

**THE WEST VIRGINIA STATE BAR  
IOLTA ADVISORY COMMITTEE  
STATE BAR CENTER - CHARLESTON  
December 14, 2021 – 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 Tuesday, December 14, 2021. The Committee members appearing in person at the State Bar Offices were Jennifer Massey, Richard Lehman, Elizabeth Wehner and Harry Deitzler. Committee members who appeared via video conferencing were Chairperson Shannon Smith, Kevin Robinson, Daniel Kimble and Jennifer Wagner. Also 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 September 21, 2021 Committee meeting were approved by consensus.

**3. Report from Legal Services Programs**

a. Elizabeth Wehner provided the quarterly report for Legal Aid of West Virginia (LAWV) as follows:

Statewide, LAWV opened **1742 new cases** in the last 3 months, and **6375 year-to-date**, including:

<b>Case type</b>	<b>September – November 2021</b>	<b>Year to date</b>
Total cases	1742	6375
Housing	295	1146
Public benefits	149	1142
Family law	883	3004
Remove work barriers (Drivers' license/ expungement)	92	354
Opioid crisis impacted Families (mainly adoption/guardianship)	101	365

For 2021 to date, LAWV has had the following impacts on clients:

Case type	People helped	Other impacts
Housing	2260 total people helped	\$66,693 in \$ impact (damages/ stop unfair charges)
Public benefits	1142 total people helped	\$399,792.53 lump sum/ \$26,277 monthly impact
Family law	8441 total people helped	\$1,204,085 lump sum impact/ \$47,304.05 monthly
Domestic violence	1633 domestic violence cases impacted a total of 4425 people helped	Additional 2792 household members were overwhelmingly minor children residing with victims
Veterans	162 cases for veteran clients impacted a total of 468 people helped	Areas of assistance to veterans are primarily housing and removal of work barriers such as driver's license reinstatement or expungement of non-violent charges

**Other Program Updates and Highlights for Legal Aid of West Virginia:**

1. **Launching eviction prevention and long-term housing stability partnership with newly funded statewide 7 attorney and 3 paralegal team:** LAWV is launching an eviction prevention project supported by a federal grant that will fund a total of 10 new staff, including 6 attorneys, 3 paralegals, and a project coordinator to launch an eviction prevention project running through 2025. LAWV will partner with the WV Housing Development fund and community partners statewide to provide legal assistance, outreach, and “successful renter” tenant education. The project will ensure that landlords get payment from the Mountaineer Rental Assistance Program and that tenants impacted by the COVID pandemic can remain in stably housed.
2. **Statewide project for veterans at risk of homelessness is ramping up:** LAWV recently received notice that we will be a partner and sub-grantee for the WV Community Action Partnership on their Supportive Services to Veteran Families grant serving veterans with housing and economic stability issues. Project staff at LAWV will include 2 funded attorney positions serving vulnerable veteran households in the northern and southern regions of WV, and a project paralegal.

b. Jennifer Wagner provided a quarterly report for Mountain State Justice (“MSJ”) as follows:

**Litigation Update**

- Current open cases:** 538 cases currently pending, involving direct, individual representation of clients, with a limited number of impact litigation cases and class actions.
  - 250 Consumer Rights (mortgage, debt collection, vehicle, etc.)
  - 192 Employment (black lung, discrimination, safety & health, etc.)
  - 28 Consumer Bankruptcies
  - 22 Education
  - 16 Civil Rights (LGBTQ, Reproductive Rights, Expungement, Due Process/Tax Deed, etc.)

- 33 Immigration
- 15 Prisoner Rights
- 10 Benefits/Health Care

•Class & Impact Litigation: MSJ currently has several class and impact cases underway and on appeal, including a mandamus action to obtain unemployment benefits for people impacted by the pandemic (currently fully briefed & pending before the West Virginia Supreme Court of Appeal); a class action to obtain medical and mental health care for people incarcerated in West Virginia jails; a class action to obtain adequate education for children with disabilities (currently on appeal to the Fourth Circuit Court of Appeals); class actions and putative class actions for improper workplace closures in violation of the WARN Act; a putative class action against Suddenlink for charging to obtain paper billing statements, even when the customer has no internet access; and a class action to ensure that DHHR provides adequate accommodations for people with disabilities to be able to access services and benefits (currently in a settlement/implementation phase).

