

**THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
September 24, 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 September 24, 2019. Committee members appearing in person were Chairperson Smith, Elizabeth Wehner, Richard Lehman, Jennifer Massey, Sue Racer-Troy, Kevin Robinson, and Sarah Brown on behalf of Bren Pomponio. Committee members appearing via teleconferencing were Jennifer Powell, Tammie Alexander, and State Bar IOLTA Administrative Assistant/ Paralegal, Patricia Schoolcraft, who served as Secretary. Also present were State Bar Executive Director, Anita Casey and State Bar Financial Director, Sarah Hall.

The 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 25, 2019

A motion was made to approve the Minutes of the June 25, 2019, meeting. The motion received a proper second and passed by a unanimous vote.

3. Report from Legal Services Programs

Ms. Wehner reported that, with the Bank of America funds, Legal Services is proud to announce that it has met all established goals and is making a final report. The total services provided to the CEDLAW small business and non-profits included 138 transactional matters for 74 clients. The services included assisting a woman obtain a business loan and assisting a head cook become the owner of her own business. The land use clinic exceeded all goals.

Legal Aid of West Virginia and the WVU Land Use Clinic submitted the Final Reports reflecting work supported by West Virginia State Bar IOLTA Legal Assistance Grant funds. As we are reporting on work completed up through the final phase of the funded project as outlined in the IOLTA Legal Assistance Grant Selection Committee's December 30<sup>th</sup>, 2016 award letters, we are requesting that the Committee approve the disbursement to each of the three project partners of the final 30% of the total grant award.

Highlights of Legal Aid of West Virginia's work supported by the West Virginia State Bar IOLTA Legal Assistance Grant on behalf of low-income entrepreneurs, community economic focused non-profits, and low-income individuals facing employment obstacles are described in the LAWV report. As you will see, we have exceeded the goals outlined in our original project proposal in the areas of legal workshops and "ask a lawyer" presentations (41 held), legal

transactional work on behalf of small businesses and non-profits (138 transactional matters for 74 clients) and provided legal help to 79 individuals facing employment barriers.

A Final Report was submitted by the WVU Land Use and Sustainable Development Law Clinic showing that the Clinic exceeded all project proposed goals. Mountain State Justice, our third partner, whose project launched on a slightly different timetable, will submit their Final Report under separate cover.

The three funded project partners, Legal Aid of West Virginia, the WVU Land Use Clinic, and Mountain State Justice, have been proud to utilize the Committee's financial award in service of the people of West Virginia, as detailed in the Final Project Report materials.

Ms. Brown provided a report on behalf of Mr. Pomponio for Mountain State Justice.

#### 4. Report from Special Grantees

Ms. Powell provided the following reports from the five special grantees:

##### **Center for Law and Public Service, September 2019**

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 2022, we held a Day of Service for all the entering 1L students. 90 of them (78% of the class!) signed up and participated in community service projects at six different sites as part of New Student Orientation. During the week of September 11, the Center sponsors a food drive competition, pitting the 3 law school classes and the faculty and staff against one another to see who could donate the most items. The 2L class won, and we collected a total of over 8000 items to be delivered to local food banks!

On September 25, 2019, the Center will host a school-wide community service and pro bono fair in Event Hall at the law school. 25 organizations are registered to attend. This will be the sixth annual fair; the Center for Law and Public service sponsors and coordinates 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, the Center will sponsor an externship information session for students seeking public interest, public service, and judicial externships. In November, the Center will hold an information session specifically for first year students on public interest and government jobs and pro bono opportunities. On October 20-26, 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 several projects that week.

### **IOLTA report submitted by WV Fund for Law in the Public Interest**

The WV Fund is 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 2019, the Fund funded 25 students who 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 Harrison County Public Defender as well as the Federal Public Defender in Clarksburg. The Fund has also funded two full-time postgraduate fellows who will be starting this fall; Karissa Blackburn will be working at the Kanawha County Public Defender; our second post-graduate fellow, Maddie Moritz, will be working at Legal Aid of WV in their Morgantown office.

### **IOLTA report submitted by WV Senior Legal Aid**

In the last 3 months we served 219 individual senior clients across 45 counties and delivered pairs of proactive legal planning workshops (with travel and printing expenses funded by the WV Access to Justice Foundation) to 144 seniors in Wood, Pendleton, Cabell, Ohio, Tucker, Roane, and Wirt counties. Our summer PIA Fellow finished up last month after updating our elder law FAQ and building some checklists for our staff attorney to use in counseling seniors on reverse mortgages and bankruptcy.

