

**THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
September 22, 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, September 22, 2020. Due to continuing COVID-19 restrictions, the Committee members did not appear in person. Committee members who appeared via video conferencing were Chairperson Shannon Smith, Bren Pomponio, Jennifer Powell, Richard Lehman, Elizabeth Wehner, Harry Deitzler and Tammie Alexander. The committee members appearing via teleconferencing were Jennifer Massey and Kevin Robinson. 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

The Minutes of the June 22, 2020 Committee meeting were approved by consensus.

3. Report from Legal Services Programs

a. Ms. Wehner provided a quarterly report for **Legal Aid of West Virginia**. Legal Aid continues to work remotely.

- From June through August of 2020, Legal Aid of West Virginia opened a total of 1689 new cases statewide.
- Increased intakes occurred in the areas of housing, unemployment, and public benefits.
- LAWV staff are representing clients in a combination of remote video, teleconference, and live hearings, depending on local court stipulations with regards to hearing procedure.
- LAWV staff are following a staggered in office schedule, to enable offices to maintain safe levels of in person staffing. All staff are able to access the office when needed according to a local office schedule and are fully equipped to work remotely the remainder of the time.
- Comparison data for LAWV intake for the months of July 2019 and July 2020 are illustrative of COVID services:

July 2020:

Number of Case Intake Calls: 1204

Online Intake Applications: 324

July 2019

Number of Case Intake Calls: 1136

Online Intake Applications: 410

Variance:

68 more case intake calls taken in 2020

86 less online case intake applications in 2020

- Notable initiatives at LAWV to adapt to COVID include:
 - A weekly online Education Law hotline for parents with questions about receiving appropriate education services for children with disabilities during COVID;
 - A weekly Kinship Caregiver hotline for relatives raising children who have questions about guardianship, adoption, benefits, housing and other issues;
 - Significant outreach to community partner organizations to publicize LAWV work in the area of evictions and public benefits;
 - A newly launched grant partnering with Aetna to provide legal services to children in foster care and their families;
 - Extensive online resources for any West Virginian with questions about COVID-19 and unemployment, public benefits, housing, and other issues.

b. Bren Pomponio reported for **Mountain State Justice (“MSJ”)**. MSJ continues to offer support to its clientele with staff and attorneys working staggered and remote schedules. MSJ has 500 active cases. It is anticipated that more people will be getting foreclosure notices in the near future because the stay on foreclosures has been lifted. MSJ recently hired Laura Davidson who is a recent WVU College of Law graduate and was an intern at MSJ. She will be handling employment cases, etc. MSJ now has three offices open.

4. Report from Special Grantees

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

Center for Law and Public Service, September 2020

The Center for Law and Public Service worked within the new parameters of restrictions due to the COVID-19 pandemic to organize community service and pro bono opportunities at the College of Law. In October, the Center will sponsor its yearly food drive competition, pitting the 3 law school classes and the faculty and staff against one another to see who can donate the most items. We are working on this initiative in conjunction with the local United Way and local food pantries. We are working with the students in the Community Service Council to schedule a date to pack food boxes for the Helpful Harvest Program operated by

the local United Way and are scheduling two outdoor activities this fall that allow for social distancing: an environmental trail clean up, and the Winter Weather posse program that works outside local senior citizens' homes, preparing for winter.

We were not able to host our community partners in person for a pro bono fair, but are working with them to host virtual trainings. The Center will have 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. We have virtual pro bono opportunities this fall with the ACLU of WV and the Zero Abuse Project.

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 25-31, 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 hope to host a virtual project that week.

IOLTA report, WV Fund for Law in the Public Interest report September 2019

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 the summer of 2020, the Fund funded 24 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 Roane and Preston County Public Defenders as well as the Federal Public Defender in Clarksburg and Charleston. The Fund also funded two full-time postgraduate fellows who will be starting this fall; Tiffany Kent will be working at ChildLaw Services; our second post-graduate fellow, Laura Davidson, will be working at Mountain State Justice in their Morgantown office.

IOLTA report, WV CASA Association,

IOLTA funds during this quarter were used to support the West Virginia CASA Association and statewide network of local CASA programs. We are excited to report that WV CASA has a new State Director, Shanna L. C. Gray, who took office July 1.

