

# MINUTES – June 10, 2010

THE WEST VIRGINIA BAR FOUNDATION  
IOLTA ADVISORY COMMITTEE MEETING  
STATE BAR CENTER-CHARLESTON  
June 10, 2010

## MINUTES

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Tom Flaherty on June 10, 2010, at the State Bar Center in Charleston.

Members of the Committee in attendance were Steve Canterbury, Bren Pomponio, Steve Crislip, Anita Casey (who stated that she had been asked to attend the meeting by the State Bar President) and Bob Baker from Legal Aid of WV. Participating by telephone conference call were Professor Charles DiSalvo, Ken Greear and Adrienne Worthy. Bar Foundation Executive Director Tom Tinder were also in attendance.

The first item on the agenda was a review of the Minutes of the last Committee meeting which was held on March 11, 2010. 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. Statements were made that there was no recent additional news, that \$560 million had been requested in funding by the Legal Services Corporation and that WV Congressman Alan Mollohan had been a longtime leader for federal government funding for legal services for low income citizens.

The next item on the agenda was a report from the legal services programs. Ms. Worthy stated that Legal Aid of WV receives less than 50% of its funding from the federal government, that eight law student summer interns were working in offices and that an effort was being made to raise matching money for veterans' fellowships. Mr. Pomponio from Mountain State Justice informed the Committee that there were two law student summer interns working in their offices and that MSJ President Jane Moran and he had met with the Supreme Court and that the Court seems to be satisfied with their activities.

Chairperson Flaherty requested that Professor DiSalvo provide a report on the activities of the Special Grantees. He said that the CASA program was assisting more than 1,000 children by using 285 volunteers and more than 3,000 volunteer hours with the program moving into more counties. The Appalachian Center is working with Senior Legal Aid and has externs working, including summer interns. Senior Legal Aid has a law student summer intern and has applied for a federal government grant, as well as updating its website. ChildLaw has opened 107 new cases since January, 2010, and is helping more than 500 children. The Public Interest project will have 15 law student summer interns and will have two post graduate fellowships.

The Committee members then reviewed the recent Order of the WV Supreme Court to

transfer the administration of the IOLTA program from the Bar Foundation to the State Bar with a reduction in the annual administrative fee from \$50,000 to \$30,000. Comments were made that the State Bar is an administrative agency of the Court, the lower figure of \$30,000 is more appropriate and that the effective date is supposed to be July 1, 2010. There had been no public comments filed, as of yet. Numerous comments were made by the Committee members.

Chairperson Flaherty then requested a financial report. Facts, figures and materials were provided regarding the IOLTA programs in California, Washington, Ohio, Maryland and Virginia, which have all suffered large losses in IOLTA funds with legal services offices being closed, staff laid off and low income people not receiving needed civil legal assistance. Then, after reviewing and discussing the finances, a motion was duly made, seconded and passed to take \$12,500 from the Rainy Day Fund and make the annual administrative fee payment of \$50,000 to the WV Bar Foundation, as contained in the current Supreme Court IOLTA Order, which leaves approximately \$80,000 in the Rainy Day Fund (the Committee had previously set a goal of \$200,000 for that Fund) and distribute the remaining amount of \$108,000, in accordance with the Supreme Court Order. In addition, a one page financial sheet had been distributed which provided the income statement that had been put together by Chairperson Flaherty and Committee Member Greear.

The next items on the agenda—the Allocations Policy, the Unclaimed Property Fund-State Treasurer's Office, the Proposed Unidentifiable Funds Policy, the Proposed Mission Statement and the Proposed Conflicts Statement—were all held over until the next Committee meeting.

Chairperson Flaherty proposed that the schedule for the Committee meetings for the next year would be at 11:00 AM at the State Bar Center in Charleston on the following dates:

- September 9, 2010
- December 9, 2010
- March 10, 2011
- June 9, 2011

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