

# Darke County's "Country Lawyers": Cause Lawyering Classifications

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**Abstract:** This qualitative case study explores the experiences and perspectives of seventeen attorneys practicing in rural Darke County, Ohio, to examine the dynamics of exurban legal practice and its alignment with existing cause lawyering frameworks. The research investigates cause-lawyering identifications along the metrics of attorney motivations, practice settings, goals, and strategies. The findings indicate shared values of service and community, positioning many participants within the framework of individual-focused cause lawyering. However, familial motivations also emerged as significant drivers for rural practice, complicating a strict categorization.

**Keywords:** Rural, Legal Practice, Cause Lawyering, Ohio, Service

## Introduction and Cause Lawyering Models

Traditional lawyering models identify attorneys along categories of practice, including private practice, in-house counsel, and government employment (American Bar Association, 2022). In contrast, cause lawyers are overwhelmingly characterized by their motivations rather than the types of law they practice. Research on cause lawyering typically uses the identification metrics of attorney motivations, practice settings, goals, and strategies to separate cause lawyers from the traditional lawyering model (Sarat & Scheingold, 1998; Marshall & Hale, 2014). Cause lawyers can work for not-for-profit organizations, government bodies, private practice, or ideological think tanks. The common thread is that they have some personal motivation driving their career choice, which encompasses their practice settings, goals, and strategies.

Austin Sarat and Stuart Scheingold's (1998) depiction of the 'cause lawyer' sees the attorney as motivated by a vision of societal change. According to their research, these lawyers aim to "elevate the moral posture of the legal profession beyond a crude instrumentalism in which lawyers sell their services without regard to the ends to which those services are put" (p. 3). These lawyers engage in advocacy, research, and litigation work to help underserved populations or change legal landscapes along their ideological lines.

However, the ways that cause lawyers aim to bring about the societal change they envision vary in scope. In their picture of attorney demographics within traditional lawyering models, John P. Heinz and Edward O. Laumann (1982) recognize the hemisphere of large firms that mostly represent corporate clients as well as the hemisphere of small firms and solo practitioners who mostly serve individual clients. Marshall and Hale (2014) extend this view to encompass the classifications of cause lawyering, discerning between large social movement organizations, and cause lawyering in the absence of mobilization.

The former identification sees lawyers in large social movements, aiming to serve their 'cause' in addition to their client by changing existing frameworks of justice. The most classic example of cause lawyering for large social movements can be found in civil rights organizations like the NAACP, where attorneys like Thurgood Marshall used the courts to pursue social change for race-based equality (Marshall & Hale, 2014). On the other hand, many cause lawyers to work without mobilization structures and focus on serving individual clients within existing frameworks of justice instead of aiming to change legal structures. These individual client-focused cause lawyers, which this study proposes to be "individual-focused cause lawyers," provide a potential lens through which to view rural attorneys.

### ***Individual-Focused Cause Lawyers***

There are multiple titles used in research referring to cause lawyers who aim to bring about positive societal change by directly providing legal services to individuals. To minimize confusion, this paper will use the umbrella term of “individual-focused cause lawyers” to encompass other identifications like Marshall & Hale’s (2014) individual client-focused lawyers, John Kilwein’s (1998) individual client lawyers, and Thomas M. Hilbink’s (2006) proceduralist lawyers.

Individual-focused cause lawyers “are often found working in the communities, close to the people they serve” and can be found in legal aid, government attorney, not-for-profit, or private practice offices (Marshall & Hale, 2014, p. 310). Legal aid and not-for-profit institutions such as the Legal Services Corporation and Equal Justice Works are classic organizational structures for individual-client-focused cause lawyers (Sandman, 2019; Equal Justice Works, 2023). However, certain private practice attorneys are increasingly being identified through this definition of cause lawyering.

