

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
MARCH 26, 2015 - 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 Lambright on March 26, 2015. Committee members appearing in person were Chairperson Lambright, Patrick Kelly, Jennifer Massey, James Martin and Sue Racer Troy. Attending by conference call was Professor Charles DiSalvo and the State Bar's Technology and Communications Specialist Michael Mellace. State Bar Financial Director Sarah Harper-Jones and Executive Director Anita Casey, who served as secretary for the meeting, also attended.

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 18, 2014

Following a review of the same, a motion to approve the minutes of the December 18, 2014, meeting was made. The motion received a proper second and passed by a unanimous vote.

3. Reports from Legal Service Programs

Mr. Martin reported that no bills were passed during the 2015 State Legislative Session which directly impacted Legal Aid of West Virginia. He noted, however, on the federal level that West Virginia Congressman, Alex Mooney, had given a floor speech encouraging that all funding for the Legal Services Corporation be eliminated. While the federal budget proposal still contained a line item for Legal Services Corporation, although at a reduced rate, the budget contained a reference to Congressman Mooney's position. Executive Director Casey advised committee members that the ABA's legislative liaisons would be attending any meetings that Congressman Mooney agreed to set up with State Bar Vice President, John McGhee, for ABA Day. Unfortunately, Congressman Mooney's office has not responded to the request for a meeting. Although Congressman Jenkin's office has not responded to the request, Chairperson Lambright reported that she had spoken with him and he indicated that he would be supportive of continued funding.

No report was provided on behalf of Mountain State Justice.

4. Reports from Special Grantees - Professor DiSalvo provided the following information from the Special Grantees:

Center for Law and Public Service

Jennifer Powell reports:

The Director of the Center for Law and Public Service managed the PIA auction which was held in the new event center at the WVU College of Law on March 10, 2015, and the follow up silent auction, which was held on March 17-19, 2015 in the main lobby of the WVU College of Law. This year was one of PIA's three most successful ever, as the live and silent auctions raised over \$31,000 to fund full time and summer public interest fellowships for WVU College of Law students. This was particularly remarkable since the auction had to be moved from its original date of March 5, 2015 due to a large snowstorm that closed the University for two days.

The Center continues its work coordinating pro bono projects at the WVU College of Law. This year the Center worked with 8 community partners to sponsor different pro bono projects for law students. For example, currently our VITA program is particularly active, thanks to assistance from 2L Chris Smith and WVU College of Law tax Professor Elaine Wilson. VITA worked in conjunction with Catholic Community charities to process income tax forms for low income tax payers in Monongalia and surrounding counties. The Center coordinated the training for the program. Our other 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. One new and successful program including students working with Legal Aid of WV and other volunteer attorneys to help pro se litigants fill out their divorce and custody packets correctly for filing with family court. Over 25 students have volunteered and approximately 12 packets have been completed so far.

At the WVU College of Law Honors Day, the Center is proud to note that 35 students will be recognized as students with "pro bono distinction." This means that these students have performed over 25 hours of pro bono service in the course of their law school career.

Planning for the 2015-16 school year is underway and we hope to expand the number and type of pro bono projects that we support. Thank you for supporting the work of the Center!

WV Fund for Law in the Public Interest

Jennifer Powell and Chuck DiSalvo report:

During the week of March 16-20, 2015, the Director and three Board members of the WV Fund for Law in the Public Interest conducted interviews, selected and funded 14 students for public interest summer fellowships. These students are working at public interest employers all over West Virginia, including Legal Aid of WV, Senior Legal Aid, Mountain State Justice, WV Advocates, and Childlaw Services. The fund expects to fund 16 summer fellows total as we already hired two students who will work in the public defender; one with the Kanawha County Public Defender and one with the Federal Public Defender in Clarksburg.

Aaron Moss and Stephanie Welsh were awarded 2015-2016 post-graduate fellowships by the WV Fund for Law in the Public Interest.

Aaron will take his fellowship to and begin his career with Mountain State Justice and will work specifically on a prison reform project protecting the rights of prisoners with mental illness.

Stephanie will take her fellowship to and begin her career with Legal Aid of West Virginia and will work specifically on a project with children in foster care and their educational rights.

WV Senior Legal Aid

Cathy McConnell reports:

I have very little to report for this quarter. Virtually every workshop I was scheduled to present got cancelled for bad weather. We served the usual complement of clients (161 in December, January, and February). We never close no matter what the weather because almost our entire client services operation can work through web and phone.

Childlaw Services

Cathy Wallace reports:

Our end of the year stats are in, and they look great! I am very pleased to report that ChildLaw has affected many children's lives, and we are doing it through a 7 county region. Our services have reached over 70 teen court participants, safety classes to over 400 students, youth symposiums to with over 90 students, state advocacy for over 30 students, volunteer programs for ten students, and then there is our legal services. Through September,¹ we have **opened 285 cases** for children including appointments by judges for divorces and custody (49); abuse and neglect (162); infant guardianship (14); victims of crime (3); collection cases (2); and juvenile offenses (55). We have **closed 266 cases**, including the following: family guardian ad litem work (58); abuse and neglect (171); infant guardianship (4); miscellaneous (3); and juvenile offenses (30).

