



THE PHILANTHROPIC ORGANIZATION FOR

WEST VIRGINIA'S LEGAL PROFESSION AND JUSTICE SYSTEM

25 YEARS OF SERVICE

1988-2013

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PREFACE

We, the West Virginia Bar Foundation Board of Directors, are pleased to celebrate the 25th Anniversary of our statewide organization which serves as the philanthropic entity for the legal profession and the justice system here in West Virginia.

As a diverse group of fifteen judges and lawyers from all parts of the state and all types of law practice, we are the governing body which is committed to pursuing our mission to improve the administration of justice and the provision of legal services to the state's citizens. Through an array of charitable programs, services and grantmaking, our non-profit entity cooperates and collaborates with other groups, individuals and agencies to achieve our strategic goals and objectives in the most effective and efficient manner.

During its 25 years of existence, the Bar Foundation has attained many achievements and accomplishments that are highlighted in this excellent booklet. We look forward to continuing to be responsive and proactive for the betterment of West Virginia and our women, men and children.

2013-2014 BAR FOUNDATION OFFICERS	
Harry M. Hatfield, Esq.- President	Madison
Steven F. White, Esq.- Vice President	South Charleston
Ancil G. Ramey, Esq.- Secretary/Treasurer	Huntington
Barbara H. Allen, Esq.	Charleston
Judge Michael John Aloï, Esq.	Fairmont
Chief Judge John P. Bailey	Wheeling
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John H. Shott, Esq.	Bluefield
Kathy M. Santa Barbara, Esq.	Martinsburg
William Tracey Weber Jr., Esq.	Weston
David H. Webb, Esq.	Keyser

Thomas R. Tinder, Esq. – Executive Director Charleston

This 25th Anniversary Book was approved and reviewed by the Board of Directors, compiled and edited by Tom Tinder and printed by Dunbar Printing & Graphics.

WEST VIRGINIA BAR FOUNDATION HISTORY

1988-1993—BEGINNING STEPS

1994-1999—STRIDING FORWARD

2000-2005—INCREASING THE PACE

2006-2010—MAKING CHANGES

2011-2013—MOVING IN NEW DIRECTIONS

1988-1993---BEGINNING STEPS

As West Virginia's legal profession and justice system settled after the passage of the Judicial Reorganization Act amendment to the WV Constitution in the mid-1970's, there was a desire among the lawyers and the unified state judiciary, headed by the Supreme Court of Appeals, to enhance the law related programs and services for the legal profession and for the state's citizens. To support these endeavors, an overview was conducted and a determination was made that a non-profit, charitable bar foundation would be a beneficial entity to support these overall objectives. It began quickly with purchasing a facility for the mandatory statewide bar organization and implementing an Interest on Lawyer Trust Accounts (IOLTA) Program.

The West Virginia Bar Foundation was incorporated in the office of West Virginia Secretary of State Ken Hechler on December 30, 1988, as a non-profit corporation within the meaning of Internal Revenue Code Section 501(c)(3) for charitable, educational and scientific purposes. The incorporators were James MacCallum (Madison) and Kemp Morton (Huntington), two Officers of the West Virginia State Bar.

The administrative work was accomplished by Mark Smith, who completed almost a decade of excellent performance as the West Virginia State Bar Executive Director on December 31, 1988. Valuable input on the bar foundation concept had been received from the American Bar Association and during a personal visit and the provision of necessary planning documents from Larry Houchins, the Executive Director for the Mississippi State Bar and the Mississippi Bar Foundation.

In a memorandum from Kemp Morton, WV State Bar President, to the proposed initial Bar Foundation Board of Directors, dated February 17, 1989, he stated---“This newly-formed Foundation has been set up to facilitate a number of activities relating to the Bar and its membership. Its initial task will be to receive contributions and donations from members of the Bar relating to the new Bar office facility.”

The initial Board members were:

Sue Core (Elkins)
David Hardesty, Jr. (Charleston) (He could not accept the position and was replaced by
Charles Love, III-Charleston.)
Charlotte Lane (Charleston)
John McClaugherty (Charleston)
William Richardson, Jr. (Parkersburg)
Robert Wallace (Buckhannon)

Later, in May, 1989, Robert Steptoe, Jr. (Clarksburg) was selected to serve as the Board Chairperson.

The first meeting of the Board of Directors was held on June 6, 1989, at the new offices of the WV State Bar, the building owned by the Bar Foundation at 2006 Kanawha Blvd., East in Charleston. The agenda items included positions on the Board of Directors, the grand opening of the State Bar Center, the operation of the Center, fund raising activities, the Interest on Lawyer Trust Accounts (IOLTA) program and staff assistance.

As a result of the meeting, the original incorporators, James MacCallum and Kemp Morton, resigned their positions, as stipulated in the Bylaws. In addition, the Board nominated the remaining nine members of the fifteen member Board, as required in the Bylaws. (Charlotte Lane resigned her position on the Board because of the possible conflict of interest with her position on the State Bar Board of Governors.) The nine nominated persons were:

David Daugherty (Huntington)
John Fisher, II (Morgantown)
Helen Jackson-Gillison (Weirton)
Brooks Lawson (Williamson)
Charles Loeb (Charleston)
Thomas McCarthy (Wheeling)
Larry Morhous (Bluefield)
Lacy Rice, Jr. (Martinsburg)
Warren Thornhill (Beckley)

The Board also elected Mr. Steptoe as President, Ms. Core as Vice President and Mr. McClaugherty as the combined Secretary/Treasurer.

The Board reviewed the other items on the agenda and took no formal actions, except Mr. McClaugherty agreed to put together the necessary legal documents for the formal lease agreement between the Bar Foundation, as the owner of the 2006 Kanawha Blvd. building, and the State Bar, as the tenant.

During a Board meeting on September 7, 1989, the Board spent a great deal of time discussing various aspects of the 2006 building lease agreement, including an exchange of checks between the Bar Foundation and the State Bar, the amount of any gift from the State Bar to the Bar Foundation and whether or not the Bar Foundation would only provide the property as part of the lease and not pay for the cost of any improvements. Finally, a motion was approved that “the renovations and improvements to the building are the Bar’s responsibilities while the Foundation would be responsible for the purchase price of the building.”

The Board also reviewed gaining the necessary Internal Revenue Service tax exemption and a proposed fundraising campaign. Finally, State Bar President Morton, who was in attendance, went over the planned IOLTA program and there was agreement that “priority consideration” for legal services for the poor would be included in the IOLTA Rule that was to be presented to the WV Supreme Court for approval and implementation.

November 29, 1989 – The WV Supreme Court issues an Order initiating the Interest on Lawyer Trust Account (IOLTA) program in the state on a voluntary basis. West Virginia becomes the 49th state to implement this beneficial program which utilizes the small amounts of interest earned on short term lawyer trust accounts with the funds being distributed to non-profit entities which provide free civil legal services to low income citizens. With the cooperation of the banks doing business in the state through the WV Bankers Association, which received positive guidance from its legal counsel, David Hardesty, Jr. (Charleston), the program began receiving interest payments from lawyers and law offices which volunteered to participate.

December 1, 1989 – On that date, the Internal Revenue Service granted Section 501(c)(3) tax exempt status to the Bar Foundation. Significant legal assistance had been provided to the Bar Foundation, on a pro bono basis, by Secretary/Treasurer John McClaugherty and his law firm colleagues.

At the Board meeting on December 8, 1989, information was provided relating to the implementation of the IOLTA program and the tax exempt status enabling the start of the fund raising campaign. However, the major focus was the lease agreement and the work that had been accomplished by a joint committee of Bar Foundation and State Bar leaders. The Foundation’s committee members, Mr. Loeb, Mr. Love and Secretary/Treasurer McClaugherty, supported the report from Nicholas Casey (Charleston), one of the State Bar’s committee members, who made an extensive presentation. Finally, the Board officially approved the lease agreement and the other legal documents.

Significant amounts of time and effort were expended in December, 1989 and January and February, 1990, to get the IOLTA program up and running and to succeed in a fundraising campaign for the 2006 Kanawha Blvd. building. During a Board telephone conference call on February 27, 1990, it was reported that \$140,000 had been raised. In addition, the lease agreement was to be signed by the appropriate Bar Foundation and State Bar Officers.

The first Annual Membership Meeting was held on April 27, 1990 in Charleston, during the State Bar’s Annual Meeting. President Steptoe reviewed the successes during the first full year of operation by mentioning the ownership of the State Bar Center (2006 Kanawha Blvd. building), a fund raising campaign that had generated \$170,000 in pledges so far (the successful campaign was based upon a plan put together by WV State Bar Consultant Alisa Bailey) and the administration of the IOLTA program. The members in attendance elected the following members of the Board of Directors:

Sue Core (Elkins)
Grant Crandall (Charleston)
David Daugherty (Huntington)
John Fisher, II (Morgantown)
Helen Jackson-Gillison (Weirton)
Charles Loeb (Charleston)
Charles Love, III (Charleston)
Thomas McCarthy (Wheeling)
John McClaugherty (Charleston)
Larry Morhous (Bluefield)
Lacy Rice, Jr. (Martinsburg)
William Richardson, Jr. (Parkersburg)
Robert Steptoe, Jr. (Clarksburg)
Mote Thompson (Ashland, KY)
Robert Wallace (Buckhannon)

July 5, 1990 – During the Board meeting on this date, decisions were made on two priority matters. First, Mr. Richardson, who was serving as the Chairperson of the IOLTA Advisory Committee, a diverse group of lawyers, judicial representatives, bank officials and public citizens, proposed waiting for a period of time before making any IOLTA grants to worthwhile legal services organizations, as well as deciding how the funds would be distributed, and that up to 10% of the IOLTA funds be used for administrative costs, which was approved by the Board.

