2015 WSSFC
Quality of Life/Ethics Track – Session 9

It’s Pretty Nice Out Here: Practicing Law in Small Town and Rural Communities

Moderator:
Aiden Tharp, O’Flaherty Heim Egan & Birnbaum Ltd., LaCrosse

Panelists:
Lisa J. Brouillette, Brouillette & Brouillette, Florence
Jenna L. Gill, Russell Law Offices S.C., Darlington
Courtney L. Graff, Schmiege & Graff Law Office Ltd., Medford
About the Presenters...

Lisa J. Brouillette of Brouillette & Brouillette practices in Florence and Forest Counties, and two neighboring Michigan counties. In the 25 years since her admission to the bar, she spent most of her general practice doing criminal defense in both states, though she has also worked as assistant prosecutor and prosecutor in Michigan and special prosecutor in Wisconsin. She (Hamline, ‘89) and her father, (Marquette ‘55) are working on a book of short stories, “What I Learned from Losing.” She has served on the Florence School Board, State Bar (of Michigan) Representative Assembly, State Bar (of Wisconsin) Bench and Bar Committee and serves on the District 16 Office of Lawyer Regulation Investigative Committee.

Jenna L. Gill of Russell Law Offices, S.C. practices in rural Southwest Wisconsin with offices in both Darlington and Shullsburg within Lafayette County. Attorney Gill is a general practice attorney, but focuses on civil litigation, family law, collections-creditor rights, estate planning and real estate transactions and serves as corporation counsel for Lafayette County. She was born and raised in Darlington and went on to receive her bachelor’s degree from the University of Wisconsin-Madison and her law degree from William Mitchell College of Law in St. Paul, Minnesota.

Courtney L. Graff is the owner of Schmiege & Graff Law Firm. She received her law degree from Ave Maria School of Law located in Naples, Florida, and also studied abroad at the Human Rights Council in Strasbourg, France. After graduating law school, she returned to the Northwoods of Wisconsin to practice law. She was fortunate to find a mentor in her employer, Kenneth Schmiege, who transitioned his practice to Courtney. Courtney’s main areas of practice include representation of Taylor County Human Services, Taylor County Board of Supervisors and county departments; advising and representing the City of Medford, and family law. After work she enjoys coaching the Phillips High School girls’ soccer team and traveling.

Aiden Tharp is an associate in the family law department at O’Flaherty Heim Egan & Birnbaum, Ltd., in La Crosse, WI. She represents clients in all areas of family law including divorce, custody and placement, child support, paternity, termination of parental rights, and adoption. She grew up in a small town in St. Croix County, WI, and received her Bachelor of Arts degree from the University of Pennsylvania and her law degree from Temple University’s Beasley School of Law.
**It's Pretty Nice Out Here:** Practicing Law in Small Towns and Rural Communities – Hear from a panel of practitioners about attorney life on the frontier. Join in a meet and greet discussion to see if rural and small town practice is right for you. For new lawyers. 1.0 CLE

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O’Flaherty Heim Egan & Birnbaum Ltd.
La Crosse

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**Session Outline/Topics**

1) Benefits of Practicing Law in Small Towns/Rural Communities

   a. Wide range of practice areas, not just a “niche” if you want a variety of work

   b. High Legal Demand: private individuals, banks, schools, small businesses, municipal governments, etc.

   c. Unmatched legal experiences: wide range of experiences; younger attorneys will get a lot more appearances in front of judges, court commissioners right away. Practicing attorneys can quickly expand their legal practice, also gain courtroom experience.

   d. Lifestyle and Personal benefits
      i. Better work/life balance than attorneys have in many larger firms
      ii. Higher satisfaction with career choice and variety of work

   e. Connections with other attorneys, judges

   f. Civic leadership and community involvement opportunities

   g. New experiences living in rural community compared to big cities where most law schools are located

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2) Opportunities for New Lawyers in Small Towns/Rural Communities
   a. Older attorneys with solo or small practices retiring
   b. High legal demand, need for new lawyers in small towns and rural areas

3) Variety of Resources Available to Attorneys Practicing in Small Towns/Rural Communities

4) Challenges of Practicing Law in Small Towns/Rural Communities

5) Q/A
The Road to Rural Practice

For some lawyers, the road to a satisfying and successful law practice runs between farm fields, through forests and sand flats, over hills and around bends to the smaller towns and villages that dot Wisconsin’s countryside.

DIANNE MOLVIG

When Samir Jaber took a job in the Rice Lake office of Disability Rights Wisconsin shortly after earning his JD in 2012, the most common reaction he got from law school friends was “Where’s Rice Lake?”

He admits he had to look it up on a map when he first heard about the open position. “My only experience with this part of the state,” he says, “was heading up I-94 past Eau Claire on the way to the Twin Cities.”

