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## The Experiences of Rural School Attorneys: Implications for School Leaders

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### Cover Page Footnote

We would like to acknowledge our participants for sharing their rural school attorney experiences. Without their insights, this project would not have been possible.

## Research Article

# The Experiences of Rural School Attorneys: Implications for School Leaders

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*Rural school leaders encounter an array of complex issues that require legal counsel. Student discipline, contract disputes, employee conduct, special education, and a host of other topics require school boards and superintendents to utilize school attorneys. This descriptive phenomenological study explored the daily experiences of ten school attorneys representing multiple school districts in rural areas. Three salient themes emerged (a) the work of a school attorney, (b) relationships and interactions with school personnel, and (c) insights for others. Themes provide a comprehensive picture regarding school attorneys' roles, responsibilities, and engagements with school personnel within rural schools. Implications, including the importance of building relationships between school attorneys and school leaders and of gaining experience in schools are offered. Finally, future research with more school attorneys specializing in special education and disability law, who represent diverse and rich backgrounds in rural settings would augment the findings from this study.*

In an increasingly litigious society, education systems face greater risks of lawsuits (Berlin, 2009; Dayton, 1998). Since the 1960s and beginning with *Brown v. Board of Education* (1957) school districts have consulted with lawyers specializing in school law on various education issues (NeJaime, 2009). Heubert (1997) and Painter (1998) argued public education systems need school lawyers to understand the legal implications of complex issues. Now, many school districts retain legal counsel year round to resolve constitutional statutory, regulatory, and juridical disputes (Black, 2018; Massey & Rosenbaum, 2005). While exact numbers of school attorneys practicing in the United States are unknown, the Council of School Attorneys (COSA) boasts a membership of over three thousand school attorneys representing thousands of school districts nationwide ([www.nsba.org](http://www.nsba.org)). Given the demand for school attorneys in public education, researchers have noted the perspectives of superintendents and their interactions with school attorneys (Crump, 2008; Wattam, 2004). Yet, there are few publications exploring the experiences, perspectives, and daily interactions of school attorneys with school leaders and legal issues in schools. Since the demand for school attorney services is increasing (Redfield, 2003), the purpose of this study was to uncover the experiences of rural school attorneys who work with rural school leaders. Understanding how school attorneys perceive their work with school leaders in rural school settings, may help improve relationships

and provide greater perspective on current legal topics (Magone, 2007; McKinney & Drake, 1995; Painter, 1998).

### School Attorneys in Rural Settings

Obtaining legal services in rural regions of the United States remains a problem for many (Runge, 2014). Rural residents need legal services just as much as others in more populated areas but may not have adequate access to those services due to factors such as distance and unaffordability (Davis, 2020). State leaders have noticed this shortcoming and enacted programs to incentivize new attorneys to join rural communities, but improvements in accessibility of services remain limited (Pruitt et al., 2018). Attorneys who live and practice in rural areas are often forced to diversify their work in order to stay in business. Davis (2020) shared that attorneys managing multiple responsibilities (i.e., taking clients, paying bills, maintaining an office space) are difficult for any new lawyer regardless of location. Managing these tasks on their own puts rural attorneys' ability to provide basic legal services for their communities at risk (Runge, 2014). Therefore, providing current rural attorneys working with school leaders an opportunity to share their experiences may offer insights to help other attorneys adapt to challenges and serve their rural schools and communities.

## School Leaders' Utilization of School Attorneys

Researchers have examined how school leaders rely on school attorneys' advice in confronting complex legal issues (Ferre et al., 1988). In one study, Wattam (2004) found that superintendents want help from school attorneys, 87.4% of the time on topics related to special education, student discipline, or other personnel disputes (e.g., disability benefits, and workers compensation claims). Yet, school leaders' preparation for utilizing school attorneys' or knowledge of how to address legal issues with attorneys seem to be lacking. DeCino and colleagues (2019) found many school leaders experienced significantly low levels of legal preparedness (i.e., feeling competent to legally address student danger or bullying issues). In a different study, Cruzeiro and Boone (2009) discovered rural superintendents may place little emphasis on future principals having knowledge of legal issues or skills in consulting with school attorneys. Some researchers have found that rural superintendents typically leave their appointments because of legal issues (i.e., fiscal challenges or contract disputes) brought on by school boards (Tenkieve, 2015). The National Policy Board for Educational Administration's (NPBEA) professional standards (2015) for educational leaders calls on all school leaders to "develop and manage productive relationships with the central office and school board" (Standard 9, j. p. 17) and school attorneys may be able to help educational leaders navigate these complex issues.

