

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

MINUTES

The meeting of the Bar Foundation's IOLTA Advisory Committee was called to order on December 8, 2005 at the State Bar Center in Charleston.

Members of the Committee in attendance were Scott Segal, Dave McMahon, John Amores, Jim Martin, Bob Baker and Steve Canterbury. 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 had been held on September 8, 2005. A motion was duly made, seconded and passed that the Minutes be approved as presented.

The next item for discussion related to federal government funding. There is amount of \$338 million in the proposed budget which is currently being considered in Washington, D.C.

The Committee members then discussed the activities of the legal services programs. Legal Aid of West Virginia has received a line of credit from the State Bar to assist with its short term needs. This is a no interest loan which is paid back within several weeks once Legal Services Corporation funding is received in January. The overall funding for Legal Aid of West Virginia is satisfactory. Relating to Mountain State Justice, there was a report given that the organization needs an extra \$40,000 by the end of the fiscal year.

The next item on the Agenda related to a report from the special grantees. There were statements made that the Senior Legal Aid Program is in need of additional funding.

The next on the Agenda was the financial report. The Committee members reviewed the financial report for the first five months of the fiscal

Page Two

year - July 1 to November 30. It was noted that there is a continuing increase in the amounts of funds which are available based upon the increase that occurred several months ago in the interest rates provided by the five largest banks with IOLTA accounts as well as the elimination of service charges on IOLTA accounts by those fine financial institutions.

The financial report showed that there was \$227,000 to distribute at this time. After some discussion, a motion was duly made, seconded and passed to increase the Rainy Day Fund from \$25,000 to \$30,000, set aside an additional \$12,500 for payment of the Management Fee at the end of the fiscal year, which would bring that amount to a current level of \$25,000 and to then distribute the remaining amount of \$172,000 in accordance with the Order of the Supreme Court.

The next item on the Agenda related to interest rates and service fees. Mr. Tinder reported that he would be meeting later this month with Joe Ellison, the new Executive Director of the West Virginia Bankers Association. After some additional comments, Mr. Amores stated that he would provide input relating to interest rates and whether or not it would be appropriate to have a set specific interval between the federal government interest rate and the IOLTA interest rate goal. In addition, there were comments about the necessity to honor the banks which strongly support the IOLTA program.

Mr. Canterbury then made some comments regarding a filing fee for Supreme Court appeal cases and the distribution of the filing fee amounts. He said that West Virginia and two other states currently did not charge any filing fee for appeals to the State Supreme Court. In the other states, the filing fee ranges from \$50 to \$250. In addition, he stated that there was approximately 3,000 cases that were appealed to the Supreme Court this year with a large number of them being workers' compensation cases. After a good deal of discussion, it was agreed that further consideration would be given to this matter at the next Committee Meeting.

The next item on the Agenda related to a proposal from ChildLaw Services. In the absence of Committee member DiSalvo, it was agreed that this matter would be deferred until the next Committee Meeting.

The Committee members then agreed that the next meeting of the Committee would be immediately prior to the next meeting of the West Virginia Bar Foundation Board of Directors as has been the custom. (Later on this date, the Bar Foundation Board of Directors set its next meeting for February 16, 2006; therefore, the IOLTA Advisory Committee will meet at 11:00 a.m. on February 16, 2006 at the State Bar Center in Charleston.)

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