

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
JUNE 25, 2015 - 11:00 A.M.

**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 Lambright on June 25, 2015. Committee members appearing in person were Chairperson Lambright, Jennifer Massey, James Martin, Bren Pomponio, Richard Lehman and Sue Racer Troy. Elizabeth Wehner, of Legal Aid of WV was in attendance. Attending by conference call was Professor Charles DiSalvo. State Bar Financial Director Sarah Harper-Jones and Executive Secretary Kathy Henning, who served as secretary for the meeting, also attended.

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 – March 26, 2015

Following a review of the same, a motion to approve the minutes of the March 25, 2015, meeting was made. The motion received a proper second and passed by a unanimous vote.

3. Reports from Legal Service Programs

Mr. Martin made a report regarding the Legal Services Programs. He discussed funding cuts and identified his concerns and possible solutions to prevent cuts in levels of funding. He stated that Legal Aid of WV is working with the Supreme Court of Appeals of WV Access to Justice Commission on a legal needs survey to determine where the needs are. He expressed his concerns regarding how the funding would be used in the future. Mr. Pomponio made comments that needs are not being met and funding should be provided to citizens who are losing homes, have a considerable amount of debt and facing bankruptcy.

Mr. Martin also discussed the possibility of the current grantees providing a yearly report of how the monies received were being spent to help low income citizens. The Committee members were in favor of the grantees completing a yearly report, but no actions were taken at this time on preparing a reporting document. Chairperson Lambright stated that she felt the first duty of the new IOLTA paralegal would be preparation of a questionnaire for grantees to complete regarding how the distributions are spent on low income citizens.

Chairperson Lambright expressed her gratitude on behalf of the IOLTA Advisory Committee members to Mr. Martin for his years of service on the Committee and his work in helping low income citizens in the state. Mr. Martin stated that his retirement date would be mid-July. He stated that Elizabeth Wehner of LAWV would be his temporary replacement until such time a new Committee member is appointed.

4. Reports from Special Grantees - Professor DiSalvo provided the following information from the Special Grantees:

### **Childlaw Services**

For the first five months of this year, Childlaw opened 157 cases broken down in the following way: 2 adoptions, 21 custody, 32 delinquent and juvenile, 94 abuse and neglects and 8 criminal victim cases. During this same time period, Childlaw closed 87 cases with 1 disciplinary case, 18 custody, 5 delinquencies, 46 abuse and neglect, 13 criminal victim and 4 miscellaneous juvenile cases.

### **WV Senior Legal Aid**

In the last quarter Senior Legal Aid has provided individual legal services to 185 senior clients. Senior Legal Aid has delivered legal planning workshops for caregivers and families with Alzheimers in partnership with the Alzheimers Assn to over 300 people in Gilmer, Kanawha, Greenbrier, Wood, and Jefferson counties. Senior Legal Aid delivered workshops on financial exploitation and elder abuse prevention and intervention for social workers at the Summer Institute on Aging and for medical professionals at the Osteopathic School. Senior Legal Aid presented for 75 seniors at the Mercer County senior center's Healthcare Decisions Day event, 40 adult services workers at their statewide training summit, and tabled at the AARP Scam Jam for Moneysmart Week.

Senior Legal Aid hired a full-time legal assistant and has a PIA Fellow doing a great job working with us doing client work and updating our book of Legal Questions Frequently Asked by WV Seniors. We are excited to be hiring a staff attorney in July!

### **WV CASA Association**

From April 1, 2015 through June 23, 2015 there were 231 active volunteers across the state. These volunteers contributed 6,930 volunteer hours and served 1539 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 the past quarter, 61 additional CASA volunteers have been trained in our new *Fostering Futures* curriculum, specifically targeting the needs of foster youth ages 14-21. Ninety one youth have been attached to these new CASA volunteers.

### **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, 2015, 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 one of PIA's most successful ever, as the live and silent auctions raised over \$32,000 to fund full time and summer public interest fellowships for WVU College of Law students. This feat was even more remarkable because, for the first time ever, the PIA live auction had to be postponed due to inclement weather. 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. At the WVU College of Law Honors Day, the Center was proud to note that 35 students were recognized as students with “pro bono distinction.” This number is up from 19 the year before! “Pro Bono distinction” means that these students have performed over 25 hours of pro bono service in the course of their law school career.