### **Programs/Policy/Collaboration/Outreach**

•Executive Director Search: Jennifer Wagner is resigning from MSJ as Executive Director, due to a move out of state for personal reasons. The Board of Directors is commencing its search for a replacement on Monday, December 13, 2021. Jennifer will remain on as ED, working substantially remotely, while the search and transition takes place to ensure the stability and health of the organization. Her contact information remains the same during the transition.

•Advocacy & Access Program: MSJ has launched its Advocacy & Access Program, working to coordinate and improve support and engagement of its client base and social work program. Students have served a large number of clients with wrap around services; MSJ will have three students starting in January. Students have also drafted a style guide to ensure that our written and oral presentations use inclusive and equitable language and concepts, and are working on community based advocacy around issues including abatement of lead contamination in the water in the Clarksburg area.

• Collaboration with the WV Housing Development Fund: MSJ will be assisting the Housing Development Fund in assisting homeowners impacted by the pandemic through the federal Homeowner Assistance Fund.

•Hiring: MSJ is currently ensuring the strength of its program by hiring two to three additional lawyers to engage in immigration, civil rights, and consumer litigation. MSJ is hopeful that through the new hires it will expand the diversity of its staff to better reflect its client base.

c. Daniel Kimble provided the following reports compiled from the five special grantees:

### **Report from the Center for Law and Public Service, submitted by Dan Kimble, Director:**

The Office of Student Services and Engagement and the Center for Law and Public Service at the WVU College of Law have been busy this fall with community service and pro bono projects.

Several successful community service and pro bono programs were held this fall. On August 16<sup>th</sup> and 17<sup>th</sup>, as part of New Student Orientation, 70 first year law students volunteered for community service projects at nine different locations in Monongalia County.

On September 25<sup>th</sup>, 10 students participated in a “Clean Up” at Cooper’s Rock Park.

On September 28<sup>th</sup> and 29<sup>th</sup>, the PIA Advocates hosted their annual Yard Sale event. It is hosted to raise funds for the PIA Fellowships.

On October 23<sup>rd</sup>, 12 students participated in a “Clean Up” day at Decker’s Creek Trail.

### **October 25<sup>th</sup>-29<sup>th</sup> Pro Bono Week:**

During Pro Bono week, there was a display in the lobby offering information about different pro bono projects students could get involved with, along with our guidelines for pro bono service.

Public Interest Advocates offered an opportunity for students to earn Pro Bono hours by tabling for their pet calendar competition.

On October 26<sup>th</sup>, as an event in Pro Bono week, students worked on the Free Legal Questions problems (under supervision of attorneys). The plan is to make this a monthly event in the Spring Semester.

On Thursday, October 28 at 12 noon in Room 163, students wrapped books and answered letters with the Appalachian Prison Book project.

On October 28<sup>th</sup>, the Center sponsored 6 students to participate in Trunk or Treat at the WVU Coliseum; Trunk or Treat served over 1,200 children in Monongalia County.

Also during October, 15 students participated in the Shack Neighborhood House Trunk or Treat, serving nearly 120 children.

During the month of November, a school-wide food drive was held that yielded over 11,000 food items that were distributed to three different food banks in the area.

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.

### **IOLTA report, WV Fund for Law in the Public Interest report September 2021 Submitted by Dan Kimble, Executive Director**

The WV Fund for Law in the Public Interest has conducted its annual “Thanksgiving Appeal” mailing and has already utilized all its NIP Credits granted by the state of West Virginia. The Public Interest Advocates have raised approximately \$12,000 this fall in various fund raisers in order to fund public interest fellowships for WVU College of Law

students. The main fundraiser of the year for the PIA Advocates is the PIA Auction, which will be held the first week of March 2022.

