

# THE LONE WOLF OR RURAL JUSTICE CHAMPION?: IMAGINING 'THE RURAL LAWYER'

TRISH MUNDY\*

*This paper seeks to add an account of the contemporary cultural depiction of the 'rural lawyer'. It highlights two narratives to come from in-depth interviews with twelve final year law students: 'The Lone Wolf' and the 'Rural Justice Champion'. These metaphors are used to capture a range of stories told by students that I posit tend to frame the rural lawyer as the masculinist, solitary and on-guard 'Wolf' or as a virtuous 'Rural Justice Champion'. I suggest that student accounts may overly problematise some aspects of the 'rural' relative to the 'urban' while the Rural Justice Champion may implicitly support a deficit model of rural lawyering. Both also point to strongly gendered themes in the construction and performance of the role. I conclude by highlighting the important role that law school plays in better exposing students to rural diversity and offering opportunities for critical reflection on spatial and social inequalities through place-conscious education.*

## I INTRODUCTION

This paper explores the ways in which twelve final year law students conceptualise the role of the 'rural lawyer'<sup>1</sup>. At its heart is the contention that the stories students

---

This article is peer reviewed in accordance with the SCULR editorial policy, available at <<http://scu.edu.au/law-justice/index.php/17/>>.

\* Trish Mundy is Senior Lecturer in the School of Law, Faculty of Law, Humanities and the Arts at the University of Wollongong and member of the Legal Intersections Research Centre. Thank you to Linda Steele and Cassandra Sharp for feedback on an earlier draft of this paper. Thank you also to those who gave feedback on a version of this paper presented at the ANZLEC symposium on 3 December 2015.

1 The term 'rural lawyer' is used here to refer to those lawyers practising in rural, regional and remote communities in Australia, that is, in those areas located outside of capital cities and metropolitan areas.

tell about what it means to practice as lawyers in rural, regional and remote (RRR) communities both reflect and (re)produce a broader cultural narrative about the role. This, in turn, can influence the relative willingness of students to view RRR practice as a desirable and credible career destination.

This issue is important as for more than a decade now concerns have been raised about the declining proportion of lawyers willing to practice in parts of RRR Australia<sup>2</sup> and, more specifically, about the challenges facing older rural practitioners in some locations in relation to succession planning.<sup>3</sup> While recent research suggests that attraction and retention should be seen as part of a bigger picture that accounts for the realities of population and economic decline confronting some RRR communities,<sup>4</sup> addressing the challenges associated with attracting and retaining lawyers remains an important issue in many areas. It is clear that insufficient lawyers have an adverse impact on the levels of legal services, (including the provision of pro bono and legal aid services) and access to justice in rural and regional Australia,<sup>5</sup> as well as negating choice in legal services.

While underlying the challenges associated with attracting and retaining lawyers is undoubtedly a complex mix of individual and professional factors,<sup>6</sup> they are, I argue, at least in part also tied to cultural beliefs about the 'rural' and the rural lawyer. These ideas and beliefs are themselves informed by a complex web of personal experience, cultural myth and cultural practice that tend to conceive of the rural in largely homogenous terms. Commonly, when we think about 'rural' spaces we tend to think of their relative physical and functional delineations, that is, as areas of sparser population density, levels of remoteness, (in)accessibility

---

2 See for example, Glen Ferguson, 'Bush lawyers: the problem facing regional and rural Queensland' (2004) 24(11) *Proctor* 8; Suzie Forell, Michael Cain and Abigail Gray, *Recruitment and Retention of Lawyers in Regional, Rural and Remote New South Wales* (Law and Justice Foundation of NSW, 2010); Law Council of Australia and Law Institute of Victoria, *Report into the Regional, Rural and Remote Areas Lawyers' Survey* (2009).

3 A national survey conducted in 2009 by the Law Council of Australia revealed that 43 per cent of law firm principals in RRR areas believed they had insufficient staff to service their existing clientele, and experienced difficulties in filling vacancies. Additionally, 42 per cent of current practitioners indicated they would retire within five to ten years while 30% of the younger survey participants who practised in RRR areas indicated they would stay in those areas for about two years before considering employment options in larger and metropolitan centres: Law Council of Australia and Law Institute of Victoria, above n 2.

4 Michael Cain, Deborah Macourt and Geoff Mulherin, *Lawyer availability and population change in regional, rural and remote areas of New South Wales*, Law and Justice Foundation of NSW (September 2014).

5 Simon Rice, 'Access to a lawyer in rural Australia: Thoughts on the evidence we need' (2011) 16(1) *Deakin Law Review* 13; Law Council of Australia, above n 2; Legal and Constitutional Affairs References Committee, *Access to Justice* (December 2009).

6 For literature review and discussion of these, see Trish Mundy, *Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW: A Literature Review* (Northern Rivers Community Legal Centre, 2008); Trish Mundy, 'Place Matters: Women's Lived and Imagined Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland' (PhD Thesis, Griffith University, 2013).

to services<sup>7</sup> and particular types of economic activities.<sup>8</sup> While such measures are relevant to common constructions and experience of the rural, such fixed definitions are problematic in that they can conceal what are significant differences between localities and thus fail to recognise the 'diversity amongst rural areas and the significant variations within regions'.<sup>9</sup>

The conceptual tools of 'space' and 'place' deployed in critical geography can help us unpack deeper meanings of 'rurality' and recognise their socially constructed nature.<sup>10</sup> The term 'space' is an abstract concept that refers to the physical *and* social space one inhabits<sup>11</sup> while 'spatiality' denotes the ongoing dialectic process by which society creates space and space, in turn, creates society.<sup>12</sup> 'Place' refers to particular localities and the ways in which they are distinct from one another.<sup>13</sup> These spatial and social facets 'of lived experience are in constant "conversation" with one another – simultaneously producing and re-producing meanings of places, as well as affecting the interactions, behaviour and dynamics that co-exist within these spaces.'<sup>14</sup> Thus, in understanding the rural, we must recognise that the meaning of rurality is socially produced, various and shifts over time.<sup>15</sup>

At the same time, feminist scholarship has highlighted particular discourses of gender and rurality that (re)produce patterns of inequality in gender relations in the context of these socially constructed meanings of the rural. They point to the existence of more traditional gender roles,<sup>16</sup> male domination of rural institutions,<sup>17</sup>

---

7 Institute for Regional and Rural Research, *Defining the Focus on 'Rural' and 'Regional' Research* (University of Ballarat, 2004) 2; Andrew Gorman-Murray, Kate Darian-Smith and Chris Gibson, 'Scaling the Rural: Reflections on Rural Cultural Studies' (2008) 45 *Australian Humanities Review* 37, 38.

8 Gorman-Murray, Darian-Smith and Gibson, above n 7, 38.

9 Institute for Regional and Rural Research, above n 7, 3.

10 See, for example, Peter Merriman et al, 'Space and Spatiality in Theory' (2012) 2(1) *Dialogues in Human Geography* 3, 3, in which the authors note that '[s]pace and spatiality are often positioned at the heart of the discipline and practice of geography'. For a critical analysis of rural 'space' and 'place' see also Lisa R Pruitt, 'Gender, Geography and Rural Justice' (2008) 23(2) *Berkeley Journal of Gender Law and Justice* 338.

11 Pruitt, above n 10, 340.

12 Lisa R Pruitt, 'Place Matters: Domestic Violence and Rural Difference' (2008) 23(1) *Wisconsin Journal of Law, Gender & Society* 347, 358 ('Place Matters'); Jillian Smith, 'The Spatiality of (In) justices' (2013) 2(1) *Sociological Imagination: Western's Undergraduate Sociology Student Journal* 2.

13 Pruitt, 'Place Matters', above n 12, 358.

14 Smith, above n 12, 2.

15 Marc Mormont, 'Who is Rural? Or How To Be Rural: Towards a Sociology of the Rural' in Terry Marsden, Patricia Lowe and Sarah Whatmore (eds), *Rural Restructuring: Global Processes and Their Responses* (David Fulton Publishers, 1990).

