

Justice Measured: An Assessment of the Economic Impact of Civil Legal Aid in Arkansas
A Report of the Arkansas Access to Justice Commission in partnership with
University of Arkansas Clinton School of Public Service

Executive Summary

This study assessed the economic impact of civil legal aid delivered by Arkansas's two Legal Services Corporation (LSC)-funded organizations in the state—the Center for Arkansas Legal Services (CALS) and Legal Aid of Arkansas (LAA)—for 2013. The research team analyzed detailed case closing information from each program, financial statements, self-help resource usage statistics from the Arkansas Legal Services Partnership website, and secondary data from other economic benefit studies, including methods for projecting costs saved through housing foreclosure and domestic violence interventions. This study also gathered qualitative information through surveys and interviews with former legal aid clients, current legal aid attorneys, and circuit courts judges.

The study demonstrates that CALS and LAA have a substantial positive economic impact on their clients and on the state of Arkansas. Together, they served nearly 12,000 clients in 2013 at a cost that was \$2.4 million less than the equivalent cost of such services in the private legal market. In addition, researchers concluded the following:

- Legal aid saved clients an estimated \$3.4 million in costs for nonlawyer legal document services.
- Legal aid put nearly \$2.3 million into the pockets of their clients and helped them avoid liabilities of over \$9.4 million.
- Representation in housing foreclosure cases prevented \$2.2 million in diminished housing values.
- Legal assistance for domestic violence victims likely prevented more than \$3.9 million in costs for emergency shelter, medical expenses, and social services.
- Revenues that legal aid brings into the state generate an additional \$8.8 million in economic activity in the state by virtue of their multiplier effect in local communities.

These positive outcomes are realized in only a small handful of the total cases that CALS and LAA close each year. Many of the cases they handle—such as guardianships of minor children, advocacy for children caught up in the juvenile justice system, and assistance to elderly Arkansans who are victimized by scams—are not often readily subject to quantification. Further study in this area is needed to establish reliable outcome measures that capture the broader benefits of civil legal aid that qualitative research indicates are present.

These findings can serve as a vital tool for aiding policymakers and funders to understand the dollar value of investments in civil legal aid. However, they tell only part of a larger story about the immeasurable contribution that legal aid makes to preserving the integrity of the rule of law by affording persons of limited means equal access to the civil justice system.

The full report is available at www.arkansasjustice.org/economicimpact.



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ACCESS TO CIVIL JUSTICE IN ARKANSAS QUICK FACTS

- Indigent Arkansans who face criminal prosecution have a constitutional right to have an attorney appointed to represent them in court. **No such right exists for Arkansans facing life-altering civil legal problems: victims of domestic violence, veterans denied military benefits, children in need of special education, and families who lose their homes.** When left unresolved, these problems can snowball into crises that have a negative ripple effect on families and local communities.
- More than **746,000 Arkansans are currently eligible** by income to receive free civil legal aid (eligibility is set at 125% of the Federal Poverty Level, which comes to \$30,313 for a family of four). National studies suggest that current resources are capable of meeting only 20% of the civil legal needs of the client eligible population.
- According to the Justice Index, Arkansas is tied for **49th place in the country** for accessibility to the court system by those who cannot afford an attorney.
- An increasing number of Arkansans are fending for themselves in court. A 2011 Arkansas study shows that **one in four family law cases are initiated by self-represented litigants, and nine in ten do not have attorneys defending them.** Housing and financial cases are almost universally initiated by an attorney, **but nine in ten cases of those cases have no attorney appearing for the defendant.** In 2014 alone, there were more than 50,000 domestic relations cases filed in the state.
- Arkansas has the lowest ratio of lawyers to total population in the country, with **20.1 lawyers per 10,000 people.** Rural areas of the state are facing an acute access to justice crisis as the population of lawyers in those areas is aging and dwindling.
- Our state has two nonprofit organizations that provide free, high-quality legal representation for indigent Arkansas who face critical civil legal issues: The **Center for Arkansas Legal Services**, which serves 44 counties in central, western, and southern Arkansas; and **Legal Aid of Arkansas**, which serves 31 counties in northern and eastern Arkansas. **Each year, these programs receive a combined total of 30,000 calls** from Arkansans with legal problems who qualify for services.
- CALS and LAA receive a majority of their funding from the Legal Services Corporation—a national nonprofit organization that distributes federally-appropriated funds to these and 130 similar programs across the country. Other sources of funding include grants, private donations, and court filing fee add-ons appropriated through the Administration of Justice

Fund. Arkansas is one of 18 states that receives no state legislative general revenue funding to support the provision of civil legal aid.

- In spite of limited financial resources, CALS and LAA stretch the dollars they receive in innovative ways, allowing them to **help about 12,000 clients each year with a combined staff of only 50 attorneys.**
- CALS and LAA also partner together to provide free, easy-to-understand online forms that the public can use in civil cases, as well as legal information that helps people understand their rights. **These resources, which are available at www.arlegalservices.org, generate nearly 1 million page views each year and save Arkansans over \$3.4 million that would otherwise go to out-of-state document preparation services like LegalZoom.™**
- In addition to services provided by CALS and LAA staff attorneys, **1440 attorneys volunteered to take “pro bono” cases** for legal aid clients in 2014, providing services with a value of more than **\$1.72 million.**
- A recent study conducted by a team of students from the Clinton School of Public Service found that in 2013, these two programs provided services at **a cost that was \$2.4 million less than the equivalent cost of such services in the private legal market** and that such services generated **more than \$32 million in economic activity** in the state.

Legal Aid of Arkansas and the Center for Arkansas Legal Services are non-profit public interest law firms that provide free legal services to low-income Arkansans with civil legal problems, including public benefits, divorces for domestic abuse victims, minor guardianships, consumer issues, and landlord-tenant issues. Learn more at www.arlegalservices.org.

The Arkansas Access to Justice Commission was created in 2003 by the Arkansas Supreme Court for the purpose of coordinating statewide efforts to provide equal access to civil justice for all Arkansans. Since its creation, the Commission has worked toward this goal by undertaking initiatives to expand pro bono attorney recruitment and participation, implementing court assistance projects, facilitating changes to statutes and court rules that impact access to justice, educating the public about the need for civil legal aid, and working to increase financial resources available to provide civil legal aid to low-income Arkansans. Learn more at www.arkansasjustice.org.

