

# **California's Attorney Deserts, Social Determinants of Health, and COVID-19**

September 2020

**Part V of the Rural Justice Policy Paper Series**

**California Access to Justice Commission, Rural Access Committee**

## **California Access to Justice Commission**

**Hon. Mark A. Juhas, Chair**

Los Angeles County Superior Court

**Catherine J. Blakemore, Vice-Chair**

Disability Rights California

**John W. Adkins**

San Diego Law Library

**A. Beverly Cole**

Cole Renwick, LLC

**David R. Daniels**

Public Counsel

**Hon. Timothy P. Dillon**

Los Angeles County Superior Court

**Erika C. Frank**

California Chamber of Commerce

**Rosa M. Fregoso**

Velasco Law Group

**Juan J. Gutierrez**

One Stop Immigration & Educational Center

**Amos E. Hartston**

California Department of Justice

**Hon. James E. Herman**

Santa Barbara County Superior Court

**Janis R. Hirohama**

League of Women Voters of California

**Hon. Lisa R. Jaskol**

Los Angeles County Superior Court

**Hon. Victoria S. Kolakowski**

Alameda County Superior Court

**Michael J. Levy**

California Department of Insurance

**Jonathan Libby**

Federal Public Defender, Central District of California

**James Meeker**

University of California, Irvine

**Ellen Miller**

California Lawyers Association

**Anne Marie Murphy**

Cotchett, Pitre & McCarthy

**Panida M. Rzonca**

Thai Community Development Center

**Shumika T.R. Sookdeo**

Robinson Sookdeo Law

**Elica Vafaie**

Lawyers' Committee for Civil Rights of the San

Francisco Bay Area

**Emilio Varanini**

California Lawyers Association

**Johanna Valle Sobalvarro**

Interpreters Guild of America

**Hon. Erica R. Yew**

Santa Clara County Superior Court

## **California Access to Justice Commission Rural Access Committee**

**James Meeker, Co-Chair**

University of California, Irvine

**Salena G. Copeland, Co-Chair**

Legal Aid Association of California

**John W. Adkins**

San Diego Law Library

**Ugochi Anaebere-Nicholson**

Public Law Center

**Hon. Timothy P. Dillon**

Los Angeles County Superior Court

**Kathryn Eppright**

Andre Morris & Buttery

**Ilene Jacobs**

California Rural Legal Assistance

**Lisa R. Pruitt,**

University of California, Davis, School of Law

**Hon. Tony L. Richardson**

Los Angeles County Superior Court

**Hon. Ronald B. Robie**

Third District Court of Appeal

**Gary F. Smith**

Legal Services of Northern California

**William Herbert Whitaker**

Legal Services of Northern California

## California's Attorney Deserts, Social Determinants of Health, and COVID-19

### The Justice Gap and Attorney Deserts

California faces a statewide access-to-justice crisis, with 85 percent of low-income Californians receiving inadequate or no legal assistance.<sup>1</sup> Low-income Californians need legal services: 60 percent deal with at least one civil legal issue<sup>2</sup> annually, while 23 percent navigate *six or more*.<sup>3</sup> Yet, just one civil legal aid attorney is available to assist every 5,500 low-income Californians who qualify for their services.<sup>4</sup>

Statewide access issues are compounded by geography. "Attorney deserts" are rural parts of the state and country where there are few or no lawyers.<sup>5</sup> A little over three

percent of California's 200,000 lawyers have offices in rural areas.<sup>6</sup> While the ratio of attorneys to residents in urban areas is 1:175, it decreases to 1:626 in rural areas.<sup>7</sup>

Attorney deserts signal an inadequate supply of attorneys to help rural residents.<sup>8</sup> Yet, these Californians need services: 59 percent of Californians at all income levels living in rural areas faced at least one civil legal issue in the survey year.<sup>9</sup> These critical issues include housing, debt, employment, intimate partner violence, consumer protection, and public benefits.<sup>10</sup> All of these civil justice issues are at the nexus of social and legal problems faced by low- and moderate-income rural Californians.<sup>11</sup>

In the context of COVID-19, attorney

---

\* Primary Author: Zachary Newman, Legal Aid Association of California. Lisa R. Pruitt, Professor of Law, UC Davis, is Editor of the Rural Justice Policy Paper Series. Send any comments or questions to [znewman@laaonline.org](mailto:znewman@laaonline.org).

<sup>1</sup> THE STATE BAR OF CALIFORNIA, 2019 CALIFORNIA JUSTICE GAP STUDY EXEC. SUMMARY, <http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Justice-Gap-Study-ExecutiveSummary.pdf>.