School leaders also seem to value their relationships with school attorneys (Magone, 2007). Crump (2008) learned that superintendents

appreciated in-house attorneys' accessibility, availability, and willingness to explain legal matters. Additionally, Painter (1998) found quality of service (i.e., the strength of attorneys' relationships with administrators) was the most important criteria for superintendents when evaluating their school attorney interactions. Since school leaders value their relationships with school attorneys and the legal guidance they provide, understanding how school attorneys experience their work in schools may add perspective and a voice currently absent from the literature.

Unique to qualitative research, the findings can be transferable to other populations (Shenton, 2004). Thus, there is a possibility other school attorneys and superintendents may gain useful insights from this study for their own relationships. Guided by Giorgi's (2012) claim that descriptive phenomenology can elucidate the everyday experiences of a group that otherwise may go unnoticed, the following two questions were created and guided this study: "What are the common experiences of rural school attorneys in their work with school personnel?" and "What, if any, important messages or insights would they share about their interactions?"

## Methodology

Anchored in Husserlian phenomenology, the descriptive phenomenological method views experience as consciousness set within context (Gorgi, 2009, 2012). This *natural attitude*, applied in a research context, encourages participants to describe their everyday experiences on a particular topic and provides researchers an opportunity to understand their experiences in ways that may be

Table 1

*Participant Demographic Information*

Pseudonym	Gender	Race or Ethnicity	Degrees	Yrs Exp as School Attorney
Mike	Male	Caucasian	BS, MA, Ph.D, Ed.D	20
Arthur	Female	Caucasian	BS, MS, JD	24
Jay	Male	White, Caucasian	BS, JD, LLM	21
George II	Male	Caucasian	BA, JD, LLM	15+
San Antonio	Male	Caucasian	BA, MA, JD	35+
Elvis	Male	Caucasian	BA, JD	40
Fritz	Male	White	BA, JD	37
George	Male	Caucasian	BA, JD	46
Royce	Male	Caucasian	BS, JD	34
Wrigley	Male	White	BA, JD	25+

*Notes.* All participants' responses were recorded verbatim. BA/BS = undergraduate degree(s). MA = Masters. JD = Juris Doctor. Ph.D = Philosophy of Doctor. Ed. D= Education of Doctor. Average yrs exp ( $M = 30.7$ ), and ( $SD = 9.4$ ).

typically taken for granted (Giorgi, 2009, 2012). Thus, descriptive phenomenology enabled us to (a) gather a wide range of perspectives from school attorneys in rural settings with depth, (b) consolidate and present the major themes from their experiences, and (c) understand the common elements of participants' perspectives on interactions with rural school personnel.

## Participants

Ten school attorneys participated in this study. They were employed by at least one rural school district across one state in the Midwestern region of the U.S. Most school attorneys represented multiple school districts of small and medium size exclusively. Depending on the size and scope of their clients, some participants served many school districts, including some that represented over fifty different school districts. Some focused entirely on school law and others characterized their school law related legal services as a percentage of their overall work. Participants also represented a variety of undergraduate degrees, specializations, and advanced training qualifications to complement their law degrees. Table 1 provides a snapshot of participants' demographics.

## Sampling and Data Collection

Once the research team obtained Institutional Review Board (IRB) approval, we criterion sampled one school attorney in the region. Eligibility criteria included active practicing of school law within a school district and holding a law degree. After the first school attorney interview was completed, the lead researcher used snowball sampling to recruit the remaining participants. Snowball sampling can be an effective tool for recruiting participants with similar experience and backgrounds (Creswell & Poth, 2018). Recruitment continued until a thick and rich understanding of school lawyers' experiences were captured and saturation was achieved.

We collected data through telephone and in person interviews over four months. Prospective participants were emailed a copy of the informed consent and interview questions at least one week prior to the interview. We designed semi-structured interview questions to invite participants to share general and specific examples of their work as school attorneys. For example, we asked about what school attorneys experience on a daily basis, about their relationships with school personnel, and about advice

they would offer to school leaders. Other semi-structured interview questions were designed to help uncover how school attorneys perceived their interactions with school personnel and how improvements could be made to strengthen those relationships. Before audio recording began, all participants created a pseudonym to add an extra layer confidentiality and the lead researcher knew participants real names. All interviews were recorded using Garageband® and transcribed by Rev.com. Interviews lasted between thirty and sixty minutes ( $M = 40$ ). After interviews were transcribed, corresponding audio files were destroyed.