FOR IMMEDIATE RELEASE

For additional information, please contact:
Amy Johnson, Executive Director
Arkansas Access to Justice Commission
501-492-7172
adjohnson@arkansasjustice.org

‘Justice Gap’ Topic of Joint Judiciary Hearing at Supreme Court

Little Rock, Ark. – Arkansans who face criminal prosecution but can't afford a lawyer have a constitutional right to have an attorney appointed to represent them in court. No such right exists for victims of domestic violence, veterans denied military benefits, children in need of special education, and others who experience civil legal problems. For those individuals, legal aid is often the only source of help.

More than 746,000 Arkansans are eligible for legal aid, yet there are only 50 legal aid attorneys in the state. "You could fill Verizon Arena beyond capacity and ask everyone who has a legal problem to come forward," said Lee Richardson, Executive Director of Legal Aid of Arkansas. "Then provide one attorney to handle all the issues that come up. That is the scale of what we're trying to deal with."

In what is believed to be a first, members of the Joint Judiciary Committee of the Arkansas General Assembly will meet at the Arkansas Supreme Court Justice Building on Tuesday, October 27, 2015 at 10:00 a.m. to hear testimony from the directors of the state's two legal aid programs—the Center for Arkansas Legal Services and Legal Aid of Arkansas—about the challenges their programs face in trying to meet the overwhelming demand for civil legal help.

Representatives of the Arkansas Access to Justice Commission will also testify about the growing number of Arkansans who are representing themselves in court and the diminishing number of attorneys who live and work in rural areas of the state.

The Joint Judiciary hearing is one of a series of events happening during National Pro Bono Week, October 25-31, to highlight the need for legal aid and recognize the efforts of attorneys across the state who volunteer their time to represent Arkansans who cannot afford legal representation. A complete listing of events can be found at www.arlegalservices.org/probonoweb2015.

The Center for Arkansas Legal Services and Legal Aid of Arkansas are non-profit public interest law firms that provide free legal services to low-income Arkansans with civil legal problems, including public benefits, divorces for domestic abuse victims, minor guardianships, consumer issues, and landlord-tenant issues. With 15 offices staffed by more than 50 attorneys throughout the state, plus a volunteer pool of more than 650 attorneys, legal aid services benefited at least 30,000 low-income people and the elderly with their critical legal needs in 2014. However, close to 750,000 people in Arkansas live at or below 125 percent of the poverty line, and thousands of those Arkansans in need were turned away due to lack of resources. Learn more at www.arlegalservices.org.

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State Legislative Funding for Civil Legal Aid*

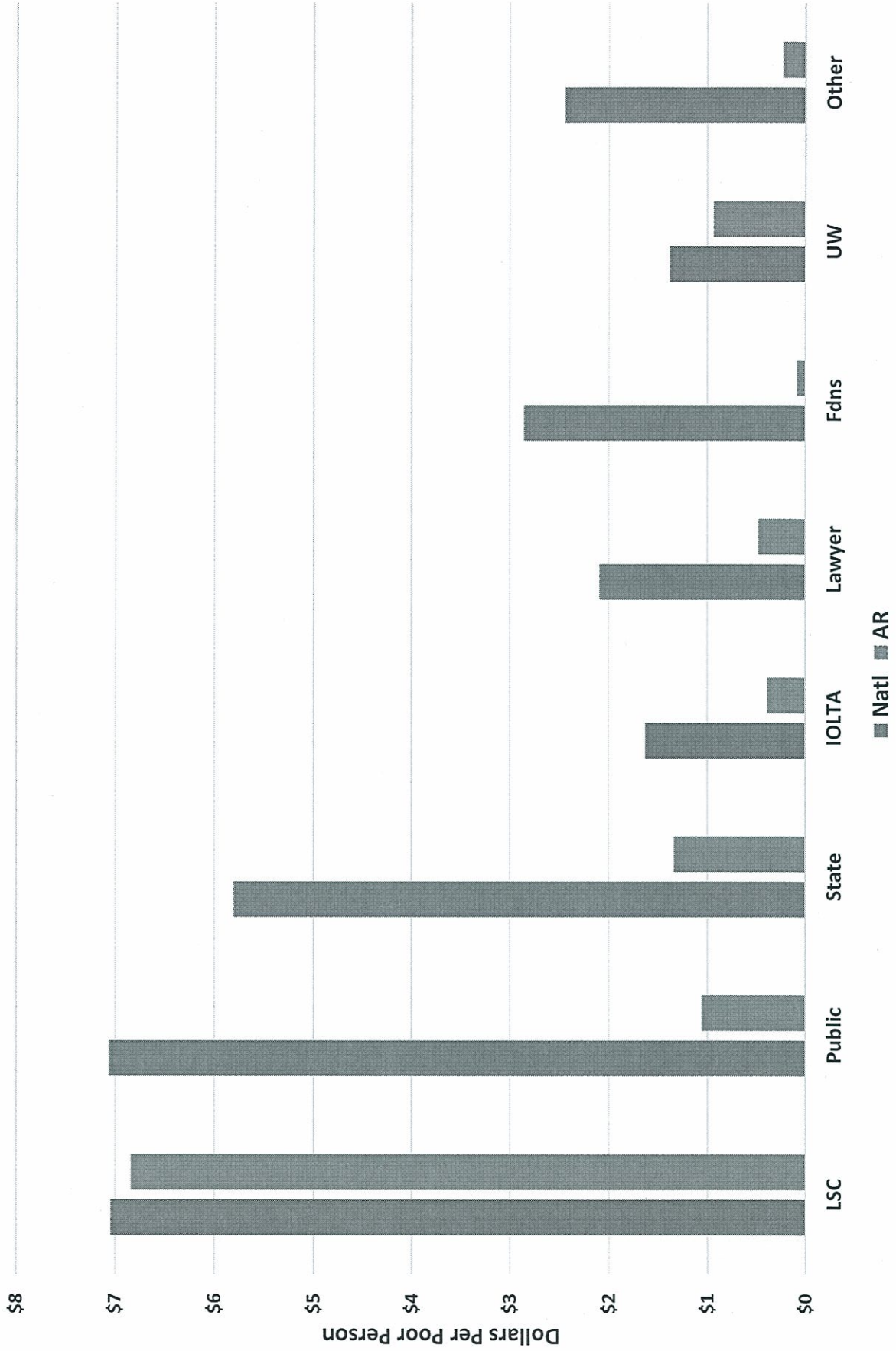
Appropriation	Court Fees/Fines	Both	None
Alaska	Arkansas	California	Florida
Alabama	Kansas	Colorado	Idaho
Arizona	Louisiana	Connecticut	
Delaware	Michigan	Georgia	
District of Columbia	Missouri	Hawaii	
Iowa	Mississippi	Illinois	
Massachusetts	Montana	Indiana	
Minnesota	Nebraska	Kentucky	
New Hampshire	Nevada	Maine	
New Jersey	North Carolina	Maryland	
New York	North Dakota	New Mexico	
Oklahoma	Ohio	Pennsylvania	
Utah	Oregon	Puerto Rico	
Vermont	South Carolina	Rhode Island	
Washington	South Dakota	Texas	
Wisconsin	Tennessee	Virginia	
	Wyoming	West Virginia	
		Virginia	

***As of 10/26/15**

This chart was developed by the American Bar Association Resource Center for Access to Justice Initiatives, a project of the Standing Committee on Legal Aid and Indigent Defendants.

