

THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
September 26, 2017 - 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 26, 2017. Committee members appearing in person were Jennifer Hall-Massey, Richard Lehman, Kevin Robinson, Elizabeth Wehner, Bren Pomponio, Harry Deitzler, Sue Racer-Troy, Pat Kelly, State Bar Executive Director Anita Casey, and State Bar Financial Director Sarah Harper Jones. State Bar IOLTA Administrator Tyler Shoub was also present for the meeting. Mr. Shoub served as Secretary. Joining the meeting via telephone was Professor Chuck DiSalvo.

*Note, because of technical issues that occurred throughout the meeting, Professor DiSalvo was unable to hear the Committee's discussion of the cy pres monies. Accordingly, Professor DiSalvo abstained from voting on the matter involving the disbursement of the cy pres funds.

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 27, 2017

The Minutes of the meeting of June 27, 2017 were accepted by consensus.

3. Reports from Legal Services Programs

A. Mountain State Justice

Mr. Pomponio reported MSJ had hired a new attorney as well as a new paralegal. MSJ Plans to open a new office in Beckley. MSJ attorneys are handling a multitude of mortgage cases throughout the state and within the previous week had attorneys in trial in two cases. Mr. Pomponio reported that MSJ is seeing a steady stream of clients, largely flood related, for whom cases will be filed in the near future. Mr. Pomponio noted that a large amount of the cases they're seeing are related to improper claim denials under flood insurance policies. Mr. Pomponio will provide the Committee with an updated report regarding the Bank of America funds within the next week.

B. Legal Aid of West Virginia

Ms. Wehner reported that LAWV is settled on funding through the end of the year but the future is still uncertain, noting that an increase in PEIA rates will bring further difficulties. They are planning for a wide variety of contingencies to be prepared for everything they can. The joint funded project has been staffed with the hiring of 4 attorneys and as of the date of this meeting had an offer out to a paralegal. The Clarksburg office has been working with the Law Clinic towards community and economic development projects. LAWV now has an attorney working on the west side of Charleston in an effort to revitalize the community through local outreach. LAWV recently held a jobs seminar in Beckley for small business development and training. Ms. Wehner stated that all those working on the joint project have scheduled quarterly meetings. The Land Use Clinic has hired a specialist attorney in the field of land use who has helped thirty-some homeowners to date. The clinic has begun work on mapping community improvements and drafting the necessary paperwork for the same. Ms. Wehner specifically noted that the Bank of America funds coupled with the regular IOLTA distributions have allowed LAWV to undertake projects that they otherwise would not have been able to.

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.

WV CASA Association, Inc.

From June 15, 2017 through September 15, 2017 there were 263 active volunteers across the state. These volunteers along with CASA Program Staff served 3092 children. During this quarter, 37 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

We have continued planning on our state-wide training scheduled for October 27, 2017 at the Stonewall Resort.

We have continued to encourage the development of new CASA Programs, with the next program likely to begin services located in Randolph County. We have also met with interested parties in Nicholas County.

Thank you for your continued contributions.

Sincerely, Traci Busch Executive Director WVCASA Association

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. As part of the new student orientation program for the incoming Class of 2020, we held three-community service project that 32 new students participated in as part of Orientation. On September 13, 2017, the Center hosted a school-wide community service and pro bono fair in the new event space at the law school. 23 organizations attended! Over 100 law students attended and signed up for pro bono and community service opportunities. This was the

fourth annual fair; 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. We also recognize pro bono service 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 October 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. Students are also volunteering this fall to help with intake at Family Court in Monongalia County when victims of domestic violence go to seek domestic violence protection orders. On October 19, 2017, I will hold an information session specifically for first year students on public interest and government jobs and pro bono opportunities. On October 23-27, 2017, the Center will sponsor activities for Pro Bono Week at the WVU College of Law. The ABA designates this week for recognition of and support of pro bono activities. We plan to host a book-wrapping project with APBP and to host and sponsor volunteer attorneys to supervise students in answering questions from Legal Aid's on line help system. Busy fall so far! Jennifer Powell, Director Center for Law and Public Service

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 2017, 21 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, Disability Rights of WV, the ACLU of WV, Childlaw Services, and the Kanawha County and Harrison County Public Defender as well as the Federal Public Defender in Clarksburg. We have two full-time postgraduate fellows starting this fall; Courtney Crowder will be working at Legal Aid of WV in Clarksburg and Katie Marcum will be working at Legal Aid of WV in Elkins.