<sup>2</sup> See *Civil Legal Aid 101*, DEPARTMENT OF JUSTICE, <https://www.justice.gov/atj/civil-legal-aid-101>.

<sup>3</sup> *Id.*

<sup>4</sup> On file with the Legal Aid Association of California.

<sup>5</sup> Lisa R. Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARV. L. & POLICY REV. 15 (2018) (utilizing data mapped by James Meeker, Professor Emeritus of UC Irvine, in 2016); CALIFORNIA'S ATTORNEY DESERTS: ACCESS TO JUSTICE IMPLICATIONS OF THE RURAL LAWYER SHORTAGE, CALIFORNIA ACCESS TO JUSTICE COMMISSION (2019), <https://calatj.egnyte.com/dl/n9WBIP9IdN/>. See also AMERICAN BAR ASSOC., ABA PROFILE OF THE LEGAL PROFESSION (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>; AMERICAN BAR ASSOC., *Webinar video: 'Legal Deserts in America: A Threat to Justice for All,'* (July 28, 2020), <https://www.americanbar.org/news/abanews/abanews-archives/2020/07/webinar-video---legal-deserts-in-america--a-threat-to-justice-fo/>. See also

---

Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 SOUTH DAKOTA LAW REV., 466, 469 (2014) (citing Ethan Bronner, *No Lawyer for a Hundred Miles, So One Rural State Offers Pay*, NY TIMES (Apr. 8, 2013), <https://www.nytimes.com/2013/04/09/us/subsidy-seen-as-a-way-to-fill-a-need-for-rural-lawyers.html>).

<sup>6</sup> Lisa R. Pruitt et al., *supra* note 5 (uses Medical Service Study Areas (MSSAs): "'Rural' MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile."). For information on MSSA designations, see *Medical Service Study Areas*, STATE OF CALIFORNIA: OFFICE OF STATE HEALTH PLANNING & DEV., <https://oshpd.ca.gov/MSSA/>.

<sup>7</sup> *Id.*

<sup>8</sup> Lisa Pruitt & Kelly Beskin, *Rural California Suffers a Painful Shortage of Lawyers*, DAILY JOURNAL (Aug. 3, 2020), <https://facultyblog.law.ucdavis.edu/post/rural-california-suffers-a-painful-shortage-of-lawyers.aspx>.

<sup>9</sup> THE STATE BAR OF CALIFORNIA, 2019 JUSTICE GAP STUDY FULL REPORT, <https://www.calbar.ca.gov/Access-toJustice/About-the-Office-of-Access-Inclusion/OurProjects/California-Justice-Gap-Study> (rural based on census tract as defined by MSSA).

<sup>10</sup> THE STATE BAR OF CALIFORNIA, *supra* note 1.

<sup>11</sup> *Id.*

## California's Attorney Deserts, Social Determinants of Health, and COVID-19

deserts hinder people with legal claims stemming from the parallel economic and public health crises from getting legal help. For example, Imperial County has the highest per capita rate of COVID-19 cases in the state<sup>12</sup> and a poverty rate of nearly 20 percent,<sup>13</sup> but just 164 lawyers.<sup>14</sup> Attorney deserts present an entrenched problem for ensuring everyone can participate in the civil justice system to rectify legal wrongs, including those arising due to COVID-19.<sup>15</sup>

### Social Determinants of Health (SDOH) Often Implicate Civil Legal Issues

Access to housing, employment, and public benefits, and domestic violence are both civil legal issues and what public health scholars call “social determinants of health.” Social determinants of health are the “[c]onditions in the places where people live, learn, work, and play” that “affect a wide range of health risks and outcomes.”<sup>16</sup> Public health scholars are beginning to recognize that rural attorney deserts are, *in and of themselves*, a social determinant of health for those living in

them.<sup>17</sup> By providing free legal services to help with these matters, lawyers assist clients in both providing redress for legal wrongs and creating more favorable SDOH in the midst of COVID-19 and beyond.<sup>18</sup>

### COVID-19, SDOH, and Legal Help

In the context of a legal system that is already inaccessible to many, COVID-19 has rendered access to justice more precarious still. COVID-19 has produced a massive public health crisis that is indelibly linked to an economic crisis. Lawyers play an important role in regard to both the public health and economic crises by ensuring a level playing field in enforcing rights and providing redress for legal wrongs.<sup>19</sup> Many of the civil legal issues arising during the

---

<sup>12</sup> *California Coronavirus Map and Case Count*, N.Y. TIMES (last accessed July 20, 2020), <https://www.nytimes.com/interactive/2020/us/california-coronavirus-cases.html>. All pandemic data is as of last accessed date.

