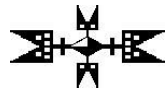




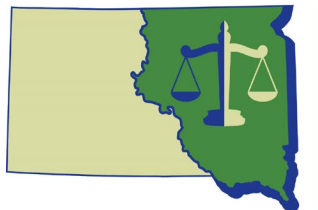
**LEGAL  
SERVICES  
IN  
SOUTH  
DAKOTA**



**ACCESS TO  
JUSTICE, INC.**



**DAKOTA PLAINS LEGAL SERVICES**



**ERLS**  
EAST RIVER LEGAL SERVICES



**Working Together for  
Equal Access To  
Justice**

# History

In 2008 the Legislature created the Commission on Equal Access to our Courts (“EACC”) and funded it with \$5,000.00 of onetime general fund money. HB 1129, codified as SDCL 16-2-55.

16-2-55. Commission on Equal Access to Our Courts created. There is hereby created the Commission on Equal Access to Our Courts. The commission shall consist of seven members appointed as follows:

- (1) Three members by the Governor, one initially appointed for a term of one year, one initially appointed for a term of two years, and one for a term of three years, as designated by the Governor. The Governor shall appoint members who are not lawyers;
- (2) Two members appointed by the Chief Justice of the Supreme Court, one initially appointed for a term of two years and one for a term of three years, as designated by the Chief Justice. The Chief Justice shall appoint members who are judges or lawyers;
- (3) Two members appointed by the president of the State Bar of South Dakota, one initially appointed for a term of one year and one for a term of three years, as designated by the president. The president shall appoint members who are lawyers.

Thereafter, each appointment shall be for a term of three years, beginning on the first day of July. The commission members shall serve without compensation.

Source: SL 2008, ch 104, § 1.

# Equal Access to Our Courts Commission

Chapter 16-2, Section 55

## **Governor – 3 appointments**

(lay persons)

Michelle Glodt

exp: 6/30/19

Lynn Hammerstrom

exp: 6/30/20

Sally Christenson

exp: 6/30/21

## **Chief Justice – 2 appointments**

(lawyers)

Hon. John Brown

exp: 7/1/19

Greg Sattizahn

exp: 8/21/21

## **Bar President – 2 appointments**

(lawyers)

Tom Welk

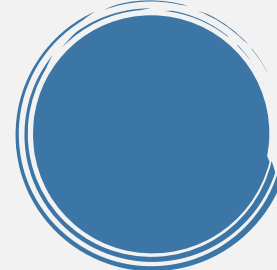
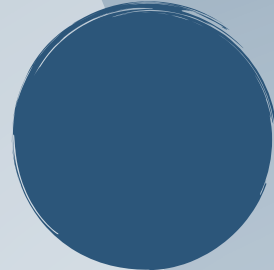
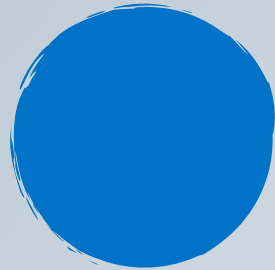
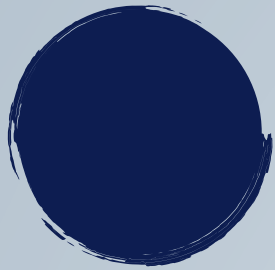
exp: 12/12/19

Tom Fritz

exp: 12/12/19

# History

In 2009, the Legislature created a funding mechanism for the EACC by passing HB 1097 codified as SDCL 16-2-58. SDCL 16-2-58 requires litigants that petition or motion to modify final orders for child support, child custody, child visitation, or spousal support to submit a \$50.00 filing fee that goes to the Equal Access to Our Courts fund.



In 2017 the Legislature passed HB 1083 which is codified at SDCL 16-2-56.1, SDCL 16-2-58.1 and SDCL 16-2-58.2. The legislation set specific priorities for the EACC to consider when providing grants from the fund. Veterans, senior citizens, individuals with disabilities and victims of domestic violence are specifically listed for consideration. The legislation also included a \$25 filing fee to be paid by litigants filing answers in circuit court civil actions, designated for the EACC fund.

