

# DAKOTA PLAINS LEGAL SERVICES

Administrative Offices are located in the Mission Branch Office

LEGAL SERVICES CORPORATION

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Please address reply to:

October 28, 2008

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Fort Thompson, SD 57339-0020  
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☐ P.O. Box 1989  
Pine Ridge, SD 57770-1989  
605-867-1020  
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☐ P.O. Box 500  
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☐ 528 Kansas City St., Suite 1  
P.O. Box 1500  
Rapid City, SD 57709-1500  
605-342-7171 • 1-800-742-8602  
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☐ P.O. Box 507  
Fort Yates, ND 58538-0507  
701-854-7204  
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 LSC



Tim Watson  
Office of Program Performance  
Legal Services Corporation  
3333 K Street, NW, 3<sup>rd</sup> Floor  
Washington, DC 20007

RE: Response to and Factual Inaccuracies in the Program Quality Report for Dakota Plains Legal Services

Dear Tim:

Below are some things we either started to work on as a result of the quality visit, a couple of responses and a couple of inaccuracies.

## 1. PERFORMANCE AREA ONE:

### Finding 2

On pages 5 and 6

“Notwithstanding the good response that was received from the surveys, some agency representatives who were interviewed during the visit stated that they were unaware that the needs survey had taken place and that they would like to have the opportunity to provide input.”

DPLS Response:

We mailed out surveys to all area agencies that we either work or collaborate with and agencies that we don't work or collaborate with that we identified as possibly having knowledge of the civil legal needs of the low income in our service areas. Attached is a mailing list of all such agencies that surveys were mailed to. The envelope was stamped in red ink as “Important Survey Enclosed”.

## 2. PERFORMANCE AREA THREE

### A. Legal Representation

**Finding 9: The DPLS computer network, as configured, does not allow optimum sharing of research materials.**

On page 11 first paragraph:

“Although advocates have access to research materials on the program’s network drives, the computer network is improperly configured to allow for practical, efficient sharing of materials. The drives are set up so that materials generated by a particular office are viewable on the network by that office only, such as an advocate from Pine Ridge who wished to see recent briefs generated in the Mission office cannot access them.”

DPLS Response:

We have solved this problem since the OPP visit in August. DPLS network has had a shared drive (the L drive) where all staff, program wide, had access but was never utilized. Since the OPP visit I placed folders and documents in each folder on this drive. There is a folder for a Brief Bank (where staff can access existing briefs and place new briefs), Brochures (where staff can access between 50 to 75 brochures on topics relevant to our clients and areas law practice that I developed), Case-Handler (this folder is broken down folders into the areas of the law we practice and each contain pleadings, discovery, etc., where case-handlers can access and existing pleading and place new pleadings), Caseload (where case-handlers will be placing their monthly caseload reports for my review rather than mailing or email attachment in folders according to the month), OAA Brochures and Talking Points (for brochures and talking points for staff giving community education talks to the elderly) and Pro Se forms for tribal court pro se forms DPLS has developed.

Page 11 second paragraph:

“Program communications have by all accounts improved enormously, but advocates indicated that network communications were often too slow and, as a result, that downloading materials from other offices often was too time consuming.”

DPLS Response:

DPLS asked our IT contractor to check into this after the OPP visit. He responded as follows:

As a result of the LSC site visit, one of the deficiencies noted was the network response time. We have tested this and the only office with inadequate speeds by today’s standards is our Eagle Butte office. We have looked a number of emerging technology options for this office but were reduced to the current technologies and performance. It also was recommended that we look into a T-1 for the central office in mission, but the cost is prohibitive and the upload and download speeds are comparable to current DSL speeds. The solution we have chosen, or more to the point, it was chosen for us based on affordability and performance. Our telephone company and our IT consultant have found a way to “bind” two DSL circuits into one high speed access. This will produce a solution that is faster and cheaper than a T-1. The cost of a T-1 is about \$800.00 per month, with a setup cost of \$500.00. The cost of the two DSLs will be less than \$150.00 per month with a setup cost between \$1,500.00 and \$2,500.00. This means that in less than four months we will realize the savings over a T-1 solution.

