

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
MARCH 20, 2014 - 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 Anne Werum Lambright on March 20, 2014. Committee members appearing in person were Chairperson Lambright, Jennifer Massey, Richard Lehman, Bren Pomponio and Sue Racer Troy. Charles DiSalvo and James Martin appeared by phone. State Bar Finance Director Sarah Harper-Jones and Executive Director Anita Casey, who served as secretary for the meeting, were also in attendance.

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 – December 11, 2013

A motion was made to accept the Minutes of the December 11, 2014, IOLTA Advisory Committee Meeting, as presented. Following a proper second, the motion passed by a unanimous vote.

3. Reports from Legal Service Programs

Mr. Pomponio reported that Mountain State Justice's Clarksburg office was now staffed by three full-time attorneys and one staff person. That office was focusing primarily on consumer cases. The Charleston office, which has seven attorneys, focuses primarily on predatory lending cases.

Mr. Martin, on behalf of Legal Aid of West Virginia, Inc., reported that federal funding cuts had amounted to approximately \$360,000. State grants appeared to be fairly stable, however, those grants would not be finalized until May. He reported on favorable legislation which approved an increase in circuit court filing fees, with the proceeds of that increase to go to Legal Aid of West Virginia. Mr. Martin noted that the increased fee was projected to raise between \$1.3 and \$1.9 million dollars per year for Legal Aid. The first monies that will be seen by the program, however, will not be until July of 2015.

4. Reports from Special Grantees

Charles DiSalvo provided the following information from the Special Grantees:

WV SR LEGAL AID – WVSLA has had a wonderful law student extern this quarter Shane Snyder. He is from southern WV, and intends to go back there to practice law. He is creating an Elder Law student group at the law school and connecting it with the fairly recently created Elder Law practice group of our State Bar. He has been helping us with client intake and case work, especially focusing on consumer cases. Cat presented an elderlaw webinar to a senior church group in Point Pleasant, it was an experiment for doing outreach and preventive legal education remotely. It was mostly successful with room for improvement. We also continued to participate in the Abuse in Later Life grant project to train law enforcement, prosecutors, domestic violence advocates, and APS workers and pilot services and advocacy for older victims of abuse and exploitation in Greenbrier and McDowell counties. We followed several bills through the legislative session and will be publishing client materials about the newly-enacted Transfer on Death deed this coming quarter.

CENTER FOR LAW AND PUBLIC SERVICE – Earlier this semester the Center hosted a successful speaker series for public interest students and employers on February 5, 2014. The Center has also coordinated the initial fellowship interviews for the Public Interest Advocate summer fellowship programs, hosting six employers on campus during the week of February 24th. The Center is continuing its coordination of pro bono projects. There are ongoing pro bono projects and student volunteers working with Legal Aid of WV, Senior Legal Aid, CASA, Mountain State Justice and the Appalachian Citizens Book project. Further, this semester the Center hosted pro bono volunteer training for the VITA program on January 31st, the WV Fair Housing Discrimination program on February 6th and the ADR/student-led Magistrate Mediation program on March 1st. The VITA students are volunteering with Catholic Community Charities assisting low income tax payers, the Fair Housing Volunteers are training and completing testing in Morgantown and the Mediation program is training students to mediate in Monongalia and Marion counties. The Center provided financial support for four students to attend the Rebellious Lawyering Conference on February 21 and 22 at Yale University. I am planning to attend the NALP conference in April and the Equal Justice conference in May of 2013.

WV FUND FOR LAW IN THE PUBLIC INTEREST – The Fund is in the process of completing its selection process for the 16 students who will hold summer public interest fellowships in 2014. This number – 16 – means that the Fund will be sponsoring about 7% of the membership of the 1L and 2L classes in public interest work. The Fund earlier selected two students to receive the post-graduate public interest fellowships, Paul Robinson and Lola Oluyemi.

CHILDLAW SERVICES – Capital Campaign: We have reached our goal!!! Thanks mostly to the generosity of Sabika Jewelry, Grants Supermarket, Governor Tomblin, and the Community Foundation of the Virginia's, we are now beginning the work of improving our space and realizing our dream of a safe haven for our kids.

Budget: Despite beginning the year in debt and in the hole, we ended the year having paid off 50% of our debt and our bottom line safely in the black. Great work by staff and our board for fastidious planning, skimping and saving.

Staff: We have added a third attorney to our staff, Malorie Estep-Morgan who has hit the ground running and is already so integral to the work being done at ChildLaw. She is trusted in the legal community, and endeared by our clients. We began the new year with three more staffing positions to fill, our teen court coordinator, financial assistant, and social worker (Spoiler Alert: as of this writing, we have filled those positions with the best people imaginable).

