

**THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
June 27, 2022**

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, March 29, 2022. The Committee members appearing in person at the State Bar Offices were Richard Lehman and Jennifer Massey. Committee members who appeared via video conferencing were Chairperson Shannon Smith, Daniel Kimble, Sarah Brown, Elizabeth Wehner, and Kevin J. Robinson. Also attending in person at the State Bar offices were State Bar Executive Director Anita Casey, State Bar Interim Executive Director Mary Jane Pickens, State Bar Financial Director Sarah Hall, and State Bar IOLTA Administrative Assistant/Paralegal Patricia Schoolcraft who served as secretary.

Chairperson Smith introduced and welcomed Mountain State Justice’s new Executive Director, Sarah Brown, to the IOLTA Advisory Committee.

Executive Director Casey advised the Committee that she is retiring June 31, 2022 and introduced the incoming Executive Director, Mary Jane Pickens. Chairperson Smith thanked Ms. Casey for her service to the State Bar and IOLTA Advisory Committee.

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 March 29, 2022 Committee meeting were discussed and 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 **1940 new cases** in the last Quarter, up from 1443 cases opened in the prior Quarter.

Case type	Quarterly: March 1, 2022 – May 2022	YTD Jan 1 – June 25, 2022	Prior Year Jan 1 – June 25, 2021
Total cases	1940	3533	3022
Housing	348	618	553
Public benefits	132	292	316
Family law	914	1664	1406

Remove work barriers (Drivers' license/ expungement)	100	198	188
Opioid crisis impacted families (adoption/ guardianship, etc)	114	203	170
Domestic violence victims	480	855	815
Veterans	72	128	55

As indicated by the information above, LAWV is also handling more cases than it was at this time last year overall, and in all major substantive areas except for public benefits. That area of LAWV's work was likely higher last year due to the impact of rapidly changing pandemic policies related to unemployment, food stamps (SNAP), and other supports.

Program Updates and Highlights for Legal Aid of West Virginia:

- 1. Supreme Court filing on behalf of domestic violence victim:** In this past quarter, LAWV appealed a case to the WV Supreme Court on behalf of a 21-year-old college student. The student sought LAWV's help with a protective order after another student sexually assaulted her. She sought medical care for resulting contusions and cervical spine injuries. The assailant admitted at the hearing that he had put his hands around her neck. Both the Family and Circuit Court denied the student a protective order because she did not verbally tell the assailant "no" - despite her testimony that she was physically struggling to get away from him and that the other student was choking her during the incident. LAWV's advocacy on behalf of domestic violence and sexual assault victims led to recent WV Supreme Court decisions that expanded protections for victims of domestic and sexual violence. We are the only law firm in the state regularly doing appellate work for victims.
- 2. Case Management System update and data consultant:** LAWV was recently able to realize a long-planned goal of updating its case management system to a more flexible, powerful cloud-based system. In conjunction with this initiative, LAWV is working with a data consultant to assure that we are regularly collecting the data we need for strategic, effective advocacy.
- 3. Legal Aid of West Virginia 20th Anniversary in 2022:** Throughout the year, we are celebrating with local office open houses, parking lot picnics, LAWV sponsored CLEs, and other events hosted by our 12 local offices statewide. The festivities will be capped by a 20th Anniversary gala to be held on November 3rd at the Charleston Marriott. We hope that Committee members will be able to attend!

Events that will occur over the next month will include:

- June 29, 1-4 p.m.: LAWV Huntington Office 20th Anniversary Celebration Resource Fair on the Cabell Courthouse Lawn
- July 8th, 3-6 p.m.: LAWV Morgantown Office 20th Anniversary Party, Dorsey's Knob Park
- July 22nd, 11-1 – LAWV Wheeling Office 20th Anniversary Pro Bono Luncheon at the Bridge Tavern and Grill

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

Litigation Update

- Current open cases: 585 cases currently pending (an increase from last quarter), involving direct, individual representation of clients, with a limited number of impact litigation cases and class actions.
 - 244 Consumer Rights (mortgage, debt collection, vehicle, etc.)
 - 184 Employment (black lung, discrimination, safety & health, etc.)
 - 25 Consumer Bankruptcies
 - 26 Education
 - 21 Civil Rights (LGBTQ, Reproductive Rights, Expungement, Due Process/Tax Deed, etc.)
 - 51 Immigration
 - 26 Prisoner Rights
 - 8 Benefits/Health Care

- Class & Impact Litigation: We currently have several class and impact cases underway and on appeal, including a class action to obtain medical and mental health care for people incarcerated in West Virginia jails (settlement reached and pending approval in federal court); 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 (pending in federal court); a putative class action against Suddenlink for charging to obtain paper billing statements, even when the customer has no internet access (pending in federal court); impact litigation regarding charter school legislation and equal access to education (pending before the West Virginia Supreme Court of Appeals); 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). Several other impact actions on consumer rights, right to medical care, and other issues are currently in development stages.

