



# The Far-Reaching Consequences of Nevada's Legal Deserts

BY KATHERINE STOCKS, ESQ.

**We have a choice; we can assume rural Nevadans have the resources they need to address their routine legal issues, or we can define our legal deserts and work together to know what resources exist and which must be provided. “Legal deserts” are characterized by a shortage of legal representation combined with local-level socio-cultural considerations, including resources essential for navigating the complexities of the legal system.**

The consequences of legal deserts extend beyond mere inconvenience; they can have far-reaching implications for individuals' lives and livelihoods.<sup>1</sup> Without access to legal assistance, individuals may be unable to address pressing legal issues, leading to adverse outcomes such as eviction, loss of custody, or incarceration.<sup>2</sup> The absence of legal resources can contribute to a sense of disenfranchisement and erode trust in the justice system.<sup>3</sup>

## Calculating a Legal Desert Standard for Nevada

The idea of “deserts” for service has long been used when speaking of access to essential services like grocery stores and health care services. As early as 2018, Harvard published a joint review of the disparities between urban and rural legal resources. These publications applied the term “legal desert” from a broad view. However, the common understanding was coined by the American Bar Association (ABA) in its 2020 Profile of the Legal Profession, finding that less than one attorney per 1,000 residents in a county creates a legal desert.

The ABA report found a national average of nearly four lawyers per 1,000 residents. In 2020, Nevada had 7,509 active attorneys for a population of around 3.08 million. Nevada ranked 40<sup>th</sup> nationally with 2.4 attorneys for every 1,000 residents. Among neighboring states, only Arizona and Idaho had a lower ratio at 2.1 and 2.2, respectively.

According to the ABA, a legal desert is found in 40 percent of all counties and county-equivalents in the U.S. Nevada exceeds the national average with 11, or 65 percent, of its counties with less than one attorney per 1,000 residents. When age is factored in, (age is calculated based on attorneys being within 10 years of retirement or practicing at least 30 years) the legal desert is expanded to 12, or 71 percent of Nevada's counties.

The table on the next page shows the number of attorneys per 1,000.<sup>4</sup>

ABA Legal Desert Calculation: 1 Attorney Per 1,000 Residents

County	2023 Population	Attorneys in County	Number of Attorneys in County Barred prior to 1994	Number of attorneys per 1,000 population	Number of attorneys (that passed the bar after 1994) per 1,000 population
Carson City	58,923	235	57	3.99	3.02
Washoe County	508,759	1,296	399	2.55	1.76
Clark County	2,361,285	5,524	829	2.34	1.99
Douglas County	54,343	82	28	1.51	0.99
White Pine County	10,005	12	2	1.20	1.00
Humboldt County	17,696	18	8	1.02	0.57
Elko County	57,538	55	14	0.96	0.71
Esmeralda County	1,067	1	1	0.94	0.00
Lincoln County	4,808	4	0	0.83	0.83
Lander County	6,121	5	2	0.82	0.49
Storey County	4,454	3	3	0.67	0.00
Pershing County	7,464	5	2	0.67	0.40
Mineral County	4,842	3	0	0.62	0.62
Nye County	52,478	31	5	0.59	0.50
Eureka County	1,776	1	0	0.56	0.56
Churchill County	26,940	15	4	0.56	0.41
Lyon County	63,179	24	7	0.38	0.27

## Defining Nevada’s Legal Deserts

Last fall, Nevada was invited to attend a legal deserts summit. At this event, data points were used to tell the story of legal deserts and how the state can work toward creating legal oases. The summit’s approach modeled the Harvard Law Review’s<sup>5</sup>:

First, establish ongoing, careful, and thoughtful study of the legal needs and lack of legal resources in rural areas.

Second, recognize and tailor efforts to the microeconomics of the institutional, structural, and demographic characteristics of each legal desert to match appropriate legal services with needs.

Since there is not a definition of legal desert that is Nevada-specific, researchers borrowed from the *European Journal of Public Health’s* definition of “medical deserts”<sup>6</sup> to come up with:

Legal deserts in Nevada are areas where any legal needs are unmet partially or totally due to lack of adequate access to legal services caused by (i) human resources in the legal field (ii) cost of services, (iii) geography, (iv) internet access, or (v) other socio-cultural barriers.

Geographic Information System mapping (GIS) was used to tell Nevada’s story at last fall’s legal desert summit.<sup>7</sup> In Nevada, southern Clark and Elko counties have the highest elevated risk of being a legal desert.



Greatest Risk Areas in Nevada

5% of state with highest risk

Combined Relative Risk: Limited Court Access

Combined Relative Risk: Limited Court Access

Value



## Mapping Elko

In Elko County, there are 55 active attorneys: four are judges (three district and one justice of the peace), 18 of them have been practicing for more than 30 years, and 17 are registered as working for the district attorney or public defender. That leaves 16 active private practice attorneys who were admitted to the bar after 1994.

