

1. **Organization Background**

Dakota Plains Legal Services (“DPLS”) was originally incorporated as South Dakota Legal Services in 1970 as the first nonprofit legal aid organization in South Dakota. In 1980 the name was changed to Dakota Plain Legal Services. The program was originally funded to provide legal services exclusively to Native Americans. In 2003, DPLS merged with Black Hills Legal Services in Rapid City and expanded its mission to include all low-income and elderly clients in western South Dakota, as well as continuing its mission to serve the Native American population. Now, DPLS is a legal aid program serving low-income and elderly Native Americans on all South Dakota Reservations. Legal services are provided from seven offices in South Dakota located in Eagle Butte, Ft. Thompson, Mission, Pine Ridge, Sioux Falls, Sisseton and Rapid City. DPLS also has one office in Ft. Yates, North Dakota which serves the Standing Rock Reservation located in both North and South Dakota. DPLS’ twelve attorneys and ten full and part-time paralegals focus their representation in state and tribal courts on the critical legal needs of their clients particularly in family law, housing and Indian Law. Funding for DPLS comes primarily from the Legal Services Corporation (LSC) with additional funding from the Older Americans Act, United Way of the Black Hills, U.S. Department of Justice and Pennington County for appointed criminal representation.

In 2020, DPLS provided legal services to 1,766 clients in South Dakota and North Dakota. Of the 1,766 served, 76 were Veterans, 124 were disabled, 114 were victims of domestic violence, and 233 were elderly.

Established in 1977, East River Legal Services (“ERLS”) is a non-profit community law firm committed to providing high-quality civil legal assistance to low-income people. Our mission is advancing equal access to justice for our most vulnerable citizens of eastern South Dakota. ERLS strives to make the legal system accessible through innovative counseling and advocacy. To reach that mission, we are continually exploring new avenues and new approaches to better serve the 13% of South Dakota citizens living in poverty. We are here to assist those who have been pushed to the margins of self-sufficiency by utilizing a systemic delivery approach consisting of direct representation, brief service, advice, and advocacy. We also provide user-friendly explanations of the law, conduct outreach and community education, and work with other entities that serve low-income people, including social service providers, members of the private bar and the courts. Located in Sioux Falls, ERLS currently has a staff of 23 with seven attorneys and one open attorney position. The program’s service area encompasses the thirty-three eastern South Dakota counties.

In 2020, ERLS closed 986 cases providing legal assistance to 2,665 individuals including assistance to over 290 veterans, 295 cases involving people with disabilities, 148 victims of abuse cases, and 1, 208 children.

In July of 1995, programs funded by the Legal Services Corporation (LSC) were directed to participate in the development of a comprehensive (state) plan for the design, configuration and operation of legal services programs in each state. LSC wanted each grantee to work with other stakeholders to develop an integrated delivery system to more efficiently and effectively address the needs of indigent people in their state. The State Bar of South Dakota was an active participant in the state planning process and recognized that attorneys in South Dakota were ethically obligated to do what they could to provide legal assistance to indigent citizens who lacked the financial resources to hire lawyers to. Access to Justice, Inc. (A2J”) came about as the result of ten years of state planning for legal services in South Dakota and was incorporated by the State Bar of South Dakota as a 501(c)(3) organization in 2005. Today, A2J is a statewide program based in Pierre, South Dakota, and its primary function is to administer the State Bar of South Dakota pro bono and modest means programs.

In 2020, the Access to Justice program recruited volunteer attorneys that provided over 1,000 hours of pro bono legal assistance to clients located all over the state. The attorneys that volunteered through A2J provided over \$217,000 worth of pro bono legal assistance to South Dakota residents. In addition, volunteer attorneys provided numerous hours of reduced-rate legal assistance in 2020 through A2J’s Modest Means and Judicare programs. In 2020, A2J handled 141 cases involving direct representation. A2J opened 73 new cases for individuals and closed a total of 68 cases. Of the 73 cases opened, 43 involved veterans, the elderly, and/or an individual with a disability, and 21 involved a victim of domestic violence, sexual assault or stalking. Of the 68 cases closed, 33 involved clients that were veterans, the elderly, and/or an individual with a disability, and 27 involved a victim of domestic violence, sexual assault or stalking. In addition, A2J manages the South Dakota Free Legal Answers program where South Dakota volunteer attorneys also provided answers to almost 300 legal questions in 2020.

