

Understanding the Unmet Need:  
A Study of the Tennessee Rural Population's Access to Legal Assistance  
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### **INTRODUCTION: SUMMARY OF FINDINGS**

Challenges faced by the Tennessee rural population needing legal assistance are complex and often misunderstood. While there is a plethora of information on the legal community's impression of the barriers, there is limited information from the residents themselves. In an effort to further understand the hindrances to free legal services a survey was administered to rural clinic participants throughout Tennessee. For comparative purposes an urban population was canvassed as well. Area free legal providers were also surveyed to assess their most effective marketing techniques and to summarize data they collect from applicants. This was done to create a comprehensive list of all marketing tools and to identify whether collected data could help with marketing efforts.

Surprising findings include the discovery that it is the working poor, not the unemployed who are most in need of legal help. In addition, their low incomes will not increase with age which lends understanding to the almost one fourth who will utilize free legal again in their lifetime. This population is most in need of help with divorce, financial/credit and rent/mortgage cases, although they are also in need of assistance with cases involving family members' estates, housing safety, disability, medical, problems with children, parenting plans and expungement. It is primarily the female in the household, not the male, who will ask for help. The majority is happy with the services received but they have difficulty getting to them due to lack of transportation, gas money, medical issues, childcare and unfamiliarity with area where clinics are held. Additionally, there are other impediments such as scarcity of qualified interpreters for those who do not speak fluent English and geographic difficulties like ice/snow in the winter and flooding in the spring.

The lawyers who participate in Legal Aid and pro bono representation must limit travel due to resource and time restrictions. As a result, some clinics are held in large towns which are

central to a rural area. This exacerbates the rural population's transportation challenges. Because of variability in success rates, Tennessee lawyers who participate in pro bono and Legal Aid services need state-wide coordination and awareness of marketing vehicles and techniques. Finally, the data they collect from applicants should be culled to identify additional promotional possibilities.

### **SCOPE & DETAILS OF STUDY**

This project concentrated on the lack of professional resources available to the rural community; specifically legal assistance. With the economic downturns experienced within our nation over the past decade, the rural communities have suffered a great deal. There is not enough free legal assistance available and the population has become less able to pay for services (Minow, Correll, Levi & Sandman, 2012, p. 1). In rural areas which must deal with geographic isolation and fewer resources, these challenges are amplified.

Within Tennessee, the rural community comprises a significant portion of the population. 2010 census data states 6,346,102 people live in the state and 2,132,860 of them are in rural areas; rural residents comprise 33% of the population in Tennessee ("2010 urban and rural", 2010). To evaluate this essential population, a round table discussion was precipitated by Legal Services Corporation in 2010 with David Yoder of East Tennessee Legal Services (Driscoll, 2010). The gathering of legal professionals identified the following obstacles for the rural population's obtainment of civil legal representation: lack of internet service, lack of public transportation, lack of social services, fewer lawyers, fewer law schools, and difficulty in recruiting legal aid staff attorneys. (Driscoll, 2010)

Although the legal community's impressions are valuable and relevant, this researcher found no specific Tennessee data or information obtained directly from the rural resident's

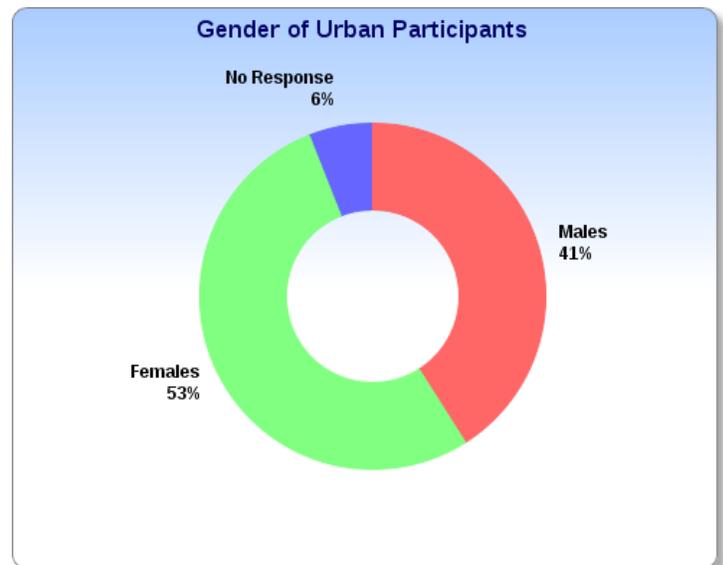
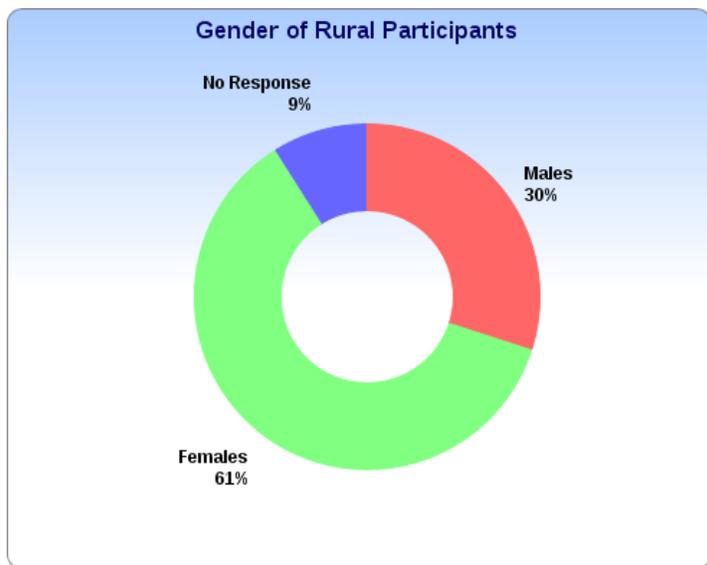
perspective. For that reason this study concentrated upon the rural community. For comparative purposes an urban study was conducted within the city of Nashville as well. Impressions and opinions were sought via a Likert-formatted Customer Satisfaction Inventory (See Appendix A) administered in person at local legal clinics in rural communities. This survey consisted of questions regarding common demographics, how the client became aware of clinic, ease of accessibility, reasons for needing the service, impression of assistance received, and, when applicable, history of past usage.