The second matter related to the financial condition of the Bar Foundation and the relationship with the State Bar. The Board approved a payment of more than \$16,000 to the State Bar and the appointment of Vice President Core and Secretary/Treasurer McClaugherty to work with State Bar Officers MacCallum and Casey “to agree upon an administrative and financial arrangement between the Foundation and the Bar.”

At the next Board meeting, on November 17, 1990, held at the West Virginia University College of Law in Morgantown, the Board spent significant amounts of time on the same two topics. IOLTA Advisory Committee Chairperson Richardson reported that more than \$50,000 had already been received after just the first quarter of operation---the projected goal had been \$60,000-\$100,000 for the entire year. The Committee recommended the distribution of IOLTA funds after the first two quarters and a specific distribution method---both of which were approved by the Board.

Then, Vice President Core made a presentation concerning administrative agreements between the Bar Foundation and the State Bar. A payment of over \$4,000 was made to the State Bar for the expenses in the initiation of the IOLTA program and the Foundation Officers were authorized to work out the final arrangements for the administrative services and the management services contracts between the two entities.

Moving into 1991, the Board held its first meeting on March 5, again at the WVU College of Law in Morgantown. Participating in a portion of the meeting was the Law School Dean, Don Gifford. The vast majority of the meeting consisted of reviewing the progress of the IOLTA Program. It was reported by IOLTA Advisory Committee Chairperson Richardson that 144 banks were participating along with 193 separate law offices. A total of \$161,000 had been received so far. The Board took action to distribute 80% of the \$124,900 to the four civil legal services programs in the state, as recommended by the Committee.

During the next Board meeting, on July 25, the Board decided to explore the possibilities of a commercial loan to be secured by the 2006 Kanawha Blvd. building. In addition, there was Board approval for IOLTA Program guidelines to provide IOLTA funding for special projects dealing with free civil legal services for low income citizens in the state.

The Board also approved administrative and financial agreements between the Bar Foundation and the State Bar for the July 1, 1991 - June 30, 1992 fiscal year that were presented by State Bar leader Nick Casey on behalf of the joint Foundation/Bar committee. Finally, Board Members Loeb and McClaugherty discussed fund raising activities.

With the booming success of the IOLTA Program right from the start, the Advisory Committee and the Board pursued its change from a voluntary activity for lawyers and law offices to a mandatory or comprehensive one. After gathering information from other states, a modified version of Rule 1.15 of the Rules of Professional Conduct was drafted. After communications with the WV Supreme Court, a formal Order was entered to make the IOLTA program a comprehensive one, effective September 15, 1991. At the December 5, 1991 Board meeting, it was reported that \$134,000 in IOLTA funds had been generated since July 1. The Board reviewed the IOLTA Committee's recommendation to distribute almost \$9,000 in special project funds to the Law School's Legal Aid Internship Program, and approved it, as well as directing the Committee to review the 80-10-10 (IOLTA grants-IOLTA special projects-IOLTA administrative fee) percentage distribution of IOLTA funds.

The Board members also discussed structural changes in the State Bar Center (2006 Kanawha Blvd. building) in order to make it accessible for handicapped persons and held an Executive Session to discuss the utilization of staff to handle Bar Foundation and IOLTA responsibilities.

The three priority items of the IOLTA Program, fundraising and necessary modifications to the State Bar Center continued to be the major decision making topics during the next Board meeting, which was held on February 6, 1992. The Board was informed that a small number of WV lawyers were faced with having to place their own funds in IOLTA accounts because of minimum balance requirements and lack of other financial institutions in their area. The Board approved the granting of specific exemptions, but noted that the procedure must be approved by the WV Supreme Court. A total of \$279,000 in IOLTA funds was distributed in accordance with the 80-10-10 formula, including \$3,500 to the Court Appointed Special Advocate (CASA) program in Cabell County, once approval was received from the Supreme Court.

Board members Loeb and McClaugherty reported that \$7,000 had been received from fundraising and that they would be sending a follow-up letter to all lawyers in West Virginia. Paul Marshall, a local architect, made suggestions to place the State Bar Center in compliance with the Americans with Disabilities Act at a cost of approximately \$20,000. The Board approved giving Mr. Marshall the responsibility to accomplish the changes, after getting three bids and selecting the lowest, responsible bidder.

Several weeks before the December 5 Board meeting, the WV Supreme Court, through its staff, had requested information and documents so that it could have a better understanding of the operation of the Bar Foundation and the State Bar, as well as the relationship between the two entities. After a follow-up meeting with Supreme Court Clerk Ancil Ramey and Supreme Court Administrative Director Ted Philyaw in early December, a formal letter report was sent to Clerk Ramey, dated December 13, 1991.

The report mentioned some financial aspects of the State Bar's operation and then went into specific detail regarding the Bar Foundation's brief history, Board governance, the ownership of the State Bar Center, the IOLTA program's success and Advisory Board membership, as well as the staff support agreement between the two groups.

For the IOLTA Program, it was stated that \$263,000 had been received in the July, 1990 - June, 1991 fiscal year and that it was projected that \$510,000 would be garnered in the fiscal year ending on June 30, 1992, primarily because of the comprehensive IOLTA Rule, as of September 15, 1991. The IOLTA distribution formula of 80-10-10 was referenced with the statement that---"Some states expend as much as 25% of their IOLTA funds for administrative support."

The remarks regarding the State Bar Center (2006 Kanawha Blvd. building) gave details concerning the purchase of the building, in the amount of \$257,500, which was financed by a loan from the State Bar and a loan from the owner of the building, Fred Sclavi, which was later turned into a bank commercial loan. In addition, renovations to the building had to be completed (air conditioning, electrical system upgrade, parking area paving and necessary office furnishings) in the amount of \$66,346.39, which were to be paid for by the State Bar. "Of that figure, \$16,346.39 was repaid by the Foundation and \$50,000 was forgiven by the Bar."

The letter concluded with comments regarding an amendment to the State Bar's constitution for the State Bar to give financial information to the Court with "more details on the various aspects of the programs and services of the Bar."

On April 24, 1992 at the Radisson Hotel in Huntington, the Board meeting and the Annual Meeting were held during the State Bar's annual convention. The Board took routine actions on several matters with important comments made regarding the loan balloon payment becoming due in May and that other financial arrangements needed to be made for the mortgage on the 2006 Kanawha Blvd. facility.

At the Annual Business Meeting, President Steptoe informed the approximately 20 Foundation members in attendance that the 1990-91 financial audit had been completed; since its inception on July 1, 1990, the IOLTA Program had generated approximately \$750,000 to benefit the provision of free civil legal services for low income citizens; the Bar Foundation ownership of the State Bar Center had led to it becoming a major meeting place for lawyers from throughout West Virginia; and then held the required election of Board members, who were:

Michael Chaney-Charleston
David Daugherty-Huntington
Richard Douglas-Martinsburg
Robert Fisher-Ripley
Robert Steptoe, Jr.-Clarksburg

When the Board held its next meeting on May 13, 1992, there was an election for new Officers, who were President John McClaugherty, Vice President David Daugherty and Secretary/Treasurer Charles Loeb. The review of other matters included a report that \$20,000 had been pledged for the fundraising campaign, that three proposals had been received from banks for the commercial loan on the 2006 Kanawha Blvd. facility and that Secretary/Treasurer Loeb and Board member Chaney were appointed as the Bar Foundation's representatives to work with the State Bar on the lease agreement between the two groups.

Later, on July 16, 1992, there was a meeting involving President McClaugherty, Secretary/Treasurer Loeb and Board member Love with State Bar officials - President Nick Casey, Al Emch and John Tinney - relating to the lease agreement, with Mr. Casey agreeing to put the document in final form.

Consequently, at the following Board meeting, on August 20, 1992, President Casey was present and stated that "he had just distributed proposed language to update the Lease Agreement for a new three year period." The Board's Committee had the authority to review the document and take the necessary action. Also, during the Board meeting, the "Officers were granted the authority to make any decisions which might be necessary concerning the ADA changes at the State Bar Center."

The 2006 facility and its lease agreement continued to be the major source of discussion during the next Board meeting on October 6, 1992. President McClaugherty led an extended discussion relating to the future for office space for the Bar Foundation and the State Bar with comments being made concerning a current review of the legal ethics process and the judicial ethics process which was currently occurring by an Ad Hoc Committee of lawyers, members of the judiciary system, and public citizens. Finally, a motion was approved for President McClaugherty and State Bar President Casey "to talk with the Supreme Court about the actual location of the State Bar Offices".

The most positive news for Board members was that more than \$1 million had been collected in just the first twenty-seven months of the IOLTA Program's operation.

1994-1999---STRIDING FORWARD

After being in existence for five years, the WV Bar Foundation had purchased a distinguished building as the home for the state's legal profession, initiated the Interest on Lawyers Trust Accounts (IOLTA) program with the support of the financial institutions and the Supreme Court to provide more than a million dollars in free civil legal services to low income citizens, and had begun to build a reserve fund for necessary programs and services. The Board of Directors was committed to initiating, continuing, and expanding the necessary programs and services in the coming years.

