

THE WEST VIRGINIA BAR FOUNDATION, INC.
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER - CHARLESTON
SEPTEMBER 8, 2005

MINUTES

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Elliot Hicks on September 8, 2005 at the State Bar Center in Charleston.

Members of the Committee in attendance were Steve Canterbury and Jim Martin. Participating by telephone conference call was 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 May 12, 2005. There were no additions or corrections to be made to the Minutes as presented.

The Committee members then talked about federal government funding. It was reported that Congress is still working on the budget figure for next fiscal year. It is felt that there may be the same amount of money available or a slight increase based upon the final action that is taken.

Mr. Martin reported that Legal Aid of West Virginia has been busy in the past several days working on relief efforts for victims of the Hurricane Katrina disaster.

The Committee members then talked about the special grantees. Professor DiSalvo, a member of the Committee, had reported previously regarding the activities of the special grantees. He said that the Senior Legal Aid Program was in difficult financial circumstances. If some financial relief was not received very quickly then there may have to be a lay off of staff. He went on to say that there were dozens of law students at West Virginia University College of Law who had been involved in the internship program with Appalachian Legal Services. This program provides excellent legal education opportunities for law students in assisting low income citizens with their civil legal problems.

He went on to talk about the Law in the Public Interest Program. During the summer, numerous law student interns have worked in legal services programs, have done fine work and had received beneficial legal training. He said that he had not been able to receive a report on the CASA Program.

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The next item for discussion related to the financial report. The Committee members reviewed the recent actions which had occurred regarding the bank reports. There has been a steady increase over the past several months in the amount of funds being provided which is occurring because of the increase of IOLTA interest rates by the five largest banks in the state and by the elimination of service charges by these financial institutions.

The Committee members were informed that there was \$195,000 available for distribution and that there had previously been \$20,000 placed in the Rainy Day Fund. After some discussion, a motion was duly made, seconded and passed to increase the amount of money in the Rainy Day Fund to \$25,000, to set aside \$12,500 as a partial payment on the annual management fee and then to distribute the remainder of \$157,500 to the legal services groups in accordance with the Supreme Court Order.

The Committee members then reviewed the overall budget figures for 2004-05 as well as proposed for 2005-06. After some comments were made, a motion was duly made, seconded and passed to approve a budget figure with the same income and expenses of \$400,000 that had been used in the budget figures for 2004-05 and now would be used for the current fiscal year of July 1, 2005 to June 30, 2006.

The Committee members talked about the information that had been received from the Supreme Court regarding a proposal from Mary Ellen Griffith in Princeton on behalf of the program, ChildLaw, to receive IOLTA funding. The Committee members agreed to discuss this proposal at the next Committee Meeting.

The next item for discussion related to the recognition of the five large banks who have increased the IOLTA interest rates and eliminated service fees on IOLTA accounts. After some comments, a motion was duly made, seconded and passed to do an article to be placed in The West Virginia Lawyer magazine on this positive action and then to provide the article to the West Virginia Bankers Association with a request that it be placed in its magazine. It was agreed that there would not be any action to provide any recognition plaque to these financial institutions.

The Committee members then talked about a filing fee for Supreme Court appeals with money being directed to the provision of free civil legal services for low income citizens. Mr. Canterbury said that he would research this matter and report back at the next meeting.

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Chairperson Hicks then announced that the next meeting of the Committee would be on December 8, 2005 at 11:00 a.m. at the State Bar Center in Charleston.

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