### **3. PERFORMANCE AREA THREE**

#### **B. Private Attorney Involvement**

##### **Finding 10**

Page 12 Third Paragraph

“The Rapid City office does not make use of PAI contract funds.”

DPLS Response:

The Rapid City office occasionally (although rarely) makes use of PAI contract funds but to a much lesser extent than the other offices because they (the Rapid City office) are able to refer cases to the pro bono panel of the state bar’s Access to Justice program.

**Finding 11: The DPLS board has not passed a PAI resolution.**

DPLS Response:

The DPLS board did pass such a resolution. It was discovered that the resolution inadvertently was never forwarded to LSC. Attached is a copy.

### **4. PERFORMANCE AREA FOUR**

#### **A. Board Governance**

##### **Finding 13**

Page 13, first paragraph

“It {board} meets four time per year; two meetings are by conference call to save the time and expense entailed by convening from widely scattered locations. Interviews suggested that not all board members were aware that two meetings occur in this fashion.”

DPLS Response:

DPLS Board of Directors meets four times per year. These meetings have historically been in-person meetings. DPLS Administration has been toying with the idea of having two meetings per year by conference call to save on time and expenses. DPLS did experiment by having one board meeting by conference call for it’s July, 2008 board meeting. All board members were notified of the date, time and call in procedures well in advance of the conference call. At our October 24, 2008 board meeting (in-person meeting) I will attempt to persuade the board to pass a motion to allow for two board meeting per year be held by conference call to save on expenses of an in-person board meeting.

### **5. PERFORMANCE AREA FOUR**

#### **C. Human Resources**

##### **Finding 16**

Page 15, second paragraph:

“DPLS is challenged with professional staff retention. Board members expressed concern about staff losses that have resulted in former two-attorney offices being now limited to single attorney (Ft. Thompson and Pine Ridge).”

DPLS Response:

The Ft. Thompson office has always been a one-attorney office. DPLS had a separate office in Pierre several years ago, but that office was closed due to lack of funding.

Pine Ridge was also a two-attorney office but due to lack of adequate funding is now a single attorney office with a paralegal case-handler.

If we were to receive more funding from LSC we would hire another attorney in the Rapid City office and then the Pine Ridge office, as those are the offices with the most critical needs in the order given.

## **6. PERFORMANCE AREA FOUR**

### **E. Comprehensive and Integrated Delivery Structure**

#### **Finding 18**

Page 16, the last sentence of the report:

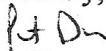
“DPLS has collaborated with Legal Aid of Nebraska and Legal Services of North Dakota in drafting documents for use by the public.”

DPLS Response:

DPLS has collaborated with the state bar, ERLS, USD School of Law, SOBA (Rosebud Sioux Tribal court bar association) on the state wide website. DPLS developed all of the content including the documents for use by the public. DPLS has not collaborated with Legal Aid of Nebraska nor Legal Services of North Dakota in drafting documents for use by the public. We do refer cases to and accept referrals from these legal services programs.

Tim, a well written and good report. I really appreciate your input as well as that of Evora and Carolyn. I hope to use this information for the betterment of the program.

Sincerely,

  
Pat Donovan  
Executive Director

encl.s

Pennington County Housing and  
Redevelopment Commission  
Douglas Wells, Executive Director  
1805 West Fulton St.

Cornerstone Rescue Mission  
Jim Castleberry, Exec. Director  
30 Main St.  
Rapid City SD 57701

BIA Social Services  
Attn: Joan Netterville  
PO Box E  
Fort Yates ND 58538

Sacred Heart Adolescent Center  
Frank McDaniel, Director  
PO Box 2000  
Eagle Butte SD 57625

OST Department of Public Safety  
PO Box 300  
Pine Ridge SD 57770

Medicine Root District  
PO Box 496  
Kyle SD 57752

LaCreek District  
PO Box 681  
Martin SD 57551

Pine Ridge District  
PO Box 348  
Pine Ridge SD 57770

OST Education Committee  
PO Box 2070  
Pine Ridge SD 57770

Lower Brule IHS  
PO Box 191  
Lower Brule SD 57548

Tri-County Housing Authority  
Ms. Sherry Scudder  
1220 Cedar St. Suite 113  
Sturgis SD 57785

