The ABA Commission on IOLTA
2020 Winter Workshops

Cosponsored by
The National Association of IOLTA Programs

February 13 – 14, 2020
Austin Hilton Hotel

PROGRAM

Thursday, February 13th

7:30 – 8:45 AM  Continental Breakfast and Registration
Governor's Ballroom Salon C, Fourth Floor

7:30 – 8:45 AM  Breakfast Meeting for Newer IOLTA Staff
Room 408, Fourth Floor

This breakfast meeting provides a forum for newer IOLTA staff (those with five or fewer years of experience) to meet and discuss issues of common interest. While no one will be excluded, we ask that attendees please do their best to honor the goal of this session – to provide newer IOLTA staff with a place to share experiences unique to them.

Facilitators:
Donna Clement Cuneo, Executive Director
Louisiana Bar Foundation

Tracy Daniel, Executive Director
Alabama Law Foundation

7:30 – 8:45 AM  Breakfast Meeting for IOLTA Trustees
Room 410, Fourth Floor

This gathering enables IOLTA trustees from across the United States and Canada to meet one another, exchange information, and discuss issues of common interest.

Facilitator:
Edward C. Winslow, III, Partner
8:45 – 9:00 AM  Welcome/Introductions
Governor's Ballroom Salon C, Fourth Floor

David S. Houghton, Chair
ABA Commission on IOLTA

David Holtermann, President
National Association of IOLTA Programs

9:00 – 9:45 AM  Getting to Know You
Governor's Ballroom Salon C, Fourth Floor

Each Workshop attendee will introduce themselves to the IOLTA community and take thirty seconds to share one success or one challenge facing their program.

9:45 – 11:00 AM  Opening Plenary – WHO is WHO
Governor's Ballroom Salon C, Fourth Floor

Get ready to play Who is Who! This interactive session will help attendees better understand the different types and roles of IOLTA programs in the U.S. and Canada. For example, there are programs with IOLTA monies as the sole funding source versus those with multiple funding sources; some programs are organized as nonprofit 501(c)(3) entities while others are governmental or bar programs; some programs are strictly regulated versus others where grant choices are made each year; and certain programs provide Law Related Education programs in addition to legal service funding. The differences are many in the Community! Who falls under each category of program and how do these variances impact grant making, trends in program operations and structure, potential partners/supporters, and governing rules? Come find out - this session will be a game where everyone wins!

Facilitators:
Kevin Ruegg, CEO/Executive Director
Arizona Foundation for Legal Services & Education
Arizona Bar Foundation

Kirra L. Jarratt, Executive Director
DC Bar Foundation
11:00 – 11:15 AM  
Break

11:15 AM – 12:30 PM  
**Checking Bias at the Door: Best Practices for IOLTA Program Decision Making**  
Governor's Ballroom Salon C, Fourth Floor

Regardless of your position in the IOLTA Community, decision making is on your agenda. Decisions about staffing, leadership, trustee/board member selection, board operations, long and short-term program strategy, and grants fuel successful IOLTA programs. Each of these decisions are influenced by both explicit and implicit biases. Cognitive biases in grant making, staffing and trustee/board member selection, for example, affect decisions about grant making and distribution. Dr. Destiny Peery is a lawyer and social psychologist whose expertise includes how cognitive biases impact organizational decision making and outcomes. She will lead attendees through various exercises to help them identify these biases and begin to create tools to act as a check on them, particularly in the grant making and monitoring context.

Presenter:  
Destiny Peery, JD/PhD  
Law, Social Science, and Diversity Researcher & Consultant

12:30 – 1:30 PM  
**Lunch (provided)**  
Governor’s Ballroom Salon D, Fourth Floor

1:30 – 2:45 PM  
The following sessions will be held concurrently:

**Session A: Advanced Topics in Banking...The Impact of Changes in Banking on the Sustainability of the Current IOLTA Model**  
Governor's Ballroom Salon B, Fourth Floor

The current IOLTA model remains primarily based on a banking system that, due to evolving technology, does not really exist anymore—one where money resides in a deposit account for a period of time and accrues interest prior to disbursement. Now is the time of “real time payment” and other digital payment systems, including cryptocurrency. Is there a threat that these and other technology-driven banking practices pose to the IOLTA model? If so, what can or should
be done? Experts will explain the state of play, discuss what is coming down the road, and connect the dots to IOLTA as a foundation for the discussion among attendees.

Moderator:  
Edward C. Winslow, III, Partner  
ABA Commission on IOLTA

Panelists:  
Mary Irvine, Executive Director  
North Carolina IOLTA

Jeremy R. Mandell, Partner  
Morrison & Foerster LLP

Bob Watt, Executive Director,  
Law Foundation of Saskatchewan

Session B: IOLTA and the “Re-Regulation” of the Delivery of Legal Services: Much Ado About Anything?  
Governor’s Ballroom Salon C, Fourth Floor

The struggle to effectively address the access to justice and legal services crises continues. In what has been characterized as an environment of “re-regulation,” changes to how and by whom legal services are delivered and fees charged are gathering steam. Court and bar driven efforts are taking place in Utah, Arizona, California, Oregon, Illinois, and other states. The ABA Centers for Professional Responsibility and Innovation, Institute for Advancement of the American Legal System and Association of Professional Responsibility Lawyers are in the mix. IOLTA programs must learn about and keep up with this shifting landscape, which includes authorizing providers of legal services who are not lawyers to meet consumer needs. IOLTA programs must actively engage now, because some of this “re-regulation” may pose risks to program income. Experts will update attendees on the state of play and engage the Community in a discussion about what risks these changes may, or may not, pose to IOLTA. For example, is proposed court rule in Texas to exempt from IOLTA requirements flat fees of $2500 an isolated instance or the start of something bigger? What, if any, impact might the
increased use of paraprofessionals to deliver legal services have on IOLTA programs?