John Kilwein (1998) uses the classification of individual client lawyering in his analysis of Pittsburgh cause lawyers to identify private practice lawyers who sought to redress unmet legal needs by directly serving disadvantaged clients. Kilwein’s main distinction between these lawyers and other lawyers identified in his study was their conviction that “if the supply of legal services to the poor were increased, the critical deficiency of the legal system affecting the disadvantaged would be corrected” (187). In his study, individual client-cause lawyers wanted to achieve societal change by personally increasing legal access, and while they appreciated the efforts of litigators who challenged the system, they saw their role as more service-oriented. Recognizing the shortcomings of legal service provision in their community, Kilwein’s individual client lawyers saw a steady supply of legal aid as the solution to their clientele’s economic, judicial, and societal inequalities.

Similarly, Hilbink’s (2006) conception of proceduralist lawyers is another cause lawyering framework in which rural attorneys could be classified. Most closely aligned with traditional lawyering models, proceduralist lawyers believe that the legal system is essentially fair and just and seek to separate politics from their practice of law. Hilbink depicts their classically liberal perspective; “The legal system is envisioned as inherently rendering justice if the process itself functions ‘as it should.’ With proceduralist lawyering, this vision requires little more than representation by counsel when needed to discharge the duty to provide ‘equal justice’” (666). The “vision” or goal of these cause lawyers is to make a system they generally see as fair more accessible and efficient, through methods from direct litigation to affordable service provision.

### ***Rural Cause Lawyers***

Marshall, Hale’s, Kilwein’s, and Hilbink’s perspectives on individual-focused cause lawyering create a general picture of these lawyers’ motivations, practice settings, goals, and strategies. Motivations would be generally service-oriented to some populations (such as rural or community residents) and, more specifically, being the providers of legal services to underserved populations. Practice settings would be underserved rural areas, and in practice areas where lawyers saw themselves directly helping their clients. Goals would include increasing legal services for underserved populations. Strategies would include direct interaction with and service provision for clients in underserved areas of practice.

Can rural attorneys fit within this framework? That is what this study aims to uncover through the testimony of Darke County attorneys. Previous studies have suggested that rural attorneys have practice settings and strategies similar to public interest lawyers, a widely accepted example of a cause lawyer, but do not investigate rural attorneys’ motivations or goal (Haksgaard, 2019). Initial data on practice settings from the Ohio State Bar Association indicates that rural attorneys could potentially fit individual-focused cause lawyering

definitions, but limited data has been collected explicitly examining Ohio's rural attorney roles and motivations ("2023 Profile," 2023). This study seeks to incorporate all four aspects of cause lawyering- motivations, goals, practice settings, and strategies- into its investigation of Darke County lawyers. Cause lawyering identifications matter because if rural practice is marketed as a type of public interest or cause lawyering work, its appeal could be broadened to more law students and encourage better support at the individual, institutional, and state government levels.

## **Methods**

The primary investigator chose to utilize a case study of Darke County for several reasons. Limits on resources, time and connections led the study towards a comprehensive case study versus a wider, more varied sample size. As such, the study's goal is to create a cohesive narrative of rural attorney experiences in a disadvantaged (but not quite outlier) county. Darke County serves 2,045 residents per attorney, 77th in Ohio county attorney/population ratios. Research has indicated that rural lawyers value community ties more highly than their suburban counterparts (Pruitt et al., 2018). As a local in the area, the primary investigator received early signs of strong attorney engagement.

Participation in this study included members in good standing of the Darke County Bar Association (DCBA) who had practiced in Darke County, Ohio's legal system in the past five years. Ages ranged from 25 years of age to 91 years of age. To recruit participants, the DCBA president sent a pre-approved recruitment email with the principal investigator's study and contact information to a list of DCBA members. Word of mouth was also used to recruit participants in addition to the recruitment emails. Attorneys were able to volunteer by either emailing or calling the principal investigator to confirm their involvement.

The desired sample size was 15-25 attorneys out of a research population of 27 attorneys. The final number of participants was 17 attorneys, 63% of the total research population. This final number of participants was due to time constraints in the data collection period, as well as the nature of participant selection via a volunteering process. The data collection method chosen was face-to-face interviews, either in-person or using the Zoom video conferencing platform. This type of data collection established rapport and privacy between the interviewer and respondent, allowing for questions with longer and more nuanced answers which provided a more holistic picture of the Darke County Bar.

