, LLC, or LLP, if employed in a non-legal capacity, or as sole proprietor, partner, trustee, or owner.

(5) *Full-Time Employee or Trustee Designations--Contents.* A corporate entity, sole proprietorship, partnership, LLC, LLP, or trust that wishes to designate an employee

or trustee to represent it must execute a certificate of compliance in each case expressly appointing the person as its representative and must state by a duly adopted resolution in the case of a corporate entity, LLC or LLP; or a document signed under oath by the sole proprietor or managing partner of a partnership, or trustee that the entity shall be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding, and shall be liable for assessments and costs levied by a court relating to the small claims proceeding, and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of ~~six thousand dollars (\$6,000.00)~~ the small claims jurisdictional limit as defined by relevant Indiana statutes associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee or trustee must file in each case an affidavit stating that he/she is not disbarred or suspended from the practice of law in Indiana or any other jurisdiction. (6) Any party represented by a designated employee or trustee who fails to comply with these rules or local rules of court may be ordered by the court to appear by counsel and subject to sanctions, including the assessment of costs or reasonable attorney's fees, the entry of a default judgment, and the dismissal of a claim with or without prejudice. Anyone who engages in conduct that is uncivil or disruptive to the proceeding may be found in contempt of court, which is punishable by a fine, incarceration, or both.

### **c. Amend ADR Rule 2.5**

#### **Develop a track for allied legal professionals to be listed on Indiana's mediator registry.**

Alternative Dispute Resolution Rule 2.5 sets the qualifications to appear on Indiana's mediator registry. For civil cases, Rule 2.5(A) provides that the individual must be a licensed Indiana attorney and complete a specified number of hours of civil mediation training. For domestic relations cases, Rule 2.5(B) provides that the mediator may be a licensed Indiana attorney or an individual with certain bachelor's or advanced degrees; in either instance, they must take the same specific number of hours of mediation training. There are also specific continuing education and ongoing certification obligations. If the Court decides to amend ADR Rule 1.4 to allow for mediation in small claims cases, it should develop a

parallel regulatory track for allied legal professionals to appear on the mediator registry for those cases. The track should establish a similarly robust qualification standard and provide for the same continuing education and certification obligations.

#### **d. Finalize Administrative Rule 14**

##### **Institutionalize the use of remote proceedings and make their implementation more straightforward.**

Indiana’s courts have operated under an interim version of Administrative Rule 14 since September 2022. The interim rule provides far greater flexibility for lawyers and judges than the pre-COVID rule. And remote proceedings are a critical tool in maximizing limited attorney resources. The rule needs to be finalized, however, to cement remote proceedings as part of the norm as opposed to an exception driven by extraordinary circumstances. The rule should create a direct presumption that non-testimonial proceedings will be held remotely and specify that certain routine proceedings—like initial hearings in criminal cases—should also be remote notwithstanding their testimonial nature. The rule should also encourage collaborative scheduling amongst courts and work to accommodate limited attorney schedules. Being remote is less helpful for a public defender appointed in multiple counties or for a civil attorney with a number of pre-trial conferences when each court schedules the same hearings on the same day of the week.

#### **e. Amend Admission & Discipline Rule 6**

##### **Continue to loosen regulatory restrictions on admission of lawyers licensed in other states.**

The Court amended Admission and Discipline Rule 6 on June 28, 2024, in response to a recommendation from the Commission. The rule, however, still requires that a lawyer be licensed in another state with a reciprocal licensing status no less restrictive than Indiana’s. Indiana is in the minority by requiring this. Eliminating that requirement would further open Indiana’s doors to out-of-state lawyers—who likely have no control over the licensing regulations of their current state—without reducing the consumer protections provided by the rest of the rule.

## Rule 6. Admission Without Examination

### Section 1. Attorneys Licensed in Other States

\* \* \*

(c) The applicant is a member in good standing in all states of admission, ~~at least one of which has rules or other provisions providing for admission without examination and by reciprocity or comity that are no more restrictive than this rule.~~

## **f. Define Areas of High Legal Need**

### **Codify the definitions of “rural” and “legal desert” adopted by this Commission.**

As discussed in the definitions section at the start of this report, for Indiana’s attorney shortage problem, it is critical that areas of high legal need are defined and commonly understood. This Commission recommends the Court codify its definitions into its professional regulations as a uniform reference point.

The definitions recognize that there is some overlap between purely rural counties—which have unique challenges to practice—and the broader idea of a legal desert, which may include many rural counties but also pockets of the state that lack adequate legal resources whether rural or not.

#### *[New] Admission & Discipline Rule 1.2. Legal Need*

*For purposes of these rules, the following terms identify areas of high legal need:*

- (1) Rural County. Any county with a total population less than 40,000; with a population density of less than 100 people per square mile; and the population of the largest city in the county is less than 10,000.*
- (2) Legal Desert. Any county with a ratio of attorneys (by business address) to total population of less than 1.0.*
- (3) Underserved Communities. Communities with insufficient attorneys to serve legal needs as determined by the Office of Judicial Administration based on data.*

*The Office of Judicial Administration shall maintain and publish a list of those areas in Indiana that meet these definitions.*

## **g. Allow for AI in Court Interpretation**

### **Capitalize on emerging technology to complement limited interpreter resources.**

Indiana's rules governing the use of interpreters presume, understandably, that the interpretation service is provided by a person and in person. But Indiana's attorney shortage is like shortages in other legal professional fields, including a significant shortage of interpreters for court proceedings. There are not enough of them across the state, and the test to become certified as a court interpreter has a staggeringly high failure rate. And while in some instances, interpretation can be provided remotely, these circumstances still require coordination by the trial court and cost the county and state paying the interpreter—both of which tax limited court system resources. The Court should explore the availability and feasibility of using AI technologies to fill some of the gap and, if the technology is viable, amend its rules to allow for AI interpretation in certain circumstances.

## **h. Require Electronic Device Access in Court Facilities**

### **Eliminate local prohibitions on bringing electronic devices into court facilities.**

As discussed above in Recommendation II.d, access to the internet within court facilities is a critical need for those attending or participating in court proceedings. But there is no rule obligating courts to provide access to Wi-Fi services when they are available. Similarly, there are a number of court facilities around the state where electronic devices are prohibited. Litigants, the public, and—in some instances—lawyers must leave those devices outside (or in a secured locker inside) to come in.

While these prohibitions are frequently defended on the basis of security for witnesses and parties participating in court proceedings—an understandable concern for those who might be filmed or photographed while testifying—these blanket prohibitions leave everyone else high and dry. And this can be true even when the individual entering has no actual court business but may just be going to another government office that happens to be in the same facility.

The Court should amend its rules to obligate courts to provide reasonable access to Wi-Fi services when it exists in the facility. And without diminishing a judge's authority to control

an individual courtroom to protect the safety of witnesses and parties, the Court rule should allow everyone to bring electronic devices into court facilities.

