



## From the Chair...

by Jonathan D. Asher

### Chair of the ABA Commission on IOLTA

During this current and most serious economic crisis, it is clear that effective collaboration is essential in our efforts to increase access to justice. This is certainly true of the Commission's efforts to expand and protect Interest on Lawyers' Trust Accounts (IOLTA) revenue that is so necessary for the support of civil legal services.

Virtually all of the Commission's work is accomplished through committees it sponsors jointly with the National Association of IOLTA Programs (NAIP). This partnership knits together the various skills and the interests of the IOLTA community, making it possible to respond quickly and effectively to needs for technical assistance, training and advocacy. The collaboration between NAIP and the Commission is a model of how organizations can work seamlessly together for the greater good. The work of NAIP and the Commission brings together the best both organizations have to offer. It has been a privilege to see first hand this exceptional collaboration in action.

In the past, the Commission and NAIP worked together to successfully defend the very concept of IOLTA in lengthy and protracted litigation. Last fall, the Commission and NAIP mobilized the IOLTA community, bar leaders and government officials to address the initial failure of the Federal

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## Grantee Spotlight Opening the Door: the West Virginia Fund for Law in the Public Interest

by Professor Charles R. DiSalvo

The student plopped himself down in a chair in my office. "Forlorn" wouldn't begin to describe the look on his face.

"Why does it have to be this way?", he asked.

"What do you mean?"

"Here I am, a third-year law student, who's done respectably well in law school. I want to work for legal aid after I graduate. That's my number one preference. Yet, I can't."

"Why not?"

"Why not? There's not an open position to be found. And even if there were an opening, I couldn't afford to take it. It's a simple matter of economics. I owe a ton of money on my educational loans. The plain fact is that my monthly take-home pay from legal aid would not even equal my monthly loan obligation."

This student was about to graduate from the West Virginia University College of Law (WVU). West Virginia is entirely within Appalachia—a region well-known for its stubborn and brutal poverty. Here the need for legal services for the poor is immense and this student, with professional degree in hand, was stymied from helping those in need.

Something had to be done. And so, in the fall of 1987, the West Virginia Fund for Law in the Public Interest ("Fund") was incorporated by a WVU law student and a WVU law professor. The initial aim of the organization was to fund permanent, full-time jobs at legal aid and similar organizations in West Virginia. Reality quickly set in, however, when the founders realized that such a goal was well beyond their initial financial reach. So, they turned instead to the creation of summer opportunities for students. The goal was three-fold: to provide a measure of free civil legal services to West Virginia's poor, to create a feeder system for legal aid organizations in West Virginia, and to sensitize future members of the bar to the vast, unmet need for legal services by West Virginia's poor.

The Fund partnered with the Public Interest Advocates ("PIA"), a student group at the College of Law, to raise enough money to send a handful of students to legal aid offices during the summers of 1988 and 1989. In a 1991 change to the state's IOLTA rule, the West Virginia Supreme Court specified that the Fund would be one of several entities to annually receive special grant funding from IOLTA and was to provide summer legal interns to the state's four legal services organizations. The significance of that decision was—and remains—enormous. The Fund was able to greatly expand the number of students it could send into the field from just a few students at the program's inception to as many as eighteen at a time—about 5% of the eligible student body each year. From the time of the Fund's inception until now, the Fund has sent nearly 300 second and third year students into the field. The Fund's inclusion in the IOLTA program was not the only factor in the Fund's ability to expand at this time—the donations of West Virginia's lawyers and the support of law students were others—but it was a crucially important factor.

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## West Virginia

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IOLTA funding not only helped the Fund increase the number of students in the program, it also made it possible to send the students to a wider range of organizations helping the poor. Today, thanks to IOLTA support, the West Virginia Fund for Law in the Public Interest sends students to a number of organizations, all of which are also IOLTA grantees:

- Legal Aid of West Virginia, the organization that serves the legal needs of the poor in all 55 West Virginia counties
- Childlaw Services, an organization that serves the needs of abused and neglected children in southern West Virginia
- Mountain State Justice, a legal aid society focusing on alleviating the problems caused for low-income consumers by predatory lending and
- West Virginia Senior Legal Aid, an organization that offers education and counseling on a range of issues affecting low-income seniors in West Virginia

Students provide thousands of hours of services each summer to clients of these organizations.

Some years ago, the Fund resolved to find a way to meet the goal it originally set for itself—making it financially possible for graduating students who had large debts to serve the poor through employment in legal aid societies. It set fund-raising goals that contemplated the continuance of the Fund's participation in the IOLTA program. Several years ago, those fund-raising goals were met, enabling the Fund to initiate a loan repayment assistance program for graduates. About a dozen students have since qualified for loan repayment assistance.

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The Fund was not satisfied with this progress, however. Even with the generous support offered through the loan repayment assistance program, only a few graduating students were able to take jobs with legal aid and similar organizations each year. Not every student who wanted to work in a public interest job was able to do so because there were simply not enough job openings to satisfy the demand. Cash-strapped legal aid organizations were unable to create a significant number of new positions.

Again using IOLTA funds as a stabilizing financial base, the Fund set its sights on establishing post-graduate fellowships at legal aid and similar organizations. Finally, that goal was reached when in 2007 the Fund selected its first post-graduate fellow and assigned her to Legal Aid of West Virginia to perform work on health care issues affecting the poor in West Virginia. In the fall of this year, Legal Aid of West Virginia will enjoy the presence of two post-graduate fellows. One will continue to work on health care issues; the second will focus his attention on housing issues. A third fellow will begin work at another organization serving the poor this fall.

Other students who have enjoyed summer public interest fellowships have been inspired to embrace a lifetime of service to the poor; they have gone on to not only work for, but head, legal aid and similar organizations. At the same time, the private practice and government sectors of the legal

profession in West Virginia have become populated by former summer public interest fellows. The chair of the Judiciary Committee in the West Virginia House of Delegates, partners at major law firms, heads of important state government agencies, the statewide political director for United States Senator Jay Rockefeller—all served as summer public interest fellows. On the national stage, summer fellows have gone on to teach at the University of Chicago Law School, lead a prominent environmental organization in Oregon, operate a nationally-known political blog and hold high-level positions with public interest organizations in Washington, D.C. and elsewhere. These individuals continue to be friends of legal aid.

The Fund has been able to enjoy some success because it operates as a partnership among law students, law faculty, the private bar, the West Virginia Bar Foundation and the West Virginia Supreme Court. A big part of the Fund's success is the environment in which it functions. The West Virginia State Bar has a long tradition of concern for the poor. It is from this tradition that the West Virginia Bar Foundation's IOLTA program—and its support for ventures like the Fund—grew.

Despite the measured success the Fund has enjoyed over the past twenty-two years, there is obviously much more to be done. There will be no shortage of poor persons who need legal help in the years immediately ahead. Those of us lucky enough to be associated with the Fund will not rest until every graduating student who wants to provide his or her professional services to the poor has a chance to do so.

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