

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE MEETING  
STATE BAR CENTER - CHARLESTON  
DECEMBER 10, 2012 - 11:00 A.M.

**MINUTES**

1. Call to Order

A meeting of the IOLTA Advisory Committee of The West Virginia State Bar was called to order by Chairperson Thomas V. Flaherty on December 10, 2012, at The State Bar Center in Charleston. Committee members appearing in person were James Martin, Thomas Flaherty and Anne Werum Lambright. Jennifer Massey and Charles DiSalvo appeared by phone. Supreme Court of Appeals' Finance Director, Sue Racer-Troy, appeared on behalf of Committee member Steven D. Canterbury. Also appearing were State Bar Finance Director Sarah Harper-Jones and State Bar Executive Director Anita Casey, in person; Robert Baker appeared by phone.

Minutes are in the order the items appeared on the Agenda, not necessarily in the order in which the items were presented.

2. Review of Minutes of Last Committee Meeting – September 20, 2012

A motion was made to accept the Minutes of the September 20, 2012, IOLTA Advisory Committee Meeting, as presented. Following a proper second, the motion passed by a unanimous vote.

3. Report from Legal Service Programs

Mr. Martin updated the Committee on the status of anticipated LSC funding. He, particularly, addressed concerns related to “fiscal cliff” uncertainty. He reported that, in anticipation of decreased LSC funding for the upcoming years, Legal Aid had begun to reduce staff in early 2012. He noted that State funded programs and contracts were in good shape and speculated that 2013 would be a stable year for Legal Aid with regard to these programs.

4. Report from Special Grantees

Professor DiSalvo made the following representations on behalf of the respective Special Grantees:

West Virginia Senior Legal Aid, Inc. – West Virginia Senior Legal Aid finished the fiscal year serving 370 clients. Several social worker workshops were presented, as well as workshops on elder law, including one at the West Virginia University College of Law. The director also attended a meeting of the National Aging and Law Institute in Washington, D.C.

ChildLaw Services of Mercer County – ChildLaw noted an increase in the number of new clients served, bringing the total number to well over 600.

West Virginia Fund for the Law in the Public Interest, Inc. – The Fund was able to select a graduate student for a fellowship.

Appalachian Center for Law and Public Service – Jennifer Powell was selected to be the new Executive Director of the Center.

WV CASA Network – Between July 1 and September 30, 2012, there was 278 active volunteers across the state, contributing 3,665 volunteer hours and serving 1,133 children. Program directors and the new resource development director met in August in Bridgeport to discuss the continued pursuit of state funding support and national CASA grants, as West Virginia CASA was one of several states to lose funding this federal year. A state conference was held in November 2012, which included training by Gregory Keck, PH.D., a well-known child development specialist in the areas of attachment and bonding disorders.

5. Financial Report - Ms. Harper-Jones reported that available funds for distribution this quarter were \$90,292.76. Of this amount, \$31,520 was held in the Committee's reserve account. Discussion was had on the administrative fee owed to The Bar and the possibility of taking funds from the reserve account for distribution since interest for the fourth quarter only amounted to \$64,598. Following additional discussion, a motion was made to distribute the sum of \$70,000 to grantees and book \$7,500 as the administrative fee to The West Virginia State Bar. The motion received a proper second and passed upon vote. Ms. Werum-Lambright advised that the auditing firm of Gibbons & Kawash had done sample testing on the IOLTA accounts administered by The Bar and that a draft report of that audit would be available prior to the Committee's next meeting.
6. Old Business – Executive Director Casey circulated a copy of the IOLTA article which had appeared in the fall edition of the West Virginia Bankers Association magazine. She also provided a brief update on the status of issues related to FDIC coverage for IOLTA accounts.
7. New Business –
  - A. Consideration of an amendment to Rule 1.15 to include a penalty for failure to have/provide information for an IOLTA account  

Executive Director Casey discussed a conversation she had had with Chief Justice Ketchum about proposing an amendment to Rule 1.15 to include a penalty for an attorney's failure to provide IOLTA information to The State Bar. Mr. Martin agreed to work with Executive Director Casey to draft a proposed amendment to Rule 1.15 for consideration by the Committee at its next meeting.
  - B. Letters to Participating Banks regarding corrections of account information

Executive Director Casey advised of the successful contacts she and the IOLTA clerk had been making with banks attempting to reconcile outdated records.

8. Next Meeting – March 20, 2013, at 11:00 a.m. at The State Bar Center. The Committee also set meetings, all beginning at 11:00 a.m., for June 25, September 19 and December 11.

9. Adjournment –

A motion to adjourn was accepted by acclamation.

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