<sup>13</sup> *California Poverty by County*, PPIC, <https://www.ppic.org/interactive/california-poverty-by-county-and-legislative-district/> (utilizes the California Poverty Measure which takes into account cost of living; data are 2016–18).

<sup>14</sup> AMERICAN BAR ASSOC., *supra* note 5. See Elliot Spagat, *Virus ravages poor California county along Mexican border*, AP (Aug. 4, 2020), <https://apnews.com/e96cfeb8d080b626f50b5c485300b242>.

<sup>15</sup> Pruitt & Beskin, *supra* note 8.

<sup>16</sup> *Social Determinants of Health: Know What Affects Health*, CDC, <https://www.cdc.gov/socialdeterminants/index.htm>.

---

<sup>17</sup> Michele Statz & Paula Termuhlen, *Rural Legal Deserts are a Critical Health Determinant*, AM. J. OF PUB. HEALTH (2020), <https://ajph.aphapublications.org/doi/pdfplus/10.2105/AJPH.2020.305807>.

<sup>18</sup> *Id.* See also Hazel Genn, *When Law is Good for Your Health: Mitigating the Social Determinants of Health through Access to Justice*, 72 CURRENT LEGAL PROBLEMS, 159, 161 (2019) (“[L]egal services can mitigate many of the socio-economic determinants that disproportionately impact the health of low income and vulnerable groups by securing critical entitlements, by improving living conditions, by avoiding or diverting threats to employment, to family security, and many other health-harming risks.”).

<sup>19</sup> *Id.* at 162 (“Law is arguably one of the most important social determinants of health.”); Lawrence O. Gostin et al., *The legal determinants of health: harnessing the power of law for global health and sustainable development*, THE LANCET COMMISSIONS (Apr. 30, 2019), [https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(19\)30233-8.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(19)30233-8.pdf) (“By establishing the rules and frameworks that shape social and economic interactions, laws exert a powerful force on all the social determinants of health.”).

pandemic are interrelated with SDOH.<sup>20</sup> Lawyers can keep people housed when facing unlawful evictions; ensure they have access to the unemployment benefits they are entitled to; and assist a survivor of domestic violence receive a restraining order. All of these outcomes interact as socio-legal determinants of health, specifically regarding the impacts of the pandemic.

The medical and legal fields already engage in critical interdisciplinary work. Research demonstrates that the “medical-legal partnership”<sup>21</sup> model is highly successful in regard to the nexus of law and health for clients, including reducing hospitalizations and stress while improving patient adherence to a doctor’s requests.<sup>22</sup> Generally, these partnerships involve the provision of legal services at the points where low-income individuals are seeking medical care.

Similarly, technology can play an important role at the nexus of the medical and legal fields. Legal Services of Northern California

(LSNC), for instance, utilizes an online legal health check-up tool in collaboration with community partners, including medical professionals.<sup>23</sup> The tool allows the community partner to complete a series of questions, facilitating a warm handoff of a client who may be facing a legal issue.<sup>24</sup> Lawyers—like social workers and medical professionals—play a central, direct role in addressing the everyday social determinants of health by providing services through partnerships like these.<sup>25</sup>

More broadly, however, lawyers play a central role in addressing the legal ramifications of the public health and economic crises. COVID-19 presents a particularly challenging and urgent public health and economic landscape for lawyers and would-be clients. Matters that were always present—like unsafe workplace conditions,<sup>26</sup> housing instability, and denial of public benefits—are all implicated, if not exacerbated, by COVID-19 as critical social determinants of health with legal aspects.<sup>27</sup>

---

<sup>20</sup> See, e.g., *How Legal Services Help Health Care Address the Social Determinants of Health*, NATIONAL CENTER FOR MEDICAL LEGAL PARTNERSHIP (Aug. 2017), <https://medical-legalpartnership.org/wp-content/uploads/2014/02/How-Legal-Services-Help-Health-Care-Address-SDOH-August-2017.pdf>.

<sup>21</sup> *Id.* (“Medical-legal partnerships embed lawyers as specialists in health care settings. When some of the most complex and intractable problems—like an illegal eviction—are detected, clinical staff can refer patients directly for legal services.”).

<sup>22</sup> Mary E. Kennelly, *Does Your Health Team Include a Lawyer? Attorneys Can Help Clinics and Communities Address the Social Determinants of Health*, HEALTH.GOV (Mar. 23, 2016), <https://health.gov/news-archive/blog/2016/03/does-your-health-team-include-a-lawyer-attorneys-can-help-clinics-and-communities-address-the-social-determinants-of-health/index.html>.