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Legal Aid Funding - AR & National Average 2013 Data



Access to Justice in Rural Arkansas

© Lisa R. Pruitt, J. Cliff McKinney II, Juliana Fehrenbacher & Amy Dunn Johnson, March 2015

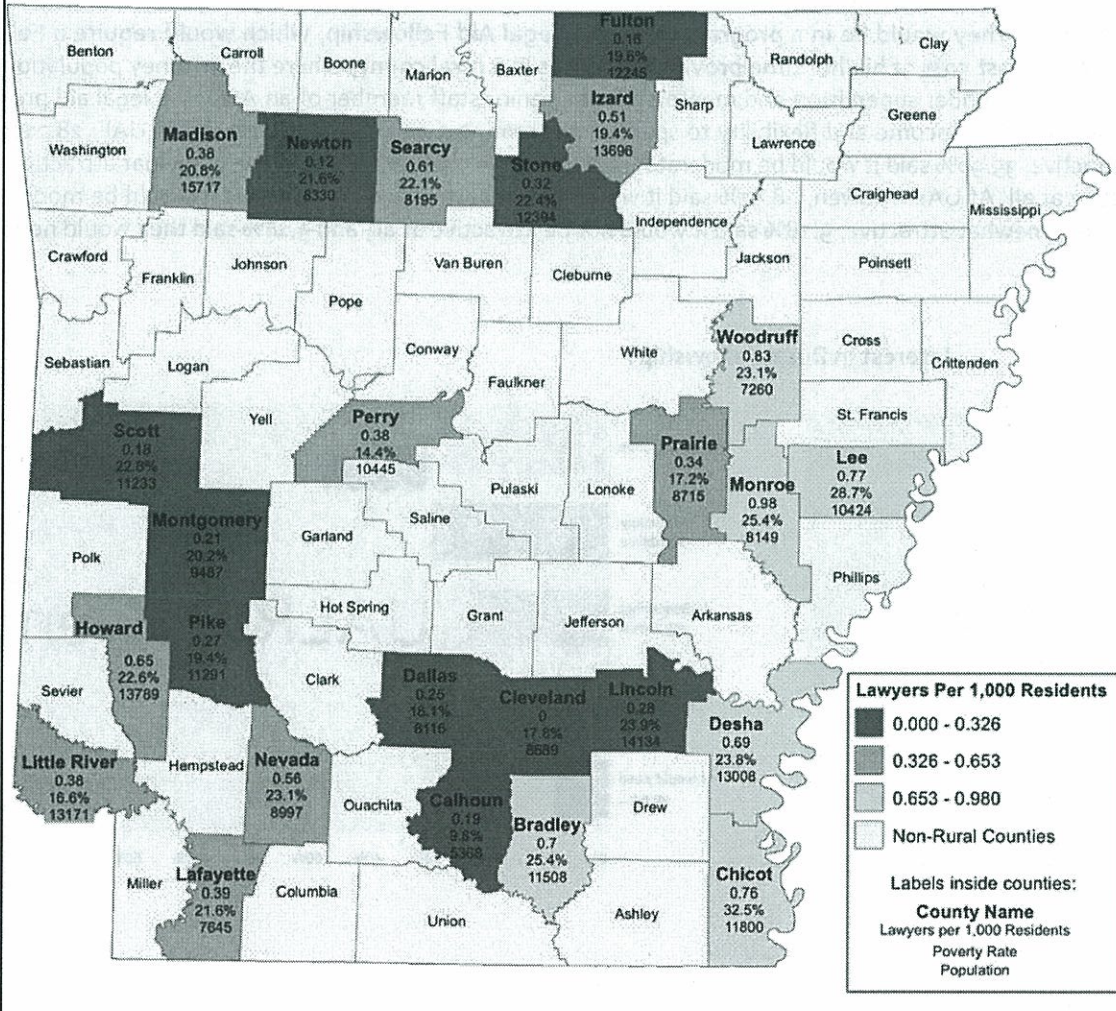
Residents of rural Arkansas face a looming crisis in access to legal representation. Without the help of a lawyer, families with critical legal problems—even those affecting basic human needs like housing—are left to flounder on their own. The national per capita average of attorneys is 4.11 per 1,000 residents. Among the states surrounding Arkansas, the average is 3.28 per 1,000. Arkansas's average is 2.04 per 1,000. Among the twenty-five least populous counties in Arkansas (the "Rural Counties") in 2013, the average was just 0.72 lawyers per 1,000 residents, and many of these lawyers are not in private practice. By 2015, this decreased to .64 lawyers per 1,000 residents. When looking only at lawyers in private practice actually taking clients as indicated by IOLTA account records (i.e., excluding judges and prosecutors), the average in 2010 was only .44 lawyers per 1,000 residents. At least one county, Cleveland County, has no lawyers at all. The number of attorneys per 1000 residents in each of the Rural Counties, as of January, 2015, is shown in the map below.

On average, the attorneys in the Rural Counties are older than the general population, and they also tend to be older than the average Arkansas attorney. The rate of new attorneys locating in the Rural Counties is very low, with only fourteen attorneys locating to any of the Rural Counties between 2008 and 2013, and an overall net decrease in rural attorneys between 2013 and 2015. 7 of the Rural Counties have no attorneys who were licensed in this millennium.

Arkansas's two law schools and the Arkansas Access to Justice Commission (AAJC) are jointly proposing five complementary programs that together will increase the presence of lawyers in rural Arkansas: (1) A loan repayment program for attorneys who locate in Rural Counties; (2) A judicial clerkship program to benefit circuit judges and courts in Rural Counties; (3) A fellowship program for Legal Aid attorneys in Rural Counties; (4) A distance incubator program that emphasizes skills needed to successfully establish practices in Rural Counties; and (5) the addition of two Legal Aid staff attorney positions in Rural Counties.