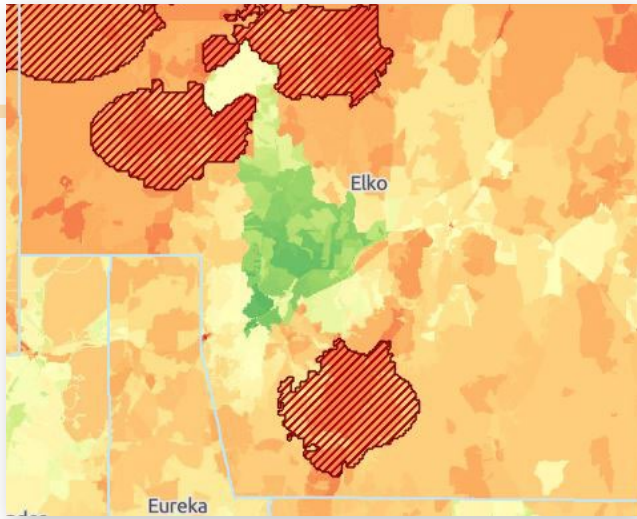
Elko County’s risk map shows an oasis in the immediate vicinity of the Elko township, and four of the severest deserts in Nevada.

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# Nevada's Legal Deserts

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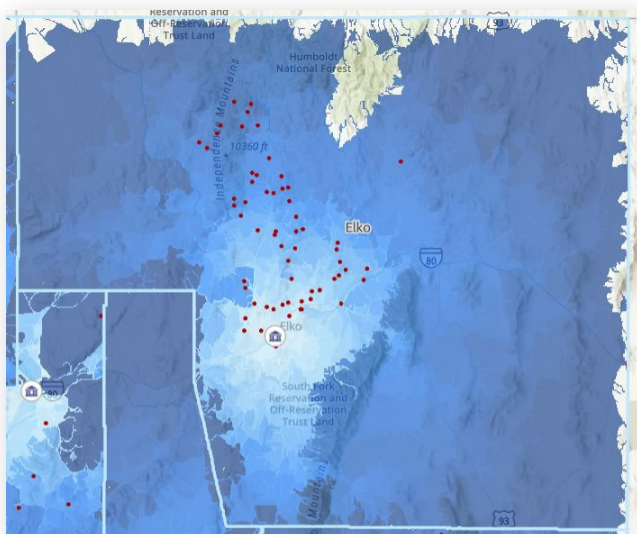


Applying the Nevada standard, Elko Township meets criterion (i), human resources, in the legal field. The rest of the county does not. Criterion (ii), cost of services, is not in the scope of this writing.

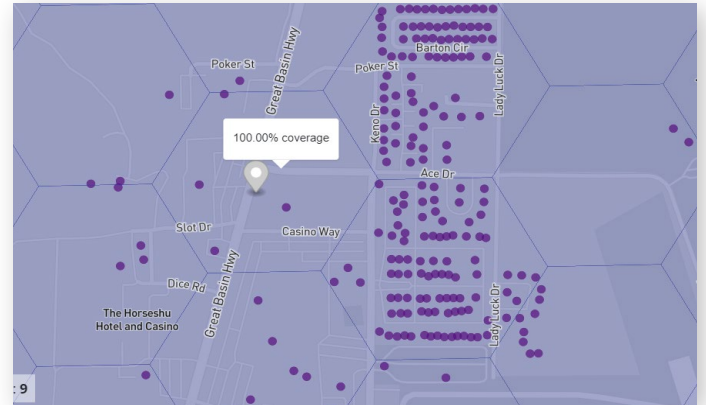
Under criterion (iii), geography, the majority of Elko County has a geographic barrier to access.

Of the county's population, 3.1 percent live in Jackpot (zip code 89825). That's 1,784 residents. Assume Jane rents a home in Jackpot. She called her landlord three times in the last month because the water line to the one toilet in her house is broken. The landlord will not return her calls and she cannot use a toilet in her house. She does not know what to do. Are attorneys, legal aid, or self-help easily reachable?

Readers need to look at a map to see where the nearest attorney or courthouse is located. There are no active attorneys in Jackpot, or the 89825 ZIP code. The courthouse in Jackpot closed years ago. Elko is 117 miles away. The map shows one attorney, indicated by a red dot, randomly placed within each zip code. The blue shows the distance to the Elko courthouse. The darker the blue, the further the drive.



Criterion (iv), internet access, is not a barrier for residents of Jackpot. Available data indicates Jane has options to search for information on her landlord/tenant issue. She can use a landline, computer, or her cell phone to search for legal help online. According to the Federal Communications Commission, at least two-thirds of houses in Jackpot have broadband internet and there's 100 percent LTE coverage.<sup>8</sup>



Jane would have a long way to go to meet with a person for legal information, but if she has internet she can search on her own. If her legal issue can wait until after school hours, she can use the Jackpot library to conduct her research. The library has reliable internet and computers available for the public.