CASA  
2650 Jackson Blvd.  
Rapid City SD 57701

SD Dept. Of Social Services  
Attn: Michael Putzier  
PO Box 715  
Eagle Butte SD 57625

Lakota Oyate Wakanyeja Owicakiyapi  
PO Box 604  
Pine Ridge SD 57770

Cangleska Inc.  
PO Box 3003  
Pine Ridge SD 57770

Eagle Nest District  
PO Box 289  
Wanblee SD 57577

Porcupine District  
PO Box 217  
Porcupine SD 57772

Oglala District  
PO Box 289  
Oglala SD 57764

Sicangu Tikaga Okiciyapi  
Habitat for Humanity  
PO Box 327  
Mission SD 57555

Service Unit Director  
Indian Health Service  
PO Box 200  
Ft. Thompson SD 57339

SANI-T  
Ms. Laurette Poirier, Exec. Director  
201 Main St. Suite 24  
Rapid City SD 57701

Sioux County Social Services  
Vince Gillette, Director  
PO Box B  
Ft. Yates ND 58538

Sacred Heart Women's Shelter  
Attn: Marcy Lesmeister  
PO Box 2000  
Eagle Butte SD 57625

Kevin Steele  
Judiciary Committee Coordinators  
PO Box 2070  
Pine Ridge SD 57770

Wounded Knee District  
PO Box 133  
Manderson SD 57756

Pass Creek District  
PO Box 560  
Allen SD 57714

Wakpamni District  
PO Box 1993  
Pine Ridge SD 57770

OST Attorney General  
PO Box 280  
Pine Ridge SD 57770

David Valandra  
ICWA Specialist  
PO Box 139  
Ft. Thompson SD 57339

Pierre Area Referral Service  
118 East Missouri  
Pierre SD 57501

Sicangu Child and Family Services  
Attn: Elizabeth Little Elk  
PO Box 1047  
Mission SD 57555

ICWA  
Attn: Shirley Big Eagle  
PO Box  
Mission SD 57555

Sinte Gleska University  
Attn: Nora Antoine  
PO Box 105  
Mission SD 57555

BIA Social Services  
PO Box 139  
Ft. Thompson SD 57339-0139

Department Social Services  
Sally Steinfeld, Director  
320 Sorensen Drive  
Chamberlin SD 57325-1022

Rose McCauley  
ICWA Director  
PO Box 122  
Lower Brule SD 57548

Sisseton-Wahpeton Public Defender Office  
Attn: Adam Bride  
PO Box 746  
Agency Village SD 57262

Women's Circle  
Attn: Julie Watts  
PO Box 509  
Agency Village SD 57262

SWTC Office of Child Support Enforcement  
Attn: Bill Laroach  
PO Box 808  
Agency Village SD 57262

Adult Services & Aging  
609 5<sup>th</sup> Avenue  
Belle Fourche SD 57717

Child Protection Services  
609 5<sup>th</sup> Avenue  
Belle Fourche SD 57717

Food Stamps Program  
609 5<sup>th</sup> Avenue  
Belle Fourche SD 57717

Medical Eligibility  
609 5<sup>th</sup> Avenue  
Belle Fourche SD 57717

Food Stamps Program  
PO Box 186  
Burke SD 57523-0186

Medical Eligibility  
PO Box 186  
Burke SD 57523-0186

Temporary Assistance for Needy Families  
PO Box 186  
Burke SD 57523-0186

Adult Services & Aging  
320 Sorensen Drive  
Chamberlain SD 57325-1022

Child Protection Services  
320 Sorensen Drive  
Chamberlain SD 57325-1022

Food Stamps Program  
320 Sorensen Drive  
Chamberlain SD 57325-1022

Medical Eligibility  
320 Sorensen Drive  
Chamberlain SD 57325-1022

Temporary Assistance for Needy Families  
320 Sorensen Drive  
Chamberlain SD 57325-1022

