

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
June 27, 2017 - NOON

MINUTES

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 27, 2017. Committee members appearing in person were Jennifer Hall-Massey, Richard Lehman, Charles DiSalvo, State Bar Executive Director Anita Casey, Justice Gary Johnson, and Sarah Harper Jones. State Bar IOLTA Administrator Tyler Shoub was 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 21, 2017

The Minutes of the meeting of March 21, 2017 were accepted by consensus.

3. Reports from Legal Services Programs

A. Mountain State Justice

Mr. Pomponio reported MSJ is working on a large number of foreclosure cases and is dealing with a case involving collection of time-barred auto loan debts. They are also working on a class action suit involving relocation of homeless people from “bridge city.” They had a trial in federal court in March representing a prison who challenged the use of force policy at Mt. Olive and received a favorable jury verdict. MSJ is also involved in a Fayette County school funding case which has been resolved. Mr. Pomponio reported that they have taken on more cases involving employment rights and whistle blower matter within the mining industry.

B. Legal Aid of West Virginia

Ms. Wehner reported that LAWV is settled on funding through the end of the year but the future is still uncertain, noting that an increase in PEIA rates will bring further difficulties. They are planning for a wide variety of contingencies to be prepared for everything they can. LAWV has gone from one major source of funding to over 20. More positively, they have launched a campaign called Charleston Kickoff, asking

attorneys to give a one-time cash gift per year from each attorney, and they are hopeful it will be a great help. A change in the Cy pres rule have dictated that 50% of class action residuals will now be going to Legal Aid. LAWV has not had to resort to any new layoffs but they are still feel the effects of last year's. LAWV has applied for an increase in Victims of Crime Act funds and they are still seeing residuals from a 2015 case. Ms. Wehner noted that 2 of 3 graduate fellows currently with them have agree to stay on and assist in developing communications in abuse and neglect matters.

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.

WVU 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 23, 2017, and the follow up silent auction, which was held on March 28-30 in the main lobby of the WVU College of Law. For the first time ever, we also sponsored an on line auction in April. This year was a very successful fundraising year for the PIA, as the live, silent, and on line auctions, book sales, and food sales raised over \$34,500 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 we recognized 51 students 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. 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 also expect to continue our partnership on the pro se divorce packet project with Legal Aid of WV. We will 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.

WV Fund for Law in the Public Interest, Inc.

In March, the Director for the Center for Law and Public Service and three board members from the WV Fund for Law in the Public Interest conducted interviews and selected 21 first and second year law students for public interest fellowships at the WVU College of Law. These students are working this summer at public interest employers all over West Virginia, including [special grantees] Legal Aid of WV, Senior Legal Aid, Mountain State Justice, Childlaw

Services. In addition, the Director and the Fund selected three students for full time post graduate fellowships. These students will work for one year at the public interest organization of their choosing in West Virginia as post graduate fellow attorneys, once they pass the WV bar.

CASA

From March 15, 2017 through June 15, 2017 there were 250 active volunteers across the state. These volunteers contributed approximately 7000 volunteer hours and served 2117 children. During this quarter, 46 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

Over the past quarter, we have implemented a state wide database called Optima and have provided all of the programs a two-day training on the new system. We have completed our new web site (www.wvcasa.org) and are planning on our state-wide training scheduled for October 27, 2017 at the Stonewall Resort. We have designed a new display board to premier at the Cross Training Conference in July.

We have continued to encourage the development of new CASA Programs, with the next program likely to begin services located in Randolph County.

Thank you for your continued contributions.

Childlaw Services

For the second quarter of 2017, we opened 70 cases. We had four adoption cases, three delinquents or other juvenile cases, 61 abuse and neglect cases, and two criminal guardian ad litem cases.

We closed 49 cases with full representation: 1 - education case, 3 - adoption, 11 - high conflict custody cases, six delinquent or other juvenile cases, fourteen abuse and neglect cases and fourteen criminal abuse and neglect cases.

Our three WVU fellows have arrived and have dived in to our high volume crisis driven office and cases and are doing well. This quarter has also been marked with payment from the state (YAY!) and also, the Supreme Court of Appeals revising how it deals with GALS in the state for family law cases. You will notice we do not have any new family court cases and it is our understanding the Supreme Court has discouraged the use of GALS henceforward. You will also note a pretty huge uptick in abuse and neglect cases for us and they are occurring from Putnam County to McDowell County as the need in those cases is always high.

