

Nebraska State Bar Association

Listening Sessions on the Declining Rural Lawyer Population

Introduction

In 2026, the Nebraska State Bar Association (NSBA) convened a series of Rural Listening Sessions to better understand the challenges facing lawyers, courts, and communities in rural Nebraska due to a declining lawyer population. These sessions were designed to gather practitioner-level insights into the declining rural lawyer population and to discuss potential strategies for increasing access to legal services in rural Nebraska. Sessions were held in Nebraska City, Broken Bow, Hastings, Kearney, Norfolk, North Platte, O'Neill, South Sioux City, Beatrice, Columbus and Scottsbluff. Approximately 150 lawyers and judges participated in the listening sessions.

Core Themes and Findings

1. Court-Appointed Work and Compensation

A dominant theme across all sessions was the declining number of lawyers available to take court appointments in criminal and juvenile cases. Many lawyers emphasized that court appointments are essential for training new lawyers, yet the low compensation discourages participation and contributes to burnout among those who remain on appointment lists. While many jurisdictions have recently increased the court-appointment rate, participants consistently reported that current rates are often so significantly below market value that it is a financial burden to take court appointments and that with developments in the areas of electronic/cell phone evidence, immigration consequences, and adolescent brain development, these cases have become more complex.

Many lawyers further observed that County Boards are resistant to increases in court-appointed counsel rates. As a result, some participants questioned whether addressing compensation on a statewide basis by statute, rather than at the county level, would be a more effective approach.

Several sessions raised concerns about the lack of uniformity statewide, including differences in whether mileage and/or drive-time would be reimbursed and whether attorneys can bill for paralegal time related to court appointed cases. When the court appointed counsel rate is already low, instances where judges reduce lawyers' bills without adequate justification, erodes willingness to remain on the list for court appointments. Ethical concerns were also raised regarding review of local court appointed counsel bills by county attorneys in a few jurisdictions, which is currently allowed by statute.

Currently, to be appointed as a Guardian ad Litem (GAL) in Nebraska one is required to complete a 6-hour training and 3 additional CLE hours specific to GAL issues each year thereafter. Some participants indicated that the additional training requirement was a real barrier to having more GALs. Others encouraged the NSBA to offer more CLEs in this area, stating that with few options available, they take the same OnDemand CLE program year after year. In some districts, lawyers believed individuals remained on GAL appointment lists despite not meeting ongoing CLE requirements, while other districts applied stricter standards.

2. Access to Family Law Lawyers

Across rural Nebraska, participants consistently described a significant and growing shortage of lawyers willing to handle family law matters. Particularly contested matters, matters involving custody and situations involving domestic violence. Many communities reported that for family law matters, litigants frequently had to hire lawyers located hours away. Firms reported that if they were able to hire someone willing to do family law or if someone opened a practice to do family law, they would have a full case load upon starting. Participants noted that this shortage has led to higher numbers of self-represented litigants.

3. Hiring, Retention, and Workforce Pipeline

Every session reported persistent challenges with recruiting and retaining lawyers. Participants described interviewing candidates for years without successful hires, losing associates after

significant investments in training, and, in some areas, competing with government offices that offer higher or more stable compensation and benefits.

Housing availability, spousal employment opportunities, and the difficulty of integrating solo practitioners who are not originally from the community were repeatedly identified as barriers. Several sessions also noted a perception that lawyers with personal or family ties to rural Nebraska are the most likely to remain in practice, while new graduates without those connections are more likely to leave. For this reason, participants emphasized encouraging more rural Nebraskans to consider careers in the law as a critical long-term strategy for sustaining the rural legal workforce.

Pipeline and Outreach

The Rural Law Opportunities Program (RLOP) and Kearney Law Opportunities Program (KLOP) were widely viewed as among the most promising efforts to expand the pipeline of future rural lawyers. Early data indicate that more than 70 percent of RLOP/KLOP students who complete law school return to rural Nebraska to practice. Participants discussed ways to strengthen and support the program, including increased promotion, expanded scholarship opportunities, and the availability of additional internship placements for RLOP/KLOP students.

Participants also noted a significant decline in mock trial programs across Nebraska and questioned whether designating mock trial as an official NSAA activity could help encourage broader participation by schools. Sessions highlighted opportunities to leverage existing civic education programs—such as Girls State, Boys State, and County Government Day—to introduce students to the legal profession and the court system. Several participants suggested pairing Nebraska Supreme Court and Court of Appeals traveling oral arguments with attorney panels or educational programming to increase student exposure to legal careers.

