



ALBANY LAW SCHOOL
GOVERNMENT LAW CENTER

To: Kristen M. Williams, Deputy Chief of Staff, Office of Senator Rachel May

From: Taier Perlman, Esq., Staff Attorney for the Rural Law Initiative
Government Law Center at Albany Law School

Date: September 17, 2019, 11 AM
Legislative Office Building, 2nd Floor, Hearing Room A
Albany, New York 12247

Re: **Rural Broadband Joint Senate & Assembly Public Hearing**
Anticipated Testimony

Good Afternoon,

My name is Taier Perlman, and I run the Rural Law Initiative, a project of the Government Law Center at Albany Law School. The Government Law Center's mission is to provide research and analysis that helps state and local government policymakers better serve their communities, and the Rural Law Initiative's work has included research on some of the important challenges facing rural communities.

Without lawyers and a well-functioning judicial system, the rule of law is not a reality. People in rural communities depend on lawyers and the courts to help them start businesses, make contracts, hire employees, resolve disputes, and pass their property on to their children. Our research is showing us a palpable failure in our legal system's ability to deliver justice for all New Yorkers, and part of the reason for that failure is that rural communities don't have the technological capacity to support the administration of justice. Rural law practices, town and village courts, and the rural residents they serve are being left behind due to broadband and telecom gaps. This should not be happening.

The Rural Law Initiative has brought me to rural counties across upstate New York, where I have been legally supporting rural entrepreneurs and small businesses. All across rural New York, people face major challenges in access to broadband and other networks.

Lack of access to technology means the legal system, which is increasingly built around assumptions of access to technology, just doesn't work. Lawyers can't file their documents electronically, which many courts now require. Lawyers and clients can't communicate by video-conference, and lawyers have to spend much more time driving across long distances. Legal research that can only be done online is difficult for lawyers, and for people who can't afford lawyers, so learning about the law may well be impossible. If lawyers can't take advantage of new technology that streamlines their practice, they fall behind in the competitive market for services, which means their clients do too. And if our local courts can't take advantage of new technology, everyone



who depends on it suffers from the inefficiencies that result. All of these problems get worse over time, as the lack of technology makes it harder to recruit new attorneys to take over the law practices of attorneys nearing retirement. The failure to keep up can become a downward spiral.

Between August and October 2018, the Government Law Center conducted a survey of rural practitioners across upstate New York, in a first of its kind effort to quantify and qualify the growing shortage of legal practitioners that is plaguing rural communities. This research has been memorialized in our report, entitled *Rural Law Practice in New York State*, which is now publicly available. Many lawyers reported that rural broadband and telecommunication failures were one of the primary challenges of rural practice. I will now read a few quotes that came from our respondents commenting on the challenges they face:

“Researching cases with horribly slow internet services and trying to conduct business without effective cell phone service”

“We need better communications, like digital services, internet access, etc., for all purposes. Enhanced technology and better access to affordable technology for the school districts in rural settings.”

“Fewer services for clients, more driving/travel, difficult for some clients to get to appointments. Courts should permit video appearances for attorneys or parties when the appearance is for a status review or simply for scheduling purposes. This would allow parties to make appearances without unnecessary travel or missing work, or needing to find childcare. It would also allow attorneys to meet the client's needs without excessive travel costs or billable time.”

“Many clients have no phone service or limited minutes, and few have computers or internet service. It can be difficult to communicate quickly.”

“Communication and meeting with clients. Many clients do not have transportation or reliable transportation, so meeting with them is a challenge and can hinder legal work, motions amended pleadings, trial prep, etc. Cell service is often spotty for clients and many cannot afford a land line either. Restricted communication makes the job much harder...improving cell phone service or ensuring that payphones or other means of communication are everywhere our clients are.”

There are many more such quotes on this topic, but I will stop there.

Our research found that many rural attorneys are overwhelmed by volume of cases, financial stress, and limited resources, among many other burdens. Their clients can't pay for their services, and even when clients can pay, there just isn't an attorney who can help with the client's problem; even attorneys are often unable to find other attorneys in their region with the needed expertise.



One of the most significant findings from our survey of rural practitioners, is that 74.3% of them were at retirement age or soon approaching it. Rural communities are dealing with a rapidly greying bar, with no viable successors. Most new attorneys gravitate to urban or suburban areas, leaving the time-tested and true small-town lawyer out. The rural broadband and telecommunication gaps prevalent in upstate New York exacerbates this problem. Why would a newly minted attorney open up a modern-day law practice or take over one in a place that doesn't have reliable and effective broadband and telecom services?

And how about the rural practitioners that are out there today? It's not just a question of practicality. The rule of law depends on judges, lawyers, and everyone else being able to learn and understand the law. Knowledge of the law, like everything else these days, is something we get online. Without access to broadband and telecommunication services, the quality of lawyering will go down, which means the quality of justice will go down. The rule of law in 2019 is online, and communities that aren't online don't get to be part of it. The fair and equal administration of justice demands that rural broadband and telecommunication services be effectively available for all New Yorkers. Thank you.