The interview was guided by a questionnaire designed by the primary researcher and developed in conjunction with the study's faculty advisor, reader, and research institution's internal review board. Using research from the study's initial literature review, questions were designed to investigate key themes in Darke County attorney experience and their potential cause lawyering identifications. Follow-up questions were also used to clarify meaning and further investigate research objectives during the interview.

After the interview phase was complete, participant responses were properly transcribed from the recorded Zoom and in-person interviews. To guarantee the anonymity of the participants, their transcripts were numbered according to the interview date order and will subsequently be referred to as "Participant Two" or "P2" in the text of this study. The data was then analyzed using repetitive data reading, and answers were coded to create a complete picture of the data collected.

## **Results**

### ***Motivations***

To investigate rural attorney motivations, participants were asked whether there were aspects of their life outside of their professional work as an attorney that motivated them to practice in Darke County, with their answers categorized in the following table.

Table 1. Motivations for Practice in Darke County

Participant answers	Participant number	Total
Family*	1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17	15
General family values/ties	1, 3, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17	13
Work/life balance, flexibility	1, 4, 5, 6, 7, 9, 13, 14, 15, 16, 17	11
Flexible childcare options in small firm	9, 13, 16	3
Service-Oriented*	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14	13
Generally want to help people	1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14	13
Mention giving back to their community	5, 9, 10, 11, 12	5
Other*	1, 3, 6, 9, 13, 14	6
Connect better with clients	1, 2, 3, 4, 5, 9, 10, 14, 16	9
Financial stability in lower cost of living	1, 3, 6, 9, 13, 14	6

\*General compilation derived from like responses

Family was a dominant theme in attorney motivations, with 88% of participant responses mentioning some aspect of family in their responses. 76% mentioned general family values or ties as a primary motivation for their practice in Darke County. Similarly, 65% of participants specifically brought up flexibility and work/life balance in their Darke County practice as a motivating factor, and 18% appreciated flexible childcare options in their family-friendly legal practice. Overall, participants spoke readily about family when asked about motivations and saw their practice in Darke County as allowing more space for familial obligations. These responses indicate the importance of family values and ties in Darke County attorney's professional practice. Also prevalent in attorney motivations were service-oriented answers. Three-quarters of participants mentioned that they wanted to help people in some way through their practice. This affected some of the ways participants interacted with their clients, such as more altruistic billing practices. Additionally, five of these service-motivated participants specifically wanted to give back to their home community, citing it as a motivator for their professional careers. Overall, 76% of participants had service-oriented responses as motivators for their professional work in Darke County. This motivation was less dominant than familial motivators but still contained a significant proportion of participants, indicating that Darke County attorneys value service as a motivator in their professional work. Participants also brought up other commonly cited motivators for rural practice. Over half of the participants appreciated better connections with their clients when practicing in the Darke County community, perhaps reflecting the positive impact of relationships and collaboration in their professional work. Finally, 35% of participants brought up financial stability in Darke County's lower cost of living as a motivator for practice. These pragmatic motivations are important to consider when determining how to direct future attorneys toward rural practice.

### ***Practice Settings***

To investigate Darke County lawyers' opinions on their practice settings, participants were asked whether the size and rural location of their firm affected their professional practice and goals. All of the participants were part of private practice, although some of them took on publicly contracted work in addition to their private cases.

Table 2. Participant Firm Size

Firm Size	Total
Solo practitioner	3
2-5 attorneys*	11
6-9 attorneys	1
10+ attorneys	2

\*"Attorneys" refers to both associate and partner attorneys.

Most participants (65%) practiced in a small-firm setting of 2-5 attorneys, with the next most common practice size being solo practitioner at 18%. This raises the question: How did these attorneys' practice size and location in Darke County affect their professional work? Participants provided six commonly reported answers.