# History

16-2-56.1. Considerations for awarding grants from equal access to our courts fund. In awarding grants pursuant to § 16-2-56, the commission may consider:

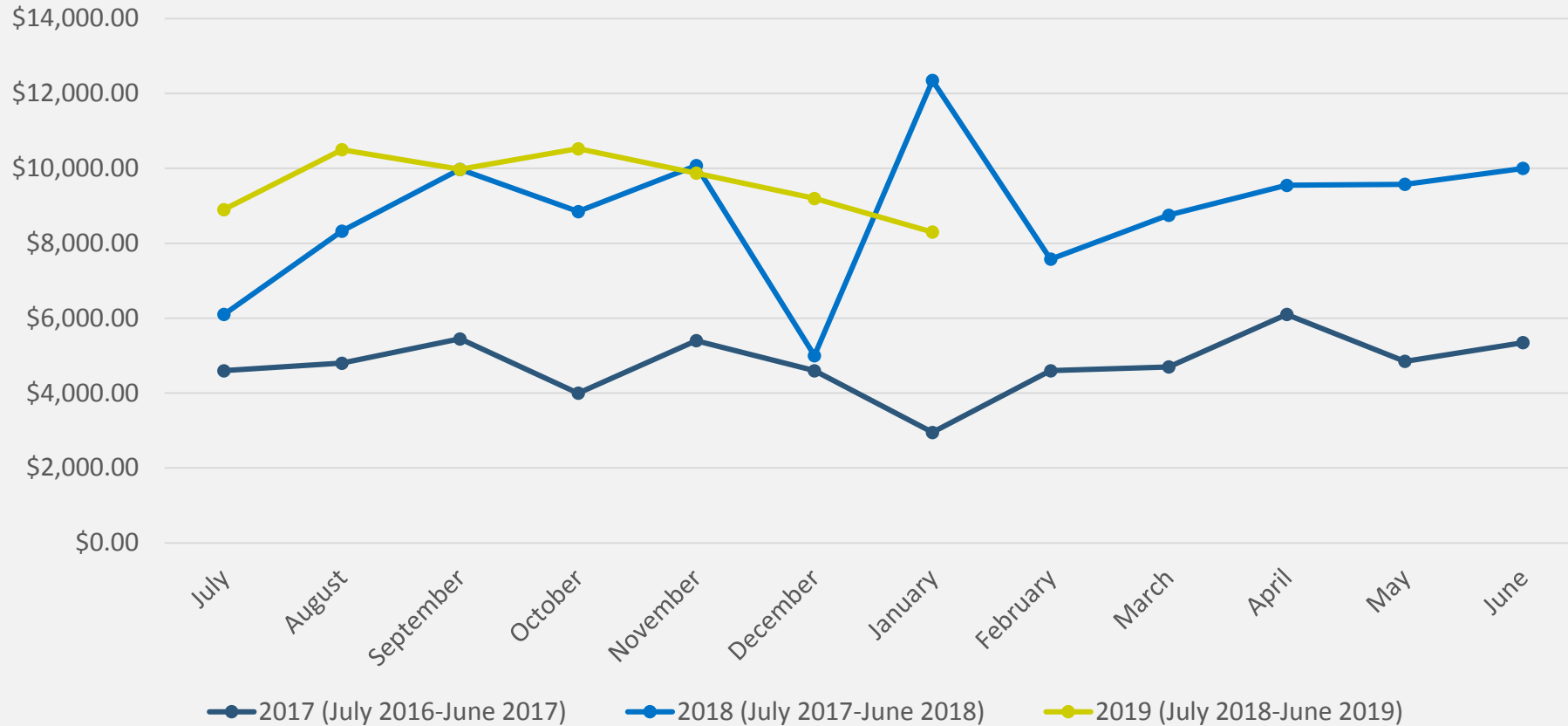
- (1) Grant applications that will help provide legal representation of veterans, the disabled, and senior citizens who do not exceed 200% of federal poverty guidelines;
- (2) Grant applications that will help provide legal representation to victims of domestic violence who do not exceed 150% of applicable federal poverty guidelines;
- (3) Grant applications for entities that will provide legal assistance in general legal matters, to clients who do not exceed 125% of applicable federal poverty guidelines;
- (4) Grant applications that will supplement eligible nonprofit entities which have expended applicable legal services corporation grant moneys for private attorney involvement;
- (5) Grant applications that facilitate systemic efficiencies and promote statewide cooperation among eligible grant recipients;
- (6) Demonstrated financial need of entities applying for grants;
- (7) Grant applications that promote statewide coverage for eligible clients;
- (8) Grants that are consistent with serving more eligible clients within the limited available resources; and
- (9) Grant applications that seek to address unmet legal needs of the poor or which promote innovative approaches to improve access to justice for all citizens of the state.