We are particularly excited about a new pro bono project that students participated in with Legal Aid of WV. The pro se divorce packet project involved pairing law students with a volunteer attorney who supervised them while they interviewed clients and filled out divorce/custodial decision-making paperwork for the pro se clients who were in need of legal help but not eligible for services from Legal Aid. Over 20 students attended the training and a dozen packets were distributed for completion. Plans are underway to expand this project next year and to include opportunities for students to answer questions from the On Line Help Project that is sponsored by the WV State Bar and Legal Aid of WV.

Planning for the 2015-16 school year is underway and we hope to expand the number and type of pro bono projects that we support. Thank you for supporting the work of the Center!

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

WV Fund for Law in the Public Interest has selected and funded 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, and Childlaw Services.

The Fund also has selected and is funding two post-graduate fellowships. Aaron Moss will take his fellowship to and begin his career with Mountain State Justice and will work specifically on a prison reform project protecting the rights of prisoners with mental illness.

Stephanie Welsh will take her fellowship to and begin her career with Legal Aid of West Virginia and will work specifically on a project with children in foster care and their educational rights.

### **5. Financial Report**

Finance Director Harper-Jones reported that the IOLTA interest bearing account contained \$410,937.60. The operating account contained \$10,898.97, for a total of \$421,836.57. Taking into consideration the \$30,000 restricted amount, to cover the State Bar’s management fee, \$53,205.66 was available for distribution. Director Harper-Jones stated that by the end of the month the amount available for distribution would be \$55,000. Thereafter, a motion to distribute \$55,000 was made. The motion received a proper second and passed by a unanimous vote.

Director Harper-Jones also expressed concern that the previous grantee check payable to the WV CASA Association in the amount of \$3,262.50 was outstanding. Professor DiSalvo stated that WV CASA had gone through some employee changes and it is hoped that the check will be located within the next few weeks. He stated that Susan Harrison was the new director of

the Association. Chairperson Lambright stated that the Committee could be advised if the situation had changed at the next Committee Meeting.

## 6. Old Business

### A. Discuss preparation of protocol for becoming a grantee and/or retaining grantee status

Chairperson Lambright discussed the preparation and protocol for organizations to become grantees and/or retaining grantee status. Committee members made comments on what types of organizations should be eligible and how requests would be handled. The Committee discussed the possibility of forming a sub committee which would consist of Board of Governors members and not IOLTA Advisory Committee members, to make decisions on organizations that would be eligible to received IOLTA monies.

### B. Finalize ad for IOLTA paralegal

The Committee members discussed the finalization of the ad and job description for the IOLTA paralegal. Mr. Martin made some typographical corrections to the job description that would be corrected by Executive Director Casey before the ad would be placed. Ms. Massey made a motion to approve the ad and job description and proceed with the process of hiring an IOLTA paralegal. The motion received a proper second and passed by a unanimous vote.

## 7. New Business

### A. Discuss grantees and program which meet Bank of America settlement criteria for foreclosure prevention legal assistance and community redevelopment legal assistance

Chairperson Lambright discussed the Bank of America Settlement. She stated that the money disbursement had no time frame. However, suggestions have been made to use the money for Foreclosure Prevention Legal Assistance and Community Redevelopment Legal Assistance. The Committee agreed that focus on the two topics would be appropriate and how would the advertising for these funds be done i.e. Bar Blast, The WV Record. It was agreed to follow the Kansas format and ask the Board of Governors for approval of format of distribution.

### B. Determine how data will be collected from each grantee

This item was tabled until the next Committee Meeting.

### C. Determine how client stories will be submitted by grantees, evaluated and written up for submission to NAIP (National Association of IOLTA Program)

This item was tabled until the next Committee Meeting.

### D. Discuss response filed as annual update of IOLTA Database Information (see attached)

After a review of this annual update, a motion was made to approve the document. The motion received a proper second and passed by a unanimous vote.

E. Discuss use of Administrative Penalty by State Bar v. allocation of penalty to IOLTA reserve account

Chairperson Lambright discussed the use of the \$200 Administrative Penalty in Rule 10.02 of the West Virginia State Bar Administrative Rules. The Committee members discussed whether it should be paid to grantees, put in the general fund or used to pay the \$30,000 yearly administrative fee to the State Bar. After discussion, the Committee decided that the fees should be placed in the general fund and used toward the payment of the \$30,000 yearly administrative fee to the West Virginia State Bar.

8. Next meeting – The next meeting of the IOLTA Advisory Meeting would be on September 17, 2015. The meeting will be held at the State Bar Center at noon.

9. Adjournment

A motion to adjourn was made and was adopted by consensus.

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