

1. Organization Background

Dakota Plains Legal Services (“DPLS”) was originally incorporated as South Dakota Legal Services in 1966 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 Indian Reservations. Legal services are provided from seven offices in South Dakota located in Eagle Butte, Ft. Thompson, Mission, Pine Ridge, Sisseton and Rapid City. In addition, in June of this year DPLS opened an outreach office in Sioux Falls which serves Native American clients in the eastern part of the state. DPLS also has one office in Ft. Yates, North Dakota which serves the Standing Rock Reservation located in both North and South Dakota. DPLS’ thirteen (13) attorneys and nine (9) full and part-time paralegals focus their representation in state and tribal courts on the critical legal needs of its 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.

Last year, DPLS provided legal services to 2,339 clients in South and North Dakota. Of the 2,339 served, 107 were Veterans, 276 were disabled, 78 were victims of domestic violence, and 441 were elderly.

Located in Sioux Falls, ERLS is currently comprised of four (4) attorneys and four (4) support staff. The program’s service area encompasses the thirty-three (33) eastern South Dakota counties. 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 more than 14% 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.

Why Our Work Matters

Last year, ERLS provided legal assistance to over 2,200 individuals in SD including:

- Provided assistance to over 106 older Americans
- Helped more than 121 families begin new lives free from abuse.
- Helped 99 families with housing issues including evictions, repairs, etc.
- Proudly assisted 78 Veterans with various legal issues.

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 help them. Access to Justice, Inc. ("A2J, Inc.") 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, Inc. 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.

2. Goals

The primary goal of this application is a collaborative approach by DPLS, ERLS and A2J, Inc. to provide civil legal assistance to veterans throughout the state of South Dakota. We will do this by: (1) creating centralized resources and statewide coverage, (2) collaborating on application and intake processes, (3) supporting each entity's delivery of legal services for veterans, and (4) training staff attorneys, staff paralegals and pro bono volunteers on legal issues specific to veterans. The emphasis on veteran clients for the primary goal of this application is because all three legal service programs currently lack funding geared towards this particular group of South Dakotans.

The secondary goal of the application is to increase civil legal assistance to indigent South Dakota residents specifically mentioned in HB 1083 (SDCL 16-2-56.1). These include persons whose household income does not exceed: (1) 200% of federal poverty guidelines and are disabled or senior citizens; (2) 150% of federal poverty guidelines and are victims of domestic violence; and (3) 125% of federal poverty guidelines and need assistance with general legal matters. Collaborative efforts by all three legal service programs will increase efficiency in the delivery of legal services to these vulnerable groups by: (1) creating centralized resources and statewide coverage, (2) collaborating on application and intake processes, (3) supporting each entity's delivery of legal services to the aforementioned groups. To the extent that there are

insufficient veteran applicants to utilize all of the funding, attorneys and paralegals will provide legal assistance in support of this secondary goal.

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 cases.

All 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. 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%.

In addition to the Basic Field grant, DPLS also receives a grant from the Legal Services Corporation to provide legal services to Native American throughout South Dakota and a part of North Dakota on the Standing Rock Reservation where it 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 from 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.

Both ERLS and DPLS are current grantees of 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 Attorneys, simple Wills, consumer, 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 served include Rosebud Sioux Tribal Court, Oglala Sioux Tribal Court, Cheyenne River Sioux Tribal Court, Flandreau Santee 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, Inc., is to administer the State Bar of South Dakota pro bono and modest means programs. A2J, Inc., 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, Inc., always encourages, facilitates and coordinates 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.

4. Program Funding Request

DPLS, ERLS and A2J, Inc. are submitting a joint application to fund the existing Veterans' Legal Services Program which provides legal services to the most in need of South Dakota's 70,000 veterans. While all three programs have always provided legal services to military veterans, the project partners increased that representation by developing a targeted special project in 2017 funded through last year's CEAC grant funding. The program features a coordinated approach by increasing systemic efficiencies, promoting innovative approaches and providing statewide coverage. While serving veterans generally, the Veteran's project focuses on those veterans whose incomes are under 200% of the federal poverty guidelines, who are homeless, who suffer from service-related disabilities or who otherwise need legal assistance to ensure a better and more stable life.

Project Description:

The Veterans' Legal Services Program is a coordinated statewide project adapted to the different circumstances of the two federally-funded legal services programs, DPLS and ERLS. As mentioned previously, ERLS' service area is comprised of 33 counties located east of the 4 Missouri River. Legal services to this service area are provided by staff attorneys and paralegals located in ERLS' Sioux Falls office and by contract attorneys in less populous areas.

The legal services provided by ERLS and DPLS will be augmented by services provided through volunteer and compensated attorneys working with A2J, Inc.

ERLS and DPLS will continue to conduct outreach and educational events to raise awareness of the project and the services it provides. Program staff will also work with veterans and veterans' groups throughout the state to publicize the Veterans' Legal Services Program with a focus on reaching the most vulnerable and isolated veterans.

DPLS' Project Director will be located in Rapid City and serve veterans in the surrounding area. Veterans needing assistance in other parts of DPLS service area will be served by an attorney or paralegal located in an office nearest the client veteran, making accessibility easier for the veteran. The hours and costs of the non-Rapid City attorney or paralegal will be charged against the grant for work done under the grant. ERLS hired a full-time attorney Project Director who is located in Sioux Falls and provides legal services within the 33 counties served by ERLS, either directly or indirectly. As part of this project, the program Project Directors will, through training and study, become proficient in providing legal assistance regarding issues unique to veterans. Program Directors will then act as mentors and resources for other program staff who, in turn, will provide such legal assistance to veterans.