### **i. Amend Judicial Conduct Rule 2.17**

#### **Provide protection for judicial officers when cellphones in courtrooms are discretely used for broadcast purposes.**

Rule 2.17 of Indiana’s Code of Judicial Conduct provides that judges, with some exceptions and discretion, must prohibit broadcasting, recording and photographing inside their courtrooms. This obligation creates an additional incentive to bar electronic devices from court facilities entirely, because a judge’s failure to notice a member of the gallery discretely filming part of a proceeding on a cell phone could—under the terms of the rule—subject the judge to professional discipline. The Court should adopt at least a comment to Rule 2.17 that protects a judge who is making a good faith effort to balance public access to electronic devices and the rule’s obligations.

### **j. Amend Admission & Discipline Rule 23**

#### **Allow as a potential mitigator to professional discipline that a lawyer was acting in a pro bono capacity.**

Indiana’s professional discipline regulations for lawyers make no accommodation for lawyers who are performing their services pro bono. The standards of professional conduct remain the same—and rightfully so. Lawyers admitted in Indiana are appropriately proud of the level of expertise they provide and strive to do so with every client they represent. And Indiana’s civil legal aid organizations provide excellent training to give lawyers a grounding in substantive areas of law that might not be the lawyer’s bread-and-butter practice. Nevertheless, the spirit of volunteerism can be dampened by the fear that a mistake in pro bono service can result in professional discipline. A rule identifying this service as a mitigating factor could alleviate that fear and encourage more lawyers to take cases for Hoosiers in need.



## **k. Facilitate Liability Insurance for Lawyers Providing Pro Bono Services**

Provide a streamlined, advertised process enabling lawyers in all 92 counties who provide pro bono services to receive liability insurance protection for that service from pro bono providers.

The Court should direct its Office of Court Services or the Coalition for Court Access to work with legal aid and pro bono providers such as Pro Bono Indiana, Indiana Legal Services, Indianapolis Legal Aid Society, and Neighborhood Christian Legal Clinic to facilitate providing professional liability insurance to lawyers who take pro bono cases. At the same time, these entities should engage with the legal community to make sure lawyers know that, if they follow the entity's specified procedures, they can provide pro bono services under the umbrella of professional liability insurance provided through one of these entities. This reduces the lawyer's risk in providing pro bono services, supports equal treatment under the law to clients who need pro bono representation, and increases the likelihood that a lawyer will, in conjunction with the entity, have support and resources needed to adequately represent the client's needs.

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## What's Next...

The Commission members are deeply appreciative of the trust the Court has bestowed on us to provide these recommendations. We look forward to the Court's response and are eager to provide additional information or begin work on any of these endeavors based on the Court's guidance.

Going forward, the Commission and its work groups will continue to work on longer-term projects like broadening pathways to the Bar, expanding the role of allied legal professionals, and further incentivizing service as an Indiana lawyer. We also look forward to seeing the ideas of the Indiana State Bar Association's task forces and the outcome of the Committee on Legal Education and Admissions Reform created by the Conference of Chief Justices and Conference of State Court Administrators.

Indiana's legal future will not look like its past. But to return to Abraham Lincoln, "The best way to predict the future is to create it." This Commission believes these interim recommendations are a strong start towards that creation.

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# **Appendix A (Public Interest Scholarships)**

**SCHOLARSHIPS TO INCENTIVISE ENTERING PUBLIC SERVICE LAW**

**Public Service Attorney Scholarships**

*Note: This is modeled after the existing Next Generation Hoosier Educators Scholarship. It would be managed by the CHE.*

**Brief Description:**

- The Public Service Attorney Scholarship would provide college students interested in pursuing a career as an Indiana-based attorney working as a full-time deputy prosecutor, public defender, or other public service job the opportunity to earn a renewable scholarship of \$25,000 each year for three (3) academic years at an Indiana law school. In exchange, students agree to work full time for five (5) years in an eligible Indiana public service attorney job or *repay* the corresponding, prorated amount of the scholarship.

**Program Requirements:**

- Must have graduated from a university with a 4-year degree.
- Must have applied to and been accepted for enrollment in an accredited Indiana-based Law School approved by the Higher Ed Commission.
  - If one exists within the law school, must be enrolled in a curriculum option that focuses on Indiana law.
- Must agree to pass the Indiana Bar within a period of 2 years after graduation or *repay* the amount of the scholarship.
- Must agree in writing to work full time for at least five (5) consecutive years as a full-time deputy prosecutor or public defender or *repay* the corresponding, prorated amount of the scholarship.

**Potential Fiscal Impact:**

- \$2.5 million per year in a new appropriation for **no more than** 100 scholarships per year. The number would be at the discretion of CHE and would coincide with available funding.
- CHE's cost of administering this fund would be paid by the fund, which would be non-reversionary.
  - Implementation of this program will be delayed by at least 1 year from passage to allow CHE to develop the program.

**Notes:**

- Nonpublic sector public interest lawyers are not included in this proposal. Instead, an increase in the Civil Legal Aid Fund line item of the state budget should be considered which may be used to support those attorneys.
- At this funding level, it will likely be substantially less than 100 scholarships to allow for increased funds in years two and three.
- Any comments from the Commission on Higher Education do not imply an endorsement of this program.

# Appendix B (Nonprofit Pilot)

# Proposed Pilot of a NonProfit Law Firm

that operates under a special waiver of  
the Indiana Supreme Court

Professor William Henderson, Indiana University Maurer School of Law

*presented to*

Commission on Indiana's Legal Future  
Business & Licensure Models

July 10, 2023

## Problems this pilot is trying to solve

1. Too many self-represented litigants (SRLs) in court
2. Too many default judgments due to failure to appear
3. Shortage of attorneys in rural parts of the state
4. Gaps in Legal Aid:
  - a) Limited resources allocated to highest need clients and matter types
  - b) Limited to clients < 125% of FPL. Many turned away.
  - c) 6x to 8x increase in funding is not politically feasible
5. Lack of affordable legal advice to help navigate basic life events.
6. Lack of quality data to inform and improve regulation of legal services
7. The widespread perception that the legal system does not work for ordinary people.

## Key features of proposed pilot

1. Creation of a nonprofit *operating business*—not an entity wholly funded by the state or foundations
2. Indiana Supreme Court provides *special waiver* to nonprofit (NP) law firm for first-generation of Indiana limited licensed legal practitioners (LLLPs)
3. A *multidisciplinary* board and management team, because design, marketing, operations, etc. are crucial to success
4. Supervised by “**Office of Legal Services Innovation**,” a new office within the Indiana Supreme Court.

