STATE OF SOUTH DAKOTA

COMMISSION ON EQUAL ACCESS TO OUR COURTS

May 4, 2020, 1 pm (CST)

Conference Call

**ATTENDANCE:**

* Tom Welk, Michelle Glodt, Hon. Joni Clark, Greg Sattizahn Lynn Hammerstrom and Margo Tschetter Julius
* Denise Langley (Access to Justice)

**CALL TO ORDER:**

Commission Chairman Tom Welk called the meeting to order at 1:00 pm. Roll call was taken and a quorum was determined to be present.

**NEW BUSINESS:**

Chairman Welk stated that this meeting was convened pursuant to the April 22 request of Access to Justice because of a funding need arising from the COVID 19 situation. A request was being made by A2J of $20,000 which had been consented to by the other two legal service organizations.

Update on Status of Funds

On April 23, Attorney Jim Leach contacted Greg Sattizahn to inform him of a $113,000 settlement award available to the commission. Mr. Sattizahn reported on April 24th that the fiscal authority is limited to $200,000 a year, and that the commission had expended about $115,000 for the current fiscal year. With the on-hand funds, the commission can only expend $85,000 before the end of the fiscal year. It is anticipated that the money will be transferred in the near future.

Mr. Sattizahn reported the current balance of Commission funds was approximately $42,000. Due to fiscal restraints related to expenditure authority, Mr. Sattizahn recommended limiting the disbursement for the current fiscal year to $85,000. Mr. Hammerstrom inquired as to the status of court filings and how it would impact the funds flowing into the commission. Mr. Sattizahn estimated that there will be a decrease in filings with COVID-19. However, the filings may rebound in the future with other types of filings, such as divorce and child support. It is really too early to make any solid predictions.

On April 30, the three legal organizations submitted a request for the $85,000 to be divided -$20,000 to Access to Justice, and $32,500 each to East River Legal Services and Dakota Plains Legal Services.  The three organizations also submitted on May 1 statements as to how the COVID 19 situation was affecting their operations.

Distribution of Grant Awards

At the last meeting, a motion passed that required grant recipients to provide financial reports within 45 days after the end of each quarter. As of today, the filings have not been received for the year ending December 31, 2019 and the first quarter of 2020. Ms. Langley indicated that she would contact Dakota Plains and East River Legal Services to provide the past due reports and also ensure timely filing of the second quarter reports. Ms. Glodt asked that the minutes reflect that all three organizations had representatives at the last meeting where this was discussed.

Ms. Julius asked if it would be helpful if a report was created to show the impact of COVID-19. Ms. Langley was not aware if this would be especially telling—not many employees were laid off, and many employees were working remotely. Therefore, she was not sure if there was an impact in that capacity. Mr. Hammerstrom asked what was happening for attorneys with low caseloads, and if the commission was subsidizing lawyers in North Dakota. Ms. Langley replied that it would be limited to the tribal reservations that spanned both states. Ms. Langley also reported that in her organization, there were still individuals applying for legal services, it was just that the process of handling the cases had largely moved to telephonic work. She noted that the attorneys rotate who is working at home. However, Ms. Langley is concerned about a decrease in pro bono cases if an attorney must cut their hours due to the virus. Finding an attorney to complete pro bono cases will be a much slower process.

Ms. Glodt noted that at the last meeting she questioned the provision of services to out-of-state residents and was assured that the entities were tracking the South Dakota numbers and North Dakota or Nebraska services would not be included in the grant funding.

Distribution

A MOTION WAS MADE BY LYNN HAMMERSTROM AND SECONDED BY MARGO TSCHETTER JULIUS TO AUTHORIZE A TOTAL OF $85,000 WITH $20,000 TO ACCESS TO JUSTICE AND $32,500 EACH TO EAST RIVER LEGAL SERVICES AND DAKOTA PLAINS LEGAL SERVICES ON THE CONDITION THAT BEFORE A DISTRIBUTION IS MADE, THE ORGANIZATIONS SUBMIT THE REQUIRED FINANCIAL REPORTS.

The motion passed unanimously.

Next Meeting

The Commission determined that a July meeting would be appropriate.

A timeline was given to the entities to submit the delinquent financial reports to the Commission by May 15 to be eligible for the funds.

Motion was made to adjourn the meeting at 1:37 pm (CST).