## Data Analysis

In Giorgi's descriptive phenomenological method, researchers investigate the psychological essence of a particular phenomenon and understand how that phenomenon is lived (Giorgi, 2009). Descriptive phenomenology researchers utilize several steps to analyze data. First, researchers bracket their prior knowledge to embody an attitude that is open and free of judgment. Second, researchers read the data multiple times to gain a holistic description of the phenomena. Third, researchers look for transitions in meaning from participants' experiences. Transitions or shifts in participants' experiences are defined as *constituting parts* and are segments that create *meaning units*. Meaning units, gathered by using *free imaginative variation* represent essential thoughts emerging from the data. Fourth, researchers transform meaning units into expressions that reflect the psychological element of participants' experiences. Finally, researchers compose organized written interpretations of participants' accounts and arrange data into a thematic structure to help facilitate a complete and descriptive picture (Giorgi, 2009).

In this study we used descriptive phenomenology to gather and share the essence of the lived experiences of ten school attorneys. We followed Giorgi's steps (2009 & 2012) described above. First, the lead researcher bracketed his assumptions of lawyers, lawsuits, and the legal system by recording his bias. This enabled him to be present and approach the data with an open mindset and positive attitude. Next, he read all transcripts in a random order three times to gain a comprehensive picture of participants' experiences. Next, he returned to each transcript and identified transitions in their dialogue that signified deeper and more complex thoughts about their work.

He noted these transitions and marked them on the transcript as areas for potential meaning units. Fourth, highly descriptive passages that represented school attorneys' collective experiences were used as salient quotes and for theme construction. Finally, the data were organized into three overarching themes and several subthemes to help convey a comprehensive picture of participants' experiences (Giorgi, 2012).

### **Trustworthiness**

We implemented several techniques to promote rigor in this study. First, we practiced *adequate engagement in data collection* to "get as close as possible to participants' understanding of a phenomenon" (Merriam & Tisdell, 2016, p. 246). After each interview, a more detailed and comprehensive picture of school attorneys in rural settings began to emerge. After the tenth interview, *saturation* occurred and we closed data collection. Next, the second author served as a peer auditor to enhance validity and evaluate the process and final outcome (Creswell & Poth, 2018). After the final step of the data analysis process, he offered feedback on the lead author's data analysis processes. This strategy allowed us to reconcile any differences or discrepancies in our viewpoints of the data. We also incorporated member checks as a means to ensure participants reviewed their transcripts for accuracy of meaning (Merriam & Tisdell, 2016). All participants were emailed a copy of their transcript and asked to notify the lead researcher if passages needed to be clarified or removed. Four participants made slight changes to their transcripts and the others responded with sentiments of approval.

### **Results**

As a whole, participants practicing school law in rural communities offered sentiments that revealed depth regarding legal issues and interactions with school personnel. Three major themes with several subthemes that portray their thoughts, dispositions, and interactions with school personnel emerged from their interviews. The main themes are: (a) the work of a school attorney, (b) relationships with school personnel, and (c) insights for others. Within each, we added subthemes to provide context and more detailed descriptions of their experiences.

### **The Work of a School Attorney**

School attorneys conveyed a relatively consistent blend of sentiments to describe their professional identities. Many reflected on their daily experiences with school leaders or school board members as welcomed challenges that required them to draw upon their depth and breadth of legal experience. First, many participants talked about what a typical day may look like and how they navigated interactions with school personnel.

#### ***Typical Means Atypical***

Participants' day-to-day interactions with school personnel were often varied in context and complexity. These interactions demonstrated participants' need for flexibility and caused some to describe their work as *refreshing* and *rewarding*. All participants' ( $N = 10$ ) accounts of their daily experiences highlighted the ways they confronted complex topics that included search and seizure, illegal substances and other contraband (e.g., weapons), technology, copyright, teacher contracts, boundary petitions, and others totaling more than twenty-five categories. Participants recounted their daily experiences with school personnel were less structured and predictable than other types of clients (e.g., divorce case clients) and required them to offer different types of legal advice. For example, one school attorney referenced a typical day might involve speaking with multiple superintendents about personnel issues or fiscal challenges pertaining to their rural school communities. Most often, participants relayed a sense of willingness to expect the unexpected and relied on having expertise in a multitude of complex and interconnected topics. In the following, George offered this reflection about the typical means atypical type of day he often experienced:

Today, I had a question from the hospital. They called about a confidentiality matter. I have been working with the governor's office in a school district on voting rights, an allegation of voting rights violation with the US department of Justice. I had several questions about open enrollment. I had a question this morning, believe it or not, a teacher had received a subpoena and asked me how they should handle that. Had a contract issue. I was at a hearing because a school district is purchasing a house, they want me to draft a purchase agreement for them but it's contingent upon the approval of a

bond issue in three weeks. That was pretty much *this* morning.