Adult Services & Aging  
1164 Mt. Rushmore Rd. #3  
Custer SD 57730-2133

Child Protection Services  
1164 Mt. Rushmore Rd. #3  
Custer SD 57730-2133

Food Stamps Program  
1164 Mt. Rushmore Rd. #3  
Custer SD 57730-2133

Medical Eligibility  
1164 Mt. Rushmore Rd. #3  
Custer SD 57730-2133

Adult Services & Aging  
20 Cliff Street  
PO Box 607  
Deadwood SD 57732-0607

Child Protection Services  
20 Cliff Street  
PO Box 607  
Deadwood SD 57732-0607

Food Stamps Program  
20 Cliff Street  
PO Box 607  
Deadwood SD 57732-0607

Medical Eligibility  
20 Cliff Street  
PO Box 607  
Deadwood SD 57732-0607

Temporary Assistance for Needy Families  
20 Cliff Street  
PO Box 607  
Deadwood SD 57732-0607

Child Protection Services  
Main Street  
PO Box 185  
Dupree SD 57623-0185

Food Stamps Program  
Main Street  
PO Box 185  
Dupree SD 57623-0185

Medical Eligibility  
Main Street  
PO Box 185  
Dupree SD 57623-0185

Temporary Assistance for Needy Families  
Main Street  
PO Box 185  
Dupree SD 57623-0185

Food Stamps Program  
PO Box 139  
Red Horse Road  
Ft. Thompson SD 57339

Medical Eligibility  
PO Box 139  
Red Horse Road  
Ft. Thompson SD 57339

Temporary Assistance for Needy Families  
PO Box 139  
Red Horse Road  
Ft. Thompson SD 57339

Adult Services & Aging  
PO Box 729  
Hot Springs SD 57747-0729

Child Protection Services  
PO Box 729  
Hot Springs SD 57747-0729

Food Stamps Program  
PO Box 729  
Hot Springs SD 57747-0729

Medical Eligibility  
PO Box 729  
Hot Springs SD 57747-0729

Temporary Assistance for Needy Families  
PO Box 729  
Hot Springs SD 57747-0729

Adult Services & Aging  
404 3<sup>rd</sup> Avenue  
PO Box 250  
Martin SD 57551-0250

Child Protection Services  
404 3<sup>rd</sup> Avenue  
PO Box 250  
Martin SD 57551-0250

Medical Eligibility  
404 3<sup>rd</sup> Avenue  
PO Box 250  
Martin SD 57551-0250

Temporary Assistance for Needy Families  
404 3<sup>rd</sup> Avenue  
PO Box 250  
Martin SD 57551-0250

Adult Services & Aging  
671 N. Marge Lane  
PO Box 818  
Mission SD 57555-0818

Child Protection Services  
671 N. Marge Lane  
PO Box 818  
Mission SD 57555-0818

Food Stamps Program  
671 N. Marge Lane  
PO Box 818  
Mission SD 57555-0818

Medical Eligibility  
671 N. Marge Lane  
PO Box 818  
Mission SD 57555-0818

Temporary Assistance for Needy Families  
671 N. Marge Lane  
PO Box 818  
Mission SD 57555-0818

