

VBA Workforce Development Committee Report and Recommendations

**PRESENTED OCTOBER 2021
TO THE VERMONT BAR ASSOCIATION**

Charge and Designation:

At its May 23, 2019, Board Meeting, the Vermont Bar Association Board of Bar Managers created a working group to propose recommendations to recruit and retain lawyers in Vermont, particularly in the underserved rural counties.

The Workforce Development Committee (“Committee” or “WDC”) is comprised of Vermont Bar Association members, including members of the VBA Board of Bar Managers, the Young Lawyers Division, and the VBA Executive Director.

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Introduction:

Demographic factors motivated the VBA Board of Bar Managers to address a perceived decline in the number of lawyers entering the profession in Vermont. In 2019, several members of the Vermont Board of Bar Managers, including Defender General Matthew Valerio, spoke of the existential threat facing the Vermont legal community and the provision of legal services in Vermont. In his Commentary in the Spring 2019 VBA Bar Journal, then- VBA President Gary Franklin sounded a clarion call to address the stark reality resulting from the graying of the legal profession. President Franklin noted that fifty percent of the Bar is aged 56 or older. Less than 20% of the Bar is aged 40 or younger and we have as many lawyers over 80 as we have under 30. He cautioned that the impacts to the provision of legal services to Vermonters will be felt in the rural communities first and then will spread throughout the state and urged the bar to “double down on our efforts to address our changing demographics.” President’s Column- Behold the Future, Vermont Bar Journal (Spring 2009). The Workforce Development Committee (“Committee” or “WDC”) was formed in direct response to that challenge.

Appendix A contains additional information related to the demographic factors impacting the legal profession as a whole.

Methodology:

The Committee conducted its work at the direction of the Vermont Bar Association. The Committee was made up of members of the Vermont Bar Association's Board of Managers, Vermont Bar Association staff, and members of the Vermont Bar Association's Young Lawyers' Division.

The Committee started meeting in fall 2019 and completed its work in fall 2021, with a short suspension of the work during the height of the COVID-19 pandemic. To conduct its work, the Committee engaged in monthly working calls, carried out outreach to the legal profession, connected with community organizations, and analyzed how other professions are addressing the concerns of a graying workforce and difficulty attracting young workers to the State. The Committee heard testimonies from workers, employers, county bar associations, chamber of commerce representatives, young professional organizations across the state, and educators.

The Committee relied on data gathered through two surveys, one sponsored and circulated by the Vermont Bar Association's Young Lawyers' Division focusing on the challenges facing young or new lawyers, and the other sponsored and circulated by the Workforce Development Committee focusing on the factors influencing the decision to stay or leave Vermont to practice law.

The Workforce Development Survey was originally designed to solicit information from Vermont Law School alumni. Because of limitations on the ability to distribute the survey to VLS alumni exclusively, the report was also distributed to members of the VBA.

Other details about the Committee's efforts and links to the survey results described above are included in Appendix B.

Findings:

In researching the demographic challenges facing the legal profession in Vermont, the Committee discovered that a number of factors have contributed to the shortage of lawyers practicing law in Vermont.

The Young Lawyers Division sponsored and circulated a survey intended for younger lawyers, but the responses came from lawyers of all ages in Vermont. When asked to identify the significant challenges to practicing law in Vermont lower salaries and benefits was the number one impediment. Rounding out the top three challenges were the high cost of living (including housing, food, taxes), and the lack of diversity. Limitations arising from the relative lower salaries in Vermont were also demonstrated in the need to take on a second job or delay a life choice or goal. Over 22% of the respondents indicated that at some point in their legal careers, they had to work a second job to meet their financial needs. Approximately 18% of respondents indicated that student loan debt had caused them to delay having children, 28% delayed purchasing a home, and nearly 29% delayed purchasing a vehicle.

The WDC sponsored and circulated a survey to VLS alumni and members of the VBA focused on why attorneys practice law in Vermont, why attorneys left Vermont to practice elsewhere, and what would it take for attorneys to move back to Vermont to practice law. The results of this survey were consistent with the results of the Young Lawyers Division survey as well as information gathered by the Committee throughout its investigation regarding the challenges of living and practicing law in Vermont. A total of 200 people responded to the WDC's survey. Just over half of respondents identified as female. 36.68% of respondents were 39 years old or younger. 39.4% of respondents were 50 years or older. Over half (56.78%) of respondents indicated they had children.

The two primary factors identified in the WDC's survey for leaving Vermont and practicing law elsewhere were job opportunities and higher compensation available outside Vermont.

Secondary reasons for leaving Vermont included cost of living (e.g., cost of housing and childcare). Other factors noted were lack of opportunity to find romantic partnerships, and the desire to be closer to family and friends.

Not surprisingly the most important factors that needed to exist to bring someone back to Vermont to practice law were career opportunity and adequate compensation. Opportunities for career advancement potential were also identified as important factors to entice attorneys to Vermont to live and practice.