First, ten participants (59%) expressed that practicing in a rural setting affected the type and number of cases they took on, often sharing that their areas of practice were driven by whatever niches were available. Interestingly, participants reported aiming to fill practice areas of relative need in Darke County, often to avoid competition in busy categories. Their professional work was therefore affected by the supply and demand of work in Darke County.

Second, nine participants (53%) brought up how their collegial and noncompetitive relationships with partner attorneys in their firm positively impacted their professional practice and goals. This response is consistent with positive participant perceptions of professional collaboration in Darke County.

Third, seven participants (41%) shared how practicing law in a rural community provided more practical opportunities and experience, or opportunities to gain partnerships in their firms, earlier in their careers than contemporaries. These responses indicate that Darke County attorneys quickly gain experience, autonomy, and professional advancement in their practice settings.

Fourth, six participants (35%) mentioned that smaller staff in their firm affected productivity. Throughout the study, seven participants (41%) emphasized the importance of training and retaining good staff to improve productivity in their practice. Participant responses imply that increasing personnel in Darke County firms is important beyond just finding attorneys. Other staff members, such as paralegals and secretaries significantly contribute to firm productivity and, therefore, legal access.

Fifth, four attorneys (24%) brought up how they thought they had better flexibility in their practice by working in Darke County, consistent with participant responses relating to attorney motivations. Finally, two attorneys (12%) shared that their practice in Darke County required more work to build a client base. This may connect to earlier references to the importance of local reputation in smaller rural communities, as well as the numerically smaller client base in a rural setting.

## ***Goals***

To investigate Darke County attorney goals in relation to cause lawyering definitions, participants were asked if they had a vision of change for the Darke County (or larger) legal system. Overall, twelve participants (71%) expressed some sort of vision related to their legal profession in Darke County; the other five attorneys either expressed that they wished for no changes to a system they already liked, or did not provide an answer.

Seven participants (41%) mentioned a greater focus on recruiting younger attorneys in reference to changes they would like to see in Darke County. This is consistent with earlier responses concerned with shrinking Bar numbers and the rural attorney shortage. Four participants (24%) expressed that they would like to see more social interaction in the local Bar outside of professional interaction. All of these attorneys were aged 55 or older and brought up a more social Darke County Bar in the past as an ideal to return to.

Five participants (29%) wanted to see more resources allocated for mental health, addiction, and rehabilitation services in Darke County. It is well-established that rural areas often lack adequate local legal aid resources "Justice Gap Report, 2017; Pruitt et al., 2018; Sandman, 2019). However, these attorney responses indicate that other important legal-adjacent services, such as rehabilitation centers, are also not locally available or adequate due to limited resources.

Four more "visions of change" were explicitly outlined by specific individuals: updated technology for filing in courts (P7), more formal civil rules for probate and county police

court (Participant 10), more education and engagement in the wider community on the legal field (Participant 14), and more Darke County attorneys getting involved in the State Bar (Participant 16). These responses suggest that lawyers in Darke County have larger goals in their practice beyond simply transactional work.

Additionally, some participants were asked what they thought their role was as an attorney when serving individual clients. While two participants answered that they saw their role as protecting people's rights, many participants found this question confusing. Due to this confusing question design, their answers did not provide a comprehensible additional insight into attorney goals. The question was subsequently thrown out in later interviews.

### ***Strategies***

To determine Darke County attorney strategies as related to cause lawyering definitions, participants were asked several questions related to their practice. Participants were asked whether their professional work was primarily specialized or mixed-practice work, as well as what areas they engaged with the most. Of the seventeen participants, 65% were primarily mixed practice, while 35% had a more specialized practice. However, four of these specialized participants explained that their careers in Darke County began with mixed work. Participant responses suggest that Darke County practice is generally mixed, and further elaborations on their work explain the nuances and reasons behind their mixed work.

There were several common themes brought up by participants in reference to mixed practice. Eight participants (47%) mentioned avoiding certain areas of law in their mixed practice. These responses correlate with earlier assertions of the difficulty of domestic relations work. While Darke County attorneys may have practiced in several areas and tried to fill areas of relative need, they tended to avoid practice areas like domestic relations or criminal defense.