As always, please let me know if I can help with any further information.

WV Senior Legal Aid

In the last quarter we dealt with several unexpected challenges including our website got hacked, our file server died, our insurance provider stopped doing business in WV, and this after our internet provider stopped offering internet last quarter. We over came everything, got new services and technology in place and got everything back to normal quickly. We ended up migrating our website to a new more secure engine and it offers easier access to some enhancements. The increased costs were not in our budget, so we'll be looking for ways to cut some other expenses in the last quarter of our fiscal year.

We delivered many workshops in prevention, intervention, and remedy of financial exploitation of older people including at the World Elder Abuse Awareness Day event in Charleston and at

the national Equal Justice Conference in Pittsburgh. We have finished the first half of 6 events around the state partnering with the Alzheimers Association to offer education to caregivers through Alzheimers and Dementia University (today in Wheeling). Micki, our post-graduate public interest Fellow has been working with LAWV's financial exploitation specialist and is designing a new portal on our website for LGBT WV seniors addressing their unique legal needs. Our PIA Fellow started at the end of last month and is updating our book of 100+ frequently asked legal questions and is doing client intake getting ready to work with our staff attorney on some cases.

5. Financial Report – Mrs. Harper-Jones

Mrs. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had total assets on hand of \$1.8 million, with \$58,512 being unrestricted and available for distribution. A motion was made to disburse \$58,000 to the special grantees. A proper 2nd was made in support, the motion then passed unanimously.

6. Old Business

A. Discussion of previously disbursed Bank of America funds to LAWV and MSJ

MSJ-

MSJ has hired two lawyers and a paralegal with the first BoA grant and money from the second has allowed them to continue their work. MSJ has been advertising and conducting interviews and believe they have found the right candidate to fill the third opening. She is wrapping up her private practice and won't be able to join MSJ until January and they will likely wait for her to become available because of her expertise and background. MSJ has hired contract attorney, Wendy Ratliff who has been meeting with stakeholders to determine need for co-ops and has looked at specific areas for growth in community development. The attorneys who have been hired have conducted 97 meetings, taken on 30 individual cases, 4 bankruptcies and attended 2 FEMA center sights. MSJ would like to use grant funds to support an emergency housing needs fund that would be operated by an outside agency.

LAWV-

The first allocation of funds was used to hire an additional attorney with interviews set and intentions of hiring 2 more attorneys. They have had productive partner meetings with MSJ and the Law School Clinic about the undergoing projects and all are working well together. The Land Use Clinic is working within the devastated flood areas to help draft building codes, perform title work, and aid in debris removal. They have hired two public interest students for the summer to help with their efforts. For the hired attorney, they are completing a work plan which focuses on helping

small businesses and low income individuals who qualify for LAWV's assistance. The West Side program has seen more partners come onboard providing help with transactional work. A small group of business owners did a workshop in May which was attended by various small business owners from the local area. LAWV is handling a lot of referrals from clients who have employability issues. Ms. Wehner reported that LAWV is right on track as far as deliverables and is continuing its community outreach.

B. Update on new IOLTA reporting system

The new IOLTA reporting database has been up and running for attorneys since the opening of the current reporting period on June 10, 2017 and is operating well.

C. Charles Pace matter

Charles W. Pace closed his law office but kept his IOLTA account open office closed in 2010, he claims the funds in the account are his. He claims the money constitutes fees earned and he states that he is entitled to the claim. The committee had a discussion on banking policies and possible change of address other contingencies. A motion was made to recommend that the money be returned to Mr. Pace. Proper second and motion passed by consensus.

7. New Business

A. Increase in interest rates

The Fed has raised the interest rates which will help generate more revenue for the IOLTA program. The committee is hopeful that more increases are forthcoming.

C. Justice Department settlement and effects on IOLTA

The Justice Department has ruled that no funds from settlements such as the Bank of America matter will be distributed to third parties going forward.

D. Vote on administrative costs in rule 10

A motion was made to approve payment of the \$30,000 administrative fee within Rule 10 to the State Bar. A proper 2nd was made and the payment was approved by consensus.

8. Next meeting-State Bar Center September 26, 2017

9. Adjournment

The meeting was adjourned by consensus