The survey results matched information provided by county bar associations. Outreach to county bar associations and lawyers throughout the state identified the following factors as challenges to recruiting and retaining lawyers in Vermont:

- Student loan obligation
- Lack of affordable housing
- Salaries too low to support student loan obligation
- Salaries too low compared to other areas
- Absence of reliable/affordable internet/broadband
- Health care, cost, and proximity
- Lack of racial and ethnic diversity
- Lack of opportunities for spouse/partner
- Limited opportunity to find compatible partner to form partnership/family
- Cost and availability of reliable and quality childcare

Significantly, fewer than 10% of Vermont Law School students are from Vermont and fewer than 10% of Vermont Law School graduates remain in Vermont. Students leaving law school often have high levels of educational debt, including law school debt.

The legal profession is not alone in facing workforce shortages and overcoming the challenges of working in Vermont. The Lake Champlain Chamber of Commerce commissioned a survey of Burlington Young Professionals to better understand the problem of recruitment and retention. The survey of Burlington area residents between the ages of 22 and 34, identified several barriers toward recruiting and retaining people to the region. The barriers include:

- Crushing student debt and the challenge of affordability, especially access to housing and childcare;
- Inadequate transportation infrastructure; and
- The absence of career ladders.

Forty percent of the survey participants indicated that they would likely leave Vermont within the next ten years. Other professions are also struggling to attract and retain members to serve Vermonters.

But not all is bleak. The Committee repeatedly heard (and the results of the surveys confirmed) that there are many advantages and benefits to practicing law in Vermont. By leveraging those advantages and benefits and mitigating the barriers of entry to the state, more lawyers would likely move to and stay in Vermont.

Responses to the Young Lawyer's Survey and the Workforce Development Survey provided insight into some of the advantages and benefits of living and working in Vermont. Respondents to the Young Lawyer's Survey identified the following significant benefits of working in Vermont: proximity to recreational opportunities and the natural environment first, followed by better work/life balance, sense of community, lifestyles more aligned with values, and interesting and engaging professional work.

Respondents to the WDC survey who chose to live and practice law in Vermont did so for a variety of reasons. Chief among them are the wonderful lifestyle and quality of life offered to Vermonters. This included better work life balance, proximity to natural wilderness and outdoor recreations, and living in a rural environment.

The recent experience of the COVID-19 pandemic also highlighted the advantages of working in Vermont. Vermont was unified in its response to the pandemic, which resulted in lower infection rates and among the highest vaccination rates in the country. The ability of many Vermont workers to pivot and work remotely, resulted in reduced transportation costs. The passage of Act 71, an Act relating to accelerating community broadband, and the grants and funding provided to municipalities through the American Rescue Plan and other funding sources can help achieve much-needed broadband expansion in Vermont.

Appendix C includes a link to the Lake Champlain Chamber of Commerce survey results.

Recommendations:

The Committee recommends that the VBA endeavor to recruit and retain lawyers through a multi-pronged approach: through outreach and support to Vermont middle school, high school and college students with an interest in a future legal career; through outreach and support to Vermont Law School students with an interest in starting their law careers in Vermont; through outreach and support to new lawyers beginning their Vermont law practices; through outreach and support to lawyers seeking to re-locate to Vermont; and through advocacy before the Vermont Legislature to encourage legislation that will incentivize lawyers to practice in Vermont, especially in underserved areas and that will help address impediments to lawyers who wish to pursue their legal careers in Vermont.

An over-arching goal regarding each approach is an emphasis on including BIPOC students and lawyers in the outreach and support efforts, to encourage a more inclusive and diverse Vermont legal community. Following are seven (7) focus areas with a summary of efforts currently in effect regarding each focus area and specific action items for each area. Ideas to explore are also included within each focus area, following the action items, which can be considered as potential future action items.

Discussed below are six recommendations with a summary of efforts currently in effect, specific action items for each area, and additional ideas for future exploration. Included with the action items are proposed VBA Committees or outside groups to work with the WDC in their implementation. Action items are also included for a seventh recommendation regarding data collection.

The big picture takeaway from the Committee's work is not surprising. Many lawyers do not live and practice law in Vermont due to perceived lower compensation in combination with a high cost of living (e.g., housing, childcare). By leveraging what attracts people to Vermont (e.g., small and safe communities, work/life balance, abundant recreational opportunities) while also mitigating barriers to entry, the VBA can help alleviate the shortage of lawyers in Vermont. For example, the pandemic has taught us that lawyers can effectively practice law remotely. If broadband access is available in Vermont's rural communities, more lawyers can live and work in Vermont enjoying the lifestyle while also maintaining their higher salaries. Once they get here, they may choose to get involved in their communities, join the VBA, represent local clients, or join a Vermont law firm or organization. The Committee has consistently heard that getting someone to move to Vermont is one of the biggest challenges. The time is ripe for an effective messaging campaign targeting new law school graduates and young lawyers regarding the many benefits and opportunities of living and practicing law in Vermont.

The Committee recommends that this Report and Recommendations be re-visited annually at the time of the VBA Annual Meeting, to report on progress made regarding each action item, and to identify whether to implement additional action items for the following year. To ensure

that the action items are implemented and evaluated and ideas to explore are examined, the Committee recommends that the VBA designate the Workforce Development Committee as a standing VBA Committee.

1. Outreach to Vermont students to “plant the seed” to consider a future legal career.

The Vermont Medical Society, as well as bar associations from other states, have focused programs to educate students about their respective fields, to engage them in programmatic opportunities to expose them to the field, and to maintain connections with these students as they progress through the education pipeline. These programs identify students early who may be interested in the field, provide them with mentors and support to maintain that interest, and to follow up with them as they enter law school and later seek placement as professionals.

