

THE WEST VIRGINIA STATE BAR IOLTA ADVISORY COMMITTEE STATE BAR CENTER - CHARLESTON

June 26, 2018 - 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 Lambright on June 26, 2018. Committee members appearing in person were Jennifer Hall-Massey, Shannon Smith, Richard Lehman, Kevin Robinson, Elizabeth Wehner, Harry Deitzler, Sue Racer-Troy, Pat Kelly, 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, Harry Deitzler, and Jennifer Wagner (for Bren Pomponio). 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

The Minutes of the meeting of March 20, 2018 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.

3. Report from Special Grantees – Professor DiSalvo

Childlaw

Because of our software situation last time, this report covers cases from 1/1/18-6/15/18.

New cases opened: 107. 74 abuse and neglect cases and 29 other Guardian ad litem work for children in criminal cases

Closed cases: 153. 1 tax claim; 4 adoption; 4 divorce; 1 child support; 12 delinquencies; 82 abuse and neglect; 6 guardianship; 42 other guardian ad litem work for children in criminal cases; 1 other juvenile case

We have 2.5 public interest fellows who are doing a tremendous job taking care of WV's most vulnerable children. I swear they seem to get better every year:).

I think you will also be very pleased to know that we just hired our development manager who had her 2nd day of work today. We are greatly looking forward to how she will enhance our presence in the community.

Please let me know if there is any more information you would like to have.

WV Senior Legal Aid

This quarter we have given one-on-one legal advice to about 180 seniors across the state. We have done some successful targeted outreach through press releases about SSI recipients and inheritance, contractor fraud, and asset planning for long-term care both at home and in nursing home sent to particular newspapers in areas of the state that we wanted to serve better. We have also blogged about timely issues like what kind of ID was needed to vote in the primaries according to the new voter ID law, healthcare decisions week, moneysmart week, world elder abuse awareness day, the new Medicare cards, and a state legislative wrap-up for seniors, and shared links to those articles through our Facebook page and by email to our partners around the state. We delivered elderlaw workshops at the state funeral directors conference, the WV Summer Institute on Aging, the WV Human Rights Commission's Fair Housing Conference, Alzheimers and Dementia University in Martinsburg, and the Nat'l Association of Retired Federal Employees chapter in Elkins. We created a proactive legal planning workbook for West Virginia seniors as part of a project called "Get Ready, Get Set, Go!" (funded by the WV Access to Justice Foundation) to use in pairs of workshops for seniors. Get Ready: workshop to learn about legal planning, Get Set: bring home workbook and plan and discuss with family, then Go: come back for second workshop and execute documents. We delivered the first workshops in New Cumberland and Grafton and are delivering the second of each pair this week in both towns.

CASA

From March 15, 2018 through June 15, 2018 there were 254 active volunteers across the state. These volunteers along with CASA Program Staff served 2342 children. During this quarter, 33 additional CASA volunteers have been trained and sworn in by the local circuit court judges.

The National CASA Association has developed an outcome based volunteer training curriculum and we have trained all of our program directors and staff to become certified in the curriculum. We are in the process of planning our statewide conference to be held this fall. We have continued to encourage the development of new CASA Programs, with interest in both Randolph and Nicholas County. Thank you for your continued contributions.

Center for Law and Public Service

The Center continues its work coordinating pro bono projects at the WVU College of Law. This year the Center worked with nine community partners to sponsor different pro bono projects for law students. Our community partners included Legal Aid of WV, Senior Legal Aid, Mountain State Justice, the WV Fair Housing Network, CASA of Monongalia County, VITA, the Appalachian Prison Book Project, the Magistrate Mediation project, and RDVIC. Students also earned pro bono hours volunteering for judges, prosecutors, public defenders, other legal services

organizations, and for PIA. At the WVU College of Law Honors Day, the Center was proud to note that we recognized 50 students as students with “pro bono distinction.” “Pro Bono distinction” means that these students have performed over 25 hours of pro bono service in the course of their law school career.

Plans are underway to expand pro bono projects next year, including opportunities for students to answer questions from the On Line Help Project that is sponsored by the WV State Bar and Legal Aid of WV. We also expect to continue our partnership on the pro se divorce packet project with Legal Aid of WV. We will host another pro bono/community service fair in the fall to recruit 1L’s to participate and continue to engage our 2L and 3L classes.

Thank you for the support from the IOLTA program. Your support helps us work to close the gap of lack of access to justice for those living in poverty in West Virginia. We appreciate your support.

WV Fund for Law in the Public Interest

The WV Fund for Law in the Public Interest conducted interviews and selected 22 first and second year law students for public interest fellowships at the WVU College of Law. These students are working this summer at public interest employers all over West Virginia, including Legal Aid of WV, Senior Legal Aid, Mountain State Justice, Disability Rights of WV, Childlaw Services, the WVU College of Law Land Use and Sustainable Development Clinic, the WV State public defenders’ offices in Clarksburg, Fayetteville, and Princeton, and the Federal Public Defender in Clarksburg. In addition, we selected two students for full time postgraduate fellowships. These students will work for one year at the public interest organization of their choosing in West Virginia as postgraduate fellow attorneys, once they pass the WV bar.

5. Financial Report

Mrs. Harper-Jones Mrs. Harper-Jones reported that, as of the date of the meeting, the IOLTA Advisory Committee had \$64,831.19 available for distribution. A motion was made to disburse that amount. 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 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 sites. 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 ongoing 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. Discussion of the adoption of new IOLTA Protocol into by-laws

7. New Business

A. Interest rate increase

A discussion took place about the possibility of changing the Bar's saving/investment strategy. The committee suggested looking further into the matter. Motion made to form subcommittee to study moving money around to try to take advantage of higher interest rates-proper second. Motion passed unanimously.

B. Changes in Committee Personnel

Shannon Smith began her service as Chairperson of the Committee. The Committee was also informed that IOLTA Administrator Tyler Shoub would be leaving his employment at the end of the month and that a person would be brought on staff to fill some of his responsibilities.

C. Chairperson Lambright's final meeting

The Committee expressed its gratitude to Ms. Lambright and applauded her for all that she had done while serving as Chair of this Committee.

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8. **Next meeting**-State Bar Center September 25, 2018-Noon

9. **Adjournment** The meeting was adjourned by consensus