Source: SL 2017, ch 91, § 1.

# Legislature/Equal Access to our Courts Commission Funding

The two filing fees that flow to the EACC fund generated \$106,125 in FY 2018. Through January of FY 19 the fund has generated \$67,275.

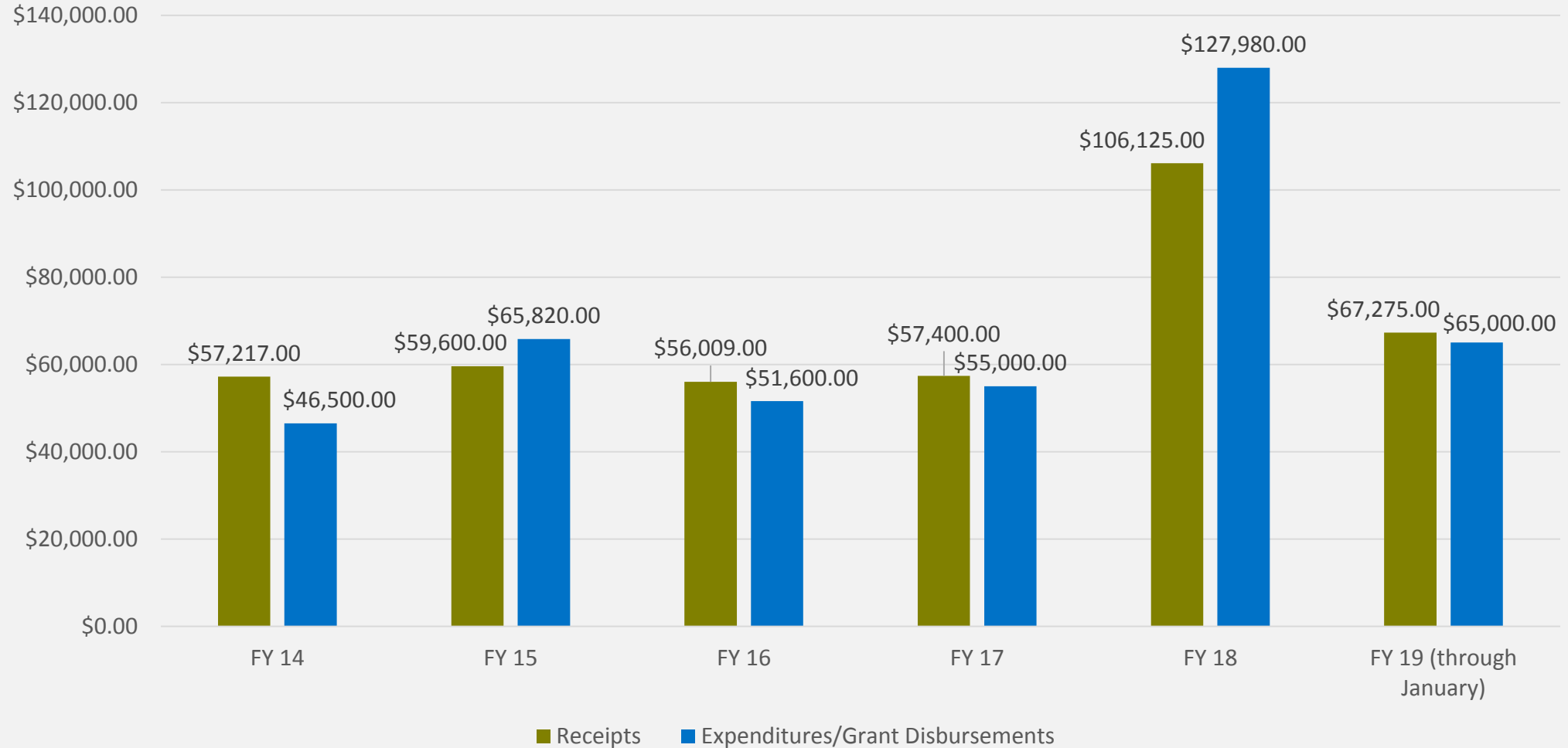
## Surcharge Fees Collected by EACC Fund by State Fiscal Year





# Legislature/Equal Access to our Courts Commission Funding

EACC Receipts and Disbursements  
by State Fiscal Year





# Recent Grants Awarded by EACC

In Fiscal Year 2018:



Dakota Plains  
Legal Services  
\$63,500



East River  
Legal Services  
\$63,500

\*The South Dakota Bar Foundation supplemented each grant with an additional \$4,000.