In 1993, the Board met on February 16 and received a recommendation from IOLTA Advisory Committee Chairperson Richardson to set up a reserve fund or "Rainy Day" fund for use in the future if IOLTA funds decreased for any reason. The Board approved placing \$66,000 in the fund, as well as distributing \$400,000 through the agreed upon formula. Board member Chaney presented the 2006 facility lease agreement with the State Bar and it was agreed upon. President McClaugherty also gave a report on the discussion with the Supreme Court.

At the April 20, 1993 Board meeting, Supreme Court Justice Margaret Workman was a guest and gave her insight on the positive aspects of the Court Appointed Special Advocates (CASA) programs that were being set up in various counties of the state. The Board passed a motion to request the State Bar to include the Bar Foundation membership dues notice in the annual mailing to WV lawyers to pay their State Bar required dues.

President McClaugherty presided over the next Board meeting, that occurred on June 29, 1993. There was a lengthy discussion about the IOLTA program based upon a letter that had been received from the Supreme Court's Administrative Director stating that the Supreme

Court would make final decisions on any IOLTA special grants in the future and that the Court had set a cap of \$50,000 per year for the IOLTA Program administrative expenses.

The Board members then reviewed and discussed the awarding of the special grants and, after motions and amendments, distributions were approved to the Children's Policy Institute, the Cabell County CASA Program and the Kanawha County CASA Program, based upon Justice Workman's comments during the April Board meeting.

There was the election of Officers with President McClagherty, Vice President Daugherty and Secretary/Treasurer Loeb being re-elected to serve another year. New Board members Caton Hill (Philippi) and Dan Ruley (Parkersburg) were welcomed to their first meeting and the Board agreed to have the Bar Foundation serve as the administrative entity for the WV Women's Commission and the State Bar's Women Lawyers Committee in accepting and distributing funds for a planned comprehensive legal handbook for women.

At the end of the meeting, State Bar President Jerry Jones, President-elect Barbara Baxter and Vice President Tom Flaherty made remarks to the Board on the topic of the legal ethics program in the state. A draft report from the Supreme Court had recommended that the program be removed from the auspices of the State Bar. The Board had gone on record, earlier, in support of the continuation of the legal ethics responsibilities within the State Bar and the Board members stated that they continued to support that position.

When the Board next met on November 2, 1993, the legal ethics system review by the Supreme Court was still a matter of interest. A formal motion was approved that the Bar Foundation still supported having the program remain with the State Bar with a second motion passed that "the Bar Foundation would agree to provide its assistance if additional office space is needed for Legal Ethics/Bar activities."

Also, the Board approved the 1993-94 fiscal year budgets for the Bar Foundation and the IOLTA program, with the direction that the actual time and expense figures for staff be kept and distributed to the Supreme Court. The Board also approved expenditures to have Bar Foundation and IOLTA materials placed in the annual State Bar Membership Directory, and a special committee was appointed to compile proposals for expenditures of Bar Foundation funds.

On April 24, the Board met for the first time in 1994. A report was given by the Board committee, consisting of Mr. Chaney and Mr. Crandall, to present worthwhile projects for Bar Foundation funding. The topics discussed and mentioned were Young Lawyer Section proposals, WVU College of Law student scholarships/clerkships, upkeep and upgrading of the State Bar Center and books for libraries in the state. The Board agreed to request books and video tapes from the American Bar Association. The Board also agreed to make expenditures to remove asbestos and repair duct work in the basement of the State Bar Center (2006 Kanawha Blvd. facility).

New Board members were welcomed at the next meeting on July 21, 1994. Nick Casey (Charleston) and Cheryl Henderson (Huntington) were present. Robert Trainer (Parkersburg) was also elected. In follow-up to concerns that had been expressed during the previous Board meeting, President McClagherty gave a full report on the recent meeting that he had with Supreme Court Chief Justice William Brotherton, Jr. as well as Court Clerk Ramey and Court Administrative Director Philyaw, who were also in attendance. The Chief Justice had informed President McClagherty that the Court did not want to operate the IOLTA Program and was satisfied with the work done by the Bar Foundation.

The Board also took action to approve the 1993-94 financial reports for the Bar Foundation and the IOLTA program, as well as the 1994-95 budget documents; passed a motion to serve as a co-sponsor and funding administrator for a Symposium on Judicial Selection Procedures to be held in October, 1994; agreed to provide a loan to the State Bar for new office computers; and re-elected President McClagherty, Vice President Daugherty and Secretary/Treasurer Loeb as the Officers for the organization.

During the next meeting, on December 6, 1994, the Board continued its consideration of programs, including the successful Symposium on Judicial Selection Procedures that had been held in October; the expansion of activities with the approval of determining whether Consumer's Guides from the American Bar Association could be distributed to the 179 public libraries in the state; and President McClagherty's agreement to put together a proposal to honor a layperson and a lawyer for their leadership in community affairs.

The first Board meeting in 1995 occurred on February 23 and the IOLTA Advisory Committee report was another one of outstanding progress. For the recent six month period of July 1, 1994 through January 1, 1995, approximately \$600,000 had been generated. The Board made decisions to apportion the funds among grants to legal services organizations, special grantees and administrative costs, with a small amount for a scanning machine, to be approved by the WV Supreme Court.

The Board meeting on June 27 included a review of the two financial funds, one for the IOLTA program and one for the Bar Foundation, as the 1994-95 fiscal year came to a close. The IOLTA program would go over the \$1 million mark for the fiscal year and over \$2.5 million since its inception on July 1, 1990. The Board approved IOLTA distributions and a Bar Foundation payment of \$40,000 to the State Bar for administrative services with the strong request to include Bar Foundation membership dues in the State Bar's dues mailing.

The Board also welcomed two newly elected members-WVU Law School Dean Teree Foster (Morgantown) and Gary Sacco (Wheeling) as well as conducted Officer elections with President McClagherty and Secretary/Treasurer Loeb continuing in their positions and Robert Wallace(Buckhannon) serving as Vice President. Another newly elected Board member was Michele Grinberg (Charleston). Board member Crandall was selected to replace former Board member Richardson as IOLTA Advisory Committee Chairperson.

Dean Foster accepted the responsibility of re-drafting the criteria for the public citizen and the lawyer citizen of the year awards to be presented in 1996.

After a pro forma Board meeting on July 20, 1995 with continuing reviews of Bar Foundation work, the following Board meeting was held on November 29. In the interim, the federal Legal Services Corporation had been required to make major changes in its funding of legal services programs in the states. So called "replacement programs" were to be initiated to handle class action legal suits and fee generating cases that could no longer be done by regular legal services programs which received federal government funds. Long time legal services lawyer and administrator Jim Martin made a lengthy presentation to the Board.

A Final Draft for the Implementation of a Replacement Program was approved with the agreement that it would be referred to the WV Supreme Court for its review and consideration. The Board requested that the IOLTA Advisory Committee provide its input on the percentage of IOLTA funds that should be assigned to the replacement program.

Finally, the Board approved the final criteria and application form for the special recognition awards to the Public Citizen of the Year and the Lawyer Citizen of the Year.

The February 12, 1996 Board meeting included the approval of the new Mountain State Justice organization as the Replacement Program in West Virginia and for it to receive a stated portion of the IOLTA funds.

During the next Board meeting, on April 16, 1996, the Board members spent time discussing the annual membership dues payments for the Bar Foundation. The Board reviewed the level of membership dues payments, which had never reached the participation figure that the Board had planned on. It was agreed that additional dues notices would be sent to the lawyers in the state.

The Board also reviewed the nominations that had been received for Public Citizen of the Year and Lawyer Citizen of the Year awards. Then, the Board approved Newton Thomas (Charleston) and Dan Ringer, Esq., (Morgantown) to receive the first awards. After more discussion, the Board approved the Management Agreement between the Bar Foundation and the State Bar for the 1996-97 fiscal year.

The Board welcomed its newly elected Member, Richard Ford, Sr. (Lewisburg), at its next meeting on November 1, 1996. Regarding the IOLTA Program, more than \$672,000 had been generated during the prior fiscal year ending on June 30, 1996. In addition, the West Virginia Supreme Court had recently amended the IOLTA Rule relating to special grants and named three entities to receive these funds—CASA programs and, at the WVU College of Law—the Public Interest Advocates and the Appalachian Center.

More time was spent reviewing the working relationship between the Bar Foundation and the State Bar. President McClaugherty appointed Board members Casey, Chaney and Loeb to serve on a joint committee with State Bar Board members to negotiate the Management Agreement and the State Bar Center Rental Agreement.

The first action taken during the Board meeting on December 17, 1996 was the re-election of the Officers-President McClaugherty, Vice President Wallace and Secretary/Treasurer Loeb. In regard to the IOLTA Program, the Board approved the distribution of the available funds to the grantees and the placement of additional money in the Rainy Day Fund, increasing that amount to \$85,000. Notification of these actions were forwarded to the Supreme Court.

Board Member Casey gave an extended report on the negotiations between the members of the joint Foundation/Bar Committee. There was a need to determine the requirements for compliance with the Americans with Disabilities Act and architect Paul Marshall would be contacted for his expertise. In addition, there were continuing discussions "to increase the square foot cost and the rental payment from the State Bar, as tenant, to the Bar Foundation, as the landlord."

