

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE MEETING  
STATE BAR CENTER - CHARLESTON  
MARCH 22, 2012

**MINUTES**

1. Call to Order -

A meeting of the IOLTA Advisory Committee of The West Virginia State Bar was called to order by Bren Pomponio on March 22, 2012, at The State Bar Center in Charleston. Committee members Steven D. Canterbury and Bren Pomponio attended in person. Committee members Anne Werum Lambright and Professor Charles DiSalvo participated by phone. Robert Baker, Sue Racer-Troy and Mike Mellace were also in attendance.

Items appear in order as on the Agenda and not necessarily in the order in which they were presented.

2. Approval of Minutes of December 15, 2011, IOLTA Advisory Committee Meeting -

The minutes from the December 15, 2011 advisory committee meeting were reviewed. A motion was made to accept the Minutes, as presented. Following a proper second, the motion passed by a unanimous vote.

3. Financial Report -

Ms. Racer-Troy provided copies of the current bank statements for the three IOLTA accounts and discussed the amount of IOLTA funds received during the last quarter. After reviewing the amount of money in the three IOLTA accounts, a motion was made to distribute \$75,000 to the grantees designated by the Supreme Court. The motion included a directive that the quarterly administrative fee of \$7,500 for The State Bar be accrued from the reserve account. Following a discussion on the significant decrease in funding, on a nationwide basis, to legal aid programs and the impact that significantly low interest rates were having on monies available to legal service organizations, the motion received a proper second and, upon vote, passed unanimously.

4. Report From Legal Services Programs -

Legal Aid did not have a representative in attendance, so no report was given for the last quarter.

## Mountain State Justice –

Mr. Pomponio gave the report of Mountain State Justice. It has recently lost one attorney and is in the process of hiring a new attorney. Mr. Pomponio reported that the Board approved a three-year, \$300,000 grant to Legal Aid of WV.

## 5. Report From Special Grantees -

### CASA Association, Inc.

From October 1, 2011 through December 31, 2011 CASA had 231 active volunteers across the state. These volunteers contributed 2,393 volunteer hours and served 1,081 children. The state director resigned in January; the WV CASA state board and the local program directors from around the state met on several occasions to make sure all state office duties were covered. The new data management system is in place and year-end reporting was completed using the new system. Many programs have begun planning efforts for Child Abuse Prevention Month in April as well as our National Conference in June.

### WV Senior Legal Aid

WV Senior Legal has been extremely busy with client service and partnering with a wide variety of organizations (Access to Justice Commission, HOME funds coalition, WVU Center for Excellence in Disabilities, Aging and Disability Resource Centers, a statewide financial exploitation task force, WV Coalition Against Domestic Violence, the Elder law task force at LAWV, the WV Women's Commission, and the federal Administration on Aging).

### Appalachian Center for Law and Public Service

The pro bono activities of the Center this quarter included conducting additional Street Law training for twelve students, street law sessions, and a Street Law presentation for Minority High School students law day at the College of Law. Students also assisted with the work of the Supreme Court's Adjudicated Juvenile Rehabilitation Review Commission. Finally, the Center also began planning for a CASA training session tailored for students at the law school which will take place in the following quarter. To date, ten students have signed up to participate in this Spring training and will first undergo CASA's required screening and background checks. Based upon the expression of interest by students, it is our goal to reinvigorate the involvement of law students with CASA since it was a successful project in the past.

### ChildLaw Services

So far in 2012, Childlaw has been appointed in 35 cases, representing 63 children. Childlaw still has an on-going caseload of about 200 cases.

### WV Fund for Law in the Public Interest

The Fund recently appointed its summer Public Interest Law Fellows and has also recently appointed its post-graduate fellow for 2012 - 2013.

## 6. Old Business -

### A. A report on the presentations to the Bankers Association Board of Directors -

Mr. Canterbury reported on the meeting held on January 17, 2012 with the Board of Directors of the Bankers Association. The meeting was attended by Justice Ketchum, Justice McHugh, Justice Davis, as well as Mr. Canterbury, Ms. Casey and Professor Charles DiSalvo. Professor DiSalvo made an excellent presentation to the Board on behalf of the IOLTA program. Mr. Canterbury asked that the minutes reflect a special "thank you" to Professor DiSalvo on behalf of the IOLTA program.

### B. Report on status of amendments to Rule 1.15 – No report was given.

### C. Report on BB&T matter related to McCune account -

Ms. Racer-Troy reported that BB&T issued a check for the funds from Richard McCune's IOLTA account. The check was received by the State Bar and deposited into the IOLTA operating account.

## 7. New Business -

A. Ms. Racer-Troy presented an update on the uncashed check discovered during the State Bar's move. David Sayre, SunTrust Bank President, was contacted and he confirmed that the check was still negotiable. The check (dated 05/12/2008) was deposited into the IOLTA operating account on 01/19/2012.

B. Mike Mellace reported on software issues related to IOLTA compliance tracking. IOLTA2 requires a significant amount of data entry and is built on old technology. Possible replacement software was discussed, or the option of incorporating IOLTA tracking into the State Bar's new database. No recommendations were made at this time.

8. Next Meeting -

The next meeting date is June 21, 2012 at 11:00 a.m. at the State Bar Center.

9. Adjournment -

A motion to adjourn was accepted by acclamation.

March 2012 IOLTA advisory minutes