

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
September 27, 2016 - 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 September 27, 2016. Committee members appearing in person were Jennifer Hall-Massey, Richard Lehman, Pat Kelly, and Sue Racer-Troy. Also participating in the meeting by conference call was Charles DiSalvo. State Bar IT Director Mike Mellace and State Bar IOLTA Administrator Tyler Shoub were 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—June 28, 2016

The Minutes of the meeting of June 28, 2016 were accepted by consensus.

3. Reports from Legal Services Programs

No representatives of the Legal Services Programs were present at the meeting so no report was gathered.

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.

*Note—Professor DiSalvo encountered technical issues with the conference call equipment which resulted in him being unable to participate in significant sections of the meeting.

Center for Law and Public Service

The Center for Law and Public Service has been quite busy this fall with community service and pro bono projects. In September, I disseminated the community service and pro bono guidelines to all students. In October, we are partnering with the Office of Service and Learning and will be migrating the collection of students' hours to the WVU iServe platform, where students will

report their pro bono and community service hours. We are doing this so that we can better capture all of the hours that are students are completing and ensuring that all of their good work is being reported as part of University-wide reporting.

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. The Center partnered with the WVU Office of Service and Learning to invite community partners to attend and recruit volunteers. 22 organizations attended! Over 75 law students, faculty and staff attended and signed up for pro bono and community service opportunities. This was the third annual fair and it was very 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 now recognizes both community service and pro bono service as an honor at its annual Honors Day celebration in April. Any student who accumulates 25 or more hours of community service or pro bono service will be recognized at Honors Day; pro bono service is also recognized as an honor at graduation.

The Center plans to host and support additional trainings for our partners, including the WV On Line Legal help program, the Monongalia County VITA program, the ADR society's magistrate mediation program, the Public Interest Advocates programs, and the Fair Housing network programs. In Spring of 2017, the Center will resume working with Legal Aid of West Virginia to continue to recruit and train volunteers for the 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.

On October 17, I will hold an information session specifically for first year students on public interest and government jobs and pro bono opportunities. On October 24-28, 2016 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 volunteer attorneys to supervise students in answering questions from Legal Aid's on line help system.

WV Fund for Law in the Public Interest

The Public Interest Advocates are underway for another year of funding summer and full time fellowships for those students who wish to work in public interest organizations. In summer of 2016, 18 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 three full-time post graduate fellows starting this fall; Patrick Holbrook will be working at Legal Aid of WV in Charleston; Susan Waldie will be with Appalachian Mountain Advocates in Lewisburg, and Micki Biggs will be with Senior Legal Aid in Morgantown. We are committed to funding an additional 16 fellows for summer of 2017 and three post graduate fellows for the Class of 2017 as well. PIA has already begun its fundraising activities this fall with an on-line book sale, book sale in the law school lobby, a cash raffle, and a lip sync battle featuring faculty and student acts at the Law School on November 3rd.

WV Senior Legal Aid

Cathy McConnell passes along the gist of a conversation she recently had with a client. The client is speaking about her call to Senior Legal Aid about a problem her husband was having:

"I just got off the phone with your staff attorney Rachel. I've been so pleased with her legal advice. She is very knowledgeable and obviously is compassionate. She researched carefully and kept in contact with me, calling several times to help me with his issue. I was very lost since my husband passed in June. I'm 72 years old, and having this resource, it is my honor to **tell you what it has meant to me. I'd** be lost without this. There was nowhere else to turn. Words are not enough to thank you for what you all have done for me."

This quarter we have delivered workshops to several hundred seniors, aging services professionals, and members of community groups in Jefferson, Upshur, Randolph, Harrison, Ohio, Monongalia, Kanawha, and Berkeley counties. We partnered with the Alzheimers Association, Central WV Aging Services, the Rotary, county senior centers, and the WV Human Rights Commission for the various events, and certainly folks came from surrounding counties to some of the larger events like the Fair Housing Conference. We are also in partnership with the WV Coalition Against Domestic Violence and the member agencies in the WV Financial Exploitation Task Force working on the drafting of a new kind of civil protective order for victims of financial exploitation. Stopping financial exploitation perpetrated by a trusted family member or friend while still enabling senior victims to preserve their critical family relationships and supports and autonomy is a complicated problem to solve, but important to keeping seniors safe, healthy, and independent as long as possible. Cathy McConnell is a board member of the National Association of Senior Legal Hotlines and the membership across the country has expressed great interest in following our work on this; our new solution may become a model for other states struggling with this huge problem.