Adult Services & Aging  
PO Box 160  
Mobridge SD 57601-0160

Child Protection Services  
PO Box 160  
Mobridge SD 57601-0160

Food Stamps Program  
PO Box 160  
Mobridge SD 57601-0160

Temporary Assistance for Needy Families  
PO Box 160  
Mobridge SD 57601-0160

Medical Eligibility  
PO Box 160  
Mobridge SD 57601-0160

Adult Services & Aging  
912 East Sioux  
Pierre SD 57501-3490

Child Protection Services  
912 East Sioux  
Pierre SD 57501-3490

Child Support Services  
912 East Sioux  
Pierre SD 57501-3490

Food Stamps Program  
912 East Sioux  
Pierre SD 57501-3490

Medical Eligibility  
912 East Sioux  
Pierre SD 57501-3490

Quality Control  
912 East Sioux  
Pierre SD 57501-3490

Temporary Assistance for Needy Families  
912 East Sioux  
Pierre SD 57501-3490

Adult & Aging Services  
PO Box 279  
Pine Ridge SD 57770-0279

Child Protection Services  
PO Box 279  
Pine Ridge SD 57770-0279

Food Stamps Program  
PO Box 279  
Pine Ridge SD 57770-0279

Medical Eligibility  
PO Box 279  
Pine Ridge SD 57770-0279

Adult Services & Aging  
PO Box 2440  
Rapid City SD 57709-2440

Child Protection Services  
PO Box 2440  
Rapid City SD 57709-2440

Child Support Office  
PO Box 2440  
Rapid City SD 57709-2440

Food Stamp Program  
PO Box 2440  
Rapid City SD 57709-2440

Medical Eligibility  
PO Box 2440  
Rapid City SD 57709-2440

Medical Services Nurse Consultant  
PO Box 2440  
Rapid City SD 57709-2440

Quality Control Program  
PO Box 2440  
Rapid City SD 57709-2440

Temporary Assistance for Needy Families  
PO Box 2440  
Rapid City SD 57709-2440

Benefit Fraud Investigations  
PO Box 2440  
Rapid City SD 57709-2440

Adult Services & Aging  
PO Box 230  
Sisseton SD 57262-0230

Child Protection Services  
PO Box 230  
Sisseton SD 57262-0230

Food Stamp Program  
PO Box 230  
Sisseton SD 57262-0230

Medical Eligibility  
PO Box 230  
Sisseton SD 57262-0230

Temporary Assistance for Needy Families  
PO Box 230  
Sisseton SD 57262-0230

Food Stamp Program  
PO Box 219  
White River SD 57579-0219

Medical Eligibility  
PO Box 219  
White River SD 57579-0219

Temporary Assistance for Needy Families  
PO Box 219  
White River SD 57579-0219

Adult Services & Aging  
PO Box 31  
Winner SD 57580-0031

Child Protection Services  
PO Box 31  
Winner SD 57580-0031

Medical Eligibility  
PO Box 31  
Winner SD 57580-0031

Temporary Assistance for Needy Families  
PO Box 31  
Winner SD 57580-0031

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Aberdeen SD 57401

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Bureau of Indian Affairs  
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Eagle Butte SD 57625

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PO Box 139  
Ft. Thompson SD 57339

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Lower Brule SD 57548

Daniel Picard, Superintendent  
BIA Pine Ridge Agency  
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Pine Ridge SD 57770

Cleve Her Many Horses, Superintendent  
BIA Rosebud Agency  
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Rosebud SD 57570

Russell Hawkins, Superintendent  
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Agency Village SD 57262

Steven McLaughlin, Superintendent  
BIA Standing Rock Agency  
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Fort Yates ND 58538

Warren LaBeau, Superintendent  
BIA Yankton Agency  
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Wagner SD 57380

Joseph Brings Plenty, Chairman  
Cheyenne River Sioux Tribe  
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Eagle Butte SD 57625

Lester Thompson, Chairman  
Crow Creek Sioux Tribal Council  
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Fort Thompson SD 57339

Joshua Weston, President  
Flandreau Santee Sioux Executive Committee  
PO Box 283  
Flandreau SD 57028

Michael Jandreau, Chairman  
Lower Brule Sioux Tribal Council  
187 Oyate Circle  
Lower Brule SD 57548

John Yellow Bird Steele, President  
Oglala Sioux Tribal Council  
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Pine Ridge SD 57770

Rodney Bordeaux, President  
Rosebud Sioux Tribal Council  
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Rosebud SD 57570

Michael Selvage, Sr. Chairman  
Sisseton-Wahpeton Oyate for the Lake Traverse Reservation  
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Agency Village SD 57262

Ron His Horse is Thunder, Chairman  
Standing Rock Sioux Tribal Council  
PO Box D  
Fort Yates ND 58538

Robert Cournoyer, Chairman  
Yankton Sioux Business & Claims Committee  
PO Box 248  
Marty SD 57361-0248