### **IOLTA report submitted by ChildLaw Services**

During the third quarter, we opened 99 cases with 15 juvenile cases, 1 guardianship and 1 divorce/dv, 5 custodial GAL cases, and 74 abuse and neglect cases. We closed 57 with 23 juvenile-related cases, 30 custody involving accusations of abuse, 1 divorce/dv and 30 abuse and neglect.

Our PIA fellows finished their time with us in August and contributed significantly to our representation of our clients. They even unexpectedly participated in a rescue of our teen court kids in Cincinnati and running with our kid clients in a 5K in scorching heat!

Additionally, we have successfully branched out into Raleigh County with a few cases in Nicholas County when our expertise in child welfare is needed and asked for, as well as continued work for the Supreme Court to resolve "cold cases" where children have lingered in placement for too long a period of time. We have much to be proud of!!

Thank you and the committee for your help in reaching these children.

### **IOLTA report submitted by the WV CASA Association**

While the West Virginia CASA Association state office remains temporarily closed, the state board is meeting monthly and looking to hire a project coordinator this fall. In the interim, the

Board of Directors has assigned local CASA program directors to all committees, boards, and workgroups served by our former State Director, so no gaps occur in CASA's representation with our public and private stakeholders and partners across West Virginia. The National CASA Association continues to provide oversight and technical assistance to local programs during the transition to a new state director. The Board of Directors remains committed to the growth and expansion of CASA programs across our state, as well as strengthening the support for and providing oversight to local CASA programs. Most importantly, we are committed to insuring that 250 CASA volunteers across West Virginia have the support needed to continue their advocacy for over 2,000 children.

IOLTA funds during this quarter were able to support the WVCASA Network. We meet monthly to discuss best practice strategies in advocating for the children involved in abuse and neglect cases. Our last three meetings included working on a recruitment campaign for new volunteers across the state. We also have planned 5 regional trainings that are taking place this September. These trainings will teach best practice strategies to our volunteers and members of the MDT.

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.

#### 5. Financial Report

Ms. Hall presented the current financials. She reported that approximately \$88,000 was available for IOLTA grant distribution. A motion to distribute the amount of \$88,000 to the grantees 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.

#### 6. Old Business

The Committee discussed regrouping on the West Virginia State Bar IOLTA Investment Policy. Mr. Lehman will provide a copy of the IOLTA Investment Committee Trial Investment Policy Statement to The Committee for review prior to the December 19, 2019 meeting.

Ms. Smith tabled the adoption of the Investment Policy and the BB&T Account Agreement and Bank Service Agreement until a future meeting of the IOLTA Advisory Committee.

#### 7. New Business

**Administrative Rule 10.09.** Ms. Smith opened a discussion with the Committee regarding a draft Affidavit prepared by Ms. Schoolcraft, Ms. Casey, and Ms. Smith. The Bar has received inquiries from members on the proper language to include in affidavits when the member is remitting funds under Administrative Rule 10.09. The Committee reviewed the draft affidavit and directed Ms. Casey and Ms. Schoolcraft to provide the affidavit, as a tool, to members who requests guidance in preparing an affidavit as it relates to Rule 10.09.

## **Administration of Administrative Rule 10**

Ms. Smith provided a history of Administrative Rule 10. Ms. Schoolcraft provided information on her attempts to have the IOLTA accounts of inactive, annulled and/or deceased bar members closed. Some banks advised Ms. Schoolcraft that, after five years of an account being dormant/inactive, the bank remits the unclaimed funds to the WV State Treasurer's Office or are letting the funds remain in a dormant/inactive status because they do not have direction on how to handle the dormant account funds. Ms. Schoolcraft also IOLTA accounts with the WV State Treasurer's Office and was advised that the Treasurer's office does not have a procedure to identify IOLTA account funds and cannot remit the funds to The Bar. The Committee discussed possible amendments to Administrative Rule 10 to clarify where and when the funds should be remitted to The Bar. Ms. Smith will contact Rory Perry to discuss changes to Rule 10 that will provide guidance for the financial institutions to remit IOLTA funds to The Bar.

## **ABA IOLTA Workshop**

Ms. Smith provided information on the ABA IOLTA conferences that are held annually in July/August and mid-year in January/February. Ms. Smith requested that Ms. Schoolcraft be sent to either the annual or mid-year conference. Ms. Casey advised that The Bar has limited funding for staff training and that a request would have to be made to the Budget Committee to include funding for attendance at the conference and that the Budget Committee would then present a request to the Board of Governors for an increase in The Bar's budget for staff training. Ms. Smith will draft a request to President Haight and ask that additional staff training funds be presented to the Board of Governors.

8. Next Meeting - The next meeting of the Committee will be on December 19, 2019 at noon. Proposed meetings of the Committee in 2020 are March 24, 2020 and June 23, 2020.

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

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