

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
SEPTEMBER 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 Acting Chairperson Patrick Kelly on September 17, 2015. Committee members appearing in person were Acting Chairperson Kelly, Jennifer Massey, Adrienne Worthy, Bren Pomponio, Richard Lehman and Sue Racer Troy. Also participating in the meeting by conference call was Board of Governors Liaison Dean Rohrig. State Bar Executive Director Anita Casey served as secretary for the meeting.

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 – June 25, 2015

Following a review of the same, a motion to approve the minutes of the June 25, 2015, meeting was made. The motion received a proper second and passed by a unanimous vote.

3. Reports from Legal Service Programs

Mr. Pomponio reported that not much had been happening since his last report. Mountain State Justice had hired a new attorney in the Clarksburg office who was on a fellowship. One attorney in the Charleston office had left Mountain State Justice. He reported that Mountain State Justice was collaborating with Legal Aid of West Virginia to possibly present a joint proposal for the Bank of America settlement monies.

Ms. Worthy reported that Legal Aid of West Virginia would have its quarterly meeting the following day in Morgantown. She provided background information on the membership requirements to serve on the Legal Aid board. She advised that Legal Aid would be using “tear off” sheets, similar to those distributed by the State Bar for its Lawyer Referral Service and West Virginia OnLineLegalHelp, to courthouses in an effort to assist courthouse personnel in directing individuals to Legal Aid and its services. Legal Aid had received a federal grant to hire an attorney to develop a library of video resources for private attorneys who wished to volunteer for Legal Aid but did not feel that they had a sufficient background in some of the subject areas in which they anticipated receiving calls. She reported that the outlook on the LSC grant was not favorable.

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

Childlaw

Please find below our quarterly report. I understand that you all would like a simpler report from us that includes only number breakdowns for the period of time since your last meeting.

We have had tremendous change in the last reporting period, but our case representation stays clean and strong. Between June 25th and September 17th, we opened 37 cases: 2 custody, 7 status offenders, 24 abuse and neglect and 4 guardian ad litem. During this same period of time, we closed 70 cases. Of these, 12 were custody, 2 name changes for child victims, 8 delinquency, 41 abuse and neglect, 1 guardianship, 5 guardian ad litem, and 1 emancipation. On behalf of ChildLaw, we appreciate your consideration.

Please let me know if you have any questions.

Thank you,
Cathy Wallace

Center for Law and Public Service

The Center for Law and Public Service has been quite busy this fall with pro bono projects and planning. In September, 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, the Rape and Domestic Violence Information Center, the peer advocate program, and the Public Interest Advocates.

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. 13 organizations attended! Over 100 law students, faculty and staff attended and signed up for pro bono and community service opportunities. This was second annual fair and was 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. The law school will now recognize both community service and pro bono service as an honor at its annual Honors Day celebration in April.

On September 23, the Center will host Legal Aid of West Virginia to continue to recruit and train volunteers for the a pro bono divorce questionnaire project where law students will work with volunteer attorneys to help low income, pro se clients complete divorce packets for family court. The Center plans to host and support additional trainings for our partners, including the VITA program, magistrate mediation program, the Public Interest Advocates programs, and the Fair Housing network programs.

On October 26-31, 2015 the Center will sponsor activities for 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. We plan to host a book-wrapping project with APBP and celebrate with cake. We also plan to host and sponsor the Fair Housing Project training and recruitment of volunteers for their housing discrimination testing program and recruit volunteer attorneys to supervise students in answering questions from Legal Aid's on line help system. In November, the Center will hold

an information session specifically for first year students on public interest and government jobs and pro bono opportunities.

So far it has been a busy fall!