Law Clerk Housing

Participants noted that firms reporting greater success with hiring often begin building relationships early through summer law clerkships. Many participants identified the availability of temporary, affordable housing as a significant barrier to hiring summer law clerks, particularly when students are

not from the area or do not have local family connections. Strategies discussed included promoting summer housing options available through universities and colleges located in rural parts of the state. In at least one session, participants noted that a local chamber of commerce provides housing specifically to support recruitment of professionals to the area. Participants suggested that identifying and promoting similar housing opportunities could be a valuable resource for employers seeking to hire summer law clerks.

Expanding the Candidate Pool

Participants observed that many current recruitment efforts focus primarily on attracting new graduates from Creighton University School of Law and the University of Nebraska College of Law. While those efforts were viewed as very important, participants emphasized the need for the Nebraska State Bar Association to build stronger relationships with law schools in neighboring states, particularly to reconnect with students who are originally from Nebraska. Participants also questioned whether additional strategies could be developed to engage lawyers who have been in practice for several years and may be seeking a change, and to encourage those practitioners to consider returning to rural communities.

Incentives

There was uniform and strong support across sessions for expanding student loan repayment assistance as a recruitment and retention tool for legal employers in rural areas. At the urging of the NSBA, legislation was passed in 2026 that expands the number of counties eligible for the program by increasing the population threshold from counties with populations of less than 15,000 residents to counties with populations up to 75,000 residents.

Participants also shared examples of community-based incentives that have supported recruitment efforts in the past. For example, one participant described receiving a \$5,000 relocation incentive to move to North Platte, which was matched by the hiring law firm. Others reported financial incentives that enabled them to purchase buildings for law offices.

The Nebraska Relocation Incentive Act (NRIA), enacted through LB 1023 in 2024, offers refundable tax credits for employers and income tax exclusions for employees who relocate to Nebraska for jobs

paying between \$70,000 and \$250,000, effective January 1, 2025. It aims to attract talent by supporting relocation expenses and offering income tax breaks for up to two years.

Participants suggested that identifying and promoting financial incentives currently available through the state, county economic development offices, and/or chambers of commerce—whether aimed at recruiting professionals to a community or supporting new law firms or satellite offices—could be a valuable resource for lawyers considering rural practice. Participants also recommended exploring the creation of new incentives such as tax incentives, housing stipends, or financial support for hiring law clerks (like what was formerly provided through the Intern Nebraska program which recently lost funding).

4. County Attorney and Public Defender Vacancies

Participants consistently reported persistent vacancies and staffing instability in county attorney and public defender offices, particularly in rural districts. Across several sessions, participants described positions remaining unfilled for extended periods, limited applicant pools, and an increase in counties with no candidates for elections for these positions. In some districts, offices that previously attracted dozens of applicants now receive only a handful of applications when vacancies arise.

These vacancies have significant downstream effects. In multiple communities, unfilled public defender positions have led to increased reliance on court-appointed counsel, placing additional strain on already limited private-practice capacity and increased cost to the county. Understaffed county attorney offices place strain on existing staff and can affect decisions on what cases will be pursued by the office.

Several sessions emphasized the need to revisit statutory frameworks that make it difficult for attorneys to serve multiple counties, negotiate salaries, or structure part-time public service roles alongside private practice. Some sessions perceived the coroner duties associated with county attorney offices as a deterrent for candidates.

Pressure on county budgets means that many county attorney and public defender positions are receiving minimal annual salary increases (1-2%) compared to those in private practice. The Nebraska Association of County Officials salary survey for county attorneys and public defenders is a useful

resource but would be more helpful if it were condensed or summarized in a way to help counties make appropriate comparisons based on size or community and/or staff.

5. Law Schools

Participants expressed concern that Nebraska's law schools are not producing a sufficient number of graduates interested in rural practice. Noting an increase in out-of-state enrollment, several participants commented that law schools should place greater emphasis on recruiting and supporting students who are likely to remain in Nebraska to practice. Participants also described a perception that law school career services offices are primarily focused on placement with metro-area firms, and that law students increasingly expect to specialize in a particular area of practice rather than pursue the generalist model common in rural communities. Many participants expressed a willingness to engage directly with law students and emphasized that rural practitioners should be included on a broad range of law school panels—not only those specifically focused on promoting rural practice.

There was support for exploring hybrid or part-time educational models—such as the University of Denver Sturm College of Law's program—as a way to make legal education more accessible to candidates from rural areas who may be unable or unwilling to relocate for a traditional, full-time program. Interest was also expressed in the concept of a satellite campus, like the University of Nebraska Medical Center offers at the University of Nebraska-Kearney.