16 Elizabeth Teather, 'The Double Bind: Being Female and Being Rural: A Comparative Study of Australia, New Zealand and Canada' (1998) 8(3) *Rural Society* 209, 215.

17 Ibid; Barbara Pini, *Masculinities and Management in Agricultural Organisations Worldwide* (Ashgate, 2008) 1-2; Margaret Alston 'Gender Perspectives in Australian Rural Community Life' in Chris Cocklin and Jacqui Dibden (eds), *Sustainability and Change in Rural Australia* (UNSW Press, 2005) 139, 142; Barbara Pini, 'A Critique of "New" Rural Local Governance: The Case of Gender in a Rural Australian Setting' (2006) 22(4) *Journal of Rural Studies* 396.

a more pronounced social and political conservatism<sup>18</sup> and a 'mythology of mateship among men and reinforced patterns of female subservience'.<sup>19</sup> While some suggest there are fewer sites for patriarchal dominance in rural communities today, Margaret Alston has argued that hegemonic masculinity 'still dominates and constrains gender negotiations'.<sup>20</sup> Complex discourses of gender and rurality can also be found at national, regional and local levels and suggest that within any particular rural space there will exist 'cultural constructs of rurality which combine different scales of received and circulated meanings'<sup>21</sup> and that such constructions will shape our understanding of gender. In other words, the rural can be 'embodied through both women and men on different scales, producing stereotypes of the ideal country man or woman'.<sup>22</sup>

Arguably, traditional representations of the rural lawyer have tended to reflect these cultural meanings in that they portray the role in fairly homogenous and gendered terms. English author and solicitor John Francis, in his novel *Gumboot Practice*, described the traditional picture of a family solicitor as 'a gentleman in late middle age dressed in a tweed suit who gives good advice to clients in times of trouble'.<sup>23</sup> Hardman's depiction is that of a family lawyer, jack of all trades, deeply embedded in community, kind but professionally inferior to their urban counterpart:

The country practitioner is certainly no great lawyer; if he were he would be of less value to the community. It is not merely brains that earn a competent living in the country; it is rather a humanity grafted to a will to help people in their troubles without regard to reward. In spite of state aid in its various forms, he still does, as he always has done, an immense amount of work that carries little or no financial payment. He undertakes tasks which require a moderate knowledge of law, coupled with common sense and a kindly and courteous manner, and is a valuable member of the community in which he lives. As part of his service he acts for innumerable charities, bodies of trustees, church councils, and takes an interest in such varied activities as regattas and rowing clubs, youth clubs and moral welfare and other similar association.<sup>24</sup>

---

18 Susan Kelly, 'City Folk, Country Folk: Demographic and Attitudinal Urban-Rural Differences' (1989) 24 *Family Matters*, 43 cited in Alexandra Neame and Melanie Heenan, *Responding to Sexual Assault in Rural Communities*, Australian Centre for the Study of Sexual Assault Briefing No 3 (Australian Institute of Family Studies, 2004) 5. Julia M Watkins and Dennis A Watkins, (1984) *Social Policy and the Rural Setting* (Springer) cited in Alexandra Neame and Melanie Heenan, *Responding to Sexual Assault in Rural Communities*, Australian Centre for the Study of Sexual Assault Briefing No 3 (Australian Institute of Family Studies, 2004) 5.

19 D Gibson, J Baxter and C Kingston, 'Beyond the Dichotomy: The Paid and Unpaid Work of Rural Women' in Margaret Alston (ed), *Rural Women* (Centre for Rural Social Research, 1990).

20 Alston, above n 17, 143.

21 Paul Cloke and Paul Milbourne, 'Deprivation and Lifestyles in Rural Wales II: Rurality and the Cultural Dimension' (1992) 8(4) *Journal of Rural Studies* 359, 361.

22 Gorman-Murray, Darian-Smith and Gibson, above n 7, 47.

23 John Francis, *Gumboot Practice: Portrait of a Country Solicitor* (Dalesman Publishing, North Yorkshire, 1989) 104.

24 G W Hardman, The qualities of the country practitioner (1961) *Law Society Gazette* 58, 77.

The role is also commonly portrayed in 'paternalistic' terms, one that privileges status in the community over 'the pursuit of profit or legal expertise'.<sup>25</sup> A number of writers have highlighted the interconnectedness of the rural practitioner's professional and personal identities and the collegiality and informality of country practice.<sup>26</sup> It has been argued that these traditional depictions have little relevance to the contemporary realities of working as a lawyer in rural and regional communities today. Such realities include the increasing diversity evident in rural and regional communities, the globalised nature of legal practice, increased access to technology and the shift in the 'role of lawyers from being advisors to being providers of information, and the increased engagement of clients in their matters'.<sup>27</sup> In the last five years or so we have also seen a sharp increase in the numbers of young female lawyers moving into rural practice.<sup>28</sup> Yet, as Amanda Kennedy notes, no single representation has emerged to adequately depict the 'modern' rural and regional lawyer.<sup>29</sup>

Drawing on narrative methodology, this paper seeks to add an account of the contemporary cultural depiction of the 'rural lawyer'. Narrative method is premised on the epistemological belief that human beings make sense of their experience (or imagined experience)<sup>30</sup> and dialogic interactions with the world and themselves through story – or narrative – structures.<sup>31</sup> Each of us interprets our world and experience by selecting, organising, connecting and evaluating ideas and events as meaningful to us.<sup>32</sup> In this way, stories act to 'mediate the inner subjective world and the outer, objective world'.<sup>33</sup> By analysing the personal experiences and understandings of final year law students, we can understand the

---

25 Kim Economides, 'The country lawyer: Iconography, iconoclasm and the restoration of the professional image' (1992) 19(1) *Journal of Law and Society* 115; Jeff Giddings, Barbara Hook and Jennifer Nielsen, 'Legal Services in Rural Communities: Issues for Clients and Lawyers' (2001) 26(2) *Alternative Law Journal* 57, 61.

26 Francis, above n 23; Donald Landon, 'Law careers and community context: A comparison of rural and urban experience' (1992) 49 *Great Plains Research: A Journal of Natural and Social Sciences* 67.

27 Caroline Hart, 'Sustainable regional legal practice: The importance of alliances and the use of innovative information technology in regional rural and remote Queensland (2011) 16(1) *Deakin Law Review* 225, 228.

28 Urbis, 2011 *Law Society National Profile: Final Report* (Law Society of New South Wales, 2012) 18–19, which shows that young female lawyers represent 62.5% of RRR practitioners.

29 Amanda Kennedy et al, *Rethinking Law Curriculum 'Module 2: The Rural and Regional Lawyer'* (2012) <<http://www.rrlen.net.au>>.

30 See for example, research which has considered 'imagined identities' or experiences using narrative method: Gary Barkhuizen and Vivian de Klerk, 'Imagined Identities: Preimmigrants' Narratives on Language and Identity' (2006) 10(3) *International Journal of Bilingualism* 277; Mark Hughes, 'Imagined Futures and Communities: Older Lesbian and Gay People's Narratives on Health and Aged Care' (2008) 20(1–2) *Journal of Gay and Lesbian Social Services* 167.

31 Jill Sinclair Bell, 'Narrative Research in TESOL: Narrative Inquiry: More Than Just Telling Stories' (2002) 36(2) *TESOL Quarterly* 207.

32 Catherine Kohler Riessman, 'Narrative Analysis' in Nancy Kelly, Christine Horrocks, Kate Milnes, Brian Roberts and David Robinson (eds), *Narrative, Memory and Everyday Life* (University of Huddersfield, 2005) 1, 1.

33 Julian Webb, 'Ethics for Lawyers or Ethics for Citizens? New Directions for Legal Education' (1998) 25 *Journal of Law and Society* 134, 143.

meanings they assign to their world, examine assumptions they hold about RRR practice and why certain career aspirations might be privileged over others.