For the Board meeting on March 25, 1997, the IOLTA Program was thoroughly reviewed as had been done at all Board meetings. With available IOLTA funds in the amount of \$578,000, decisions were made to allocate money for legal services programs, special grants and the annual administrative fee of \$50,000 with the remaining amount of \$171,000 being placed in the Rainy Day Fund. These recommendations were provided to the Supreme Court.

Also, the Joint Committee representatives, Board members Casey and Chaney, reported that ADA information would be provided by the architect and then the normal Lease Agreement for the 2006 building would be acted upon. The Board again talked about annual membership dues and decided to make personal contacts with past State Bar Presidents to encourage them to become dues paying members.

The Board held a telephone conference call on April 15, 1997 for the sole purpose of selecting the Public Citizen and Lawyer Citizen of the Year honorees. After some amount of consideration, the Board approved Frank Mazzei (Summersville) and Forest "Jack" Bowman, Esq. (Morgantown) as the recipients to be presented at the State Bar Annual Meeting on May 9, 1997.

The August 12, 1997 Board meeting began with a welcome for the newly elected Board Member, Howard Persinger (Williamson). Additionally, WVU Law School Dean Foster had left her position and the Board voted to replace her with Interim Dean John Fisher, II.

President McClaugherty requested the review of the Bar Foundation financial report which showed reserve funds in the amount of \$147,000. After approving a budget for the 1997-98 fiscal year, the Board went over the IOLTA Program funding, which had exceeded \$1.1 million for the 1996-97 fiscal year. There was a balance of \$601,000 available for distribution for the legal services programs, the special grantees, \$5,000 in reserve for automation and the addition of \$25,000 to the Rainy Day Fund (\$196,000 total); with President McClaugherty stating that he would provide the recommendations to the Supreme Court.

At the end of the meeting under "Other Business", State Bar Executive Director Tom Tinder distributed materials regarding a special Founders category that could provide additional funds and recognize outstanding lawyers and judges in the state. The documents related

to Fellows programs in existence at the American Bar Association and the Nebraska Bar Foundation. The Board requested that he put together a formal proposal on the matter.

The lease agreement between the Bar Foundation and the State Bar was the primary topic of discussion during the Board meeting on November 20, 1997. Secretary/Treasurer Loeb and Board Member Chaney, two of the Bar Foundation's representatives on the joint committee with the State Bar, presented a draft document that was reviewed and approved by the Board.

From a financial standpoint, both the IOLTA Program and the Bar Foundation operation were in good condition. The Board went over the IRS Form 990 for the 1996-97 fiscal year. Finally, the Board considered a draft proposal for a Bar Foundation Fellows program. In order to finalize the new endeavor, President McClaugherty appointed a committee consisting of Secretary/Treasurer Loeb and Board Members Casey and Persinger.

The first matter for action at the March 12, 1998 Board meeting was the election of Officers, which had been previously postponed. The Board re-elected President McClaugherty, Vice President Wallace and Secretary/Treasurer Loeb. Then, it was reported that the State Bar Board of Governors had approved the Lease Agreement for the 2006 Kanawha Blvd. building for a three year period, beginning on July 1, 1997. It had been agreed upon at the Bar Foundation Board previous meeting.

The Board discussed the IOLTA Program including its continuing success, a pending decision by the U. S. Supreme Court and the possibility of West Virginia state government funding. After a presentation by State Bar Vice President Dan Ringer concerning a proposed legal affairs program on the statewide public television system, the Board agreed to "endorse such a program and will support it by participation and by serving as a fiscal agent, if necessary."

Then, the Board received a recommendation from the appointed committee and approved the implementation of a Bar Foundation Fellows Program to recognize outstanding members of the judiciary and the legal profession with the first meeting to occur in September, 1998. Finally, the Board selected James "Buck" Harless (Gilbert) as the Public Citizen of the Year and John McClaugherty (Charleston) as the Lawyer Citizen of the Year. (President McClaugherty left the meeting room during the discussion and voting.)

Heather Heiskell Jones (Charleston) and James Companion (Wheeling) were welcomed as new Board members at the beginning of the Board meeting on April 28, 1998. The Board members reviewed the finances for the IOLTA Program and the Bar Foundation operation. It approved a distribution of \$755,000 for legal services programs, special grantees, administrative costs and \$200,000 in the Rainy Day Fund with President McClaugherty presenting the information to the Supreme Court for review and approval. Also, the Board approved a resolution to transfer the IOLTA Program funds from a savings account to a money market account at an interest rate that was more than double.

The Board considered the Bar Foundation Fellows Program again, made some modifications and approved it for final initiation. For the Officer positions, the Board elected Nick Casey as President, Robert Wallace as Vice President and Charles Loeb as Secretary/Treasurer. Lastly, the Board approved an expenditure to support the June 10, 1998 reception to honor WVU Law School Dean Fisher and faculty members at the new Robert C. Byrd Federal Building in Charleston.

The IOLTA Program was the subject of significant discussion at the Board meeting held on July 14, 1998. The discussion included a recent decision of the U. S. Supreme Court that would have an impact on IOLTA programs; and the utilization of money in the Rainy Day Fund, with input provided by Bruce Perrone, a member of the IOLTA Advisory Committee and a longtime legal services program attorney; and an agreed distribution of \$252,000.

The Board received comments from Law School Dean Fisher and U. S. District Court Chief Judge Charles Haden regarding the successful reception recently held at the Federal Courthouse in Charleston, which had been supported by the Bar Foundation. The Board members reviewed its financial condition and were requested to make nominations for the first class of Bar Foundation Fellows.

During the September 16, 1998 Board meeting, there were more actions taken regarding the IOLTA Program, including the recommended distribution of \$200,000 for legal services programs, special grantees and administration, with \$205,000 being retained for the Rainy Day Fund and automation and the appointment of two special grantee representatives and two lawyers to the IOLTA Advisory Committee. Direction was received from the WV Supreme Court that no changes be made in the program until final action by the Federal Court system..

President Casey announced that there was a need to renew the mortgage loan documents with Bank One and the Board authorized him to do so. The Board agreed to have the first induction ceremony for Bar Foundation Fellows on May 13, 1999. A committee to recommend members of the first class was appointed, consisting of President Casey and Board Members Jones, Persinger, Fisher and Hill.

The Board approved a motion to have a presence on the "World Wide Web" by having its own homepage or by having it as a segment on the State Bar's homepage. There was also a review of needed modifications to the 2006 Kanawha Blvd. building for a handicapped ramp and the first floor bathroom. The architect had not responded to numerous requests.

After considering the IOLTA Program at its November 18, 1998 meeting and agreeing to wait to see if the Supreme Court wished to have a news conference to announce grants, the Board made decisions relating to the Bar Foundation Fellows Program. It approved the first class of 21 lawyers and 2 judges with the committee given the task of recommending more persons if some of the 23 Fellows declined for any reason and that President Casey and Board Member McClaugherty would work on promoting the May 13, 1999 event. The Board members were requested to provide names of reputable construction contractors to bid on the renovation work at the State Bar Center (2006 Kanawha Blvd. building).

Under the topic of Other Business, President Casey informed the Board of the resignation of Secretary/Treasurer Loeb, which was accepted with regret. The Board then elected Board Member Chaney to serve as the Secretary/Treasurer. It was also reported that there were 75 Lifetime Members of the Bar Foundation.

The January 19, 1999 Board meeting primarily dealt with the IOLTA and the Bar Foundation Fellows programs. The Board decided to distribute \$360,000 to legal services programs and have set asides of \$25,000 for special grantees, \$40,000 for administration, \$200,000 in the Rainy Day Fund and \$5,000 for automation, with the Supreme Court giving its final approval.

For the Bar Foundation Fellows Program, the Board set the ticket price at \$50 for the May 13, 1999 event, which was to include a reception and dinner, as well as reviewed the program's guidelines. Lastly, the Board requested a formal bid from Pray Construction for the building remodeling.

The Board met again on February 23, 1999 and reviewed the IOLTA Program report that showed \$673,000 had been received from July 1, 1998 through January 31, 1999. The new Chief Justice had not yet responded as to holding a news conference to announce the awarding of IOLTA grants. There was an extensive report on the Bar Foundation Fellows Program with eleven persons having accepted the nomination, sponsorships being available for \$200 and deadlines leading up to the May 13 event. The Board also decided to secure a remodeling contract with Pray Construction for \$35,000-\$40,000.

President Casey began the March 23, 1999 Board meeting by highlighting the successful IOLTA News Conference that had occurred on March 22 with Supreme Court Chief Justice Larry Starcher, State Bar President Elliot Hicks and West Virginia Bankers Association official Doug Maddy. He then informed the Board that 19 persons had accepted nominations as Bar Foundation Fellows with three declining. In addition, the Board agreed to support the proposed Legal Needs Survey by contributing \$2,000 from the Bar Foundation and \$2,000 from the IOLTA Program.

For the fourth consecutive month, a Board meeting was held. On April 14, 1999 the Board selected Deborah Sullivan (Charleston) to receive the Public Citizen of the Year Award and Catherine Munster, Esq. (Clarksburg) as the Lawyer Citizen of the Year recipient. President Casey reviewed the final preparations for the first Bar Foundation Fellows event which was to be held on May 13. There would be twenty lawyers and judges honored at the dinner in Charleston. IOLTA distribution decisions were made and the Board approved the renovation work to be done at the State Bar Center at a cost of \$48,000.