Participants also supported developing additional opportunities to expose law students to rural practice through clinical programs and externships. Examples cited included Washburn University School of Law's Third Year Anywhere and Rural Externship Programs, which allow students to immerse themselves in rural practice while earning academic credit and receiving financial support to offset living expenses. The South Dakota Knutson School of Law offers a Tribal Wills Clinic where students spend their spring break consulting with clients and assisting with estate planning on Indian reservations across the state. It also offers a supervised practice experience where students spend a semester working in public sector law offices across the state. Participants viewed these types of programs as effective tools for increasing familiarity with rural practice and strengthening the pipeline of future rural lawyers.

6. Technology and Virtual Hearings

Technology was widely viewed as a double-edged sword. Many participants acknowledged that virtual hearings improve efficiency, reduce travel, and expand geographic coverage, particularly for uncontested matters. At the same time, lawyers raised concerns that virtual hearings may erode professional relationships (with both clients and other lawyers) and make it easier for lawyers from metro-area districts to take work from rural practitioners. Conversely, some rural lawyers noted that they are frequently required to travel to Omaha for routine matters, such as status hearings, that could be more efficiently handled through remote appearances.

There was broad consensus that virtual hearings work well for non-evidentiary matters, and most lawyers and judges reported being comfortable conducting proceedings such as status hearings and bond reviews virtually.

When asked about barriers to virtual hearings, participants reported that some Nebraska judges are unwilling to permit virtual hearings, even for non-evidentiary matters. In addition, participants described recurring connectivity and hardware challenges in certain courthouses. For example, it was reported that there is no cell service in the Frontier County Courthouse and no internet access in the Loup County Courthouse. Technology issues were also routinely reported in Nance County and sometimes Boone County. Participants expressed a perception that challenges in some counties could be mitigated through additional training or technical support for court staff.

Numerous sessions called for uniform statewide rules governing virtual appearances and the use of electronic exhibits. Participants noted inconsistency across districts, with some judges accepting electronic exhibits while others do not, and with varying requirements for filing motions to appear virtually in advance. One participant observed that the primary benefit of requiring an advance motion for a virtual appearance is to determine whether opposing counsel intends to appear in person, noting that some lawyers believe they should also appear in person if opposing counsel does so. Others sought clarity on existing rules. Does "submit to the court" mean the lawyer should send documents to the judge, bailiff or clerk and should opposing counsel be included when submitted?

Lancaster County was frequently cited as a model for replication. In Lancaster County Court, judges maintain a standing "Zoom room," allowing lawyers to appear without advance notice. Participants

perceived this approach as less burdensome for judges and court staff, as it eliminates the need to review motions, distribute links, and manage ad hoc requests. Participants recommended that any uniform rules governing virtual hearings also include guidance on appropriate conduct for both lawyers and self-represented litigants (it was noted that Keith County has a good model where they clearly provide instructions and expectations for appearing virtually).

Participants also discussed whether and how law firms are utilizing artificial intelligence in their practices, and whether AI could enable firms to serve more clients through increased efficiency. A number of participants were hesitant about the use of artificial intelligence, and several reported not using artificial intelligence. Participants noted that, from a cost perspective, artificial intelligence is less accessible to smaller and rural practices. Several participants expressed concern that this disparity could affect rural firms' ability to recruit and retain new lawyers, as smaller practices are less likely to be able to offer the technology tools and resources that recent graduates are increasingly trained to use during law school. Several indicated that this divide needs to be addressed.

7. Judicial Applications and Resources

Participants discussed a decline in the number of applicants for judicial vacancies and noted that recent prior service on a Judicial Nominating Commission had rendered some otherwise qualified candidates ineligible to apply. Participants also questioned why the Judicial Resources Commission (JRC) convenes only quarterly and only after a judicial position has officially been vacated. For example, some asked whether, once a letter of resignation has been received, the JRC could hold a hearing before the position is formally vacant. Alternatively, participants suggested that the JRC could meet more frequently—either in person or through remote technology—to reduce the length of time a jurisdiction is without a permanent judge.

While there was broad appreciation for the willingness of retired judges to provide interim coverage during vacancies, participants noted that reliance on temporary judges can be disruptive to the affected judicial district. This disruption is compounded in situations where a vacancy must be reposted due to an insufficient number of candidates advancing from the nominating process.

8. Regulatory Reform

Across sessions, there was significant interest in regulatory reform. Participants stressed that reforms should maintain professional standards. Participants had questions about whether and how malpractice insurance would be affected if firms employed individuals licensed under any proposed regulatory reforms.

