

DRAFT
THE WEST VIRGINIA STATE BAR
IOLTA ADVISORY COMMITTEE
STATE BAR CENTER - CHARLESTON
March 29, 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 Harry Deitzler, Richard Lehman, and Kevin Robinson. Committee members who appeared via video conferencing were Chairperson Shannon Smith, Daniel Kimble, Jennifer Massey, Jennifer Wagner, and Elizabeth Wehner. 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 December 14, 2021 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 **1,443 new cases** in the last 3 months, and for all of 2021, including:

Case type	December 2021 – February 2022	2021 Full Year
Total cases	1,443	6,594
Housing	248	1,192
Public benefits	132	633
Family law	719	3,325
Remove work barriers (Drivers' license/ expungement)	77	361
Opioid crisis impacted families (adoption/ guardianship, etc)	44	387

For the full year of 2021, LAWV had the following impacts on clients:

Case type	People helped	Other impacts
Housing	2,805 total people helped	\$75,007 lump sum impact (damages/ stop unfair charges)
Public benefits	1,336 total people helped	\$4,15,269 lump sum impact/ \$27,760 monthly
Family law	9,684 total people helped	\$1,819,640 lump sum impact/ \$ 57,901 monthly
Domestic violence	1,797 domestic violence cases impacted a total of 5,403 people helped	Additional 3,606 household members helped were overwhelmingly minor children residing with victims
Veterans	167 cases for veteran clients impacted a total of 484 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

Legal Aid of West Virginia 20th Anniversary in 2022: LAWV is turning 20 years old this year! Throughout LAWV's anniversary year, it will be celebrating via:

- Local open houses, parking lot picnics, and other events held at our 12 local offices statewide
- Special local office community service projects and CLE's undertaken or hosted by LAWV staff
- Extensive online and social media storytelling, highlighting LAWV's clients, staff, and "alumni"
- A special 20th Anniversary gala to be held in early November, and much more!
- The first of these events is an Anniversary Kick-off party on Saturday, April 9th, from 6-8 p.m. at Hale Street Center, 210 Hale Street in Charleston. ***Join LAWV and watch for more to come!***

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

- 1. Medical Legal Partnership Expansion:** Legal Aid's Medical Legal Partnership Project helping people in recovery from substance use disorder has expanded to add new clinical partners in Williamson and Huntington. The project provides legal help with issues like driver's license reinstatement, expungement, and housing to enable people in recovery to return to work and to lead more stable lives, which in turn supports their ability to stay on a healthy path. With its single attorney/paralegal team, the project has, despite COVID challenges, served 77 clients over the past 2 years at Cabin Creek Health Systems, Rei of Hope, the Williamson Health and Wellness Center, and at Project Hope.
- 2. Statewide project for veterans at risk of homelessness:** LAWV has increased its services to homeless veterans and those at risk of homelessness through a funded collaboration with the WV Community Action Partnership (the "CAP agencies"). LAWV's Supportive Services to Veteran Families project has hired 2 attorneys and will

shortly add a project paralegal for its statewide initiative. LAWV's veterans' team are based in Clarksburg and Beckley, and each of our two lawyers are also each supported by some unrestricted funds that enable them to help the general WV low-income veteran population.

3. **Eviction Prevention Project ramping up:** LAWV has hired 6 attorneys, 2 paralegals, and a project coordinator to launch an eviction prevention program funded by a federal grant. The lawyers will provide direct legal help with housing matters (negotiations with landlords, assistance in leveraging MRAP funds and other resources to secure rent payments, in court assistance) and with underlying legal issues that contribute to housing instability. Project attorneys will also lead "successful renter" workshops to promote stable long term tenancy. Increasing resources to address legal work around housing has long been a goal at LAWV and we are excited about the opportunities that the funding presents for the 3 year grant duration.

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

Litigation Update

- Current open cases: 569 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.
- 238 Consumer Rights (mortgage, debt collection, vehicle, etc.)
- 193 Employment (black lung, discrimination, safety & health, etc.)
- 27 Consumer Bankruptcies
- 26 Education
- 19 Civil Rights (LGBTQ, Reproductive Rights, Expungement, Due Process/Tax Deed, etc.)
- 41 Immigration
- 17 Prisoner Rights
- 8 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 Appeals); a class action to obtain medical and mental health care for people incarcerated in West Virginia jails (set for trial in federal court for June); 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 are in the process of hiring two consumer lawyers to increase our ability to meet this growing need.