On June 16, 1999, two new Board members attended their first meeting---Claudia Bentley (Martinsburg) and Elizabeth Rose (Fairmont). John Busch (Elkins) had also been elected as a Board member. President Casey reported that the first Bar Foundation Fellows Dinner had been an overwhelming success.

Board Member Chaney, who also served as the IOLTA Advisory Committee Chairperson, provided an extensive IOLTA report including proposed distribution and set asides in the total amount of \$630,000, as listed below, with approval by the Supreme Court:

- Legal Services Programs-\$245,000
- Special Grantees-\$127,000
- Management Fee-\$50,000
- Rainy Day Fund-\$200,000
- Automation Program-\$5,000
- Symposium Commitment-\$2,000
- NAIP Assessment-\$1,000

The \$2,000 commitment to the Legal Services for the Poor Symposium would be to have the necessary work done on the legal services state plan which was to be provided to the federal Legal Services Corporation by October. A similar \$2,000 commitment was approved to be paid from Bar Foundation funds. The NAIP Assessment was received from the National Association of IOLTA Programs for WV's share of the legal work done on the IOLTA case in the Federal District Court in Texas.

In reviewing the Bar Foundation's 1998-99 financial report and approving the 1999-2000 budget, the Board approved the ongoing \$25,000 annual management fee to the State Bar, agreed upon a \$2,000 donation to the new public television legal affairs program beginning in the fall and received a report on the completed renovation work to the State Bar Center. At the end of the meeting, the Board agreed to act as the custodian of the funds to be raised for the Federal Court Judge William Kidd Memorial Fund for a scholarship program at the WVU College of Law.

The actions during the September 22, 1999 Board meeting included the distribution of \$285,000 in IOLTA funds to the four legal services programs in the state, approval of financial reports after a financially positive Bar Foundation Fellows Dinner and a decision that the first class of Fellows would make nominations for persons to be included in the 2000 class with the final selections being made by the Board.

For the last Board meeting in the 20th Century on December 9, 1999, President Casey thoroughly reviewed the IRS Form 990 that had been prepared by the Simpson and Osborne accounting firm. There was also a discussion about the costs for an audit of the Bar Foundation's finances. The Board approved distributing \$158,000 in IOLTA funds to the legal services programs.

2000-2005-INCREASING THE PACE

In the first few years of the 21st Century, the Bar Foundation increased the pace in a number of areas, including the IOLTA Program (its constitutionality, concentration on the banks with the most accounts, legal needs survey and consolidation of legal services agencies), strategic planning (Governance, staffing, grantmaking and support for law students), the purchase of a second facility and program expansion (Especially into the area of law related education).

The main discussion, at the February 17, 2000 Board meeting, was directed towards the recent decision by the U.S. District Court in Texas that the IOLTA program was constitutional, that it did not involve a “taking” and that there was no unjust enrichment. It was felt that the opinion would be appealed to the Fifth Circuit Court of Appeals.

The Board also made decisions in favor of Sam Bowling (Charleston) as Public Citizen of the Year and James West, Esq. (Clarksburg) as the Lawyer Citizen of the Year. Finally, the Board selected 20 persons to be members of the 2000 class of Bar Foundation Fellows.

President Casey led the discussion during the Board meeting on April 13, 2000 concerning the distribution of IOLTA funds (\$433,000 to the three legal services programs in the state), the appeal of the IOLTA decision to the Fifth Circuit Court of Appeals, the second Bar Foundation Fellows Dinner set for May 4, 2000 and the positive impact of the legal affairs public television program that began in the fall of 1999 with the co-sponsorship of the Bar Foundation.

The July 13, 2000 Board meeting was called to order by Secretary/Treasurer Chaney since the Board terms for President Casey and Vice President Wallace had ended after the previous Board meeting in April. The Board then elected the Officers for the current year--- President Chaney, Vice President Henderson and Secretary/Treasurer Robert Fisher.

President Chaney went on to give the report for the IOLTA Advisory Committee, including the continuing IOLTA program litigation in the Fifth Circuit Court of Appeals, merger discussions between the WV Legal Services Plan and Appalachian Legal Services, two of the legal services programs in the state, a total of \$1.257 million generated by the IOLTA program in the 1999-2000 fiscal year and a proposed distribution of \$288,000 for legal services programs and special grantees, \$200,000 in the Rainy Day Fund and \$5,000 for automation, which was underway. The Board agreed to the IOLTA Program distribution to be approved by the Supreme Court.

Next, the 1999-2000 financial report was reviewed---it had been another positive year for Bar Foundation finances. In addition, there was a proposal from ALPS (Attorneys Liability Protection Society) for a minority student scholarship program at the WVU College of Law. After some discussion, the Board agreed to serve as the conduit for these funds, if needed. Lastly, the three year Lease Agreement for the State Bar Center (2006 Kanawha Blvd. building) had expired on June 30, 2000, although it continued to be in effect. The Bar Foundation Officers were appointed to serve as the representatives in re-negotiating the lease with the State Bar.

The Board members welcomed new Board member Elliot Hicks (Charleston) to the October 26, 2000 meeting. Additionally, during the meeting, Robert Noone (Logan) was appointed to fill a vacancy on the Board and Board Member Hicks was appointed to serve as the IOLTA Advisory Committee Chairperson. After reviewing Bar Foundation activities and agreeing to the IOLTA program, the Board thoroughly discussed a request for \$7,500 relating to the merger discussion involving the WV Legal Services Plan and Appalachian Legal Services, which was a major portion of the state plan work that the Bar Foundation had previously supported. After lengthy comments, the Board approved the \$7,500 grant to be paid from IOLTA funds.

President Chaney began the January 24, 2001 Board meeting by welcoming the newly appointed member, Robert Noone. Then, the Board considered a report from the IOLTA Advisory Committee to make distributions in the amount of \$237,500, which would be recommended to the Supreme Court for final approval.

On behalf of the joint Bar Foundation/State Bar committee, President Chaney presented the State Bar Center Lease Agreement for a term from July 1, 1999 through June 30, 2002 with the monthly amounts of the lease being \$2,514 for the first year and \$2,640 for the last two years, increasing the insurance limit of liability to \$1 million and that the State Bar would supply \$10,000 of improvements to the 2006 Kanawha Blvd. facility. The Lease Agreement was approved by the Board.

Two newly elected Board members were present at the April 17, 2001 meeting—Al Emch (Charleston) and William File, III (Beckley). The Board reviewed the IOLTA program and the recommended distribution of \$390,000 to the legal services programs and special grantees with set asides in the amounts of \$200,000(Rainy Day Fund), \$12,500(Portion of Management Fee), \$5,000(Automation) and \$7,500(Merger of Legal Services programs). The Board passed a motion to forward these recommendations to the Supreme Court for final approval.

The Board then considered the fiscal year budget and the reserves of \$198,000, received a Bar Foundation Fellows Dinner report and heard about the awarding of the Citizen of the Year to Reverend Donal Squires (Fairmont) and the Lawyer Citizen of the Year to Lary Garrett, Esq. (Moorefield). The Board elected Officers for the coming year—Cheryl Henderson-President, Howard Persinger-Vice President and Heather Heiskell Jones-Secretary/Treasurer---as well as approving a motion, after an Executive Session, ‘to increase the annual management fee to the State Bar by \$10,000 which would be used for a deferred compensation program with that amount of money to be matched by a similar amount from the State Bar.’

Finally, an extensive amount of time was spent discussing the purchase of the 2008 Kanawha Blvd., East building and property as the location for the Lawyer Disciplinary Board and perhaps the Judicial Investigation Commission and the Board of Law Examiners. The State Bar Board of Governors was on record in favor of the property purchase. The Board approved a motion to pursue the purchase of the property and that the Officers would be the decision makers relating to the transaction.

President Henderson began the July 26, 2001 Board meeting with a lengthy discussion of the IOLTA program and the process for distributing the IOLTA funds. The IOLTA Advisory Committee had recommended that as soon as the Committee received a formal request from the grantees and approved a distribution that it would be made, in accordance with the allocations stated in the Supreme Court IOLTA Order. Thereafter, the Board could review the distribution and determine if the Supreme Court wished to hold a news conference. The Board then approved a \$181,000 distribution, as stated in the Order.

The Board went through the 2000-01 financial report which contained a surplus of approximately \$6,000 and approved a break even budget for 2001-02. It then made plans for the 2002 Bar Foundation Fellows program. Another financial matter was the ALPS Minority Student Scholarship Program at the WVU College of Law. There was the opportunity to secure substantial amounts of money to secure this program through ALPS mutual funding. The Board agreed to have the Officers meet with State Bar Officers to get the most positive result from this situation.

The last major item on the agenda was the 2008 Kanahwa Blvd. property purchase and lease. President Henderson informed the Board that the property had been purchased for \$573,000---a Bank One loan of \$420,000 and a State Bar loan of \$153,000. Both loan payments would be made through the rental payments made by the State Bar. The Board members reviewed and approved a three year lease agreement between the Bar Foundation and the State Bar that had been negotiated by the Officers for the two entities.

