



335 North Main Avenue, Suite 200, Sioux Falls, S.D. 57104
| Tel: (605) 336 – 9230 or (800) 952 – 3015 | Fax: (605) 336 – 6919

July 18, 2024

South Dakota Commission on Equal Access to our Courts
500 East Capitol Avenue
Pierre, SD 57501-5070

Re: ERLS' Grant Request

Dear Commissioners:

ERLS requests \$150,000 in funding during this grant cycle. In the event the CEAC awards DPLS their request for \$48,248 in funding, ERLS requests \$101,752 in funding or a higher amount up to \$150,000 if DPLS is awarded a lesser amount or if DPLS is awarded no funding

East River Legal Services intends to utilize all CEAC funding awarded during this grant cycle to update technology and to supplement their revenue.

Technology

ERLS maintains thirty laptops for use by staff. In December 2023, ERLS' technology support provider advised us to plan to replace all machines that have been in use beyond 6-7 years because we will be forced to update to Windows 11 towards the end of the year. Unfortunately, due to the age of the machines, they do not allow for an upgrade to that software due to hardware limitations imposed by Microsoft. ERLS' case management office suite, and accounting software among others, will require Windows 11 to operate.

Additionally, ERLS uses QuickBooks, the Desktop version for accounting and grant management purposes. Due to changes with QuickBooks, the Desktop version will no longer be available for use in 2025. ERLS estimates the cost to purchase, set up, and train to use Cloud-based QuickBooks is \$10,000 which includes new software, support from CMIT Solutions to set up the Cloud-based version, and conversion of information from the desktop to the cloud-based system.

The quotation for laptop replacement is attached.

Operating Revenue

ERLS has improved cash flow dramatically in the last two years. ERLS maintains diverse funding with multiple grant drawdowns and revenue sources. VOCA funding continues to decrease, and ERA funding is expected to end in November 2024. New funding includes Empire United Way (starts January 2025) and the Veteran Administration (starts August 2024).

ERLS' SFY25 VOCA award was \$200,000 less than expected. ERLS will apply for state funding to supplement VOCA awards. With the end of ERA funding in November 2024, ERLS identified several funding opportunities to fund housing work that include state and federal grants.

ERLS is actively seeking funding for current services. Our housing hotline and outreach are the only tenant-oriented services available in South Dakota for low-income tenants. ERLS is fully staffed and continues to process applications within one to two days of application. We are fully committed to keeping intake open at all times so that low-income individuals in crisis can get immediate advice and information about their civil legal need. Additional funds allow ERLS to increase the number of clients who receive a higher level of service.

Collaboration

ERLS continues to collaborate with A2J and DPLS at every opportunity. The new and improved sdlawhelp is a great example of this collaboration and approach with the intention to improve services for clients, no matter what program they qualify for. ERLS fully supports A2J's long overdue request for support staff. ERLS cannot support DPLS's request for state funding because they are unable to show a need for the funding currently.

LSC funding comes from federal tax dollars and must be used for services for clients. While excess funds can be carried over from year to year, this is limited to 10% of the total award. If an LSC-funded program must carry over more than 10% of funds, then the program has to request a waiver from the LSC. The waiver must include a plan to use the funds within the next year and the carryover funds must be used in a first in and first out basis. 45 CFR § 1628.4(a). LSC funds cannot be used to build a program's reserve – they must be used for client services. It is unknown what plan DPLS outlined in their waiver request, but statements that the funds are a "reserve" does not match the congressional purpose for the funds.

It appears that in 2022 and 2023, DPLS requested CEAC funds for salaries and benefits for staff when they could have utilized federal LSC funds. DPLS' current request for CEAC funds could also utilize LSC funds. ERLS is concerned that there has been a misrepresentation that LSC funds can be used to build a reserve. Additionally, DPLS has not shared details concerning the LSC investigation or private investigator hired by the DPLS Board, so we are unsure of any relevant recommendations from those investigations.

It is ERLS' intention to have a positive working relationship with our legal aid partners. We raise these concerns to bring them to the attention of the Commission, but will abide by whatever decision is made.

Sincerely,

Lea Wroblewski

Lea Wroblewski
Executive Director