Current Efforts:

- A. Martin Luther King, Jr. Poster Essay Contest for Middle School Students – in its sixth year, the contest is coordinated by the VBA Young Lawyers Division and Diversity Section. Middle school students are invited in the Fall to submit a poster and essay focusing on a specific quote of Dr. King. Students selected for the top three individual or team submissions are invited, along with their families and teachers, to the statehouse during the week of the Martin Luther King, Jr. holiday for an awards ceremony with Governor Scott, a statehouse tour, and a visit to the Supreme Court Building, where their posters are displayed outside the courtroom for the rest of the month of January. They also meet with the Supreme Court justices and enjoy a tour of the building, courtroom, and chambers. In 2021 over 70 students and student teams participated in the contest.
- B. High School Moot Court Competition – in its fourth year, the competition is organized in conjunction with the U.S. Federal District Court, the Attorney General’s Office, and Vermont Law School. Lawyer volunteers work with teams of high school students to prepare a mock trial that is held at VLS on a Saturday in April. Awards are presented at the completion of the judging following a luncheon and an opportunity for the students to interact with the lawyers and judges in attendance. Although the competition was held remotely in 2021, six different high school teams participated and experienced not just trial techniques, but remote trial techniques!
- C. Constitution Day Presentations – Lawyers offer to present a basic program about the U.S. Constitution to students of all levels, geared to the students’ grade level, in conjunction with Constitution Day celebrated each year on September 17. The VBA provides resource materials and Pocket Constitutions for the programs. Over 6,000 Pocket Constitutions have been distributed to students and to community members to date.
- D. The Supreme Court “On the Road” – the Supreme Court holds oral argument proceedings once a year at a different high school location around the state. The VBA provides Pocket Constitutions to students in attendance.

Action Items:

- A. Develop a mechanism for continued connection with participants in the student outreach programs listed above. Reach out and encourage those students to participate in the next age-appropriate program. (WDC)
- B. Implement an annual Civics Award for high school students, with details about the award and criteria provided in the Fall, with award recipients being recognized at their school's awards ceremony in the Spring. Maintain a roster of those who participate in the program. (Program and Planning Committee)
- C. Explore ways to identify and connect with college students with an interest in law, including coordinating with student activities administrators/directors and student government and clubs with a legal or justice theme or interest, and recruiting practicing lawyers to speak to classes and clubs to discuss interesting cases, practice of law, challenges, and opportunities. (YLD)

Ideas to Explore:

- A. Encourage clerkships or internships with high school students to work in law offices to expose them to the legal profession. The intern or clerk can shadow or follow a lawyer to depositions, hearings, etc. (County Bar Associations)
- B. Other ideas for exploration: Appendix D contains a description of a program that the Nebraska Bar Association created to identify high school students from small towns who want to be lawyers, and to help them achieve that goal.

2. Outreach to Vermont Law School students, to encourage them to consider practicing in Vermont after graduation.

Approximately only 10% of students attending Vermont Law School are from Vermont. For the rest, Vermont Law School is the first experience they have of living and working in the state. The three-year program offers a window to expose these students to the lifestyle and opportunities for practicing and becoming a change maker in Vermont. Discussions with VLS leadership including Career Development Director Abby Armstrong, Dean Shirley Jefferson, and former President Thomas McHenry, provided insight into programs and initiatives that could entice more VLS students to stay in Vermont to practice law.

Abby Armstrong reported that the longer the gap between the time students finish law school and they are hired, the less likely they are to stay in Vermont. Programs and initiatives that promote connections between VLS students and Vermont practitioners or Vermont organizations while students are attending VLS will help retain those students. Similarly, incentives to recruit students for clerkships or legal positions while they are still students will help retain them to build their legal careers in Vermont.

Current Efforts:

- A. Special VBA Membership – in its fifth year, the VBA offers a special law student membership rate of \$25 per year, which entitles law students to attend any VBA program free of charge (excluding food or lodging costs, if any). Law student members have access to Fastcase/Casemaker, VBA Connect, the digital directory, digital Bar Journal, and receipt of any VBA email notifications so that they can learn of networking opportunities state-wide.
- B. Vermont Bar Examinee Resources – originally offered in conjunction with the remote bar exam requirements, the VBA offers a “Job Board,” enabling law school graduates with an interest in practicing in Vermont to post their resumes and a statement of interest for potential employers, free internet connections in a law office setting for those examinees who lack it, a free VBA membership through the September 1 VBA fiscal year, entitling the examinee to Fastcase/Casemaker usage, and wellness courses geared to the bar exam process.
- C. Constitution Day Panel Presentation – held at VLS each September in conjunction with Constitution Day. A panel of justices and trial judges present an evening program at the Chase Center geared to a particular aspect of the Constitution. The program is live streamed from the law school and students have the opportunity to ask questions of the panelists and to visit with them following the presentation.
- D. Trial Academy – pre-pandemic, the Trial Academy was held in July at Vermont Law School, where law students had the opportunity to attend the ten “courtrooms” set up for day-long trial practice critiques by judges and experienced trial counsel. Law students served as volunteer timekeepers in each of the courtrooms and had the opportunity to meet with participating lawyers and judges throughout the day. The hope is to resume the in-person program in July 2022.
- E. Women’s Division Mentor Program – The VBA Women’s Division implemented a mentorship program with the VLS Women’s Law Society where interested law students were paired with practitioners for fellowship and guidance.
- F. VLS Orientation – The VBA Executive Director provides an overview of VLS services to entering first years as part of the VLS Orientation at the Statehouse each Fall.