We did focused outreach in flood counties this quarter and helped spread the word among local aging services entities in those counties to encourage victims to document their damages for potential future legal needs, and share information about flood-specific topics includes landlord/tenant issues, benefits issues, and replacing lost documents. We served 224 individual senior clients through our staff attorney Rachel Livingood, whose position is made possible and funded by our partnership with Legal Aid of WV. This fiscal year (which ends in 2 weeks) so far we have served over 700 senior clients total and some in every single county.

CASA

From July 1, 2016 through September 23, 2016 there were 228 active volunteers across the state. These volunteers contributed approximately 6840 volunteer hours and served 1727 children. During this quarter, 36 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

Over the past quarter, we have implemented a plan for establishing a new updated web site, which should be on line in a few weeks. The new site will have multimedia capacity and will be geared toward public relations and volunteer recruitment for local programs, including volunteer applications that can be completed on-line and forwarded to the appropriate program, as well as updated news and events and fund-raising capability.

Knowing that a strong, engaged board of directors is crucial to our success, we realized we need more time together to plan for the organization as well as build relationships. We organized a two-day Board Development/Roles and Responsibilities and Strategic Planning Retreat and incorporated a consultant to lead the retreat and to partner with WVCASA to address and update our strategic plan. We have included all of the program directors and encouraged them to bring members of their local boards. This retreat will take place at the Stonewall Resort September 26th and 27th.

Childlaw Services

For the second quarter of 2016, we opened 65 cases. We had 2 adoptions, 3 custody cases, 2 divorces, 13 juvenile, 42 abuse and neglect, and 3 guardianship cases.

We closed 31 cases: 1 - adoption, 10 - custody, 4 - delinquency, and 16 abuse and neglect.

All of these cases are full representation and all of them ended up with permanency for West Virginia's children, including several adoptions of children who have had open cases for over three years.

5. Financial Report – Ms. Ramey

Ms. Ramey reported that, as of the date of the meeting, the IOLTA Advisory committee had total assets on hand of \$2,844,385.92, with \$52,474 being unrestricted. A motion was made to disburse \$52,474 to the special grantees. A proper 2nd was made in support, the motion then passed unanimously.

6. Old Business

A. H. John Rogers Matter

A discussion took place regarding a letter received from the Court. From the letter, it was unclear what action the Court suggested the Committee take and offered little as far as a course of action for the future. The Committee reached an consensus that nothing more would be done regarding Mr. Rogers until it received further word from him.

B. Second Round of Bank of America Monies

A discussion took place regarding the 2nd round of money from the Bank of America settlement. As of the date of the meeting, no applications had been made to receive grants from the second round money.

A motion was made in order to allow Sarah Harper-Jones to provide protection for the money within the bank since the amount is over the allowable FDIC limit, this motion was met with a second and then passed by consensus.

C. Discussion of IOLTA Database

Mr. Mellace discussed his plans to develop the in-house IOLTA database within the Bar's own computer system. He noted that he is in the beginning stages of the program and that feedback would be important to its development. As such, a subcommittee was put in place in an effort to make the program's development more agreeable to all parties involved; Ms. Lambright and Ms. Massey volunteered to serve on the subcommittee. An ideal deadline was set for next year's reporting to be completed via the new system.

7. New Business

A. Suntrust Matter

Mr. Shoub noted that there was a discrepancy in the amount of fees that Suntrust Bank had been reporting. After further investigation, it was shown that it was a clerical oversight and that it had been accounted for.

8. Next meeting—December 20, 2016 at noon

9. Adjournment

The meeting was adjourned by consensus