In order to probe the likely effectiveness of these programs, AAJC commissioned surveys of Arkansas's law students and lawyers. One aim of the surveys was to determine attitudes toward practicing law in rural areas. Respondents were also asked directly whether they would take advantage of particular programs to place law students and lawyers in rural practice settings. In addition, the survey sought information on respondents' geographic backgrounds to determine exposure to rural living, and it sought to determine what factors encourage or discourage a respondent from working in a rural location. They survey also probed general career interests and demographic information. For practicing attorneys, it also sought information on the amount of pro bono work they currently do.

**Number of Lawyers Per 1,000 Residents
In Arkansas's Most Rural Counties, 2015**



Law Student Exposure to Rural Life

In order to determine whether law students' attitudes toward rural living were informed by experience, the survey explored whether respondents had lived in a rural place. While only 5.5% of UAF respondents and 5.6% of UALR/Bowen respondents identified as having grown up in a county with a population of less than 15,000 people, the survey also elicited information on whether students had spent at least a year in a county with a population of less than 50,000 and, if so, whether they had spent time in a county with a population of 15,000 or less. We focused on the 15,000 population threshold because this is roughly the population cutoff for the state's 25 most rural counties. UALR/Bowen students had slightly more exposure to rural life than UAF students.

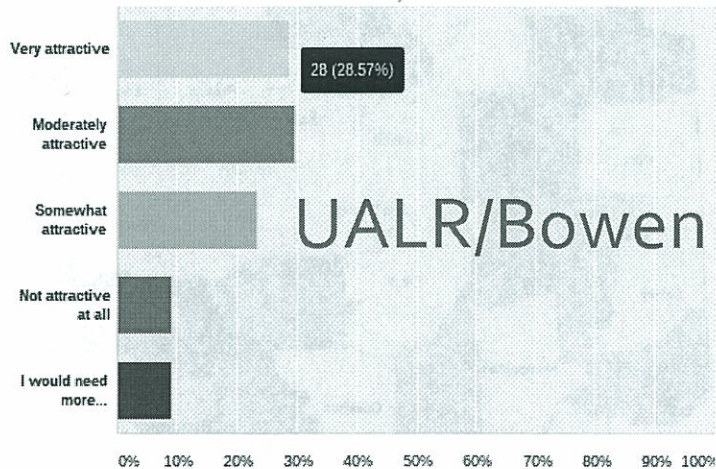
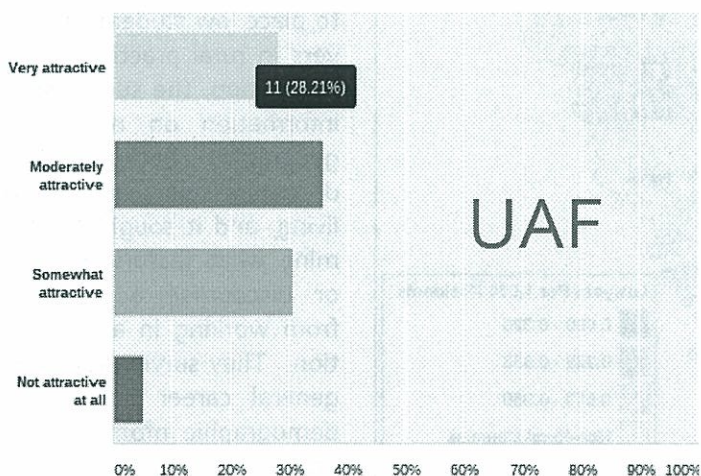
- **UAF:**
 - 26.32 % had spent at least a year in a county with a **population < 50,000**
 - 11.5 % had spent at least one year in a county with a **population < 15,000**
 - Of those who had spent at least one year in a county with a population < 15,000:
 - 31.25 % would **very seriously consider** working in a county with a population < 15,000;
 - 18.75% would **seriously consider** it
 - 25% said they would **somewhat seriously consider** it;
 - 25% said they would **consider it in passing**;
 - None indicated that they would **not consider it at all**.
- **UALR/Bowen:**
 - 28.83 % had spent at least one year in a county with a **population < 50,000**
 - 19.8 % spent at least one year in a county with a **population < 15,000**
 - Of those who had spent at least one year in a county with a population < 15,000:
 - 85 % said they would **consider practicing** in a county with a population < 15,000.

Post-Graduate Plans and Interest in Rural Fellowships

The majority of students at both from UALR/Bowen (60.56%) and UAF (74.55%) plan to practice in Arkansas after graduation.

Students were asked **how interested they would be in a program to fund a Legal Aid Fellowship, which would require a Fellow to make a two-year commitment of at least 50% of his/her time providing services in a rural county** where the attorney population is sparse and/or aging. Each Fellow would work under supervision and mentorship of a senior staff member of an Arkansas legal aid provider. The Fellows would be guaranteed part-time income and flexibility to spend time creating a paying client base. From UAF, 28.21% said such a proposal would be very attractive, 35.90% said it would be moderately attractive, 30.77% said it would be somewhat attractive, and 5.13% said it would not be attractive at all. At UALR/Bowen, 28.57% said it would be very attractive, 29.59% said it would be moderately attractive, 23.47 % said it would be somewhat attractive, 9.18% said it would not be attractive at all, and 9.18% said they would need more information.

Interest in Rural Fellowships



Incentives for Practicing in Rural Counties

Loan Repayment Assistance Programs and Paid Summer Positions

Students were asked, "If Arkansas were to implement a loan repayment program whereby an attorney participating in an underserved rural county would receive some tuition reimbursement, what would be the minimum amount of loan repayment (per year) that you would seriously consider as an incentive for working in such a rural area?" **The majority of students from both schools said \$5,000 to \$9,999 is the minimum amount of loan repayment assistance per year.** "At least \$10,000" was ranked second by both schools as the annual minimum amount they would consider, followed by \$2,500 to \$4,999 per year. Less than \$2,499 ranked last, with less than 5 % of respondents.

Predictably, students are much more interested in interning in a rural county if the position is paid. When first- and second-year law students from both schools were asked about their interest in summer intern positions in rural counties, the most common response – with close to half of students – was **"not interested at all" if the positions were unpaid.** On the other hand, close to half of the student respondents said that they would be **"very interested" if the position were paid.** For paid positions, the second most common response was "moderately interested." Very few students, 14.42% from UALR/Bowen and 6.41% from UAF, said they were "not interested at all" in the paid opportunity.