2. Goals

The primary goal of this application is to supplement funding for the continued collaborative efforts by DPLS, ERLS and A2J to provide civil legal assistance to veterans, the elderly, individuals with disabilities and/or victims of domestic violence, sexual assault or stalking throughout the state of South Dakota. Individual programs plan to use the funding to: 1) supplement direct services to the individual client groups identified above; 2) supplement unrestricted funds to promote more efficient use of other existing restricted funds to serve the individual client groups identified above.

3. Current Programs

Both DPLS and ERLS have Basic Field grants which provide funding to provide civil legal services to low-income individuals and families. Each program is required to develop a list of case

priorities for service. Most of the cases involve family law, including domestic violence, housing, and consumer law, advance directives and simple Wills, and a range of other civil legal needs.

All LSC clients must meet the income and asset guidelines established by each grantee under LSC Regulations. Income eligibility is based on 125% of the federal poverty guidelines which are adjusted each year due to cost of living increases. Individual legal services program board of directors may provide for exceptions to the 125% criterion under certain specific circumstances, but the maximum possible income level permitted by LSC is 200% of poverty guidelines. The maximum set by the DPLS' Board is 150% of poverty guidelines. ERLS' maximum is at 200%. As an example for 2020, a household of four must make less than \$32,750 to qualify for legal services at the 125% guideline, make less than \$39,300 for the maximum exception at DPLS (150%), and make less than \$52,400 for the maximum exception at ERLS (200%).

In addition to the Basic Field grant, DPLS also receives a grant from the Legal Services Corporation to provide legal services to Native Americans throughout South Dakota and the Standing Rock Reservation which extends into North Dakota. Under this grant, DPLS attorneys and paralegals provide representation to Native Americans largely in tribal courts and occasionally in state courts. Six of the seven offices are located near or on reservations.

The Legal Services Corporation provides renewable annual grants to grantees without competition over a period of one to three years. All grants are subject to funding availability from Congress. Every three years these grants are available for competitive bidding by other organizations.

ERLS also receives a Victims of Crime Act (VOCA) grant to provide legal assistance to victims of crime. The VOCA Formula Grant Program, created under the 1984 Victims of Crime Act, provides federal funding to support victim assistance and compensation programs, to provide training for diverse professionals who work with victims, to develop projects to enhance victims' rights and services, and to undertake public education and awareness activities on behalf of crime victims. The Office for Victims of Crime (OVC) was created by the U.S. Department of Justice and formally established by Congress in 1988 through an amendment to the Victims of Crime Act of 1984. There is no income limit on this grant. The only qualifying factor is that applicants must be the victim of a crime.

Both ERLS and DPLS are current grantees of the South Dakota Department of Social Services which distributes Older American Act funding to provide legal services to South Dakotans over the age of 60. These are also renewable annual grants. No competition is required, and the grants are subject to available funding. The legal services provided under the Older American Act funding often involve Powers of Attorney, simple Wills, consumer rights, and occasionally nursing home cases and other matters.

DPLS receives federal Department of Justice, Bureau of Justice Assistance ("BJA") funding through the Native Americans Rights Fund. These funds are designated to provide legal services regarding civil and criminal matters that are within the jurisdiction of tribal courts. Jurisdictions

that have been served include Rosebud Sioux Tribal Court, Oglala Sioux Tribal Court, Cheyenne River Sioux Tribal Court, Lower Brule Sioux Tribal Court, Yankton Sioux Tribal Court and Sisseton Wahpeton Sioux Tribal Court.

DPLS also has a contract with Pennington County to provide defense representation to indigent defendants in criminal, abuse and neglect, and juvenile delinquent cases where the Public Defender has either a conflict or too many cases to handle. Pennington County has contracted for these services continuously since 1980.

