

## **Rural Pathways: Presiding Justice Elizabeth A. Garry**

John Caher:

Welcome to Amici, News and Insight from a New York Courts. I'm John Caher.

Nearly 87% of New York State's land mass is rural and about four million people live in rural areas, many of them in the Third Department, the 28-county region that stretches from Kingston to Canada and includes the most remote portions of the Catskills and the Adirondacks. This summer, the Third Department embarked on a new initiative, Rural Pathways, to connect law students to rural legal practice.

In this episode of Amici, we welcome to the program the Honorable Elizabeth Garry, Presiding Justice of the Appellate Division, Third Department to explain the Rural Pathways program.

Presiding Justice Garry, thank you for coming on the program. I know you grew up in a rural area, not far from Albany, very, very close to Albany, but I also know that you spent the bulk of your career in Chenango County, which is quite rural. What did you witness working in that environment and living in that environment?

Presiding Justice Garry:

Thank you, John. Yes, I grew up in fact on a dairy farm in Albany County, and many people don't associate Albany with that kind of rural, but I had a foot in both the city and the country. Upon graduating from law school, I went to much more rural Chenango County, as you noted, and I really had the bulk of my legal and judicial career there. I started as the law clerk to a Supreme Court justice in Chenango.

When I arrived, this was 1990, there was a robust legal community. It was small—it's a small rural county—but it was adequate to meet the needs of the citizens. And there were regular bar meetings and it was a collegial, friendly, welcoming space. And over the course of my 30-year judicial career, unfortunately, I have had a ringside seat to what I can only describe as the decimation of that. I have watched the rural legal community suffer and diminish.

And so for people now residing in Chenango County, where there used to be multiple lawyers who could help them with their everyday legal concerns, whether it be a will, a property transfer, a personal injury, a criminal matter, family court, whatever it is that might be of concern, they used to have some options. And currently John, really the status in a

lot of those everyday sort of matters is, well, you have to go to Syracuse, you could go to Binghamton and maybe Ithaca, and that's not a good situation, as you can imagine. Those are long distances and there's a true lack of availability of local legal professionals at this time.

John Caher: It seems like there's a demand in that area for legal services. And my guess is the per capita number of attorneys in the Third Department is higher than it was in 1990. So what's the problem? Why aren't they there?

Presiding Justice Garry:

I don't know exactly.

There is certainly a demand. What the legal profession is experiencing, John, is that they will post for available positions that pay reasonably well. They can post even for the government roles of district attorney, assistant district attorney, assistant county attorney, public defender, you name it, and will not receive applications. I have personally had that experience in my role as Presiding Justice of the Third Department. We have posted for positions in seemingly very desirable places.

One of the things the Third Department oversees is the Mental Hygiene Legal Services, MHLS, and that's a niche role, but typically gets a certain type of altruistic lawyer who wants to serve a population with challenges. And we posted for a position in Tupper Lake and, John, we got zero applications. We extended, we extended, we did not get applications. And I was shocked at that. We were all surprised. And who doesn't want to live in one of the best regions of the Adirondacks? It's right there near Saranac Lake and Lake Placid, the high peaks and the explosion in our youth wanting to go hike in those regions has been tremendous. But why not apply for legal jobs? So there's a disconnect and that's what I feel I want to try to address in some meaningful manner.

John Caher: You mentioned the Adirondacks, and of course previously you mentioned Chenango County and its distance from Syracuse and Binghamton and those are a ways and not real easy to get to, but in the Adirondacks the nearest lawyer may be 50 miles away over a snowy mountain pass, right?

Presiding Justice Garry:

That's exactly true. Even in Chenango, the legal population doesn't need to be enormous, but we've sunk below what is just adequate. We do not have that population of lawyers in rural areas. And John, I'm probably

getting ahead of your questions, but I need to note this is not unique to upstate New York. This is widely known now and widely discussed as a national problem. It is a problem national in scope. There is not a county, or not a state, with a rural and urban divide, which is essentially all of our states. The generational change has brought the legal profession to the urban areas and not the rural areas. So how do we address that when we have people who have real legal needs residing in rural areas?

John Caher: Well, I think your answer is going to be the Rural Pathways program that you started. And it sounds like that may not only have statewide implications, but national implications for someone else to follow your lead. So let's discuss that. What is Rural Pathways?

Presiding Justice Garry:

As I've puzzled over this dire situation and wondered about what role I might play in helping to address the problem, someone had come to me with the idea of a program for law students in that critical second summer. John, that's the summer where they have enough training to be helpful and engaged in legal matters and they're looking for where they'll land for their career.