Submitted:

Jennifer Powell, Director
Center for Law and Public Service

WV Fund for Law in the Public Interest

In summer of 2015, 15 students worked full time for 10 weeks; those students were employed throughout West Virginia at Legal Aid of WV offices, Senior Legal Aid, Mountain State Justice, the WV Advocates, Childlaw Services, and the Kanawha County Public Defender. We have two full-time post graduate fellows starting this fall; Stephanie Welsh will be working at Legal Aid of WV in Wheeling and Aaron Moss will be with Mountain State Justice in Clarksburg. We are committed to funding an additional 15 fellows for summer of 2016 and three post graduate fellows for the Class of 2016 as well. PIA has already begun its fundraising activities this fall with an on-line book sale, book sale in the law school lobby, and a concert featuring faculty and student acts at 123 Pleasant Street.

Submitted:

Jennifer Powell, Director
Center for Law and Public Service

West Virginia Senior Legal Aid

In the past 3 months we have served 228 individual clients. We delivered a training on elder-abuse and financial exploitation in Hampshire County to 80 homecare workers. We had a great summer with our PIA Fellow who completed the 17th annual update of our purple book of Legal Questions Frequently Asked by WV Seniors. We are in the process of getting it processed into our searchable website version and a Kindle version. Cat appeared on two television productions, one interview about elder-law for Library TV in Charleston, and one as a roundtable participant on a local access channel in Fairmont discussion elder-abuse, funding for homecare services for seniors, and innovative ideas for effective information dissemination among seniors about services and benefits available to them. And we hired a staff attorney, Rachel Livingood, who was a PIA Fellow with us in 2011!

Cathy McConnell, Esq.

Executive Director

West Virginia Senior Legal Aid

WV CASA Association

From July 1, 2015 through September 10, 2015 there were 214 active volunteers across the state. These volunteers contributed 6,420 volunteer hours and served 1420 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 quarter, 32 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

Susan Harrison on behalf of WV CASA Association
Executive Director of CASA for Children Serving Ohio, Marshall, Wetzel and Tyler Counties
September 11, 2015

5. Financial Report

Because of Sarah Harper-Jones' maternity leave, Valerie Payne provided the financial report. She noted that, while there was \$382,106.30 cash on hand, most of that money was in restricted accounts either for the Bank of America settlement monies or pursuant to Administrative Rule 10.09. Therefore, the amount available for distribution was \$38,358. Since the IOLTA checks would not be issued until the end of September, it was anticipated that a small amount of additional monies would be received, allowing for a distribution of \$39,000. A motion to distribute \$39,000 was made. The motion received a proper second and passed by a unanimous vote.

6. Old Business

There was no Old Business to be discussed.

7. New Business

A. The Committee will be asked to interpret the meaning of the phrase "yearly reporting requirement" which appears in Rule 10.02 of State Bar Administrative Rule 10.

Following discussion, a motion was made to adopt the position that the "annual reporting requirement" language in Rule 10.02 refers to the State Bar's fiscal year, running from July 1 to June 30, rather than to a calendar year. Members of the Committee wanted to be certain that the interpretation would be applied prospectively, rather than retrospectively. The motion received a proper second and passed by a unanimous vote.

B. Determine how, and from which organizations, Requests for Proposals (RFPs) will be solicited for Bank of America (BOA) monies

Committee member Patrick Kelly agreed to work with Board of Governor representatives Dean Rohrig and Robert Kuenzel to discuss the issues related to the RFPs and make a recommendation on how to proceed at the December 17, Committee meeting.

C. Determine how data will be collected from each grantee awarded BOA monies

This will be discussed at the December 17 meeting.

D. Determine details of how and when client stories will be submitted by grantees of BOA monies, who will evaluate the submissions received and how those submissions will be forwarded to NAIP (National Association of IOLTA Programs)

This will be discussed at the December 17 meeting.

E. Use of debit cards on IOLTA accounts

Following discussion, a motion was made that the IOLTA Advisory Committee adopts the position that a debit or credit card may not be used on an IOLTA account. The motion received a proper second and passed by a unanimous vote.

8. Next meeting – The next meeting of the IOLTA Advisory Meeting would be on December 17, 2015. The meeting will be held at the State Bar Center at noon.

9. Adjournment

The meeting was adjourned by consensus.

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