### ***Be Ready and Stay Composed***

Second, all participants ( $N = 10$ ) shared a need for adaptability and regulating their reactions when being contacted for legal counsel by school leaders. Participants discussed how working in rural schools required patience and emotional regulation as necessary characteristics of their work. School attorneys shared they needed to be comfortable with intense, constantly evolving issues that involved school personnel and staying focused without allowing their emotions to possibly humiliate or embarrass others. Participants emphasized that school leaders valued them as trusted professionals when they acted with sensibility and rational thinking. San Antonio said:

It's not like you have one client. You have multiple school district clients. There's two kinds of school district clients, basically. One will say, "It's exploded. Help me get it under control, okay?" The other one is, this might be happening, and I need some direction and guidance. You have different kinds of clients coming at you.

### **Relationships with School Personnel**

All participants discussed dynamic and significant professional relationships with school personnel. These interactions reflected situations that were often complex issues that required school leaders to trust school attorneys and their legal advice.

### ***Superintendents***

The majority of school attorneys' interactions were with superintendents and school board members. School attorneys portrayed their professional relationships with superintendents as mostly courteous, professional, and goal focused. Even in challenging situations, participants reported engaging in pleasantries and trying to maintain a sense of calm professionalism without shaming or blaming superintendents. George set this context by saying, "Normally, I deal with superintendents. I would say 90% of my contacts with school districts, are superintendents.... Not 90, 80%. 10% would be with business managers... maybe 5% with principals." In many cases, participants shared their legal expertise was resourced through welcomed

interactions, that were facilitated through phone calls and emails. Participants also shared superintendents were often receptive to their legal suggestions and their advice was meant to be in the best interests of their school and rural communities. Jay elaborated:

Most of my day would be either talking with or giving advice to normally superintendents throughout the state. I'd say that 95% of my direct contact would be with the school superintendent. You're dealing with highly educated, smart people, who truly appreciate the help that you give them to make sure that they run the best school that they possibly can. So from a lawyer perspective, the type of work and the clients that I deal with are fantastic.

Many participants ( $n = 6$ ) expressed sentiments that reflected appreciation for their collaborations with superintendents. Most believed that school attorneys and superintendents were collectively focused on positive legal outcomes rather than long and costly legal battles. Participants also believed their relationships with superintendents were rooted in a sense of familiarity and connectedness with their small towns and rural school communities. For example, participants shared they often visited superintendents and their small towns to gather a better sense of their environments and feel more connected. Royce shared:

I have been uniformly impressed with the school personnel and administration. We might be looking at a question about a whole bunch of different things, but it seems like every question, nearly every question, the answer that I always get from good, qualified, well-educated, well-meaning administrators is, "We're going to do what's best for the kids."

### ***School Board Members***

Most participants ( $n = 7$ ) also talked about their relationships with school board members. First, participants described how often they typically interact with boards and contextualized the nature of these relationships. These relationships reflected interactions related to various topics such as student or employee dismissal hearings, elections, and other important district situations that were framed as business oriented and serving the boards' best interests. Participants welcomed interactions with school board members but cast these relationships as more distant than their relationships with superintendents or other school leaders. School attorneys added that their rural settings created

unique challenges. For example, participants intentionally managed their dual relationships with school board members (e.g., being a member of the same church, while also working for the school district) in order to protect sensitive information.

Wrigley said:

I rarely have direct interaction with school boards or school board members regarding school matters, unless it is requested by . . . oftentimes the superintendent may ask me to come to a board meeting to discuss an issue or advise the school board. I have found in the course of practicing school law, that when I start getting contacts directly from the school board president or from other school board members, that is often an early indicator that there's problems with the administration's performance, that the board is unhappy with the administration's performance, because the superintendent is generally the person that should be making the contact with the school attorney.

Interestingly, over half of participants ( $n = 6$ ) also discussed how school board members played a role in their relationships with superintendents. Typically, school attorneys spent the bulk of their time interacting with superintendents, but these interactions were driven by the need to fulfill obligations of the school board. To most participants, knowing their roles as a school attorneys enabled them to serve as a direct link to the board while they also advocated on behalf of superintendents and other school leaders. Sometimes these dynamic situations created tension between superintendents, school attorneys, and school board members. Participants stressed that explaining their responsibilities to superintendents was crucial to having a functional and trustworthy relationship by clarifying that the school board ultimately made all final policy decisions. George II said:

I think it's very important that a superintendent understands his or her place is administration. It's not setting policy. If that place is understood, I think that it makes it clear. Ultimately speaking, the superintendent is an employee of the district and I am a contractor for the district. So we can work together just swimmingly, but ultimately I don't work for the superintendent and if push comes to shove, my loyalty is to the school board.

