

Saving the Practice of Law in Rural America

CBA Heads to Congress for Broadband Funding

BY JOHN VAUGHT, CBA IMMEDIATE PAST PRESIDENT



“They put me in the slow class at school because I have dial-up Internet service.”

CBA President Kathleen Hearn Croschal has graciously extended me the opportunity to update members on a project that was at the crux of my presidency last year: bringing broadband infrastructure to rural Colorado. During my term, I wrote several articles explaining why lack of Internet access is such a monumental problem to outstate Colorado—and to all of rural America.¹ Simply put, if we don't bring

reliable Internet access to these areas, the rural practice of law will no longer be sustainable by the middle of this century. I'm happy to report that the CBA is more committed than ever to solving this problem, and has made remarkable progress in this effort.

A Problem Exposed

I learned about this threat to rural law practice early in my presidency, during local bar visits.

Lawyers told me how they were driving 40 to 70 miles to secure sufficient broadband coverage to upload briefs to the Colorado Supreme Court. I've since learned that Colorado is home to a rural county the size of Rhode Island that has no meaningful broadband infrastructure. That county is down to 22 lawyers, and the youngest is 55. Another Colorado county has no lawyers in residence.

This puts rural residents at a huge legal disadvantage. Young lawyers simply will not live and work where broadband infrastructure does not exist or is inadequate. And with 5G, driverless cars, and artificial intelligence on the digital horizon, we simply cannot afford to leave a wide swath of America behind.

Our Watershed Moment

Perceiving this existential threat to the practice of law, the CBA kicked in to high gear. As CBA president, I met with dozens of local bar leaders to hear about high-speed Internet problems throughout the state. Meetings with local county commissioners followed. Finally, we called on our congressional delegation in Washington D.C., and that's when things began to change.

In that process, we realized Colorado is not alone. Our senators and representatives made it clear that at least 40 other states lack suitable broadband infrastructure. We also quickly concluded that a county-by-county solution was unworkable. Overnight, the crusade changed from a focus on Colorado counties, to a focus on all of rural America.

Based on this change in mission, we sought help at the national level. The CBA's ABA delegates went to work drafting a resolution that would meaningfully address the problem and meet ABA resolution requirements. Then, on August 8, 2019, we presented the resolution to 600 members of the ABA House of Delegates during the ABA Annual Meeting. Our hard work paid off: Colorado's motion to enlist the ABA's substantial lobbying powers to petition Congress for \$42 billion to resolve this high-speed Internet problem passed unanimously. With the adoption of Colorado's resolution, we now have what we need to go to Congress. Within the next month, we will fly to Washington, D.C. to meet with the ABA's congressional liaisons.



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Together, we will develop a lobbying program designed to convince Congress that only national funding can solve this growing crisis.

What’s the Big Deal?

In the 1940s and 1950s, we faced a similar problem with electricity. Rural America had simply been left out of the expansion and distribution of electrical power to homes, farms, and businesses. While many argued that a light

above every kitchen table was unnecessary, we now know that making electricity available to all changed the way we live our lives.

High-speed Internet will have the same material impact—not just in the area of social media, but also in medicine, education, public safety, and yes, the practice of law. Even more important, by preserving the practice of law in rural America, we will preserve access to justice in every corner of this vast country.

Stating the obvious, this is a critical undertaking along the lines of the national distribution of electricity, telephones, smart phones, or even fighting a national war.

Join the Effort

Every member of the CBA has a role to play. Find your senators’ and representatives’ contact information in the table below and call or write to them. Tell them that a local approach to funding broadband infrastructure is no longer tenable. We must treat broadband as the fourth utility, and it must be nationally funded so the infrastructure can be in place by the middle of this century.

The CBA has no more important mission than saving the practice of law in Colorado—and access to justice in the process. And now, when someone asks you what the CBA is doing to enhance the practice of law in rural Colorado, you have a story to tell. **CL**

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NOTE

1. See Vaught’s October 2018, February 2019, and June 2019 President’s Messages.