# Recent Grants Awarded by EACC

In Fiscal Year 2019 to date:



Dakota Plains  
Legal Services  
\$23,000



East River  
Legal Services  
\$42,000

WHAT DOES THE  
STATE BAR OF  
SOUTH DAKOTA  
DO TO HELP  
**IMPROVE ACCESS**  
TO JUSTICE FOR  
SOUTH  
DAKOTANS?



## RARP

The State Bar of South Dakota through its Foundation funds a share of the **Rural Attorney Recruitment Program**. Once all 32 spots are filled under the program as currently authorized the cost to the State Bar/Foundation will be \$320,000.00.

## Grants

The South Dakota Bar Foundation regularly makes grants to the **South Dakota Guardianship Program** for disabled/mentally challenged adults and **South Dakota Teen Court**.

The State Bar Foundation also provided both **ERLS** and **DPLS** with an additional \$4,000 to cover the funding gap that was not covered by their grant request to the EACC.

## VLEG

The University of South Dakota School of Law **Veterans Legal Education Group** ("VLEG"), with support from the SD Young Lawyers Section and State Bar Veterans Committee, hosts drop in clinics for veterans throughout the academic year. VLEG hosts clinics in Hot Springs and Rapid City during their fall semester and in Watertown and Sioux Falls during their spring semester.

## WORKS

The State Bar Foundation funds a **WORKS** pilot program, with up to \$12,000.00 per year in the Second Circuit to assist pro se litigants in domestic cases and recently agreed to fund the same program in the Seventh Circuit with the same amount of funds. The program provides a qualified attorney to assist pro se litigants complete legal forms, give general information on court procedure, and provide contact information for court appointed mediation services.

South Dakotans can get free legal advice from experienced lawyers when the State Bar of South Dakota sponsors the annual

## Ask-A-Lawyer

program each May. Each call is handled anonymously by experienced attorney volunteers. Last year Ask-A-Lawyer answered over 800 calls from East River to West River South Dakota, ranging from family issues to contracts, wills, real estate, and more. The calls are not intended to be an in-depth analysis of the caller's legal concerns, but to answer general legal questions and, if appropriate, refer the caller to specific lawyer referral services or a government agency.

# WHAT DOES THE STATE BAR OF SOUTH DAKOTA DO TO HELP IMPROVE ACCESS TO JUSTICE FOR SOUTH DAKOTANS?

Continued...

## SD Free Legal Answers

The State Bar of South Dakota administers the **SD Free Legal Answers** program. SDFLA is a secure website where South Dakota residents can ask an attorney for help with a legal issue. Qualified users post questions about civil legal problems and receive advice from volunteer attorneys. Volunteer attorneys provide information and basic legal advice to eligible clients without any expectation of long-term representation.

It's like a virtual walk-up legal clinic.

## Statewide Website

The State Bar of South Dakota's charitable arm, the South Dakota Bar Foundation, in 2017 provided a grant to **East River Legal Services** of \$108,000.00 to help modernize hardware and software, create an online central intake system and statewide website.

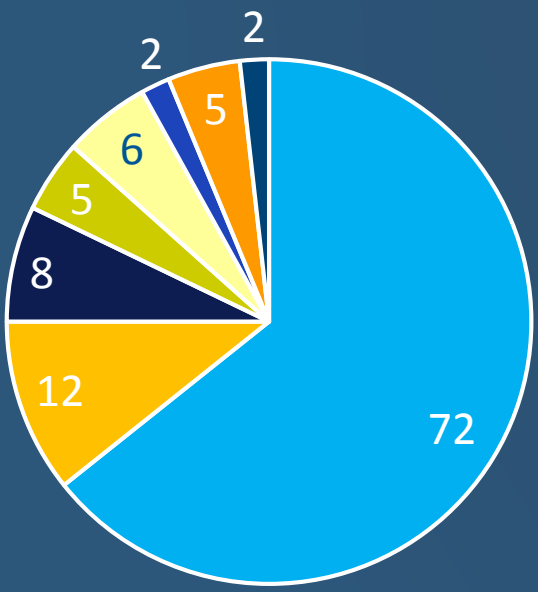
## A2J, Inc.