In particular, this paper will highlight two major narratives to come from these interviews with final year law students, namely, ‘The Lone Wolf’ and the ‘Rural Justice Champion’. I use these metaphors to capture a range of stories told by students that I posit tend to frame the rural lawyer as the masculinist, solitary and on-guard ‘Wolf’ or as a virtuous ‘Rural Justice Champion’. I argue that student accounts, taken as a whole, may overly problematise some aspects of the ‘rural’ relative to the ‘urban’ by failing to recognise the diversity present within and across rural contexts. Both also point to strongly gendered themes in the construction and performance of the role while the Rural Justice Champion may implicitly support a deficit model of rural and regional lawyering. The paper is structured in four parts: it begins with an overview of the research project, including the recruitment of participants and conduct of the research. It then explores the role and power of narrative in hearing students’ conceptions of the rural lawyer followed by an analysis of the interview data in the context of these narratives. It concludes with consideration of the critical role that law school plays in better exposing students to rural diversity and offering opportunities for critical reflection on spatial and social inequalities through engagement with place-conscious education.

## II THE RESEARCH PROJECT

This research project involved conducting semi-structured interviews with twelve final year law students.<sup>34</sup> The participants were asked about their career goals, their relative interest in RRR legal practice as a career option and perceptions of what that practice experience might be like. Interviews ranged in duration from 25 to 75 minutes. Two groups of students were interviewed: one group who had a background in RRR communities and a second group who did not. A total of twelve students were interviewed. Five students were from two regional universities in Queensland – James Cook University (JCU) in Townsville and the University of Southern Queensland (USQ) in Toowoomba. The remaining seven students were studying at the Nathan campus of Griffith University (GU) located in Brisbane, Queensland.

Students from JCU and USQ were recruited by attending a class of the final year cohort to talk briefly about the research and to invite their participation. I was provided with an interview room on campus to which students were invited to drop by for more information about the research and/or to participate in an interview. For two days at JCU and one day at USQ respectively, I remained on campus to speak to any student who might be interested in participating. Alternatively, students were given the option to contact me via email or telephone

---

<sup>34</sup> These interviews were conducted as part of doctoral research and in accordance with the Griffith University Human Research Ethics Committee (ref: LAW/12/09/HREC).

at a later time if they were unable to see me during my time on-campus or if they preferred to conduct the interview away from the campus. A total of five students responded and all were subsequently interviewed. The GU students were recruited via an email communication forwarded by campus administrative staff to all final year law students enrolled at the institution in 2011. The email outlined the research project and invited students to contact me, either by email or telephone, should they be interested in participating in an interview. Seven students responded indicating their willingness to participate and all were subsequently interviewed.

It was initially envisaged that 10 students from a regional university and 10 students from GU would be an optimum number however despite ongoing attempts at recruiting student interest in participating was less than expected. While the sample size is small, the participants reflect a balance of those with an RRR and metropolitan-based background and there is no reason to consider that these students are particularly idiosyncratic or anomalistic in their views. As such, I argue that these accounts can offer insight in two particular narratives related to 'the rural lawyer'. These narratives do not purport to be exhaustive or reflective of all students' conceptualisations; rather they offer an instructive contribution to what is an important yet neglected area. Table 1 shows the university location and gender of students.

**Table 1:** University location of students interviewed

<b>Geographical location</b>	<b>Regional university</b>	<b>Metropolitan-based university</b>
Female	3	6
Male	2	1
<b>Total</b>	<b>5</b>	<b>7</b>

Of the seven students studying at the metropolitan-based university, two had a rural/regional background, having been born in a rural/regional area, and/or have family living in rural/regional area of Queensland. Table 2 gives a breakdown of the geographical background of students.

**Table 2:** Geographical background of students interviewed

<b>Geographical background</b>	<b>Rural/regional background</b>	<b>Non-rural/regional background</b>
Female	5	4
Male	2	1
<b>Total</b>	<b>7</b>	<b>5</b>



The interviews were semi-structured in nature and centred on broad topics rather than around particular interview questions, for example, their hopes and plans for their practice future as well as their ideas about practice in an RRR area. Interview questions used were open-ended in order to hear interviewees in their own terms. All interviews were audio recorded and later transcribed.

Participants were not given any explicit direction about how to define or think about the terms ‘rural, regional or remote’ and, interestingly, none sought clarification as to their meaning or parameters. Rather, each implicitly drew on their own ideas and assumptions as to their meaning. This was seen as particularly significant given the way in which our cultural understandings of these terms (globally, nationally, locally and individually) influence and help shape our subjective realities and truths. The following section will explore the role of narrative in shaping students’ realities and truths about the rural lawyer. It will also report on the overall approach that was adopted to the analysis of the narrative accounts.

### III THE ROLE AND POWER OF NARRATIVE

Exploring the ways in which students conceptualise the role of a rural lawyer requires us first to give some thought to the role that narrative – or stories – play in helping to construct and transform their ideas. Fundamentally, we make sense of our world through story or narrative form.<sup>35</sup> Each of us interprets our experiences and the world around us by choosing, assembling and evaluating events in ways that are meaningful to us.<sup>36</sup> Donald Polkinghorne describes narrative as personal and social histories, myths, fairytales and stories which are made up to explain behaviour.<sup>37</sup> Narratives are said to reveal ‘fundamental culture-specific opinions about reality and humankind, which are narrativised in stories’<sup>38</sup> and tell a sequence of events (or imagined events) that is in some way significant for either the teller or their audience. Narratives depict both the individual and their social, cultural and institutional setting.<sup>39</sup> Because you always create and re-create a narrative from the perspective of your life experiences and background, there is no ‘objective’ reality or truth but rather multiple realities and truths.<sup>40</sup>

Narrative researchers attempt to make sense of and interpret phenomena in terms of the meaning people bring to them.<sup>41</sup> In the context of this research, I am interested in understanding what meaning individuals bring to the role of the

---

35 Sinclair Bell, above n 31.

36 Kohler Riessman, above n 32.

37 Donald E Polkinghorne, *Narrative Knowing and the Human Sciences* (State University of New York Press, 1988); Martin Cortazzi, *Narrative Analysis* (Falmer Press, 1993) 13.

38 Luc Herman and Bart Vervaeck, *Handbook of Narrative Analysis* (University of Nebraska Press, 2001) 1.

39 Torill Moen, ‘Reflections on the Narrative Research Approach’ (2006) 5(4) *International Journal of Qualitative Methods* 1, 4.

40 Ibid 5.

41 Ibid.



'rural lawyer' and how they understand practice as a lawyer in a rural, regional or remote community. Torill Moen refers to the defining of meaning from the perspective of the actor as the concept of 'voice' or 'voices', reflecting the many voices present within an individual's story, including social and cultural as well as past, present and future voices.<sup>42</sup> Thus, narratives are multi-voiced.<sup>43</sup> Moen also emphasises the dynamic nature of human knowledge. People's perspectives on experiences change and continuously develop as they gain new experiences and engage in dialogues with others.<sup>44</sup> Thus, there is no single, dominant, or static reality but, rather multiple realities that are constructed in the process of interactions and dialogues.

An important issue in the research process concerns *how* the data is understood, interpreted and represented, particularly as it relates to questions of research validity. As Riessman points out '[n]arratives do not speak for themselves or have unanalysed merit; they require interpretation when used as data in social research'.<sup>45</sup> Thus, I acknowledge my role in selecting and organising narratives contained in verbatim transcripts of interview, choosing sections from the transcripts for analysis and interpretation.