## Feature 1: Creation of an operating business

1. 501(c)(3) Nonprofit law firm is an operating business that charges fees to clients on a sliding scale (up to 400% of FPL)
2. Focus on high-volume, low-complexity matters
  - e.g., debt collection, evictions, family law (limited), applying for government benefits, simple wills & estate planning
3. Leveraging technology to build scalable solutions
  - Scalable = quality goes up, the per-unit cost goes down
4. Consults with Legal Aid to maximize impact — “stay in our lane”
5. Provides regular reports to the Office of Legal Services Innovation
  - NP firm is close to the problem, has expertise in data
  - Ongoing dialogue on ways to improve access and affordability—e.g., where and how to implement Online Dispute Resolution
  - Crucial for education and licensing tracks for limited license practitioners (LLPs)
6. New operating capacity funded through state and foundation grants



## Feature 2: Special waiver for first-generation of Indiana limited licensed legal practitioners (LLLPs)

1. LLLPs trained and supervised by lawyers
  - Tracks for specific areas of law that is high volume, low complexity
  - Legal work done according to lawyer-approved protocols
  - NP law firm has professional liability policy for all LLLPs
2. Within the scope of their training, LLLPs can provide *legal advice* and legal representation directly to clients.
3. NP law firm provides full practice management support (intake, billing, conflicts, quality control, follow-up).
4. Training and supervision of first-gen LLLPs would inform the creation of a formal education and licensing process.
  - Prerequisites
  - Substantive knowledge
  - Clinical requirements

## Feature 3: Multidisciplinary board & management team

1. Legal advice at an affordable price throughout the state = engineering problem
2. Success requires expertise in many areas beyond law :
  - Design
  - Technology
  - Operations
  - Human capital management
3. Scale achieved through systems that drive operating revenue
  - Productized offerings
  - Process and tech-enabled workflows
  - Marketing / public outreach to drive down per-unit cost
4. Unique mission attracts first-rate multidisciplinary talent
  - No Rule 5.4 problem
  - No UPL problem

## Feature 4: “Office of Legal Services Innovation”

1. “Office of Legal Services Innovation” is new office within the Indiana Supreme Court
  - Staffed by Robert Rath, who reports to Innovation Committee
  - Takes applications for pilots that require a special waiver of the IN Rules of Professional Conduct and related regulations.
2. Works with the Innovation Committee to develop criteria for granting special waivers
  - E.g., problems being solved, access for underserved market, risk to public, qualifications of proposing organization.
  - Criteria approved by the Supreme Court.
3. Evaluates pilot applications and presents detailed recommendations to the Innovation Committee.
  - Committee votes on recommendations to the Supreme Court
  - Indiana Supreme Court grants time-limited waiver
  - Pilot must show public benefit for the waiver to continue
4. Provides oversight, collects data, and reports activity and findings to Innovation Commitment and the Indiana Supreme Court.
  - Enables *evidence-based* changes to Indiana legal services regulation

## Two separate issues

### Not enough innovation

**Problem:** Lack of innovation due to insufficient market-based competition.

**Solution:** Open market to new market participants

- Changes to UPL
- Changes to MR 5.4

### Market failure

**Problem:** Lack of service offerings because of structural features of the market.

**Solution:** Government support for new public infrastructure; reform existing institutions

- Nonprofit sector (education, health care, rural co-ops)
- Human-centered ODR

### Type of Legal Need, LSC Justice Gap Survey

Category	Legal Need	Gov't Entitlement	Gov't Agency Involved	Possible Federal Law Issue	Related to Income Insecurity	Resolved through letter, call, or advice?	Resolved through court system
<b>Employment</b>	Unpaid wages and benefits		yes	yes	yes	yes	Potential
	Accessing Workers Compensation	yes	yes		yes	yes	Unlikely
	Unsafe working conditions		yes	yes	yes	yes	Unlikely
	Unfair termination			yes	yes	yes	Potential
	Accommodation of disability or medical condition	yes	yes		yes	yes	Potential
	Accessing unemployment benefits	yes	yes	yes	yes	yes	Unlikely
	Workplace grievance		yes	yes	yes	yes	Unlikely
	Sexual Harassment		yes	yes	yes	yes	Potential
<b>Finances</b>	Problems created by Identify theft			yes	yes	yes	Potential
	Target of unfair lending practice or internet scam		yes	yes	yes		Potential
	Debt reduction, credit repair services			yes	yes	yes	Unlikely
	Problems with repayment to PayDay lender			yes	yes	yes	Potential
	Problems with legal financial obligations				yes	yes	Potential
	Harassment by creditors		yes	yes	yes	yes	Potential
	Problems related to repossession of car				yes	yes	Potential
	Filing for bankruptcy		yes	yes	yes	yes	Unlikely
	Garnished wages				yes	yes	Potential
	Disconnected utilities due to nonpayment or billing dispute		yes		yes	yes	Unlikely
<b>Income maintenance</b>	Accessing earned income tax credit	yes	yes	yes	yes	yes	Unlikely
	Reduction or termination of state gov't income, food, disability, or housing benefits	yes	yes		yes		Unlikely
	Denial or termination of federal Supplemental Security Income, SS Disability, or SS Survivors benefits	yes	yes	yes	yes	yes	Potential
<b>Will and Estates</b>	Help making or changing a wil/living will/advance directive						Unlikely
	Setting up a trust or power of attorney						Unlikely
	Help with administering with a probate or administering an estate						Potential
<b>Family</b>	Issues in context of foster parenting		yes			yes	Potential
	Issues in adoption		yes			yes	Potential
	Becoming legal guardian of a child		yes			yes	Potential
	Legal separation or divorce					yes	Necessary
	Domestic violence or assault				yes	yes	Necessary
	Vulnerable adult being taken advantage of or abused		yes	yes	yes	yes	Potential

**Type of Legal Need, LSC Justice Gap Survey**

Category	Legal Need	Gov't Entitlement	Gov't Agency Involved	Possible Federal Law Issue	Related to Income Insecurity	Resolved through letter, call, or advice?	Resolved through court system
<b>Child Custody</b>	Help reaching an agreement about custody or visitation agreement		yes			yes	Potential
	Custody or visitation agreement not being followed		yes			yes	Potential
	Probleming collecting or paying child support		yes		yes	yes	Necessary
	Issues with age eligibility for foster care		yes			yes	Unlikely
	Issued related to paternity					yes	Potential
	Investigation by Child Protective Services (CPS)		yes			yes	Potential
	Attempt by CPS to terminate parental rights		yes			yes	Necessary
	Involvement in a court hearing involving dependency of a child					yes	Necessary
<b>Education</b>	Questions asked about suspension/expulsion from school, truancy, safety, access to special education services					yes	Unlikely
	Access to special education services	yes	yes	yes		yes	Unlikely
	denial of bilingual education	yes	yes			yes	Unlikely
<b>Health</b>	Questions about billing		yes	yes	yes	yes	Unlikely
	inability to access health insurance	yes	yes	yes	yes	yes	Unlikely
	Denial of an interpreter in a medical setting		yes	yes		yes	Unlikely
	Issues with medical debt collection				yes	yes	Potential
	Payment for needed medical equipment, procedure, or other services	yes	yes	yes		yes	Unlikely
<b>Disabilities</b>	Questions about denial of state or federal benefits	yes	yes	yes	yes	yes	Unlikely
	Denial of access to government programs	yes	yes	yes	yes	yes	Potential
	Denial or limited access to public businesses	yes	yes	yes		yes	Potential
	Mishandled Social Security benefits	yes	yes	yes	yes	yes	Unlikely
	Court order regarding unwanted guardian who provided poor treatment		yes			yes	Necessary
	Being places in a mental health or long-term care facility	yes	yes	yes	yes	yes	Unlikely
<b>Homeownership</b>	Questions about being a target of misleading or dishonest mortgage lending practices					yes	Unlikely
	Being told my lender that extra financial products need to be purchased to get a mortgage					yes	Unlikely
	Falling behing on mortgage and going into foreclosure				yes	yes	Necessary
	Troubling buying or selling a home					yes	Unlikely