In addition, free legal providers across Tennessee (both rural and urban) were surveyed via email to collect qualitative data on effective marketing techniques and to compare demographics and other information they collect from their applicants (See Appendix B). Thoughts and opinions of area providers were procured to collect information on the variability between opinions of the residents versus opinion of the providers. Provider participation revealed important linkages between the residents and the providers.

## FINDINGS AND ANALYSIS

### Who is most likely to seek help?

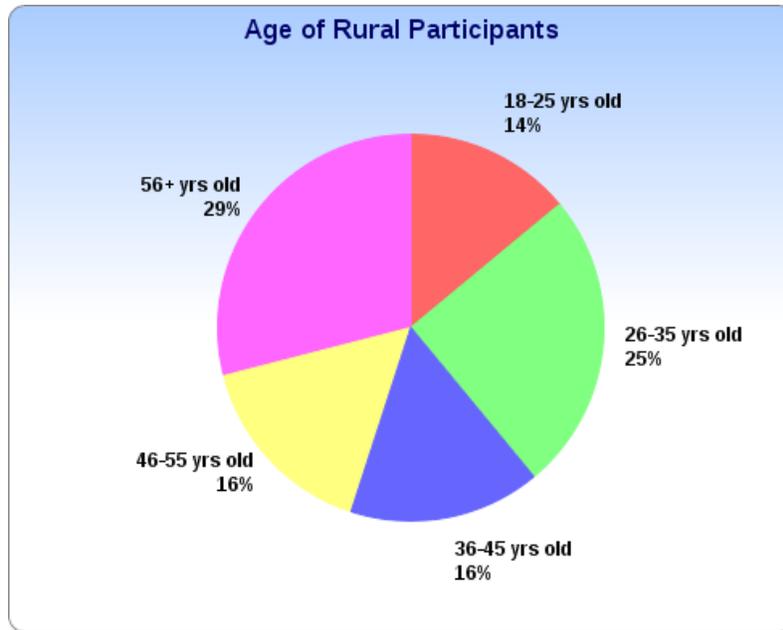
**Gender Results.** Gender studies reflect twice as many females as males seeking help in rural areas. This is indicative of previous studies which have shown females to be more inclined to seek assistance than males (Addis and Mahalik, 2003, p. 6). However, this same trend does not hold true in the urban population.



**Why does this matter?** It will be important for the free legal provider to be aware that a female client may not be the primary individual needing assistance, although she will probably be the one seeking it. The assumption should not be made that since she is the one there, she is the only one who needs help. If the case involves both spouses, it will be necessary to tailor the conversation to the possibility that the male husband/partner may not be amenable to receiving free legal assistance and may be difficult to contact.

### Age Results

In reviewing participant ages, the rural elderly (56+ years-old) and those in young adulthood (26-35 years-old) are the age groups that utilize legal service in rural areas the most.