The primary function of A2J is to administer the State Bar of South Dakota pro bono, modest means, and judicare programs. A2J also provides referral information to individuals who do not qualify for legal assistance from the program but may need assistance from a supporting or nonlegal organization or agency. A2J also facilitates partnerships between programs, entities and individuals who provide legal assistance or human services to vulnerable persons and their families. Staff participate and collaborate with many of those entities in community education, clinics, and other events. A2J staff also manages the South Dakota Free Legal Answers program which provides income-qualifying residents of South Dakota with answers to civil legal questions through the assistance of South Dakota attorneys that volunteer through the program.

4. Program Funding Request

DPLS, ERLS, and A2J, Inc. are once again submitting a joint application to: 1) supplement funding for the existing Veterans' Legal Services Program established by all three programs in the fall of 2017 via prior CEAC funding, and 2) to supplement unrestricted funding for operational costs while still serving veterans, elderly, individuals with a disability and victims of violence through alternative grant resources.

Budget and Basis of Payment:

For budgeting purposes, the partners agree that Access to Justice will request a grant award of \$20,000 of the anticipated \$100,000 in available CEAC funding, and DPLS and ERLS will request \$40,000 each.

Dakota Plains Legal Services:

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 hours 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. The respective program partner's overhead includes, but is not limited to, the following:

Audit Contract Services	Office Expenses
Accounting Contract Services	Insurance Expense
Program Contract Services	Library Maintenance
Technology	Dues & Membership
Training	Advertising
Rent	Misc - Fees, Fines, Interest
Utilities	Fundraising
Telephone	Depreciation Expense
Postage	Travel

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 which, for the year 2021, is \$.56 per mile. Expenses for training on veteran's issues will also be charged at actual cost.

During the 2017-2021 grant years, Dakota Plains Legal Services used the CEAC grant allocation to fund legal services from all seven, (now eight) of its field offices. Both attorney and paralegal staff provided these services and DPLS plans to continue to do the same during the 2022 grant year. Due to the large number of DPLS staff providing representation in CEAC matters, a specific budget breakdown has not been provided in this funding request. These numbers can be provided if requested. DPLS anticipates spending the full CEAC allocation plus additional DPLS funds during the duration of the 2021 grant year, as well as the 2022 grant year.

East River Legal Services:

In previous distributions, ERLS utilized the grant to fund the salary for a full-time staff attorney. After review, East River Legal Services intends to utilize all CEAC funding awarded during this grant cycle to supplement existing unrestricted funds in support of assisting veterans, the 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.

Similar to DPLS, ERLS staff who provide services, or who receive or provide training regarding qualifying grant issues, will be charged against the grant in increments of .25 hours for work done. 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. The respective program partner's overhead includes, but is not limited to, the following:

Audit Contract Services	Office Expenses
Accounting Contract Services	Insurance Expense
Program Contract Services	Library Maintenance
Technology	Dues & Membership
Training	Advertising
Rent	Misc - Fees, Fines, Interest
Utilities	Fundraising

Telephone
Postage

Depreciation Expense
Travel

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. Expenses for training on qualifying grant issues will also be charged at actual cost.

Due to this change in grant use, ERLS will not be able to provide a specific budget breakdown at this time, but all data and use of funds can be provided to the Commission when requested. ERLS anticipates spending the full CEAC allocation plus additional ERLS funds for the duration of the 2021 grant period and during the 2022 grant year.

Access to Justice:

For the December 2021 grant allocation, the three project partners agreed that \$20,000 would be allocated to Access to Justice to supplement their existing Judicare program.

5. Evaluation

Evaluation will be undertaken in several ways.

Statistical Reports: The consortium partners will develop common statistical reports for each program which will include anonymous aggregated demographic information on the number and type of applicants, the nature of the legal problem and the outcome of the representation or advice provided once the case is concluded.

Measuring Impact: The consortium partners will measure impact in several ways, depending upon the nature of the case. Among those measures could be a gross number, i.e., the number of evictions prevented.