Action Items:

- A. Expand the mentorship program focusing and supporting the students in the different affinity groups at VLS. The Affinity groups include the Asian Pacific American Law Student Association; the Black Law Student Association; the Latin American Law Student Association; and the Native American Law Student Association. (Diversity Committee; WDC)
- B. Encourage VLS students to attend the mid-winter Thaw. (YLD)
- C. Supplement the Supreme Court “On the Road” program with “Lawyers on the Road”, whenever the Vermont Supreme Court holds an “On the Road” oral argument at VLS or

elsewhere. After the arguments from one or more of the cases heard on the road, the participating lawyers could present an overview of the case and be available to answer student questions. (YLD)

Ideas to Explore:

- A. Encourage and coordinate with county bar associations to sponsor paid or stipend supported internship/clerkship programs for VLS students. The Drake Law School program in Iowa has implemented a Rural Access to Justice Initiative, offering stipends to offset the costs of housing, commuting, and other financial obstacles. (County Bar Associations)
- B. Explore funding sources from the Vermont Bar Foundation to fund clerkships/internships for VLS students to work in rural or underserved populations throughout the state. (VBF Board)
- C. To the extent not already occurring, coordinate practitioner speakers to come into law school classes and talk about the practice of law in that specialty. For example, a family law practitioner will speak on a topic in a Family Law course. A trust and estates lawyer will speak on a probate issue, etc. The speaker series can coordinate with the thirty-four substantive law sections to rotate the speaker series. After the talk, the speaker will invite students to ask questions and for those with an interest in the substantive area a list of attorneys practicing in the substantive area available to answer questions could be provided. This will require coordination and willingness of the substantive law committee members to participate in this program. (Section Chairs)
- D. Encourage practitioners to participate in judging moot court, mock interviewing sessions, and other VLS programs and events and encourage practitioners to be available for information and advice. (WDC; YLD)
- E. Hold CLES at VLS. Throughout the year, and pandemic status dependent, hold one or more CLEs at Vermont Law School. (Program and Planning Committee)
- F. Orientation outreach and mentor opportunities (recommended by Abby Armstrong, Director of Career Services, VLS). Interested first-year students will be matched with a Vermont practitioner who will take them to lunch/dinner to discuss the experience and opportunities of practicing law in Vermont. This could ideally be incorporated into the Mentor Advice Program. (Membership Committee)
- G. Vermont/VLS changemaker series. Vermont is unique in that it allows lawyers to make a difference and effect change early in their careers. Recommend a panel or series of speakers of VLS alumni who have ascended to leadership positions. For example, Lieutenant Governor Molly Gray, Associate Justices Harold Eaton, Karen Carroll and William Cohen, Superior Court Judge Beth Mann, Chittenden County State's Attorney Sarah George, Washington County State's Attorney Rory Thibault, Family Court Magistrate Alicia Humbert, and Darren Springer, General Manager of Burlington Electric Department, to name a few. (WDC; YLD)
- H. Create a fellowship funded by VLS alumni and other organizations to sponsor a clerkship or internship with the Defender General or organization/agency providing services to low-income or underserved Vermonters. (Pro Bono Committee, WDC, VBF)

- I. Provide support for law students studying for the Bar. (WDC; YLD)
- J. Other ideas for exploration: Appendix E contains a description of a program that the Drake Law School in Iowa developed aimed at connecting students with employment opportunities across Iowa. It also includes a description of a mentoring program for pre-med students in effect at UVM.

3. Outreach to new practitioners, to assist them in their new role as Vermont attorneys.

Understanding, connecting with, and advocating for new practitioners as they develop into fully-fledged Vermont attorneys is imperative as we combat the graying of the legal profession. As an initial step, the Young Lawyers' Division conducted a survey to identify the issues important to younger lawyers in Vermont. The results of that survey were eye-opening as to the challenges faced by younger attorneys and what is preventing them from having thriving Vermont legal careers. Young lawyers reported depressed salaries and benefits combined with a high cost of living and high student loan debt. This has meant that young lawyers are taking second jobs, moving out of state, or delaying big life choices, such as having a child, buying a car, or buying a home. These deferred decisions not only stunt the ability of young lawyers to advance their legal careers in Vermont, but they also stunt the deep roots that are necessary to compel younger lawyers to stay in Vermont where they can flourish.

To aid this group of attorneys, the Committee recommends programs and initiatives that can help connect young attorneys with mentors in the legal profession to support the development of their legal careers. Fact-finding conversations identified that robust mentorship and outreach to new Vermont attorneys will help ground new attorneys in Vermont, make them feel more connected and supported in the legal and local community, and encourage new attorneys to develop deeper ties into the communities they serve. The professional development and mentorship opportunities in urban areas (e.g., New York and Boston) are often few and far between given the saturated legal market. The Vermont bar is small and has practitioners and judges with significant experience and knowledge who are willing to provide career guidance and skill growth to new attorneys. The Vermont bar should leverage that asset to attract and retain younger/inexperienced lawyers to the state.