In other examples, participants ( $n = 6$ ) shared about tension and potential conflicts school boards might experience between superintendents

and school attorneys. Interestingly, participants shared that superintendents' tenures are usually short lived which was often the result of differing values and opinions on how to run the school district between school boards and superintendents. School attorneys often served as a moderator, advocate, or trusted liaison between school boards and superintendents to help resolve conflict and disagreements. San Antonio elaborated:

You're the conduit. The client is the school district that's governed by the school board. There are times when it gets really interesting where there is tension between the school superintendent and the board. Well, the board is the client. You're trying to make the best of a bad situation for your client, which is the district, which is governed by the school board. It's like, how can you go against the superintendent when you've worked with them for 80, 90% of the time? They're not the client. I think most superintendents recognize that. They probably recognize it better than maybe a lot of board members. I've seen and heard board members literally question the loyalty or objectivity of the school attorney when it comes to their superintendent. They [school attorneys] think they're joined at the hip with the school superintendent. That's just because that's who the school attorney communicates with, majority of the time. That makes it difficult.

### ***Business Managers***

A few participants ( $n = 4$ ) described their interactions with district and school business managers. Given that most rural and small-town school systems utilize business managers for front office tasks, including human resource management, this relationship was referenced more often than interactions with principals, teachers, or other school personnel. Interestingly, participants also noted that their interactions with business managers often spanned decades compared to typically shorter relationships with superintendents and other school leaders. Most interactions with business managers were linked to school board activities (e.g., elections, real estate contracts), personnel issues (e.g., coordinating reports for student dismissal hearings), or moderating gossip and other rumors circulating in their small-town communities. Business managers also knew about certain school-related issues (e.g., hearing unfiltered employee opinions about personnel



changes) that school leaders may not have known of or valued as important. Royce recollected:

So that kind of goes to the breadth of the client that you're representing. Yeah, the business manager often has questions about (various issues) and [for example] the business manager actually runs the [school board] election. So we just talk directly to the business manager about that.

### ***Other School Personnel***

Teachers, coaches, school counselors, special education directors, and others were referenced the least. These relationships, although sparse, highlighted how school attorneys ( $n = 5$ ) can help others beyond superintendents, school board members, and business managers. School attorneys believed other school personnel typically have less knowledge or understanding of legal matters in school systems compared to their supervisors. Participants emphasized that they helped school personnel (e.g., teachers, coaches) learn more about how legal matters intersect with their work. For example, when advising a special education teacher on a special education and disability issue, Arthur elaborated:

Even if it's a situation where I'm advising the school district, if the teacher gets resistant that I'm going to tell her what to do . . . I'm just trying to help her do her job better, Not criticize her or get [her] into trouble with her supervisor. It's more of, "You got to do it this way. Let me show you how to do it." That's why when I do my trainings, I try to make it very, very practical because that's what teachers need. They don't want to know the law and all that. They want to know, okay, what do I got to do, and what do I do if I do it wrong.

### ***Impact of Rural Communities on Relationships***

Seven participants noted how the unique dynamics of small town interactions impacted their work. In rural areas, ethical considerations, such as maintaining confidentiality, were challenging but part of the rural experience for participants. Conflict of interest situations were often handled by referring out services to another school attorney who could manage these dynamics without pre-existing knowledge or connections. Since nearly all participants reported working and living in rural settings, over time they built relationships with other rural school attorneys. Knowing each other while

also maintaining professional boundaries allowed participants to address conflicts of interest by resourcing trusted colleagues without compromising professional ethics or standards. School attorneys stressed that being a member of the school communities they served also allowed them to feel proud and have good standing among community members that other school attorneys may not experience. Wrigley said:

I will speak from my standpoint, which is a lawyer in a relatively rural community. One of the challenges that is present in a smaller community is the potential for conflicts of interest, not only between clients you may have and the school district or personal relationships that you have with members of the public who may be employed by the school district. So you've always got to keep that in mind. And there are times where I have to simply withdraw from representing the district in certain issues if I have a conflict of interest. In small towns, it's quite common to know a number of the teachers on a personal basis. Children have relationships that can lead to conflicts of interest for school attorneys. That's just something that you always have to be mindful of as a school law practitioner.

