

WEST VIRGINIA BAR FOUNDATION, INC.
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER - CHARLESTON
SEPTEMBER 16, 2004

MINUTES

The meeting of the Bar Foundation's IOLTA Advisory Committee was called to order on September 16, 2004 at the State Bar Center in Charleston.

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

The first item on the Agenda was a review of the Minutes of the last Committee Meeting which was held on June 10, 2004. There were no additions or corrections to be made to the Minutes.

The Committee members then discussed the federal government funding situation. Ms. Worthy announced that domestic violence program funding had been received from the U.S. Department of Justice in the amount of approximately \$800,000 during a two year period with a portion of those funds being used for Legal Aid of West Virginia lawyers in this area. It was also announced that the federal government funding level would be the same for the upcoming fiscal year.

Ms. Worthy stated that the Legal Aid of West Virginia Program was continuing to operate in a satisfactory manner. The amount of funds available for the various programs continues to be very tight.

Professor DiSalvo gave a report on behalf of the special grantees. The CASA Program will be having its statewide conference on September 28, the Appalachian Center had a major event on September 22, the Senior Legal Aid Program has been working on brochures and pamphlets and the fund for legal services had a large attendance of law students at its first meeting which was held recently.

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The next item for discussion related to the financial report for the IOLTA Program. It was stated that \$363,000 had been received during the 2003-04 fiscal year which was a significant reduction from more than \$500,000 that had been received in the previous fiscal year. Additional documents were provided to show that \$68,000 had been received for the first two months - July and August - of the current fiscal year. There was still the amount of \$10,000 which had been set aside in the Rainy Day Fund. After some additional comments, a motion was duly made, seconded and passed to distribute the amount of \$58,000 to the grantees and special grantees in accordance with the Supreme Court Order.

The Committee members then had an extensive discussion concerning interest rates and service fees for IOLTA accounts. It had been agreed that a priority would be given to the top five banks with the largest IOLTA accounts which are BB&T, BankOne, City National, United and Wesbanco. All five of these banks do not charge any service fees. Contacts have been made with BB&T and City National with BB&T clarifying that its IOLTA interest rate was .5%. BankOne's rate is from .49% to .75% depending upon the amount of funds in the account. Additional contacts will be made with City National, United and Wesbanco to attempt to increase their rates to the level of approximately .5%.

Under the topic of Other Business, there was an extended discussion concerning the option for a filing fee to be charged for appeals at the State Supreme Court with the money being provided to the IOLTA Program. It was agreed that a proposal would be put together based upon other states' situations. Mr. Martin and Professor DiSalvo stated that they work on such a proposal and have it available for consideration at the next Committee Meeting.

It was agreed that the next Committee Meeting would be on December 16, 2004 at 11:00 a.m. at the State Bar Center in Charleston.

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