As with any mode of data analysis, there are a variety of methods for making sense of data. This research adopted a thematic analysis to the interpretation of the data<sup>46</sup> whereby common ideas and phrases that were articulated in individual narratives were identified and conceptually grouped along with the level of importance assigned to specific thoughts or incidents.<sup>47</sup> Consequently, I read through each of the interview transcripts many times and over an extended period, building in-depth knowledge of the content and gaining deeper impressions of the overall views and beliefs conveyed by each participant's narrative: Had they ever thought about legal practice in an RRR area? How do they perceive practice in an RRR area? What are the dominant themes within each interview? What overall beliefs and ideas do they convey? From the deep and extended immersion in the individual interviews, I then identified common themes and ideas running across interviews interpreting these through a thematic analysis. In the following part I explore the two dominant narratives within the interviews relating to the lawyer's role within the RRR setting, namely, 'The Lone Wolf' and 'Rural Justice Champion'. Using popular depictions or metaphors such as these can help to bring to life this

---

42 Ibid.

43 Ibid.

44 Ibid.

45 Catherine Kohler Riessman, *Narrative Analysis: Qualitative Research Methods Series 30* (Sage Publications, 1993) 1–2.

46 Ibid, 15. This is a widely used analytic method in qualitative research. Of course, not all social scientists believe that thematic analysis captures and represents narrative; that by isolating themes outside of the nuanced whole, it fails to capture the detail and realism of participant experience. Others argue that there is room for both approaches: when looking for trends or commonalities, a thematic analysis may be reasonable/most appropriate. See for example, Janine A Overcash, 'Narrative Research: A Review of Methodology and Relevance to Clinical Practice' (2003) 48(2) *Critical Reviews in Oncology Hematology* 179, 183.

47 Overcash, above n 46.

cultural context more fully in useful and relatable ways. It can shine ‘the spotlight on the cultural (re)imaginings’ of the rural lawyer that are ‘socially constructed and transformed among individuals and expressed by’ students.<sup>48</sup>

#### IV IMAGINING THE ‘RURAL LAWYER’

What did the analysis reveal about the ways in which participants imagine the ‘rural lawyer’? Broadly, the narratives show that the role is seen as distinctive and very much shaped by a unique social, geographical and professional context. The metaphors of ‘The Lone Wolf’ and the ‘Rural Justice Champion’ that I deploy in this paper are used to highlight this distinctiveness while also reflecting the different emphasis given by the participants to this context. Broadly, the Lone Wolf reflects a greater prominence given by some participants to the geographical and professional setting in which the rural lawyer operates (ie, the physical and economic space) while the Rural Justice Champion reflects more of the community and relational context in which the role was seen as grounded. Each is explored further below.

##### *A The lone wolf*

One of the central features underpinning participants’ depiction of the rural lawyer is that of a person who is alone and isolated; a solitary figure – socially, geographically and professionally. This sense of aloneness and isolation is captured in some of the following narratives:

**Adam:** [You are vulnerable and alone] on every level whether that be from financial support [and] the emotional pressure ... you’re isolated in a regional area and ... they’ve got to deal with that themselves. They’ve obviously got to work out how they are going to get paid...<sup>49</sup>

**Kerry:** I’m not sure if I would ever work in a rural area because of the, I suppose, the isolation... Especially with the legal profession I think you need that support network of other people and I don’t know how much of that support you would get in a rural practice.<sup>50</sup>

**Monica:** Well I think you’d probably be quite isolated in terms of being able to meet up with people...<sup>51</sup>

Broadly, participants considered that this experience of isolation created a number of challenges for the rural lawyer. Such challenges included a sense of

---

48 Cassandra E Sharp, ‘Finding stories of justice in the art of conversation: ethnography in cultural legal studies’ in Cassandra Sharp and Maret Leiboff (eds), *Cultural Legal Studies: Law’s Popular Cultures and the Metamorphosis of Law* (ed) (Routledge, 2015) 51.

49 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

50 Interview with Kerry (metropolitan based, conducted in person on 28 September 2011).

51 Interview with Monica (rural based, conducted over the telephone on 25 March 2011).

increased professional responsibility and work pressure due to the availability of fewer support networks in the rural context. It was also felt that the rural lawyer would generally require a greater breadth of legal knowledge and expertise in carrying out their role due to these more limited networks and supervision opportunities. Also highlighted was the necessity of managing what was seen as the more complex dynamics associated with the community context in which the role was undertaken. Given that the rural context is one generally characterised by lower population densities, fewer and smaller legal practices and with fewer professional colleagues and networks available, it is perhaps not surprising that the experience of isolation was so clearly reflected in the student imagination. Of particular concern to participants, however, were issues of conflict of interest and confidentiality. These were seen as being much more prevalent in the rural context and as key challenges for the role:

**Maree:** The first thing that comes to mind is probably that you'd get a lot of conflict of interest problems.<sup>52</sup>

**Stella:** Yeah, it's a small world kind of thing and everyone's into everyone's business and you know everyone's affairs. Yeah, I think that is [conflicts of interest] definitely a challenge for regional lawyers.<sup>53</sup>

**Adam:** Even the conflict matters that would arise in a regional context. ...[I]f he's the only practitioner how can he not know who these people are... I think there are so many things against them as well as the conflicts. [It's] ridiculous.<sup>54</sup>

As central ethical concerns for participants, the prevalence of conflicts of interest and confidentiality issues that arise within the RRR context were, in turn, considered to heighten the level of risk and vulnerability faced by the rural lawyer. Participants questioned how the rural lawyer might adequately manage the intersecting challenges associated with isolation and the ethical context. They considered that this context amplified the risk to the lawyer's professional reputation, whether through the risk of being sued or being made the subject of professional complaint:

**Adam:** ...If you were a regional practitioner [and] someone makes a complaint to the legal services commission and, yes, whilst you will be investigated but straight away you are guilty before we investigate you... I would imagine in a small town they would know whose cows are having cows. It doesn't take a lot to destroy your reputation. Why would you do it?! The money is not that good.<sup>55</sup>

---

52 Interview with Maree (metropolitan based, conducted in person 23 September 2011).

53 Interview with Stella (metropolitan based, rural background, conducted in person on 5 October 2011).

54 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

55 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

**Stella:** ... when you're in the regional area you care what people think of you because that's your reputation that everyone will know about. [If you get a bad reputation or your reputation suffers] usually it's not really something that'll blow over. It's something that will generally be brought up...<sup>56</sup>

While these remarks highlight concern about reputational and legal risk, some participants also considered that the 'rural lawyer' could face increased emotional and physical risk. These ranged from such things as being 'targeted' by unhappy clients, fear of becoming too emotionally involved without the safety of social and geographic distance and just generally needing to take much more care with one's interactions with the community. To the extent that the 'rural lawyer' was seen as more vulnerable to the expectations and demands of community, the 'rural lawyer' needed to be especially vigilant or on guard to protect themselves:

**Adam:** Mr and Mrs Smith want to sell the farm to Mr and Mrs Jones. They both know each other and not only that the lawyer went to school with their son you know what I mean? And the same issue is there for the outsider because you could say well we'll bring an outsider into the area. But what does an outsider do? Do they lock themselves in the home all day every day, they don't socialise, they don't get to meet people within the community...It's a ridiculous scenario that I think would be very debilitating for anyone out there or even anyone considering it.<sup>57</sup>

**Peta:** ...if perhaps you represented a client who wasn't happy with the outcome it's not like you'll never see them again [in RRR practice] you will see them again. It's possible you will and I think that would be an issue... I mean if they were really unhappy they could target you...<sup>58</sup>

**Kerry:** I think you would have to be very much more careful with the interactions with the community than you would in an urban area. So just even dealing with your family or your friends, depending on the size of that community, there may not be that many more people left. And I think you probably wouldn't find many people in the profession in that area and just being able to talk to them may not be possible because they may be the opposition in your case. Otherwise, you'd have to take time off work to always be contacting other people instead of just being able to call up one of your close friends or something like that.<sup>59</sup>

A particularly strong conception of the rural lawyer is found in the accounts of those who constructed the role as one constrained and shaped by a masculine landscape and the performance of certain hegemonic masculine practices. Hegemonic masculinity is a particular expression of masculinity that is culturally

