

WEST VIRGINIA BAR FOUNDATION, INC.
BOARD OF DIRECTORS MEETING
WVU COLLEGE OF LAW - MORGANTOWN
NOVEMBER 17, 1990

M I N U T E S

The meeting of the Board of Directors of the West Virginia Bar Foundation was called to order by President Robert M. Steptoe, Jr., on November 17, 1990 at the West Virginia University College of Law in Morgantown.

Other members of the Board of Directors in attendance were William Richardson, Jr.; Sue Core; Charles Love, III; Mote Thompson; Grant Crandall and John Fisher. In addition, State Bar President Richard L. Douglas; WVU College of Law Dean Donald G. Gifford; Legal Aid Society of Charleston Executive Director Barbara Bayes; North Central Legal Aid Society Executive Director Pam Dalton and Bar Executive Tom Tinder were in attendance.

President Steptoe called upon President Douglas and Dean Gifford for any comments which they wanted to make. President Douglas said that he was pleased to be at the meeting and would make comments on various items on the agenda and Dean Gifford welcomed the persons to the law school.

The next item on the agenda was the review of the minutes of the last Board of Directors meeting which was held on July 5, 1990. A motion was duly made, seconded and approved that the minutes be accepted as presented. Since a quorum was not in attendance, it was decided by the Board members that all actions taken by the Board, during this meeting would be ratified later by a sufficient number of Board members.

The Interest on Lawyer Trust Accounts (IOLTA) program was the next item for discussion. Mr. Tinder distributed materials to the Board members concerning the number of law firms participating, the number of banks participating and the amount of money which had been received so far. More than \$50,000 had been received after just the first quarter. It is quite an achievement since the goal for the entire year was between \$60,000 and \$100,000.

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The Board members felt that a priority should be to enlist the support of the remaining banks in the state. There will be a major article in the December issue of the Lawyer magazine on the IOLTA program as well as one on the operation of the Foundation.

Mr. Richardson then gave a report in his position as Chairperson of the IOLTA Advisory Committee. He reviewed the activities of the Committee including the most recent meeting which had just been held last week.

Mr. Richardson presented a motion from the Advisory Committee regarding the distribution of funds for the first two quarters of the fiscal year and the method of distribution. A motion was duly made, seconded and approved with the motion being ratified by the sufficient number of members of the Board. A copy of the motion is attached to these minutes.

President Steptoe then lead a discussion on the next item on the agenda which related to fund raising activities. There will be a major article on the Foundation's actions in this regard in the December issue of the Lawyer magazine. Comments were then made about a plaque in the State Bar Center for the names of the contributors as well as gifts to be presented to them. It was requested that Mr. Tinder have recommendations on these matters at the next Board of Directors meeting.

President Steptoe then called upon Ms. Core to discuss the administrative agreements between the Bar Foundation and the State Bar.

Ms. Core presented the first agreement which stated that the Bar Foundation would pay the amount of \$4,201.51 to the State Bar for the expenses in the initiation of the IOLTA program. A motion was duly made, seconded and approved that this amount be paid to the State Bar. The motion must be ratified in the future by a vote of the members of the Board of Directors.

There was then a good deal of discussion regarding the actual administrative services contract and the management services contract between the Foundation and the Bar. It was decided by the Board that it would authorize its officers to work out the final arrangements on these two documents involving the Foundation and the State Bar.

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Under the topic of other business, Mr. Tinder distributed a proposal which had been done by Alisa Bailey, the Communications Consultant for the State Bar, concerning an annual report for the Foundation. The Board members decided to discuss this matter at their next Board meeting.

President Steptoe then announced that John Nesius had resigned as a member of the IOLTA Advisory Committee. It was decided that another individual with expertise in continuing legal education should be selected to serve on the IOLTA Advisory Committee.

The next meeting of the Board of Directors will be held in February after the meeting of the IOLTA Advisory Committee. A definite date, time and location will be set in the future.

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

MOTION

The Interest on Lawyer Trust Account (IOLTA) Advisory Committee of the West Virginia Bar Foundation recommends to the West Virginia Bar Foundation Board of Directors that distribution of funds earned in the third and fourth quarter of 1990 be made in accordance with the guidelines in the Order of the West Virginia Supreme Court of Appeals and upon the following terms and conditions:

1. Eighty percent of the funds earned in this period should be made available to the four programs which provide civil legal services to the poor through grants from the Legal Services Corporation. Distribution of the funds shall be made by the West Virginia Bar Foundation through grants for legal services for the poor. Twenty percent of the funds collected through the program by the Bar Foundation shall be utilized for administrative expenses and held in reserve against future needs.

2. The IOLTA funds shall be distributed by the West Virginia Bar Foundation to the LSC funded programs in shares proportional to the total population of poor and low-income persons served by each program.

3. IOLTA funds are public funds, as that term is defined in the Legal Services Corporation Act (42 USC ~2996i[~1010(c) of the LSC Act]). These funds may be used for all appropriate purposes necessary to the representation of low income clients by the recipient programs. These purposes include representation of low income clients by the recipient programs. These purposes include representation before West Virginia and United States administrative and legislative bodies, committees and agencies.

4. Each recipient of IOLTA funds will make available to the West Virginia Bar Foundation upon request a copy of their annual audit report and financial statements prepared by certified public accountants in accordance with Legal Services Corporation rules, guidelines and regulations.

5. A report of amounts distributed, dates and organizations receiving funds will be prepared by the West Virginia Bar Foundation and sent to the IOLTA Advisory Committee and the West Virginia Supreme Court of Appeals.