THE WEST VIRGINIA STATE BAR

IOLTA ADVISORY COMMITTEE

STATE BAR CENTER - CHARLESTON

December 20, 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 September 27, 2016. Committee members appearing in person were Jennifer Hall-Massey, Richard Lehman, Pat Kelly, and Sarah Harper Jones. Also participating in the meeting by conference call was Charles DiSalvo. State Bar IT Director Mike Mellace 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—September 27, 2016

The Minutes of the meeting of September 27, 2016 were accepted by consensus.

3. Reports from Legal Services Programs

1. Mountain State Justice

Sarah Brown reported that Mountain State Justice had recently hired 1 new attorney for its Charleston office, Laurie Starke, giving them a total of 11 attorneys. Ms. Brown reported that Mountain State Justice is handling a large amount of consumer cases and are still heavily involved in relief efforts concerning the June flooding. Ms. Brown also noted that Sam Petzog has been working on a coal mine and was recently able to certify those harmed.

1. Legal Aid of West Virginia

Ms. Wehner reported that Legal Aid has been working on 119 flood related cases not involving litigation but negotiating and filing with FEMA, insurance companies, and landlord tenant matters. Legal aid has been able to provide 600 hours of staff and volunteer time to flood matters with the help of IOLTA funding.

Regarding Legal Aid’s new project, funded with the Bank of America settlement, the new west side project attorney was hired. A community event was put on with representatives from around the area in an effort to reach out and learn the needs of those who live there. The law school helped by developing a questionnaire to gauge the needs of the community.

Ms. Wehner reported that Legal Aid faces a loss of state funding for addressing domestic violence matters in the state, and based off of projected funding for the coming year, an overall cut across the board is possible. Ms. Wehner is hopeful that any cuts won’t affect Legal Aid’s ability to serve those who need it most.

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.

IOLTA Report from WV CASA Association, Inc.

Susan Harrison on behalf of WV CASA Association

Executive Director of CASA for Children Serving Ohio, Marshall, Wetzel and Tyler Counties

December 20, 2016

From October 1, 2016 through December 20, 2016 there were 224 active volunteers across the state. These volunteers contributed approximately 5000 volunteer hours and served 1857 children. During this quarter, 14 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

Over the past quarter, we have had our annual state board retreat and strategic planning session; our annual state CASA conference, with over 100 attendees; worked on our website and made progress in preparing for a move to a new statewide database system. Our state office also received the news that we will receive funding for the second year of a Development Grant from the NACASA Association aimed at helping our state become a stronger network of voices for children.

Thank you for your continued contributions.

Center for Law and Public Service

Jennifer Powell, Director

WVU College of Law

December 15, 2015

The Center for Law and Public Service has been busy this fall with pro bono projects. I introduced the school-support pro bono partners and projects for the 2016-17 school year, which include Legal Aid of WV, Senior Legal Aid, CASA of Monongalia County, the WV Fair Housing Authority, Appalachian Prison Book Project (APBP), the local Magistrate Court Mediation program, VITA, and the Rape and Domestic Violence Information Center. I explained other possible pro bono opportunities and gathered information from potential volunteers.

On September 14, 2016, the Center hosted a school-wide community service and pro bono service fair in the new event space at the law school. I partnered with the WVU Office of Service and Learning to invite community partners to attend and recruit volunteers. The following organizations participated:

United Way of Monongalia and Preston County

WVU Center for Service and Learning

Hospice Care Corporation

Rosenbaum Family House

Christian Help

WVU College of Law Community Service Council

Empty Bowls

Girls on the Run

Habitat for Humanity

Harrison County Historical Society

Homeward Bound

In Touch and Concerned, Inc.

Literacy Volunteers

Make-A-Wish

Mapleshire Nursing and Rehabilitation Center

Mountain Line Transit

Mountaineer Food Bank

Sundale Nursing Home

CASA for Kids

VITA in Mon County

WVU College of Law VITA

Legal Aid of W.Va.

Appalachian Prison Book Project

Title IX/ WVU Peer Advocates

WVU College of Law Magistrate Mediation program: Alternative Dispute Resolution

RDVIC (Rape and Domestic Violence Information Center)

WVU College of Law Public Interest Advocates

Over 100 law students, faculty and staff attended and signed up for pro bono and community service opportunities. This was a remarkably well-received by the law school community and the community partners. The Center for Law and Public service sponsored and coordinated the event here at the law school to make it easy for law students and community members to connect. The law school continues to recognize community service and pro bono service as an honor; any student who does 25 or more hours in each category will be recognized with an honor at Honors Day and pro bono volunteers are also recognized at graduation.

On October 8, 2016, the Magistrate Mediation program trained over 30 new volunteers to mediate disputes in WV Magistrate Courts. On October 24, the Center sponsored Pro Bono Week at the WVU College of Law. This week is designated by the ABA for recognition of and support of pro bono activities. On Monday, October 24, we hosted a book-wrapping project with APBP and 18 law students volunteered and celebrated with cake. On October 24, we sponsored the Fair Housing Project training and recruitment of volunteers for their housing discrimination testing program and 10 law student volunteers were trained. On October 27, I attended the PSJD/NALP advisor training in Washington, D.C. and attending the national Equal Justice Works Conference on October 28 and 29, 2016.