---

<sup>23</sup> See THE ROLE OF TECHNOLOGY IN ENHANCING RURAL ACCESS TO JUSTICE, CALIFORNIA ACCESS TO JUSTICE COMMISSION (2020), <https://calatj.egnyte.com/dl/IQZvsCSVyv/>.

<sup>24</sup> *Id.*

<sup>25</sup> Statz & Termuhlen, *supra* note 17 (“Taken together, attorney interventions transform institutional practices and help facilitate the stability necessary for health maintenance and recovery. Yet critically, many rural residents cannot access legal supports.”).

<sup>26</sup> See, e.g., Monica Campbell, *Farmworkers face retaliation for demanding safe conditions during pandemic*, THE WEEK (Aug. 4, 2020), <https://theweek.com/articles/929015/farmworkers-face-retaliation-demanding-safe-conditions-during-pandemic>.

<sup>27</sup> See, e.g., *New Data Suggest COVID-19 is Widening Housing Disparities by Race and Income*, URBAN INSTITUTE (June 2, 2020), <https://www.urban.org/urban-wire/new-data->

COVID-19 and Per Capita Impact in California

While COVID-19 has dramatically impacted urban areas because of the sheer numbers of people, it is also essential to think about per capita rates of confirmed cases. Rural areas might have fewer people with confirmed cases, but a greater proportion of residents might have confirmed cases.

As classified by the percentage of people living below the poverty line who live in rural areas, most of California's "rural" low-income residents do not live in entirely rural or nonmetro counties, but rather in counties the California Access to Justice Commission has previously characterized as a mix of rural and urban, like Tulare, Fresno, and Kern.<sup>28</sup> In fact, 66.5 percent of California's rural poor are in counties that are rural-urban and urban-rural mixed.<sup>29</sup>

Utilizing the definition of rurality outlined in Footnote 28, the top 10 counties in

---

suggest-covid-19-widening-housing-disparities-race-and-income.

<sup>28</sup> CALIFORNIA'S RURAL HOUSING CRISIS: THE ACCESS TO JUSTICE IMPLICATIONS (2019), CALIFORNIA ACCESS TO JUSTICE COMMISSION, <https://calatj.egnyte.com/dl/ObYNFrIrk/> ("The four categories are (1) 'rural counties,' where all people living below the official poverty line are in rural or frontier MSSAs; (2) 'rural-urban mixed counties,' where between 99 percent and 15 percent of people living below the official poverty line live in rural or frontier MSSAs; (3) 'urban-rural mixed counties,' where at least 3 percent but less than 15 percent of the people below the official poverty line live in rural or frontier MSSAs; and (4) 'urban counties,' where more than 97 percent of those below the official poverty line live in urban MSSAs."). See FN 6, STATE OF CALIFORNIA: OFFICE OF STATE HEALTH PLANNING & DEV, for more information on MSSA designations.

<sup>29</sup> *Id.*

California for total cases per 100,000 are primarily "rural," "rural-urban mixed," and "urban-rural mixed" counties.<sup>30</sup> Among these ten, 20 percent are rural, ten percent are urban, and the remaining 80 percent are some combination of rural and urban.<sup>31</sup> Most notable is rural Imperial County, with 4,749 cases per 100,000, while urban Los Angeles—which has a much larger number of cases—has 1,584 per 100,000.<sup>32</sup> The State of California and the media are increasingly paying attention to the per capita impact of COVID-19 in rural areas.<sup>33</sup> Given that attorney deserts are themselves a social determinant of health, and one that interacts with others such as housing and workplace safety, policymakers must attend to the need for legal services in these rural areas.<sup>34</sup>

---

<sup>30</sup> *California Coronavirus Map and Case Count*, *supra* note 12 (in order: Imperial (rural), Kings (rural-urban mixed), Marin (urban-rural mixed), Lassen (rural), Los Angeles (urban), Tulare (rural-urban mixed), Riverside (urban-rural mixed), Stanislaus (rural-urban mixed), Santa Barbara (rural-urban mixed), Kern (rural-urban mixed)). See CALIFORNIA ACCESS TO JUSTICE COMMISSION, *supra* note 28, on geographical designations.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* (this is just a third as many cases adjusting for population).

<sup>33</sup> See, e.g., Tim Sheehan, *California and Fresno County officials game plan for new coronavirus 'strike teams'*, THE FRESNO BEE (Aug. 3, 2020), <https://www.fresnobee.com/news/local/article244693802.html>.

