

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
March 29, 2016 - NOON

**MINUTES**

1. Call to Order

A meeting of the IOLTA Advisory Committee of The West Virginia State Bar was called to order by Chairperson Anne Werum Lambright on March 29, 2016. Committee members appearing in person were Jennifer Hall-Massey, Elizabeth Wehner, Richard Lehman and Sue Racer Troy. Also participating in the meeting by conference call was Charles DiSalvo. State Bar Finance Director Sarah Harper-Jones, State Bar Executive Director Anita Casey, and State Bar IOLTA Administrator Tyler Shoub were also present for the meeting. Mr. Shoub served as Secretary.

Minutes are presented in the order the items appeared on the Agenda, not necessarily in the order in which the items were presented at the meeting.

2. Review of Minutes of Last Committee Meeting – December 17, 2015

The Minutes of the meeting of December 17, 2015 were accepted by consensus.

3. Reports from Legal Services Programs – Ms. Wehner

Ms. Wehner reported that Legal Aid of West Virginia(LAWV) has concerns over state budget cuts noting specifically that the State Legal Assistance Fund is at risk of losing \$400,000.

More positively, Ms. Wehner reported that Jennifer Taylor was invited to educate State Legislators about 10 issues regarding senior citizens. Three bills resulted to strengthen penalties for fraud and financial exploitation of senior citizens. Ms. Wehner then noted that LAWV had been invited to apply for funding through Victims of Crime Assistance (VOCA). She followed with a discussion of the Sexual Assault Coalition regarding compensation for victims.

Ms. Wehner then revealed that LAWV was one of thirty sites chosen for rural legal fellows. Two positions were offered and accepted by WVU Law students. A Pro Bono Advisory Council Meeting was recently held regarding an overhaul of pro bono training in an effort to better utilize current technology. Finally, Ms. Wehner discussed the Eric Conn cases and informed the committee that LAWV had received 34 cases involving the matter.

4. Report from Special Grantees – Professor DiSalvo

Prior to the meeting, Mr. DiSalvo was provided with a summary of each of the grantees activities for the prior period. Those summaries were forwarded onto Mr. Shoub for record keeping and have been included below.

### **Childlaw**

For the first quarter of 2016, we have opened 80 cases. One of them was an EITC/tax case, one of them was an adoption, 40 were abuse and neglect and 38 were custody GAL work.

We closed 65 cases: 1 - discipline, 1 - adoption, 6 - custody, 7 - delinquency, 43 abuse and neglect, 5 - general guardian ad litem, and 2 - miscellaneous juvenile cases. We are proud that we were able to do all of that without the state paying any of our bills since September and are very grateful for our partners like the IOLTA Committee who supported us during this time.

### **Center for Law and Public Service**

The Director of the Center for Law and Public Service managed the PIA auction which was held in the new event center at the WVU College of Law on March 10, 2016, and the follow up silent auction, which was held on March 17-19 in the main lobby of the WVU College of Law. This year was successful, as the live and silent auctions raised over \$25,000 to fund full time and summer public interest fellowships for WVU College of Law students.

The Center continues its work coordinating pro bono projects at the WVU College of Law. This year the Center worked with 9 community partners to sponsor different pro bono projects for law students. Our community partners included Legal Aid of WV, Senior Legal Aid, Mountain State Justice, the WV Fair Housing Network, CASA of Monongalia County, VITA, the Appalachian Prison Book Project, the Magistrate Mediation project, and RDVIC. Students completed pro bono hours with each of these projects.

At the WVU College of Law Honors Day, the Center will recognize students with “pro bono distinction.” “Pro Bono distinction” means that these students have performed over 25 hours of pro bono service in the course of their law school career. As of the time of this report, 11 students had qualified for this award. Deadline to apply is Monday, April 4th so we expect additional applications. For the first time ever, the Center will also recognize law students who have completed non-legal community service as well. Deadline to apply for that award is also Monday, April 4th. We expect to have 5-10 qualify for this award as well. The Center for Law and Public Service also hosted the first ever Externship Fair at the WVU College of Law on Monday, March 28, 2016. 12 employers attended and over 30 students came to the fair to meet with externship sites and learn more about those experiential opportunities. The Center expects to help enroll 12-15 summer externs and additional externs for the Fall 2016 semester as a result of this fair.