Rural Practice "Inheritance"

A large portion of first- and second-year law students said they would be very interested in taking over a retiring lawyer's practice in a rural county if the retiring lawyer provided training/mentoring during a transition process:

- UAF

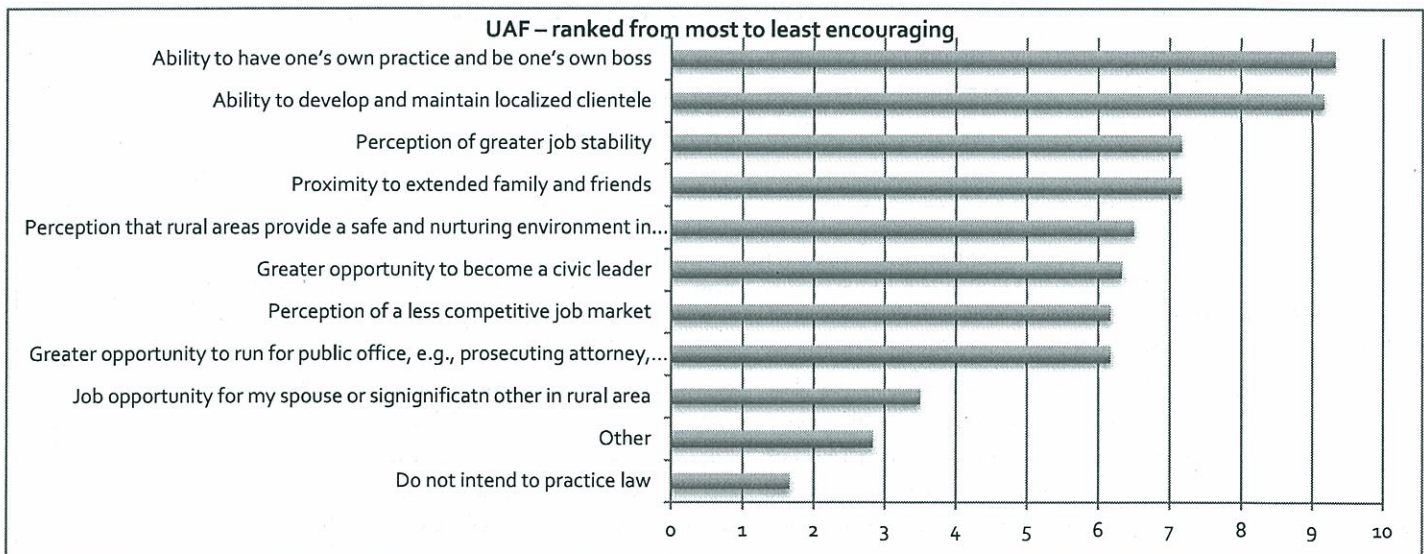
- Very interested – 31.53%
- Moderately interested – 37.31%
- Somewhat interested – 28.36%
- Not interested at all – 13.43%

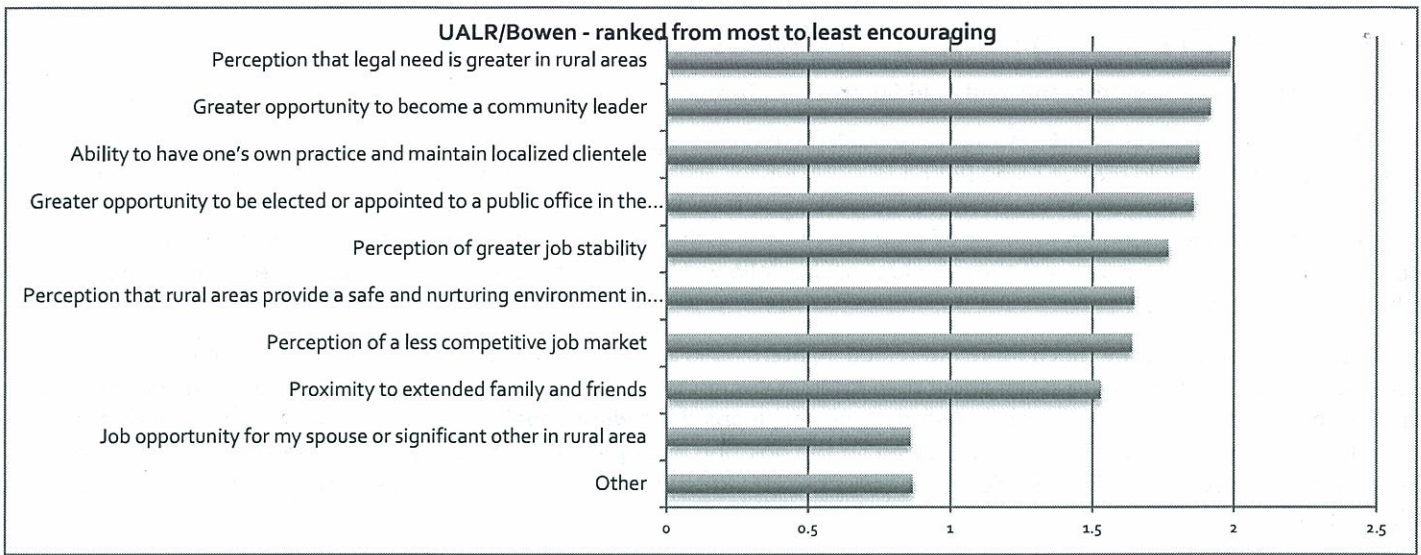
- UALR/Bowen

- Very interested – 31.53%
- Moderately interested – 31.53%
- Somewhat interested – 26.60%
- Not interested at all – 10.34%

