

## Rural Attorney Recruitment Program

In 2013, the South Dakota Legislature approved the Recruitment Assistance Pilot Program (SDCL 16-23) 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.

Attorneys must enter into a contract with the Unified Judicial System (UJS), the State Bar and the eligible county or municipality in order to participate. Qualifying attorneys within the program will receive an incentive payment, payable in five equal annual installments, each payment equal to 90% of one year's resident tuition and fees at the University of South Dakota Knudson School of Law, as determined on July 1, 2013. This amounts to \$12,513.60 per year, with a total benefit of \$62,568 for each attorney.

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

- Have a county population of 10,000 or less, or a municipal population of 3,500 or less;
- Agree to pay 35% of the total amount of the incentive payment, payable in five equal annual payments.
- Apply to the UJS by submitting a letter of intent from the County Commissioners and be accepted into the program by the UJS; and
- Is determined to be eligible by the UJS.

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 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; and

- Submit a complete application and be approved for participation in the program by the UJS. 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.

All together there have been 31 participants under contract in the program. There are currently 14 active attorneys practicing in rural communities. 10 of the 31 participants have graduated out of the program and 7 of the 10 graduates have stayed in their communities to continue practicing.

The following counties have participated in the program: Aurora, Bon Homme, Lyman, Jerauld, McPherson, Grant, McCook, Elk Point, Union, Bennett, Lake, Mellette, Spink, Miner, Gregory, Haakon, Marshall, Tripp, Perkins, Hand, Harding, Sanborn, Buffalo, Dewey, Roberts, and Douglas.

Of the 31 participants, 26 are graduates of the University of South Dakota Knudson School of Law. There are also 6 students from USD Knudson School of Law who are interested in the Rural Attorney Recruitment Program once they graduate and pass the bar exam.

Funding for this program has come from different sources since its inception. In 2013, the Legislature passed HB 1096 which established the program and appropriated \$475,000 from general funds to fund incentive payments for no more than 16 attorneys. In 2015, the Legislature passed SB 178, which expanded the program to 32 attorneys and appropriated \$500,000 in other fund expenditure authority to be paid from the court automation fund to cover incentive payments for 16 additional attorneys. In both cases, all unused funds reverted to the state per state law. In 2019, the program concluded its pilot status and the Legislature appropriated \$150,000 in other fund expenditure authority in SB 191 (General Appropriations Act). Court automation funds continue to support the program and the funding level has not changed.

All expenditures from the Rural Attorney Recruitment Program have been for direct incentive payments to eligible attorneys within the program. No money has been spent for personnel or any other administrative expenses. Direct incentive payments by fiscal year are shown below:

FY15 - \$6,256.80  
FY16 - \$31,284.00  
FY17 - \$50,054.40  
FY18 - \$66,947.76  
FY19 - \$108,242.64  
FY20 - \$112,622.40  
FY21 - \$87,595.20