The State Bar of South Dakota (\$50,000.00) and the South Dakota State Bar Foundation (\$60,000.00) fund **Access to Justice, Inc.**, a non-profit program that matches lawyers that will provide pro bono legal services with eligible clients.



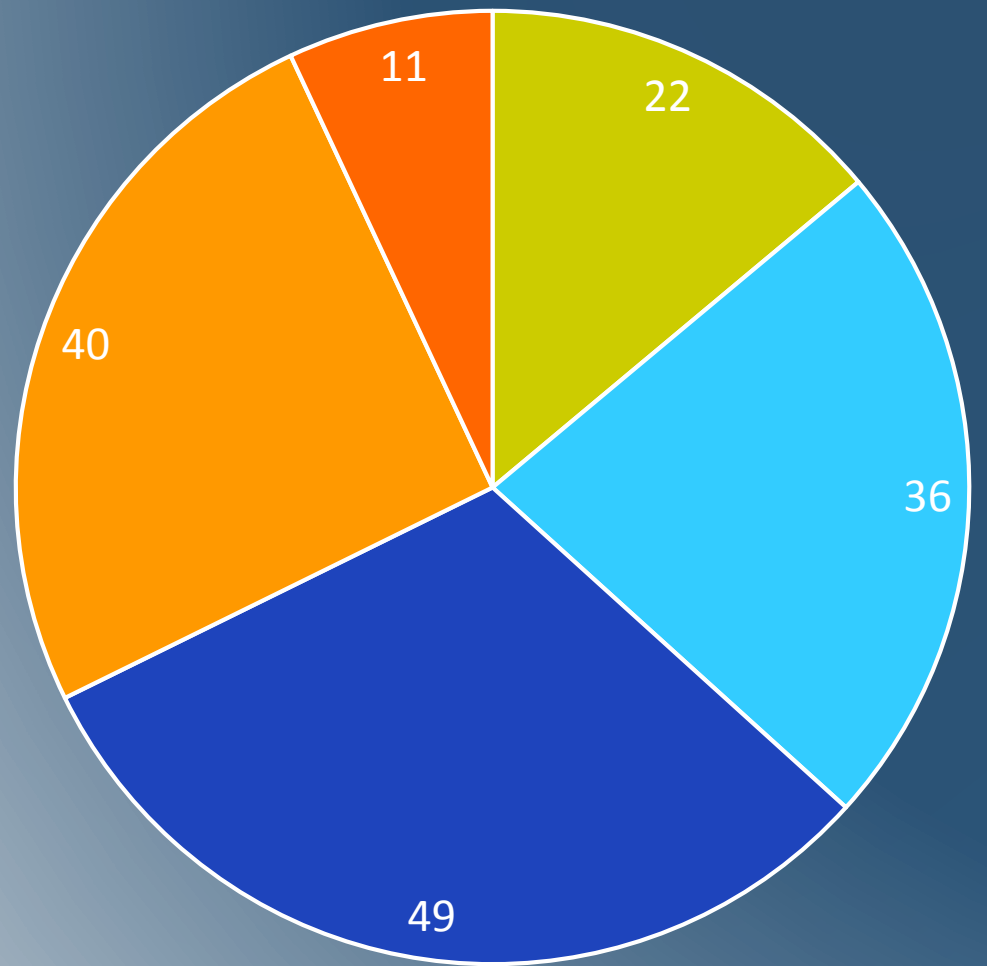
## 2018 Statistics: 112 New cases opened JANUARY 1, 2018 – DECEMBER 21, 2018

### Breakdown by Case Type



- Family Law
- Protection Order
- Bankruptcy
- Wills/POA/AD
- Housing
- Employment
- Collections
- Miscellaneous