Encouraging Factors to Working in Rural Areas

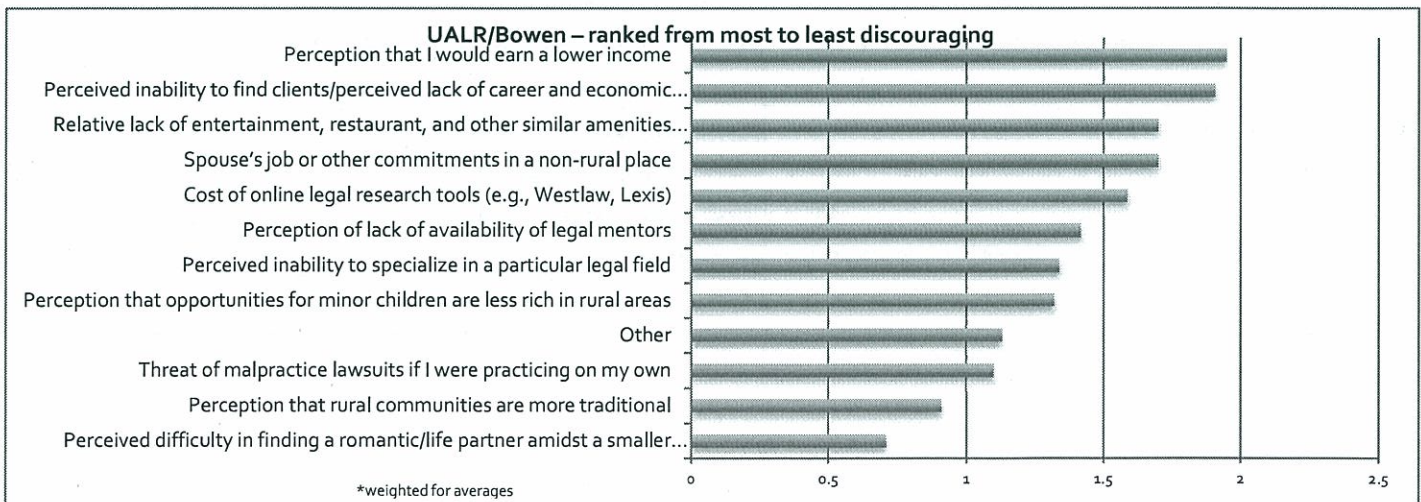
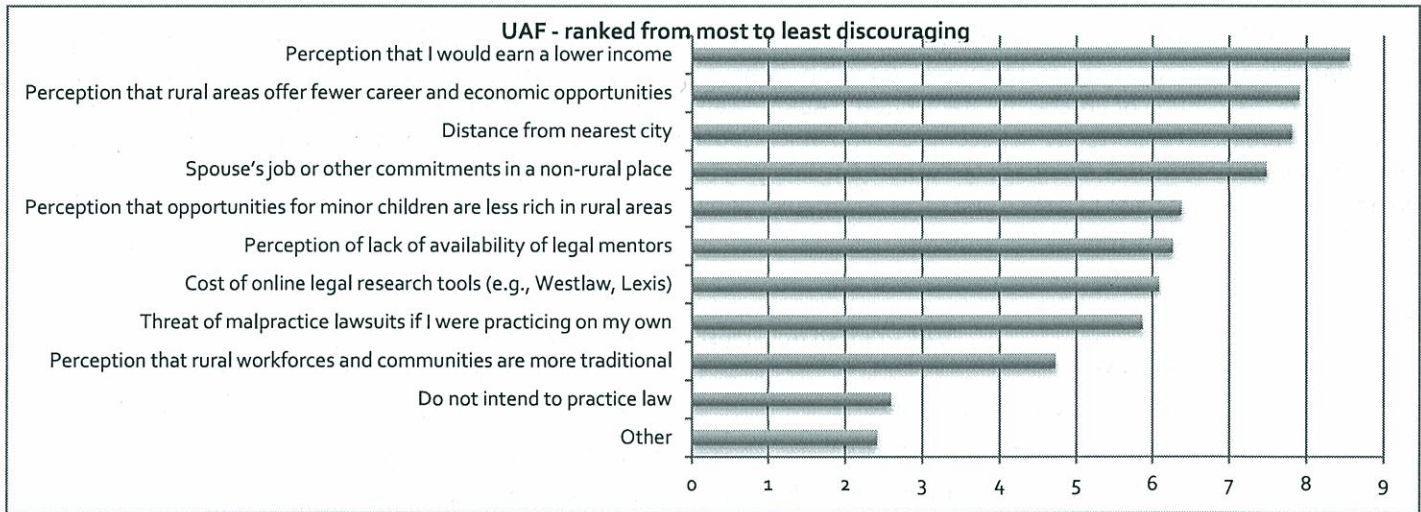
Students were asked to **weigh a variety of factors in terms of how encouraging they are** in relation to practicing in a rural area. At UAF, the top encouraging factors were: (1) ability to have one's own practice, (2) ability to develop and maintain a localized clientele, and (3) perception of greater job stability. At UALR/Bowen the top encouraging factors were: (1) perception that legal need is greater in rural areas, (2) opportunity to become a community leader, and (3) ability to have and maintain own clientele. Students were given the opportunity to include feedback on "other" encouraging factors to working in a rural community. Individual responses included being able to provide access to justice and serve an indigent population; being able to own a larger piece of property; and being able to serve the rural community where they grew up.





Discouraging Factors for Working in Rural Areas

Students were also asked to weigh a variety of factors in terms of how discouraging they are in relation to practicing in a rural county. At UAF the top three most discouraging factors were: (1) the perception of earning a lower income, (2) the perception that rural locations have fewer career and economic opportunities, and (3) the distance from the nearest city. A number of UAF students wrote in comments about the lack of restaurants, entertainment, and other amenities, so we added this as an option to the UALR/Bowen survey. We also added "Perceived difficulty in finding a romantic/life partner." UALR/Bowen ranked the following three as most discouraging: (1) perception of earning a lower income, (2) perceived inability to find clients and perceived lack of career and economic opportunities, and (3) relative lack of entertainment, restaurants, and other similar amenities associated with city life. Students were also given the opportunity to provide their own comments on discouraging factors. This included the perception that gossip would be prevalent in the community; "good ole boy" system; daily commute; being an outsider; and lack of acceptance as an ethnic minority or member of the LGBT community.



UAF and UALR/Bowen Demographics

Overall, UALR/Bowen students tend to be older, more likely to be in a committed relationship, more likely to have kids, and slightly more diverse in terms of race and ethnicity. Additionally, UALR/Bowen had a higher proportion of students from Arkansas, and UALR/Bowen students tended to be first-generation college or first-generation graduate school. Both law schools had a very small population of students from rural counties—just about 5 %.

UAF DEMOGRAPHICS (146 RESPONDENTS)

68 % of respondents said they are from **Arkansas**.

58% are under the **age** of 25, and 18% are between 25 and 30 years old. 47% are in a **married** or **committed relationship**; and 11% have **minor children**.

57% of respondents identified as **male**, 41 percent identified as **female**, and 2 percent declined to state.

87% of respondents identified as **Caucasian**, 4% **Hispanic**, and 3% identified as **American Indian**.

25% of UAF law students identified as **first generation** to graduate college, and 36% identified as first generation to attend professional or graduate school.

.5%, or 8 respondents, identified as being from a **rural county**, measured by population of 15,000 or less.

UALR/BOWEN DEMOGRAPHICS (232 RESPONDENTS)

70 % of respondents said they are from **Arkansas**.

32% of the respondents are under the **age** of 25, and 40% are between 25 and 30. 64% are in **married** or **committed relationships**; and 23% have **minor children**.

52% of respondents identified as **male**, 47 percent identified as **female**, and 1.4 percent declined to state.

85% identified as **Caucasian**, 1% identified as **Hispanic**, and 7% identified as **African American**.

54% of UALR/Bowen students identified as **first generation** to graduate college, and 51% identified as first generation to attend or graduate professional school.