My favorite end of the year story is about a young teen who had been the victim of terrible assault when she was a preteen. During this last period of time, her assailant was brought to justice with a jail sentence of over 200 years, she was able to tell her story and begin her work in putting that ordeal behind her. She became involved in our teen court and volunteer work with our agency. She applied to her dream college, and she got in with a full scholarship to be a nurse and to be able to give back to others. Taking this first part of her recovery journey with her was so rewarding to our whole office and seeing her success has been nothing short of an honor and reminder of why we do the work we do.

CASA

Susan Harrison reports:

From October 1, 2014 through December 31, 2014 there were 221 active volunteers across the state. These volunteers contributed 3,315 volunteer hours and served 1,195 children. Our network has worked on initiatives including keeping siblings together in foster care, advocating for the preservation of kinship placements and helping children to have better educational attainments while in care.

During the past year, 92 CASA volunteers have been trained in our new *Fostering Futures* curriculum, specifically targeting the needs of foster youth ages 14-21. Judges have appointed Fostering Futures CASA volunteers to 85 youth.

The state director's contract was not renewed 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. Many programs have events planned for Child Abuse Prevention Month in April.

¹Childlaw's report is taken from its end-of-the-year letter to donors. Cathy Wallace indicates that the figures reported as being "through September" are actually through December.

From December 18, 2014 through March 24, 2015, there were 232 active volunteers across the state. These volunteers contributed 3,480 volunteer hours and served 1,408 children. Our network has worked on initiatives including keeping siblings together in foster care, advocating for the preservation of kinship placements and helping children to have better educational attainments while in care.

Our network of 11 program directors met yesterday, March 2, and started the planning of our fall 2015 state CASA conference. We will be launching a statewide mobile ad and social networking volunteer recruitment campaign at the end of this month.

5. Financial Report

Finance Director Harper-Jones reported that the IOLTA interest bearing account contained \$68,012.44. The operating account contained \$5,737.47, for a total of \$73,749.91. Taking into consideration the \$22,500 restricted amount, to cover the State Bar's management fee, \$48,513.83 was available for distribution. She had received two ACH transfers, which would be processed by the end of the month, and suggested that \$50,000 would be available for distribution. Thereafter, a motion to distribute \$50,000 was made. The motion received a proper second and passed by a unanimous vote.

6. Old Business

Executive Director Casey reported on the collaboration which was occurring between and among the financial institutions, the West Virginia State Bar and members of the Bar. The State Bar was receiving good responses to the monthly newsletters and, particularly, the most recent newsletter on non-remitting accounts. She also addressed an inquiry she received from a financial institution asking what the retention schedule was for reports submitted to the IOLTA program monthly. Following a discussion, Executive Director Casey was directed to advise the inquiring institution that records should be kept for a minimum of seven (7) years.

7. New Business

A. IOLTA Data Base

Mr. Mellace and Ms. Harper-Jones reported on the options they had looked at for replacing the aging IOLTA 2 database. The systems were quite expensive to initially implement and required the payment of quite pricey annual licensing fees. The possibility of tailoring/programming the current State Bar database to incorporate IOLTA was also discussed. At this time, however, both time and expense constraints do not make that a feasible alternative. Ms. Racer-Troy indicated that, due to Legislative changes in 2015, it did not appear that the Court's budget would contain sufficient funds to dedicate to such a project. Chairperson Lambright requested that Mr. Mellace and Ms. Harper-Jones prepare a formal proposal for discussion at the next IOLTA Advisory Committee meeting.

B. Use of ATM/debit cards on IOLTA accounts

The Committee discussed the inquiry which had been received about the use of ATM/debit cards on IOLTA accounts. A motion was made to prohibit the use of such cards. The motion received a proper second and passed by a unanimous vote.

C. Discussion of qualifications needed by IOLTA paralegal

Committee members discuss the sensitive nature of the information which would be handled by an IOLTA paralegal and were of the opinion that the individual selected would need, at a minimum, a college degree, have good communication/writing skills, have investigatory experience, and be competent in IT translation skills. In addition to doing database work, the individual would work with individual attorneys and firms, representatives of financial institutions, representatives of the grantee organizations and would be involved with Committee members and the Court in drafting protocols for both selection as, and retention as, a grantee organization. Ms. Massey offered to work with Ms. Harper-Jones and Executive Director Casey in preparing a job description and advertisement for solicitation of possible candidates.

8. Next meeting – The next meeting of the IOLTA Advisory Meeting has been changed from June 18 to June 25, 2015. The meeting will be held at the State Bar Center at noon.

9. Adjournment

A motion to adjourn was made and was adopted by consensus.

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