During this reporting period, she:

1. Visited 7 of the 10 local CASA Programs across WV
2. Established office space in Charleston, WV
3. Created resources necessary for successful operations
4. Compiled data to create a snapshot of our incredible work statewide

As global and national operations remain affected by the COVID-19 pandemic, our statewide network of local CASA programs is well-adapting to changing regulations and safety precautions and continue to provide a cohesive strategy to protect staff and children during this time.

Updates to this strategy include:

1. Visits with our children were hybridized with many still held virtually although some in-person, physically-distanced visits have been successful.
2. Program director meetings were held each month by conference call.
3. Volunteer trainings and swearing-in ceremonies continue to be hosted virtually although a small handful of judges (2) hosted in-person swearing-in ceremonies for some of our trained volunteers. (We continue to work with our more remote, rural programs to find solutions when broadband internet is not reliable or available for volunteers in the communities.)
4. Attendance for virtual in-service training sessions showed an increase of participants largely due to the flexibilities that virtual platforms offer.

Other highlights from our statewide network of local CASA programs includes:

1. Two local programs launched new websites and many increased social media presence and refreshed volunteer advertising materials.
2. Completed backlogged administrative tasks while office buildings were closed to the public
3. WV reached milestone months (July & Aug 2020) for permanency hearings – both adoptions and reunifications of which our CASA programs were effectively contributory

IOLTA report, Senior Legal Aid

Our call volume has been down but is creeping back up. We have served 144 clients this past 3 months in 42 counties. We are working on a couple of outreach projects including one with pastors in rural churches and one to deliver flyers about scams to home-delivered meals recipients. We had a wonderful PIA Fellow this summer, though it was pretty weird not being able to take her around the state to senior centers and workshops like we usually do.

Our senior clients (like everyone else) are struggling with anxiety and sadness for all they are missing in this time of quarantine. We are trying to develop creative ways to make up for the interruption in the flow of information they used to share with each other socially. There is a great deal of incidental scam prevention, for example, that used to happen at the lunch table at the senior center that folks are missing out on now.

We have upped our blogging and Facebook posting, but we know many needy seniors do not have access to those channels so we are brainstorming what other channels exist for us to tap into to reach them with legal information.

IOLTA report, ChildLaw Service

This quarter, our numbers will look a little wild, but only because we found out that I had been under-reporting the last two quarters under our new case management system. This quarter's numbers will bring us up-to-date so that our yearly numbers are true.

We would be remiss without mentioning that we had a fantastic PIA fellow this summer who hit the COVID ground running and spent ten weeks making a positive impact on our kids and

cases. What a valuable resource these fellows have made in the lives of WV children! We are also very excited to be opening a Morgantown office in October. Stay tuned!

Currently, we have 416 open cases.

During this quarter, we opened 38 cases. Of those cases, 8 are domestic violence, divorce and custody, 16 are guardian ad litem work, 2 are adoption, 4 are criminal, 7 are juvenile/delinquent and one is tort.

The closed number reflects the number of closed cases we have that are not accounted for this year. We were fortunate to be able to spend a lot of the initial COVID time at home with finalizing cases. So that unaccounted numbers for this quarter are 275 closed cases. One was education, 200 were abuse and neglect, 9 were family court including domestic violence, 59 were guardianship, 3 were adoption, one was criminal, and two were delinquent.

5. Financial Report

State Bar Financial Director, Sarah Hall, provided current financial information. Because the Bar recently received a Cy Pres award from the Amerigas Qualified Settlement Fund and released funds held by the Bar in accordance with Rule 10.09(c), she reported that approximately \$573,291 is available for IOLTA grant distribution. Following a discussion of the financial report, the Advisory Committee agreed, by consensus, to distribute the \$573,291 to the grantees with the understanding that further distributions will not be as large.

6. Old Business

a. West Virginia State IOLTA Investment Policy. Because of the ongoing COVID-19 issues, the matter was tabled until the December 2020 Committee meeting.

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

7. New Business

a. Jennifer Massey provided information on how the falling interest rates will impact future IOLTA distributions.

8. Next Committee Meetings – The next meetings of the Committee will be at noon on December 8, 2020.