**THE WEST VIRGINIA STATE BAR**

**IOLTA ADVISORY COMMITTEE**

**STATE BAR CENTER - CHARLESTON**

**DECEMBER 18, 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 December 18, 2018. Committee members appearing in person were Chairperson Smith, Jennifer Powell, Kevin Robinson, Elizabeth Wehner, Richard Lehman, Sue Racer Troy and Bren Pomponio. 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.

1. Review of Minutes of Last Committee Meeting – September 25, 2018

A motion was made to approve the Minutes of the September 25, 2018, meeting. The motion received a proper second and passed by a unanimous vote.

1. Report from Legal Services Programs

Ms. Wehner advised that Legal Aid of West Virginia was waiting to see what happened with the possible federal government shutdown. She noted that Legal Aid did have sufficient funds to continue business for a reasonable period of time. She reported that the organization had received a three-year grant from the Department of Justice for use in Cabell, Wayne and Marion Counties for elementary age children impacted by the opioid crisis. She reported that the programs would be similar to the program which was being done at Mary C. Snow Elementary School in Charleston.

Mr. Pomponio reported that Mountain State Justice had hired another attorney to replace an attorney lost to the American Civil Liberties Union. He reported that the eleven attorneys in his office currently had a caseload of five-hundred active cases.

1. Report from Special Grantees

Chairperson Smith reported that Professor Charles DiSalvo had stepped down from his duties on the IOLTA Advisory Committee and was replaced by Jennifer Powell, Director of the Center for Law and Public Service at the West Virginia University College of Law, who will serve to report on behalf of the five special grantees. The reports are set out below:

**IOLTA Report from WV CASA Association, Inc.**

**Submitted by** **Traci Busch, MS, Executive Director**

**December 13, 2018**

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

IOLTA funds during this quarter were able to support the WVCASA Association Office and provide subscriptions to our statewide data management system (Optima) for all 10 local CASA Programs

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

Randolph, Nicholas and Mercer County.

During the 2019 year, the State Office will be evaluated for compliance for the National CASA State Standards and will then begin evaluating each one of the local programs for compliance in the National CASA Standards for local programs.

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.

Traci Busch

Executive Director

WV CASA Association

**IOLTA report**

**WVU College of Law, Center for Law and Public Service**

**Submitted by Director Jennifer Powell**

**12/17/18**

The Center for Law and Public Service at the WVU College of Law has been busy this fall with community service and pro bono projects. On September 12, 2018, the Center hosted a school-wide community service and pro bono service fair in the new event space at the law school. The following organizations participated:

***Community Service partners:***

Christian Help

WVU College of Law Community Service Council

Empty Bowls

Homeward Bound

Literacy Volunteers

Sundale Nursing Home

WV Family Grief Center

WVU College of Law, Student Bar Association, Community Service Chair

Rosenbaum Family House

WVU Center for Service and Learning

***Pro Bono volunteers:***

CASA for Kids

VITA in Mon County and WVU College of Law VITA

Legal Aid of WV

Mountain State Justice

Appalachian Prison Book Project

Title IX/ WVU Peer Advocates

WVU College of Law Magistrate Mediation program: Alternative Dispute Resolution

RDVIC (Rape and Domestic Violence Information Center)

WVU College of Law Public Interest Advocates

Disability Rights of WV

Habitat for Humanity

Over 90 law students, faculty and staff attended the fair and signed up for pro bono and

We had several successful community service and pro bono programs this fall. On August 15, as part of New Student Orientation, 35 first year law students volunteers for community service projects at the Morgantown Early Learning Facility and at Rosenbaum House. In August, we recruited students for a pro bono research project with the NW3C and Harrison County Sheriff’s Association. During the week of September 11, we held a school-wide food drive that yielded over 5800 food items that were distributed to four different food banks in the area. On September 15, students were trained to become Magistrate Court Mediators through the ADR Society. On October 19, the ACLU of WV hosted Legal Observer training for WVU College of Law students. On October 20, the Center and Community Service Council served as two of the co-sponsors of the Student Bar Association 5K raise, which raised $300 for the Rape and Domestic Violence Information Center. On October 20, the Center planned to co-host Free Law Day with Legal Aid of WV; however, that project had to be postponed until spring due to attorney scheduling conflicts.

On October 30, the Center sponsored 12 students to participate in Trunk or Treat at the WVU Coliseum; Trunk or Treat served over 1000 children in Monongalia County. On November 3, eight students and one brave staff member served as volunteers for the Winter Weather posse, a group that helps clean up and winterize local senior citizens’ homes in Morgantown. On November 6, five students served as pro bono volunteers on an election/voting rights hotline; they were trained and supervised by lawyers from the ACLU of WV and Mountain State Justice. On November 14, twelve students prepared a Thanksgiving dinner for the residents of the Rosenbaum House. On December 3, the Center and the 1L class sponsored an Angel tree and 60 children were served by the generous donations of students, staff, and faculty of the College of Law. Also on December 3, the Center sponsored the Presents for Patients donation drive, which yielded 250 items, donated to Sundale Nursing Home.

In January of 2019, we will sponsor a training for students to volunteer with a licensed attorney to answer questions on the State Bar on line legal help site. VITA and the Magistrate mediation projects will also be quite active in the spring semester. Plans are underway to hold a Spring Break” pro bono project/week in conjunction with the Access to Justice Commission. PIA enjoyed a very successful fundraising fall, where their first ever “Pets of the Law School” calendar fundraiser yielded over $7500 in donations for public interest fellowships. PIA members have begun planning for the annual live auction; PIA will host its annual live auction on March 21, 2019 at the WVU College of Law. PIA chose *Grease* as this year’s décor theme; their auction title is “Hopelessly Devoted to Public Service.”

