STATE OF SOUTH DAKOTA

COMMISSION ON EQUAL ACCESS TO OUR COURTS

June 24, 2019, 10 am (CST)

Room 132, State Capitol Building

Pierre, South Dakota

**ATTENDANCE:**

Greg Sattizahn, Sally Christenson, Tom Welk, Andy Fergel, and Lori Grode (recording secretary)

Appearing by phone: Michelle Glodt, Tom Fritz, Hon. Joni Cutler-Clark, and Lynn Hammerstrom

**CALL TO ORDER:**

Commission Chairman Tom Welk called the meeting to order at 10:00 am. Roll call was taken and a quorum was determined to be present. Each Commission member gave a short, personal background and introduction.

**NEW BUSINESS:**

Commission Terms:

Tom Fritz’s term will expire in December and a possible replacement will be Steven Huff from Yankton, current State Bar President.

Tom Welk’s term will also expire in December, and he has agreed to serve one more three-year term.

Michelle Glodt was asked this month by the Governor’s Office to be reappointed, and she has agreed to serve another term.

Andrew Fergel reported the Governor’s office asked that appointment and end dates for the Commissioners all expire the end of June instead of staggered as they are presently.

Grant Process – Past History and Future:

Chairman Tom Welk stated this is the first year the legislature has awarded an ongoing annual appropriation of funds from the General Fund for legal services. Tom gave a brief historical background for the newer members. We have three legal service organizations in South Dakota:

1. Access to Justice consists of one lawyer within the State Bar office. The primary funding source comes from this commission, along with funds from the State Bar Foundation.

2. East River Legal Services serves 30-some counties in Eastern South Dakota. The main office is located in Sioux Falls but has had offices in Watertown and Aberdeen. ERLS has a new director in Watertown named Brent Thompson.

3. Dakota Plains Legal Services serves Western South Dakota. This used to be Black Hills Legal Services but they merged with Dakota Plains. They serve a large Native American population and have remote offices on the reservations.

Chairman Welk mentioned Congress is cutting back funds every year and the organizations are in need of funds. It was once considered to combine all three organizations, but found that collaboration is better than merging them.

Greg Sattizahn gave a brief history of funding sources. There are two sources of fees that generate the legal services fund, domestic relations cases and child support modification fees. The current balance is $51,903.25 as of June 10th. We collect a combination of about eight to $10,000 a month.

Chairman Tom Welk stated the grant money was initially divided equally among the three organizations. Over the last couple years, Access to Justice has foregone its allocation to help the other two, East River and Black Hills. This year the $50,000 allocated from the General Fund will be put into the account around July 1st.

2019 Legislative Session Recap

1. Andrew Fergel explained the legislative process for asking for this annual fund through SB 80. With the help of lobbyists and others, they met with Senator Justin Cronin early in the season. Senator Cronin agreed to sponsor the Senate bill. They then met with Greg Sattizahn and Chief Justice Gilbertson and gathered more detailed information for the legislature. A very detailed Power Point presentation was made and testimony given at the hearing, when then resulted in receiving the $50,000 appropriation annually from the General Fund.

Tom Fritz congratulated Andy Fergel and his staff for obtaining this extra money.

2. Chairman Tom Welk mentioned the three agencies all use the new Legal Server software app where all three agencies can keep track of uniform statistics and information. Andrew added this software provides a base and uniformity in reporting ability that should improve as the years go by. This software app records cases and financial information for assisting future auditing. Access to Justice provides the server and the person running the application.

Role of Secretary for the Commission:

A MOTION WAS MADE BY GREG SATTIZAHN TO APPROVE MICHELLE GLODT AS THE SECRETARY FOR THE COMMISSION TO SERVE A SECOND TERM. THE MOTION WAS SECONDED BY SALLY CHRISTENSON.

Voice vote: All in favor; none opposed. Motion carried.

It was agreed that Greg Sattizahn’s staff will prepare the minutes of the meetings Michelle Glodt will retain the physical minutes.

A MOTION WAS MADE BY LYNN HAMMERSTROM TO APPROVE TOM WELK TO CONTINUE AS THE CHAIRPERSON. THE MOTION WAS SECONDED BY TOM FRITZ.

Voice vote: All in favor; none opposed. Motion carried.

Grant Applications:

Distribution of the grant money was discussed. The current grant application before the Commission that was filed jiointly by DPLS and ERLS requested $110,000. Tom Welk suggested splitting the $110,000 20 to ERLS, 20 to WRLS and 10 to A2J. Andy stated he would like to see the ERLS and WRLS receive the majority of the money and asked for a break to call Denise Langley of A2J to confirm. Andy came back and stated they will defer the $10,000 disbursement.

A MOTION WAS MADE BY TOM FRITZ TO DISTRIBUTE $25,000 TO ERLS AND $25,000 TO DPLS. THE MOTION WAS SECONDED BY SALLY CHRISTENSON.

Voice Vote: All in favor; none opposed. Motion carried.

It was suggested to have another Commission meeting after the $50,000 is received July 1st and after the new commissioner member is appointed. It was also requested that the executive directors from the three agencies meet with the Commission at that time. The next meeting was scheduled for July 26th at 10:00 am.

There was a consensus concern among the Commissioners about the deficiencies within Dakota Plains Legal Services.

A MOTION WAS MADE BY MICHELLE GLODT TO HAVE TOM WELK WRITE A LETTER TO DAKOTA PLAINS LEGAL SERVICES ASKING THEM TO EXPLAIN THEIR DEFICIENCIES IN THE AUDIT IN WRITING TO THE COMMISSION TO BE RECEIVED ONE WEEK BEFORE THE NEXT COMMISSION MEETING. THE MOTION WAS SECONDED BY LYNN HAMMERSTROM.

Voice Vote: All in favor; none opposed. Motion carried.

**OLD BUSINESS:**

Records Retention Policy

Greg Sattizahn requested the Commission adopt a new record retention policy. Michelle Glodt and Greg inherited the commission records going back to 2008. He suggested the following retention schedule:

 1. Documents of reference, correspondence, and general information keep in office while relevant and then destroyed.

 2. Grant applications keep physically available for four years; then transfer to Records Management for three years and then to be destroyed after seven years.

 3. Commission minutes will be kept for five years in office and stored permanently on microfilm and CD’s.

 4. Grant awards, contracts, agreements will be kept in office for four years, then transferred to Records Management storage, to be destroyed after 10 years.

 5. Vouchers keep for one year in office, three years in storage, destroyed after four years.

A MOTION WAS MADE BY SALLY CHRISTENSON TO ADOPT THE RECORDS RETENTION POLICY AS STATED BY GREG AND SECONDED BY MICHELLE GLODT.

Voice Vote: All in favor; none opposed. Motion carried.

CEAC Grant Award History:

Greg Sattizahn stated that Tom Welk’s office drafted a document detailing the history of all the money awarded to the agencies over the years. This draft was sent to all three agencies for comment. Greg received one reply back from Denise Langley with Access to Justice. He would like a motion stating this is a true and correct statement of the grant awards. It was agreed this would be put on the agenda for the July 26th meeting.

Motion was made to adjourn the meeting at 11:34 am (CST).