<sup>34</sup> See, e.g., *Rural Communities*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/other-at-risk-populations/rural-communities.html> ("Long-standing systemic health and social inequities have put some rural residents at increased risk of getting COVID-19 or having severe illness."). See also Statz & Termuhlen, *supra* note 17. See generally Emma Cueto, *COVID-19 Threatens to Worsen US Legal Deserts*, LAW360 (Aug. 2, 2020), [https://www.law360.com/access-to-justice/articles/1297282/covid-19-threatens-to-worsen-us-legal-deserts-?nl\\_pk=c1922ed7-af86-](https://www.law360.com/access-to-justice/articles/1297282/covid-19-threatens-to-worsen-us-legal-deserts-?nl_pk=c1922ed7-af86-)

Rural parts of the state face specific risk factors at the intersection of law and SDOH. Rural Americans tend to be older, more commonly experience a disability, and have higher rates of underlying chronic disease (adjusting for age).<sup>35</sup> More common employment-types, like close-quartered meatpacking,<sup>36</sup> and a lack of healthcare facilities<sup>37</sup> are two aspects. For example, farmworkers in California's Central Valley often do not have access to basic measures of protection, like masks or running water to wash their hands, and employers neglect to ensure social distancing is practicable.<sup>38</sup>

---

487c-bec1-e14af80d01cb&utm\_source=newsletter&utm\_medium=email&utm\_campaign=access-to-justice.

<sup>35</sup> *Id.*

<sup>36</sup> See, e.g., Michelle A. Waltenburg et al., *Update: COVID-19 Among Workers in Meat and Poultry Processing Facilities*, MORBIDITY AND MORTALITY WEEKLY REPORT (2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6927e2.htm>.

<sup>37</sup> See, e.g., Alyssa Rage, *Why 'hospital deserts' are forming across California*, BECKER'S HOSPITAL REVIEW (July 18, 2018), <https://www.beckershospitalreview.com/patient-flow/why-hospital-deserts-are-forming-across-california.html>.

<sup>38</sup> Lois Parshley, *Where the coronavirus is hitting rural America hard*, Vox (Apr. 28, 2020), <https://www.vox.com/2020/4/28/21239536/coronavirus-georgia-south-dakota-missouri-nebraska-ruralamerica>. See also Monica Campbell, *Farmworkers are getting coronavirus. They face retaliation for demanding safe conditions*, PRI (July 29, 2020), <https://www.pri.org/stories/2020-07-29/sick-covid-19-farmworkers-face-retaliation-demanding-safe-conditions>; *COVID-19 in Rural America: Impact on Farms & Agricultural Workers*, NATIONAL CENTER FOR FARMWORKER HEALTH, [http://www.ncfh.org/uploads/3/8/6/8/38685499/m\\_saws\\_and\\_covid-19\\_fact\\_sheet\\_7.28.2020.pdf](http://www.ncfh.org/uploads/3/8/6/8/38685499/m_saws_and_covid-19_fact_sheet_7.28.2020.pdf); *California's Governor Newsom on rural-urban difference in coronavirus incidence and response*, LEGAL RURALISM (Mar. 18, 2020),

Undocumented farmworkers—approximately half of those working in the Central Valley—do not have access to CARES Act unemployment benefits.<sup>39</sup>

### SDOH Issue Focus: Housing Instability

Even before COVID-19, rural Californians were impacted by the housing crisis.<sup>40</sup> Thirty-six percent of rural California households are cost-burdened.<sup>41</sup> Rural counties like Lake, Amador, Calaveras, and Plumas have the highest rates of severe cost-burdens, after Los Angeles.<sup>42</sup>

As with rates of cases per capita, eviction rates can be higher in rural areas, even though the total numbers of evictions are lower. Housing instability is a well-known social determinant of health.<sup>43</sup> Evictions

---

<http://legalruralism.blogspot.com/2020/03/california-as-governor-newsom-on-rural.html>.

<sup>39</sup> *Id.*

<sup>40</sup> CALIFORNIA ACCESS TO JUSTICE COMMISSION, *supra* note 28.

<sup>41</sup> THE STATE OF THE NATION'S HOUSING 2018, JOINT CENTER FOR HOUSING STUDIES OF HARVARD UNIVERSITY, [http://www.jchs.harvard.edu/sites/default/files/Harvard\\_JCHS\\_State\\_of\\_the\\_Nations\\_Housing\\_2018.pdf](http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf) ("cost-burdened" means they spend more than 30 percent of their income on housing).

<sup>42</sup> *California Healthy Places Index*, PUBLIC HEALTH ALLIANCE OF SOUTHERN CALIFORNIA, <https://map.healthyplacesindex.org> ("severe" cost-burden means spending more than half of one's income on housing).

