

MINUTES – June 11, 2009

THE WEST VIRGINIA BAR FOUNDATION
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER-CHARLESTON
June 11, 2009

MINUTES

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Tom Flaherty on June 11, 2009, at the State Bar Center in Charleston.

Members of the Committee in attendance were Roger Osborne, Jim Martin and Jane Moran, Jennifer Wagner and Kim Cooper from Mountain State Justice. Participating by telephone conference call was Professor Charles DiSalvo. Bob Baker and Bar Foundation Executive Director Tom Tinder were also in attendance.

Chairperson Flaherty, who had been recently appointed to serve as Chairperson after the resignation of Scott Segal, expressed his pleasure in serving on the Committee. He has a long standing commitment to assisting low income persons with their legal needs and many years of involvement in legal services programs.

The first item on the agenda was a review of the Minutes of the last Committee meeting which was held on March 12, 2009. A motion was duly made, seconded and passed to approve the Minutes as presented.

Chairperson Flaherty requested a report on federal government funding for legal services programs. Mr. Martin stated that the 2009 funding for the Legal Services Corporation includes a small increase to \$390 million. For the proposed 2010 budget, the House of Representatives sub-committee had approved an increase to \$440 million and consideration is being given to eliminating some restrictions on legal services programs operations.

The next item on the agenda was a report from the legal services programs. Mr. Martin stated that Legal Aid of WV had provided special recognition to Congressman Alan Mollohan for his outstanding leadership regarding federal government funding for legal services programs. He went on to say that funding sources in the state are decreasing, such as the United Way, the State Bar and the IOLTA program, that the appointees to the Access to Justice Commission are still being selected and that there will be a visit by an American Bar Association team in the next week to review private lawyer involvement.

Ms. Moran informed the Committee that Mountain State Justice had received a large predatory lending case judgment and the funds were being used for hiring additional lawyers—there are now seven—and opening a regional office in Clarksburg.

Chairperson Flaherty requested that Professor DiSalvo provide a report on the activities of the Special Grantees. He said that Senior Legal Aid was submitting a three year funding request, it has a summer intern and it is working on its website, ChildLaw

Services has 510 cases, will hire a third lawyer and had a successful art auction, CASA volunteers have provided more than 3,400 hours of services to more than 1,200 children in the state, the Public Interest Advocates program has 16 summer Fellows, three law students participating in its loan program and will be hiring a part-time Director and the Appalachian Center is in the process of hiring a new director, who will also handle the Public Interest Advocates duties, as well as promoting pro bono work and extern work.

The Committee members reviewed the financial report for the IOLTA program. A comparison chart of several banks had been distributed with results through May 31, 2009. There have been reductions, but they were not nearly as severe as has been suffered by almost every other state in the nation because of the current recession.

There was a total amount of \$82,154 available for consideration for distribution. After some discussion, a motion was duly made, seconded and passed to pay the annual administrative fee of \$50,000 to the WV Bar Foundation, in accordance with the Supreme Court Order, reduce the restricted amount in the Rainy Day Fund from \$112,500 (the Committee had previously set a goal of \$200,000 for that Fund) to \$84,809, and distribute the amount of \$100,000, in accordance with the Supreme Court Order.

The next item for discussion related to a Comparability Rule for the IOLTA program. With the Supreme Court's Order implementing the Rule going into effect on April 15, 2009, Compliance forms were being sent to the 84 WV banks with IOLTA accounts, with a return date of July 15, 2009, and to the 4,700 active practicing lawyers in WV with a due date of July 31, 2009. Then, a database of the information will be put together and used for annual reporting and quality control activities.

Under the topic of Other Business, the Committee members discussed the excellent leadership provided by the former Chairperson, Scott Segal. A motion was duly made, seconded and passed to send a letter to Mr. Segal expressing the Committee's gratitude for his outstanding service.

Chairperson Flaherty announced that the meetings of the Committee for the upcoming year would be at 11:00 AM at the State Bar Center in Charleston on the following dates:

Tuesday, September 8, 2009

Thursday, December 10, 2009

Thursday, March 11, 2010

Thursday, June 10, 2010

There being no further business to transact, the meeting was adjourned.