Additionally, the Committee supports advocating for this demographic through legislative efforts, loan repayment programs, and/or stipends.

Current Efforts:

- A. Incubator Program – in its seventh year, the program is a collaboration between the VBA and Vermont Law School to support new lawyers who want to pursue a solo practice in Vermont and in the process, help provide legal services to underserved populations and geographic areas of the state. The 18-month program involves weekly “rounds” where the participants discuss their cases with experienced practitioners, as

well as provides access to VBA CLE's and various training exercises. Participants receive a small stipend to help with start-up expenses.

- B. Young Lawyers Division – the Division works actively to add a new lawyer and young lawyers' perspective to VBA programs and policies, organizing mixers state-wide and the annual Mid-Winter Thaw in Montreal to provide opportunities for social and professional networking. Its VBA Connect presence also provides support and resources for new lawyers.

Action Items:

- A. Implement a "Vermont Mentor Advice Program," pairing an experienced Vermont practitioner with a new attorney in practice for less than three years' time. Patterned after the New Hampshire Mentor Advice Program, the program would provide guidance regarding practical and professional legal issues and promote positive relationships among members of the bar. (Membership Committee)
- B. Explore the creation of a year-long trial academy for new lawyers. (YLD)
- C. Explore with the congressional delegation an expansion of the federal loan forgiveness program to cover lawyers in private practice serving low-income clients in underserved areas in Vermont. (VBA Government Relations Coordinator)

Ideas to explore:

- A. Outreach to other law schools in New England and mid-Atlantic states. VBA members or Section or Division Chairs serve as ambassadors to law schools in the Northeast outlining the advantages to practicing in Vermont, ability to effect change, responsive government, recreational and outdoor opportunities, small communities, collegial bar, mentorships, etc. (Vermont Members of the NEBA Board)
- B. Explore using excess interest generated from the Client Security Fund account to fund a clerkship or lawyer loan repayment program.
- C. Expand the incubator program.
- D. Other items for exploration: Appendix F contains a description of a program in South Dakota that pays new lawyers a stipend of \$13,000 to practice in eligible counties, funded in part by the state, in part by the local government, and in part by the South Dakota Bar Foundation.

4. Outreach to out-of-state lateral transfers or lawyers relocating to Vermont.

Attracting lateral transfers to the State is an important source of new and experienced attorneys that can help fill the gap caused by the retirement of seasoned lawyers and grow the stock of lawyers available to serve Vermont communities. Vermont is a hidden gem that provides opportunities to expand and develop practices and legal careers. We need to promote Vermont and the unique opportunities available to Vermont attorneys and their families.

The Committee spoke with leaders from several organizations throughout the state that are also working to address the workforce shortage in Vermont. Many, including Xusana Davis, Executive Director of Racial Equity, and Betsy Bishop, Executive Director of the Vermont Chamber of Commerce, discussed the need to establish the requisite infrastructure to attract new Vermonters, and new businesses and employees. The Lake Champlain Chamber of Commerce is partnering with Let's Grow Kids (formerly known as the Permanent Fund for Vermont's Children) to support access to childcare subsidies and paid family leave. County bar associations added to the chorus that infrastructure supports are needed to attract and maintain new lawyers. Affordable housing, reliable and affordable childcare, reliable and affordable broadband service, and relief from crushing student loan debt were all needed to provide the foundation for attracting new lawyers to Vermont and maintaining their practices here.

Action Items:

- A. Continue connections with the VT Chamber of Commerce to learn of outreach opportunities statewide; coordinate with local county bar associations to provide representatives at the local events. (County Bar Associations)
- B. Coordinate with chambers to provide outreach and refine messaging on selling lawyers on the advantages of practicing in Vermont to entice them to move to the state.
- C. Create a Welcome to Vermont or New Attorney website page that features images of Vermont attorneys, including transplanted attorneys, enjoying the advantages of living and practicing in Vermont. (VBA staff)
- D. Ask each county bar association to identify a liaison for new lawyers willing to be an ambassador to provide information on what is available in the county. The liaison will be listed on the VBA website. (County Bar Associations)

Ideas to explore:

- A. Coordinate with local or county governing bodies to help fund programs to attract and maintain lawyers to underserved areas. A contribution from the county, the Vermont Bar Association, and the state could help fund a loan repayment or income supplement program for new or relocated lawyers to Vermont. (County Bar Associations)
- B. Outreach to other New England and mid-Atlantic states bar associations, trial lawyer associations, etc., to publicize the benefits of living and practicing in Vermont (low-crime rate, recreational opportunities, responsive government, high vaccination rates, small communities, collegial bar, mentorships, etc.). (Vermont Members of the NEBA Board)
- C. Other items for exploration: Appendix G contains a listing of specific programs geared to welcoming newly arrived Vermonters, as well as the comprehensive efforts that the Vermont Medical Society has made to recruit and retain health care professionals in Vermont.

5. Outreach to BIPOC students and lawyers, in general, to encourage and support more diversity in the Vermont legal community.