And so I was approached by a lawyer from Otsego County who said, "We could do a program, we could do a placement where we gave students an opportunity to try out the various legal positions here in our rural area, and this would introduce people who might not otherwise know what values there are, how beautiful it is, how wonderful it is here, and give them exposure to various legal paths that they might pursue in our region." And we both thought it was a great idea.

So I sort of mulled on that for a while, but I didn't know how I would fund it. But this year, with the situation being ever more a part of the national conversation, I thought I'd approach the Court System and the new administration about doing this program. And when I did, John, I'm very happy to report that they gave me the latitude. They said, "This sounds like a great idea. It's a meaningful way to address the problem. Try it out as a pilot." So this summer we launched Rural Pathways, which is a placement program.

John Caher: And how many students did you have?

Presiding Justice Garry:

So we took on three counties that we identified as being high need and those were Otsego, Clinton, and St. Lawrence County. And in each of those, there were legal professionals who were willing and ready to embrace the program and take it forward locally. And that allowed us to put a foot in the water, if you will, and try it out and learn the things that you can learn by any new initiative. It was highly successful and I'm hoping that in the summer of '26, we'll expand tremendously.

John Caher: Were the students who were interested in this, students who came from rural areas themselves?

Presiding Justice Garry:

Some were, but to be honest, that's not my primary recruitment effort because law students who are already in rural communities already have a pathway to follow. They will know the local legal professionals and the judges, the lawyers, and they'll have the contact. So they are not the focus of this initiative. The focus, in my view, are the young law students who don't yet have a deep familiarity with the rural regions to help them build a familiarity and comfort level with and exposure to how wonderful it can be to be in those places.

John Caher: I can easily picture someone who's never been in the Adirondacks spending a few weeks at Tupper Lake and saying, "I want to live here forever!"

Presiding Justice Garry:

I think that is exactly true. And the other part of it, John, is that in building this, the most critical part is local engagement. I went and spoke with the lawyers and judges and said, "This will not work if the students who are not from here arrive here and they feel lonely and isolated. Then, this program will not succeed."

And so I spoke with them: "So while they're here, invite them to do fun things. What are the things that make you love this place you call home? Reach out to the students and engage them in that. And I don't care what it is—take them hiking, bring them to your family barbecue, take them to your favorite ice cream place, you name it. If you love doing it, share it with these students while they're here so that they understand what it is that makes this place tick and what it is that makes it so great."

And people like that. It's a happy message. We might complain about the place we are, but really deep down, John, most of us love where we are and that's why we're there. And so it was encouraging them to share that in a happy way. And that worked really well. The students, it was only six students this summer, but those students loved the immersion in these places. They got the red carpet, if you will, and they got introduced and they got to hear happy stories. So it worked.

John Caher: What sort of experiences did they have?

Presiding Justice Garry:

A wide variety. Some of them went boating for the first time. Some of them had never been on a boat. One of the questions that I got asked when I was up in the north country, Clinton or St. Lawrence, and I was asked, "Well, do they like to fish?" And I said, "I don't know. And to tell you the truth, they may not know. So if you like the fish, take them fishing and have some fun." And I don't know if anybody took me up on that. I know that they did do the dinners, they did some hiking, they did some boating, as I said. So they did things that were new and fun. I did a survey after the fact, of course, that's what you do with the pilot project, and I know that the students enjoyed their time.

John Caher: I'm intrigued at the way you combined legal opportunity with quality of life. I mean, there's not only a decent job to be had here, there's a really, really nice place to live.

Presiding Justice Garry:

I think that exposing people to opportunities has to look at the full person because we're looking at where we spend our lives. And people already have a sense that, "Oh, if I live in the city, I'll be accessible to this and that and the other." But they may not have that sense or knowledge about the country places. They look emptier, frankly. So introducing them to what that really is was a big part. And socially, of course is a big part of the equation.

John Caher: Let's talk about the benefits of a rural practice. As we mentioned before, you grew up in a rural area, but your practice was in an even more rural area, an area which was not terribly far from where you grew up, but it wasn't where you grew up. What attracted you to that area and what are the benefits of being an attorney in a rural area?

Presiding Justice Garry:

For me personally, John, it was the job. I had the opportunity, as I said, to work with the Supreme Court Justice and that doesn't come around very often. He was just the best judge I may have ever known, and I've known a lot of judges. But I took the gamble for that job and thought, "This is a two-year commitment, and then I'm coming back home." John, 30 years later, now I'm back home! So, what happened? It took a while. At first it was lonely, frankly, and you don't instantly make new friends in a new area. But in that first year I did make friends and I started to have very happy relations and understood that there were good career opportunities. And so bit by bit, I guess I'd say it just won me over and I stayed.

