

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
DECEMBER 17, 2015 - 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 December 17, 2015. Committee members appearing in person were Patrick Kelly, Jennifer Hall-Massey, Elizabeth Wehner, Sarah Brown, Richard Lehman and Sue Racer Troy. Also participating in the meeting by conference call were Charles DiSalvo and Board of Governors Liaison Dean Rohrig. State Bar Finance Director Sarah Harper-Jones and State Bar Executive Director Anita Casey were also present for the meeting. Ms. Casey 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 – September 17, 2015

The Minutes of the meeting of the September 17, 2015, were accepted by consensus.

3. Reports from Legal Service Programs

Ms. Brown reported that Mountain State Justice now employs six attorneys in Charleston and four in Clarksburg. Seven of those attorneys recently attended a national conference on consumer rights. In response to some questions, she confirmed that a number of the cases handled by Mountain State Justice are fee shifting cases.

Ms. Wehner reported that Legal Aid of West Virginia continues to have concerns related to proposed state budget cuts. While Legal Service Corporation money will be a bit higher this year nationally, census number cuts in West Virginia will significantly diminish the amount of money received in the State. In December, Legal Aid will debut its on-line intake system. The on-line service will allow the public to provide significant amounts of information to Legal Aid before any initial meeting, which will assist in streamlining and speeding up the intake process. Courtesy of the WVU College of Law, Legal Aid will have a new fellow.

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

CASA

IOLTA Report from WV CASA Association, Inc.
Susan Harrison on behalf of WV CASA Association
Executive Director of CASA for Children Serving Ohio, Marshall, Wetzel and Tyler Counties
December 14, 2015

From October 1, 2015 through December 14, 2015 there were 195 active volunteers across the state. These volunteers contributed 5,850 volunteer hours and served 1483 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 this quarter, 33 additional CASA volunteers have been trained and sworn in by the local circuit court judges. The WVCASA Association has received a development grant from NACASA to hire a state director. We have posted for the position, received applications and are setting up interviews this month.

Susan J. Harrison MSW, MPA, LGSW
Executive Director CASA for Children, Inc.

CHILDLAW

Since August, our organization has gone through some infrastructure changes after losing 4 staff people (3 due to salaries: (). Our organization is now comprised of 4 FTE attorneys, one program director (who oversees our nonlegal programs) and an office manager. It has been a challenge, but our representation of kids still remains top-notch.

For the months of September, October and November, here are our numbers: We opened 62 cases with 1 education, 2 custody, 3 delinquency, 23 abuse and neglect and 33 guardian ad litem cases. We closed 50 cases with 1 collection, 1 custody, 4 delinquency, 39 abuse and neglect, 3 guardian ad litem and 2 miscellaneous juvenile cases.

We greatly appreciate the partnership we have with you all. Please let me know if you have any questions.

Cathy Wallace

WV FUND FOR LAW IN THE PUBLIC INTEREST

Plans are underway to stage the annual fund-raising auction on March 10.

Applications are being received now for the three post-graduate fellowships the Fund will award in early 2016.

WV SENIOR LEGAL AID

This past 3 months we served 190 individual senior clients in 38 counties. We provided legal workshops to over 200 caregivers, seniors, and aging service professionals in partnership with AARP and the WV Chapter of the American Geriatric Society in Greenbrier, Raleigh, and Kanawha counties. Cat and Rachel both attended the National Aging and Law Conference and the annual meeting of the National Association of Senior Legal Hotlines (Cat is a Board member). We are working on some projects related to financial exploitation of vulnerable adults including identifying innovative and effective policies and practices in other countries and

working with the Financial Exploitation Task Force to coordinate a 3 hour workshop on client-centered multidisciplinary approaches to prevention, intervention, and remedy.

CENTER FOR LAW AND PUBLIC SERVICE

The Center for Law and Public Service has been quite busy this fall with pro bono projects. I introduced the school-support pro bono partners and projects for the 2015-16 school year, which include Legal Aid of WV, Senior Legal Aid, CASA of Monongalia County, the WV Fair Housing Authority, Appalachian Prison Book Project (APBP), the local Magistrate Court Mediation program, VITA, and the Rape and Domestic Violence Information Center. I explained other possible pro bono opportunities and gathered information from potential volunteers.