A few participants ( $n = 4$ ) talked about watching school leaders struggle to navigate difficult decisions and navigate these experiences in small town communities. Participants shared they would offer superintendents or other school leaders' advice how to handle difficult situations, but ultimately understood that school leaders would make their own choices by weighing the needs of the school, the community, and its members in context and as one. As a result, school attorneys noted sometimes their legal advice was disregarded and relationships with superintendents or principals were limited. Fritz commented:

I can remember one time...I had a hell of a time representing someone in the administration. And he didn't have the kind of support among the teachers that I would have liked, and primarily because he was a very strict disciplinarian and there was no gray with him. That's a good way in a small town to do what I call build up your enemies list. And I use this example a lot...that school administrators, particularly superintendents...they have a shelf life. And after you've been in a district for about so long, you probably should move because by that time

you've got an enemies list that is as long or longer than your arm.

### **Insights for Others**

School attorneys offered advice for future lawyers and administrators on a host of different topics. They framed their insight on their personal experiences and described pragmatic ways in which their interactions with school leaders (e.g., mostly superintendents) can be improved immediately. Additionally, participants offered to help future or new school attorneys establish themselves in rural settings and school districts.

### **School Leaders**

Most participants ( $n = 8$ ) shared that for them to execute their roles and responsibilities efficiently school leaders can improve their interactions with school attorneys. Most suggestions were pragmatic, could immediately be implemented in school settings (e.g., using a standardized form that helps school leaders organize basic facts), and encouraged proactive communication in order to help school leaders avoid major problems. Others were broader, more conceptual and wisdom-based suggestions that could positively improve interactions between school attorneys and school leaders indefinitely (e.g., positive and fair outcomes for everyone are most desirable).

Over half of participants ( $n = 6$ ) offered suggestions that school leaders should consider before contacting their school attorney. Some participants expressed school leaders should pause a moment to compose themselves and communicate clearly and concisely when reaching out. Since participants did not take part in the day-to-day interactions in school communities, they sometimes did not have crucial information that school leaders would omit, assuming it was obvious. Sometimes not knowing these details hindered school attorneys' abilities to provide helpful advice. In turn, participants suggested school leaders can be more intentional and prepared when interacting with school attorneys. Royce said:

I want them to have thought about it, got their ducks in a row, gone to their administrator, and up the chain, so to speak. And then the superintendent can determine, number one, is this something that we really want to involve legal counsel in? And number two, do we have the information necessary to present the legal issue so we can get a reasonable answer.

Participants also discussed their experiences with school leaders and considerations regarding documentation. In these examples, school attorneys stressed the importance of being accurate, honest, and detailed when documenting important events that may require legal counsel. School attorneys stressed when superintendents or others (e.g., teachers) documented their situations accurately, they could provide legal advice more quickly and efficiently. For instance, Wrigley expressed:

They need to document their facts. And when I say document facts, I have learned that what I expect is not what everybody thinks they should do. In particular, when you are preparing or when you are having teachers or witnesses prepare a written account of what occurred, the basics are very important.... You need to identify who prepared the document, sign your name or write your name on it, the date upon which the document was prepared. Within the document, when you're speaking about or writing about someone, identify the person you're writing about by name.

Most participants ( $n = 7$ ) discussed preventative steps school leaders can take when needing legal assistance. Participants shared they understood that school leaders may not recognize how to avoid certain legal issues but should aim to intervene sooner rather than later to potentially reduce the severity of situations. Participants also expressed they wanted school leaders to recognize their legal help could become costly. Many school leaders preferred to keep bills lower and wanted to avoid stressing rural school district's limited resources. For example, Elvis said:

Sometimes [school leaders] try to do things on their own and dig themselves a hole and maybe do exactly the opposite of what should have been done. And so then you have to not only deal with the issue as if it had just originated and you were in it at the beginning, but [school attorneys] may have to undo some of what's been done. And sometimes it's not easy to un-ring a bell.

### **School Attorneys in Rural Education Settings**

Over half of participants ( $n = 7$ ) shared ideas for future or new school attorneys to establish their identities and find success practicing school law in rural education settings. School attorneys suggested new lawyers should assume a sense of willingness to be flexible and available to provide legal counsel on matters big or small. Participants expressed they

would encourage neophyte attorneys to help more than just one district, as many small rural districts experience similar challenges. In this subtheme, gaining real world experience was central to most participants' advice. Mike said:

More experienced lawyers have a good feel for when they're in the deep end of the pool, that there is an issue that's come up that may well increase risk to the school district if it's not handled properly. Almost always I get a call from a school district that is thinking of terminating a teacher on a continuing contract... I almost always get contacted on that because the risk associated with not doing it correctly increases. Same thing with student disciplinary matters, especially in terms of a long-term suspension or an expulsion. Those are matters that I always get called on to make sure procedurally the district is proceeding in the way that follows statutory and regulatory guidance so that there aren't mistakes made.