Jaber says he had some trepidation initially about moving to Rice Lake, population 8,300. He was born and raised in Milwaukee and spent his undergraduate and law school years at the University of Wisconsin – Madison. Moving to practice law in a more rural area was definitely a step outside his comfort zone, he says, as he’s now far from friends, family, and familiar places.

But he’s enjoying meeting new people and sampling new experiences he doubts he’d ever have tried if he’d stayed in Milwaukee or Madison, such as fishing, although he admits, “I catch more branches and other things besides fish.”

All in all, he’s happy with his new job and location. “I knew putting myself in an uncomfortable situation probably would be best for my personal and professional growth,” he says. “Whenever I’ve put myself in a place where I have had to figure out how to make something work and how to succeed, that has served me well.”

Thirty-five miles south of Rice Lake, you’ll find Richard Summerfield’s law office in Bloomer, population 3,500. He also has an office in Ladysmith, which is about the same size, 40 miles to the northeast.

Summerfield’s path to a rural setting was quite different from Jaber’s. Summerfield returned to familiar territory after graduating from the Hamline University School of Law in St. Paul, Minn., in 2006. He grew up in Bloomer, and he says he can’t imagine living and practicing law anywhere else.

“What I tell everybody is that a lot of people work to retire up here,” he says. “But we get to live that life. We get to work where we vacation. ... I also like walking down the street and saying hi to people and knowing most of them.”

Contrary to what some might assume, there’s plenty of legal work to be had in the Bloomer area, and an attorney can make a good living, according to Summerfield. Since he’s been in practice, he hasn’t noticed
the number of lawyers in town diminishing … at least not yet. “But I think it’s going to in the next five to 10 years,” he says. “Many of the lawyers practicing here now are 55 to 60-plus.”

Looking Ahead

The situation Summerfield describes raises questions: What happens when small towns in rural areas lose their attorneys and younger lawyers don’t take their place? What does it do to a rural community when a law office closes its doors and the town loses yet another business and, in many cases, a civic leader as well? How far afield will local individuals, businesses, banks, school districts, and governmental entities have to go to hire legal representation?

Certain areas already have a shortage, as some see it. In Marinette County on the border with Michigan’s Upper Peninsula, the “lawyer supply is low compared to the legal demand that exists,” observes James Morrison, a Marinette County circuit court judge. “Attorneys have retired, and there’s little new blood coming in.”

Legal needs are going unmet as a consequence. “I think what’s occurring here is that preplanning by ordinary people – wills, trusts, powers of attorney for health care, and so on – is not being done nearly to the level that it should or could be done if there were more lawyers available,” he says.

Attorney David Herrick, also in Marinette County, cites another shortfall in legal services. As a private practice lawyer, he does a lot of work for Wisconsin Judicare. Legal services clients sometimes drive from as far away as Peshtigo, 60 miles to the south, to get his help because “there are too few lawyers willing to take those cases,” he says.

He also takes public defender cases, including murder trials, and gets called on to represent clients from as far away as Shawano, 98 miles away. “The problem is there aren’t that many attorneys, and especially young attorneys, in the area,” Herrick says, “who are certified to do a murder trial for the public defender.”

Still, the scenario isn’t as dire in Wisconsin as it is in other parts of the Midwest (see accompanying sidebar “Solutions in Other States”) where vast areas have few or even no attorneys. But some observers believe it’s best to take steps here now to avert a problem a decade or so down the road when growing numbers of lawyers retire.

“The problem is there aren’t that many attorneys, and especially young attorneys, in the area who are certified to do a murder trial for the public defender.” – David Herrick, Niagara

The major challenge is attracting young lawyers to the more rural parts of the state. “Most of our graduates are single and in their 20s,” says Paul Katzman, assistant dean for career planning at Marquette University Law School. “They want to be in or at least near an urban area. The appeal of rural practice is not as high. Graduates think they’ll just stick around in the Milwaukee or Madison market, and something will open up eventually.”

Yet in today’s job market, more graduates might be wise to include rural practice as one of their options. Among Marquette’s class of 2013 law graduates, for instance, about 79 percent have a job for which bar admission is either required or preferred (that includes all jobs, part-time and full-time, long-term and short-term), leaving roughly 20 percent who do not have law-related jobs.

As for the U.W. Law School, 74 percent of 2013 graduates have full-time, long-term jobs for which bar passage is required or preferred.

But the major reason for young lawyers to consider rural law practice isn’t because they can’t find work in the city, according to many legal professionals. They say rural practice has perks of its own.