Programs: Our teen court, Girls on the Run, 1st Book, VOCA, and PIP programs all run on different fiscal years than the organization, but are all strong and doing well. These programs are a big part of what makes ChildLaw different than other law firms. With a combination of grants, private donations and the fees we earn representing kids, we run programs that seek to fulfill our mission of giving kids and youth a stronger voice in their communities and in their lives.

During the fourth quarter, our Girls on the Run (GOTR) program really experienced some growth in Kanawha County. Six amazing women formed came together to form an advisory committee to help steer this growth and are madly raising money, talking to councilmen, coaching our girls, planning our race on April 22nd. Thanks go to their fearless leader, Sharie Dale and Courtney Crabtree, Lou Newberger, Jamie Tridico, Heidi Talmage, and Rachel Wallace! They wholeheartedly believe in empowering our girls to become strong, resilient and compassionate to themselves and others. Likewise, Mercer Elementary signed up to run our Mercer program this spring and the team of Kelli Stanley, Angie Neal and teachers and families wasted no time in raising money to ensure that every girl in their school that wanted to would have a chance to be a part of this program. Special thanks go to PSI Med, Grants Supermarket, and Pyles and Turner Foundation for very generous support of this program.

Representation: At year end, ChildLaw opened 206 cases for children including appointments by judges for divorces (1); custody (54); abuse and neglect (121); infant guardianship (8); victims of crime (3); and juvenile offenses (19). We have **closed 284 cases**, including the following: family guardian ad litem work (59); domestic violence and victims of crime (83); abuse and neglect (129); infant guardianship (3); and juvenile offenses (10).

CASA – We have been busy so far in 2014 with WVCASA. We are continuing to determine how we want to proceed with staff for WVCASA. At this point we have not hired anyone. We had a booth at Children's Day at the legislation. Several local programs throughout the State are having 5k Superhero runs as fundraisers this spring. Susan Harrison continues to train CASA Volunteers throughout the State in the Fostering Futures curriculum. This curriculum is focused on kids ages 14 years-21 years of age. The CASA Volunteers will be trained to better assist kids in that targeted age range. Our NCASA grant continues to progress- we are currently working on ordering marketing materials for local programs throughout the state. Our 11 programs have over 250 CASA Volunteers and advocated for over 1,500 children throughout 1,500 children in WV in 2013. We worked on starting the

process to get legislation passed for a funding stream for local programs at the State level via a fee affiliated with birth certificates. It didn't make it through the entire process this legislative session but we hope to get it passed next time!

5. Financial Report

Ms. Harper Jones reported that the IOLTA fund currently has \$75,413.50 cash on hand. Of that sum, \$22,500 is reserved for The State Bar administrative fee. Ms. Harper-Jones anticipated that funds available for distribution would rise to \$55,000 by the end of the month. Following discussion, a motion was made authoring Ms. Harper-Jones to disburse up to \$55,000 to the program's grantees at the end of March. The motion received a proper second and passed by a unanimous vote.

6. Old Business

A. Update on NSF notifications and contacts with attorneys

Executive Director Casey reported that she was now receiving notices of non-sufficient funds/overdrafts from several banks and was personally contacting each attorney/law firm regarding the same. If three contacts were made with the attorney/law firm, with no response, Executive Director Casey advised the Office of Disciplinary Counsel.

B. Update on IOLTA Newsletters

Executive Director Casey reported that four newsletters had been sent to participating financial institutions. It was her hope that she would be able to provide a monthly newsletter to the institutions. Ms. Harper Jones and Ms. Massey agreed to draft the April newsletter addressing the need for all participating financial institutions to timely and properly remit their interest information to the State Bar.

C. Update on website changes under IOLTA tab

Executive Casey reported on changes made to the IOLTA website to provide additional information for both attorneys and financial institutions and to make access to the information more user-friendly.

7. New Business

A concern was raised that requiring quarterly reports from the special grantee organizations was time consuming for the small staffs of these organizations. It was suggested that bi-annual reports be requested in the future. That discussion led to concerns that the organizations did not have established protocols to use for the submission of both their activity and their financial information reports. Ms. Troy suggested that, in the future, the organizations be requested to submit to a financial review, related to their use of IOLTA funds. Chairperson Lambright suggested that she and Mr. Martin work with representatives of the Supreme Court and the State Bar Board of Governors to determine the nature and

extent of the information which should be requested from the grantee organizations. There was discussion that Legal and Mountain State Justice could provide copies of management letters prepared by their auditors. Professor Disalvo agreed to determine what types of financial reviews were done by the special grantee organizations. The sub-committee of Chairperson Lambright, Mr. Martin and Professor Disalvo would report its findings to the Committee at its June 19 meeting.

8. Next meeting – The next meeting of the Agenda will be June 19, 2014, at 11:00 a.m. at the State Bar Center.
9. Adjournment

A motion to adjourn was made, received a proper second and passed by acclamation.

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