

**THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
March 24, 2020 – Noon**

**MINUTES**

1. Call to Order

A meeting of the IOLTA Advisory Committee of the West Virginia State Bar was called to order by Shannon Smith at noon on Tuesday, March 24, 2020. Due to the COVID-19 crises, the Committee members did not appear in person. Committee members who appeared via video conferencing were Chairperson Shannon Smith, Bren Pomponio, and Harry Deitzler. Committee members appearing via teleconferencing were Jennifer Powell, Richard Lehman, Elizabeth Wehner, Jennifer Massey, Kevin Robinson, and Tammie Alexander. Attending in person at the State Bar offices were State Bar Executive Director, Anita Casey, State Bar Financial Director, Sarah Hall, 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 – December 19, 2019

A motion was made to approve the Minutes of the December 19, 2019, Committee meeting. The motion received a proper second and passed by a unanimous vote.

3. Report from Legal Services Programs

A. Ms. Wehner reported that in 2019, **Legal Aid of West Virginia** completed cases for a total of 4,779 clients. Of these, 3,992 were served by LAWV staff and 787 were served by Pro Bono attorneys coordinated by LAWV. Primary areas of services were to domestic violence victims, clients facing eviction or loss of primary support benefits to which they were eligible, expungement, and services to kinship caregivers. Additionally, LAWV significantly increased the services to clients in alignment with our Strategic Plan via the following initiatives (more details are also attached):

a. First full calendar year of LAWV Divorce and Custody Clinics offered in all 12 local program offices: The divorce and custody clinics, led by LAWV staff and Pro Bono volunteers, assist clients who previously received brief telephone advice and offer comprehensive guidance on filling out multiple court forms. Clients can walk out with a “filing-ready” divorce or custody petition. As part of a project addressing legal needs of people in recovery from substance use disorder, LAWV also partners with a women’s treatment program to hold on site divorce and custody clinics that cover specialized topics relevant to participants.

b. LAWV Lawyer in the School Clinic Expansion: In 2019, LAWV utilized newly secured federal funds to expand its school-based legal clinic project to 4 new Title One schools in 3 counties, in communities that have been devastated by the state’s opioid epidemic.

c. New statewide outreach partnerships with Healthy Grandfamilies and Mission West Virginia: As a part of our legal response to the opioid crisis and its impact on our clients, LAWV partnered to offer legal training to family members raising children statewide and to educate Child Protective Services staff on areas where LAWV can assist CPS involved kids and families.

d. Outreach educating partner organizations, social service providers, and clients on a 2019 West Virginia law broadening access to expungement: After a legal change effective June 1, 2019 dramatically increased eligibility for expungement of non-violent offenses, LAWV launched a series of outreach meetings statewide to educate clients and organizations serving them around the law and LAWV’s ability to assist with expungement cases.

B. Bren Pomponio reported for **Mountain State Justice (“MSJ”)** that MSJ also is working remotely due to the COVID-19 crises. A staff person is going to the office each day to review and process the mail and telephone calls. Because of the Court closures, MSJ is not seeing clients. Intakes are completed by telephone and clients are dropping off documents at the office. He reported since the December committee meeting, MSJ has hired a new attorney. The new hire is from the Washington, DC, U.S. Attorney’s and has a background in civil rights litigation. Also, MSJ has filed a class action case against the West Virginia Department of Correction on behalf of inmates regarding inmate medical and mental health care. MSJ has several class action cases in the settlement phase. MSJ currently has a large case load regarding foreclosures, and school system issues regarding special education. MSJ also has filed a class action against the Kanawha County school system regarding deficiencies in services provided to the disabled.

#### 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**

In the last 3 months we at WVSLA have served 175 individual seniors in 42 counties. In January, Cat McConnell presented to another librarian’s consortium about WVSLA partnering with public libraries to deliver elder law programming for seniors. Afterward, WVSLA received calls from many of the libraries to scheduled workshops for seniors starting in April. However, the programs have started cancelling. We did, however, distribute several different substantive elder law brochures and general WVSLA pamphlets to the librarians, and we have already started getting calls from seniors who were referred to us through their local libraries, so it was still a valuable endeavor. So far WVSLA continues to work pretty much business as usual since

there are only 2 people on staff. All our client communications are handled remotely. WVSLA can stay isolated in its offices and do everything by phone and internet.

### **WV CASA Association, Inc. Report**

IOLTA funds during this quarter were used to support the WVCASA Network. This quarter we held program director meetings each month by conference call. We are working to increase the number of volunteers serving on cases in WV, through a combined PR campaign with our National Office. We also advised legislators this quarter on a number of important child welfare bills.

Our efforts to secure funding to hire a new state coordinator have been successful, and we have a hiring committee that is developing the job description and announcement. We anticipate hiring during this next quarter. In order to secure the funding, we worked on pulling together numbers from across the 10 local programs.

In 2019, our nationally accredited and highly-effective programs recruited, trained, and supported 300 volunteer advocates and served 2,200 children before the courts. Research has shown children with a CASA volunteer spend less time in out-of-home or foster care (five months less), are less likely to re-enter the foster care system, and do better in school.

CASA programs also contribute to state and county economic development. Our 10 programs leverage nearly \$1,421,000 in funding from the Victims of Crime Act and our network total budget is \$2,326,000. Statewide we have 40 local program staff and our nearly 300 advocates contributed more than 20,000 volunteer hours last year improving community well-being.

While the West Virginia CASA Association state office remains temporarily closed, the state board is continuing to meet monthly. 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.

### **Executive Director, ChildLaw Services Report**

ChildLaw Services currently has 400 open cases. From December 16, 2019 to March 15, 2020, we opened 45 cases and closed 14 and have 560 open cases. Of the newly open cases, one of them is a victim of sexual assault, 6 are juveniles, 3 are family law, 1 is custody, 1 is adoption, and 33 are abuse and neglect. Of the newly closed cases, there were 14 abuse and neglect cases, 2 juveniles, and 12 abuse and neglect.

### **Center for Law and Public Service Report**

Finishing another year of pro bono and community service initiatives at the College of Law. 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). Spring pro bono projects

included Magistrate Court mediation; VITA; and work on behalf of the Public Interest Advocates. We expect to see less overall numbers of pro bono and community service recorded due to mass cancellations of community service and pro bono opportunities because of the Coronavirus pandemic.

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

The spring 2020 PIA auction has been indefinitely postponed. Discussions are underway for a small online auction and moving the live auction to the fall.

The Fund has hired four students to serve as Sprouse fellows in public defender offices: one in the Federal Defender, Southern District of WV; one at the Federal Defender, Northern District of WV; One at the Preston WV state public defender office; and one at the Roane County Public Defender office.

The Fund has also offered 24 students fellowships to work in public interest fellowships this summer, pending the lifting of restrictions on work due to the Covid-19 virus pandemic.

We hope that these students will be able to work a full ten weeks full time for their host organizations. These fellows have been placed with the Land Use and Sustainable Development Clinic at WVU Law; Legal Aid of WV; Senior Legal Aid; Mountain State Justice; ACLU of WV; ChildLaw Services; and Disability Rights of WV.

### **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.

### **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

State Bar Financial Director, Sarah Hall, provided current financial information. She reported that approximately \$102,360 is available for IOLTA grant distribution. A motion to distribute the \$102,360 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. Because of the COVID-19 crises, the issue was tabled until the June 2020 Committee meeting.

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

7. New Business

None.

8. Next Committee Meeting – The next meetings of the Committee will be at noon on June 23, September 22, and December 8, 2020.