

THE WEST VIRGINIA BAR FOUNDATION
IOLTA ADVISORY COMMITTEE MEETING
STATE BAR CENTER - CHARLESTON
DECEMBER 6, 2007

MINUTES

The meeting of the West Virginia Bar Foundation's IOLTA Advisory Committee was called to order by Chairperson Scott Segal on December 6, 2007 at the State Bar Center in Charleston.

Members of the Committee in attendance were Adrienne Worthy, Steve Crislip, Steve Canterbury and Mark Prince. Participating by telephone conference call was Professor Charles 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 September 13, 2007. A motion was duly made, seconded and passed to approve the Minutes as presented.

Chairperson Segal requested a report on federal government funding for legal services programs. Ms. Worthy stated that the Senate had approved an appropriation for the Legal Services Corporation in the amount of \$390 million and that the House of Representatives had approved an appropriation in the amount of \$377 million. The matter will now be worked out in conference committee. The amount of funding for the Legal Services Corporation for the most recent fiscal year was \$349 million, so there should be an increase from the current level.

Ms. Worthy then gave a report concerning the activities of Legal Aid of West Virginia. She said that a new client intake and access system would be in effect by the middle of 2008, there had been a new office opened in Elkins and that the fund raising campaign was going well for the current year.

Professor DiSalvo gave a report relating to the special grantees. The CASA Program has a new executive director, Michelle Bush, and is trying to get a new program in operation in Kanawha County. The Senior Legal Aid Program has assisted 800 clients in the past year in all 55 counties and has worked with various entities. The Appalachian Legal Center has three law students currently working with it and is involved in CASA, Teen Court and immigration matters.

The ChildLaw Program reported that it is currently helping 174 children, most of whom are involved in abuse and neglect situations. The public interest group is celebrating 20 years of existence and recently made a payment of \$23,000 for a fellowship at Legal Aid of West Virginia.

Chairperson Segal then led a discussion concerning a financial report for the IOLTA Program. There is the amount of \$307,000 available for distribution as of November 30, 2007

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with \$112,500 in the Rainy Day Fund and \$12,500 set aside for a quarterly payment of the Management Fee. The Committee members talked about having a goal for the Rainy Day Fund. After some comments were made, a motion was duly made, seconded and passed to set a funding goal for the Rainy Day account at \$200,000.

The Committee members then had further discussions concerning the current funding available for distribution. Then, a motion was duly made, seconded and passed to set aside an additional \$12,500 for the Management Fee (for a total of \$25,000), to set aside \$12,500 to add to the Rainy Day Fund (for a total of \$125,000) and to distribute the remaining amount of \$157,000 in accordance with the Supreme Court Order.

The next item for discussion related to a filing fee for Supreme Court cases. Mr. Canterbury stated that the Court feels strongly that there should be no filing fee for criminal cases and that it is a difficult decision as to whether there should be a filing fee for workers' compensation cases. The Court understands that West Virginia is the only state that does not charge a filing fee. It was felt that there will be further consideration of this matter in the future.

Professor DiSalvo led a discussion concerning a specific funding policy when a request is made from an entity to receive IOLTA funding support. He had put together a proposed policy for consideration by the Committee. After some discussion, a motion was duly made, seconded and passed to approve the following funding policy:

“Upon receipt of an application from an organization for IOLTA funding, the IOLTA Advisory Committee shall consider the application in light of a variety of factors including, but not limited to, whether the services would be effective in aiding the poor and others without access to the legal system, whether the same or similar services are being offered by other providers, whether the organization is fully capable of providing the services, and whether the need for the services proposed outweighs the needs for other services.”

The Committee members then talked about a comparability rule. There had been some discussions with the West Virginia Bankers Association and there will be an upcoming discussion with other state IOLTA programs which have implemented this policy. The Committee members agreed to review a proposed comparability rule at its next Committee Meeting.

Under the topic of Other Business, the Committee members expressed their appreciation to Mr. Tinder for the work that he had done as the State Bar Executive Director during the past approximately 19 years.

Chairperson Segal announced that the next meetings of the Committee would be on March 13, 2008 and June 12, 2008 at 11:00 a.m. at the State Bar Center in Charleston.

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