### **WV Fund for Law in the Public Interest**

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year was successful, as the live and silent auctions raised over \$25,000 to fund full time and summer public interest fellowships for WVU College of Law students. In March, the Director for the Center for Law and Public Service and three board members from the WV Fund for Law in the Public Interest conducted interviews, and nominated 15 students for public interest fellowships for 15 first and second year law students at the WVU College of Law. These students are working this summer at public interest employers all over West Virginia, including Legal Aid of WV, Senior Legal Aid, Mountain State Justice, WV Advocates, Childlaw Services, and the WV Public Defender. The WV Fund for Law in the Public Interest also expects to fund three full-time post graduate fellowships for three students graduating in the Class of 2016 from the WVU College of Law. Both the summer and full time fellowship selections will be finalized at the March 30, 2016 Fund Board meeting.

### **WV Senior Legal Aid**

Most significant thing we have done this quarter is participating on the town hall meeting of 800 victims of a Ponzi scheme in New Martinsville. We appeared to share our contact information with the victims, most of whom are senior West Virginians, who will no doubt have numerous legal issues as they deal with the theft loss of their investment with Budget Finance company who swindled folks out of an estimated \$38 million. We are working with the FBI victim advocate who told us most were middle income folks who suddenly got money selling their gas rights and had no investment experience. The perpetrator had been in business locally since the 1960's and was trusted in the community. There will be plenty of legal fallout for them in the near future, we are preparing to assist any individual senior victims who contact us.

No report was received from Mountain State Justice.

### **CASA**

From January 1, 2016 through March 21, 2016 there were 231 active volunteers across the state. These volunteers contributed approximately 6930 volunteer hours and served 1924 children. Our network has worked on initiatives including keeping siblings together in foster care, advocating for the preservation of kinship placements and helping children to have better educational attainments while in care. During this quarter, 36 additional CASA volunteers have been trained and sworn in by the local circuit court judges. The WVCASA Association has hired its new state director, Traci Busch. Traci's start date was this week and she is working to establish and set up her new office. IOLTA reporting will remain my responsibility at this time.

### **5. Financial Report – Ms. Harper-Jones**

Ms. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had \$423,416.88 on hand. A discussion ensued regarding the Bank of America settlement monies. After considering the current funds, Ms. Harper-Jones advised that there were \$62528.86 available for disbursement. A motion was made to disburse \$62,500. A proper 2<sup>nd</sup> was made in support, the motion was then passed unanimously. Ms. Lambright volunteered to send a 'Thank You' letter to Roger Hughes at the State Treasurer's office. Mr. Hughes was responsible for locating unclaimed property from various IOLTA accounts throughout the state

and contacted the Bar about said funds. As a result, the State Bar received nearly \$10,000 in unclaimed property.

## 6. Old Business

### A. Status of Bank of America settlement monies – Ms. Casey

Ms. Casey reported that, as of the date of the meeting, no Requests for Proposal had been received. It was noted that any such requests are due no later than midnight on April 30, 2016. Ms. Casey reported that there had been no contact from the State Attorney General's office regarding the monies.

### B. Discussion of online database for remittance files

Ms. Harper-Jones reported that a handful of banks had already begun to utilize the new online database. However, BB&T was, currently refusing to bring its procedure within the guidelines of the new submission procedure. A discussion followed regarding the steps to take with BB&T. It was decided that a letter will be sent on April 1, 2016 addressing the impending change and the bank's willingness to change its internal procedure for the April 16, 2016 deadline. A discussion followed regarding what steps would be taken if BB&T failed to comply with the new rule; these measures would be far-reaching and possibly difficult on attorneys. Ms. Lambright and Ms. Casey intend to discuss and coordinate with local bank representatives in an effort to resolve the matter.

## 7. New Business

### Discussion of proposed protocol for future grantee applicants

A discussion regarding the draft of the proposed protocol took place. There were discussions on a handful of particular aspects of the protocol. However, the only modification to the document was to name it "IOLTA Advisory Committee Financial Assistance Protocol." A motion was made to adopt the protocol; this was met with a proper 2<sup>nd</sup> and then adopted unanimously. The protocol will be sent to the WV Supreme Court as soon as possible after the meeting. Assuming the Court approves the protocol, the protocol will be sent to the current grantees on June 1, 2016 enforcing a compliance date of August 1, 2016. The committee will review the submitted applications at the September meeting and advise the Court on the prospect of adding/dropping grantees.

It was pointed out by Ms. Casey that Mr. Lehman was nearing his retirement but that he will continue to sit on the committee.

## 8. Next Meeting

The next meeting of the committee will be June 28, 2016 at 10:30 AM. This initial meeting will be to discuss the selection committee. Following this, the regular committee meeting shall take place.

#### 9. Adjournment

The meeting was adjourned by consensus.

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