A few participants ( $n = 4$ ) also expressed how mentorship can be a vital tool for learning how to practice school law. Mentorship was recognized as valuable to help crystalize school attorneys' professional identities and learn from those with more experience. In this subtheme, participants stressed how mentors helped them learn a highly specialized area of legal practice not covered during their law school training. Jay highlighted:

I'd say that you would want to have as wide ranging of an experience as you possibly could. You need to be a good writer. It isn't something that you can just come out of law school and be good at. There are too many moving parts when it comes to school law that study and experience are incredibly important. But it is an area that's very interesting, and I would say that you would want to definitely try to find a mentor who does school law as a substantial part of his or her practice and learn from that person because it is a very, very difficult area to learn. And I've found that as I get older, the experience that I have almost becomes more important than maybe what I know from a legal standpoint.

Finally, half of the participants ( $n = 5$ ) noted that, as school law becomes more specialized and demands greater amounts of expertise, school attorneys need to keep growing and stay current. These sentiments were often reflective of an increase in roles and topics pertaining to school lawyers and legal issues, their ability to adjust to the increasing demand for their services, and the ways in which

school leaders may value legal counsel. Participants also expressed that as superintendents and other school leaders continue to advance their knowledge and areas of practice to meet the needs of school systems, they also want to keep pace and remain relevant with their legal expertise. Royce offered:

[School law is] so broad in some circumstances that, even as somebody who's been doing it for 20 years, you still are out of your league...it can be complex and new things come along and you step back and go, "We've got to think about that." Even after 27 years.

## Discussion

The participants in this study discussed their complex and ever-changing daily work, interactions and relationships with school leaders, and important insights for improving relationships with school personnel. All of these important dimensions warrant further discussion. First, others have noted that the number of legal topics school attorneys help superintendents and school boards navigate are rising (Magone, 2007; Redfield, 2003). Participants in this study reinforced that, to provide competent legal services, an extensive breadth and depth of knowledge is needed. School attorneys need experience and mentorship to successfully addressing these issues. Although some researchers have expressed attorneys may benefit professionally from continuing education, conferences, and other forms of professional development (Painter, 1998), the findings from this study highlight the importance of experience and mentorship as additional tools for future and new school attorneys. Second, since several participants represented multiple districts in rural settings, attorneys beginning their careers should plan on working in multiple areas of law until their practices and finances are sustainable (Davis, 2020). Many participants talked about gaining clients by introducing themselves to key stakeholders at local social events while also taking on criminal, civil, and other types of legal issues. Of note, participants' preferred way of becoming an established school law attorney in a rural area seemed to be comprised of experience conflated with longstanding standing relationships and maintaining large caseloads. Third, rural school attorneys may have fewer resources, relationships with colleagues nearby, or other tools than lawyers in more populated areas (Pruitt et al., 2018; Runge, 2014). This finding reinforces that lawyers who wish to join or return to rural settings should utilize resources to stay

connected with other attorneys and to reduce possible negative feelings that may be brought on by rural settings (Berlin, 2009; Cwach et al., 2020).

Nearly all participants discussed productive interactions with superintendents that they regarded as professional and mutually beneficial. This finding aligns with other researchers' claims that superintendents valued positive relationships with school attorneys (Magone, 2007; Painter, 1998). When superintendents and school attorneys have positive and supportive interactions, their work seems productive. School attorneys also wanted school leaders to know more about the law, provide details about the issues they faced, and stay as organized as possible. Participants recommended that school superintendents gather and document relevant facts and follow the chain of command to help the lawyer/superintendent relationships function more efficiently (Ferre et al., 1988). Similarly, school attorneys offered that they would rather interact with superintendents and others sooner rather than later to avoid escalating problems and keep legal expenses reasonable for their clients.

When participants interacted with school personnel outside of work, they acted considerate and inclusive but also professional and ethical. Like others in rural areas, school attorneys may share the same grocery store or place of worship with their coworkers. School attorneys wanted office personnel and others within school systems to know they valued their small-town relationships while also recognizing how they are professionally responsible for protecting confidential information. This finding is similar to Preston et al.'s (2013) discovery that superintendents in rural settings have to wear many different *hats* compared to their urban and suburban counterparts. School attorneys, like other school leaders in rural areas, may experience added pressure to be a part of their communities but should join safely without violating their ethics and professional standards. Our finding supports others' assertions that school professionals living and working in rural settings should be prepared for dual relationships that require balancing sensitive work information and sustaining relationships in authentic ways (Canales et al., 2010).

