

**THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
December 19, 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 Jennifer Massey on December 19, 2019. Committee members appearing in person were Richard Lehman, Sue Racer-Troy, Kevin Robinson, and Bren Pomponio. Committee members appearing via teleconferencing were Jennifer Massey, and Elizabeth Wehner. Also present were State Bar Executive Director, Anita Casey, and State Bar IOLTA Administrative Assistant/ Paralegal, Patricia Schoolcraft, who served as secretary.

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 – September 24, 2019

A motion was made to approve the Minutes of the September 24, 2019, meeting. The motion received a proper second and passed by a unanimous vote.

3. Report from Legal Services Programs

Ms. Wehner reported that through December of 2019, **Legal Aid of West Virginia's** staff have closed over 6,000 cases. Over 1,500 of those cases involved work to protect clients and their children from domestic violence. Over 1,300 of those cases involved work to assist families in which a child has been impacted by substance abuse. While we are proud of our work, LAWV continues to seek funds to assist more vulnerable West Virginians in need of civil legal services.

Legal Aid of West Virginia added significant staff capacity in the Fall 2019 by:

- Securing expanded federal funds supporting 4 new attorneys and a paralegal to provide civil legal services to victims of domestic violence, sexual assault, financial exploitation, and human trafficking.
- Hosting two post-graduate Fellows who came to LAWV with fellowship funding to do legal work on behalf of people in recovery from substance abuse disorder and to expand our Lawyer in the School initiative.
- Obtaining a grant through West Virginia Jobs and Hope Project. The funding will support two lawyers and a paralegal in the Beckley area who will work on expungement and other legal obstacles to employment and a Beckley area Lawyer in the School expansion.

While these additional dollars will enable LAWV to significantly increase client services, they are typical in that the funders involved do not provide money to support all costs for the new staff who will be providing these services. LAWV continues to rely significantly upon unrestricted dollars, such as IOLTA funds, to cover costs associated with support staff, training expenses, and other infrastructure that some grants do not fund. We greatly appreciate the IOLTA Committee's ongoing program support!

Bren Pomponio reported for **Mountain State Justice ("MSJ")** that the final distribution of the Bank of American funds were received. He also reported that one MSJ's attorneys had resigned and went to work for the VA Clinic. Interviews for the vacant position will be conducted soon. MSJ received a grant to provide immigration assistance and one attorney will be hired to work in the eastern panhandle of West Virginia. Overall, MSJ has a large case load. Recently, a Mandamus was filed to force the State to properly administer the flood relief program. Judge King ordered that a house be completed for one 2016 flood family. MSJ has received a small grant to obtain technical support assistance. MSJ has been instrumental in a class action against the prison system for failure to provide health and mental health care to inmates.

4. Report from Special Grantees

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

WV Senior Legal Aid Report

WVSLA served 158 individual senior clients this quarter. WVSLA staff attorney, Micki, attended the National Aging and Law Conference in DC and brought back lots of new materials and information about timely elder law issues such as reverse mortgages, Medicare, and dual eligibles, ethics and third-party issues with seniors with diminished capacity, etc. WVSLA started developing a new partnership with the WV Council of Churches for outreach and delivery support, since for many, especially rural and needy seniors, their pastor is often the person they confide in about legal problems. WVSLA also got on the agenda for a public library consortium meeting and booked several elder law workshops at public libraries around the state for the spring. WVSLA presented at the AARP Caregiver University event in Huntington.

ChildLaw Services Report

ChildLaw Services were fortunate enough to receive a significant increase in federal funds to start doing more work for children going through trauma by added a new victim's advocate to our staff. Also, ChildLaw Services will be adding a new attorney and therapist in January. We are also increasing our presence in Raleigh County. We are very excited for the new year and our new ability to reach more children. As always, thank you all for the work that you do helping to make sure my and other organizations have a supplement to help us reach all these kids. This quarter, we have particularly used IOLTA funds to help kids at school who we are not appointed to, but who have reached out to us with legal issues. Their issues are usually along the line of being physically abused at home and wanting to know how to get out.

Currently, we have 526 cases open. Newly opened this quarter were 52 cases. 43 were abuse and neglect, 1 was guardianship, 2 were adoption, 2 were juvie cases, 3 were felony victims and 1 was miscellaneous. We closed 36 cases. 2 were custody, 24 were abuse and neglect, 1 was miscellaneous, 1 was domestic violence, 4 were divorces with neglect or abuse alleged, and 4 were guardianship.

WV CASA Association, Inc. Report

IOLTA funds during this quarter were used to support the WVCASA Network. This quarter we held program director meetings in Martinsburg, Lewisburg and Wheeling. We are working to increase the number of volunteers serving on cases in WV, through a combined PR campaign with our National Office. PSA's have been rolled out on major cable channels. Currently, 278 volunteers are serving 2,100 children. We have 11 new staff in local programs throughout the state, with anticipated start dates in January. We will be hosting a training for new staff in mid-January in Morgantown.