### Breakdown by Priority Client Type\*

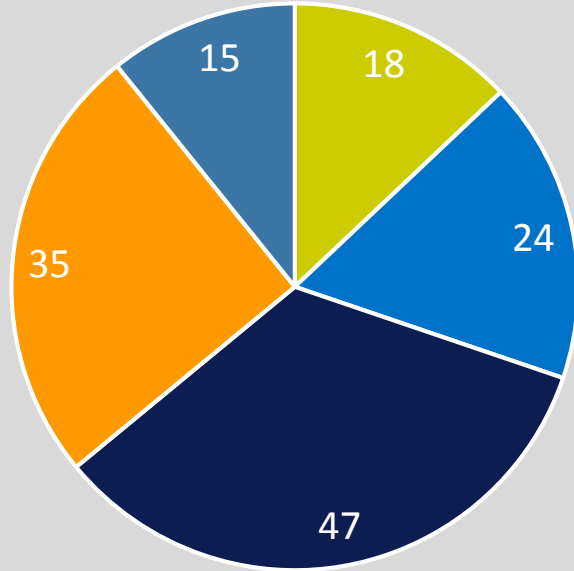


- Veterans
- Elderly
- Disabled
- Victims
- Non-Priority clients

*\*client may meet more than one priority criteria so numbers may reflect a total that is in excess of total number of cases opened*

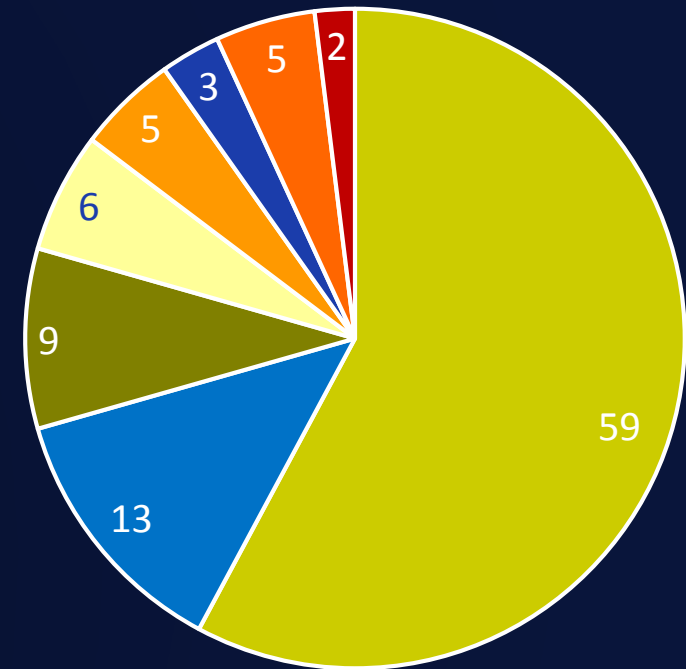
## 102 A2J Cases Closed in 2018

Breakdown by Priority Client Type



■ Veteran 
 ■ Elderly 
 ■ Disabled 
 ■ Victims 
 ■ Non-Priority

Breakdown by Case Type



■ Family Law 
 ■ Protection Order 
 ■ Bankruptcy  
■ Wills/POA/AD 
 ■ Housing 
 ■ Employment  
■ Collections 
 ■ Miscellaneous

\*\*\*client may meet more than one priority criteria so numbers may reflect a total that is in excess of total number of cases opened



# ADDITIONAL EFFORTS BY THE STATE BAR OF SOUTH DAKOTA TO HELP IMPROVE ACCESS TO JUSTICE:

## Making a Difference – By the Numbers

**1066**

Pro Bono  
service hours  
provided by  
South Dakota  
Attorneys  
through A2J

**\$217K**

Amount of  
dollars in pro  
bono legal  
assistance  
provided by SD  
attorneys  
through A2J

**225**

Legal Questions  
answered  
online by  
volunteer SD  
attorneys  
through SD  
Free Legal  
Answers

**6**

CLINICS/EVENTS  
SD Attorneys  
volunteered at  
four Veteran Legal  
Clinics and two  
Stand Down events  
in 2018 serving  
multiple Veterans  
& their families

## EACC Funds have helped:

Last years EACC grants enabled ERLS to provide legal services to 89 veterans and DPLS to provide legal services to 49 veterans, 33 seniors, 29 disabled individuals and 1 victim of domestic violence.



UNFORTUNATLY, LACK OF FUNDING IS A ROAD  
BLOCK TO PROVING LEGAL ASSISTANCE IN MANY CASES.



Dakota Plains Legal  
Services (DPLS)  
rejected 418 clients  
who sought assistance  
due to lack of  
staff/financial  
resources in 2018



East River Legal  
Services (ERLS)  
rejected 272 clients  
who sought assistance  
due to various reasons  
in 2018



Access to Justice  
(A2J) rejected 305  
clients who sought  
assistance due to lack  
of time/resources in  
2018