April 28, 2020

South Dakota Commission on Equals Access to our Courts

500 East Capitol Avenue

Pierre, SD 57501-5070

Re: A2J, Inc./DPLS/ERLS Joint Grant Application

Dear Commissioners:

On behalf of Access to Justice, Inc., East River Legal Services and Dakota Plains Legal Services, we submit for your consideration the following joint application for funding from the Commission on Equal Access to our Courts for general program support. All three organizations have utilized the criteria of HB 1083 to develop our application.

Our joint application seeks funding to continue our work with veterans, the elderly, individuals with a disability, and/or victims of domestic violence, sexual assault, or stalking. East River Legal Services and Dakota Plains Legal Services are requesting an equal division of $65,500 in funding ($32,500 each) to support their individual programs. Access to Justice is seeking $20,000 in funding to replenish A2J Judicare funds.

East River Legal Services intends to continue to utilize all CEAC funding awarded during this grant cycle to supplement existing unrestricted funds in support of assisting veterans, elderly, individuals with disabilities, and victims of violence. This will enable the ERLS program to make more efficient use of existing ERLS restricted funds to better serve applicants who qualify for ERLS assistance.

Dakota Plains Legal Services intends to use additional CEAC funds in the same manner as described in the December 2019 joint CEAC grant application: All DPLS staff who provide services, or who receive or provide training regarding veterans' issues, will be charged against the grant in increments of .25 hour for work done under the grant. The costs will include the employee's gross wages and fringe benefits. In addition, an overhead cost of 28% of gross wages and fringe benefits will be charged and travel expenses will be charged at cost. The cost for travel via an employee's personal vehicle will be charged at the applicable IRS rate per mile.

Access to Justice intends to use all CEAC funds to supplement the A2J Judicare program. Due to the current COVID-19 situation, many South Dakota attorneys are suffering reduced income in their households and reduced billable hours. Accordingly, many of our attorneys are not currently in the position to volunteer for pro bono cases through Access to Justice.

Approximately 90% of the cases handled through Access to Justice are handled on a pro bono basis with South Dakota attorneys volunteering for each case. Judicare funding is typically reserved as a last-resort option when matching a difficult-to-place case and the funds are used to provide an extremely reduced (“low-bono”) flat-fee payment for the attorney that accepts the case. Between January 1, 2019 and December 31, 2019, A2J opened only 8 Judicare cases. Between January 1, 2018 and December 31, 2018, A2J opened only 7 Judicare cases.

A2J pro bono case numbers will be drastically reduced due to the current COVID-19 situation and its related impact on our S.D. attorneys. Therefore, providing additional supplementation to the A2J Judicare program will enable A2J to match more reduced-rate cases with attorneys while our pro bono case numbers are temporarily reduced.

We appreciate the opportunity to submit this joint application and we look forward to hearing from the Commission. Please feel free to contact any of the organization representatives should you have any questions or require additional information.

Sincerely,

Tom Mortland, Director, Dakota Plains Legal Services

Denise Langley, Co-Coordinator, Access to Justice, Inc.

Elizabeth Overmoe, Co-Coordinator, Access to Justice, Inc.

Brent Thompson, Director, East River Legal Services