

GENERAL INFORMATION

The State Bar of South Dakota formed Access to Justice, Inc., to supplement legal services currently being provided by Dakota Plains Legal Services and East River Legal Services and to help attorneys fulfill their ethical obligation to do pro bono work. Cases that are accepted for participation in the state pro bono program are referred to private attorneys who volunteer their time to help indigent people with their legal problems.

FINANCIAL ELIGIBILITY

Applicants for the pro bono program under the age of 60 years must live at or below 125% of the current federal poverty guidelines. The income limit for disabled applicants and for applicants age 60 and over is 200% of the current federal poverty guidelines. Maximum asset limits apply to all applicants.

CASE PRIORITIES

Current program priorities include some family law, consumer, education, employment, health, housing and wills/estates cases. We may not have many lawyers in some areas or lawyers for certain types of cases and therefore cannot accept every application or case that qualifies.

REFERRAL TO VOLUNTEER ATTORNEY(S)

Cases accepted for participation in the state pro bono program are referred to a volunteer attorney for their consideration. Each attorney decides whether or not to accept the case that has been referred to them. Most attorneys want to interview a potential pro bono client prior to accepting their case. If any attorney finds that a case lacks merit, that case will not be referred to other attorneys.

It is very possible that a case may be referred to more than one attorney. Some attorneys do not handle certain kinds of cases or they may be extremely busy when a case is referred to them and they are not able to take a pro bono case at that time.

The referral process can take some time and there are waiting lists in some counties because of the number of eligible applicants who need help in that area.

The Access to Justice program can not guarantee that an attorney will be found for every case that is accepted for participation in the state pro bono program and makes no assurances with regard to the outcome of any case handled by a pro bono attorney.

CLIENT COSTS

Pro bono clients are responsible for paying all costs related to their case. Volunteer attorneys are not paid for the time they spend working on pro bono cases. These attorney volunteers donate their time but they do not pay your case costs. Many attorneys will request that a pro bono client deposit funds in the firm's trust account to cover anticipated costs and fees before accepting the case.

These costs and fees could include court filing fees and service of process fees (although attorneys may ask the Court to waive those fees.) Pro bono clients may also incur mediation, DNA/paternity testing, homestudy, or publication costs in their case. Other expenses may be incurred, or may be recommended by an attorney, to ensure that the attorney can adequately represent his/her pro bono client.

STAFF SUPPORT

Access to Justice staff is available to help attorneys and clients who may be experiencing problems or need help with a pro bono case. Please contact us at (605) 791-4147 to request assistance. A2J is a very small program. Please leave a message if we are not able to answer the phone.

INSTRUCTIONS TO CLIENTS

If a volunteer attorney accepts your case, please:

1. Be on time for all appointments with your attorney, for Court hearings, and for other events related to your case. If at all possible, do not take children with you unless you are required to.
2. Follow your attorney's instructions. If the attorney asks for information, be prompt about supplying the information. If you are not able to get the information requested, let your attorney know as soon as possible.
3. Ask your attorney to keep you informed if you need regular progress reports. Not all attorneys will automatically keep you informed of what is happening in your case.
4. Keep a written record of events that relate to your case. Your notes will help you remember important facts later in your case and they will help summarize your case to your attorney.
5. Let your attorney know if you decide not to pursue your case. The attorney may otherwise proceed and produce a result that you did not want. Valuable time and effort might also be wasted.
6. Let your attorney know if your address or telephone number changes. You may lose your case (by default) or the attorney may withdraw from your case if he/she can not locate you when necessary. If you can be reached at work, leave your work number with the attorney's office.

CLIENT INSTRUCTIONS (continued)

7. Contact the legal services program in your area for other legal problems you may have. Your attorney agreed to help you with the case that was originally referred to him/her. You should not expect your attorney to help you with your other legal problems. Although you were approved for pro bono help for one case, we may not be able to accept additional cases.
8. Avoid unnecessary phone calls to your attorney. A letter will most often be sufficient, especially if you want to inform your attorney of an event related to your case. Your letters will become part of the attorney's file. If your letter requires a response, most attorneys will call you or write within a reasonable amount of time. Your attorney has many other clients and cases that also need his/her time and attention.
9. Maintain a good working relationship with your attorney. Your attorney will do his/her best for you and your case. Your attorney may withdraw from your case if your relationship breaks down or if you make unreasonable demands on his or her time.

IMPORTANCE OF CONTACT INFORMATION

Contact Access to Justice, Inc., immediately should your address and/or telephone number change. We often communicate with pro bono clients/applicants through the mail. If letters to you are returned by the post office, and we can not easily find an updated address for you, we will close your file and you will lose your place in line if you are on a waiting list. It is also important that we know how to contact you in the event we find an attorney who is willing to consider taking your case.

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South Dakota Pro Bono