The Draw of Rural Practice

Morrison grew up in Chicago, graduated from the University of Minnesota Law School, and then practiced law in downtown Chicago for three years. But he had his sights set on practicing in a small town. So when an opportunity arose in Marinette, Wis., which today

April Dunlavv, pictured at Olen Park in Clintonville, is the only practicing attorney in town, population 4,500, and where she grew up. She returned home after graduating from law school in Florida and passed the Wisconsin bar exam. When friends of her parents and family members heard she was back, “[Potential clients] started calling with legal questions,” she says, “so I met them in their homes or at the library.” She has since built a solo practice handling diverse matters. Photo: Tracy Druckrey, Harmony Portrait Studio.
Brandon Evans’ winding career path eventually led him back to Marquette, Mich., not too far from where he grew up. He had practiced for some time in Detroit and later in Green Bay but, as he sees it, practicing in a small city in a rural area has helped him to develop a broader range of legal skills. “A small-town practice has a lot to offer as a way to train a lawyer in the practical things you need to do and to be more confident in what you do,” he says. He’s now a shareholder of a 10-attorney firm, the largest in the Upper Peninsula. Photo: Scott Dupras, The L Gallery.net

Younger lawyers in small towns also have help available. Older lawyers are willing to offer advice, Morrison says, “and at our bar association meetings, the judges show up, too,” he adds. “In a small town you can say to a judge, ‘I need some help. Where do I turn?’”

As Brandon Evans sees it, practicing in a small city in a rural area has helped him to develop a broader range of legal skills. He graduated from George Mason University School of Law in 2005, after which he worked in a “mortgage foreclosure mill” in the Detroit area for a year before moving to Wisconsin.

He worked for a few months as a law clerk for a Green Bay firm until he passed his Wisconsin bar exam, after which he practiced at a few different firms in town over about five years. For the last three of those years, he was working at a firm that was handling a major Superfund litigation case. Essentially Evans had one client.

The case slowed down, his boss was terminally ill, and Evans needed to find a new job. He couldn’t find anything comparable in Green Bay, and he knew he’d have to move. He looked around, including in Milwaukee.

“I didn’t want to move there,” Evans says. “I’d schedule interviews, and then my wife and I would research where it was and where we’d have to live. Each time I ended up canceling the interview.”

The thought of moving to Marquette, Mich., population 21,500, had been in the back of his mind ever since law school. Evans grew up just a few miles from there. He’s now been practicing in Marquette for about two years in a 10-attorney firm, the largest in the Upper Peninsula, and he’s become a shareholder. He’s also active in both the Wisconsin and Michigan bar associations.

As Evans looks at his winding career path that led to fulfilling his long-held vision of returning to practice law in Marquette, he says, “I can’t believe how right I was. I was on the right track more than I realized.”

Now, instead of working with just one big client all the time, he deals with many. He sees himself as a “more complete litigator,” thanks to his experiences practicing in Marquette.

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program that places law students in rural law firms.

The hope is that the initiative can inspire law students to consider rural practice and thus help fill a major need for rural attorneys in Nebraska, where 12 of the state’s 93 counties have no attorney at all.

Also dealing with a scarcity of rural lawyers is South Dakota, where 48 of the state’s 66 counties have populations of fewer than 10,000. Project Rural Practice of the State Bar of South Dakota aims to help bolster rural practice.

Under a state law passed in July 2013, this pilot project pays lawyers a $12,000 annual subsidy to practice in one of those 48 lesser-populated counties. “As of June 2014, we have one official placement,” says Francy Foral, the state bar’s strategic planning coordinator, “and we anticipate having a total of five by this summer. We have five years total to fill all 16 slots.”

For the lawyer incentive, the county pays 35 percent, the bar association pays 15 percent, and the state pays the remainder. The $12,000 figure is equal to 90 percent of a year’s tuition at the University of South Dakota School of Law, the state’s sole law school.

“We are the first state to do this,” Foral says. “It’s exciting. Our chief justice said at a recent meeting at the Bar that he hopes we fill all 16 slots so he can go back to the legislature to ask for more funding to keep the program going.”

Challenges and Barriers

Attorney Lisa Brouillette is continuing a family tradition. After she got her JD in 1989 at Hamline University School of Law and did an internship in Washington, D.C., she returned to her hometown of Iron Mountain, Mich., to practice law.

In 1994, she moved across the Menominee River to Florence, Wis. She now practices predominantly in Florence County, a little in Forest County, and she still holds a Michigan license and practices there, as well.

The extended Brouillette clan includes a number of lawyers. Brouillette’s father was a judge when she returned to practice in the area, and now he’s of counsel to the Brouillette & Brouillette firm. Her sister is a judge in Michigan, plus other relatives are or have been attorneys who practiced in the area.

Florence is a one-stoplight town, and Florence County has only one school district. “I definitely practice in a rural setting,” Brouillette notes. She sees it as a good place to be, and that’s reaffirmed for her when she talks with friends who practice in cities.

“When I tell them stories about what I did during the week in the courtroom,” she says, “they’re pretty impressed. I think sometimes they feel they’re shuffled around a lot and that they’re just numbers rather than being really effective for their clients. I know that I am effective. I see the impact I have on people here.”