### Type of Legal Need, LSC Justice Gap Survey

Category	Legal Need	Gov't Entitlement	Gov't Agency Involved	Possible Federal Law Issue	Related to Income Insecurity	Resolved through letter, call, or advice?	Resolved through court system
<b>Rental Housing</b>	Dispute with landlord about rules or property		yes		yes	yes	Potential
	Difficulty getting a security deposit back				yes	yes	Potential
	Denial of reasonable accommodation for a medical condition		yes			yes	Potential
	Trouble getting a written lease or rental agreement		yes		yes		Unlikely
	Failure to receive basic services or repairs		yes		yes	yes	Potential
	Threat of eviction		yes		yes	yes	Potential
	Denial or trouble with housing voucher or subsidy	yes	yes	yes	yes	yes	Unlikely
	Harassment for rent		yes		yes	yes	Potential
	Denial of relocation assistance from an unsafe rental unit		yes		yes	yes	Potential
	Denial of rental unit because of prior juvenile or criminal system involvement				yes	yes	Unlikely
<b>Veterans Issues</b>	Issues with discharge status		yes	yes		yes	Unlikely
	Denial of VA benefits	yes	yes	yes	yes	yes	Unlikely
	Denial of access to service-related medical care	yes	yes	yes	yes	yes	Unlikely
	Problems getting old job back after discharge.		yes	yes	yes	yes	Unlikely
<b>Immigration</b>	Filling out and filing paperwork relating to U.S. Immigration issues		yes	yes			Unlikely
	Attending to legal actions or proceeding related to U.S. immigration						Necessary

# **Appendix C (Legal Incubators)**

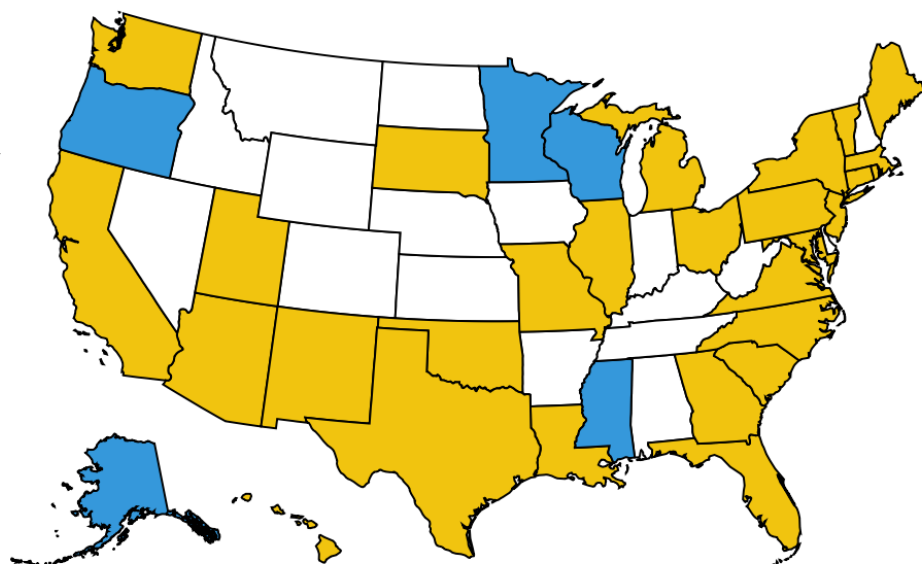


# Law Firm Incubators

Helping New Lawyers Start Sustainable Practices and Bridge the Justice Gap

The first law firm incubator launched in 2007. Today, there are over 60 existing or planned programs across 33 states and 4 countries.

They are operated by law schools, bar associations, bar foundations, private firms, legal aid organizations, nonprofits and increasingly collaborations among many different entities.



- Has an incubator
- Planning an incubator



**Substantive Law**  
**Programming**  
**Office Space** **Networking**  
**Technology** **Legal Research**  
**Admin Support** **Mentors** **Pro Bono**  
**Camaraderie** **Referrals**  
**Case Management**  
**Office Supplies** **Training**  
**Client Development**  
**Practice Management**

Incubators provide resources, mentors and training in areas such as:

- Substantive Law
- Practice Management
- Client Development...

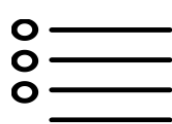
...to enable newly-admitted lawyers to acquire the range of skills necessary to launch successful practices that expand access to legal services for low- and moderate-income people.



Law Firms  
 ATJ  
 Commissions  
 Bar Foundations  
 Lawyers  
 Nonprofits  
 Courts  
 Law Schools  
 Bar Associations  
 Legal Aid  
 Law Libraries

*How can you advance the incubator movement?*

The ABA Standing Committee on the Delivery of Legal Services maintains a website dedicated to law firm incubators with...



Directory



Profiles



Latest Developments and Resources

...and a listserv to connect everyone involved. Visit [www.americanbar.org/delivery](http://www.americanbar.org/delivery) to learn more.

# **Appendix D (Recruitment Programs)**

# Indiana State Loan Repayment Program (IN-SLRP)



December 2022

## Overview

The Indiana State Loan Repayment Program (IN-SLRP) is a workforce retention program that provides student loan repayment to health professionals to encourage the full-time delivery of primary care, mental, and dental healthcare services at practices located in federally designated **health professional shortage areas (HPSAs)** in Indiana. HPSAs are geographic areas, population groups, or healthcare facilities that have been designated by the Health Resources and Services Administration (HRSA) as having a shortage of health professionals.

IN-SLRP recipients can receive up to \$20,000 to repay their outstanding student loans in exchange for two years of service. Participants may reapply for the program once, for a total of **up to \$40,000 for four years of service.**

## Frequently Asked Questions

### Who is eligible to apply?

Providers who work in an eligible discipline must work in a federally designated **HSPA site** that corresponds to their training and/or discipline to qualify for IN-SLRP. Full eligibility information can be found [here](#).

### Are there additional participation requirements, other than a service commitment?

Yes. IN-SLRP participants will submit a total of 5 Provider Activity Reports (PARs) during their contract period. Participants will also need to complete an entire [ECHO learning project](#).

### How do I submit my application and supporting documents?

Applications and supporting documents can be submitted digitally through the application link on the [IN-SLRP webpage](#). If technical difficulties arise, contact the [IN-SLRP team](#).