The October 18, 2001 Board meeting began with President Henderson requesting the IOLTA Advisory Committee report, which was given by Chairperson Hicks. He said that \$292,000 had agreed to be distributed to the grantees and that Supreme Court Chief Justice McGraw had participated in an IOLTA news conference when the distribution had occurred with President Henderson, State Bar President Tinney and Bank One President Mark Prince. A Court of Appeals decision in the past week had ruled that IOLTA programs were unconstitutional and it would be appealed to the U. S. Supreme Court.

The Board reviewed the financial report and approved it. The Board agreed to the 2001 Bar Foundation Fellows class with Mr. Persinger leaving the room. Then, the Board discussed the demutualization of the Attorneys Liability Protection Society (ALPS) and having the individual \$1,000 contributions pledged to the Bar Foundation for minority student scholarships at the WVU College of Law. Approximately \$46,000 had been pledged already and the Bar Foundation and the State Bar had agreed to jointly encourage the pledges to be made.

President Henderson began the January 10, 2002 Board meeting with the IOLTA report, which was approved to distribute \$250,500 to the grantees. After some comments about the reduction in interest rates and increase in fees charged by financial institutions, the Board agreed to wait for a specific proposal from the IOLTA Advisory Committee. The Board reviewed the financial report and approved it.

Under the topic of Other Business, President Henderson informed the Board of a request from the State Bar's Commission on Children and the Law to administer a \$10,000 grant to be received from the Benedum Foundation, and the Board agreed to do it.

For the Board Meeting on March 28, 2001, President Henderson requested the IOLTA Advisory Committee report, which was to distribute \$91,000 to the grantees, and it was approved. The Committee reported continued work on a plan to increase interest rates and decrease services fees on IOLTA accounts. Then, the financial report for the first eight months of the fiscal year was reviewed and approved.

The last item for consideration was the Citizen of the Year and Lawyer Citizen of the Year Awards. The Board approved the selection of Adrienne Worthy (Charleston) as Citizen and Richard Yurko, Esq. (Clarksburg) as Lawyer.

On June 13, 2002, the Board meeting began with an extended discussion relating to the IOLTA program. It was announced that an IOLTA constitutionality federal court case from Washington and the Ninth Circuit Court of Appeals had been accepted on appeal to the U. S. Supreme Court. In addition, the Board approved IOLTA distributions to the legal services programs (\$122,000), special grantees (\$22,000 plus \$15,000 from the Rainy Day Fund), management fee to State Bar (\$50,000), automation (\$5,000) and remaining amount in the Rainy Day Fund (\$85,000).

The Bar Foundation financial report was good for the 2001-2002 fiscal year with approximately \$10,000 being projected to be added to the present reserves of \$252,000. Also, about 190 persons attended the successful Bar Foundation Fellows Dinner in May. The Board then elected new Board members for a three year term—David Burton (Princeton), Robert Goldenberg (Parkersburg) and Jerry Jones (Clarksburg) and re-elected the Officers for another year-- - President Cheryl Henderson, Vice President Howard Persinger and Secretary/Treasurer Heather Heiskell Jones.

The Board of Directors meeting was called to order on September 19, 2002 by President Henderson and the major item was a presentation by Nate Bowles, Esq. and Adrienne Worthy, Board Member and Executive Director, respectively, of the new statewide legal services organization—Legal Aid of West Virginia. It had originated in January, 2002, and was experiencing financial difficulties because of a reduction in the federal Legal Services Corporation funding and a decreased level of available IOLTA funds. After many comments, a motion was passed to provide up to \$50,000 for 120 days at no interest and then 6% after that time period. If the loan was not re-paid in 120 days, then there could be the assignment of future IOLTA funds to re-pay the money.

In addition, the Board authorized funds to support Legal Aid in undertaking a needs survey for low income citizens. Comments were also made about an appeal of a Federal Court decision to the U. S. Supreme Court concerning the continuation of the IOLTA program with a final decision expected by June, 2003.

Relating to financial matters, the Board moved for the Officers to negotiate, with the State Bar, a loan to pay off the mortgage loan on the 2006 Kanahwa Blvd. property in the approximate amount of \$56,000; it was reported that more than \$51,000 had been transferred through the Bar Foundation to set up the ALPS Minority Student Scholarship Program at the WVU College of Law; the Board agreed to gather other

organization's guidelines for financial contributions; and that \$1,445 would be provided to the Bar Foundation from a repair work escrow account that had been held for one year for maintenance work done on the 2008 Kanawha Blvd. property.

During the January 16, 2003 Board meeting, there were numerous comments made about the Bar Foundation's support for the work of Legal Aid of West Virginia. The State Bar had made a \$175,000 loan to the legal services organization in November and it was to be re-paid in the next few weeks. There had been no need for the Bar Foundation to contribute funds for that loan. However, the Bar Foundation would be making about a \$6,000 payment for the Legal Needs Survey, with a matching amount from the State Bar, and then, the Board agreed to make a \$1,000 donation to the current statewide Legal Aid fundraising campaign.

The Board approved recommendations for the 2003 class of Bar Foundation Fellows with Board Members Bentley and Rose abstaining, from both the discussion and voting, and with Mr. Tinder leaving the meeting room. Finally, the Board continued its ongoing discussion concerning the possibility of a Bar Foundation grant making process, by reviewing materials from the Beckley Area Foundation and the Greater Kanawha Valley Foundation and appointing a committee to provide a report at the next Board meeting.

The next Board meeting was held on March 27, 2003 and it was reported that the U. S. Supreme Court had handed down its decision on the previous day in the IOLTA case, which was distributed to the Board members (*Brown v. Legal Foundation of Washington*). The Court opined that the IOLTA programs in all 50 states were legal and constitutional, so the programs would continue forward.

Board Member Emch announced that Legal Aid of WV had launched a fundraising campaign to receive \$1.2 million within the next three years. President Henderson went over the Bar Foundation Fellows Dinner, set for May 1, and it was agreed that a survey would be sent to all Fellows to ascertain their interest in pro bono or other worthwhile activities. The Board approved Richard Waybright as Citizen of the Year and James Stealey, Esq. as Lawyer Citizen of the Year. Also, the Board took action in passing a motion for the guidelines for the grantmaking process.

Towards the end of the meeting, the Board talked about a possible loan arrangement between the Bar Foundation and the State Bar involving the State Bar Center. At the present time, there is a bank mortgage loan on the facility. The Board agreed to appoint the Officers to negotiate an appropriate loan arrangement for such a transaction.

The new President, Heather Heiskell Jones, began the June 19, 2003 Board meeting by welcoming the new members---Joseph Farrell (Huntington), Carl Harris (Fayetteville) and Larry Skeen (Ripley). In addition, the other new Officers---Vice President Al Emch and Secretary/Treasurer William File, III, ---were also participants at the meeting.

IOLTA Advisory Committee Chairperson Hicks presented the recommended actions of distributing \$109,000 to the legal services programs and the special grantees with \$55,000 continuing to be set aside in the Rainy Day Fund, which actions were approved by the Board. President Jones led a full discussion of the Bar Foundation's financial condition with action being taken to consider re-financing the loan on the 2008 Kanawha Blvd. building and property. The Board discussed an annual report publication and then approved the financial report and the 2003-04 budget, subject to any loan re-financing and annual report costs.

On September 18, 2003, the Board began its meeting with the IOLTA Advisory Committee recommendations from Chairperson Hicks. The Board took the necessary action for the distribution of \$108,000 to the legal services programs and the special grantees, adding \$5,000 to the Rainy Day Fund amount of \$55,000 and setting aside \$10,000 to pay the entire management fee in June, 2004. The Board also approved its 2003-04 financial report and reviewed the 2002-03 revenues and expenses.

The Foundation Fellows Activities Committee reviewed its work and planned to continue determining what actions should be undertaken, including perhaps a Speakers Bureau and participation in the We, the People civic education program. The Grantmaking Committee presented a grant request that was declined by the Board with a request that the Committee come up with a budget, publicity and mission statement. Finally, the Board approved the general outline for a 2002-03 Annual Report.

President Jones called upon the Grant Making Committee for its report during the December 11, 2003 Board meeting. As had been requested by the Board, the Committee recommended that \$5,000 be made available for grants, that publicity be placed in the WV Lawyer magazine and in the Bar Blast email system and that the mission statement be "to improve the administration of justice and the availability of legal services to West Virginia's citizens". The Board approved the Committee's recommendations.

In addition, the Board took action to distribute \$101,000 in IOLTA funds and retain \$60,000 in the Rainy Day Fund. The 2004 class of Bar Foundation Fellows was agreed upon, with Vice President Emch abstaining from voting on the matter. Then, there were numerous positive comments made relating to the 2002-03 Annual Report that had been printed and distributed in the WV Lawyer magazine that showed more than \$10 million in IOLTA funds distributed, a listing of the Bar Foundation Fellows, Awards selections and Bar Foundation reserves in the amount of \$212,000.

The concluding matter of business was a personal report from Legal Aid of WV representatives, Adrienne Worthy and Jim Martin, on the topic of the Legal Needs Assessment. The extensive final document was provided to the Board members and it was agreed that it would be very helpful in future planning. The Board approved an additional expenditure of \$812, beyond the original commitment of \$6,000, because of the larger sample surveyed.