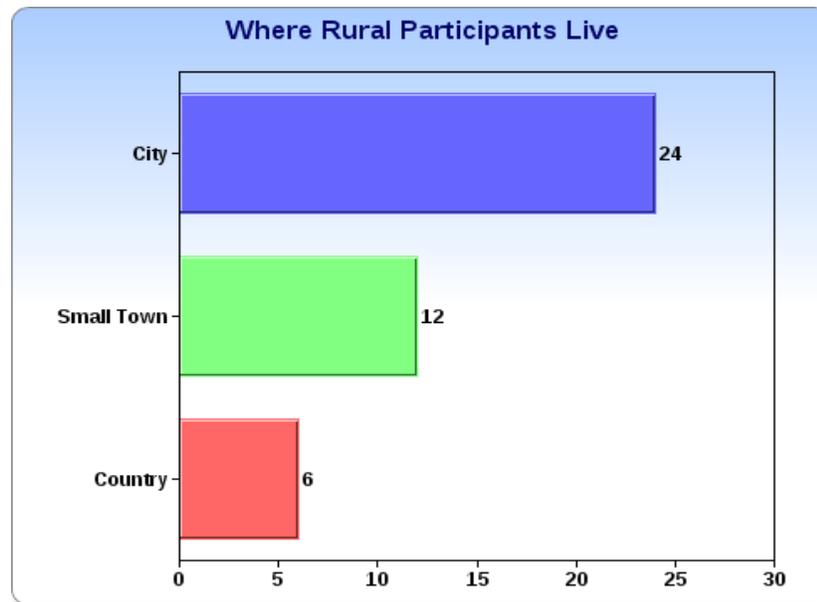
**Why does this matter?** It has been stated that the elderly poor are not disposed to ask for free legal help due to their lack of knowledge that free legal services exists and lack of understanding that they even have a legal problem ("Georgia elderly legal," p. 4, 2005). Neither of these predilections was evident in the outlying communities, however. If anything, it was observed that the rural elderly were more likely to ask for guidance. This is significant as a clear understanding is needed of the complex and idiosyncratic issues facing the elderly. Wills, personal property, Medicare/Medicaid, disability appeals and financial schemes are a few examples.

Since the impoverished 26-35 year-old is the second largest demographic participating in rural legal clinics, their legal assistance provider needs knowledge of legal issues facing this age group. These include financial challenges, divorce, parenting plans, children's issues and employment and substance abuse.

## WHERE IS THE NEED?

### Region

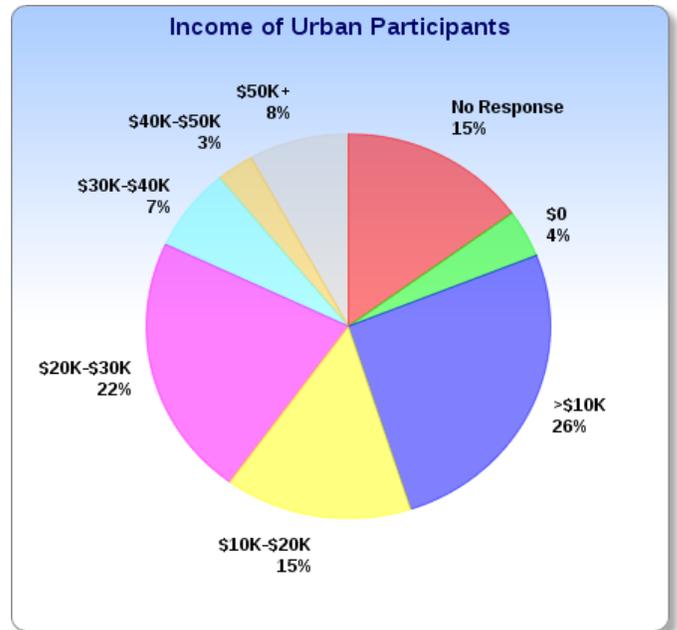
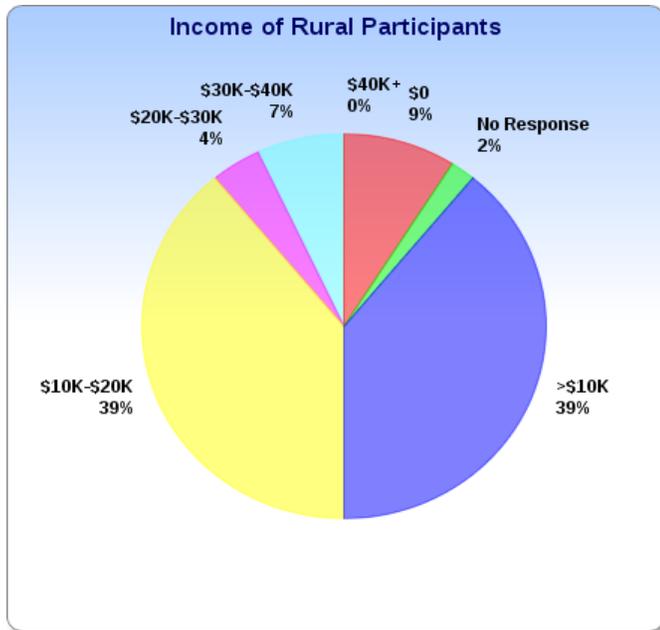
The majority of the rural population state they live “in the city”. Many of the rural clinics are held in mid-size communities central to a large rural area to provide ease of access to rural providers who are part of firms within metropolitan areas. From the perspective of the residents who live in these communities, they may live “in the city” but in comparison to major urban centers in Tennessee, these communities are quite small.