## Eligible Disciplines

- Physicians (MDs or DOs)
- General Practice Dentists (D.D.S. or D.M.D.)
- Registered Clinical Dental Hygienists (DHS)
- Primary Care Nurse Practitioners (NPs)
- Primary Care Physician Assistants (PAs)
- Certified Nurse-Midwives (NMs)
- Registered Nurses (RNs)
- Health Service (Clinical or Counseling) Psychologists (CPs)
- Licensed Clinical Social Workers (CSWs)
- Psychiatric Nurse Specialists (PNSs)
- Licensed Professional Counselors (LPCs)
- Marriage and Family Therapists (MFTs)
- Alcohol and Substance Abuse Counselors with Indiana Licenses

This program is supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$1,732,650.00 with 100 percent funded by HRSA/HHS and \$0 and 0 percent funded by nongovernment source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by HRSA/HHS, or the U.S. Government.

For additional information on IN-SLRP:  
[IN.gov/health/cdpc/state-loan-repayment-program](https://www.in.gov/health/cdpc/state-loan-repayment-program)



## **Rural Attorney Recruitment Program**

The Unified Judicial System and the State Bar of South Dakota are committed to assuring that all citizens within the State of South Dakota have access to quality attorneys. In 2013, the South Dakota Legislature approved the Recruitment Assistance Pilot Program to address the current and projected shortage of lawyers practicing in small communities and rural areas of South Dakota.

This program provides qualifying attorneys an incentive payment in return for five (5) continuous years of practice in an eligible rural county or municipality. While the number of attorneys was limited to sixteen (16) and then thirty-two (32) attorneys total from 2013 until 2019, since then, the program is only capped at thirty-two (32) attorneys at any given time.

Attorneys must enter into a contract with the Unified Judicial System, the State Bar, and the eligible county or municipality in order to participate. An eligible county or municipality may enter an agreement with any county, municipality, school district, or nonprofit entity to assist the county or municipality in meeting its funding obligations under the contract.

The participating attorney receives \$12,513.60 per year, for five years, from the program, for a total of \$62,568. Of this amount:

- Unified Judicial System pays 50%, or \$6,256.80 annually for five years;
- State Bar of South Dakota pays 15%, or \$1,877.04 annually for five years;
- County/Municipality pays 35%, or \$4,379.76 annually for five years (for a total of \$21,898.80).

### **Eligible rural counties or municipalities:**

To be eligible to participate in the recruitment assistance pilot program, a county or municipality within the State of South Dakota must:

- Have a population of 10,000 or less, if a county, or 3,500 or less, if a municipality;
- Agree to pay 35% of the total amount of the incentive payment, payable in five equal annual payments. A county or municipality may prepay its portion of the incentive payment at any time during the five-year;

- Apply to the UJS via the governing body of the county or municipality presenting a formal communication or a letter of intent that the body is able and willing to contract; and
- Be determined to be eligible by the UJS.

Before making a determination on eligibility, the UJS shall conduct a county or municipal assessment to evaluate the county or municipality's need for an attorney and its ability to sustain and support an attorney. In completing this assessment, the UJS will consider the following factors:

- Demographics of the county or municipality;
- Age and number of current attorneys practicing within the county or municipality;
- Recommendation of the presiding circuit court judge;
- Programs of economic development within the county or municipality;
- Geographic location to other counties or municipalities receiving assistance; and
- Prior participation by the county or municipality in the program.

The UJS shall maintain a list of counties and municipalities that have been assessed and that are eligible for participation in the Program. The UJS may revise any county or municipal assessment or conduct a new assessment as necessary to reflect any change in conditions within a county or municipality.

**Eligible Attorneys:**

To be eligible for participation, an attorney must:

- Be a U.S. citizen, U.S. National or permanent resident of the U.S.;
- Have a Juris Doctorate degree from an ABA-accredited institution and provide a transcript;
- Be licensed as an attorney in the State of South Dakota;
- Never have been disbarred, suspended or publicly censured from the practice of law in any jurisdiction;
- Be willing to reside in the county or municipality he/she serves unless the county or municipality otherwise agrees;
- Keep the UJS informed of changes to his/her physical and mailing addresses as well as any change to his/her telephone number;

- Carry malpractice insurance during his/her involvement in the program and provide proof thereof;
- Provide a Certificate of Good Standing from the SD Supreme Court;
- Agree to practice full time as an attorney within an eligible county or municipality for a minimum of five consecutive years. (Full time is defined as a minimum of 35 hours per week, for a minimum of 49 weeks per year. Excess hours cannot be applied to any other work week. Participants are allowed to spend no more than 21 full time workdays per year, excluding federal and state holidays, away from their practice for vacation, continuing legal education, illness, or any other reason, unless permission is obtained from the Chief Justice of the South Dakota Supreme Court. Qualifying FMLA leave will be approved);
- Have never previously participated in this program, or any other state or federal scholarship, loan repayment, or tuition reimbursement program that obligates the person to provide attorney services within an underserved area;
- Submit a complete application and be approved for participation in the program by the UJS;
- Be willing to provide pro bono legal services for at least one case per year during the five-year period; and
- Not be anticipated to be employed as a full-time government employee in a rural area.

The UJS will consider not only the above requirements, but also the following:

- Evaluation of the attorney seeking assistance under this program; and
- Existing or previous ties of the applicant to the county or municipality.

**Payment Process:**

- 1) The contract for the Recruitment Assistance Pilot Program is not effective until it is approved by the UJS, the State Bar, and the county or municipality.
- 2) The rural county or municipality must pay its 35% of the annual incentive directly to the attorney and provide notice to the UJS once payment is rendered.
- 3) The State Bar of South Dakota pays 15% of the annual incentive to the UJS.

- 4) The UJS shall then pay to the participating attorney the State Bar's portion as well as the remaining balance of the total installment payment amount due for that year.

**Breach of Contract:**

An attorney who breaches a commitment to serve in the county or municipality he/she contracted with will become liable to the Unified Judicial System, State Bar of South Dakota and the eligible county or municipality for an amount equal to the amounts of the payments previously paid to the attorney. If a lump sum cannot be made immediately, terms of repayment must be satisfactory to the UJS. If the attorney fails to abide by the terms of repayment, the UJS, State Bar, and/or the county or municipality may initiate legal action to enforce the contract and recover damages, including but not limited to repayment of the amounts paid to the attorney prior to the breach. Additionally, the debt may be reported to credit reporting agencies and may be referred to a debt collection agency. Moreover, disciplinary sanctions may be imposed by the State Bar of South Dakota Disciplinary Board and the Supreme Court of South Dakota, if the attorney fails to satisfactorily address repayment of his/her debt. If the attorney dies before completing his/her service obligation, the obligation will be cancelled in its entirety. No liability will be transferred to the attorney's heirs.

**Suspension / Waiver:**

The UJS requires attorneys to fulfill their contract for the Rural Attorney Recruitment Program without excessive absences or significant interruptions in service. Attorneys are allowed 21 days of leave per service year, excluding federal and state holidays; however, there are some circumstances that occur that will prevent an attorney from staying within this timeframe. In these cases, the UJS may, under certain circumstances, suspend (put "on hold") or waive (excuse) the obligated service or payment obligation.

