

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
JUNE 19, 2014 - 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 Werum Lambright on June 19, 2014. Committee members appearing in person were Chairperson Lambright, Jennifer Massey and Richard Lehman. Also attending were State Bar Finance Director Sarah Harper-Jones and Executive Director Anita Casey, who served as secretary for the meeting.

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 20, 2014

Since there was not a quorum available for the meeting, the Minutes of the March 20, 2014, meeting will be reviewed at the next Committee Meeting.

3. Reports from Legal Service Programs

No reports were presented.

4. Reports from Special Grantees

Following the meeting, Charles DiSalvo provided the following information from the Special Grantees:

CASA

WVCASA continues to progress forward! We continue to be a NCASA grant recipient. We have posted the State Office staff position and will be accepting resumes until 6/12/2014. Both Susan Harrison and I will be attending the NCASA Conference in Texas this month on behalf of the State Network of WV CASA. We are planning our WVCASA conference for this Fall- we will be again focusing on older youth and how to better assist older youth to be successful. Susan Harrison will have soon finished training all 11 CASA programs throughout the State on the Fostering Futures NCASA curriculum that focuses on older youth. By the end of the Fostering Futures grant cycle we will have 80 older youth CASA children specifically assigned with specially trained CASA Volunteers in Fostering Futures. This curriculum focuses on assisting older youth with goal setting so they have the necessary resources to be successful as they age out of the system. We are super excited

across the State as we implement this new curriculum and see the impact this curriculum and assist older youth with goal setting and assisting them in becoming successful!

Childlaw

In our first quarter of the year, ChildLaw opened 63 cases with the following breakdown:

11 juvenile and discipline cases, 3 custody, 1 domestic violence, 4 delinquent, 38 abuse and neglect, 1 mental hygiene

We closed 49 cases including the following: 3 juveniles, 33 abuse and neglect, 13 custody cases

In these numbers, I see the boy who started acting out at school and failing, only to find out that his mother had cancer and he was wrapped in the fear of losing her. I see the 5 children who came to us because their father had cheated on their mother and they were feeling alienated from him, only to find out that the mother was doing debilitating drugs to cope with her situation. And the two year old whose father in anger threw her and knocked her in the head. And the four boys whose mother wanted to limit the father's visitation only to find out the boys were extra tight with their father who had no means of transportation to visit them.

All of these kids and more are the ones ChildLaw takes under its wings and speaks and stands for when serious life-altering changes are occurring in their lives. All of these kids and more are the ones you have helped and supported with your generous contributions to us.

Appalachian 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 20, 2014, and the follow up silent auction, which was held on March 25-27 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.

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. For example, In March and April our VITA program was particularly active, thanks to assistance from 1L Chris Smith and WVU College of Law tax Professor Elaine Wilson. VITA had 10 new volunteers who worked in conjunction with Catholic Community charities to process income tax forms for low income tax payers in Monongalia and surrounding counties. The Center coordinated the training and provided recordkeeping support for the program. Our students were able to process over 80 returns which doubled the returns done at Catholic Community charities from the year before. Our other 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 19 students were recognized as students with "pro bono distinction." This means that these students have

performed over 25 hours of pro bono service in the course of their law school career.

Planning for the 2014-15 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 Senior Legal Aid

In addition to serving clients this quarter we delivered mental capacity and legal decision-making workshops at Alzheimers Association Caregiver University events to about 200 caregivers in Romney, Huntington, Bridgeport, Morgantown, and Charleston. We presented at the Human Rights Commission's statewide Fair Housing conference for about 80 developers, architects, landlords, and managers. We did workshops for seniors in St Mary's and social workers and nurses in Wheeling. Cat attended the Equal Justice Conference in Portland and the pre-conference day for legal hotlines. Our spring law student extern Shane finished up in May after doing great client work and creating an Elderlaw student group at WVU College of Law. We have a summer law extern finishing up this week, Brianna, and two PIA fellows working this summer working on projects including updating our purple book of Legal Questions Frequently Asked by WV Seniors, creating a WV LGBT Elders Legal Guide, and brochures on the new Transfer on Death deed and Natural Burial and the Law in WV.

WV Fund for Law in the Public Interest

PIA and the WV Fund for Law in the Public Interest conducted interviews, selected, and funded 15 students for summer 2014 public interest fellowships. These students are working 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.

Our two post-grad fellows are studying for the bar; we anticipate Fall, 2014 start dates for them with their public interest employers.

5. Financial Report

Ms. Harper Jones reported on her investigation determining that quarterly checks are the most efficient way to make disbursements to grantees. She reported that the IOLTA program had \$71,919.50 cash on hand, with \$30,000 of that amount due to the State Bar for the administrative fee provided for in the IOLTA Rules, leaving \$41,919.40 currently available for distribution. She anticipated that, before June 30, at least \$5,000 more would come in, which could be distributed. Thereafter, a motion was made to distribute the sum of \$35,000 to grantees. The motion received a proper second. Following a vote by the Committee members present, and a vote provided by a Committee member, via e-mail, the motion passed. A motion to pay the State Bar the administrative fee of \$30,000 was made and received a proper second. Following a vote by the Committee members present, and a vote provided by a Committee member, via e-mail, the motion passed. Ms. Harper-Jones expressed her concern that, without having a person specifically assigned to monitor the IOLTA accounts, some financial institutions may not be properly remitting. Chairperson Lambright requested that an agenda item be added for September 25, to discuss this issue.

6. Old Business

A. Update on establishment of protocols for submission of activity reports and financial information from Grantee Organizations

The Committee discussed concerns it had with grantee selection without the involvement of the IOLTA Advisory Committee or the State Bar Board of Governors and the need to establish guidelines and obtain financial information from the grantees to insure that the monies received were being properly used. The possibility of modification of the Rule to allow certain mandatory grantees, with an allowance for submission of requests, on a periodic basis, for funding was also discussed. The use of a selection committee, made up of IOLTA Advisory Committee members, who were not affiliated with a grantee organization, was discussed. Chairperson Lambright and Mr. Lehman agreed to look into similar protocols/requests for proposals used by other non-profit organizations with which they had worked.

B. Discussion of developments, if any, with Rule 10 amendments of State Bar By-Laws regarding IOLTA administration

There was no information available as to when Rule 10 may be adopted by the Court, either in its current, or a modified form.

7. New Business

No new business was presented.

8. Next meeting – The next meeting of the Agenda will be September 25, 2014, at 11:00 a.m. at the State Bar Center.

9. Adjournment

Adjourn was by consensus.