**Why is this important?** Traveling to all of the small towns in a rural area would require extensive manpower and time. Neither Legal Aid nor the private practice firms who provide pro bono services have the resources to accommodate this need and many of the residents in these small towns do not have the transportation or gas money to travel, even to these central locales. This predicament is central to the rural need for help: While the firms are doing the best that they can with what they have, there are still many areas that go untouched.

**Income**

As stated earlier, historically the world has more poor in rural than in urban areas. Research reflects that 75% of the world’s impoverished reside in rural areas (“Why focus on...” 2005). In this study, 87% of those interviewed in the rural community make less than \$20,000 annually while in the urban community 45% make less than \$20,000.



**Why is this important?** Most of the poor requiring civil legal representation do have an income; 89% rurally and 81% urban. This tells us that it is the working poor that are most in need of civil legal representation, not the unemployed. The working poor may have more instances of civil legal representation need because they have assets they could lose such as a home, a car, or other assets to divide in a divorce case. Anecdotally, we can assume that the unemployed tend to own fewer assets, which creates less need for civil legal help. The assumption cannot be made that all of those who need free legal assistance are completely dependent on another for their livelihood. Most in need of legal assistance do not rely on someone else and are, in fact, making a living; a meager living, but a living none-the-less.

**Annual income greater than \$20,000**

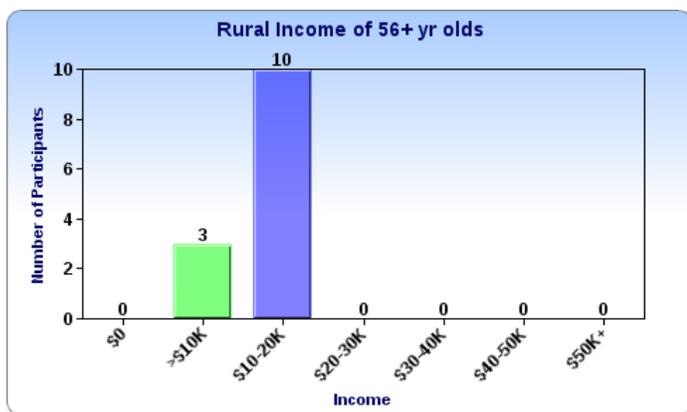
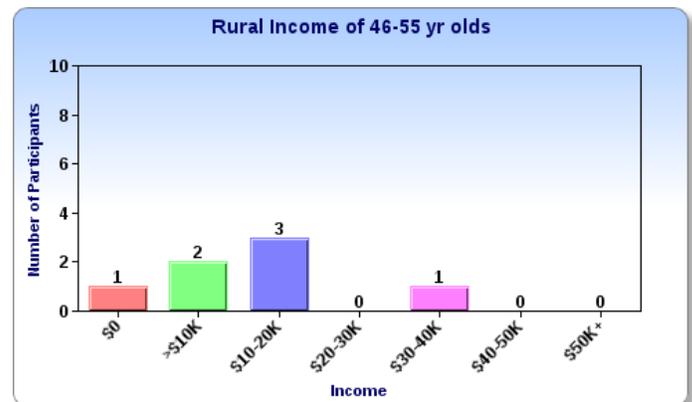
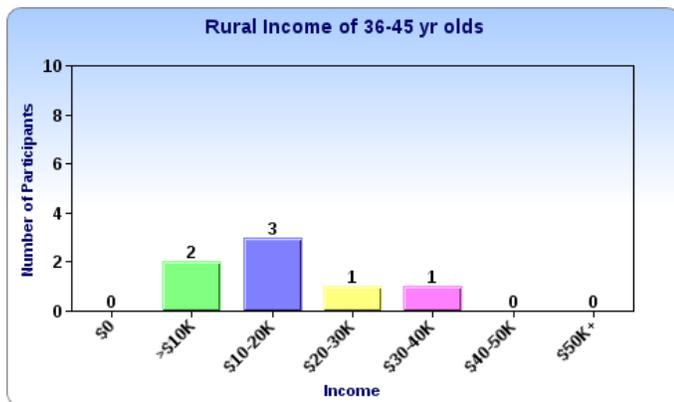
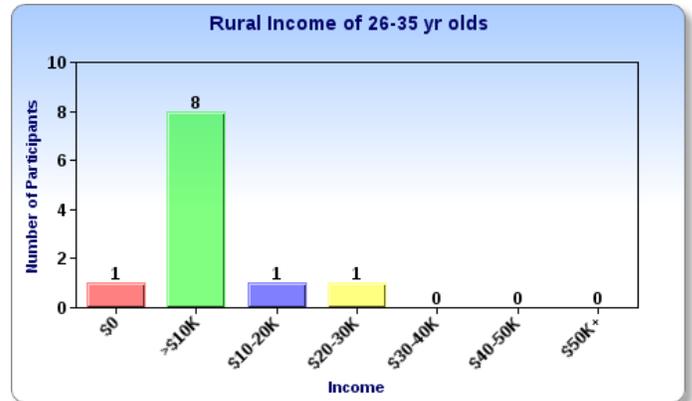
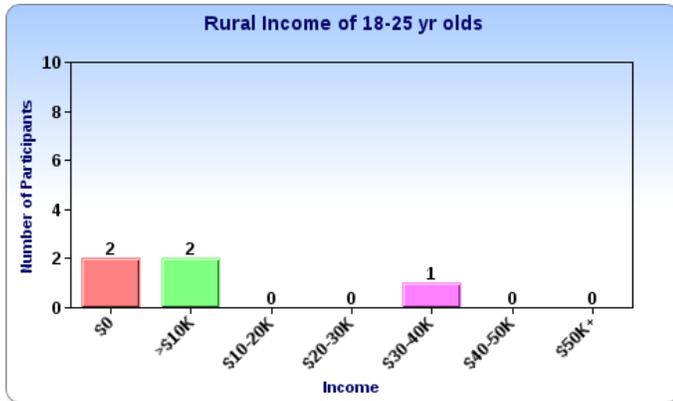
The following chart compares rural and urban populations' age brackets for percentages of those making more than \$20,000/year. In Tennessee, an average of 29% more urban than rural people needing legal assistance, earn more than \$20,000 per year.