<sup>43</sup> See Emily Benfer et al., *Health Justice Strategies to Combat the Pandemic: Eliminating Discrimination, Poverty, and Health Inequity During and After COVID-19*, YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS 18 (2020). See also Matthew Desmond & Rachel Tolbert Kimbro, *Eviction's Fallout: Housing, Hardship, and Health*, SOCIAL FORCES (2015), [https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015\\_2.pdf](https://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf); *Housing Instability*, HEALTHYPEOPLE.GOV, [5](https://www.healthypeople.gov/2020/topics-</a></p></div><div data-bbox=)

## California's Attorney Deserts, Social Determinants of Health, and COVID-19

data reveal higher eviction rates in some rural areas: Los Angeles, Alameda, and San Francisco counties have eviction rates under 1 percent, but rural counties like Lake and Tehama counties have eviction rates of 2.5 percent.<sup>44</sup>

A primary rationale for the eviction moratoria during the pandemic is that removing someone from their home has critical implications for social distancing, sheltering-in-place, and other necessary actions for countering the spread of the virus. But, more protections for renters are needed, not fewer.<sup>45</sup> According to the Eviction Lab's "Housing Policy Scorecard," California received a score of 1.8 out of five for protections offered to renters as of April.<sup>46</sup> This evaluation of statewide policy includes the Governor's banning of the enforcement of eviction orders and the Judicial Council's suspension of eviction filings and proceedings. Eviction Lab determined that "without further supportive measures to address rental debt, California could see a surge of evictions immediately following the pandemic."<sup>47</sup> For instance, while landlords cannot evict tenants experiencing financial hardship

because of the pandemic, landlords can still take a number of actions, including giving eviction notices to tenants, filing to evict tenants for nonpayment of rent, and evicting tenants for non-emergency reasons.<sup>48</sup>

Despite moratoria and orders, evictions are a critical concern during the pandemic and will be a matter of still greater concern when policies protecting renters disappear.<sup>49</sup> For example, evictions have been proceeding in Imperial County, the county with the highest per capita COVID-19 case count in the state.<sup>50</sup> This is further aggravated by the fact that this county also has the fewest attorneys per capita in the state. Across the state, an estimated 42 percent of renter households at all income levels are unable to pay rent and are at risk of eviction in California.<sup>51</sup> For those with an

---

objectives/topic/social-determinants-health/interventions-resources/housing-instability.

<sup>44</sup> *Eviction Map & Data*, EVICTION LAB, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-126.751,32.636,-109.334,39.727&type=er&locations=06047,-120.637,37.226%2B06019,-119.443,36.916>.

<sup>45</sup> GARY BLASI, UD DAY: IMPENDING EVICTIONS AND HOMELESSNESS IN LOS ANGELES, UCLA LUSKIN INSTITUTE ON INEQUALITY AND DEMOCRACY (2020), [https://www.ohchr.org/Documents/Issues/Housing/COVID19/Academics/UD\\_Day\\_Impending\\_Evictions\\_and\\_Homelessness\\_in\\_Los%20Angeles2020.pdf](https://www.ohchr.org/Documents/Issues/Housing/COVID19/Academics/UD_Day_Impending_Evictions_and_Homelessness_in_Los%20Angeles2020.pdf).

<sup>46</sup> *California*, EVICTION LAB, <https://evictionlab.org/covid-policy-scorecard/ca/>.

<sup>47</sup> *Id.*

---

<sup>48</sup> *Id.*

<sup>49</sup> See generally *Eviction Tracking System*, EVICTION LAB (last updated July 18, 2020; last visited July 21, 2020), <https://evictionlab.org/eviction-tracking/>; *Housing Instability and COVID-19 Map*, NATIONAL LOW INCOME HOUSING COALITION (NLIHC), <https://nlihc.org/rental-housing-instability-homelessness-and-covid-19>; Elizabeth Kneebone & Carolina Reid, *COVID-19 and California's Vulnerable Renters*, TERNER CENTER FOR HOUSING INNOVATION, UC BERKELEY (Aug. 4, 2020), <http://turnercenter.berkeley.edu/blog/covid-19-and-vulnerable-renters-california>.

<sup>50</sup> Matt Levin, *California county with highest COVID death rate violated court rules for evictions*, CALMATTERS (July 29, 2020), <https://calmatters.org/housing/2020/07/imperial-county-evictions-rules/>.