Finally, school attorneys rarely mentioned having an active influence in shaping school board policy. This finding differs from McKinney and Drake's (1995) claim that school attorneys have an active role in school policy change or reform. Although some participants emphasized the importance of following school policy to avoid

lawsuits, few participants referenced any experience directly related to changing school policy at extensive levels.

### **Limitations and Suggestions for Future Research**

This study has several limitations and considerations for future research. Since, as far as we are aware, this is the first qualitative study exploring the experiences of school attorneys in rural settings working with school leaders. More research on school attorneys in urban areas and other rural regions of the U.S. and abroad could illuminate their daily interactions with school personnel, relationships, and generate salient takeaways in comparison to this study. Next, only one participant self-identified as a female school attorney. More research elucidating the experiences of women working as lawyers with superintendents and other school leaders in rural settings would help explicate unique parts of their experiences. Third, more research on how school attorneys manage multiple relationships with rural educators, especially in rural settings, seems warranted. Multiple relationships in rural areas often add complexity and nuance to daily interactions not frequently experienced in more populated areas. Participants in this study touched on managing dual and multiple relationships. More research exploring how rural school attorneys navigate these complex relationships with educators (i.e., attending the same church, restaurants, etc.) might offer more specific takeaways surrounding ethical, confidentiality, and legal issues. Fourth, all participants identified their ethnic or racial backgrounds as *Caucasian* or *White*. More research uncovering the experiences of school attorneys of color working with rural educators could explore their relationships, navigation of power dynamics, and legal expertise in school systems. Fifth, the average years of experience for participants was 30.7 years practicing school law. Although participants' insights were valuable to this study, all participants had many years of experience as school attorneys. Researching the experiences of novice school attorneys with little to no experience post-graduation could provide more depth about the experiences of school attorneys at various points in their careers. Finally, several of our participants described themselves as generalists in school law or had enough experience to practice school law proficiently as part of their overall practice. Only one school attorney in this study focused on special education and disability law. More insights from special

education attorneys in K-12 settings could provide insight into important legal considerations that have received considerable attention within the legal and education literature (Hoagland-Hanson, 2014; Saleh, 2014).

### Implications

From this study, we noted a couple of implications for others. School leaders or students striving towards school leadership positions should recognize that developing relationships with school attorneys is critical for addressing legal matters. Participants in their rural settings mentioned overwhelmingly how closely they worked with superintendents. So, school leaders should communicate effectively and efficiently with them. Notably, current or future superintendents should reach out to school attorneys *before* legal issues intensify. Furthermore, superintendents should note that, although their relationships with the school attorney will most likely be close and mutually beneficial, ultimately school attorneys are hired by and work for the school board (Yarger, 2018). Superintendents should understand rural school attorneys most likely represent multiple school districts. Retaining a lawyer exclusively in rural areas may be difficult and superintendents should factor in time and response rates when resourcing legal help. School leaders should also establish mentorships for beginning rural superintendents and principals that focus on interactions with rural attorneys. For example, learning how to handle legal and ethical issues with school attorneys from experienced and knowledgeable school leaders may help beginning school leaders feel supported, model how to reach out, prepare, and present their challenges to attorneys in effective and efficient ways (Duncan & Stock, 2010). Finally, school leaders should revisit or establish legal preparedness plans (e.g., a step-by-step protocol to use if needed) to ensure interactions with school attorneys run smoothly. School leaders

should document all facts of a situation in well-written and organized reports to help school attorneys respond more efficiently. Understanding all of these dynamics can help all school leaders better prepare for interactions with school attorneys.

Finally, based on this study, there are a couple of implications for higher education leadership training programs. First, training programs should include more discussion on school law and legal matters may better prepare future school leaders for interactions with school attorneys (DeCino et al., 2019; Pazey & Cole, 2012). Higher education leadership instructors should ask school attorneys to guest lecture, present on topics related to school law, or serve as panelists at higher education leadership conferences. In addition, role-plays or other activities may help future school leaders document relevant facts and nuances related to legal matters before finishing their training. Since equipping school leaders with practical legal knowledge was especially salient to most participants, it seems there are many areas higher education leadership programs may enhance their trainings for students.

### Conclusion

Schools are often complex systems, whereby school leaders and others are challenged to follow complicated laws. The experiences of rural school attorneys in this study may inspire future school leaders or current superintendents and principals to establish or maintain open and trusting communications with their attorneys regarding their legal issues. Given this study is the first to deeply explore the everyday experiences of rural school attorneys with rural school personnel, we hope current and future legal and education professionals benefit from the findings. We suggest all school leaders reach out for legal help before issues intensify and remember George's words, "We want them [superintendents] to know... we would much rather act as a smoke alarm sheriff than a fire station."

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