Poverty, Justice, and Lived Expertise Across the Rural Northland

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Introduction

An Unconsidered Site for Inquiry

Through regional data and ethnographic evidence, this research introduces the complex spatial, socioeconomic, and political context of rural northern Minnesota and Wisconsin. Focusing in particular on civil legal aid as an anti-poverty mechanism, it considers how documented aspects of rurality, along with diverse ethnic and political histories, affect low-income individuals’ conceptualizations of and efforts to mobilize law. It asks: What barriers to justice exist between northern Minnesota and Wisconsin, and between and within communities across this region?

More pointedly: Is the relative inaccessibility of civil legal aid, along with related spatial and socioeconomic inequities, as significant to regional interlocutors as they are to scholars of rural poverty? What else matters? What barriers to justice exist between northern Minnesota and Wisconsin, and between and within communities across this region?

Methods

Eliciting Local Expertise

100+ one-on-one open-ended interviews

Legal aid attorneys and staff

Judges (county and tribal courts)

Community stakeholders (educators, shelter staff, law enforcement, local organizations, regional nonprofits, tribal administrators)

Low-income rural community members

Focus groups:

Mental Health and AODA Interpreters

Young adults, college students

Head Start parents’ groups

Observations:

Courtrooms (state, tribal, peacemaking, drug)

Legal intakes

Community events

Community Needs Surveys:

100 telephonic surveys conducted in N. Wisconsin (100 conducted in MN in year 2)

Results

What Rural Experts (read Community Members) Already Know

This research occurs amidst persistently high poverty rates in rural America, diminishing funding for civil legal aid, and well-documented rural attorney shortages. Yet recent policy and professional efforts to address barriers to rural access to justice, it is rare for initiatives to expressly consider the diverse concerns that rural low-income individuals themselves prioritize; whether rural attorneys share and are equipped to address these issues; and the extent to which legal representations align with the assessments of “outside” policy makers. This project aims to address these absences, and to do so as much as possible in interlocutor’s own words.

“Access to justice” is the wrong language.

“I’ve got issues with ‘access to justice.’ It isn’t an issue getting people to the courts. Come tomorrow, and you’ll see the pro se litigants representing themselves. The issue is getting people lawyers... You can simplify the formula process [with self-help forms, etc.] but you don’t simplify the law.” - Judge, MN

Northland legal advocates uniquely understand rural poverty and know how to mitigate it.

To meaningfully address the complex needs of low-income residents, legal practitioners often act as trusted liaisons, connecting clients to broader networks of health, housing, employment, and other service providers. They are thus uniquely poised to offer colleagues in other professions—and researchers—a better understanding of regional needs.

“When the mines are going to start laying off, we start planning.” - Paralegal, MN

The Northland Context

The information that ruralities demands—and also permits—of judicial process powerfully impacts low-income community members, judges, and attorneys.

“There are 33 counties that we work in, and there are 33 different ways to evict someone. 33 counties, 33 different procedures. You need to be ready to practice in any county at any time. And you need to be able to practice in tribal court, too...” [They aren’t any attorneys, so we have to learn it all.] - Attorney, WI

“What [Judge's name] does is community judging. This is his family, he knows people just want to be heard. The system would lose credibility if he didn’t listen to everyone.” - Attorney, MN

“Later, (the judge) gave me a little talking to. And he told me—we, first he called me by my first name the whole hearing. He called the [local] attorney ‘Attorney’ followed by his last name. But I was Rachel. So he said, ‘Rachel, you may not be from around here, and this may not be the bustling metropolis that [your town] is, but...’” - Attorney, WI

Northland attorneys practice across vast geographies and jurisdictions. Many of these attorneys are new owing to low pay and high turnover at civil legal aid agencies, and almost all contend with the perception of being an “outsider” owing to age, professional experience, regional background, and, for women in particular, gender. The hostility they experience significantly undermines advocacy on behalf of low-income individuals.

Anti-poverty mechanisms like civil legal aid must be contextualized in local histories of inequity and mistrust.

“I’ve seen it in the eyes of family members. They don’t trust our [legal] systems. That’s a shocker, right? We’ve conditioned them that nothing will happen. As a result, they fall back on ‘family values’: What happens in the home stays in the home.” - Tribal judge, WI

“It’s real easy for [clients] to ignore civil legal needs. It’s just a way of life for them: Of course my food stamps are being cut off! That’s a way of life.” - Legal aid director, WI

“The iron range is a young region that thinks like an old region—this idea that ‘it’s always been this rough.’ People get used to it, just the way people get used to trauma and traumatic events. They think, ‘No matter what happens to me, it’s my job to endure it.’” - Educator, MN

Discussion

Or, “What do you think scholars and policymakers should know?”

Direct representation is needed—but it must be representative.

“So even in the Hinnum community, we don’t put a lot of trust in our lawyer to defend us, because we wonder, Do they understand what it means to be a Hinnum person?... Do they understand the struggles of what it means to be a minority?... There isn’t a Hinnum person to represent a Hinnum person who needs legal defense. The jury’s basically all white. The judge is white. And so we have this huge fear. It seems like everybody is just out against us.” - Low-income client, WI

“The outside world fails to ask, what works within your community? This works [pointing to the Seven Values that guide peacemaking court]. This is our culture. This is what we respond to.” - Tribal judge, MN

“Eat Native youth to have emotional access to the courts—to have access to legal systems as outsiders [i.e., to have representation] and as an insider (i.e., to envision themselves as a future judge or attorney). Both matter.” - Attorney, MN

The biggest barriers to justice are often arbitrary and stigmatizing organizational and federal guidelines.

“Around here, it’s really hard to grasp that people who were middle class before are now working poor... Obviously, if they’re here for our programs, they’re poor, you know. They just may not meet that federal poverty guideline, which is horribly low.” - Social worker, MN

“That’s the stress of the job—I literally can’t help you. I’m prohibited from helping you [because of our guidelines].” - Attorney, MN

“When it’s embarrassing to ask for help or to call legal aid. That’s a huge barrier.” - Low-income resident, WI

Northland knowledge of rural poverty is expert knowledge—but it remains largely unrecognized.

“People are suffering here. It’s not as visible. And we don’t have the pop culture, the Hillbilly Elegy attention... Maybe there’s a mentality that poor people around here, they’re just moochers. They could do more. But in my experience it’s— I see people in other way, where someone’s elderly or disabled or a vet who got a meth addiction. Those people are real.” - Attorney, MN

“When we talk about justice, we talk about pay equity... Access to resources, and access to a minimum wage or a wage that’s decent.” - Social worker, MN

“Don’t move out here to be a genius, we moved out here to be poor, ignorant redneck? To [policymakers] yeah, I am.” - Finnish-Ojibwe resident, WI

References


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References


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