---

56 Interview with Stella (metropolitan based, rural background, conducted in person on 5 October 2011).

57 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

58 Interview with Peta (metropolitan based, conducted in person on 27 September 2011).

59 Interview with Kerry (metropolitan based, conduct in person on 28 September 2011).

elevated within a particular time, place and context.<sup>60</sup> It is a 'dominant discourse' whereby 'some men come to legitimate their power over some other men and over women'.<sup>61</sup> This view of the rural lawyer's context as a highly gendered one is evident in the comments of a number of the female participants who considered that it was, or could be, a more sexist and conservative environment for women:

**Jane:** I don't think I will practice in [regional area] ... as I feel I am suited to practising in a bigger city...because I have seen how women are treated within them and I don't wish to be a part of that environment. As a woman you are expected to accept how things are done otherwise you are seen as being 'difficul'. It's one way or the other. I won't tolerate that but you have to be careful in a small town not to be seen to rock the boat.<sup>62</sup>

**Peta:** There might also be umm some, how do I say this, ah old-fashioned values and negativity towards women in professional roles.<sup>63</sup>

In terms of hegemonic practices, Jane felt that women were often sexualised and commoditised rather than being seen as people with professional competency. She described incidents which occurred in the course of work experience she had undertaken in rural law firms that reveal instances of both individual and systemic gender-based discrimination. These have significantly shaped her view of what it means to practice as a lawyer in a rural context, that is, as a male domain:

I have experienced situations where a male partner when addressing me doesn't look at my face but at my body. I don't feel like they are seeing me as a person...I know of one firm where they clearly place the staff in certain ways in their office environment. For example, they place the pretty female support staff up the very front of the office, then female solicitors, then male solicitors up the back. They say they do this because the women are more welcoming and friendly to new clients.<sup>64</sup>

For Jane, she clearly connects these experiences and practices to the fact that 'most of the firms in town are run by older male practitioners.' Implicit in Jane's view is the belief that gender and age are causal factors in constructing this sexist environment. Some accounts (including that of one male student) also implicate clients and regional communities generally as a more conservative and outdated site for the performance of gender roles and which they believe impact on the lawyer's role. Peta particularly links some rural contexts, such as mining and agricultural town, to a more masculine social and economic 'landscape' while Adam believes that clients, too, can shape gendered expectation of female lawyers in the performance of the role:

---

60 Pini, *Masculinities and Management in Agricultural Organisations Worldwide*, above n 17, 18, 11.

61 Ibid 10.

62 Interview with Jane (rural based, conducted in person on 2 August 2011).

63 Interview with Peta (metropolitan based, conducted in person on 27 September 2011).

64 Interview with Jane (rural based, conducted in person on 2 August 2011).

**Peta:** [Gender] might be an issue because ... I know that [RRR] areas have a lot more men in them. I think a lot of regional centres are established because of rural industries which are predominately agriculture or mining and, you know, there is a lot of men. And they're always going on about how they have a shortage of women in those areas.<sup>65</sup>

**Adam:** [Clients] want a bulldog. Women have to deal with that attitude.<sup>66</sup>

Taken together, these accounts suggest a representation of the 'rural lawyer' as alone, isolated, vulnerable and one that privileges masculinity and masculine practice. The allegory of the Lone Wolf was utilised by one of the male participants, Adam, in the course of our interview. After analysing the interview data I determined that, conceptually, I would draw from this metaphor as I believe the image of the Lone Wolf holds interesting symbolism for the contemporary representation of the 'rural lawyer'. In the context of this paper, the metaphor has been used to capture a range of cultural imaginings or stories told by students that evoke a picture of the rural lawyer as a masculinist, solitary, on-guard 'wolf' in what is seen as his relatively harsh geographical and professional environment.

In popular depiction, a lone wolf is an animal or person that usually lives or spends time alone instead of with a group.<sup>67</sup> The term originates from wolf behaviour. While wolves are generally considered social animals,<sup>68</sup> here in the frame of the lone wolf they are considered outliers, separated from the pack. In the animal world, a lone wolf is a wolf that lives independently in the animal kingdom. They are typically older male wolves driven from the pack by the dominant male so as to eliminate competition for the female. Alternatively, as the lowest in the pecking order, the particular wolf is starved of food and effectively forced to leave the pack to for self-preservation. Lone wolves are the exception rather than the rule and are said to represent around 15% of wolves in the wild.<sup>69</sup>

This image of the lone wolf holds interesting symbolism, too, for the way in which the rural lawyer is popularly depicted in the context of its 'professional pack' and also the way in which rural lawyers are positioned demographically. Rural lawyers account for around 12% of all practising lawyers and the rural practice context is one generally dominated by older male practitioners<sup>70</sup> and has a considerably younger and less experienced female workforce.<sup>71</sup> As indicated earlier in the paper, traditional depictions of the rural lawyer have not always been kind. Additionally, some rural practitioners have expressed the view that

---

65 Interview with Peta (metropolitan based, conducted in person on 27 September 2011).

66 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

67 Cristen Conger, 'What is a Lone Wolf?' in *How Stuff Works: Animals* (14 August 2008) <<http://animals.howstuffworks.com/mammals/lone-wolf.htm>>.

68 Ibid.

69 Ibid.

70 Urbis, 2014 *Law Society National Profile* (Law Society of New South Wales, April 2015) 22, 23; Forell, Cain and Gray, above n 2, 124.

71 For example see data on years since admission by gender in the Northern Territory in Urbis, 2014 *Law Society National Profile* (Law Society of New South Wales, 2015) 32.

their urban counterparts view them as 'second rate lawyers'<sup>72</sup> or 'look down their nose'<sup>73</sup> at them and hold the perception that rural lawyering is a professional compromise. This can engender a feeling of separation or exclusion from the 'pack' and promotes a professional status hierarchy.

The aspects of representation that focus on isolation, vulnerability and risk arguably position both the role and context as one that is 'wild' and untamable, further calling forth the symbolism of the lone wolf and stereotypical ideas of the rural. Further, the features described by participants continue to highlight aspects of the traditional representation of the rural lawyer, and arguably also evoke a level of anxiety and a sense of 'uncontrollability' that has not previously been emphasised. While isolation and risk represent real challenges for many rural lawyers, they are not experienced uniformly across and within RRR contexts. This suggests that many students may not adequately recognise this diversity and, thus, overly problematise the 'rural' context. Clearly, the experience of personal and professional isolation and managing the challenges of smaller population densities will vary with the size and location of the community as well as its social, economic and professional context and so on. However, as highlighted earlier, none of the participants sought clarification of the meaning of 'rural', 'regional' or 'remote' and the ways in which they may be constructed and few made reference to differences between these contexts. This suggests that participants tend to think about rural space in fairly homogenous ways rather than the understanding of the socially constructed and changing nature of rural space.

The Lone Wolf narrative also points to a deeper cultural story about gender and spatial inequality in the context of the rural. While it is important to recognise that gender inequality, and discrimination are not issues confined to rural practice and the 'rural context', feminist scholarship has highlighted the 'powerful formative influence'<sup>74</sup> that rurality has in terms of women's experience and understanding of their identity.<sup>75</sup> It has also noted the existence of complex national, regional and localised constructions of rurality which shape our understanding and experience of gender<sup>76</sup> in both urban and rural spaces.<sup>77</sup> These suggest that hegemonic masculinity is evident in the institutional structures, including in economic, institutional, human and environmental capital, through which gender relations are (re)constructed in everyday life and which privilege

---

72 Melinda Brown, 'A Country Practice' (2000) 74(9) *Law Institute Journal* 18, 15.

73 Olivia Collings, 'Regional lawyers feel like "failed lawyers"', *The New Lawyer* (17 July 2009) <<http://www.lawyersweekly.com.au/the-new-lawYER/comment-debate/12093-regional-lawyers-feel-like-failed-lawyers->>.

74 Jo Little, 'Employment Marginality and Women's Self-Identity' in Paul Cloke and Jo Little (eds), *Contested Countryside Cultures: Otherness, Marginalisation and Rurality* (Routledge, 1997) 138, 142.

75 Ibid; Pruitt, 'Gender, Geography and Rural Justice', above n 10, 372; Jo Little, 'Rural Geography: Rural Gender Identity and the Performance of Masculinity and Femininity in the Countryside' (2002) 26(5) *Progress in Human Geography* 665.

