

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER - CHARLESTON
SEPTEMBER 20, 2012 - 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 Anne Werum Lambright on September 20, 2012, at The State Bar Center in Charleston. Committee members appearing in person were Anne Werum Lambright and Jennifer Massey. Committee members Charles DiSalvo, James Martin and Bren Pomponio appeared by phone. The Supreme Court of Appeals' Finance Director, Sue Racer-Troy, appeared on behalf of Committee member Steven D. Canterbury. Also appearing were State Bar Financial Director Sarah Harper-Jones and State Bar Executive Director Anita Casey.

Items appear in the minutes in the order they appeared on the Agenda and not necessarily in the order in which they were presented.

2. Review of Minutes of Last Committee Meeting – June 21, 2012

The Minutes of the June 21, 2012, IOLTA Advisory Committee Meeting were reviewed. A motion was made to accept the Minutes, as presented. Following a proper second, the motion passed by a unanimous vote.

3. Report from Legal Service Programs

Mr. Martin reported that further cuts in LSC funding for fiscal year 2013 were anticipated, regardless of the outcome of the November elections. He also reported that West Virginia would be receiving a smaller percentage of any available LSC funds, as the State's number of individuals living below the property level had gone down following the most recent census. Mr. Martin noted that state funding sources were fairly stable and that LAWV's annual fundraising campaign was going well. Mr. Pomponio reported that matters with Mountain State Justice were going well. One new attorney had been hired in the Charleston office. Future plans included hiring a new attorney in the Clarksburg office. He noted that much of Mountain State Justice's work involved assisting home owners whose claims fell outside the recent Attorney General's settlement.

4. Report from Special Grantees

Professor Disalvo presented the following information on behalf of the special grantees:

Senior Legal Aid, delivered workshops about Power of Attorney reform that took effect in

June. The organization worked on several new promising partnerships, one aimed at prevention of elder abuse and financial exploitation, which included a proposal for funding under the Affordable Care Act of pilot projects in Lincoln and Lewis counties. An ad hoc group is examining due process issues in the guardianship/conservatorship and involuntary commitment processes in West Virginia. Senior Legal Aid was also awarded a small grant to purchase a curriculum which will be used to offer cultural competency training to providers about LGBT aging. LGBT seniors are an often hidden population in West Virginia with unique critical legal issues.

ChildLaw Services opened twenty-six new cases in the past three months, serving thirty-five children. There are two-hundred continuing opened. Unfortunately, a grant of \$36,000 was not renewed.

CASA has a new director: Wendy Barbeau. From April 1, 2012 through June 30, 2012 there were 269 active volunteers across the state. These volunteers contributed 3,398 hours and served 998 children. WV CASA hired a new Resource Development Director, replacing the State Director position. April included many child abuse and neglect prevention activities. In May, local program directors met and discussed state funding concerns and worked towards inventive funding options. In June, eleven CASA representatives from West Virginia attended the National CASA Conference in Washington, DC. They attended the 'CASA Meets Congress' event and spoke with senators and delegates from West Virginia to discuss the future of funding. Local program directors continued discussions of garnering state funding support and are working on the development of the WVCASA conference this fall.

Appalachian Center for Law in the Public Interest should have a decision on the new director's position soon. There will be several fellowships offered and several new programs will be established. The Fund will again sponsor about twelve summer fellows and one post-graduate fellow to work with legal aid organizations across the state.

5. Financial Report

Ms. Werum Lambright introduced Sarah Harper-Jones as the new CFO of The State Bar. Sarah reported that the three IOLTA accounts contained a total of \$127,153.81. After booking the quarterly administrative fee of The State Bar, \$119,653.81 remained for distribution. A discussion was had concerning the amount of money which should be maintained in the Reserve Account. Ms. Massey indicated that the Bankers Association did not anticipate interest rates going up in the next few years. Thereafter, a motion was made to distribute the sum of \$90,000. The motion received a proper second and passed by a unanimous vote. Executive Director Casey was directed to advise the grantees of the program that the grant distributions this quarter contained monies from a, one time, Cy Pres award from the State of Washington, which accounted for the larger distribution than had been made in the recent past. Executive Director Casey reported on the successful distribution and return of IOLTA compliance forms which were mailed with the State Bar's dues notices. She indicated that a part time employee had been hired to enter the information contained in the returned forms and to update bank information, both of which were expected to bring in more funds by making Bar members aware of their compliance requirements.

6. Old Business

- A. Update on status of Rule 1.15 amendments – There has been no news from the Supreme Court regarding the status of a decision on the proposed amendments.

7. New Business

- A. Contact with BB&T regarding closing Gordon Ikner's IOLTA Account - Executive Director Casey reported on contacts made with BB&T regarding the closing of Gordon Ikner's IOLTA account as soon as amendments to Rule 1.15 are approved by the Supreme Court.
- B. Replacement of Advisory Committee Member from the West Virginia Bankers Association - Ms. Werum Lambright introduced Jennifer Massey as the newest member of the IOLTA Advisory Committee. Ms. Massey will replace Kenneth Greear, as the Bankers Association's representative on the IOLTA Advisory Committee.

8. Next Meeting – December 13, 2012 at 11:00 a.m. at The State Bar Center.

9. Adjournment

A motion to adjourn was accepted by acclamation.