<b>AGE</b>	<b>RURAL</b>	<b>URBAN</b>	<b>DIFFERENCE</b>
18-25 years old	17%	35%	18%
26-35 years old	10%	46%	36%
36-45 years old	29%	50%	21%
46-55 years old	14%	33%	19%
56+ years old	0%	n/a	n/a

**Why is this important?** This data shows that there are significantly more rural poor making less than \$20,000 per year than there are urban in the same age brackets. These statistics continue to highlight the need for pro bono or reduced fee programs in these rural communities, given the large percentage of residents that make such a meager living.

**Rural income as related to age**

When comparing rural income with age, there is a slight increase in annual salary during middle age. This increase transitions into the older age group with the majority of people moving from an annual income of less than \$10,000 to an income of \$10,000-\$20,000. Once this income bracket is attained, only 6 people (20%) have moved beyond making \$20,000 per year.

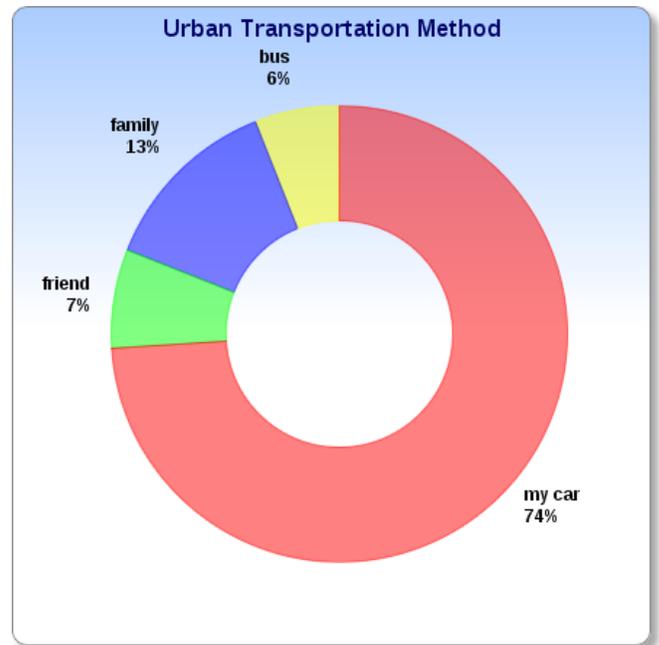
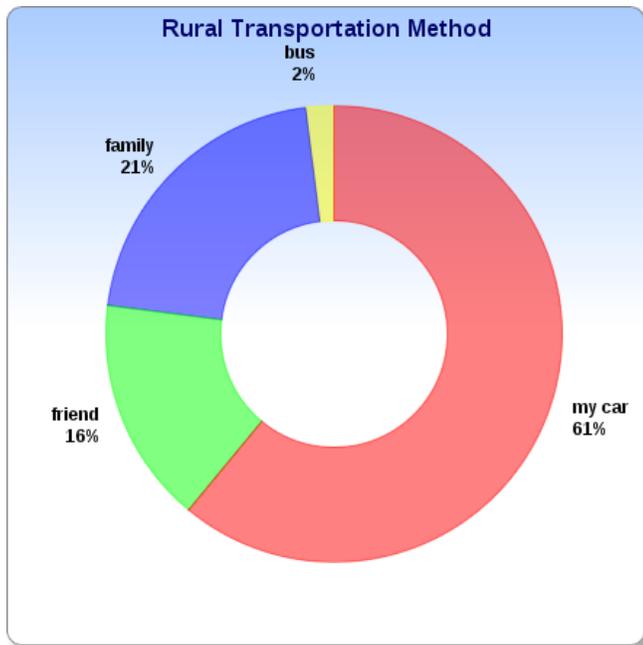


**Why is this important?** This information provides an awareness factor regarding the elderly poor. Middle and upper income Americans are more apt to become secure financially as they age, whereas the poor become less secure financially. This creates a greater need for help of any kind (including legal) as the impoverished age.