76 Paul Cloke and Paul Milbourne, 'Deprivation and Lifestyles in Rural Wales II – Rurality and the Cultural Dimension' (1992) 8 *Journal of Rural Studies* 359, 361; Gorman-Murray, Darien-Smith and Gibson, above n 7.

77 Pini, *Masculinities and Management in Agricultural Organisations Worldwide*, above n 17, 18.



and normalise male power.<sup>78</sup> It has been said that a particularly strong discourse of hegemonic masculinity in rural space concerns ideas about masculinity in mining communities as well as ideas about 'the farmer'. Many inland rural communities remain agriculturally based and given that farming and agriculture in Australia continue to exist as a 'strongly gendered industry',<sup>79</sup> one of the main representations or constructions of the rural, has been a focus on masculinities in farming and agriculture where male dominance over land and environment are central and which rest heavily on stereotypical masculine attributes.<sup>80</sup> Conversely, dominant discourses of femininity in the context of agriculture are seen as based in nurturing and helping roles. This promotes popular discourses about the roles of men and women and gendered capacities.<sup>81</sup> Arguably, these are reflected in the Lone Wolf representation.

### *B Rural justice champion*

A second competing representation of the rural lawyer is what I have termed the altruistic 'Rural Justice Champion'. For these participants, character and altruistic motivations were seen as central characteristics and the choice to practice in this context clearly understood to be a function of the lawyer's character and decency. Others implicitly drew on the imagery of moral character and virtue by reflecting on their own altruistic desire to 'help' rural communities' access justice. Some alluded to the important role that they considered the rural lawyer plays in mediating access to justice for people in these communities. Examples of these narratives are apparent in the accounts of Adam, Amy and Monica:

**Adam:** One word: genuine... You would have to be a decent human to do it [be a rural lawyer] because there are so many negatives against you. Why would you do it? And compared to someone [at a top tier city firm] who would sell their soul at any cost to someone who would put everything on the line... and so yeah I think someone who goes to a regional and remote area whether it be for a year or two years or ten, I think they have within their character something that only a Queen Street lawyer could salivate over. To put yourself in that situation and to work through the minefield [of RRR practice you] would have to be [of] the highest character.<sup>82</sup>

---

78 Margaret Alston 'Gender Perspectives in Australian Rural Community Life' in Chris Cocklin and Jacqui Dibden (eds), *Sustainability and Change in Rural Australia* (UNSW Press, 2005) 139, 140–41.

79 Ruth Liepins, 'Making Men: The Construction and Representation of Agriculture-Based Masculinities in Australia and New Zealand' (2000) 65(4) *Rural Sociology* 605, 609.

80 Little, above n 75, 665.

81 Liepins, above n 79, 613.

82 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

**Amy:** [A]nother reason why I want to [practice in an RRR area] is because I'm well aware of the limits of access to justice that there needs to be more law students going out and helping and working out there...<sup>83</sup>

**Monica:** I just want to help them out a bit because I know how hard it is when you live out West and you can't get things done...<sup>84</sup>

The place of character and virtue in conceiving the role was also evident in the way participants discussed the relative rewards of rural practice, including financial rewards. Many considered that salaries in the rural context were much less than would be available to them in the capital cities and that overall economic return available to firms would be much more limited. For example, Jane commented that 'the starting salary here [for a new graduate] is around \$40,000. Many of my friends choose to go into the police or army because, immediately, they can get \$80,000' while Stella thought that 'firms would be quite small [so] they wouldn't make very much money'. It was apparent however that participants tended to juxtapose this question of financial reward with expressions of sacrifice, satisfaction and service. That is, there was a sense that, given the limitations of rural practice, an active – and altruistic – choice must be made *for* rural lawyering. The following comments particularly capture this linking of financial reward and virtue:

**Amy:** [Y]ou know I'm not getting into it [rural practice] for the money side of it... Like, I want to do it to feel satisfaction for myself and that I'm able to help people and in return I'll be getting just as much from them whether it's financial or not.<sup>85</sup>

**Ben:** The benefits and satisfaction of living here [regional community] would outweigh the differences in salary.<sup>86</sup>

**Adam:** There are so many negatives against you... I don't think any amount of money is enough [to be a rural lawyer].<sup>87</sup>

It was noted in the introduction that the role of rural lawyer is also commonly portrayed in 'paternalistic' or protective terms and privileges status in the community over the pursuit of profit or legal expertise. These and the earlier comments suggest a conception of the rural lawyer as one who is altruistically inspired; choosing to advance access to justice for the community they serve, and without a primary focus on reward. To the extent that these narratives give greater emphasis to service and community over monetary reward, they suggest that this traditional conceptualisation of the role is more prevalent amongst participants.

---

83 Interview with Amy (metropolitan based, rural background, conducted in person on 4 October 2011).

84 Interview with Monica, (rural based, conducted over the telephone on 25 March 2011).

85 Interview with Amy (metropolitan based, rural background, conducted in person on 4 October 2011).

86 Interview with Ben (rural based, conducted in person on 2 August 2011).

87 Interview with Adam (metropolitan based, conducted in person on 23 September 2011).

While the Lone Wolf clearly depicts the role of the 'rural lawyer' as one shaped by the 'masculine', in contrast, the Rural Justice Champion is conceived in more 'feminine' terms, not only in relation to what are 'fictively' seen as feminine traits and characteristics<sup>88</sup> but also in the prominence given by female students to particular issues and themes. It was apparent that the female participants were more likely to comment on the actual or perceived experience of life and living in a RRR community and note its relevance or connection to the role of rural lawyer. This suggests that psycho-social aspects of the role were more significant and 'front of mind' for female participants than they were for male participants. These psycho-social aspects were closely connected to themes of 'community', 'community support' and 'community values'. There was a strong sense that rural practice represented a 'lifestyle' choice which would bring a lawyer the experience of community and 'community values' that were not readily available to urban lawyers:

**Amy:** I feel like that can embrace the community values that I am looking for. I feel as if the city firms and maybe larger firms may not be as focused on the personal interactions perhaps.<sup>89</sup>

**Peta:** And I think there might be a lot of community support, well community values and you would get to know people a lot in the town.<sup>90</sup>

Landon's formative work on lawyers in rural America drew attention to the unique context of rural legal practice and the way in which the particular social, economic and political characteristics of the 'containing community' shapes the professional conduct of practitioners and the performance of their role.<sup>91</sup> In particular, Landon finds that practitioners have a stronger community profile<sup>92</sup> and invest considerable emotional and personal energy in community.<sup>93</sup> In the Australian context, it has also been highlighted that lawyers in a smaller town often have a much higher profile.<sup>94</sup> While this high visibility can have both positive and negative aspects, it is clear that rural practice requires the negotiation of personal and professional roles in ways not likely to be found in urban practice.<sup>95</sup> For many female participants 'community' (and the intersecting of the personal and professional) was central to their understanding and performance of the role. They considered that the 'rural lawyer' had much more opportunity to develop,

---

88 I acknowledge the problematic and contested nature of the terms 'masculine' and 'feminine'. I draw on Margaret Thornton's use of the terms 'fictive feminine' to recognise the constructed conceptualisation of masculine and feminine: *Dissonance and Distrust Women in the Legal Profession* (Oxford University Press, 1996).

89 Interview with Amy (metropolitan based, rural background, conducted in person on 4 October 2011).

90 Interview with Peta (metropolitan based, conducted in person on 27 September 2011).

91 Donald Landon, 'Clients, Colleagues and Community: The Shaping of Zealous Advocacy in Country Law Practice' (1985) 10(1) *American Bar Foundation Research Journal* 81; Landon, *Law Careers and Community Context*, above n 26, 67.