John Caher:

I know from some of the appeals I've read from your court that there are some issues that are rather unique and distinctive to rural areas. Do you want to discuss some of those cases, the kind of cases that you may encounter in Chenango or Clinton or St. Lawrence that you're probably not going to get in Brooklyn?

Presiding Justice Garry:

I'm not sure it can qualify a type of case, but I'll tell you this: If you want hands-on experience, if you want to be in a courtroom shortly after you graduate, the place to do that is starting out in a rural community. Because, if you go to one of these big firms, let's be realistic, a lot of people choose that path, I don't mean to put anything down, but in a big firm, they're famous for doing a nice second-year summer program. And then you go there and you do all that document review endlessly. Day after day, you're doing routine, hard, long hours work. If you go to live in a rural community, you have the opportunity to roll up your shirt sleeves and jump right in fairly early in your career.

I'm not saying that you'll be unguided. I know some lawyers who have gone and put up a shingle. That's hard. But there are lawyers in these places that will guide you on your way and help you get established with a client base. And that's part of what Rural Pathways is trying to create, those connections, John. But the opportunity to be meaningfully engaged with people early in your career and really doing service for the community is very real and present in rural places.

John Caher:

Was that your experience after your clerkship with the judge?

Presiding Justice Garry:

Absolutely.

I hit the ground running. I was in a small firm. There were two other lawyers that I joined. So again, I wasn't out there just trying to make it up on my own because there's a lot of practical things that we need to learn and learn by guidance, really. How do you organize your file? How do you conduct a deposition? And by that time I had some background from my work in the courts, but I learned a lot from my colleagues. They guided me and then said, "Okay, you're going to go do this deposition today." So that's the experience that I am referencing. And very shortly after that I was trying jury cases. So that was my experience and I think that is still the case.

John Caher: One of our big challenges now and forever is access to justice. And at its core, that's what Rural Pathways is, an access to justice initiative, right?

Presiding Justice Garry:

Completely. That is how it fits within the court system. The courts are always engaged in trying to serve our population and all sorts of initiatives to increase the citizens' access to justice and just results are always front and center in our minds and in our work.

John Caher: So, with one year of experience with a small pilot program under your belt, how do you see Rural Pathways evolving or growing?

Presiding Justice Garry:

I'm in the midst of requesting support for statewide expansion. I've been making a lot of contacts towards that end, because what it hinges on in some part, John, is really having someone in each local community who will step up to say, "I will take this on." It's a lot of logistics, and I can't do that from Albany. I can assist, I can recruit, I can help to select students, I can help to guide the process. But what it comes down to is the local legal community saying, "We see this, we've been experiencing this need, and how can we jump in and help?" It could be as easy as taking one of these students out to dinner, or it could be the local judge or judge's law clerk perhaps saying, "I'll be the one who's their main point of contact and I'll help to connect them to the lawyers that they should interact with and the proceedings that they should be witnessing and engaged with."

So it's funding from the court system itself and then local support and initiative. In each area that I expand this, as I hope to do, it will have its own unique flavor. Each region of our state, as we know, is dramatically different. And everything that is worth doing, John, comes from the ground up. Everything that really works, works because it's grassroots and as we expand, I'm intending to be helpful, but it has to be a local program.

John Caher: I understand. So you need total buy-in from the local bar and the local judiciary and really need to nurture those strategic relationships to make this as successful as it could be?

Presiding Justice Garry:

Right. And that's what I'm trying to do right now and with this podcast, I hope if somebody's listening and they're out there in a rural community and they say, "Well, this sounds exciting," then they'll reach out to me. So that's my goal in speaking with you today, John, is to get that word out.

John Caher: So, if someone who's listening to this and is interested, how do they proceed?

Presiding Justice Garry:

Reach out to my chambers. So the telephone number is 518-471-4840. My chief of staff is Judd Krasher. He's my primary assistant in working on these things. And his email is [jkrasher@nycourts.gov](mailto:jkrasher@nycourts.gov). Reach out and let us know that you want to want to get involved in this.

John Caher: And I hope a lot of people do. Judge, thank you so much for doing this, and thank you so much for your time, as always.

Presiding Justice Garry:

Thank you. I appreciate the opportunity and it's always a pleasure to speak with you.