WV Sr Legal Aid

This past quarter we delivered legal services to 153 individual seniors, and delivered workshops to seniors and aging services professionals in Wheeling, Morgantown, Bridgeport, Charleston, next week we're in Flatwoods and Jane Lew. We are partners with CLIC on a project to make Morgantown a dementia-capable community that has created a website <http://www.dotsmorgantown.com/>, delivered an all-day workshop, and is producing a 6 week Savvy Caregiver training including respite care. We partnered with AARP and the Financial Exploitation Task Force to create a social media campaign to encourage West Virginians to check in with an older neighbor as a way to prevent financial exploitation. Sept 28 is Good Neighbor Day and our campaign promotes using that day as an excuse to be a good neighbor www.wvneighbors.com. Cat answered call-in questions in AARP's Caregiver TeleTownHall meeting today for an hour, at its highest point there were about 900 participants. We also quickly published a blogpost for senior West Virginians explaining the Equifax databreach and how to protect yourself from the identity theft that can result <http://seniorlegalaid.blogspot.com/2017/09/equifax-data-breach-what-you-cando.html> . Cat

was contacted by the chair of a bar committee in Florida examining elder financial exploitation to consult about the Financial Exploitation Protective Order that we have been working on creating with the WV Coalition Against Domestic Violence and others.

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Childlaw

We had a big number of cases come in this quarter with 106. Only 1 was a family court matter, 2 guardianship matters, 16 juvenile offender cases, and 87 abuse and neglect cases. These numbers were despite our having to tell some of our courts to slow down the referrals due to capacity. The need is so great!! Luckily, we had 2.5 incredibly talented PIL fellows in our office. All three of these young people made huge contributions to the welfare of children in the state and we and they were very grateful for their contributions.

We also closed 86 cases. Of these, one was a felony sexual assault victim, one was an education case, 6 were family court, 32 were juveniles, 5 were guardianships and 41 were abuse and neglects.

5. Financial Report – Mrs. Harper-Jones

Mrs. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had \$309,413 available for distribution. The amount was considerably more than usual as a result of funds received via a cy pres award. As such, a motion was made to withhold \$100,000 of the total available as a sort of “rainy day fund.” The motion was met with a second and properly passed by the committee. A motion was then made to distribute a total of \$109,413 to the special grantees (\$50K of which came from the cy pres funds). The motion was seconded and passed by the committee.

6. Old Business

A. Discussion of previously disbursed Bank of America funds to LAWV and MSJ

MSJ-

MSJ has hired two lawyers and a paralegal with the first BoA grant and money from the second has allowed them to continue their work. MSJ has been advertising and conducting interviews and believe they have found the right candidate to fill the third opening. She is wrapping up her private practice and won't be able to join MSJ until January and they will likely wait for her to become available because of her expertise and background. MSJ has hired contract attorney, Wendy Ratliff who has been meeting with stakeholders to determine need for co-ops and has looked at specific areas for growth in community development. The attorneys who have been hired have

conducted 97 meetings, taken on 30 individual cases, 4 bankruptcies and attended 2 FEMA center sights. MSJ would like to use grant funds to support an emergency housing needs fund that would be operated by an outside agency.

LAWV-

The first allocation of funds was used to hire an additional attorney with interviews set and intentions of hiring 2 more attorneys. They have had productive partner meetings with MSJ and the Law School Clinic about the undergoing projects and all are working well together. The Land Use Clinic is working within the devastated flood areas to help draft building codes, perform title work, and aid in debris removal. They have hired two public interest students for the summer to help with their efforts. For the hired attorney, they are completing a work plan which focuses on helping small businesses and low income individuals who qualify for LAWV's assistance. The West Side program has seen more partners come onboard providing help with transactional work. A small group of business owners did a workshop in May which was attended by various small business owners from the local area. LAWV is handling a lot of referrals from clients who have employability issues. Ms. Wehner reported that LAWV is right on track as far as deliverables and is continuing its community outreach.

B. Update on new IOLTA reporting system

The new IOLTA reporting database has been up and running for attorneys since the opening of the current reporting period on June 10, 2017 and is operating well. The full system will be implemented on the target date of December 1, 2017

7. New Business

A. Cy Pres monies

*Supplement to "Financial Report" section of these minutes.

The committee discussed the forthcoming changes to the IOLTA distributions once the proposed Protocol, previously submitted to the Court, is adopted into the by-laws. The Committee expressed its desire to be able to direct IOLTA funds to grantees of its own choosing, rather than the predetermined entities within Administrative Rule 10.

B. IOLTA Audit Reports

Auditors presented their report to the committee after conducting their audit (done once every 5 years) to the committee. The results of the audit were largely glowing, aside from one point of contention which Ms. Harper-Jones informed the Committee was not a cause for concern; a point with which the auditors agreed. A motion was

made to approve the audit as presented, followed by a second; the motion then passed unanimously.

C. CLE Credits for IOLTA Projects

Chairperson Lambright reported that over the summer, she had worked with the Court, Legal Services for the Poor, and Legal Outreach in an effort to persuade the Court to allow attorneys to do pro bono work in place of CLE, up to a maximum of 6 hours. She reported that the Court's reaction to this idea was rather positive.

Chairperson Lambright filed a petition on behalf of the Committee asking that the Court approve IOLTA funded projects as part of this proposed "pro bono in lieu of CLE: program. Based on overall reception, there is a strong belief that the Court will approve of this change.

8. Next meeting-State Bar Center December 19, 2017

9. Adjournment

The meeting was adjourned by consensus