- Foreclosures & Consumer Law Expansion: With the lift of the foreclosure moratoria and COVID forbearance options, we are seeing a substantial increase in people seeking our services to challenge unlawful foreclosures. We recently hired two consumer lawyers to increase our ability to meet this growing need. Once these two lawyers are on board our team will be at 25.

Programs/Policy/Collaboration/Outreach Updates

- Immigration Program Expansion: MSJ received a grant from the City of Morgantown from its American Rescue Plan Act funding to support our immigration program.

- Access & Advocacy Program Expansion: Our first fulltime social worker started at MSJ in April as an addition to our Access & Advocacy team to assist in ensuring the long-term success of our clients by connecting them with community resources that address their needs on an ongoing and holistic basis.

- 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.

As always, MSJ greatly appreciates and relies on the support of the IOLTA Committee to do our work for West Virginians across the state. If the Committee has any further questions or we can provide any more information, please do not hesitate to reach out.

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

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

The close of the 2021-22 academic year ended with a full force of energy.

The Office of Student Services and Engagement and the Center for Law and Public Service at the WVU College of Law were busy working on student summer placements as well as post-graduate jobs.

Public Interest Advocates hosted their annual auction (online again this year) and was able to raise close to \$20,000.00 to support student placements. The auction is truly a month's long process but certainly worth the efforts.

We are pleased to share that this year, along with our usual opportunities, we were fortunate to be able to work with the WV House of Delegates to have two students working on 12 week fellowships through the summer. We are hoping that this experience will continue to open up further opportunities.

Full Hardesty Fellows were awarded to two students and partial Hardesty Fellowships were received by 3 additional students.

b. 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's Board of Directors met two times this past academic semester in April and in June. During those meetings, the Board reached the following decisions:

Approval of Supplemental Grants.
Selection of officers for 2022-23.
Approval of NIP Credit application.

In summary of this yearthe Board has awarded 14 Summer Fellowship across the state with Legal Aid of WV; WV Senior Legal Aid; Mountain State Justice; Child Law; ACLU of WV; and Disability Rights.

The Board approved Rayann Yocum as the 2022 Post Graduate Fellow. She will be working with the Public Defender's office in Charleston, WV.

The Board approved three Sprouse Fellows to work in Public Defender Offices across the State.

The Supplemental grants were issued to two students working out of state.

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 fellow's host organization for their one-year fellowship. Interviews took place for those fellowships in February and March of 2022.

c. ChildLaw Services

Submitted by Cathy Wallace, Executive Director

ChildLaw now has 679 open cases, again more than we have ever had. Almost every single one is a full representation cases handled by 6 FTE attorneys, 3 FTE victims' advocate, and one program director. ChildLaw also officially opened its Martinsburg office with generous contributions from the community, including its IOLTA partners, Legal Aid and CASA.

ChildLaw opened 124 cases during this time with 10 high conflict or domestic violence custodial cases and 4 high conflict or domestic violence divorces, one felony victim, 9 delinquent, 5 guardianship, two status offenses, and 93 abuse and neglect cases.

ChildLaw closed 73 cases. Of those cases, 4 were guardianships, 4 domestic violence divorces, 4 status offenses, 3 delinquents, 1 tort, 1 custody domestic violence, 1 adoption, 1 benefit case, 1 abandoned child, and 53 abuse and neglect cases.

