

THE WEST VIRGINIA BAR FOUNDATION
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER - CHARLESTON
JUNE 14, 2007

MINUTES

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Scott Segal on June 14, 2007 at the State Bar Center in Charleston.

Steve Canterbury, a member of the Committee was in attendance. Participating by telephone conference call was professor Chuck DiSalvo. 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 March 2, 2007. After some comments were made, a motion was duly made, seconded and passed to approve the Minutes as presented with a change that there were "18 law students, including..." during the discussion of the special grantees' activities by Professor DiSalvo.

The next item for discussion related to federal government funding. After receiving an increase of \$21 million in January, the House of Representative's Appropriations for 2007-08 has provided an additional increase of \$28 million for funding for the Legal Services Corporation. This important action was spearheaded by WV Congressman Alan Mollohan. The proposal will now be considered by the U.S. Senate.

The Committee members then discussed the activities of Legal Aid of West Virginia. It was reported that for the first time in many years, a new office of the organization was being opened in Elkins.

Professor DiSalvo then gave a report on behalf of the special grantees. He said that the Appalachian Center will be implementing field teams of law students to go into various areas in north central West Virginia, that Senior Legal Aid still needs a staff attorney, but that the pro bono cases being handled by private attorneys is increasing, there was no report from the CASA Program or ChildLaw Services Program and that the Public Interest Organization has two students working in the loan repayment program and there are three other lawyers working in legal services.

The Committee members then reviewed a letter which it had received from West Virginia Advocates requesting that a grant up to the amount of \$25,000 be provided to the entity from the special grantee category of funding. There were many comments made regarding this situation. Then, a motion was duly made, seconded and passed to set up the necessary criteria and policy for determining the awarding of funding to special grantees and that the proposal from the West Virginia Advocates be tabled until that action occurs.

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The Committee members then reviewed the financial report for the IOLTA Program. There was an amount of \$324,000 to distribute with \$87,500 of that amount being set aside for the Rainy Day Fund and \$37,500 being set aside for the management fee. After some comments were made, a motion was duly made, seconded and passed to increase the Rainy Day Fund by \$12,500 to a total amount of \$100,000, to pay the total amount of the management fee of \$50,000 to the West Virginia State Bar by the end of June, 2007 and to distribute the remaining amount of \$174,000 to the grantees and special grantees in accordance with the formula in the Supreme Court Order.

The Committee members then reviewed a proposed budget for the IOLTA Program for July 1, 2007 through June 30, 2008. The amount of \$801,900 was the figure based upon the amount of funds which had been generated through the first eleven months of the 2006-07 fiscal year. Consequently, a motion was duly made, seconded and passed to set the budget for the IOLTA Program for 2007-08 in the amount of \$801,900 as the amount to be generated.

Mr. Canterbury led a discussion concerning a filing fee for cases at the WV Supreme Court. He distributed a report which showed that every state, with the exception of West Virginia, has some sort of a filing fee for Supreme Court cases. The amount ranges from \$50 to \$500 and the proceeds are used for a variety of activities. He went on to say that if a fee of \$125 was set in West Virginia that it would generate approximately \$48,000 in income. It was agreed to discuss this matter in greater detail at the next meeting of the Committee.

Chairperson Segal set the next meeting of the Committee for September 13, 2007 at 11:00 a.m. at the State Bar Center in Charleston.

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