- 1) **Suspension.** A suspension of the service commitment may be granted if compliance with the commitment by the attorney: (i) is temporarily impossible or (ii) would involve a temporary extreme hardship such that enforcement of the commitment would be unconscionable. Periods of approved suspension of service will extend the attorney's service commitment end date. The major categories of suspension are set forth below.

- a. **Leave of Absence for Medical or Personal Reasons.** A suspension may be granted for up to one year if the attorney provides independent medical documentation of a physical or mental health disability, or personal circumstances, including a terminal illness of an immediate family member, which results in the attorney's temporary inability to perform the service obligation.
  - b. **Maternity/Paternity/Adoption Leave.** Before taking this leave, attorneys must notify the UJS of pending maternity/ paternity/adoption leave and provide appropriate documentation. If eligible under the Family Medical Leave Act, maternity/paternity/ adoption leave of 12 weeks or less will be automatically approved, if properly documented. If the attorney's maternity/paternity/ adoption leave will exceed 12 weeks during that service year, the attorney must request a medical suspension, which may or may not be approved by the UJS.
  - c. **Call to Active Duty in the Armed Forces.** Attorneys who are also military reservists and are called to active duty will be granted a suspension, for up to one year, beginning on the activation date described in the reservist's call to active duty order. In addition to the written request for a suspension, a copy of the order to active duty must be submitted to the UJS. The suspension will be extended if the applicable Armed Forces entity continues the period of active duty. The period of active military duty will not be credited toward the service obligation but will not be considered a breach of this contract.
- 2) **Waiver.** A waiver permanently relieves the attorney of all or part of the service commitment. A waiver may be granted only if the attorney demonstrates that compliance with his/her commitment is permanently impossible or would involve an extreme hardship such that enforcement of the commitment would be unconscionable. A timely waiver request must be submitted to the UJS, which shall include the reason(s) the waiver is being sought and any necessary medical and financial documentation necessary to support the waiver request.



**Assessment of Participant:**

The UJS verifies every three (3) months that attorneys are meeting program requirements and fulfilling their service obligation. The In-Service Verification (ISV) is completed by both the Attorney and the UJS. By completing and signing the verification, the attorney is certifying the attorney's compliance or noncompliance with the applicable requirements during that 3-month period. The verification will also record the time spent away from the service site, e.g., the total number of days during the 3-month period that the attorney fell below the minimum service requirement of 35 hours per week. Attorneys who fail to complete and submit their 3-month ISV on time may jeopardize receiving service credit.

**CHAPTER 27-02.2  
ATTORNEY RECRUITMENT PROGRAM**

**27-02.2-01. Attorney recruitment program - Participation - Assessment.**

1. The supreme court may establish a program to assist rural counties and municipalities in recruiting attorneys.
2. A county or municipality interested in participating in the program shall apply to the supreme court. After determining eligibility, the supreme court shall conduct an assessment of the applicant to evaluate the applicant's need for an attorney and the ability of the applicant to sustain and support an attorney.
3. In making the selection of an eligible applicant, the supreme court shall consider the assessment and:
  - a. The demographic of the county or municipality;
  - b. The age and number of the members of the county or local bar association;
  - c. The recommendation of the presiding district court judge;
  - d. The economic development programs within the county or municipality;
  - e. The geographical location of the county or municipality in comparison to other counties or municipalities participating in the program; and
  - f. Any prior participation in the program by the county or municipality.
4. The supreme court shall maintain a list of counties and municipalities that have been assessed and are selected for participation in the recruitment assistance program.
5. The supreme court may revise the assessment of any county or municipality or conduct a new assessment as necessary to reflect a change in conditions.

**27-02.2-02. County eligibility.**

A county is eligible to participate in the recruitment assistance program if the county:

1. Has a population of sixteen thousand or fewer;
2. Agrees to provide the county's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

**27-02.2-03. Municipality eligibility.**

A municipality is eligible to participate in the recruitment if the municipality:

1. Has a population of five thousand or fewer;
2. Agrees to provide the municipality's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

**27-02.2-04. Attorney eligibility.**

An attorney licensed to practice in the state who meets all requirements set by the supreme court may participate in the recruitment assistance program. An attorney participating in the program shall practice in a supreme court-selected county or municipality for at least five consecutive years. No more than eight attorneys may participate in the program at any given time.

**27-02.2-05. Incentive payment to participating attorneys.**

An attorney selected by the supreme court to participate in the recruitment assistance program is entitled to receive an incentive payment of forty-five thousand dollars to be paid in five equal annual installments.

**27-02.2-06. Agreement for payment of recruitment assistance - Repayment.**

1. An agreement for the payment of recruitment assistance under this chapter must require the county or municipality served by the attorney to provide thirty-five percent of the total amount of the incentive payment in five equal installments.

2. The state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota shall pay fifteen percent of the annual installment to the supreme court.
3. After the county or municipality certifies to the supreme court that the county or municipality has paid the attorney the annual amount and the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota has paid its installment to the supreme court, the supreme court shall pay the attorney the remaining balance of the annual installment.
4. Subject to appropriation by the legislative assembly, the supreme court shall pay the required amount of funds pursuant to this chapter and the funds received from the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota, as required under this chapter, to an attorney participating in the program.
5. If an attorney breaches the agreement, the attorney shall repay all funds received under this chapter and under the terms and conditions set by the supreme court. Failure to repay the funds is grounds for discipline by the supreme court.

**27-02.2-07. County and municipal funding.**

A county or municipality may appropriate funds for the purpose of carrying out this chapter. A county or municipality may enter an agreement with any other county, municipality, school district, or nonprofit entity to assist the county or municipality in carrying out this chapter.

**27-02.2-08. Payments.**

1. Notwithstanding any other provision of law, the supreme court may receive fifteen percent of the total amount of an incentive payment in five equal annual installments from the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota as required under this chapter.
2. A county or municipality may prepay its portion of the incentive program to the supreme court at any time during the five-year period.

**27-02.2-09. Attorney recruitment assistance program fund - Continuing appropriation.**

The attorney recruitment assistance program fund is established in the state treasury. Payments collected under section 27-02.2-08 must be deposited in the attorney recruitment assistance program fund. The funds deposited in the attorney recruitment assistance program fund are appropriated to the judicial branch on a continuing basis for the purpose of making attorney payments under the recruitment assistance program.

**27-02.2-10. Filing and approval of recruitment assistance agreement.**

A recruitment assistance agreement entered under this chapter becomes effective when the agreement is filed with and approved by the supreme court. The agreement must require the attorney to practice law full-time in the eligible county or municipality for at least five consecutive years.

**27-02.2-11. Ineligibility for participation in other program.**

If an individual has previously participated in an attorney recruitment program under this chapter, or any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide attorney services within an underserved area, the individual may not participate in another attorney recruitment program under this chapter.

**27-02.2-12. Rulemaking authority.**

The supreme court may adopt rules as necessary to implement this chapter.