Most participants appreciated their mixed practice as a strategy for their professional work. Six participants (35%) saw rural mixed practice as a pro for quickly gaining practical experience in many areas of law. Four participants (24%) mentioned that their practice was mixed because it was more responsive to individual client needs. These participants explained that their many practice areas were because of their clients' many needs, with client loyalty as a priority. Overall, participant responses indicate that Darke County attorneys saw mixed practice as both improving their professional skills to serve clients and driven by clients themselves.

Participants were also asked what areas of law they currently engaged with the most, with their answers are displayed in Table 3.

Table 3. Main Areas of Practice

<b>Area of practice</b>	<b>Current main areas of practice for participants</b>	<b>Past main areas of practice for participants</b>
Estate planning/probate	10	0
Real estate	8	3
Public Criminal Defense	6	1
Prosecution	4	2
Domestic Relations/Family Law	4	5
Business/Contracts	3	0
General Litigation	3	1
Bankruptcies	2	1

Estate planning and probate work was the most common answer with 10 respondents (59%). Many participants also brought up past areas of practice that they no longer currently practice in

or have significantly reduced their practice within. One notable area was Domestic Relations/Family law, which was earlier cited as an avoided area of practice as well as an area of local legal need. Overall, responses about areas of practice indicate that Darke County attorneys often seek to provide service in areas of practice like estate planning, real estate, and the criminal justice system, not necessarily areas of the most legal need.

To determine Darke County attorney legal strategies, participants were also asked what types of activities or strategies they most commonly completed with their clients and if litigation or legal advising constituted most of their professional work. The design of this question was also confusing to participants, and answers were difficult to categorize. However, eight participants (47%) expressed that advising and interacting with clients was the dominant activity in their strategies.

## **Discussion**

This study hypothesized that Darke County attorneys would fit an individual-focused cause lawyering definition along the metrics of motivations, practice settings, goals, and strategies. According to this definition, their motivations would be generally service-oriented to specific populations, such as rural or community residents, and more specifically, they aim to provide legal services to underserved populations. Over three-quarters (76%) of participants said that helping people through their practice was a motivating factor for their professional work in Darke County, tied as the most popular answer to the question. These participants mentioned generally helping individual clients as well as giving back to their home community. However, general family values and ties were also cited by 76% of participants, and answers relating to family dominated motivation responses. Of the seventeen participants, 88% mentioned family-related motivations such as general values/ties, work/life balance, and flexible childcare options. Of the thirteen participants who cited service-oriented motivations, eleven also cited family as a motivator for their practice in Darke County. While a valuable aspect of the rural legal practice, familial life is difficult to categorize under individual-focused cause lawyering motivations. Overall, Darke County attorney motivations were overwhelmingly self-reported to be both family values and helping people, which makes identifying their motivations as individual-focused cause lawyers inconclusive.

Practice settings, the next facet of individual-focused cause lawyers, would be underserved rural communities and practice areas where they feel they are directly helping clients. Although some took on publicly contracted work, all of the participants were members of private practices. All participants lived and practiced in Darke County, a county classified as “underserved” by ABA standards. Although not all of these attorneys saw Darke County as currently underserved, almost all of them (88%) identified areas of unmet legal needs in the County when asked about their perceptions of the local justice system. Additionally, ten participants (59%) expressed that their areas of practice were driven by whatever niches needed filling in the community (i.e., areas of unmet legal need). Overall, participants’ practice settings were in a community that can be classified as underserved, and their professional work often shifted to areas that were less saturated with service provision.