<sup>51</sup> STOUT, *Chart 1 of 5: Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction* (July 29, 2020 survey), <https://app.powerbi.com/view?r=eyJrIjoiaNzRhYjg2NzAtMGE1MC00NmNjLTIOTM0tYjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGE5Y2RhZGE2MSIsImMiOiN9> ("No/Slight + 50% Moderate Confidence"). See also *Baseline % of*



California’s Attorney Deserts, Social Determinants of Health, and COVID-19

income below \$50,000, 61 percent are at risk of eviction.<sup>52</sup>

In addition to affordability, overcrowding is an interconnected symptom of the housing crisis. COVID-19 produces severe impacts in neighborhoods with overcrowded housing, often regardless of geographical delineation.<sup>53</sup> Statewide, around six million Californians live in overcrowded homes—a significantly higher proportion than nationwide—rendering them unable to social distance or self-isolate, threatening the health of entire households.<sup>54</sup> Two-thirds of overcrowded residents either live with or are essential workers themselves, facing higher risks of contraction.<sup>55</sup>

**Table 1: Percent Cost-Burdened Renters in Counties with Highest Number Per-Capita Cases<sup>56</sup>**

| County        | % extremely low-income renters severely cost-burdened <sup>57</sup> | % very low-income renters severely cost-burdened <sup>58</sup> |
|---------------|---|--|
| Imperial      | 70%   | 27%  |
| Kings         | 78%   | 33%  |
| Marin         | 69%   | 41%  |
| Lassen        | 72%   | 33%  |
| Tulare        | 71%   | 33%  |
| Riverside     | 83%   | 52%  |
| Stanislaus    | 80%   | 49%  |
| Santa Barbara | 78%   | 45%  |
| Kern          | 82%   | 37%  |

**Table 2: Percent Overcrowded Renters in Counties with Highest Number of Per-Capita Cases<sup>59</sup>**

| County        | % extremely low-income renters overcrowding | % very low-income renters overcrowding |
|---------------|---|--|
| Imperial      | 15%   | 17%                                    |
| Kings         | 15%   | 19%                                    |
| Marin         | 13%   | 10%                                    |
| Lassen        | 5%  | 3%                                     |
| Tulare        | 17%   | 19%                                    |
| Riverside     | 15%   | 18%                                    |
| Stanislaus    | 11%   | 14%                                    |
| Santa Barbara | 16%   | 26%                                    |
| Kern          | 19%   | 19%                                    |

---

*Renters at Risk of Eviction*, COVID-19 EVICTION DEFENSE PROJECT, <https://cedproject.org/research/> (baseline of 31 percent of renters at risk of eviction in California).

<sup>52</sup> *Id.*

<sup>53</sup> Jackie Botts and Lo Bénichou, *Close Quarters: The Neighborhoods Where COVID Collides with Overcrowded Homes*, CALMATTERS (June 26, 2020), [calmatters.org/projects/california-coronavirus-overcrowded-neighborhoods-homes/](http://calmatters.org/projects/california-coronavirus-overcrowded-neighborhoods-homes/).

<sup>54</sup> Marisol Mejia and Paulette Cha, *Overcrowded Housing and COVID-19 Risk among Essential Workers*, PUBLIC POLICY INSTITUTE OF CALIFORNIA, Aug. 7, 2020), [www.ppic.org/blog/overcrowded-housing-and-covid-19-risk-among-essential-workers/](http://www.ppic.org/blog/overcrowded-housing-and-covid-19-risk-among-essential-workers/).

<sup>55</sup> Jackie Botts, *Close Quarters: How CalMatters Analyzed the Link between COVID-19 and Overcrowded Housing in California*, CALMATTERS (June 12, 2020), [calmatters.org/projects/california-coronavirus-overcrowded-housing-data-analysis/](http://calmatters.org/projects/california-coronavirus-overcrowded-housing-data-analysis/).

---

<sup>56</sup> NLIHC, *supra* note 49. These counties are the nine of the top ten counties in California for total cases per 100,000 that are rural, urban-rural, or rural-urban as of August, in order of per capita number of cases (the ninth county is urban Los Angeles). See FN 26.

<sup>57</sup> *Id.* Extremely low-income is 30% area median income (AMI). For a definition of cost-burdened, see FN 37 and FN 38.

<sup>58</sup> *Id.* Very low-income is 30–50% AMI.

<sup>59</sup> *Id.*

## California's Attorney Deserts, Social Determinants of Health, and COVID-19

In the COVID-19 context, housing as a social determinant of health becomes ever more central during the pandemic. As statewide moratoria end, tenants in rural areas will become more vulnerable to eviction during COVID-19. Because municipalities and counties in rural regions might be less likely to establish local protections, protections must originate from state government to apply statewide.