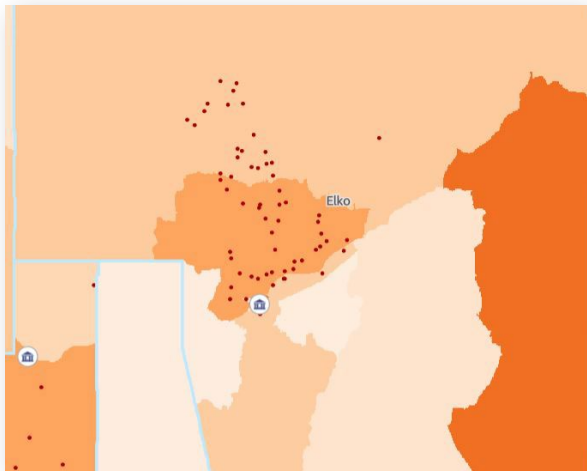
This is great. Jane has looked up resources online and realizes she has a legal issue with her broken water line. Jane might have other issues if she does not have a car or cannot afford the gas to drive into Elko to meet with an attorney or appear in person for a hearing. Luckily for Jane, the Elko Justice Court is flexible and permits virtual appearances in more cases than the minimums provided within the Virtual Advocacy Rules.<sup>9</sup>

Criterion (v), other socioeconomic barriers, include factors such as poverty. Elko County does have high poverty in some areas.

What if Jane has limited English proficiency? Can she get help in her preferred language? This is a data point that we could begin tracking in the legal desert landscape: language of proficiency by attorney. Of the 16 active private practice attorneys in Elko, how many fluently speak languages other than English? What about deaf services?



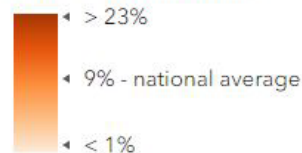
PHOTO CREDIT: SHUTTERSTOCK.COM



Limited English Proficiency by Tract (ACS 2021, max. 62%)



Percent of adults 18 years and over who have limited English ability



All of these images depict the considerations that go into determining the definition of a legal desert in Nevada. It is up to us to focus on the local circumstances that create the picture for the state. We have a choice. We can assume Jane has what she needs to get a working toilet in her house, or we can define our legal deserts and work together to know that Jane has access to the resources she needs.

Stay tuned for a follow-up to this article in another issue of *Nevada Lawyer*. The Administrative Office of the Courts held a Western Region Legal Deserts Summit in May, and there will be a report on the work to define Nevada’s legal deserts.

#### ENDNOTES:

1. Lisa A. Pruitt, Amanda L. Kool, Lauren Sudeall, Michelle Statz, Danielle M. Conway, & Hannah Haksgaard, “Legal Deserts: A Multistate Perspective on Rural Access to Justice,” 13 Harv. L. & P. R. 16, Pages 18-25 (2018).
2. *Id.*
3. *Id.*
4. The number of attorneys is derived from data provided by the State Bar of Nevada for the county registered as the office for the 2023 attorney bar registration. The population database is derived from the Annual Report on the Estimated Population of Judicial Townships in the State of Nevada as of July 1, 2023.
5. “A Multistate Perspective on Rural Access to Justice,” 13 Harv. L. & P. R. 16, Page 16 (2018).
6. “Medical deserts” are defined as areas where population healthcare needs are unmet partially or totally due to lack of adequate access or improper quality of healthcare services

caused by (i) insufficient human resources in health or (ii) facilities, (iii) long waiting times, (iv) disproportionate high costs of services or (v) other socio-cultural barriers, Monica G Brînzac, Ellen Kuhlmann, Gilles Dussault, Marius I Ungureanu, Răzvan M Cherecheș, Cătălin O Baba, “Defining Medical Deserts—An International Consensus-Building Exercise,” *European Journal of Public Health*, Volume 33, Issue 5, Pages 785–788 (October 2023).

7. Summit maps are available online for 10 states including Nevada. (Map) “Legal Deserts: Mapping Barriers to Accessing Legal Services” (September 2023). <https://experience.arcgis.com/experience/832501b9ffe74b21a79a5a3910d7f7e7/page/Home>.
8. (Map) Elko County Broadband, Federal Communications Commission, (June 2023), <https://broadbandmap.fcc.gov/>.
9. Nevada Supreme Court Rules ADKT 581, 23-41577, (2023) [https://nvcourts.gov/\\_data/assets/pdf\\_file/0015/43044/ADKT\\_581\\_-\\_Order\\_Adopting\\_VAC\\_Recs.pdf](https://nvcourts.gov/_data/assets/pdf_file/0015/43044/ADKT_581_-_Order_Adopting_VAC_Recs.pdf).



**KATHERINE STOCKS** has served as the state court administrator for Nevada since February 2021. She serves with a team of nearly 100 professionals in the Administrative Office of the Courts, whose mission is to be an influential and respected voice for the Nevada Judiciary. Before joining the AOC, she served for almost six years as the court administrator for the 10<sup>th</sup> Judicial District of Kansas in Johnson County. Prior to joining the judiciary, she served in private practice with the law firm of Goldblatt, Martin, Pozen in Washington, D.C., from 2011-15. She received her undergraduate degree in economics from Kansas State University and her J.D. from the University of the District of Columbia.

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