**ACCESS ISSUES**

**Transportation to clinics**

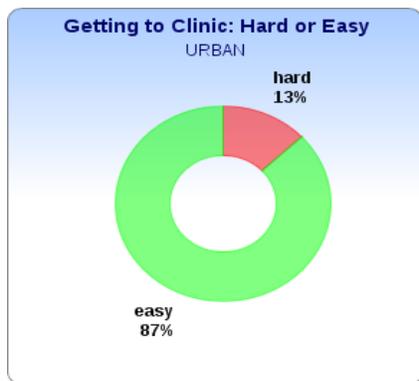
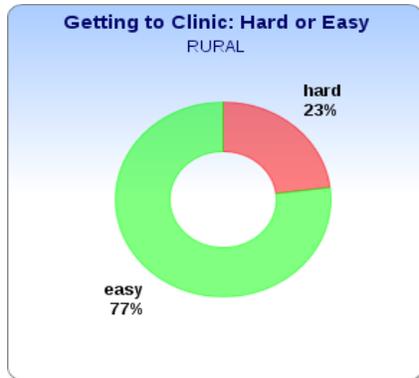
Transportation data reflects that 39% of rural versus 26% of urban respondents must rely on someone/something other than themselves or their own vehicle for a ride to the clinic.



**Why is this important?** The percentage of rural clinic participants who must rely upon someone other than themselves for transportation further complicates their difficulties in accessing help. Add to this equation the rural provider who can't get to the very small towns due to time/money resources and the situation is even further exacerbated. Odds are high that there are rural people who need legal help and either can't get to the clinics or don't know that they exist in the larger mid-size communities.

**Ease of transportation to clinics**

23% of rural participants had difficulty getting to the clinic as compared to 13% of urban. There are many reasons for both populations, although 30% of the rural population had to rely upon a family member. The urban population didn't refer to having to rely on family as their reason for transport being difficult, but 25% stated that they do not own a car.

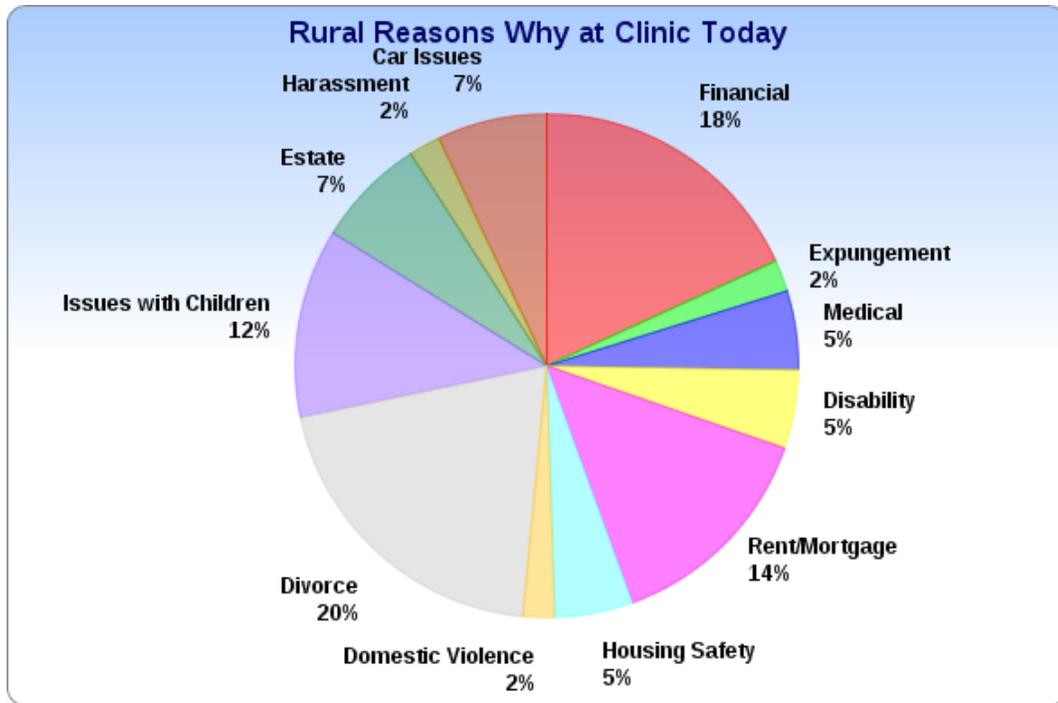


**Why is this important?** Rural reasons for transportation difficulties are almost entirely related to impervious personal circumstance, while urban are related to outside influence that can be manipulated to ease the situation. Still, the urban reason, “had to use food money” as the cause of a transportation issue is concerning. There is little the rural poor can do to alter the state of being disabled or having no money; especially if they’re already working and food and shelter leave them nothing to pay for gas. If the clinic is not in their closest town and they fear getting lost, the issue is further complicated. It is going to be up to the providers and the entities that fund them to remedy this situation. The population does not have the tools to do so.