The Board spent a significant amount of time at its March 3, 2004 meeting on the IOLTA Program agenda item. IOLTA Advisory Committee Chairperson Hicks reported that Committee member Scott Segal and he had met with Sandy Murphy, the general counsel for the WV Bankers Association and that she had agreed to discuss, with the Association members, the topics of higher interest rates and elimination of service charges on IOLTA accounts. The Board approved the distribution of \$79,000 in IOLTA funds to the legal services programs and the special grantees, in accordance with the Supreme Court Order, and the retention of \$60,000 in the Rainy Day Fund.

Also, the Board continued to talk about activities for Bar Foundation Fellows in the areas of pro bono work and the image of the profession, denied a grant request for travel to an international meeting of lawyers and selected two Citizen of the Year awardees, Patricia Antion (Star City) and Margaret Dolan Brown (Weston) and the Lawyer Citizen of the Year, Steve LaCagnin, Esq. (Morgantown). New Board Members elected were Forest "Jack" Bowman (Morgantown), Jennifer Mason (Wheeling) and John Tinney (Charleston).

At the June 10, 2004 Board meeting, President Jones asked for the recommendations from the IOLTA Advisory Committee, which were to distribute \$78,000 to the grantees in the Supreme Court Order, make the management fee payment of \$50,000 and retain \$10,000 in the Rainy Day fund---all were approved. The Board reviewed and approved the 2003-04 financial report and the 2004-05 fiscal year budget, with \$5,000 set aside for Bar Foundation grants.

Then, the Board approved its first specific Bar Foundation grant in the amount of \$1,000 to ChildLaw Services for child abuse and neglect prevention activities. The amended three year lease agreements for the 2006 Kanawha Blvd. building and the 2008 Kanawha Blvd. property were approved---they had been negotiated by a joint committee of the Bar Foundation and State Bar Officers at the rate of \$13.25 per square foot.

The Nominating Committee report for the Officers for the coming year was agreed upon---President Al Emch, Vice President William File, III and Secretary/Treasurer Elizabeth Rose. The Committee was also directed to ascertain a person to complete the term of Board Member Jennifer Mason, who had resigned.

The Board began its September 16, 2004 meeting by reviewing the IOLTA Program activities. It was reported that \$363,000 had been generated during the 2003-04 fiscal year and that priority attention would be given to the five largest banks that have more than 60% of the IOLTA accounts. The Board accepted the IOLTA Advisory Committee recommendation to place \$10,000 in a new Rainy Day Fund and distribute \$58,000 to the legal services programs.

The financial report was presented indicating that 2003-04 was a very positive year with approximately \$20,000 remaining in excess revenue to raise the total reserves to \$242,000. The Nominating Committee proposed the appointment of Cheryl Riley (Wheeling) to complete the term of Jennifer Mason, who had resigned her position on the Board.

President Emch concluded the meeting by suggesting that the Board consider a half day meeting to plan future activities. The Officers and Board Member Bowman will start the process by reviewing the Bar Foundation governing documents.

After calling the December 16, 2004 Board Meeting to order, President Emch welcomed Cheryl Riley to her first official meeting. Then, IOLTA Advisory Committee Chairperson Hicks gave the report with recommendations that \$5,000 be added to the Rainy Day Fund for a total of \$15,000 and that \$118,000 be distributed in accordance with the Supreme Court Order. He also stated that three of the five largest IOLTA banks had increased interest rates and eliminated service fees and the Board agreed to provide up to \$250 for recognition for this achievement.

The Grant Making Committee recommended that a \$1,000 grant be given to the WALs Foundation in Wheeling for a mock trial program and it was approved. As part of possible activities for Bar Foundation Fellows, the Board directed that contact be made with the State Board of Education to have lawyers involved in civic education classes for high school students.

At the close of the meeting, the Board members spent an additional amount of time discussing the future of the Bar Foundation. There were comments made about public education, the public image of the Bar Foundation and the legal profession, increasing Bar Foundation membership, retiring the debt on the two buildings owned by the Bar Foundation, regional activities and mentoring of younger lawyers. The Board agreed to have the next meeting at the Bowles, Rice, McDavid, Graff and Love law office in Charleston to use the video conferencing capabilities and have an expanded discussion.

Therefore, the February 24, 2005 Board meeting was held at the Bowles Rice office with a super majority of the Board members participating using different formats. A larger amount of IOLTA funds were available because of higher interest rates by the five banks with a majority of the IOLTA accounts and the general increase in interest rates. The Board approved the set aside of \$15,000 in the Rainy Day Fund and the distribution of \$74,000 to the grantees. Then, for the consideration of the 2005 class of Bar Foundation Fellows, Board Members Bentley and Hicks left the room for the discussion, and approval of the nominated lawyers and judges ensued.

The Board members spent an extended period of time reviewing its governance and planning. First, the Board approved by-law revisions to set the annual membership at \$50 and the lifetime membership at \$500, permit the organization to employ administrative staff members, change the fiscal year to July-June and remove the gifts provision. Later on, the Board decided to have its strategic plan concentrate on membership growth, retirement of debts, grant making, awards and general programs with periodic reviews by the Board.

President Emch began the May 12, 2005 Board meeting with the report from the IOLTA Advisory Committee by Chairperson Hicks. There had been an increase in IOLTA funds in the past few months based upon the increase in interest rates and the waiver of service fees by the five largest banks. Then, the Board took action to expend up to \$1,000 to provide recognition materials to the five largest banks for their favorable actions. Chairperson Hicks mentioned the IOLTA news conference in March with Supreme Court Chief Justice Joseph Albright, State Bar President Charles Love, III, WV Bankers Association representative Jon Amores and President Emch. Finally, the Board approved the IOLTA funds distribution of \$98,000 to the legal services programs, \$25,000 set aside for the administrative fee and \$20,000 placed in the Rainy Day Fund.

No Bar Foundation grant applications had been received since the previous Board meeting and no action was taken on possible Bar Foundation Fellows activities. President Emch led the discussion on several matters, including bylaw revisions recently approved at the

Annual Business Meeting, the presentations of the Citizen of the Year Award to Maggie Drennen (Charleston) and the Lawyer Citizen of the Year Award to Judge Robert Maxwell (Elkins), the approval of the Board to acquire directors and officers liability insurance coverage at a cost of \$1,060 and the projected end of the fiscal year financial report with a positive cash flow and more than \$265,000 in reserves.

Lastly, the Board discussed law related education programs in which the Bar Foundation could become involved. After several comments, the Board approved the Bar Foundation taking over the administration of the Youth and Government program for eighth grade students in the state and to communicate to the State Bar that the Bar Foundation will agree to administer the We, the People Program for high school students.

Continuing the recent improvements, the IOLTA Advisory Committee report at the September 8, 2005 Board meeting recommended that the Rainy Day Fund be increased to \$25,000 and that \$157,500 be distributed to the grantees, in accordance with the Supreme Court Order. The Committee then made plans to include some positive articles in the WV Lawyer and the WV Bankers publications.

The Board had additional discussions concerning the relief efforts directed to the victims of the Hurricane Katrina disaster in Louisiana and Mississippi. The Board approved \$5,000 contributions to the two states' bar foundations to assist the affected lawyers. There were no grant applications to be considered and it was agreed that grant information would be sent to the Bar Foundation Fellows requesting that they seek grant applications.

Later, the Board agreed to provide financial administration for the Youth And Government program and that the organization would focus on retirement of the debt on the two buildings that it owned and that a fundraising campaign become a matter for implementation.

The December 8, 2005 Board meeting began with President Emch requesting the financial report from Secretary/Treasurer Riley, who reviewed the good condition of the revenues and expenses through the first five months of the fiscal year. The Board reviewed a proposal from the Herman and Cormany accounting firm to conduct a formal outside audit for the 2004-05 fiscal year for a cost of \$5,500, which was approved by the Board. It was agreed that the three Officers would serve as the Audit Committee.

The IOLTA report was passed by the Board to retain \$30,000 in the Rainy Day Fund, set aside \$25,000 for the management fee and distribute the remaining \$172,000 in accordance with the Supreme Court Order. There were no grant applications for consideration and it was agreed that letters would be sent to every Bar Foundation Fellow and each Board member which would inform them of the availability of Bar Foundation grants for worthwhile endeavors.

President Emch announced that the Youth And Government Program was now under the auspices of the Bar Foundation. Lastly, the Board reviewed a fundraising campaign proposal and agreed to move forward with it.

2006-2010-MAKING CHANGES

Extraordinary changes were experienced by the Bar Foundation in every aspect of its operation during this time period. The Internal Revenue Service dramatically changed its Form 990 requirements for 501(c)(3) entities. Focused attention was placed on grantmaking responsibilities as grants increased from \$8,811 (1988-2005) to \$77,762 (2006-2010). The most positive action was made to the IOLTA Program with the addition of the Comparability Rule and then the entire program was transferred away from the Bar Foundation. A formal strategic planning process was put in place. Actions were occurring to remove the organization from facilities ownership. The entire Supreme Court became particularly involved with personal meetings, Court Orders and voluminous amounts of communications. An annual Independent Audit was conducted. The Fellows program continued to be the most prestigious honor that a lawyer or judge could attain. The Bar Foundation volunteer leaders gave tremendous amounts of time and energy, as well as employing a full time staff person. The Bar Foundation moved to become a fully independent professional entity and the philanthropic organization for the legal profession and the justice system in West Virginia.