**IOLTA report**

**12/17/2018**

**WV Fund for Law in the Public Interest**

**Submitted by Jennifer Powell, Executive Director**

In addition to these three summer fellowships with public defender organizations, the Board has also committed to funding a minimum of 16 other summer fellowships for summer of 2019 and 2 full time postgraduate fellowships for 2019-20. As a reminder, our summer fellows work for approved public interest law organizations full time for 10 weeks and our postgraduate fellows work for one year for approved public interest law organizations, pending bar passage and admission to the bar. Our summer fellows make $5500 and we award $50,000 to our postgraduate fellows’ host organizations for their one-year fellowship. Interviews will take place for those fellowships in February and March of 2019.

We currently have one post-graduate fellow working at the Harrison County Public Defender in Clarksburg as a staff attorney/legal fellow. He began his fellowship in October of 2018 and will work as a fellow there until October of 2019. Last summer we hired and paid for twenty two fellows to work as summer PIA fellows in ten different organizations: Legal Aid of WV, Mountain State Justice, Senior Legal Aid, Disability Rights of WV, ChildLaw Services, the WVU College of Law Land Use and Sustainable Development Clinic, the Harrison County Public Defender, the Fayette County Public Defender, the Mercer County Public Defender, and the Federal Public Defender, N.D. of WV, Clarksburg office.

Thank you for your continued support of our program!

**IOLTA report**

**Senior Legal Aid**

**Submitted by Executive Director Cat McConnell**

At WVSLA we provided individual legal services to 169 senior clients in 43 counties in the past quarter. We helped a disabled senior get over $100,000 worth of student loan debt discharged.

We delivered elderlaw workshops in Jackson, Marshall, Putnam, Greenbrier, Monongalia, Ohio, and Cabell counties, including one in partnership with the Alzheimers Association at the VA medical center in Huntington for 80 medical professionals.

**IOLTA report from ChildLaw Services**

**Submitted on 12/17/18 by Executive Director Cathy Wallace**

We currently have 400 cases open right now.

From September 16th - December 15th, we opened 47 cases and closed 69.

Of the newly open cases, two of them are education cases, 2 custody, 1 divorce, 1 delinquent, 24 abuse and neglect and 17 are guardianship/GAL cases.

Of the newly closed cases, all but two of the cases involved full representation and services.  There were 44 abuse and neglect cases, 1 custody, 4 divorce, 5 domestic violence, 2 delinquent and 13 guardianship/GAL cases.

We have been asked to start serving Raleigh County and will work to do this in the new year.  We are busy right now, trying to give some Christmas cheer to the close to two dozen children clients we have who are in residential care with no family during the holiday season, so while we are celebrating our successes, we certainly realize there is more work to be done.

1. Financial Report
   1. Ms. Harper-Jones presented the current financials. She reported that there was approximately $80,000 available for IOLTA distribution. A motion to distribute the amount of $80,000 was made. Following a proper second, the motion passed by a unanimous vote. The three Committee members who represent the current grantees abstained from voting on the distributions.
   2. Discussion of Investment Policy Adoption

Chairperson Smith discussed preliminary revisions done on the draft investment policy provided by representatives of BB&T. Concerns presented by the Board of Governors with making any changes in the financial arrangements currently in place for the IOLTA Advisory Committee, without having an approved investment policy in place, were discussed. Per Chairperson Smith’s suggestion, all Committee members will review the preliminary revisions to the policy submitted by Chairperson Smith and submit questions or suggestions they have for amendments by January 31. After that time, Chairperson Smith will incorporate proposed changes and submit a revised draft to the Committee for discussion at the March 26 meeting. At that meeting, the investment policy will be reviewed, with the goal of submitting the same to the Board of Governors for approval at the Board’s April 8 meeting. Mr. Lehman will attend the Board meeting to respond to any questions Board members may have regarding the investment policy, bank agreements that may be required to be signed in order to implement the investment policy and to discuss the possible retention of a money manager.

1. Old Business
   1. Legal Aid of West Virginia

Ms. Wehner advised that Legal Aid is currently conducting a series of workshops for the “power grantees” of the Appalachian Regional Commission. The Commission was designed to stimulate job creation for job losses which have occurred in the southern coalfield counties. She reported that Legal Aid is already looking ahead to find grants that would sustain this project, following disbursement of remaining Bank of America settlement monies.

* 1. Mountain State Justice

Mr. Pomponio advised that Mountain State Justice was also exploring sustainability grants for the projects initiated in connection with receipt of the Bank of America grants.

1. New Business

At Chairperson Smith’s request, Executive Director Casey discussed the information sent to participating financial institutions in the quarterly newsletter. The newsletter addressed issues regarding the requirement of reporting non-sufficient fund balances directly to the State Bar. Chairperson Smith also reported that Mr. Kelly had resigned from the Committee, due to a job change, and solicited suggestions for a Committee member replacement. A discussion was had on the anticipated distribution of the remaining monies from the Bank of America settlement and the anticipated implementation of the Committee’s protocol once the amended State Bar By-Laws and Rules were approved by the Court.

8. Next Meeting - The next meeting of the Committee will be on March 26, 2019 – noon. Chairperson Smith and Ms. Powell will attend the March meeting via video conference.

9. Adjournment – There being no other business, the meeting was adjourned by consensus.

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