## CLINIC EXPERINCE

### Reasons for being at clinic

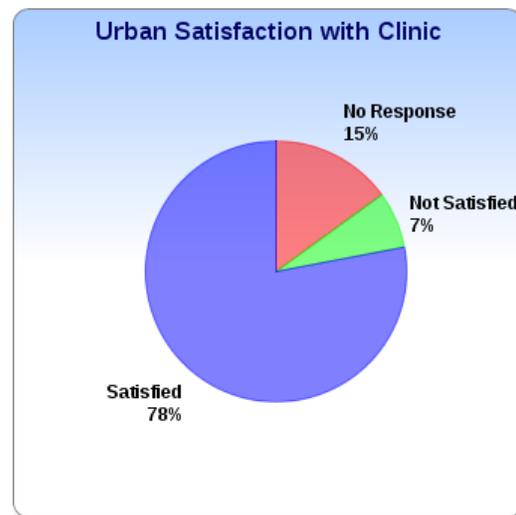
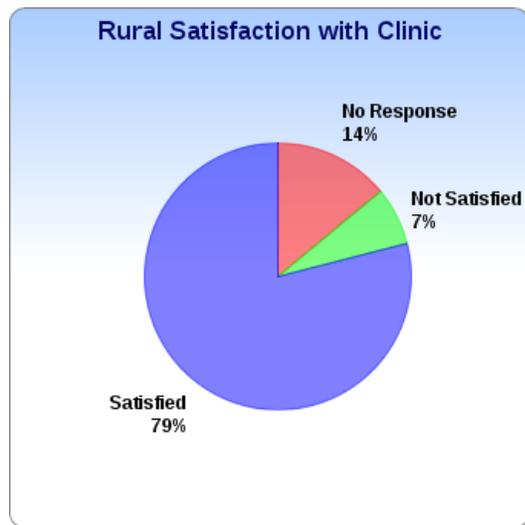
In the rural areas, the primary reason (20%) for needing an attorney's assistance is related to divorce. This is followed closely by financial matters and rent/mortgage payments. The remaining reasons are many and remarkably varied.



**Why is this important?** It is difficult to provide specialty legal services in rural areas. There are fewer lawyers and their practice usually must be of a jack-of-all-trades orientation (Beer). As a result, specialty practice, while needed at times, is not financially feasible. This would lend value to internet help lines providing rural lawyers with accessibility to urban providers that are proficient in a specialty practice. A note of caution: it would behoove a rural provider to “introduce” the individual needing a provider proficient in a specialty practice to the applicable urban lawyer. The rural population is often untrusting of online relationships (Holmes, 2012, p. 310) and without an intermediary the case could become difficult.

### Satisfaction with services

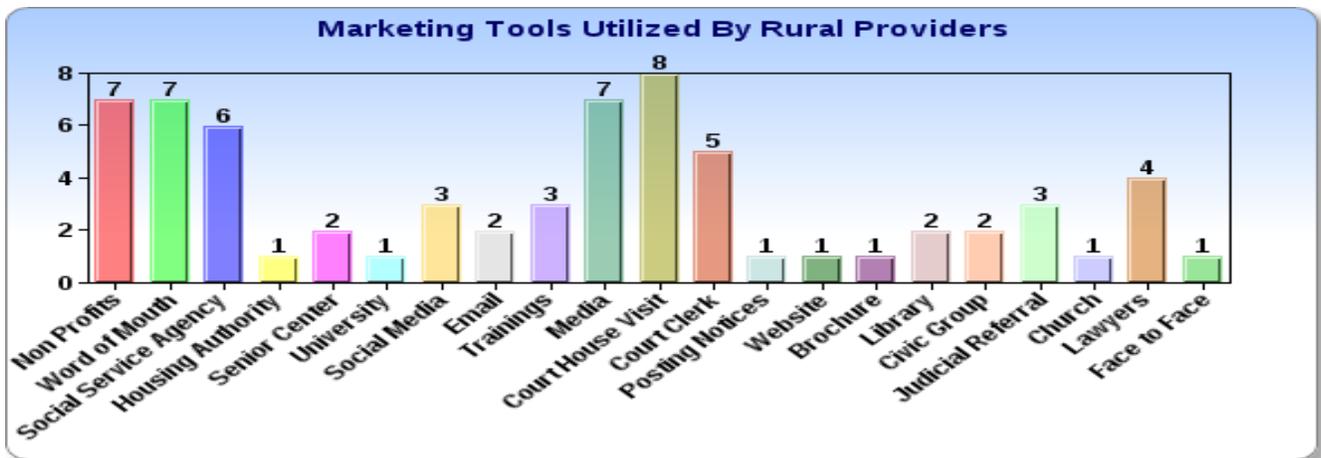
Both rural and urban are in the 78%-79% range in satisfaction with clinic services. In addition, they are exactly equal with those who were not satisfied, a small 7%. There were also almost exactly equal participants that chose not to comment on this question; 14% for rural and 15% for urban. It is evident that in both communities, the residents that are attending clinics are being significantly helped.