Black, indigenous, and People of Color (“BIPOC”) Vermonters represent approximately 6-8% of the state’s population. Because the Vermont Attorney Licensing Office does not request or obtain information on race or ethnicity, the exact number of BIPOC lawyers is unknown. Observation and anecdote, however, suggest that the percentage of BIPOC attorneys is at or below the percentage in the greater population in the state. While working to increase the number of new lawyers to Vermont, the VBA recommends a focused effort on increasing the number of BIPOC attorneys. To attract and retain these attorneys, however, Xusana Davis, Racial Equity Director, and others including VLS Dean Jefferson recommend establishing and sustaining communities of support for these attorneys. Welcoming mentors and neighbors are needed to help insulate and support new BIPOC attorneys. To recruit and retain BIPOC attorneys, Vermont and the VBA need to fight against the perception that Vermont’s low BIPOC representation is intentional.

Compared to other states, Vermont has the second highest median age and the second lowest level of ethnic diversity. However, these metrics do not tell the whole story: while the median age for white Vermonters in 2015 was 45 years, and the median age for indigenous Vermonters was 47 years, the median ages of the remaining Vermonters of color was significantly lower, in the 20s. Further, Vermont’s share of youth of color as a percentage of the total youth population in 2015 was nearly five times higher than the share of seniors of color as a percentage of the total senior population.

Report of the Racial Equity Task Force, 2021, at 3.

Action Items:

- A. Outreach to community groups and racial equity groups, like Racial Justice Alliance, Vermont Justice for All, Vermont Professionals of Color Network, local faith communities, and others to identify and support programs to empower and promote BIPOC attorneys and racial justice goals. (Diversity Section; WDC)
- B. Outreach to VLS affinity and racial justice groups to identify and overcome specific obstacles for BIPOC attorneys. (Diversity Section; WDC)
- C. Request the VBA Diversity Section to develop an action item in the near term. (Diversity Section; WDC)
- D. BIPOC community interests should be incorporated into the decisions and goals of the VBA Board of Managers and VBA committees. When advancing workforce development goals and other advocacy of the VBA, avoid unintended disparate impacts on BIPOC attorneys and populations.

Ideas to explore:

- A. Explore mentorship opportunities between more experienced BIPOC attorneys and newer BIPOC attorneys or students. (Diversity Section)
- B. Within the Membership Committee, incorporate the goal or emphasis on diversity/inclusion. (Membership Committee).
- C. Support and encourage communities and neighborhoods of support. Support and frequent BIPOC restaurants, salons, grocery stores, businesses, professionals, and farms to help demonstrate and provide a foundation of support for BIPOC attorneys.

6. Outreach to the Legislature for potential resources for lawyers, particularly in under-served areas of the state.

The VBA Government Relations Coordinator (historically a role undertaken by the VBA Executive Director) helps marshal legislation proposed by member sections, arranges testimony by bar members versed in whatever topic a legislative committee might request testimony about, and informs the bar of proposed legislation that impacts the practice of law. Of late, the VBA Government Relations Coordinator is also working with others in the state endeavoring to support and advocate for workforce development efforts that seek to address Vermont's workforce demographic challenges.

Action Items:

- A. Work with the Senate Economic Development, Housing and General Affairs Committee to include lawyers in the groups eligible for the Vermont Employee Incentive Program, as outlined in S. 62 in the last legislative session. The bill's sponsors have expressed willingness to add lawyers, given the access to justice issues associated with the need for lawyers in rural counties in particular. (VBA Government Relations Coordinator; WDC)
- B. Support legislation that seeks to improve those aspects of Vermont living that have been identified as impediments to new lawyers settling in Vermont, including but not limited to, increased broadband, affordable housing, public transportation, childcare, family leave. (VBA Government Relations Coordinator)

Ideas to explore:

- A. Support legislation and advocacy for student loan forgiveness or reduced payment programs.
- B. Other items for exploration: Appendix H contains a description of different loan programs that the Vermont legislature has supported for other professions, including health care and veterinarians in Vermont. Similar programs for lawyers should be explored.

7. Improve communication and data collection

A challenge faced by this Committee was the lack of information and data regarding the race and ethnicity of our bar. Without the ability to measure this information, we cannot measure where we are and where we need to go.

Action Items:

- A. Encourage the Vermont Judiciary to recommend that the Vermont Attorney Licensing Office request or require new applicants to provide demographic data including, age, gender, race, and ethnicity.
- B. Bar membership application materials should request new applicants provide demographic data including, race, gender, ethnicity. (Membership Committee)
- C. Bar membership application materials should ask applicants their preferred method of communication. (Membership Committee)
- D. Continue the monthly County Bar Presidents and VBA Section and Division Chair meetings to exchange information and identify and remedy issues.
- E. Coordinate with the Vermont Attorney Licensing Office to identify new lawyers and lawyers retiring from the practice of law to maintain an accurate list of active attorneys. (VBA Staff)

Appendices

Appendix A – Demographic Factors

Additional demographic information applicable to the legal profession as a whole is provided here:

[ABA Profile of the Legal Profession 2021](#)

Appendix B – Methodology

Here is a [LINK](#) to the results of the Workforce Development Survey distributed in September 2021 to recent graduates of the Vermont Law School, and to the VBA membership in general.

Here is a [LINK](#) to the results of the Young Lawyers Division survey distributed in 2020.