5.6%, or 13 out of 232 respondents, identified as coming from a **rural county**, measured by a population of 15,000 or less.

Practicing Attorneys

The following results were collected through a survey administered to Arkansas Bar Association members between January 20, 2015, and January 30, 2015. The survey garnered 595 responses.

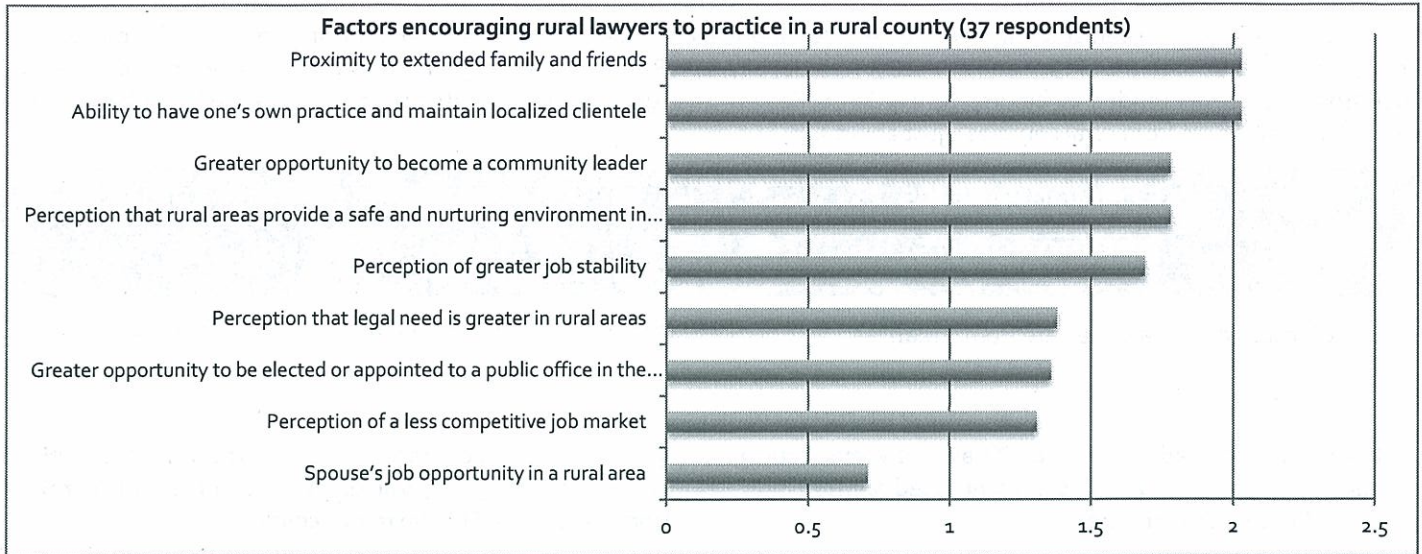
Rural Practitioners versus Non-Rural Practitioners

Only 2.7 % of respondents live in a rural county, but the number of respondents who practice in a rural county is slightly higher: 7.69% (41 respondents). Thus, more than 4% of respondents who practice in a rural county commute from a county that is non-rural. Moreover, a majority of attorneys, whether rural (61.54%) or urban (66.67%), opined that their market has good practice opportunities for young lawyers.

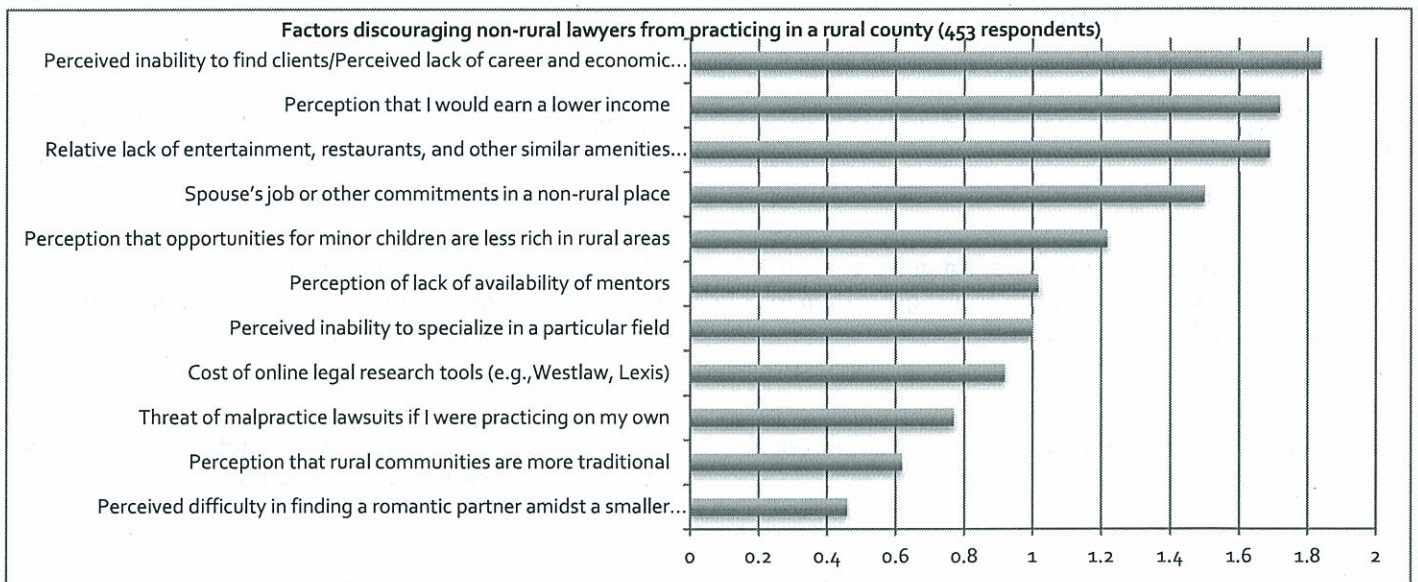
Do you believe that your market (town, city or county) has good practice opportunities for young lawyers?

While rural practitioners tended to be willing to mentor a young lawyer in their community (89.47 %), only 43.59% said they would you be willing to hire a young lawyer to practice in their law firm or to work part time while they sought other work on his or her own time. On the other hand, compared to rural lawyers, non-rural lawyers are both less likely to be willing to mentor a young lawyer (76.91 %), and also less likely to be willing to hire a young lawyer to practice in their firm or work part time while the young lawyer sought other work on their own time (33.26 %).