Moderator:
Hon. Lora Livingston, Presiding Judge, 261st Civil District Court, Travis County, Texas

Panelists:
Paul D. Paton, Thomas Lawlor Q.C. Professor of Law and Ethics, University of Alberta
Betty Balli Torres, Executive Director
Texas Access to Justice Foundation

2:45 – 3:00 PM Break

3:00 – 4:00 PM Speed Dating – Finding the Perfect Match
Governor's Ballroom Salon C, Fourth Floor

Join your colleagues for this opportunity to leverage your experiences and resources. You will be able to choose two different facilitated discussions of 30 minutes each with up to 10 people. Plan to ask questions, share information, and learn from other IOLTA staff and trustees about topical issues.

4:00 PM Adjourn

4:15 – 5:15 PM NAIP Members Meeting
Governor's Ballroom Salon A, Fourth Floor

7:30 PM IOLTA Dinner
Please join us for cocktails (cash bar) at 6:30pm at the restaurant.

Café Blue Classic Seafood Restaurant and Oyster Bar,
340 E 2nd St, Austin, TX 78701

Friday, February 14th

7:45 – 8:30 AM Continental Breakfast
Governor's Ballroom Salon C, Fourth Floor

8:30 – 9:45 AM The following sessions will be held concurrently:
Session A: Technology Infrastructure Grants: How Ongoing IOLTA Investments Can Leverage LSC and Other Funding
Governor's Ballroom Salon C, Fourth Floor

The Legal Services Corporation (LSC) has been making Technology Innovation Grants (TIG) since 2000 and has learned a lot about technology projects in that time. One of the lessons learned is that LSC investments can go much further when coordinated with local planning and funding. This panel will review how LSC and other foundation one-time project grants can be enhanced by ongoing technology funding from state IOLTA programs. Minnesota and Michigan statewide portal projects will be highlighted as examples and materials will include details about the open source technologies already in place that can be the launching pad for work in your state.

Moderator:
Bridget Gernander, Executive Director
Minnesota IOLTA Program

Panelists:
Jennifer Bentley, Executive Director
Michigan Bar Foundation

Erika Rickard, Senior Officer, Civil Legal System Modernization
The Pew Charitable Trusts

James Sandman, President
Legal Services Corporation

Session B: Cyber Security and IOLTA – Risks and Protections
Governor's Ballroom Salon B, Fourth Floor

What are your program’s IT security and records management processes? Are you immune from a data breach? This session will outline the importance of bank internet security, the threats exposed when transmitting account information, and the potential effect of bank compliance requirements on the information sent to and saved by IOLTA programs.

Moderator:
Terri L. Smith-Ashford, Director of Banking & Operations
Lawyers Trust Fund of Illinois
Panelists:
Phillip Hinkle, Director - IT Security Examinations Texas Department of Banking

Karen M. Neeley, Esq., General Counsel
Independent Bankers Association of Texas

9:45 – 10:00 AM  Break

10:00 – 11:15 AM  Let’s Keep Talking

Group A
Governor’s Ballroom Salon A, Fourth Floor
Facilitator(s): TBD

Group B
Room 406, Fourth Floor
Facilitator(s): TBD

Group C
Room 408, Fourth Floor
Facilitator(s): TBD

Group D [Canadians]
Room 414, Fourth Floor
Facilitator(s): TBD

What is your program’s biggest challenge? What issues are you trying to work through that might benefit from a good brainstorming session? These breakout sessions are your chance to tap into the experiences and insights of trustees and staff from programs with similar size budgets. Come prepared to ask questions, share information, and learn from your colleagues.

11:15 – 11:30 AM  Break

11:30 AM – 12:45 PM  Keeping Your Footing on the Shifting Sands: Strategies for Leading into the Future
Governor’s Ballroom Salon C, Fourth Floor

Several things will be clear by the time this final plenary session arrives – change is constant, it’s happening more quickly, and it presents great challenges and
opportunities. Experts from the Community will pull together the threads to help attendees strategize about maintaining their place in the evolving justice ecosystem. Whether it’s relationship building, data collection and sharing, developing new funding sources, or offering expertise and technical assistance, this session will discuss how your organizations can remain relevant and better ensure future success and sustainability.

Moderator:
Angela M. Lloyd, Executive Director
Ohio Access to Justice Foundation
ABA Commission on IOLTA

Panelists:

Donna Clement Cuneo, Executive Director
Louisiana Bar Foundation

Kirra L. Jarratt, Executive Director
DC Bar Foundation

Stephanie S. Libhart, Executive Director
Pennsylvania IOLTA Board, Supreme Court of Pennsylvania

12:45 PM
Adjourn

2:00 – 5:00 PM
ABA Commission on IOLTA Meeting
Governor’s Ballroom Salon A, Fourth Floor