

# MINUTES - September 9, 2010

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE MEETING  
STATE BAR CENTER - CHARLESTON  
SEPTEMBER 9, 2010 - 11:00 A.M.

## MINUTES

1. Call to Order - The meeting of the IOLTA Advisory Committee of The West Virginia State Bar was called to order by Chairperson Thomas V. Flaherty on September 9, 2010 at The State Bar Center in Charleston. Committee members present for the meeting were Ken Greear, Steve Crislip, James P. Martin, Steven Canterbury and Bren Pomponio. Charles DiSalvo participated in the meeting by conference call. State Bar President Letitia Neese Chafin, Board of Governors' Finance Chair Anne Werum Lambright, Executive Director Anita Casey, Bar staff members Connie Blessing and Don Ryan and, Lisa Dennison of BB&T were also in attendance.
2. Approval of Minutes of June 10, 2010 IOLTA Advisory Committee Meeting - A motion was duly made, seconded and passed approving the IOLTA Advisory Committee Meeting Minutes of July 10, 2010.
3. Discussion of database and data input issues - Ms. Chafin reported on The State Bar's procurement of a licensing agreement for the IOLTA2 database. She advised that the Bar had just completed populating the database with information on the financial institutions participating in the program. The next step would require the procurement of information on individual attorney accounts and the population of the database with the initial that information. Since the Bar must input all information, Ms. Chafin advised that a request to the Supreme Court to defray these unexpected startup costs would likely be necessary. Mr. Canterbury agreed to put the matter on the Supreme Court's next administrative docket and advise the Court of the unexpected work and additional costs which had been encountered by the State Bar in connection with the transition of administration of the IOLTA program to the State Bar. Mr. Ryan provided some specific information on the work he was doing with the database, the cooperation he was receiving from the company holding the licensing agreement, and the anticipated future work needed to get the database to be fully functional.
4. Financial Report - Ms. Casey provided information on the three accounts currently holding IOLTA funds. Two of those accounts are with BB&T: an operating account and a reserve account. The third account is with Chase, which is the account still receiving ACH transfers through the Foundation. Mr. Canterbury provided the history on the reserve account. The Committee approved the creation of a separate banking account for the reserve account. Committee members discussed transferring funds into a reserve account when sufficient funds are available with the goal of reaching \$200,000.00. It was also the consensus of the Committee that the Foundation's account at Chase remain open until further directive from the Committee.

Ms. Casey next advised members of the Committee of the need to notify banks of the changes in banks and account numbers incident to the Supreme Court's Order transferring administration of the IOLTA program from the Foundation to the State Bar. Following discussion, a motion was made, properly seconded and, upon vote, passed unanimously directing that notification to the participating banks be made as soon as possible and, if at all possible, by September 30, 2010. Notification to Bar members, of the need to open new IOLTA accounts, was also approved. Finally, a motion was properly made, seconded and, upon vote, passed unanimously, recommending to the State Bar Board of Governors that \$100,000 in distributions to Grantees be made. The accounting transfer of the quarterly amount of \$7,500 for the State Bar's costs of administration of the program was also recommended. Chairperson Flaherty advised that the Committee's recommendation would require approval by the State Bar Board of Governors. Due to the dire need of several of the Special Grantees, Professor DiSalvo requested that the distributions be approved by the State Bar's Executive Committee, later ratified by full Board approval, in order to allow an expedited distribution of the monies to the Grantees. Ms. Casey was directed to request that a sufficient amount of money be transferred from the Chase account to the BB&T operating account to cover these approved distributions.

5. Report From Legal Services Programs - Mr. Martin, reporting for Legal Aid of West Virginia (LAWV), advised that Legal Services Corporation funding was going through Congressional approval and a figure, slightly higher than last year, was under discussion. He relayed that State funding was questionable and problematic and that a level amount or, possibly, a reduction in funding could be expected. He advised that LAWV had made an application to the Department of Justice for additional funding and that an answer should be received in the near future. Mr. Canterbury noted that a number of suits had been filed recently, challenging some federal fundings, upon the basis that the monies were not being spent equally between men and women. Mr. Martin commended the State Bar and Chairperson Flaherty's firm, for their contributions to the new Veterans' Program. Mr. Pomponio reported that Mountain State Justice had recently opened a new Clarksburg office. He reported that services had been expanded and that two new attorneys were being hired to begin work in the Fall. The number of foreclosure cases being handled by Mountain State Justice remained high.

6. Report From Special Grantees - Professor DiSalvo reported that ChildLaw had 98 new cases and that it was sponsoring a symposium in Beckley. CASA had several new program directors and recently had over 100 attendees for a conference it sponsored. Senior Legal Aid was attempting to provide additional services to seniors by shifting monies around in its program. The Center for Law and Public Service had its first summer program, which was very successful. West Virginia Law in the Public Interest had just hired Jacqui Gonzales, a recent West Virginia University College of Law graduate. He reported that the program would be offering additional fellowships in 2011.

7. Other Business - Chairperson Flaherty distributed a letter from Robert Steptoe regarding the IOLTA account of James Steptoe. As a result of questions concerning the distribution of the monies in that account at the time of James Steptoe's death, Chairperson Flaherty requested that a draft proposal, previously worked on by members of the Advisory Committee, be put on the Committee's next agenda. Mr. Martin agreed to obtain available information on the proposal,

which he had worked on with Lawyer Disciplinary Chief Counsel Fletcher-Cipoletti, and present the same at the Committee's next meeting. Mr. Martin also addressed the issue of unclaimed funds which were being held by various circuit courts. Chairperson Flaherty requested that Mr. Martin serve as a Committee of One, to develop a protocol for dealing with these types of funds. Mr. Canterbury and Mr. Crislip agreed to assist on the Committee with Mr. Martin.

8. Next Committee Meeting - The IOLTA Advisory Committee will hold its next meeting on December 14 at 11:00 a.m. at The State Bar offices. At that meeting, meeting dates for 2011 will be determined.

9. Adjournment - There being no further business, the meeting was adjourned by acclamation.

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