

THE WEST VIRGINIA BAR FOUNDATION, INC.  
IOLTA ADVISORY COMMITTEE MEETING  
STATE BAR CENTER - CHARLESTON  
MAY 18, 2006

**MINUTES**

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Elliot Hicks on May 18, 2006 at the State Bar Center in Charleston.

Members of the Committee in attendance were Scott Segal, Jim Martin and Jon Amores. Participating by telephone conference call were Professor Chuck DiSalvo and Bob Baker. State Bar Executive Director Tom Tinder was also in attendance.

The first item on the Agenda was a review of the Minutes of the last Committee Meeting which was held on February 16, 2006. A motion was duly made, seconded and passed to approve the Minutes as presented.

Chairperson Hicks asked for a report on federal government funding. Statements were made that Congress was going through its annual appropriation process and that requests had been made for support from the members of Congress from West Virginia.

Mr. Martin then gave a report on Legal Aid of West Virginia. He said that the National Legal Services Corporation Board of Directors would be conducting one of its quarterly Board Meetings in October in Charleston. Preparations were being made so that the Board members would have a good understanding of the programs and services provided by Legal Aid of West Virginia. After more comments were made, a motion was duly made, seconded and passed that the IOLTA Advisory Committee recommend to the Bar Foundation's Board of Directors that it support this activity, including providing financial assistance.

Professor DiSalvo gave a report on behalf of the special grantees. He went into great detail concerning negotiations involving the proposal from ChildLaw Services for a portion of IOLTA funding. The request had been referred the IOLTA Advisory Committee from the Supreme Court.

After a great deal of discussion, a motion was duly made, seconded and passed that a recommendation be made to the Bar Foundation's Board of Directors and to the Supreme Court to amend Rule 1.15 of the West Virginia Rules of Professional Conduct to provide that the 15% of IOLTA funding for special grantees be divided among the following five groups in the stated

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percentages:

CASA -	43.5%
Senior Legal Aid -	24.125%
Fund for the Public Interest -	19.3%
Appalachian Center for Law -	7.72%
ChildLaw Services -	<u>5.355%</u>
Total	100%

Professor DiSalvo, Mr. Segal and Mr. Baker abstained from voting on this issue.

The next item on the Agenda was a financial report. As of April 30, 2006, there was \$288,000 available for distribution with \$37,500 in the Rainy Day Fund and \$37,500 set aside to pay the management fee on June 30. After some comments were made, a motion was duly made, seconded and passed that the \$50,000 management fee be paid by June 30, that an additional \$12,500 be set aside in the Rainy Day Fund for a grand total of \$50,000 and that the remaining \$188,000 be distributed in accordance with the IOLTA formula.

Chairperson Hicks announced that a beautiful award had been presented to the five state banks with the largest amount of IOLTA accounts - BB&T, Chase, City National, United and Wesbanco - at the Bench/Bar Luncheon at the State Bar's Annual Meeting earlier in the month. These five banks were recognized for providing increases in IOLTA interest rates as well as removing service charges on IOLTA accounts.

The next item on the Agenda relating to a filing fee for Supreme Court cases. In the absence of Mr. Canterbury, there was no report on this matter.

Under the topic of Other Business, there was a lengthy discussion regarding to a contribution which had been made by the IOLTA Program to the National Association of IOLTA Programs (NAIP) a few years ago to support a litigation fund when the IOLTA issue was being litigated in the federal court system. An amount of \$418 was available and it could be provided as either a refund to the IOLTA Program or be kept in the litigation fund for future use. A motion was duly made, seconded and passed to recommend to the Bar Foundation Board of Directors that the \$418 refund be kept by NAIP for future litigation use.

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After more discussion, a motion was duly made, seconded and passed that the IOLTA Advisory Committee express its sincere appreciation to the Bar Foundation's Board of Directors for supporting the IOLTA Program and the state's financial institutions.

Chairperson Hicks announced that the next meeting of the Committee would be on September 21, 2006 at 11:00 a.m. at the State Bar Center in Charleston.

There being no further business to transact, the meeting was adjourned.