**Why is this important?** Satisfaction with services is an important integer in providing free legal assistance, be the population rural or urban. As both populations are for the most part, satisfied, this speaks highly of the firms and lawyers that are participating. The small 7% stating they were not satisfied gave the reason of being "only partially helped". Therefore, the provider helped somewhat even if they were unable to provide everything the respondent needed. The conclusion can be drawn that the services currently in place do help and are beneficial; there just isn't enough of them and they aren't getting to everyone who needs them.

### CLINIC MARKETING TOOLS

For marketing clinics, there is close to equal success across the board with court house, social service, non-profit, court clerk, media and word of mouth referrals. It can be assumed that the more providers who utilize a method, the greater its success rate. It was difficult for providers to estimate their exact success rate with each method. Most seemed more enthusiastic about their court house and court clerk referrals. Those who utilized non-profit and social service referrals state that success comes not from brochures or business cards that they place at the agencies, but by establishing relationships with the agency personnel and keeping in contact with agency directors and administration. It is a given that relationships are already established with court house personnel and court clerks as the providers are in and out of the courts daily.



**Why is this important?** This data reflects that there are many different advertising efforts taking place in Tennessee. Providers had difficulty in communicating tools that were “most” successful. While information gathered by providers is usually mandated by their respective grant stipulations, there was no evidence that this information is used to gain a more in-depth understanding of the population and the environments they function within. If that were done, it would be easy to discover where to go to reach them. In addition, implementation of

cohesive marketing efforts by providers across the state should result in more successful marketing.

### **CONCLUSION**

During conversations with rural providers, they were asked why they believe there is insufficient rural representation. Answers varied from the standard, “they don’t have gas money or transportation” to “they don’t know they need help” or “they don’t understand that their problem is a civil legal one”. While transportation reasons are supported by both national and Tennessee data, we have discovered others; such as disability, childcare and discomfort with travel to unfamiliar areas. Given the wide range of reasons residents provided for attending the clinics, it is not likely that they do not know or understand they need help. This project reflects that they do know they need help and understand why, they just don’t know where to get it or how to get there.

There needs to be a more determined effort to take direct legal services to Tennessee’s rural communities. For rural Tennesseans to truly have access to justice, the legal service providers must establish a physical presence within each community. Because of the larger number of attorneys in the urban setting, it is critical that legal service providers begin to think innovatively on how to connect urban attorneys to the rural need.

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9. a. Did you get the help that you needed today?                      Yes                      No
- b. If yes, would you tell a friend with a legal problem to come to the library for help?
- Yes                      No

10. My legal problem today is about:

- |                     |                     |                                       |
|---------------------|---------------------|---------------------------------------|
| Credit cards/Loans  | Medical Bills       | Health Insurance                      |
| Disability Payments | Rent/Mortgage       | Home Isn't Safe                       |
| Divorce             | Custody of Children | Child Support                         |
| Discrimination      | Education           | Trouble with Friends or Family        |
| Child               | Immigration         | My Job                      Utilities |

Other (please explain in 1 or 2 words: \_\_\_\_\_)

11. In the past year I've had: 1-2    3-5    5-7    7-10    10 or more legal problems.

12. a. Is this the first time you've needed and asked for legal help?    Yes                      No

b. If No, How many times have you asked for legal help and used it in the past?

1-2                      3-5                      5-7                      7-10                      10 or more

c. If you asked for and used it in the past, did you get the help you needed?    Yes                      No

d. Where did you go before for legal help? \_\_\_\_\_

e. Did you have to go to court or was it solved outside of court?

Yes/Went to Court    No/Solved Outside of Court    Both/For different problems

**Thank you so much for your help. You have just helped many people across the state of Tennessee**

Appendix B

Access to Justice  
Administrative Office of the Courts/Court Services Division  
Rural Provider Questionnaire, 2013

1. What is the name of your organization?\_\_\_\_\_

2. What are your best practices for marketing?

Word of mouth      Other non-profits      Social Media    Email    Trainings      Newspaper

Court Clerks      Judges      Library      Other\_\_\_\_\_

3. What is your response to clients that don't qualify for your services:

Referral to Alternate Agency      Nothing/We don't have a response

Other\_\_\_\_\_

4. What data do you collect from your applicants?

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5. Is there any collateral information you care to share with us?

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