Extending Senior Certified Status

There was support for extending senior certified status for law school graduates who either elect not to take the bar examination immediately after graduation or do not pass the bar exam on their first attempt. Several firms shared examples of having extended employment offers to graduates who did not initially pass the bar exam. Given the ongoing challenges recruiting and retaining lawyers in rural Nebraska, participants viewed extending senior certified status as a practical tool that would allow firms to maintain employment relationships with these graduates while they prepare to take or retake the bar examination.

Bar Admissions

Most sessions included discussion of the NextGen Bar Exam, the concept of adopting a regionalized cut score—intended to reduce the risk of Nebraska losing potential lawyers to neighboring states with lower cut scores—and alternative pathways to bar admission. Across sessions, there was consistent agreement that any reforms related to bar admission should be applied statewide; participants emphasized that there should not be a lower standard to practice law in rural Nebraska.

In discussions of diploma privilege, including diploma privilege paired with a period of supervised practice (often described as an apprenticeship), practitioners noted that the law school curriculum may need to be reevaluated to ensure graduates are adequately prepared for practice. Participants also questioned whether supervised practice requirements could be structured to encourage placements in public interest or rural settings, as a way to expose more graduates to those career paths and help address gaps in rural legal services.

Allied Legal Professionals

Across several rural listening sessions, participants expressed measured but recurring interest in exploring the use of allied legal professionals (ALPs) as one potential tool to improve access to legal

services. Discussions focused on the possibility that ALPs could assist with discrete, high-volume, and uncontested matters, including paternity actions, uncontested divorces, evictions, protection orders, child support enforcement, collections, and uncontested probates. There was also interest in the potential use of ALPs to support court-appointed work, such as assisting with certain guardians ad litem responsibilities. Participants emphasized that any expansion of ALPs should require educational standards, be carefully regulated and require supervision by a licensed Nebraska attorney.

In at least one session, participants discussed pathways for certifying allied legal professionals and emphasized that educational and certification requirements must be accessible to individuals in rural areas. Specifically, participants noted that training should not require individuals to quit their jobs or relocate and suggested that certification programs be offered online or build upon existing rural educational offerings, such as the Chadron Legal Studies program.

Several sessions underscored that ALPs should not be viewed as a replacement for attorneys, but rather as a means of extending legal services capacity under attorney oversight. Participants also emphasized that any ALP framework should be uniform statewide, rather than limited to rural areas.

Allowing Lawyers with Inactive Licenses to do Pro Bono

Participants also discussed the possibility of allowing lawyers with inactive licenses to engage in pro bono work, noting that many states permit this practice. When asked whether there would be interest among retired lawyers, participants suggested that one barrier to participation is the continuing legal education (CLE) requirement associated with active licensure. Participants indicated that interest in pro bono service could increase if CLE obligations for this category of lawyers were reduced and provided at no cost by sponsoring civil legal service providers.

9. Additional Feedback

If you have additional feedback to provide on Nebraska's declining rural lawyer population or would like to become more involved in these efforts, please feel free to contact the Executive Director of the Nebraska State at Lneeley@nebar.com.

Recommendations

Based on the feedback received from its membership, the NSBA's recommendations are below.

Expand the Pipeline of Future Rural Lawyers

- Recommendation 1: Develop a power point presentation for Nebraska lawyers in rural communities to present at local schools about careers in the law, the need for lawyers in rural communities and availability of the RLOP, student loan forgiveness and any other incentives designed to support lawyers practicing in rural communities.
- Recommendation 2: Promote the availability of the Nebraska Lawyers Foundation's LSAT Prep Scholarship for students from underserved rural communities.
- Recommendation 3: Encourage the Nebraska State Bar Foundation to establish mock trial programs in underserved areas of the state and explore other ways to promote law related education into existing civic education opportunities.
- Recommendation 4: Encourage rural colleges and universities to offer a 1 credit Intro to Law course to expose undergraduate students to careers in the law.
- Recommendation 5: Consider how the Nebraska Lawyers Foundation could support the RLOP/KLOP.

Law Schools

- Recommendation 6: Encourage law schools to consider a hybrid option for providing legal education in Nebraska as a means of making a legal education more accessible to rural Nebraska residents.
- Recommendation: 7: Encourage law schools to improve representation of rural lawyers on law school panels.
- Recommendation 8: Encourage law schools to consider clinical models and externship models focused on rural areas of the state.

Support Placement of Summer Interns and Law Clerks in Rural Nebraska

- Recommendation 9: Coordinate and promote summer housing options within state, private and community colleges to provide affordable housing options for summer law clerks in and around those communities.
- Recommendation 10: Explore other opportunities to support housing options within local communities including options that may be available through local Chambers of Commerce and/or County Economic Development Offices.