Lawyers help tenants stay housed,<sup>60</sup> and legal protections function better with

---

<sup>60</sup> See STATE BAR OF CALIFORNIA, MAKING A DIFFERENCE, (2019), [http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final\\_ImpactReport\\_1.17.19.pdf](http://www.calbar.ca.gov/Portals/0/documents/accessJustice/Final_ImpactReport_1.17.19.pdf); JUDICIAL COUNCIL OF CALIFORNIA, REPORT TO THE JUDICIAL COUNCIL (2017), <https://www.courts.ca.gov/documents/lr2017-JC-Shriver-civil-right-to-counsel.pdf>. See, e.g., OFFICE OF CIVIL JUSTICE NEW YORK CITY HUMAN RESOURCES ADMINISTRATION, UNIVERSAL ACCESS TO LEGAL SERVICES A REPORT ON YEAR ONE OF IMPLEMENTATION IN NEW YORK CITY (2018), NEW YORK CITY HUMAN RESOURCES, [https://www1.nyc.gov/assets/hra/downloads/lawyers' COMMITTEE FOR BETTER HOUSING, LEGAL AID ATTORNEYS MAKE THE DIFFERENCE \(2019\), <https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-3-attorney-representation.pdf>; THE CENTER FOR COMMUNITY SOLUTIONS, SECURING STABILITY: LEGAL AID'S LASTING IMPACT \(EXEC. SUMMARY\), <https://www.legalaidimpact.org/wp-content/uploads/2019/06/Security-Stability-Executive-Summary-061019-1.pdf>; \*Eviction and Legal Representation in Delaware\*, CENTER FOR COMMUNITY RESEARCH & SERVICE \(2020\), <http://udspace.udel.edu/bitstream/handle/19716/26352/CCRS%20Eviction%20Brief%20final.pdf?sequence=3&isAllowed=y>. See also THE PUBLIC JUSTICE CENTER, THE ECONOMIC IMPACT OF AN EVICTION RIGHT TO COUNSEL IN BALTIMORE CITY \(2020\), \[https://www.abell.org/sites/default/files/files/Baltimore%20RTC%20Report\\\_FINAL\\\_5\\\_8\\\_2020.pdf\]\(https://www.abell.org/sites/default/files/files/Baltimore%20RTC%20Report\_FINAL\_5\_8\_2020.pdf\).](https://www1.nyc.gov/assets/hra/downloads/lawyers%20committee%20for%20better%20housing%20legal%20aid%20attorneys%20make%20the%20difference%202019.pdf)

access to an attorney.<sup>61</sup> Overall, access to an attorney is critical to countering evictions and addressing the other collateral health consequences of evictions in rural and urban California alike.

### Conclusion

Attorney deserts are a fact of life for many rural residents. They are a barrier to addressing legal issues that implicate social determinants of health, including quality housing. The public health and economic crises resulting from the pandemic implicate a wide range of civil justice issues. Lawyers must be part of the solution to the legal issues resulting from the pandemic, including eviction defense.<sup>62</sup> Supporting legal aid and pro bono efforts is a necessary aspect of a system that addresses the concurrent legal and social determinants of health arising from COVID-19.<sup>63</sup> At the same time, justice system stakeholders must take steps to achieve long-term solutions to California's rural attorney shortage.<sup>64</sup>

---

<sup>61</sup> See, e.g., AMEE CHEW & SARAH TREUHAFT, OUR HOMES, OUR FUTURE (2019), <https://www.policylink.org/resourcestools/our-homes-our-future>; PUBLIC COUNSEL & UCLA SCHOOL OF LAW. ECONOMIC DEVELOPMENT CLINIC, PRICED OUT (2019), <http://www.publiccounsel.org/tools/assets/files/1188.pdf>.

<sup>62</sup> Emily Benfer, *Coronavirus rent freezes are ending — and a wave of evictions will sweep America*, NBC NEWS (June 22, 2020), <https://www.nbcnews.com/think/opinion/coronavirus-rent-freezes-are-ending-wave-evictions-will-sweep-america-nca1230916>.

<sup>63</sup> See, e.g., Clare Pastore, *An answer for an expected tsunami of evictions during COVID-19*, CALMATTERS (Aug. 10, 2020), <https://calmatters.org/commentary/my-turn/2020/08/an-answer-for-an-expected-tsunami-of-evictions-during-covid-19/>.

<sup>64</sup> CALIFORNIA ACCESS TO JUSTICE COMMISSION, *supra* note 5; Pruitt & Beskin, *supra* note 8.