While the West Virginia CASA Association state office remains temporarily closed, the state board is continuing to meet monthly and looking to hire a project coordinator. 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. 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.

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 Fund for Law in the Public Interest Report

The WV Fund for Law in the Public Interest's Board of Directors met two times this past academic semester: Once on September 12, 2019 and again on November 5, 2019. A sub-committee of the Board also met on October 1, 2019 and conducted 11 interviews of second year WVU College of Law student candidates for the Sprouse fellowships. These interviews were to select the Sprouse fellows for summer 2020; Sprouse fellows work for ten weeks, full time in the summer in a public defender office in West Virginia. The committee recommended and the Board accepted their recommendation to fund *four students* to work as Sprouse fellows in summer 2020. One will work at the Roane County Public Defender, one at the Preston County Public Defender, one at the Federal Public Defender, S.D. of WV in Charleston, and one at the Federal Public Defender, N.D. of WV, in Clarksburg.

In addition to these four summer fellowships with public defender organizations, the Board has also committed to funding a minimum of 16 other summer fellowships for summer of

2020 and 1-2 full time postgraduate fellowships for 2020. 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 \$5,500 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 2020.

We currently have two post-graduate fellows working full time in public interest law settings. One is at the Kanawha County Public Defender in Charleston as a staff attorney and the other is at Legal Aid of West Virginia in its Morgantown office. Both began their fellowships in October of 2019 and will work as until October of 2020 at their respective sites. Last summer we hired and paid for twenty five 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, ACLU of WV, the Harrison County Public Defender, the Federal Public Defender, N.D. of WV, Clarksburg office.

Thank you for your continued support of our program!

Center for Law and Public Service Report

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 25, 2019, 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:

WVU College of Law Community Service Council
Scotts Run Settlement House
Homeward Bound
Literacy Volunteers
Sundale Nursing Home
WV Family Grief Center
WVU College of Law, Student Bar Association, Community Service Chair
Rosenbaum Family House
Girls on the Run
Make a Wish
M Snap

Pro Bono volunteers:

ACLU of WV
CASA for Kids
VITA in Mon County and WVU College of Law VITA
Legal Aid of WV
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 community service opportunities. This was a remarkably well received by the law school community and the community partners. 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 continues to recognize community service and pro bono service as an honor; we recognize any student who does 25 or more hours in each category at Honors Day and we recognize pro bono volunteers at graduation. This was our sixth annual hosting of this fair.

We had several successful community service and pro bono programs this fall. On August 19, as part of New Student Orientation, 90 first year law students volunteered for community service projects at six different locations in Monongalia County. During the week of September 11, we held a school-wide food drive that yielded over 8,000 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. During Pro Bono Week, October 21-25, the Center hosted an informational table on pro bono opportunities, hosting VITA training on October 21, sponsored a book drive and wrapping party on campus for the Appalachian Prison Book Project, and sponsored lunch for a second Magistrate Court mediation training on October 26. On November 19, the Center hosted Legal Aid of WV who offered a training on the new expungement law to 30 students. Legal Aid then created a pro bono project opportunity by allowing the students to test their new online expungement tool before it was rolled out for public use.

On October 30, the Center sponsored 10 students to participate in Trunk or Treat at the WVU Coliseum; Trunk or Treat served over 1,200 children in Monongalia County. On November 16, ten students served as volunteers for the Winter Weather posse, a group that helps clean up and winterize local senior citizens' homes in Morgantown. On November 21, twelve students prepared a dinner for 40 residents of the Rosenbaum House. In December, the Center and the SBA Community Service chair sponsored an Angel tree at the College of Law and 55 children were served by the generous donations of students, staff, and faculty of the College of Law. Also, the Center participated in the Santa for Seniors donation drive, sponsored by Senior Monongalians, where 10 homebound senior citizens got gifts and essentials from 10 law student and staff volunteers.

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 second "Pets of the Law School" calendar fundraiser yielded over \$6,000 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 26, 2020 at the WVU College of Law. PIA chose *the Roaring 20's: PIA in 2020* as this year's theme.

5. Financial Report

Ms. Schoolcraft provided current financial information on behalf of State Bar Financial Director, Sarah Hall. She reported that approximately \$78,000 is available for IOLTA grant distribution. A motion to distribute the \$78,000 to the grantees was made and following a proper second, the motion passed by unanimous vote. The two Committee members who represent the current grantees abstained from voting on the distributions.

6. Old Business

a. West Virginia State IOLTA Investment Policy. The Committee thanked Mr. Lehman for the IOLTA Investment Committee Trial Investment Policy Statement. Not all Committee members were available to discuss the issue; therefore, the issue was tabled until the March 2020 Committee meeting.

b. Bank Service Agreement. The issue was tabled until the March 2020 Committee meeting.

7. New Business

Ms. Casey provided information on the content of the December newsletter.

8. Next Committee Meeting – The next meetings of the Committee will be March 24, 2020 and June 23, 2020. Committee members were asked bring their calendars to the March 24, 2020 to secure meeting dates for September and December 2020.

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