

DRAFT

**THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
SEPTEMBER 25, 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 Shannon Smith on September 25, 2018. Committee members appearing in person were Chairperson Smith, Jennifer Hall-Massey, Kevin Robinson, Elizabeth Wehner, Bren Pomponio and Patrick Kelly. Joining the meeting by phone was Professor Charles DiSalvo. Present at the meeting from BB&T were Matthew T. Bonar, Michael A. Holtsclaw and Lew Wilkerson. Also present were State Bar Financial Director Sarah Harper-Jones and State Bar Executive Director Anita Casey, who 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 26, 2018

A motion to amend the Minutes to delete the reference to Mr. Deitzler appearing in person, rather than by phone, was made. The motion received a proper second and passed by a unanimous vote.

3. Report from Legal Services Programs

Ms. Wehner presented on behalf of Legal Aid of West Virginia. She reported that Legal Aid was awaiting word on a number of federal grants and had recently submitted a number of new grant proposals. Legal Aid was also awaiting word on several state grant proposals. With regard to Bank of America funds, she reported that two projects had been funded. On the first grant, one attorney had been hired. On the second grant, three attorneys and a paralegal had been hired. The attorney hired on the first grant had reached the end of his term for funding. Legal Aid was exploring another grant which would extend his time to work with the organization. The attorneys and legal assistant hired on the second grant still have another year of time, however, Legal Aid is already trying to find a grant that will further extend their employment. She referenced the written report she had provided prior to the meeting which was submitted on behalf of Legal Aid, Mountain State Justice and the WVU College of Law land use program.

Mr. Pomponio presented on behalf of Mountain State Justice and referenced information contained in Ms. Wehner's report. He noted that one attorney, who had been hired in connection with the Bank of America grant, had recently left his organization to join the West Virginia ACLU. Efforts were underway to replace that attorney. He reported that Mountain State Justice has been sending letters to individuals subject to foreclosures to offer legal assistance. He reported that a new attorney had been hired in the Workers' Rights office and another had begun working part-time on disability rights cases in school settings.

4. Report from Special Grantees

The following information from the five special grantees was provided courtesy of Professor Charles DiSalvo:

WV CASA

From June 15, 2018 through September 15, 2018 there were **224 active volunteers across the state. These volunteers along with CASA Program Staff served 2222 children. During** this quarter, **57 additional CASA volunteers have been trained and sworn in** by the local circuit court judges.

The National CASA Association has been working with us on our program development process and we are pleased to report that the WVCASA Association has now achieved the designation of "Established State" from the National CASA Association. In addition, we are working on a data driven process to direct growth of CASA in West Virginia and will have a completed West Virginia State Growth Plan" within the next few months.

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, without which we would be unable to continue to forward our mission of having a volunteer advocate for every abused or neglected child that comes before the court.

WV Senior Legal Aid

This quarter **we provided 230 individual senior clients in 48 counties with one-on-one legal assistance**, including a 78 year old woman in Randolph County. Her husband was in hospice when she called us and died shortly thereafter. She could no longer keep up living in her mobile home alone and needed to sell it, but there was a problem with her title. She and her husband had bought it over 10 years ago for \$39,000 and had never sent their signed title to the DMV. Now the DMV would not honor the title because seller's signature had "Junior" at the end, but his titled name did not. We helped her track him down after several moves living in Florida, sent him a letter with the necessary affidavit and form to complete, and

asked for a copy of his drivers license front and back, as requested by the DMV, and assured him we would protect his identity information and that this widow really needed his help here. Thankfully he returned all the necessary documents and the widow was able to get clear marketable title to her greatest asset so she could move to a safe and comfortable new place for one.

Also this quarter we taped an episode of Caregiver Coffee Break about elderlaw for the WV Library Commission TV network <https://www.youtube.com/watch?v=vdyuS2koFh0> We blogged about several timely issues, including the voter registration rolls purge and provided instructions on how to check the status of your registration through the WV Secretary of State's website. That blogpost got shared throughout the aging network in the state via Facebook and email, we know voting is important to many seniors.

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 2021, we held two large community service projects that 30 new students participated in as part of Orientation. On September 12, 2018, the Center hosted **a school-wide community service and pro bono fair** in the new event space at the law school. **21 organizations attended! Over 90 law students attended and signed up for pro bono and community service opportunities.** This was the fifth 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. Students must earn 25 hours during their law school career in either category to be honored.

The Center plans to 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, and the Public Interest Advocates programs. **In October of 2018, 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. We have also collaborated with the National White Collar Crime Center on an opioid research project, Disability Rights of WV on a prison reform project, Mountain State Justice on an elections/voters rights project, and private attorneys working with Habitat for Humanity on a title search project to offer several different pro bono projects this fall.**

On October 4, 2018, I will sponsor an externship information session for students seeking public interest, public service, and judicial externships. On October 19, 2018, I will hold an

information session specifically for first year students on public interest and government jobs and pro bono opportunities. On October 22-26, 2018, 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 recruited by Legal Aid of WV to supervise students in answering questions from the public on Free Law day that week.

West Virginia Law in the Public Interest

We are underway with another year of funding summer and full time fellowships for those students who wish to work in public interest organizations. **In summer of 2018, 22 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 Land Use and Sustainable Development Clinic, Childlaw Services, and the Fayette County, Mercer County, and Harrison County Public Defender as well as the Federal Public Defender in Clarksburg. We have **one full-time postgraduate fellow starting this fall; Zach Gray will be working the Harrison County Public Defender;** our second post-graduate fellow is taking the February WV bar exam and intends to begin her fellowship in April of next year with ChildLaw Services.**CHILDLAW SERVICES**

We currently have 422 cases open right now. From June 16th - September 15th, **we opened 47 cases and closed 78.** Of the open cases, one of them is a juvenile, 27 are abuse and neglect, and 19 are 45 other guardian ad litem cases. Of the closed cases, 3 are custody, 2 are juvenile cases, 46 are abuse and neglect and 27 are other guardian ad litem cases. As noted before, all of our cases are full representation. We are staying busy!

5. Financial Report

A. Ms. Harper-Jones presented the current financials for the IOLTA accounts. She reported that there was currently \$124,288 available for distribution. A motion to distribute said amount was made. Following a proper second, the motion passed by a unanimous vote.

B. Discussion of current accounts

Mr. Boner, Mr. Holtsclaw and Mr. Wilkerson, of BB&T, presented various scenarios for the Committee's consideration in placing some or all of the IOLTA accounts and/or funds in higher interest bearing accounts. They discussed the need, now that interest rates are rising, to formulate a written investment policy. Mr. Holtsclaw agreed to check on investment policies used by other states for their IOLTA accounts being managed by BB&T. Following the presentations by representatives of BB&T, Committee members discussed how best to proceed. It was suggested that Requests for Proposal be issued. Pending formalization of an investment policy, the Committee authorized Ms. Harper-Jones to immediately move available Rule 10.09 monies into CDs.

6. Old Business

A. Discuss disbursement of Bank of America Settlement Funds - See reports above given by Ms. Wehner and Mr. Pomponio.

B. Discuss current status of State Bar proposed By-Laws regarding IOLTA protocol - Executive Director Casey provided an update on the current status of review and anticipated submission of the By-Laws to the West Virginia Supreme Court.

7. New Business

A. Sub Committee on Viability of Accounts – See report under item 5B above.

8. Next Meeting - The next meeting of the Committee will be on December 18, 2018 - noon

9. Adjournment - The meeting was adjourned by consensus.

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