On September 14, the Center hosted a school-wide community service and pro bono service fair in the new event space at the law school. I partnered with the WVU Office of Service and Learning to invite community partners to attend and recruit volunteers. Legal Aid of WV, Senior Legal Aid, Fair Housing Authority, APBP, CASA, RDVIC, Magistrate Mediation, Rosenbaum House, MSNAP and other organizations attended. Over 120 law students, faculty and staff attended and signed up for pro bono and community service opportunities. This was a remarkably well-received by the law school community and the community partners. The Center for Law and Public service sponsored and coordinated the event here at the law school to make it easy for law students and community members to connect.

On September 23, the Center hosted representatives from Legal Aid of WV met with 35 student volunteers for the pro bono divorce questionnaire project. With this project, law students will work with volunteer attorneys to help clients complete divorce packets for family court. On October 17, the Magistrate Mediation program trained over 30 new volunteers to mediate disputes in WV Magistrate Courts. On November 6, Jeffrey Shawver and Deborah Bogan of the Access to Justice Commission came to the law school to meet with me and other representatives from the law school to discuss pro bono projects, self-help center alternatives, and to ask for the law school's continued support on these projects. I will be serving on two committees for the WV Access to Justice Commission starting in January of 2016.

On October 26, the Center sponsored Pro Bono Week at the WVU College of Law. This week is designated by the ABA for recognition of and support of pro bono activities. On Monday, October 26, we hosted a book-wrapping project with APBP and 25 law students volunteered and celebrated with cake. On October 27, we sponsored the Fair Housing Project training and recruitment of volunteers for their housing discrimination testing program and over 15 law student volunteers were trained. On January 20, 2016, I will hold an information session specifically for first year students on public interest and government jobs and pro bono opportunities. Planning is already underway to "ramp up" student participation in Legal Aid's on-line legal questions help site and divorce packet questionnaire projects during the Spring 2016 semester. VITA and the Magistrate mediation projects will also be quite active in the spring semester.

Submitted:
Jennifer Powell, Director
Center for Law and Public Service

5. Financial Report

Ms. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had \$406,262.28 cash on hand. After considering the restricted funds in that amount, she reported that \$53,604.36 was available for disbursement. Ms. Harper-Jones advised that she did not anticipate much more money would be received before the end of the year. Thereafter, a motion was made to disburse \$53,000 on December 30, 2015. The motion received a proper second and passed by a unanimous vote.

6. Old Business

A. Discussion of transition from IOLTA 2 database to new database

This matter was tabled pending the anticipated hiring of an IOLTA Committee clerk.

B. Discussion of distribution of Bank of America settlement monies – Mr. Kelly

Mr. Kelly and Mr. Rohrig discussed the draft request for proposal (RFP) prepared by the Bank of America settlement sub-committee members. Following discussion by all Committee members, a motion was made to modify the language of the RFP to require that the non-profit entity submitting the RFP must qualify as a “legal services organization” domiciled in the State of West Virginia. The motion received a proper second and passed by a unanimous vote of the Committee members not excluded from voting due to their association with a current/potential grantee. A second motion was made directing that the cap on the amounts of money to be distributed to successful grantees be eliminated. That motion received a proper second and passed by a unanimous vote.

C. Update on employment of IOLTA legal assistant

Chairperson Lambright reported on the interviews conducted by various members of the Committee, Executive Director Casey and Financial Director Harper-Jones immediately before the Advisory Committee meeting. Following discussion by Committee members, it was the consensus that Executive Director Casey be authorized to extend an offer of employment to whichever of the candidates she felt would be best equipped to assist the IOLTA Advisory Committee and the West Virginia State Bar with the administration of the IOLTA Program.

7. New Business

A. Approval of revised Operating Regulations

This matter was tabled pending the anticipated hiring of an IOLTA Committee clerk.

8. Next meeting – The next meeting of the Committee will be on March 29, 2016, at noon at the State Bar Center. Subsequent meetings were set as indicated:

June 28, 2016 – 10:00 a.m. - meeting of the Bank of America selection sub-committee

June 28, 2016 – noon

September 27, 2016 – noon

December 20, 2016 - noon

9. Adjournment

The meeting was adjourned by consensus.

ioltasdec2015minutes.docx