**27-02.2-13. Annual report.**

Before July first of each year, the supreme court shall submit a report on the status of the program to the legislative management.

SENATE FILE NO. SF0033

Wyoming rural attorney recruitment program.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to attorneys-at-law; establishing the rural  
 2 attorney recruitment pilot program; specifying eligibility  
 3 requirements for counties and attorneys to participate in  
 4 the program; specifying administration, oversight and  
 5 payment obligations for the program; requiring reports;  
 6 providing a sunset date for the program; authorizing the  
 7 adoption of rules, policies and procedures; providing an  
 8 appropriation; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-5-201 through 33-5-203 are created  
 13 to read:

14

15

ARTICLE 2

16

RURAL ATTORNEY RECRUITMENT PROGRAM

1

2           **33-5-201. Rural attorney recruitment program**  
3 **established; findings; program requirements; county**  
4 **qualifications; annual reports.**

5

6           (a) In light of the shortage of attorneys practicing  
7 law in rural Wyoming counties, the legislature finds that  
8 the establishment of a rural attorney recruitment program  
9 constitutes a valid public purpose, of primary benefit to  
10 the citizens of the state of Wyoming.

11

12           (b) The Wyoming state bar may establish a rural  
13 attorney recruitment program to assist rural Wyoming  
14 counties in recruiting attorneys to practice law in those  
15 counties.

16

17           (c) Each county eligible under this subsection may  
18 apply to the Wyoming state bar to participate in the  
19 program. A county is eligible to participate in the program  
20 if the county:

21

22           (i) Has a population of not greater than  
23 twenty-five thousand (25,000);

1

2           (ii) Has an average of not greater than one and  
3 one-half (1.5) qualified attorneys in the county for every  
4 one thousand (1,000) residents. As used in this paragraph,  
5 "qualified attorney" means an attorney who provides legal  
6 services to private citizens on a fee basis for an average  
7 of not less than twenty (20) hours per week. "Qualified  
8 attorney" shall not include an attorney who is a full-time  
9 judge, prosecutor, public defender, judicial clerk,  
10 in-house counsel, trust officer and any licensed attorney  
11 who is in retired status or who is not engaged in the  
12 practice of law;

13

14           (iii) Agrees to provide the county share of the  
15 incentive payment required under this article;

16

17           (iv) Is determined to be eligible to participate  
18 in the program by the Wyoming state bar.

19

20           (d) Before determining a county's eligibility, the  
21 Wyoming state bar shall conduct an assessment to evaluate  
22 the county's need for an attorney and the county's ability  
23 to sustain and support an attorney. The Wyoming state bar

1 shall maintain a list of counties that have been assessed  
2 and are eligible to participate in the program under this  
3 article. The Wyoming state bar may revise any county  
4 assessment or conduct a new assessment as the Wyoming State  
5 bar deems necessary to reflect any change in a county's  
6 eligibility.

7

8 (e) In selecting eligible counties to participate in  
9 the program, the Wyoming state bar shall consider:

10

11 (i) The county's demographics;

12

13 (ii) The number of attorneys in the county and  
14 the number of attorneys projected to be practicing in the  
15 county over the next five (5) years;

16

17 (iii) Any recommendations from the district  
18 judges and circuit judges of the county;

19

20 (iv) The county's economic development programs;

21

22 (v) The county's geographical location relative  
23 to other counties participating in the program;

1

2 (vi) An evaluation of any attorney or applicant  
3 for admission to the state bar seeking to practice in the  
4 county as a program participant, including the attorney's  
5 or applicant's previous or existing ties to the county;

6

7 (vii) Any prior participation of the county in  
8 the program;

9

10 (viii) Any other factor that the Wyoming state  
11 bar deems necessary.

12

13 (f) A participating eligible county may enter into  
14 agreements to assist the county in meeting the county's  
15 obligations for participating in the program.

16

17 (g) Not later than October 1, 2024 and each October 1  
18 thereafter that the program is in effect, the Wyoming state  
19 bar shall submit an annual report to the joint judiciary  
20 interim committee on the activities of the program. Each  
21 report shall include information on the number of attorneys  
22 and counties participating in the program, the amount of  
23 incentive payments made to attorneys under the program, the



1 general status of the program and any recommendations for  
2 continuing, modifying or ending the program.

3

4 **33-5-202. Rural attorney recruitment program;**  
5 **attorney requirements; incentive payments; termination of**  
6 **program.**

7

8 (a) Except as otherwise provided in this subsection,  
9 any attorney licensed to practice law in Wyoming or an  
10 applicant for admission to the Wyoming state bar may apply  
11 to the Wyoming state bar to participate in the rural  
12 attorney recruitment program established under this  
13 article. No attorney or applicant shall participate in the  
14 program if the attorney or applicant has previously  
15 participated in the program or has previously participated  
16 in any other state or federal scholarship, loan repayment  
17 or tuition reimbursement program that obligated the  
18 attorney to provide legal services in an underserved area.

19

20 (b) Not more than five (5) attorneys shall  
21 participate in the program established under this article  
22 at any one (1) time.

23

1           (c) Subject to available funding and as consideration  
2 for providing legal services in an eligible county, each  
3 attorney approved by the Wyoming state bar to participate  
4 in the program shall be entitled to receive an incentive  
5 payment in five (5) equal annual installments. Each annual  
6 incentive payment shall be paid on or after July 1 of each  
7 year. Each annual incentive payment shall be in an amount  
8 equal to ninety percent (90%) of the University of Wyoming  
9 college of law resident tuition for thirty (30) credit  
10 hours and annual fees as of July 1, 2024.

11

12           (d) Subject to available funding, the supreme court  
13 shall make each incentive payment to the participating  
14 attorney. The Wyoming state bar and each participating  
15 county shall remit its share of the incentive payment to  
16 the supreme court in a manner and by a date specified by  
17 the supreme court. The Wyoming state bar shall certify to  
18 the supreme court that a participating attorney has  
19 completed all annual program requirements and that the  
20 participating attorney is entitled to the incentive payment  
21 for the applicable year. The responsibility for incentive  
22 payments under this section shall be as follows:

23

1           (i) Fifty percent (50%) of the incentive  
2 payments shall be from funds appropriated to the supreme  
3 court;

4

5           (ii) Thirty-five percent (35%) of the incentive  
6 payments shall be provided by each county paying for  
7 attorneys participating in the program in the county;

8

9           (iii) Fifteen percent (15%) of the incentive  
10 payments shall be provided by the Wyoming state bar from  
11 nonstate funds.

12

13           (e) Subject to available funding for the program,  
14 each attorney participating in the program shall enter into  
15 an agreement with the supreme court, the participating  
16 county and the Wyoming state bar that obligates the  
17 attorney to practice law full-time in the participating  
18 county for not less than five (5) years. As part of the  
19 agreement required under this subsection, each  
20 participating attorney shall agree to reside in the  
21 participating county for the period in which the attorney  
22 practices law in the participating county under the

1 program. No agreement shall be effective until it is filed  
2 with and approved by the Wyoming state bar.

