

**THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
March 26, 2019 - 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 March 26, 2019. Committee members appearing via video conferencing were Chairperson Smith and Tammie Alexander. Committee members appearing in person were Kevin Robinson, Elizabeth Wehner, Richard Lehman, Sue Racer Troy, Bren Pomponio, Harry Deitzler, and Jennifer Massey. Also present were State Bar Financial Director Sarah Harper-Jones and State Bar IOLTA Administrative Assistant/Paralegal Patricia Schoolcraft, who served as Secretary.

Chairperson Smith introduced Tammie Alexander, as a new member, to the IOLTA Advisory Committee.

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 – December 18, 2018

A motion was made to approve the Minutes of the December 18, 2018, meeting. The motion received a proper second and passed by a unanimous vote.

3. Report from Legal Services Programs

Ms. Wehner reported that Legal Aid had several new committee groups and community projects that are being developed. Legal Aid recently assisted the Vixen Roller Derby, Morgantown, West Virginia, with setting up a small business plan. She advised that grant development is moving forward and that Legal Aid has assisted 34 business clients and 32 general public clients. The sustainability grants were used to assist a photography group whose members are self-employed, including gardeners, beekeepers, and local crafts people.

Ms. Wehner reported that the Bank of American Settlement Funds are being used by the West Virginia University College of Law's Land Use Clinic for flood relief assistance. The Land Use Clinic is taking a roll in co-chairing the State Resiliency Office's Community Planning and Capacity Building program. The Land Use Clinic also continues to assist White Sulphur Springs and Clendenin with flood relief. The Land Use Clinic continues planning in 28 communities to develop historic preservation, special events regulation, short-term rentals, building safety, and affordable housing.

Mr. Pomponio reported from Mountain State Justice that the Bank of America Settlement Funds were used in outreach projects. MSJ made contact with 165 households. MSJ reviews newspapers for foreclosure listings, reaches out to the homeowner to determine if the homeowner needs assistance with the foreclosure, and has assisted six homeowners. MSJ has 54 new foreclosure prevention cases and 25 new bankruptcy cases. It has resolved 67 cases. It has 65 pending foreclosure cases and 29 pending bankruptcy cases.

Mr. Pomponio reported that the Worker Center is up and running. The Emergency Need Fund is used to help individuals save their homes through a small grant fund. There was one awarded this period. Projects funded by IOLTA included: 1. Special Education Hearing for a disabled child who did not have access to legal assistance; 2. A low income public worker in an administrative hearing regarding a wrongful discharge; and 3. Individuals with unsecured debt, such as the repossession of vehicles, credit cards, loans, and bankruptcies.

4. Report from Special Grantees

Chairperson Smith asked that Jennifer Powell's Report from Special Grantees be reviewed and incorporated into the minutes as follows. There were no objections to the request.

ChildLaw Services

For the first quarter of 2019, ChildLaw Services had the following to report: 37 cases were closed this quarter including 23 abuse and neglect cases, 4 guardianship, 1 domestic violence, 6 custody, and 3 delinquency cases. ChildLaw Services opened 62 cases including 41 abuse and neglect cases, 4 custody, 3 guardianship, 7 delinquencies, 6 domestic violence, and one adoption. During this quarter, ChildLaw Services also focused on strategic planning and ways to meet the increasing need for assistance to child victims of abuse and neglect and preparing for child abuse awareness month to begin in April. Thank you so much for the assistance to WV's children that IOLTA brings.

WVCASA

IOLTA Report from WVCASA Association, Inc. - IOLTA funds during this quarter were used to support the WVCASA Association office and assist in program expansion. WVCASA is moving forward in the implementation of a new WVCASA Program in Mercer County where it is sorely needed. A steering committee has been meeting with WVCASA and the Judge is supportive. WVCASA anticipate including the program in the VOCA grant being submitted, and hopes that we can have the program fully established in approximately six months. 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. These new program standards will assist WVCASA in working toward an outcome based level of quality at both the state and local levels. 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. Sincerely, Traci Busch, Executive Director, WVCASA Association.

WV Senior Legal Aid

During the last three months, WVSLA has served 146 senior clients in 46 counties and helped one transgender senior redeem her property from a tax lien including getting the requisite name change documentation together since both her first and last names are different from what is on her deed.

Center for Law and Public Service

The Center for Law and Public Service is finishing another successful year of pro bono and community service initiatives at the College of Law. We expect to honor 40 + students as pro bono honorees (25 or more hours of service) and 20 Community Service volunteers (25 hours of community service). Ongoing pro bono projects include Magistrate Court mediation; VITA; and work on behalf of the Public Interest Advocates. Community Service efforts included a dinner at Rosenbaum House, a dinner for the WV Family Grief Center, and a rail trail clean up with Decker's Creek this spring.

WV Fund for Law in the Public Interest

The WV Fund for Law in the Public Interest held a successful Public Interest Advocates' spring auction which netted \$24,000 for student fellowships. We plan to hire 21 students to work in public interest fellowships this summer. The fellows work 10 weeks, full time, and earn \$5,500. They will work at the Land Use and Sustainable Development Clinic at WVU College of Law; Legal Aid of WV; Senior Legal Aid; Mountain State Justice; ACLU of WV; ChildLaw Services; Disability Rights of WV; Harrison County Public Defender; and the Federal Public Defender, N.D. of WV.

5. Financial Report

A. Ms. Harper-Jones presented the current financials. She reported that there was approximately \$94,282 available for IOLTA distribution. A motion to distribute the amount of \$94,282 was made and following a proper second, the motion passed by a unanimous vote. The two Committee members who represent the current grantees abstained from voting on the distributions.

Mr. Pomponio asked why the restricted funds are not in an interest bearing account. Ms. Harper-Jones advised that the funds are in interest bearing accounts and that the West Virginia State Bar receives a bank statement each month showing the interest earned. Mr. Deitzler asked if the interest is automatically adjusted. Ms. Harper-Jones advised that they recently requested an interest rate adjustment. Mr. Lehman and Ms. Massey discussed how interest adjusted.

Ms. Harper-Jones discussed how the new OASIS system may change how the accounts are managed through the West Virginia Treasurer's office.

6. Old Business

Discussion of Investment Policy Adoption

Ms. Smith tabled the adoption of the Investment Policy and the BB&T Account Agreement and Bank Service Agreement until after the West Virginia Supreme Court takes up the State Bar By-Law changes in April.

Ms. Smith asked Mr. Lehman if he could attend the Board of Governor's meeting, on April 7, 2019, to discuss the proposed investment policy

7. New Business

None reported

8. Next Meeting - The next meeting of the Committee will be on June 25, 2019 – noon. Chairperson Smith, Ms. Powell, and Ms. Alexander 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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