Programs/Policy/Collaboration/Outreach Updates

- **Executive Director Transition:** Jennifer Wagner is resigning from MSJ as Executive Director, effective April 11, 2022. As of that date, Sarah K. Brown, currently MSJ's Managing Attorney, will be assuming the role of Executive Director. Sarah will be the primary contact for IOLTA committee items, and can be reached at sarah@msjlaw.org or (304)344-3144. Sarah is based out of the Charleston, WV, MSJ office.
- **Immigration Program Expansion:** MSJ has expanded our immigration program to include one fulltime attorney, one ¾ time attorney, and an immigration legal assistant.
- **Civil Rights Program Expansion:** MSJ has added a civil rights lawyer to the team to assist in expanding our civil rights work.
- **Access & Advocacy Program Expansion:** MSJ has received a generous grant to hire a full-time social worker as an addition to our Access & Advocacy team. We anticipate filling the position in April. This person will 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.

4. 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.

The Center for Law and Public Service had various community service and pro bono programs the past three months. On January 15, 2022, students participated in a day long food distribution to over 200 families at the Morgantown Mall parking lot as part of the Pantry Plus More project. Three weeks later, on February 6th, students went to the PPM warehouse and again worked a food distribution in Morgantown.

In both January and February, students participated in a noon time "Free Legal Answers Project" conducted in conjunction with the State Bar Outreach Committee.

Much of February and March has been spent on locating students in summer jobs, including at least 25 public service placements.

Students continue to work on pro bono projects through the Magistrate Court mediation project and the Volunteer Income Tax Association.

**IOLTA report, WV Fund for Law in the Public Interest report March 2022
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: once on January 20, 2022 and again on February 24, 2022. During those meetings the Board reached the following decisions:

The 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 and she will be working with the Public Defender's office in Charleston, WV.

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

The Board will have concluded the Hardesty Fellowship and Supplemental Grants by later this week.

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 \$5500 and we award \$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. Application deadline in January 18th, 2022 for the Post Graduate Fellowship position.

WV Fund for Law in the Public Interest's 2021 post-graduate fellows received a full time offer to work in a public interest law setting.

**ChildLaw Services
Submitted by Cathy Wallace, Executive Director**

ChildLaw Services has started the year strong in its new location at 1709 West Main Street, Princeton, WV 24740. Additionally, ChildLaw Services has started its representation in the eastern panhandle. The support in that community has been astonishing!

ChildLaw Services currently has 619 open cases, more than it have ever covered before. Keep in mind that 99% of these cases are full representation with only 1% of advice and brief services.

ChildLaw Services has opened 107 case with 93 abuse and neglect cases, 7 domestic violence and high conflict family law cases, 2 guardianship, 3 juvenile cases, 1 truancy and 1 felony sexual assault victim.

ChildLaw Services only closed 52 cases with 41 cases of abuse and neglect, 1 domestic violence, 3 guardianship cases, 2 juvenile cases, 3 truancy cases and 2 felony sexual assault victim cases.

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

WVSLA served 125 seniors across 38 counties in the last 3 months.

WVSLA has been developing several outreach and public legal information projects for our summer PIA fellow to work on and have started scheduling in-person elder law workshops for seniors starting later this spring.

WVSLA has also revisited its protocols regarding callers in crisis and have consulted with two experts to help us enhance our response when we get callers who are or may be suicidal, dealing with acute grief, trauma, or other mental health issues, or dealing with substantial memory problems or confusion. These kinds of calls have become less rare for us over the past year, so WVSLA are developing better ways of handling getting callers connected with the right resources while also improving how it serves the legal needs of these seniors.

5. Financial Report

State Bar Financial Director, Sarah Hall, provided the current financial information. She reported that approximately \$40,993.00 is available for the March 2021 IOLTA grant distribution. Following a discussion of the financial report, the Advisory Committee agreed, by consensus, to distribute the \$40,993.00 to the grantees. The grantees abstained from the vote.

6. Old Business

Ms. Casey advised the Committee that the proposed Administrative Rule amendments are with and awaiting the Supreme Court of Appeals review. During the past 12 months, Bar President Tom Scarr communicated with the Court regarding the progress of the amendments to the Administrative Rule. Incoming President Ben Mishoe has agreed to continue working with the Court.

7. New Business

None

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 June 27, 2022.**