She wonders, though, where the next generation of the family’s lawyers will land. One niece is attending law school now, and another is considering it. Brouillette thinks they’d be inclined to return to the area once they earn their JDs.

“But I think it will be more difficult for them because it’s likely they will have more debt than I ever had,” she says. Rural lawyers can make a good living, Brouillette notes, but in light of the size of law school debt burden many students face, “working here will do little to dent school loan indebtedness,” she says.

From his office in nearby Niagara, Wis., just across the Florence/Marinette county line, David Herrick also sees financial hurdles for young lawyers who want to practice in a rural area. He set up a solo practice here right after graduating from the University of South Dakota School of Law in 1973.

“I grew up in Waukesha, Wis.,” he says, “but I didn’t want to practice in a metropolitan area. I knew by my junior year of law school where I wanted to go.”

Now Herrick is nearing the end of his career, after 41 years of doing everything from wills to divorces to murder trials. He’d like to find a young lawyer to take over his practice, but he believes he’ll have a tough time finding someone, especially since he’s selling his building, as well as his practice.
Tell Us!

Are you a rural practitioner?
Tell us about your experiences.
Comment below, or email wislawyer@wisbar.org.

"Young people coming out of law school with a lot of debt just don’t have the monetary wherewithal to walk in and buy a practice," Herrick says. "But I’d even stay on for a year for very little compensation to help out another lawyer and provide some training and background."

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### Total Population Compared to Number of Attorneys by County

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<th>County</th>
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<th>Number of Attorneys**</th>
<th>Attorney to County Resident Ratio</th>
<th>County</th>
<th>Total Population*</th>
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*2013 U.S. Census Bureau
**State Bar of Wisconsin membership records, June 1, 2014.

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Finding a Way

Like a lot of law school graduates of recent years, 2009 graduate April Dunlavy sent out lots of resumés, mostly to larger firms she thought might be hiring. None were. Today she has a solo practice in Clintonville, Wis., population 4,500, where she grew up. "This just sort of happened," she says.

More precisely, Dunlavy took steps to make it happen. She finished her studies at Florida Coastal School of Law in Jacksonville, after which she returned to Clintonville, took the Wisconsin bar exam, and began her job hunt. Friends of her parents and family members heard she was back and that she was a newly minted lawyer.

"They started calling with legal questions," Dunlavy says. "So I met them in their homes or at the library." She also met with Douglas Malueg, the only practicing attorney in town. Dunlavy notes that not long ago, there were seven lawyers in Clintonville.

She discussed with Malueg whether he thought the town could use another attorney. She felt encouraged and set up an office, and Malueg started sending her referrals from his office across the street. He also served as an advisor to Dunlavy whenever she had questions or concerns. After about a year and a half, he retired and closed his practice.

Now Dunlavy is the only practicing attorney in town, having operated her firm for four-and-a-half years. She likes the diverse nature of her practice. "I do a little of everything," she says. When
she feels a case is beyond her abilities or she has no time, she refers people to lawyers in nearby towns. "Then I make connections with other attorneys," Dunlavy says.

She’s also weighing whether to bring another lawyer into her practice. But when she discusses the idea with her peers, she finds little interest. “They went to law school in Madison or Milwaukee,” she says, “and they want to stay near those cities.”

Law schools can, however, plant the seeds so that future lawyers will consider rural practice. At the U.W. Law School, for instance, a “Pizza with Professionals” panel discussion will include small-town lawyers who tell students about their practices.

Another session will discuss succession planning for attorneys approaching retirement and contemplating turning over their practices. “If we can help figure out some kind of work-sharing or space-sharing arrangement in which the seasoned attorney mentors a new lawyer, that could be a big boost,” says Michael Keller, assistant dean of career and professional development at the U.W. Law School.

Another law school effort is the Student Transition to Employment Program, which provides funding for recent graduates who can’t find jobs. While most such programs at law schools provide funds to graduates who volunteer for legal aid or other nonprofit groups, “we’ve included funding to enable them to work in small firms in locations not commutable from Madison or Milwaukee,” Keller says.

Students in the Lawyering Skills Program spend their pre-3L summer in clerkships in small and medium-sized communities outside the Madison or Milwaukee metropolitan areas. Participating law firms must have at least three attorneys and agree to pay the students $15 per hour for at least 10 weeks.

Such efforts give law students a taste of what it’s like to practice in a rural area, before taking the leap to set up a new law office or buy an existing one. Still, Katzman says his office at Marquette gets few inquiries from rural attorneys looking to bring in a younger lawyer to eventually take over their practice.

“I think the Bar needs to survey members and determine if this need exists,” he says, “and how best to address it. Then the law schools could join in the conversation and identify early on those students who would be potential candidates for rural practice.”