The WV Fund for Law in the Public Interest's Board of Directors met two times this past academic semester: once on September 17, 2021 and again on November 8, 2021. A sub-committee of the Board also met on October 29, 2021 and conducted 8 interviews of second year WVU College of Law student candidates for the Sprouse fellowships. These interviews were to select the Sprouse fellows for summer 2022; 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 *three students* to work as Sprouse fellows in summer 2022.

In addition to these three summer fellowships with public defender organizations, the Board has also committed to funding a minimum of 16 other summer fellowships for summer of 2022 and 1 full time postgraduate fellowships for 2022. As a reminder, summer fellows work for approved public interest law organizations full time for 10 weeks and postgraduate fellows work for one year for approved public interest law organizations, pending bar passage and admission to the bar. Summer fellows make \$5,500 and the WV Fund for Law awards \$50,000 to our postgraduate fellow's host organization for their one-year fellowship. Interviews will take place for those fellowships in February and March of 2022. The application deadline is January 18<sup>th</sup>, 2022 for the Post Graduate Fellowship position.

WV Fund for Law currently has one post-graduate fellows working full time in public interest law settings.

### **ChildLaw Services – 2021 Forth Quarter Report Submitted by Cathy Wallace, Executive Director**

This quarter Child Law has had a huge influx of cases and currently has 546 open cases.

Opened during this quarter was a staggering 126 cases with 1 Education, 4 Adoption, 1 Criminal, 13 Juvenile Matters, 8 Family and DV, 3 Infant Settlement, 1 Estate, and 95 Abuse and Neglect.

70 cases were closed during the same timeframe. Of those, 7 were Guardianship cases, 1 Tort, 4 Delinquent and Other Juvenile Case, 2 Family/DV, 1 Minor Felony Sex Victim, and 55 Abuse and Neglect.

ChildLaw Services is definitely closing out the year with a bang. As mentioned last quarter, ChildLaw Services is exploring delivering services in the eastern panhandle and Logan County just three months ago. Since then, the Eastern Panhandle mobilized the Bar and the Community and have been raising money to show their support and need for our services. After a plea from the area judges and landing the hire of an excellent attorney, ChildLaw Services took a leap of faith and has begun services there. An official opening is anticipated in January or February.

Additionally, ChildLaw headquarters in Princeton will be hosting an Open House this coming Thursday for everyone to see its new home. ChildLaw is particularly pleased that we

were able to restore a historical home in southern WV which has all the ingredients of looking and feeling like a safe haven for our children. An invitation was attached to invite everyone on the committee to this momentous event. ChildLaw is also hosting an area book fair and sensitive Santa in the week ahead, targeting special needs children in particular.

**West Virginia Senior Legal Aid  
Submitted by Cat McConnell, Executive Director**

In the last 3 months, WVSLA has provided legal services to 171 seniors in 41 counties. WVSLA has seen an increase in evictions and consumer issues related to home security system services and cars. WVSLA has also assisted folks to get some of the pandemic-related benefits including rental assistance through MRAP and FEMA's Covid funeral and burial assistance. WVSLA also has taken the opportunity created by the Free Britney story in the news to do some social media outreach and education related to rights and planning to avoid the need for guardianship/conservatorship. WVSLA also participated in Domestic Violence Awareness month activities to help raise awareness about the unique issues of abuse in later life.

**4. Financial Report**

State Bar Financial Director, Sarah Hall, provided current financial information. She reported that approximately \$75,000 is available for the December 2021 IOLTA grant distribution. Following a discussion of the financial report, the Advisory Committee agreed, by consensus, to distribute the \$75,000 to the grantees. The grantees abstained from the vote.

**5. Old Business**

Ms. Casey advised the Committee that the proposed Administrative Rule amendments are with and awaiting the Supreme Court of Appeals review. Bar President Tom Scarr has been in communication with Justice Jenkins about the progress of the amendments to the Administrative Rule.

**6. New Business**

None

**7. Next Committee Meetings** – The next meeting of the Committee will be in-person at the Bar Center and via Zoom conference beginning at **1:00 p.m. on March 29, 2022.**