Key Evaluation Results: The number of clients served as well as categorization of the level of service provided for each individual case will be the primary indication of the extent of the project's impact. Each program will keep its own statistics in a common format and program reports can be made periodically.

6. Collaboration

The procedure of the three programs submitting a single application is the result of continuing collaborative work done by the partners over the past few years. Collaboration is at the heart of this program, both among the partners themselves as well as with other groups. As mentioned earlier, collaboration with veterans' groups, veteran's events, the VA, and individual veteran volunteers is critical to reach those in need of the most help.

7. Volunteers

The main source of volunteers will be those attorneys who take veterans' cases through A2J, as volunteer pro bono attorneys, volunteer reduced rate attorneys through the Modest Means program and Judicare/P.A.I. funding. ERLS and DPLS will also have volunteer attorneys who accept cases for eligible applicants through their independent P.A.I. programs.

8. Planning

The partners are jointly engaged in several challenges and opportunities for the next few years. ERLS was previously awarded a Technology Initiative Grant ("TIG") from Legal Services Corporation for a project which involved the active participation of ERLS, DPLS and A2J. Funding for the TIG was supplemented by the South Dakota State Bar Foundation. The TIG enabled each of the partners to acquire Legal Server, a case management system that has improved the partners' ability to serve their low-income clients and which permitted the implementation of online applications. Online applications have increased access to legal services in remote areas which comprise much of the state's geography. The TIG also funded the establishment of a statewide website to provide access to legal information and legal assistance throughout the state. The partners continue to work cooperatively on the development of the website content and additional technology funding opportunities.

In 2019, both A2J and ERLS also implemented the new Sioux Falls based legal services project for veterans called the Wills for Heroes project. The project assists income qualifying veterans with Wills and P.O.A. documents. Although the program has been in a holding pattern due to the impact of Covid-19, the partners are looking forward to restarting the program in the future.

The parties intend to continue to submit joint grant applications and cooperate in providing legal services to South Dakota's indigent clients to the maximum extent possible.

9. Other Resources

The partners continue to collaborate in efforts to obtain funding from other sources. As mentioned above, the partners previously collaborated regarding the ERLS TIG grant from LSC with supplemental funding from the South Dakota State Bar Foundation. Total funding for this project was \$183,000, of which \$75,000 was from LSC and \$108,000 was from the State Bar Foundation. The partners are now looking into additional TIG grant and other funding opportunities for the future.

10. Criteria

The three organizations involved in this grant application utilized SDCL § 16-2-56.1 as our model in determining how best to serve our clients with EAC funds. The collaborative grant application between ERLS, DPLS and A2J identifies continuing project goals of increasing legal services to South Dakota veterans, individuals with disabilities and senior citizens who do not exceed 200% of the federal poverty guidelines; followed by assistance to victims of violence

who do not exceed 150% of the federal poverty guidelines. Thereafter, as time and resources permit, general legal assistance will be provided to clients who do not exceed 125% of the federal poverty guidelines.

Programs will continue to provide direct representation to qualified individuals by staff members of DPLS and ERLS, while referring cases above the legal aid staff maximum caseload to A2J for private attorney involvement through volunteer attorneys providing pro bono representation and/or the Judicare program along with the opportunity for reduced rate assistance through the Modest Means program. ERLS and DPLS typically expend the total amount of private attorney involvement funds each year and cannot guarantee private attorney funds will be used for this program. Instead, they expect P.A.I. funds received from Legal Services Corporation will be used to serve clients throughout the state on a variety of civil legal issues beyond the scope of this application.

Aside from previous CEAC grant awards, no organization involved with this application receives funding to specifically address serving veterans. In fact, no legal organization within South Dakota receives and prioritizes funding to serve veterans and their unique civil legal needs. Due to the development of a new priority for veteran's applications in 2017, all three organizations require continued funding to support their work with veterans along with other identified priority client groups.

The grant application addresses a coordinated approach between all three legal service programs that aims to increase systemic efficiencies, promote innovative approaches and provide statewide coverage – specifically addressing the priorities of SDCL § 16-2-56.1. Additional and current collaborative efforts by all three entities are discussed above in Section Eight– Planning.