92 Landon, 'Law Careers and Community Context', above n 26, 78.

93 Landon, 'Clients, Colleagues and Community', above n 91, 86-9.

94 Giddings, Hook and Nielsen, above n 25, 60.

95 *Ibid.*

and was more focused on, deeper personal relationships and connections with clients, including being more 'involved' with clients' lives and 'working alongside' people rather than selling a mere commercial product. Once again, this suggests a more traditional conception of the role as one that prioritises community rather than profit:

**Jenni:** I would think you know ...in a rural town you are more likely to be someone's lawyer and handle the divorce and their property claim and any number of things that they're doing. So yeah in that sense you're kind of working alongside people than being kind of being a product to be bought and used for a little bit...<sup>96</sup>

**Trudy:** Possibly umm not friendlier but little bit more personal but also in relation to the clients and the areas it's just probably more personal by nature...so I dare say you're a little bit more involved with your clients in that setting.<sup>97</sup>

**Amy:** I guess just connecting with people and being able to talk about real life; like what's really affecting our lives. You know, learning about their families and being involved in their lives.<sup>98</sup>

To the extent that female participants understood the rural lawyer's role as relational, these accounts suggest a prevailing 'ethics of care' approach to the ethical construction of the role.<sup>99</sup> This points to a contextual style of lawyering that is grounded in place and 'emphasises the integration of personal ethics with legal practice' and focuses on the 'lawyer's responsibilities to people, community and relationships'<sup>100</sup> Christine Parker and Adrian Evans note that ethics of care is about participatory approaches to lawyering<sup>101</sup> and Jenni's comments in relation to 'working alongside' and 'talking to people about their lives and what really matters' suggest that this is emphasised here. These students clearly conceive of the role as being part of a 'network of relationships'<sup>102</sup> and perceive value in the rural lawyer's emphasis on client care.

The accounts reflected in the metaphor of the Rural Justice Champion suggest that the role of rural lawyer is viewed as socially important and as one that is synonymous with moral character and altruistic virtue. Here participants view the rural lawyer as 'morally elevated' – both in terms of the choice to practice in the rural context and in the performance and ethical discharge of the role itself. Conceptualising the role in this way is a more optimistic representation of professional identity compared to that of the Lone Wolf in that it embodies strong professional values of service and character. Indeed, this virtue conception has

---

96 Interview with Jenni (metropolitan based, conducted in person on 5 October 2011).

97 Interview with Trudy (rural based, conducted in person on 10 May 2011).

98 Interview with Amy (metropolitan based, rural background, conducted in person on 4 October 2011).

99 Christine Parker and Adrian Evans, *Inside Lawyers' Ethics* (Cambridge University Press, 2007) 31.

100 Ibid.

101 Ibid 34.

102 Ibid.

links to Anthony Kronman's thesis which posits that rural and regional practice has inherent moral worth and may particularly offer an enhanced opportunity for the development of key virtues and character in lawyers.<sup>103</sup> However, as the primary foundation for constructing the role, there is a risk that it implicitly supports a deficit model of rural and regional lawyering by framing the role in 'negative' terms. That is, the role is conceived by what is seen to be 'lacking' rather than as a 'positive' or affirming representation of a reasonable career choice. This can act to shape its cultural reproduction and is (re)produced in the *habitus* of law students.

## V EXPOSING STUDENTS TO DIVERSITY OF PLACE THROUGH PLACE-CONSCIOUS EDUCATION

If it is the case that the rural lawyer is conceived in ways that tend to reflect a narrow and limited view of rural diversity, then it is incumbent upon law schools to consider effective curriculum and pedagogical strategies that can work to extend these. Legal education clearly has a critical role to play in the development of students' professional and ethical identities, and in exposing them to a range of professional contexts, including rural and regional practice contexts. I have argued elsewhere however that rural contexts are relatively absent and 'other' within the legal education experience,<sup>104</sup> pointing to an 'urban-centric' bias.<sup>105</sup> Legal education scholars have suggested that law school generally fails to foster an environment in which students might develop a healthy and diverse conception of the role. Hall et al suggest that legal education also delivers a curriculum experience that is disproportionately focused on adversarialism and privileges images of the 'elite' professional, all of which leave students with a narrow view of what it means to be a lawyer.<sup>106</sup> This implicitly acts to invalidate a range of professional aspirations and conceptions of lawyering that fall outside of these narrow bounds, including that of the rural lawyer.

One of the key ways in which law school might help to extend ways of thinking about the legal professional is by integrating a sense of 'place-consciousness' into the law curriculum. Place conscious education aims to put 'place' at the centre of student experience, thereby acknowledging that experience has a geographical

---

103 Anthony T Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* (Cambridge, Mass: Belknap Press of Harvard University Press, 1993).

104 See Trish Mundy, ' "Placing" the Other: Final Year Law Students' "Imagined" Experience of Rural and Regional Practice within the Law School Context' [2012] (2) *International Journal of Rural Law and Policy* 1.

105 Kim Economides, 'Centre-periphery tensions in legal theory and practice: can law and lawyers resist urban imperialism?' [2012] (2) *International Journal of Rural Law and Policy* 4.

106 Kath Hall, Molly Townes-O'Brien & Stephen Tang, 'Developing Professional Identity in Law School: A View from Australia' (2010) 4(3) *Phoenix Law Review*, 19–50.

dimension.<sup>107</sup> Gruenewald writes that the purpose of place conscious education is to:

extend our notions of pedagogy and accountability outward toward places. Thus extended, pedagogy becomes more relevant to the lived experience of students and teachers, and accountability is reconceptualised so that places matter to educators, students, and citizens in tangible ways. Place-conscious education, therefore, aims to work against the isolation of schooling's discourses and practices from the living world outside the increasingly placeless institution of schooling. Furthermore, it aims to enlist teachers and students in the firsthand experience of local life and in the political process of understanding and shaping what happens there.<sup>108</sup>

The benefits of place-conscious curricula and pedagogies for rural and regional schools and communities have been written about extensively in the context of teacher education<sup>109</sup> and, more recently, in the legal education space.<sup>110</sup> While it is not possible in this paper to explore this literature in any substantial detail, here I wish to point to two key tools in the context of place conscious education that law schools might bring to bear on this issue: the conceptual framework of 'rural social space' and 'critical place pedagogy'.

The concept of 'rural social space' was developed by Reid et al in their quest to develop new ways of thinking about teacher education and preparing professionals for teaching in rural communities.<sup>111</sup> In particular, they were concerned about the powerful stigmatisation of rural communities as problematic, deficient and socially undesirable places in which to teach and the 'symbolic violence' done to rural professionals through such 'insults'.<sup>112</sup> Rural social space was conceived as a new way of understanding rurality in its contemporary context and offers a valuable lens through which to consider the interrelated elements of demography, economy and geography that are unique to individual communities.<sup>113</sup> Reid et al suggest that a rural or regional community can be understood through these three

---

107 David A Gruenewald, 'Foundations of place: A multidisciplinary framework for Place-conscious Education' (2003) 40(3) *American Educational Research Journal* 619, 621.

108 Ibid.

109 Paul Theobald, *Teaching the Commons: Place, Pride, and the Renewal of Community* (Westview Press, 1997); David A Gruenewald, 'The Best of Both Worlds: A Critical Pedagogy of Place' (2003) 32(4) *Educational Researcher* 3; Toni Haas & Paul Nachtigal, *Place Value: An Educators' Guide to Good Literature on Rural Lifeways, Environments, and Purposes of Education*, (ERIC Press, 1998); Kathleen Budge, 'Rural leaders, rural places: Problem, privilege, and possibility' (2006) 21(13) *Journal of Research in Rural Education 1*; Jo-Anne Reid, Bill Green, Maxine Cooper, Wendy Hastings, Graeme Lock and Simone White, 'Regenerating rural social space? Teacher education for rural-regional sustainability' (2010) 54(3) *Australian Journal of Education*, 262.

110 See for example: Amanda Kennedy et al, 'Educating Law Students for Rural and Regional Legal Practice: Embedding Place Consciousness in Law Curricula' (2014) 24 (1-2) *Legal Education Review* 7; Amanda Kennedy, Trish Mundy and Jennifer Nielsen, "'Bush Law 101": Realising Place Conscious Pedagogy in the Law Curriculum' (2016) 13(1) *Journal of University Teaching & Learning Practice 1*, available at <<http://ro.uow.edu.au/jutlp/vol13/iss1/6>>.

