

THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
June 28, 2016 - NOON

**MINUTES (DRAFT)**

1. Call to Order

A meeting of the IOLTA Advisory Committee of The West Virginia State Bar was called to order by Chairperson Anne Werum Lambright on June 28, 2016. Committee members appearing in person were Jennifer Hall-Massey, Elizabeth Wehner, Richard Lehman, Pat Kelly, and Bren Pomponio. Also participating in the meeting by conference call was Charles DiSalvo. State Bar Finance Director Sarah Harper-Jones, State Bar Executive Director Anita Casey, and State Bar IOLTA Administrator Tyler Shoub were also present for the meeting. Mr. Shoub served as Secretary.

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

2. Review of Minutes of Last Committee Meeting—March 27, 2016

The Minutes of the meeting of March 27, 2016 were accepted by consensus.

3. Reports from Legal Services Programs – Ms. Wehner and Mr. Pomponio

Mr. Pomponio reported that Mountain State Justice (MSJ) has expanded its services over the last year and has begun to take on cases involving prison conditions. He indicated that those cases were being worked on by a person in a fellowship position with the organization. The majority of MSJ's caseload involves consumer cases. MSJ has become involved the Eric Conn matter and has filed motions for hearings in front of Judge Chambers based on the merits of the cases.

Ms. Wehner reported that Legal Aid of West Virginia (LAWV) had suffered a significant loss in funder as a result of a downturn in the collection of filing fees; that loss was roughly \$225k. This unexpected loss in funding resulted in three senior attorneys being let go and a reduction in services provided. Despite the struggle, LAWV is attempting to regroup.

More positively, Ms. Wehner reported that LAWV has begun to learn of final decisions in the Eric Conn matter. As of the time of the meeting, LAWV had learned of 9 favorable decisions with only 2 unfavorable. LAWV was still awaiting word on roughly 10 cases. Regarding the recent flooding disaster, Ms. Wehner reported that LAWV had opened a call-in hotline to provide assistance. LAWV has been working with Bar communities throughout the state in an effort to provide assistance. LAWV has begun taking cases from eligible retirees and

others who were impacted. LAWV has begun offering training to those who wish to help and is offering on-site training.

#### 4. Report from Special Grantees – Professor DiSalvo

Prior to the meeting, Mr. DiSalvo was provided with a summary of each of the grantees activities for the prior period. Those summaries were forwarded onto Mr. Shoub for record keeping and have been included below.

##### **WV Senior Legal Aid**

Cathy McConnell presented several workshops this quarter including one at the Equal Justice pre-conference for senior legal hotlines in Chicago, co-taught one at the Summer Institute on Aging in Morgantown, and two for seniors in Fairmont and Princeton. WV Senior Legal Aid currently is coordinating with partners in both the aging network and legal services to do outreach and delivery of disaster legal services for senior flood victims which will likely include landlord/tenant, replacement and new benefits for food, medicine, and housing, replacement of lost documents, insurance claims issues, and prevention, intervention, and remedy for contractor fraud.

##### **WV Fund of Law in the Public Interest**

The West Virginia Fund for Law in the Public Interest conducted interviews and selected 18 students for public interest summer fellowships at the WVU College of Law. These students are working this summer at public interest employers all over West Virginia, including Legal Aid of WV, Senior Legal Aid, Mountain State Justice, WV Advocates, Childlaw Services, and the WV State Public Defender in Martinsburg and Federal Public Defender in Clarksburg.

The Fund also awarded three post-graduate fellowships to three graduating students. These three students are in the process of taking the bar and arranging placements with public interest organizations in West Virginia.

##### **Center for Law and Public Service**

The Director of the Center for Law and Public Service managed the PIA auction which was held in the event center at the WVU College of Law on March 10, 2016, and the follow up silent auction, which was held on March 15-17 in the main lobby of the WVU College of Law. This year was a very successful fundraising year for the PIA, as the live and silent auctions, book sales, and food sales raised over \$32,000 to fund full time and summer public interest fellowships for WVU College of Law students.

The Center continues its work coordinating pro bono projects at the WVU College of Law. This year the Center worked with 9 community partners to sponsor different pro bono projects for law students. Our community partners included Legal Aid of WV, Senior Legal Aid, Mountain State Justice, the WV Fair Housing Network, CASA of Monongalia County, VITA, the Appalachian Prison Book Project, the Magistrate Mediation project, and RDVIC. At the WVU College of

Law Honors Day, the Center was proud to note that 26 students were recognized as students with “pro bono distinction.” “Pro Bono distinction” means that these students have performed over 25 hours of pro bono service in the course of their law school career. These 26 students combined to provide over 2400 hours of service this year.