- Recommendation 11: Support stipends for law students who secure unpaid rural practice positions, particularly in public interest positions.

Support Rural Legal Employers Hiring Efforts

- Recommendation 12: Establish relationships with law schools in neighboring states to better connect candidates, especially those originally from Nebraska, with employment opportunities in rural Nebraska.
- Recommendation 13: Work with the law schools in Nebraska to disseminate resume books of students interested in rural practice by judicial district.
- Recommendation 14: Develop a resource for solo practitioners on the financial considerations for hiring an associate.
- Recommendation 15: Make information, either from the law schools or the NSBA Economic Survey on starting salaries for new associates available so that rural firms are familiar with current salary expectations and educate law firms on the information they should include in job postings to attract potential candidates.
- Recommendation 16: Identify and promote financial incentives currently available through the state, county economic development offices and/or chambers of commerce aimed at recruiting new professionals to rural communities.
- Recommendation 17: Explore the creation of new incentives such as tax incentives, housing support or hiring law clerks (like what was formerly provided through the Intern Nebraska program which recently lost funding).
- Recommendation 18: Examine ways to promote job opportunities to lawyers with several years of practice who may be interested in relocating to a rural area.

Protect and Expand Student Loan Forgiveness

- Recommendation 19: In light of LB 935 (2026), which increased the number of lawyers eligible for student loan repayment assistance by increasing the current population threshold for an underserved rural area (15,000 residents), promote legislation that increases the type and amount of funding available for law student loan repayment.

- Recommendation 20: Consider recommending that the Commission on Public Advocacy amend its Loan Repayment Assistance Fund Rules to provide a preference for loan forgiveness for lawyers who take court appointments or provide family law representation.
- Recommendation 21: Advocate for continuation of the federal Public Student Loan Forgiveness (PSLF) program as an important tool for recruiting public interest lawyers to rural areas of the state.

Provide Support for Lawyers Taking Over or Establishing New Firms in Rural Nebraska

- Recommendation 22: Develop a Rural Law Firm Legal Incubator program to provide resources, mentors and training to lawyers taking over or establishing new firms in rural Nebraska.
- Recommendation 23: Establish a mechanism to connect lawyers who would like to transition out of practice with lawyers who may be interested in taking over an existing practice.
- Recommendation 24: Identify and promote financial incentives currently available through the state, county economic development offices and/or chambers of commerce aimed at supporting new law firms or satellite offices.
- Recommendation 25: Explore new financial incentives that can be provided to support new firms or the addition of satellite offices in rural Nebraska.

Fill/Support Public Service Roles in Rural Nebraska.

- Recommendation 26: Work with stakeholders to address the large number of vacancies for county attorney and public defender vacancies by supporting legislation that allows counties more flexibility to improve fair and equitable compensation and benefits for county attorney and public defender positions.
- Recommendation 27: Advocate for adequate court appointed counsel rates and clarity in rules related to billing (e.g., compensation of windshield time, mileage and paralegal time).

- Recommendation 28: The NSBA should improve availability of CLE offerings that qualify for GAL credit.
- Recommendation 29: Ask the Nebraska Supreme Court to reexamine the number and type of CLE hours required for Guardians ad Litem in Nebraska.
- Recommendation 30: Ensure adequate funding for the Commission on Public Advocacy to continue its work in rural Nebraska.
- Recommendation 31: Support funding for civil legal service organizations.

Expand Access to Legal Services through Technology

- Recommendation 32: Provide appropriate expanded statutory authority for virtual hearings and legal proceedings;
- Recommendation 33: Propose uniform rules/procedures related to requesting and conducting virtual hearings and legal proceedings;
- Recommendation 34: Provide training for lawyers and judges regarding the use of technology for conducting virtual hearings, legal proceedings and confidential client consultations; and
- Recommendation 35: Exploring the expanded use of technology, including artificial intelligence, to assist self-represented litigants with successfully completing court forms.

Regulatory Reforms

- Concept 1: Study the extent to which a regionalized/uniform cut score for the bar exam would assist Nebraska employers with attracting applicants from neighboring states and prevent losing potential applicants to neighboring states with varying cut scores;
- ⊖ Concept 2: Explore alternate pathways to bar admission.
- Concept 3: Develop a pilot proposal to create a licensed and regulated category of Allied Legal Professionals in Nebraska who would be authorized to provide limited legal services in designated areas of the law.
- Concept 4: Explore rule changes that would allow lawyers with inactive law licenses to do pro bono under the supervision of a qualified civil legal services organization.

- Concept 5: Explore alternatives for the provision of GAL services.
- Concept 6: Propose rule changes that would extend senior certified status to 12 months following graduation.