**RESOLUTION  
OF  
BOARD OF DIRECTORS OF DAKOTA PLAINS LEGAL SERVICES**

**In Support of Enhanced Private Attorney Involvement  
with LSC-Funded Programs**

Whereas, the Legal Services Corporation and the programs it funds, including Dakota Plains Legal Services, have long recognized that the overarching values of private attorney involvement to LSC-funded programs are increased access, increased human and capital resources, and increased *pro bono* commitment; and

Whereas, at its April 2007 meeting, the Board of Directors of the Legal Services Corporation adopted Resolution 2007-003 supporting and encouraging private attorney involvement and urging governing boards of LSC-funded programs to collaborate with other organizations to effectively engage lawyers in *pro bono* representation and other services that benefit low-income persons; and

Whereas, the LSC Board of Directors resolution build upon the following national LSC initiatives:

- The October 2005 LSC report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, which found that 50 percent of the potential clients requesting assistance from an LSC grantee was turned away for lack of resources on the part of the program;
- The LSC *Strategic Directions 2006-2010*, which calls upon LSC to increase public awareness of and support for legal services to low-income persons in order to respond appropriately to more of their legal needs;
- The LSC *Performance Criteria*, which consider, in evaluating a program's legal representation and other activities intended to benefit the low-income population in its service area, whether that program effectively integrates private attorneys into its work in order to supplement the amount and effectiveness of its representation and other services;
- The Provisions for the Delivery of Legal Services Committee of the LSC Board of Directors 2006 meetings, which highlighted the potential, opportunities and challenges of private attorney involvement and determined ways in which this critical resource can be used more effectively by LSC-funded programs as a means to help close the justice gap;
- The unanimous adoption in January 2007 by LSC Board of Directors of a strategic work plan entitled *Action Plan for Private Attorney Involvement: Help Close the Justice Gap, Unleash the Power of Pro Bono*, which highlights the benefits of engaging private attorneys to help represent clients of LSC-funded programs and describes ways in which the LSC Board and staff will work to expand private attorney involvement.

- The American Bar Association's Model Rule 6.1 and similar state bar rules note the professional responsibility of every lawyer to provide *pro bono* legal assistance to persons of limited means;

**Whereas**, in South Dakota, which contains some of the most poverty-stricken areas in the nation as well as a continuing and documented dearth of attorneys practicing in such areas, despite the recent partnership of Dakota Plains Legal Services, East River Legal Services, and the State Bar of South Dakota that created Access to Justice, the first statewide *pro bono* referral service in South Dakota;

**Now, Therefore, Be It Resolved** that the Board of Directors of Dakota Plains Legal Services in an effort to help close the justice gap in South Dakota, supports and encourages private attorney involvement with Dakota Plains Legal Services and will endeavor to:

- Collaborate with other organizations and entities in South Dakota to develop and facilitate educational efforts that demonstrate the extent of the unmet civil legal need and encourage collective responsibility with South Dakota by both public and private entities to help meet this unmet civil legal need;
- Collaborate with other organizations and entities in South Dakota to develop effective strategies for engaging lawyers in *pro bono* representation and other services that benefit low-income persons;
- Consider including in that collaboration organizations and entities such as the State Bar of South Dakota and its Access to Justice Program; all local South Dakota local bar associations; the University of South Dakota School of Law; private law firms and practitioners; corporate counsel and law departments; government and military law offices; and state and federal courts, among others; and
- Develop strategies that encourage *pro bono*, including creative recruitment methods and delivery models, attorney practice and continuing legal education rules, and training, mentoring, support, and recognition of volunteers.

**Be It Further Resolved** that the Board of Directors of Dakota Plains Legal Services will promote, support and encourage private attorney involvement initiatives by publicizing and recognizing private attorney involvement in the work of Dakota Plains Legal Services and by collaborating with national, state and local organizations to create opportunities for such publicity and recognition.

**Adopted by the Board of Directors of Dakota Plains Legal Services on July 20, 2007.**

  
Joe White Bear Claws  
Board Chair