Plans are underway to expand pro bono projects next year, including opportunities for students to answer questions from the On Line Help Project that is sponsored by the WV State Bar and Legal Aid of WV. We expect to host another pro bono/community service fair in the fall to recruit 1L’s to participate and continue to engage our 2L and 3L classes.

Thank you for the support from the IOLTA program. Your support helps us work to close the gap of lack of access to justice for those living in poverty in West Virginia. We appreciate your support.

## **CASA**

From April 1, 2016 through June 24, 2016 there were 237 active volunteers across the state. These volunteers contributed approximately 7110 volunteer hours and served 1524 children. During this quarter, 48 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

Eight members of our network were able to attend the National CASA conference in Washington DC at the beginning of June. This conference offers the only job specific training for court based CASA advocacy available to our network.

In addition to a productive state network program director meeting held in May, the WVCASA Association’s new state director, Traci Busch, has set up her new office in Elkins and has joined several statewide children-serving coalitions. She is working to set the framework for a strong state organization. Thank you for your continued contributions.

## **Childlaw Services**

During the 2nd quarter of 2016, we opened 65 cases for full representation. 7 were custody/divorce cases, 13 were juvenile matters, 3 were minor guardianship and 42 were abuse and neglect cases.

ChildLaw closed 32 cases: 12 custody matters, 16 abuse and neglect, and 4 juvenile matters.

The need for quality abuse and neglect work continues to rise and for some reason the cases have taken a more extreme turn this year from the neglect that comes from drug addiction to the outright physical abuse of someone. Thankfully, some of the closed abuse and neglect cases you see reflected above resulted in some beautiful adoptions too.

## 5. Financial Report – Ms. Harper-Jones

Ms. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had \$424,746.87 on hand. After considering the current funds, Ms. Harper-Jones advised that there was roughly \$56,000 available for disbursement to special grantees. A motion was made to disburse \$56,000. A proper 2<sup>nd</sup> was made in support, the motion then passed unanimously. A short discussion about \$12,000 that the State Bar had received followed the vote. This money was submitted by Chase Bank as back pay on its IOLTA accounts. Chase had made an internal error which resulted in that money not being sent to the WV State Bar. Upon catching the error, Chase retrieved the funds and fixed its internal procedures.

## 6. Old Business

### A. Status of Bank of America settlement

Ms. Casey and Mr. Shoub reported that, as of the date of the meeting, the second round of Bank of America settlement monies had not been received, but that there had been contact with the Monitor. The Monitor had indicated that the second round of monies should be delivered to the WV State Bar within roughly a week of the meeting.

### B. Discussion of online database for remittance files

A brief discussion took place regarding the banks' usage of the new centralized electronic database. Mr. Shoub reported that a large majority of the banks have begun to utilize the system and that only a few are lagging behind. Mr. Shoub reported that he has been contacting the banks who are still sending remittance files via other methods. Mike Mellace is continuing to work on the database and bring it closer to completion.

## 7. New Business

### A. Discussion of Selection Committee's decisions

The decision of the Selection Committee regarding the Bank of America Settlement funds reported. The Selection Committee voted to award Legal Aid two separate grants in the amounts up to \$65,000 and up to \$146,400. Mountain State Justice was awarded a grant of up to \$118,506. The Committee voted to award 40% of each of the grants immediately, with the potential of distributing an amount equal to 30% of the total at a later time after progress reports are submitted to the Committee, detailing the usage of the funds. The final 30% of each grant is contingent on the same process.

The \$65,000 dollar grant to Legal Aid was awarded with the directive that those funds be used specifically for services provided to those impacted by the recent flooding in the 3 federally declared disaster areas.

B. Discussion of funds received from Chase Bank (\$12k in misplaced funds)

Mr. Shoub informed the Committee that the Bar had recently received a check from Chase Bank for roughly \$12,000. The bank stated that the funds had been misplaced due to an internal error and that the error was discovered after the bank performed an internal audit. The bank stated that it has since updated its system and the problem should not resurface.

C. Discussion of H. John Rogers Matter

The committee discussed the ongoing issues pertaining to H. John Rogers, a disbarred attorney. Mr. Rogers has threatened to sue the Bar over funds in his IOLTA account which he believes to be his, outright. These funds total roughly \$72. The Office of Disciplinary Counsel is now heading up the case and it continues to work to resolve the matter.

8. Next meeting

The next meeting is scheduled for September 27, 2016 at noon.

9. Adjournment

The meeting was adjourned by consensus.