When you stop to think about it, it is a heck of a lot of kids in crisis in our small areas across the state.

d. West Virginia Senior Legal Aid

Submitted by Cat McConnell, Executive Director

At WVSLA in the last 3 months 179 senior clients were served in 38 counties. WVSLA is seeing an increase in housing problems in particular right now, and are worried about upcoming changes when the public emergency benefits end. WVSLA delivered a pair of workshops on healthcare and financial powers of attorney at the county senior program in Ohio County. WVSLA's summer public interest law fellow is working on several projects including updating a handbook on legal rights and responsibilities for landlords and tenants, a brochure targeting seniors who may be at risk for exploitation about the dangers and alternatives for adding a name to your bank account, outreach materials for solo aging West Virginians, and the next phase of an outreach project with faith leaders designed to facilitate

legal issue spotting, quality referral to us for legal services, and collaboration in case handling and elderlaw awareness and education.

e. CASA for Children

Submitted by Shanna L. C. Gray, State Director

CASA programs throughout West Virginia are actively seeking additional community resources to meet the growing needs of children and youth involved with child protection cases across the state. During this reporting period, CASA programs onboarded and trained 41 new advocates. CASA programs provided services & resources to 2,450 children and youth. 271 CASA volunteers advocated for 1,246 children and youth during child abuse/neglect cases seen before the circuit court.

CASA programs continue to provide in-service training opportunities for staff and volunteers. Topics include:

- Women in Recovery
- What Happened to You? by Dr. Bruce Perry and Oprah
- Winfrey
- Volunteer Policies and Procedures
- VOCA
- Trauma and Behaviors
- The Brightside
- SUD Treatment/ Planning
- Sexual Assault and Stalking Symposium
- Self-Care 101
- Resiliency in poverty during childhood in WV
- Regional Transition Navigation Program
- Parents as Teachers
- Opioid Training
- Online Safety
- OC Resource Fair
- Non-Suicidal Self Harm
- National CASA/GAL Conference
- Mental Health
- Healthy teen dating and red flags
- Education Resource Specialists
- Drug Identification
- Drug Education
- DopeSick by Beth Macy
- Cultural Competency
- Confidentiality
- Compassion Fatigue
- Community Alternatives to Violence
- BOLD by Brené Brown
- Advocating for older youth
- Advocate Lunch Bunch
- Advocate Chat & Chew
- Adolescent Mental Health First Aid
- Addressing the needs of families in child welfare during public health crisis
- ACES 103
- ACES 102
- ACES 101

In efforts to raise awareness of child abuse and neglect throughout West Virginia, CASA programs participated in the following:

- WATCH
- Volunteer appreciation
- University Career Day
- Television news piece
- Teen summit
- Tables at local libraries
- Superhero 5k
- Starting Points open house
- Spring into Health
- Spring Fling
- Show of Hands
- Pride training panel
- Pinwheel Event
- Pick up for prevention
- Paint the Town BLUE kick off
- Online Resource Fair
- No more awareness (DV & SA)
- Methodist women's group
- Make it shine
- Main Street community event
- LOOK at JMHS
- Health Hare
- FRN
- Farmer's Markets
- Community Booth at the Mall
- Community Baby Shower
- Coffee with CASA
- Children Memorial Flag Day
- Child Abuse Prevention Month
- Chamber Business After Hours
- CASA Day at the Courthouse
- CAAM Proclamation

- Rotary
- Retired Teachers' Meeting
- Remarkable Woman
- Proclamation signing
- Lions Club
- Light of Hope
- Kiwanis
- Kayak for CASA
- Hope Walk (suicide prevention)
- Book event at Alpine Theater
- BBQ Throwdown
- Alisha Mowl - Old Navy ONward

5. **Financial Report**

State Bar Financial Director, Sarah Hall, provided the current financial information. She reported that approximately \$44,302 is available for the June 2022 IOLTA grant distribution. Following a discussion of the financial report, the Advisory Committee agreed, by consensus, to distribute the \$44,302 to the grantees. The grantees abstained from the vote. The Advisory Committee also authorized, by consensus, to transfer the \$30,000 management fee to the State Bar.

6. **Old Business**

Ms. Casey advised the Committee that the proposed Administrative Rule amendments are before and awaiting review by the Supreme Court of Appeals. Bar President Ben Mishoe has contacted the Court regarding the progress of the amendments. Ms. Casey advised that the new State Bar Executive Director, Mary Jane Pickens, will notify the Committee as information becomes available.

7. **New Business**

Chairperson Smith brought for discussion whether the IOLTA Advisory Committee minutes should remain available on the State Bar's website. The Committee discussed that IOLTA Advisory Committee minutes are the only State Bar Committee that has its minutes public on the State Bar website. Following the discussion, the Committee unanimously agreed to remove the Committee minutes from the State Bar website.

8. Next Committee Meetings – The next meeting of the Committee will be in-person at the Bar Center and via Zoom conference beginning at **noon on September 27, 2022.**