3

4 (f) Any attorney who receives an incentive payment  
5 under this article and subsequently breaches the agreement  
6 entered into under subsection (e) of this section shall  
7 repay all funds received under this article pursuant to  
8 terms and conditions established by the supreme court.  
9 Failure to repay funds as required by this subsection shall  
10 subject the attorney to license suspension.

11

12 (g) The Wyoming state bar may promulgate any policies  
13 or procedures necessary to implement this article. The  
14 supreme court may promulgate any rules necessary to  
15 implement this article.

16

17 (h) The program established under this article shall  
18 cease on June 30, 2029, provided that attorneys  
19 participating in the program as of June 30, 2029 shall  
20 complete their obligation and receive payments as  
21 authorized by this article.

22

23 **33-5-203. Sunset.**

1

2 (a) W.S. 33-5-201 and 33-5-202 are repealed effective  
3 July 1, 2029.

4

5 (b) Notwithstanding subsection (a) of this section,  
6 attorneys participating in the rural attorney pilot program  
7 authorized in W.S. 33-5-201 and 33-5-202 shall complete the  
8 requirements of the program and shall be entitled to the  
9 authorized payments in accordance with W.S. 33-5-201 and  
10 33-5-202 as provided on June 30, 2029.

11

12 **Section 2.** There is appropriated one hundred  
13 ninety-seven thousand three hundred seventy-five dollars  
14 (\$197,375.00) from the general fund to the supreme court  
15 for the period beginning with the effective date of this  
16 act and ending June 30, 2029 to be expended only for  
17 purposes of providing incentive payments for the rural  
18 attorney recruitment program established under this act.  
19 This appropriation shall not be transferred or expended for  
20 any other purpose. Notwithstanding W.S. 9-2-1008,  
21 9-2-1012(e) and 9-4-207, this appropriation shall not  
22 revert until June 30, 2029.

23

1           **Section 3.** This act is effective July 1, 2024.

2

3

(END)

# Appendix E (Economic Incentives)

# Business & Licensure Models Work Group Meeting – Economic Incentives

---

## 1. COURTHOUSE WORKSPACE

Establish a dedicated legal workspace within rural courthouses to enhance access to legal resources and support for attorneys serving rural communities.

### BENEFITS

1. **Reduced Office Expenses:** Attorneys participating can benefit from reduced office expenses by utilizing courthouse workspace instead of leasing or owning separate office space. This can include savings on rent, utilities, maintenance, and other overhead costs associated with maintaining a traditional office.
2. **Shared Resources and Infrastructure:** Courthouse workspace provides access to shared resources and infrastructure, such as meeting rooms, administrative support, technology equipment, and legal research materials. Attorneys can leverage these resources to reduce individual expenses and enhance efficiency in serving clients.
3. **Convenient Location:** Courthouse workspace is centrally located within the courthouse or nearby, making it convenient for attorneys to access courtrooms, legal proceedings, and other courthouse facilities. This eliminates the need for additional travel or commute time, saving attorneys money on transportation expenses.
4. **Professional Image and Credibility:** Utilizing courthouse workspace enhances attorneys' professional image and credibility by positioning them within the legal hub of the community. Clients may perceive attorneys practicing in courthouse workspace as more established and reputable, leading to increased trust and potential for client retention and referrals.
5. **Networking and Collaboration Opportunities:** Courthouse workspace facilitates networking and collaboration among attorneys, judges, court staff, and other legal professionals. Attorneys can build relationships, share insights, and collaborate on cases more easily, leading to potential referrals, joint ventures, and business development opportunities.
6. **Improved Case Management and Efficiency:** Working in close proximity to courtrooms and legal proceedings allows attorneys to manage cases more efficiently and effectively. They can attend hearings, file documents, and meet with clients without having to travel between multiple locations, saving time and reducing administrative costs associated with case management.



7. **Community Support and Recognition:** Demonstrates attorneys' commitment to supporting rural communities and improving access to legal services. This community involvement can lead to positive recognition, referrals, and client loyalty, contributing to attorneys' long-term success and financial stability.

8. **Promotion of Rural Legal Practice:** Establishing courthouse space for attorneys reinforces the importance of rural legal practice and demonstrates a commitment to supporting local attorneys and legal services.

9. **Retention of Legal Talent:** Providing amenities such as courthouse workspace can contribute to the retention of legal talent in rural communities by enhancing the overall quality of professional life. It helps create a conducive environment for attorneys to establish roots, build relationships, and contribute to the community's legal ecosystem over the long term.

## **2. LEGAL COLLABORATION & SATELLITE OFFICES**

Several law firms joining together to share satellite office space in rural communities.

### **BENEFITS**

1. **Cost Sharing:** By pooling resources, multiple firms can collectively cover the expenses associated with establishing and maintaining satellite office space, including rent, utilities, and administrative costs. This can significantly reduce the financial burden on individual firms, making it more feasible to operate in rural areas.

2. **Enhanced Resources:** Shared satellite office space allows firms to access a broader range of resources and amenities than they might have individually. This can include shared conference rooms, reception areas, administrative staff, and technology infrastructure, enhancing the overall quality and efficiency of legal services provided.

3. **Expanded Service Offerings:** Collaboration among multiple firms enables them to offer a more comprehensive range of legal services to clients in rural communities. Each firm can focus on different practice areas or industries, allowing clients to access a diverse array of expertise and resources without needing to engage multiple separate firms.

4. **Flexibility and Coverage:** By sharing satellite office space, firms can establish a presence in rural communities without committing to full-time staffing or office operations. This flexibility allows firms to adapt their presence based on client demand, seasonal fluctuations, or evolving business needs, ensuring consistent coverage and service availability.

5. **Cross-Referral Opportunities:** Collaboration among multiple firms creates opportunities for cross-referrals and client-sharing arrangements. Attorneys from different firms can collaborate on cases, refer clients to one another for specialized services, and share insights

and expertise, ultimately benefiting clients and fostering a supportive legal community in rural areas.

6. **Community Engagement:** Demonstrates a commitment to supporting rural communities and improving access to legal services. By collaborating with local organizations, bar associations, and community groups, firms can strengthen their ties to the community and establish themselves as trusted partners in promoting access to justice.

7. **Risk Mitigation:** Sharing satellite office space allows firms to mitigate the risks associated with entering new markets or expanding their geographic footprint. By spreading the costs and responsibilities among multiple participants, firms can minimize individual exposure and navigate potential challenges more effectively.

### **FINANCIAL ASSISTANCE**

1. **Tax Incentives for Rural Law Practices:** Provide tax incentives or credits for attorneys establishing, maintaining or relocating their practices to rural areas. This may include property tax abatements for law office properties in rural communities, or tax credits for investments in rural economic development initiatives.
2. **Tax Incentives for clients:** Give individuals who hire a rural attorney a tax incentive for hiring a rural attorney. E.g. The first \$5,000.00 of legal fees is tax deductible.