On January 19, 2016, we will sponsor a training for Legal Aid’s on-line legal questions help site and divorce packet questionnaire project during the Spring 2017 semester. VITA and the Magistrate mediation projects will also be quite active in the spring semester. Plans are underway to hold a Spring 2017 training for volunteers for Legal Aid’s online help site and to launch a voluntary “Alternative to Spring Break” pro bono project/week. Stay tuned!

Childlaw Services

Cathy Wallace

December 19, 2016

For the last quarter of the year, I note that we currently have 459 cases open. Of those, 43 were opened comprising of 12 custody, 9 delinquencies, 20 abuse and neglects and 2 guardian ad litem work. We opened 47 cases including 3 dv domestic cases, 6 delinquencies, 23 abuse and neglects, 2 minor guardianships, and 4 general application Guardian ad litems.

One of the cases we closed was a juvenile delinquency case that ended up in a young man's mother having lost her rights to him. He has been in and out of placement, mostly due to his age and size, but he had a worker and a team that always stood by his side. It was this worker who ensured that he had what he needed to thrive and receive MODIFY benefits so that he recently moved out on his own while being accepted into college. We could not be prouder!

Thanks to the Committee for their consideration.

WV Fund for Law in the Public Interest

Charles DiSalvo

WVU College of Law

December 19, 2016

The Fund plans to hire three post-graduate fellows from the class of 2017 for work beginning in the Fall of 2017. The Fund selected three Sprouse Fellows from the class of 2018 to work in public defender offices in West Virginia over the summer of 2017.

As the calendar year ends, the Fund is bringing to a close its annual Thanksgiving Appeal. Some tax credits remain for donors of amounts of $500 and up.

WV Senior Legal Aid

Cathy McConnell

December 19, 2016

We welcomed post-graduate public interest Fellow Micki Biggs to our staff this quarter. Micki is working on targeted outreach and service delivery to LGBT senior West Virginians, including building a new portal to our website on the unique legal issues LGBT seniors experience. She is also working on a collaboration with the WV Coalition Against Domestic Violence and others on the creation of a new kind of protective order specific to stopping financial exploitation. The order incorporates a legal definition of undue influence, which has not existed in our statutes previously and is a hot topic around the country. WV is a leader in this concept, and we just got approved to present a workshop (in conjunction with the Coalition and the Long-term Care Ombuds Attorney at LAWV) about this at the Equal Justice Conference in Pittsburgh this spring. In addition to serving over 200 clients this quarter we also delivered elderlaw workshops in Greenbrier and Kanawha counties, and at the state Elder Abuse conference in Beckley. We co-sponsored a disability law CLE for lawyers and consumers in Morgantown.

5. Financial Report – Mrs. Harper-Jones

Mrs. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had total assets on hand of $2,858,022.38, with $52,715.45 being unrestricted. A motion was made to disburse $52, 715.45 to the special grantees. A proper 2nd was made in support, the motion then passed unanimously.

6. Old Business

1. H. John Rogers matter

The committee has not had contact with Mr. Rogers since receiving his precious letter threatening suit. The matter is now with the Office of Disciplinary Counsel.

1. 2nd Round of Bank of America Settlement Monies

The Committee voted to approve the distribution of the second portion of the original Bank of America settlement funds to Mountain State Justice and Legal Aid of West Virginia. Further, the committee reviewed and discussed the submitted RFPs from the College of Law Land Use Clinic, Mountain State Justice, and Legal and their plans to collaborate on projects using the funds from the second round of Bank of America grants. The committee voted unanimously to approve the grant proposals called for a 6-month review at the June 2017 Committee meeting. The payout structure will follow the same 40-30-30 percentage payout schedule as the first round.

1. Discussion of Protocol previously submitted to the Court.

After hearing back from Rory Perry, Clerk of the Court, the committee voted to allow the Court to implement the Protocol how it sees fit, whether into the By-Laws or into Administrative Rule 10. Further discussions will take place on this matter as more is learned about the Protocol’s implementation.

7. New Business

1. Additional funds being distributed to the State Bar from Bank of America settlement.

Mr. Shoub informed the Committee that additional funds, roughly $2,500, was going to be distributed to the State Bar via the Bank of America Settlement. Those funds will be added to the funds already received.

1. Discussion of IOLTA reporting issues with out of state Bar members

This discussion focused on whether a member of the Bar, whose principal place of business is outside the state of WV, should have a separate IOLTA account in WV for depositing funds related to any cases the member handles within the state. Chairperson Lambright stated that it would be preferable to have attorneys open a WV account in order to keep money in the state and help our LSCs, but it is not a requirement. Further discussions will take place on this topic at the next Committee meeting.

8. Next meeting—March 21, 2017 at noon

9. Adjournment

The meeting was adjourned by consensus.