Following are the different groups and individuals with whom Committee members engaged:

Vermont Chamber of Commerce
Lake Champlain Chamber of Commerce
Chamber & Economic Development of the Rutland Region
Vermont Law School Leadership
Vermont Futures Project
Xusana Davis, Racial Equity Executive Director
County Bar Associations
Office of Attorney Licensing
The Vermont Professionals of Color Network
Rutland Young Professionals
Brattleboro Young Professionals
Vermont Medical Society
Vermont Dental Society
Vermont Society of Professional Engineers
Vermont Veterinary Medical Society
Vermont NEA
Vermont Welcome Wagon
Criminal Justice Training Council
Vermont State Firefighters Association

Appendix C – Findings

Survey results for the Lake Champlain Chamber of Commerce survey can be found at [S.331~Erin Bombard~Written Testimony- Burlington Young Professional Community 2019 Survey Results~2-12-2020.pdf \(vermont.gov\)](#) .

Appendix D – Recommendation 1

Goals - outreach to elementary, middle school and secondary schools to provide opportunities for information about the legal profession, participation in events, mentorship, continuing contact, and engagement throughout the education pipeline. Connect with high school students and provide incentives to attend law school at VLS. An example of such direct outreach and incentives is the “Nebraska Model”.

Nebraska Model- identifying high school students from small towns who want to be lawyers and helping them achieve that goal. Each year, five students and as many as 10 alternates per campus are selected for the Rural Law Opportunities Program at Wayne State College, Chadron State College and the University of Nebraska at Kearney-state schools whose student bodies draw heavily from Nebraska's rural areas. Those 15 students receive scholarships covering their entire undergraduate tuition. Along with the alternates, they participate in programming through the law school, including mentoring, campus visits and LSAT prep while undergraduates. They are guaranteed a seat in the law school as long as they maintain a 3.5 grade-point average and meet a minimum LSAT score. The law school portion of the program isn't free, though administrators said participants are still eligible for traditional law school scholarships. Here's a [LINK](#) to the program's website.

Appendix E – Recommendation 2

Goals – connect law school students with employment opportunities. Examples include the Rural Access to Justice Initiative in Iowa and the Premedical Enhancement Program in Vermont. Drake Law School has implemented the Rural Access to Justice Initiative, aimed at connecting students with employment opportunities to grow the legal practice across Iowa. Through RAJI, Drake hopes to reduce any financial barriers for a law student to consider a summer clerkship in rural Iowa. Drake can offer a stipend to a participating student to offset housing, commuting, or other financial obstacles to an otherwise enriching professional experience. There are a limited number of stipends available, which will be awarded on a rolling basis as applications are received.

Criteria:

- Student intends to accept a summer clerkship with a rural Iowa law practice, business, or employer. “Rural” shall mean a non-metropolitan city or area in Iowa as determined by Drake Law School.
- Student has demonstrated below a budget, cost, or other financial need. This could include commuting costs, housing costs, wage differential compared with similarly situated positions, or similar financial need.
- The student must complete the intended summer clerkship program or may need to return the funds, either in entirety or on a pro rata basis. Here’s a [LINK](#) to more information about the program.

In Vermont, the UVM Honors College and the College of Medicine Office of Primary Care co-sponsor the Premedical Enhancement Program (PEP), a formalized three-year mentoring program. The intent of the program is to provide students with the opportunity to experience the complex realities of patient care and practice management while also witnessing the tremendous responsibility entrusted to physicians. A PEP participant shadows a different physician-mentor each year (minimum of 16 hours per semester). Students are also required to attend two academic medical seminars each semester. A small number of students are selected for PEP at the end of their first year at UVM based on rigorous application process. Here’s a [LINK](#) to more information about the PEP.

Appendix F – Recommendation 3

Goals – assist new practitioners in their roles as Vermont attorneys.

South Dakota- pays lawyers \$13,000, in addition to their salary to practice in eligible counties, whose populations are 10,000, or less. The state pays half, the local government funds 35%, and the South Dakota Bar Foundation covers the rest. Here’s a [LINK](#) to an article describing the program in more details, and here’s a [LINK](#) to the website with the forms associated with the program.

Appendix G – Recommendation 4

Goals – assist lawyers new to Vermont state-wide, through existing outreach avenues.

Communities of Support for new attorneys/transplants to feel supported and welcomed

[Vermont Welcome Wagon](#)

[VT Chambers of Commerce](#)

[VT Futures Project](#)

Welcome week-ends

Grocery stores, restaurants, hair salons, houses of worship

Vermont Medical Society. The VMS is the State's largest physician membership organization, representing approximately 2,000 physicians, physician assistants and medical students of all practice types and locations.

Since 2007, VMS has supported a broad range of approaches to address physician workforce needs through:

- Increasing educational loan repayment funding
- Identifying continued scholarship support for students at UVM College of Medicine who wish to practice in Vermont
- Supporting the health careers awareness program run by the Vermont Area Health Education Centers; and
- Addressing the administrative burdens in primary care, including multiple drug formularies, different disease management plans, and time-consuming prior authorization and documentation requirements.

What are they doing? An integrated program looking at the whole pipeline of career development from middle school through residency. Data supports that where students go to medical school and residency influences where they stay for their medical careers. Train in Vermont, stay in Vermont. 41% of Vermont's primary care physicians have received their training or completed their residency in-state.