Each legal services program partner will develop its own budget in such a way that legal services are delivered to veterans in the most efficient manner. When neither of the legal services programs can serve a veteran client, the programs will refer clients to A2J, Inc. for assistance in locating a pro bono or reduced rate Judicare/P.A.I. attorney to help the client. Referrals among the programs can be easily accomplished since all three entities use the same case management software.

Veterans' Legal Problems:

Veterans are often a difficult group to serve because of a distrust and unfamiliarity with "civilian" organizations and institutions. To break through this barrier and develop trust between the veterans and consortium members, legal aid staff are facilitating partnerships with veterans and veterans' groups to reach these isolated veterans and develop the trust necessary to provide legal representation.

While legal services to veterans in need is the primary focus of this grant application, DPLS, ERLS and A2J, Inc. will also use the grant funds, as time permits, to provide legal services to the disabled and seniors whose incomes do not exceed 200% of the federal poverty guidelines, to victims of domestic violence whose incomes do not exceed 150% of the same guidelines, and to persons needing general legal assistance whose incomes do not exceed 125% of the guidelines.

Budget and Basis of Payment:

For budgeting purposes, the applicant partners project the total 2019 grant fund to be relatively similar to 2018 funding of specifically \$130,000.00. For the 2019 grant allocation only, the partners have conferred and agree that \$77,500 be allocated to ERLS and \$52,500 be allocated to DPLS.

All ERLS and 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. 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 2018, is \$.545 per mile. Expenses for training on veteran's issues will also be charged at actual cost. The estimated breakdown for the ERLS CEAC budget is as follows:

2019 CEAC Budget

Staff Wages	\$51,009.00
Staff Fringe Benefits	\$14,283.00
Program Overhead at 28% of gross wages and fringe benefits	\$16,323.00
TOTAL:	\$81,615.00

Please note the amounts within the overall budget are projections. Therefore, the total amount billed for each category may exceed or be less than the amount estimated, provided that the total budget is not exceeded.

During the 2018 grant year, Dakota Plains Legal Services used the CEAC grant allocation to fund legal services from all seven of its field offices. Both attorney and paralegal staff provided these services and DPLS plans to do the same in the 2019 grant year. Due to the large number of 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 2019 grant year, as we did in 2018.

Access to Justice:

The three partner projects have agreed to have any amount exceeding \$130,000 be allocated to A2J, Inc. in order to serve clients of the project through Judicare/P.A.I. involvement due to increased referrals from ERLS and DPLS.

5. Evaluation

Evaluation will be undertaken in several ways.

Statistical Reports: The consortium partners will develop a common statistical report which will include anonymous aggregated demographic information on the applicants each month, the nature of the legal problem and the outcome of the representation or advice provided if the case is concluded within the month.

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 genesis for the idea of submitting a single application has come about as the result of collaborative work done by the partners over the last year. 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 and individual veteran volunteers is critical to reach the neediest veterans.

Beyond the three entities submitting this joint application, the State Bar of South Dakota's Veterans Legal Assistance Project is also a natural collaborative partner because of its already established contacts and involvement with the veteran community through its work with legal clinics, veteran stand down events and veterans' courts throughout the state.

7. Volunteers

The main source of volunteers will be those attorneys who take veterans' cases through A2J, Inc. as pro bono attorneys or reduced rate attorneys through 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 awarded a Technology Initiative Grant ("TIG") from Legal Services Corporation for a project which involves the active participation of ERLS, DPLS and A2J, Inc. Funding for the TIG is 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 funds the establishment of a statewide website to provide access to legal information and legal assistance throughout the state.

The partners were also awarded a grant for work funded under the Victims of Crime Act ("VOCA"). The grant calls for legal assistance by all three partners to victims of crime. Work includes services such as legal advice and representation to victims of domestic violence, obtaining protection orders and representation on related family law matters. The grant involves a pilot project during the first year, serving the Rapid City, Sioux Falls and Rosebud Indian Reservation areas. The grant is expected to expand in the second and following years to cover the entire State of South Dakota.

Although the parties do not presently have any additional collaborative plans, the parties intend 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 are collaborating in efforts to obtain funding from other sources. As mentioned above, the partners have collaborated regarding the ERLS TIG grant from LSC with supplemental funding from the South Dakota State Bar Foundation. Total funding for this project is \$183,000, of which \$75,000 is from LSC and \$108,000 is from the State Bar Foundation.

The grant awarded for the VOCA pilot project described above is for funding in the amount of \$361,000. The amount originally requested for serving the entire state was \$695,000 for one year. It is estimated that a similar amount will be requested to continue the grant into the second year with the expansion of services to cover the entire State of South Dakota.

10. Criteria

The three organizations involved in this grant application utilized HB 1083 as our model in determining how best to serve our clients with EAC funds. The collaborative grant application between ERLS, DPLS and A2J, Inc. identifies the 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.

Grant funds will be used 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, Inc. for private attorney involvement and pro bono assistance. 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 project 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. As stated previously, additional funds received from EAC in excess of the funds requested by ERLS and DPLS will be utilized by A2J, Inc. for private attorney involvement.

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 2018, all three organizations are in need of continued funding to support their work.

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 HB 1083. Additional and current collaborative efforts by all three entities are discussed above in Section Eight– Planning.