111 Reid et al, above n 109, 262-3, 268-270.

112 Ibid 265.

113 Ibid 263.

interconnected factors and that together these make up the practice of place and produce the social space that exists within a particular community at any particular time. Such an approach acknowledges that communities and rural identities are complex and diverse<sup>114</sup> and work to reduce what they call ‘symbolic deficit and cultural cringe’ that can be commonly associated with discussion of the rural.<sup>115</sup> It also allows new ways to understand rural and regional communities, their needs, strengths, challenges and opportunities.<sup>116</sup>

Place conscious education informed by a critical pedagogical approach is also vital in working to unpack and challenge social injustices in rural communities, such as gender and spatial inequalities. Gruenewald, and more recently McInerney, Smyth & Down, have argued for a synthesis of place conscious education and critical pedagogy (vis-a-vis a critical pedagogy of place) as a means of bringing together the spatial aspects of social experience.<sup>117</sup> McInerney et al in particular have pointed to the importance of critical approaches to issues of race, class and gender and the need to ensure that the status quo is not simply reproduced through educational curriculum and practices.<sup>118</sup> They argue that without a critical frame, place based education has tended to represent the notion of place in an idealised way as ‘a stable, bounded and self-contained entity rather than something in the making.’<sup>119</sup> The need for a critical pedagogy of place is explained by Gruenewald:

Place-based pedagogies are needed so that the education of citizens might have some direct bearing on the well-being of the social and ecological places people actually inhabit. Critical pedagogies are needed to challenge the assumptions, practices, and outcomes taken for granted in dominant culture and in conventional education.<sup>120</sup>

This quote suggests that adopting a critical pedagogy of place can promote an analytical appraisal of the social and cultural features that make up the practice of place(s) and which shape identity and belonging. This helps to ensure that place based education does not ‘sustain hegemonic curriculum by simply endorsing the status quo and leaving unchallenged community prejudices, inequitable practices and unfair structural arrangements.’<sup>121</sup> In the context of law school curricula and pedagogy, a critical pedagogy of place encourages students and teachers to question the practice of place that (re)produces the gender order, our relationship to it and to ask how social, cultural and economic aspects of a community might change to benefit those who are silenced or marginalised. As McInerney argues

---

114 Gorman-Murray, Darian-Smith and Gibson, above n 7, 37.

115 Reid et al, above n 109, 269.

116 Reid et al, above n 109.

117 Gruenewald, ‘Best of Both Worlds’, above n 109; Peter McInerney, John Smyth and Barry Down, “Coming to a place near you?” The politics and possibilities of a critical pedagogy of place-based education’ (2011) 39(1) *Asia-Pacific Journal of Teacher Education* 3.

118 McInerney, Smyth and Down, above n 117, 9.

119 bell hooks, *Belonging: A Culture of Place* (Routledge, 2009) cited in McInerney, Smyth and Down, above n 117, 9.

120 Gruenewald, above n 109, 3.

121 McInerney, Smyth and Down, above n 117, 10.



'[a] critical pedagogy of place not only interrupts the insular and prejudicial views of people but more importantly involves students in a political process of understanding and shaping communities.'<sup>122</sup>

The benefits of place conscious pedagogy to legal education are only now becoming known through contemporary teaching and learning practice. In 2012, a curriculum package designed for use within Australian law schools that has the aim of sensitising and preparing students for legal practice in the rural and regional context was introduced.<sup>123</sup> The package, titled 'Rethinking law curriculum: developing strategies to prepare law graduates for practice in rural and regional Australia' (RLC), offers a series of modules that can be integrated into existing subjects or offered as a stand-alone rural legal studies unit. Significantly, the key focus of RLC is on developing a critical awareness of 'place' and exposing students to the realities of this practice context.

Since its development, RLC has been adapted in various ways within four law schools, including that of the author.<sup>124</sup> In writing collaboratively about our respective curriculum adaptations at the University of Wollongong, University of New England and Southern Cross University, the authors found that inclusion of place conscious pedagogies and curricula not only promoted student interest and aspirations to pursue rural and regional practice, but also helped students move beyond static views of the rural, especially the more urban based students.<sup>125</sup> In particular, it reported that student ideas and perceptions about rural practice and the role of rural lawyer had been meaningfully expanded. This suggests that a focus on 'place' within the law curriculum can be beneficial in helping to expose students to a greater sense of rural diversity and can help positively shape their professional identities and aspirations in ways that value rural practice contexts. A more comprehensive reflective evaluation of the RLC package is available at the following link: <<http://ro.uow.edu.au/jutlip/vol13/iss1/6>>.<sup>126</sup>

## VI CONCLUSION

Given that students' stories are 'deeply constituted in culture'<sup>127</sup> the narratives of The Lone Wolf and the Rural Justice Champion can offer some insight into contemporary cultural depictions of the 'rural lawyer'. Participant accounts

---

122 Ibid 11–12.

123 See Kennedy et al, above n 110.

124 The RLC package has been implemented in various forms: as stand-alone units at the University of Wollongong (LLB329, *Legal Practice in Rural and Regional Communities*, 2013 and 2015), University of New England (LS389, *Legal Practice in Rural and Regional Communities*, 2013) and the University of Southern Queensland (LAW3468, *Regional and Rural Legal Practice*, 2016). At Southern Cross University parts of the package were adapted for use within the LLB and paralegal placement subjects (LAW00123, *Law Placement*, LAW20001, *Paralegal Placement*, 2013).

125 For a reflective evaluation of the *ReThinking Law Curriculum* package, see: Kennedy et al, above n 110.

126 Ibid.

127 Sharp, above n 48, 50.

suggest that they see the rural lawyer as alone and isolated – geographically, professionally and personally, and as more vulnerable and exposed to greater levels of risk than their urban counterpart. While isolation and risk can represent real challenges for many rural lawyers, to the extent that they are not experienced uniformly across and within RRR contexts, suggests that many students may not be adequately recognising this diversity and, thus, overly problematise the ‘rural’ relative to the urban setting. Clearly, the experience of personal and professional isolation and managing the challenges of smaller population densities will vary depending on the size and location of the community as well as its social, economic and professional context and so on. However, as highlighted earlier, no participant sought to explore or contextualise the meaning of RRR and few made any references to variances between RRR contexts suggesting a ‘bleaching out’ or invisibilising of these differences within their conceptualisations.

The ‘Rural Justice Champion’ suggests that students view the role of rural lawyer as socially important. The role is also seen as one synonymous with moral character and virtue. This conceptualisation is a more optimistic representation of professional identity compared to that of the Lone Wolf in that it embodies clear professional values of service and character that are reflective of the role’s importance in access to justice. However, might such a view act to ‘other’ the rural lawyer and implicitly support and (re)produce a deficit model, that is, by what is thought to be lacking rather than as a ‘positive’ or affirming representation of a reasonable career choice.

Finally, I suggest that both constructions reflect strongly gendered and spatial metanarratives. The ‘Lone Wolf’ reflects a more explicit gendered conception of the rural lawyer in both the embodiment and performance of the role. Some participants tended to view the role itself as a masculine construct, the performance of which is shaped by certain hegemonic masculine practices. In contrast, the Rural Justice Champion narrative can be seen as a more ‘feminine’ conception of the role, including its ethical construction. In particular, the accounts of female students point to a representation of the role in terms of an ‘ethic of care’; one founded in community and relational lawyering.

These findings point to the importance of sensitising students to ‘place’ and the key role that law school plays in this undertaking through place conscious educational opportunities. Place conscious education informed by critical pedagogical approaches and frameworks are vital in working to name and challenge social injustices, such as gender and spatial inequality, thereby ensuring that the social and gender order are not unquestioningly reproduced through legal educational curriculum and practices.