Another aspect of individual-focused cause lawyers, their goals, would include increasing legal services for underserved populations. The simplest way to increase legal service provision within existing legal structures is to have more attorneys. Attorney shortages were on the minds of most participants: 82% mentioned the difficulties of recruiting new attorneys, 53% mentioned the aging Darke County Bar, and 35% thought Darke County would be seriously legally underserved in the near future. Seven participants (41%) wanted to focus more on recruiting new attorneys as their vision of change for Darke County’s legal system, and seven participants (41%) were actively recruiting new attorneys. These results demonstrate that participants saw a supply of new attorneys as a goal for addressing legal aid shortages. Additionally, 29% of attorneys wanted to see more resources allocated to mental

health, addiction, and rehabilitation services in Darke County. While not directly legal services, this sentiment falls under the umbrella of increased provision for underserved populations and thus is interesting to note in reference to individual-focused cause lawyer goals.

Finally, individual-focused cause lawyer strategies would include direct interaction with and service provision for clients in underserved areas of practice within existing legal structures. Eight participants (47%) expressed that advising and interacting with clients was the dominant activity in their strategies. Of the seventeen participants, 65% were primarily mixed-practice, while 35% were more specialized (although two-thirds of these specialized participants began with mixed-practice work). One-quarter of participants mentioned that their practice was mixed because it was more responsive to individual client needs. A majority of participants (59%) practiced in the estate planning/probate area, which was not typically described as underserved. However, 65% of participants reported doing publicly contracted work like public criminal defense, prosecution, or public administration. Additionally, participants often spoke of their strategies as existing within a working legal system, aligning with the system-endorsing individual-focused lawyer. These strategy-related responses indicate that participants directly interact with clients and support existing legal structures, although their current practice in underserved areas is inconclusive.

Overall, participant practice settings and goals support an individual-focused cause lawyering definition, but participant motivations and strategies do not support this definition as strongly. The findings do not conclusively support the hypothesis that Darke County attorneys can be identified as individual-focused cause lawyers.

## **Conclusion**

It is inconclusive whether Darke County attorneys could be considered individual-focused cause lawyers according to their motivations, practice settings, goals and strategies. Participant responses concerning their motivations for rural practice reveal family as a primary influence, although service-oriented responses were also prevalent. Responses about practice settings indicated that Darke County lawyers typically practiced in firms of two to five attorneys, generally aimed to fill practice areas of relative need, and within their firm had collegial relationships and many opportunities for practical experience and professional advancement. Participants generally had a “vision of change” related to their goals in practice, with the most common vision being a greater focus on recruiting new attorneys. Finally, responses about strategies indicated that Darke County attorneys generally had mixed practices, which they saw as influenced by client needs and a pro for gaining professional experience. The most common practice areas were estate planning/probate work and real estate work, and DR/family law was often avoided despite its status as an area of relative need. Overall, Darke County attorneys’ practice settings and goals clearly align with individual-focused cause lawyers, but their motivations and strategies are less conclusive. Rural attorneys’ place in the cause lawyering model- as based on attorney motivations, practice settings, goals, and strategies- is therefore inconclusive.

There are some other interesting observations to be found in attorney responses. Familial motivations for rural practice were a prevalent theme throughout attorneys’ answers. When directly asked about their motivations to practice in Darke County, 88% of participants mentioned general family values or work/life balance and flexibility in relation to family life. However, family values came up in reference to paths through law school, urban practice comparisons, reputation, and areas of practice. For these Darke County attorneys, their family (either immediate or extended) was an often important and sometimes dominating factor in many aspects of their professional practice. The individual-focused definition of cause lawyering outlined in this study does not encompass family values as a means to an end for professional motivation. However, the prominence of familial values and motivations in rural



attorney practice is an important consideration for policies that seek to address exurban lawyer shortages. Initiatives should advertise and embrace the benefits of family values in rural legal communities.

Finally, when asking about which practice areas attorneys engaged with the most in reference to their strategies, some interesting patterns were found in certain transient areas of practice. As found in Table 5, most participants currently engaged with estate planning/probate work (59%), real estate (47%), and public criminal defense (35%). One-quarter of participants primarily engaged with domestic relations work, but 29% of participants left or avoided domestic relations work. No other area of practice had so many past practitioners or such high levels of avoidance. When considering how prevalent the concern for domestic relations as an area of legal need was for Darke County attorneys, it seems that this area of practice has deeper challenges in practice for rural attorneys that could use further research to address.

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