

# Editor's Foreword

Scott Fein, Esq., Chairman of the Government Law Center Advisory Board, graciously agreed to be the Guest Editor for this issue of the *Journal* devoted to access to justice in New York's rural communities. Scott is a thoughtful analyst of New York's legal landscape, so it is fitting that he would assemble these experts to discuss how the legal system can meet the needs of rural New Yorkers.



The authors of this issue of the *Journal* provide us with a portrait of rural New York and the existing barriers to legal services, current solutions to breaking down those barriers, and the potential for new and innovative programs that can provide further help.

I would like to thank our Student Executive Editor for this issue, Gabriella Romero, Albany Law School, Class of 2017, for her professionalism and enthusiasm and ready response to last-minute editing requests. She and her Albany Law School colleagues, Cylas Martell-Crawford,

Bradley Murray, Grace Nealon, Carl Raffa, Alyssa Rodriguez, Daniel Siegel, and Tyler Stacy, all members of the Class of 2018, worked extremely hard to help create this issue. My thanks also to the staff of the New York State Bar Association, most especially Pat Wood, for their help, expertise and most especially their patience. And last, my thanks to Andy Ayers, Director of the Government Law Center, for his enthusiasm for this project, and to the Government Law Center's Rural Law Institute in particular.

Finally, I take full responsibility for any flaws, mistakes, oversights or shortcomings in these pages. The errors are entirely my own. Your comments and suggestions are always welcome at rbail@albanylaw.edu or at Government Law Center, 80 New Scotland Avenue, Albany, New York 12208.

Rose Mary Bailly



## Introduction: Access to Justice in Rural New York

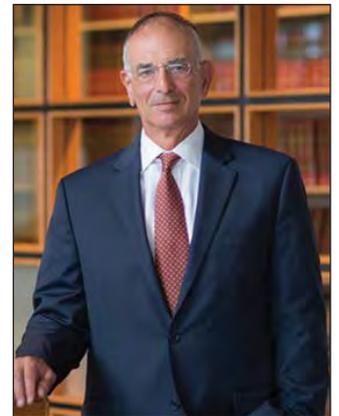
By Scott Fein

Rural New York offers beautiful vistas, serenity, and tightly knit communities. The allure is undeniable, but so is the gritty reality of economically precarious lives, isolation and barriers to government services including those required for the administration of civil and criminal justice. In 2014, Albany Law School, concerned about the resources available to support the administration of justice in rural New York, held a "Summit on Legal Support and Outreach for Rural New York."

The insights and the underlying data provided at the Summit were sobering. Rural New York makes up approximately 80 percent of the State's landmass, yet is home to only 8 percent of the State's population. Personal income is 60 percent below urban counterparts, one of 14 rural households have no access to a vehicle, and public transportation is available in only 27 percent of rural regions.

For those who find themselves in the criminal justice system or seek civil justice, obstacles loom. There is one lawyer for every 1,000 residents, a ratio less than one tenth of the lawyer-to-resident ratio state-wide. Low income residents in rural areas receive inadequate or no professional legal assistance for an estimated 86 percent of their issues with legal implications. More than 90 percent of those rural residents who appeared in court for civil matters did not have counsel. Courts in a significant number of rural areas report that on the average at arraignment counsel was "seldom or never present." Those residents seeking

access to counsel or public defenders are frequently stymied by complex financial eligibility filings. The rural justice gap is particularly acute on Tribal Lands where the right to counsel is not obligatory for all offenses.



New York State has begun to tackle some of these issues. Efforts are under way to enhance internet and technology to foster legal assistance. The Office of Court Administration has provided enhanced training and funds to increase the availability of counsel and enhance the skill of those who serve in our Justice Courts. Barriers to financial eligibility for access to court appointed counsel are being simplified. But, the justice gap remains.

This volume of the *Journal* seeks to build upon Albany Law School's Rural Summit and to further explore impediments to the administration of justice and its implications in rural areas of our State. We have invited those familiar with these issues to contribute to this volume and offer recommendations that may serve to improve access to, and the quality of, justice.