Respondents who said they practiced in a county with a population of 15,000 or less ranked the following factors as encouraging in their decision to practice in a rural county (from most influencing to least encouraging):

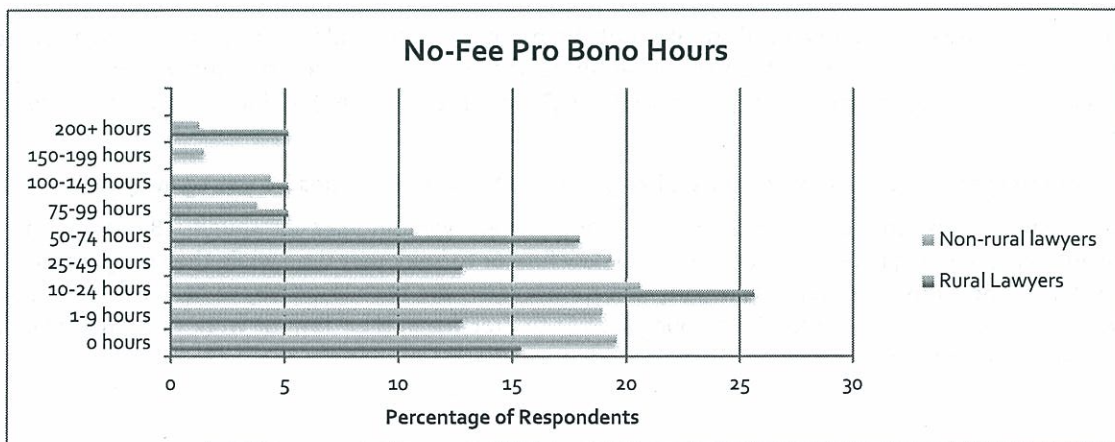


Respondents who said they practiced in a county with a population greater than 15,000 ranked the following factors as discouraging when considering practicing in a rural county (from most influencing to least influencing):

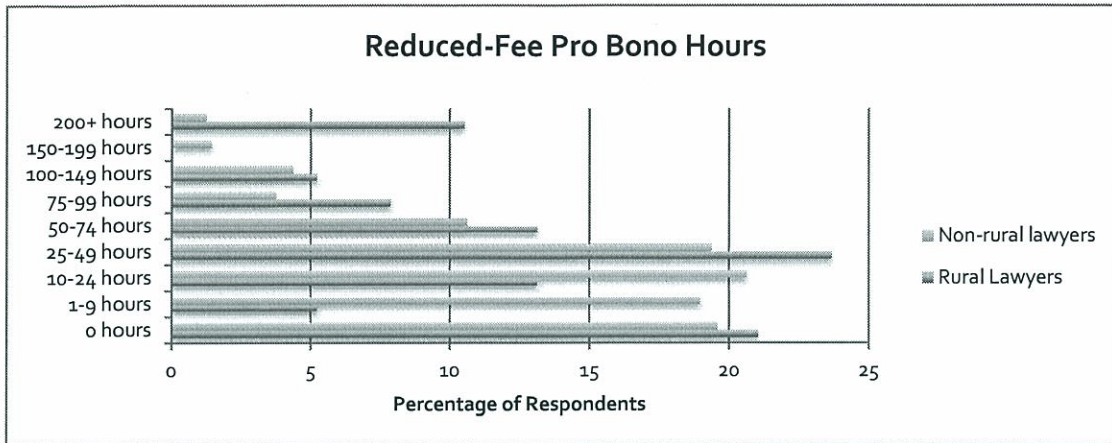


Practicing Attorney Pro-Bono Hours

Rural and non-rural lawyers perform roughly the same amount of no-fee pro bono work.¹ When rural lawyers were asked how many hours of no-fee pro bono work they did in 2014, the top three responses were 25.64% completing 10-24 hours; 17.95% completing 50-74 hours; and 15.38% completing no hours. Among non-rural lawyers, 20.63% completed 10-24 hours; 19.58% completed no hours; and 19.53% completed 25-49 hours.



Furthermore, no striking difference between rural and non-rural lawyers is evident in the amount of reduced-fee pro bono hours performed. When rural lawyers were asked how many hours of reduced-fee pro bono work they did in 2014, the top responses were 23.68% completing 25-49 hours, 21.05% completing no hours, 13.16% completing 10-24 hours and the same number completing 50-74 hours. Among non-rural lawyers, 20.63% completed 10-24 hours; 19.58% completed no hours; and 19.38% completed 25-49 hours.



Practicing Attorney Demographics

- **Location**
 - 92% live in the state of Arkansas
 - 2.7% (16) of respondents live in a rural county (pop. <15K)
 - 5.3% declined to state
- **Age**
 - 21% under age of 34
 - 22% between 35-44 years of age
 - 19% between 45-54 years of age
 - 23% between 55-64 years of age
 - 15% over the age of 65
- **Familial status**
 - 87% married or in committed relationship
 - 39% have minor children
- **Gender**
 - 64% male
 - 35% female
 - 1% decline to state
- **Ethnicity**
 - 90% Caucasian
 - 4% African American
 - 1% Hispanic/Latino
 - 1% Native American
 - 4% declined to state
- **Familial Education Background**
 - 31% first generation to graduate college
 - 56% first generation to attend graduate/professional school
- **Outside income**
 - 28% receive an income unrelated to law
 - 41% of respondents' outside income is < 10% of annual income

Methodology

This set of surveys were commissioned by AAJC and designed and executed by Prof. Lisa R. Pruitt at UC Davis School of Law. Each of the surveys used skip logic, which channeled respondents to a set of questions based on their prior responses. For instance, if a respondent indicated that she had grown up in a Rural County or had lived for at least a year in a county with a population less than 15,000, that respondent was asked about the factors that encouraged her to practice in a rural place. The questions asked of law student respondents were largely similar between UA Fayetteville and UALR/Bowen. The questions asked of lawyers explored their experiences as practitioners, as well as their attitudes about rural practice.

The UAF survey ran between November 18, 2014, and December 2, 2014, and received a response rate of about 38.5 % (146 of 370 students). The UALR/Bowen survey ran from January 20, 2015, and January 30, 2015, and received a response rate of about 58% (232 of 400 students). The Arkansas lawyer survey ran concurrently with the UALR/Bowen survey, receiving 595 responses, or about 8.7% of the state's 6,855 actively licensed lawyers. IOLTA account data suggests that the likely number of attorneys in private practice is 2,982.

The county-level Arkansas map on page 1 reflects data gathered by J. Cliff McKinney in January, 2015, regarding the number of Arkansas lawyers whose address is in each of the 25 "Rural Counties." Other data shown on the map is from the U.S. Census Bureau, 2010.