Vermont Area Health Education Centers Programs are a network of academic and community partners working together to increase supply and diversity and improve geographic distribution and education of the health care workforce in Vermont. They support efforts to reduce the burden on primary care practices through embedded mental health, social services and/or care coordination staff.

Area Health Education Centers were created as part of a national strategy to address the maldistribution of health professionals. The Vermont AHEC Network, with the support of the U.S. Health Resources Service Association (HRSA), the Vermont Department of Health, and other community and academic partners, strengthens the primary care workforce by:

- Providing health career explorations programs for students throughout Vermont.
- Supporting the engagement of health professions students in community experiences to encourage future practice in Vermont.
- Reducing the debt of primary care practitioners in Vermont in exchange for service commitments through programs administered by the Larner College of Medicine at the University of Vermont.

The VT AHEC Network works across the health workforce pipeline to reach from middle school students to practicing health professionals in the fields of medical, nursing, dental, and health sciences with programs including health careers awareness, summer programs, job shadow opportunities, pre-professional enhancement, clinical rotations in rural and underserved communities, interdisciplinary and community-based projects, and recruitment and retention programs.

[Home - NVTAHEC](#)

Appendix H – Recommendation 6

Goals – outreach to the Legislature for potential resources for lawyers for loan repayment programs.

The Vermont Educational Loan Repayment Program for Health Care Professionals is funded by federal and state funds and is administered by the UVM Larner College of Medicine Office of Primary Care and Area Health Education Centers (AHEC) Program. Grant amounts up to \$40,000 per year.

Criteria:

The recipient must be a Vermont resident and a primary care nurse practitioner, physician assistant, psychiatric nurse practitioner, certified nurse midwife, or physician (family medicine, general internal medicine/adult primary care, pediatrics, obstetrics/gynecology, geriatrics, and psychiatry) practicing a minimum average of 20 (clinical) hours per week and 45 weeks per year in Vermont. Eligible work sites are primary care practices (ambulatory/outpatient) or urgent care sites or outpatient mental health/substance use disorder settings or inpatient mental health settings or employees (paid) who work at a free health care clinic in Vermont.

The practice site or region must be a healthcare workforce shortage area, as defined by the Program. Employer matching funds are required.

Recipient must sign a service obligation contract (typically 12 to 24-month commitment).

Grants go directly to pay educational loans

The purpose of this loan repayment program is to respond to the workforce shortage of certain health professionals in Vermont, thereby increasing access to health care for underserved populations and communities. Federal, state, and employer contributions. State 600,000 appropriation per year.

Eligible professions, practicing and residing in Vermont, include the following:

- Physicians (family medicine, general internal medicine/adult primary care, pediatrics, obstetrics/gynecology, geriatrics, and psychiatry)
- Nurse Practitioners in Primary Care, psychiatric nurse practitioner and Certified Nurse Midwives
- Physician Assistants in Primary Care
- Nurses (LPN & RN)
- Dentists

Funded by federal State Loan Repayment Program (SLRP), state, and local funds. AHEC, on behalf of the state, shall make loan repayment awards in exchange for service commitments by eligible health care professionals. Recipient must have outstanding educational debt acquired

in the pursuit of an undergraduate or graduate degree from an accredited college or university that exceeds the amount of the loan repayment award.

Up to \$20,000 in state/federal funds per year. \$10,000 minimum in state/federal funds per year. State/federal awards must be matched (1:1) by employer or community funds. Effective starting with the 2018 application cycle, requests to waive the required match funds can no longer be considered. Match is not required for Job Seeker applicants; employers may voluntarily contribute match for these award recipients. Awards go directly to pay educational loans (lender will be requested to apply payment directly to loan principal to have the greatest impact on debt reduction).

Tax Liability. The federal Affordable Care Act passed on March 23, 2010, treats debt repayment under the Vermont Educational Loan Repayment Program for Healthcare Professionals as exempt for income tax purposes. Prioritization for Awards Program objectives/selection criteria are established annually by the Vermont Department of Health in consultation with AHEC, in accordance with Vermont laws, and the federal Public Health Service Act, to strategically respond to the most pressing health care workforce needs in the state. Priorities are those areas which are underserved with special consideration for Vermont's most rural, underserved and undersupplied areas (see federally designated Health Professional Shortage Areas (HPSAs) at <http://hpsafind.hrsa.gov>). Other factors may include local goals for improved service through workforce recruitment/retention; applicant educational loan debt level; number of hours per week that applicant works; serving as a preceptor to health professions students; or other awarding parameters. Here's a [LINK](#) to the Educational Loan Repayment for Health Care Professionals website.

Veterinary Field - In 2011, the Vermont Food Animal Veterinarian Educational Loan Program (VFAVELRP) was established by the Vermont General Assembly to help ensure a stable supply of food animal veterinarians of the state as determined by the Vermont Secretary of Agriculture Food & Markets.

Award Amount Minimum of \$5000, up to maximum of \$30,000 awarded in state funds per year per applicant. Awards go directly to pay educational loans. The award will be paid by the VVMA Directly to the lending institutions.

Tax liability. This student debt repayment program qualifies as taxable income

Service requirement- one year of service per year of funding.

Eligible disciplines- Food animal practice: dairy, beef, small ruminants, swine, poultry. Eligible activities may be interspersed with equine or other private practice. Here's a [LINK](#) to more information about the veterinarian loan repayment program in Vermont.