The February 16, 2006 Board meeting consisted of a lengthy agenda with numerous items. Secretary/Treasurer Riley went through the financial report, including the \$10,000 contribution for Hurricane Katrina disaster relief and the use of an independent contractor, Susan Griffis, for the law related education programs. IOLTA Advisory Committee Chairperson Hicks informed the Board that ChildLaw Services (Princeton) had requested IOLTA funding and it would be considered in the future and that the IOLTA distribution be approved consisting of \$37,500 set aside for the management fee, \$5,000 more placed in the Rainy Day Fund for a new total of \$35,000 and the provision of \$92,000 for the legal services programs.

The Grants Committee recommended a \$1,000 grant to the Charleston Catholic High School to distribute advance directives material in Clay County, which was approved; the Board agreed to forgive the third Bar Foundation Fellows payment for John Kizer, who had passed away; and the Board selected Charlene Marshall (Morgantown) as the Citizen of the Year and George Daugherty, Esq. (Elkview) as the Lawyer Citizen of the Year.

The next subject on the agenda was the 2004-05 financial audit by the independent auditor, Derek Godwin. He stated that it was an unqualified audit and went through it. Then, he turned to the management letter and the Board approved several actions, including having Mr. Tinder review all financial documents, having two signatures on each check with one of them being an Officer or Board member, all checks to be deposited within five days of receipt, all invoices to be stamped as "paid", all lawyers to be reminded annually to register for the IOLTA program and all stock to be reconciled on the general ledger.

Regarding additional cost matters, the Board approved the hiring of the independent contractor, Ms. Griffis, and the hiring of an ALPS

representative for a fund raising campaign in the potential amount of \$800,000 with a consulting fee of \$10,000. The money received would be used to pay off the three separate loans between the Bar Foundation and the State Bar in the total amount of almost \$220,000 for the 2006 Kanawha Blvd. building and the bank commercial loan for almost \$375,000 for the 2008 Kanawha Blvd. property.

For the May 18, 2006 Board meeting, there was good news with larger amounts of IOLTA funding to distribute, so the Board approved the payment of the \$50,000 management fee, increasing the Rainy Day Fund by \$15,000 to a total of \$50,000 and distributing \$188,000 to the legal services programs. The special grant funding formula was changed to add another entity, ChildLaw Services. The Board was commended by the IOLTA Advisory Committee for its support of the special awards that had been presented to the larger banks in the state.

President Emch made comments regarding the recent successful Bar Foundation Fellows Dinner and the Annual Business Meeting, as well as the plans for a fundraising campaign. The meeting ended with the re-election of the Officers for the coming year---President Emch, Vice President File and Secretary/Treasurer Riley---and the election of new Board members, J. Franklin Long (Bluefield) and Jane Moran (Williamson).

The Board spent time at the beginning of its September 26, 2006 meeting going over its financial condition. For the first time, expenses had exceeded revenue during the 2005-06 fiscal year because of several extraordinary items including Katrina Disaster relief donations, the unbudgeted amount for the previous year independent audit, fund raising campaign expenses and the law related education programs. Then, the Board approved the IOLTA distribution by increasing the Rainy Day Fund by \$12,500 to \$62,500 and making the allocated payments to the legal services programs in the amount of \$256,000.

The Grant Making Committee recommended the amount of \$2,000 for close captioning, for The Law Works program on the public television system, and it was approved. The fund raising campaign began with requests being made to a large number of lawyers and law offices. The deadline for the campaign was set for December 31.

Under the topic of Other Business, President Emch provided a letter of resignation from Board Member Bowman and it was accepted, with regret, by the Board. With the completion of his term on the Board, IOLTA Advisory Committee Chairperson Hicks was no longer serving in that position and the Board approved President Emch's suggestion to consider Scott Segal (Charleston) for the vacant Board and Committee Chairperson roles.

The Board meeting on December 7, 2006 was rather short in duration with agreement occurring for the IOLTA Advisory Committee's recommendation to increase the Rainy Day Fund from \$62,500 to \$75,000 and distribute \$172,000, in accordance with the Supreme Court Order. It was reported that \$75,000 had been pledged so far during the fund raising campaign and the Board approved increasing the Bar Foundation's financial commitment to support the official visit of the Legal Services Corporation Board of Directors from \$2,500 to \$3,334.

The Board focused its primary attention on financial matters during the March 8, 2007 Board meeting with the Independent Auditor, Derek Goodwin, giving a financial review for the 2005-06 fiscal year, since the Board had agreed to alternate full audits with financial reviews. After thoroughly going through the review, the Board took action on all matters in the Management Letter, including bank reconciliations, notes payable, grant agreements, the We, the People program reimbursement and security on bank accounts in excess of \$100,000.

Further financial actions were taken by increasing the IOLTA Rainy Day Fund by \$12,500 to \$75,000, distributing \$171,000 to the grantees named in the Supreme Court Order, approving a Bar Foundation grant of \$2,000 to Wheeling Jesuit University for its Constitution Day activities and receiving a report indicating that the fundraising campaign had generated over \$86,000 in pledges.

The Board approved the Bar Foundation Fellows for the 2007 class, the selection of Gloria Martin (Lewisburg) for the Citizen of the Year Award and Steven Nord, Esq. (Huntington) for the Lawyer Citizen of the Year Award and a \$1,000 contribution to the Volunteer Business Council of the WV Commission on National and Community Service. Finally, the Board appointed Steven Farmer (Charleston) to complete the term of former Board Member Forest "Jack" Bowman.

A new Board member, Steven Crislip (Charleston), was welcomed to his first meeting during the June 14, 2007 Board meeting. President Emch and Secretary/Treasurer Riley led a long discussion regarding the financial condition and the administration of the organization. After going over the financial report and approving it, the Board talked about the 2007-08 budget and agreed to it with the following changes---increasing the Board meeting expenses to \$2,000, increasing the Grants line item to \$15,000 and increasing the overall expenses.

Regarding program administration, the Board approved the transfer of the Youth And Government and We, the People programs to the State Bar, as well as the consultant contract activities---all of which had been agreed to by the State Bar Officers. There was then a lengthy discussion about the employment of a full time Executive Director position with Mr. Tinder being requested to leave the room. Finally, a motion was approved to offer the full time position to Mr. Tinder, that an appropriate transition period be utilized in cooperation with the State Bar and that a Board committee negotiate with Mr. Tinder regarding terms, salary and benefits.

IOLTA Advisory Committee Chairperson Segal informed the Board that the U. S. Congress was considering an increase in Legal Services Corporation funding and that Legal Aid would be opening its first new office in many years in Elkins. The Board approved the Committee's recommendation to place \$12,500 more in the Rainy Day Fund for a total of \$100,000, pay the \$50,000 management fee and distribute \$174,000 to the various approved grantee programs. A budget of \$801,900 had been set for 2007-08 and consideration was being given to a filing fee for cases appealed to the Supreme Court.

There were no grant applications to consider, there were no particular activities planned by the Foundation Fellows Committee and then, the Board approved the Nominating Committee's recommendations for Officers---President Cheryl Riley, Vice President Carl Harris and Secretary/Treasurer John Tinney. The Board also appointed Steven Nord (Huntington) to fill the position of Joseph Farrell, who resigned

his position. Vice President Riley commended President Emch for his leadership and it was agreed that a proper resolution would be put together in honor of his excellent work.

President Riley started the Board meeting on September 13, 2007 by welcoming Steven Nord (Huntington) and Neva Lusk (Charleston) as new Board members. IOLTA Advisory Committee Chairperson Segal gave a lengthy report, concerning an agreement to move forward to implement an IOLTA Comparability Rule, as had been done in several other states, and the opportunity to talk about an increase in Legal Services Corporation funding with WV's Congressional leaders. The Board approved the Committee's recommendation to increase the Rainy Day Fund by \$12,500 for a new total of \$112,500 and to distribute \$144,000 to legal services programs in accordance with the Supreme Court Order.

Secretary/Treasurer Tinney reviewed the 2006-07 fiscal year budget, which had a surplus, as well as the current 2007-08 budget. The Board approved revenue and expense changes to the budget which increased the budgeted surplus at the end of the year by \$13,000. He also discussed the work that had been done in preparation for negotiating an Employment Agreement with Mr. Tinder to commence on January 1, 2008.

The Grant Making Committee report was given by Vice President Harris and included a recommendation for a grant of \$1,500 to the Junior Achievement Program in the state. The Board also reviewed a wonderful letter of appreciation from the Wheeling Jesuit University for its grant award. The Board members reviewed a resolution in honor of Immediate Past President Emch and approved it.

Finally, the Board approved administrative actions, including appointing Board Member Crislip to serve on the IOLTA Advisory Committee, directing President Riley to sign lease agreements with the State Bar for the 2006 and 2008 Kanawha Blvd. buildings and property and authorizing Board Members Riley, Tinney, Lusk and Crislip, along with Mr. Tinder to sign Bar Foundation checks with two signatures required on each check.

The Board Meeting on December 6, 2007 was called to order by President Riley and started with the IOLTA Advisory Committee report by Chairperson Segal. He said that the Committee had set a goal of \$200,000 in the Rainy Day Fund and were recommending that \$12,500 more be added for a current total of \$125,000 and that \$157,000 be distributed to the named grantees---all of which was approved by the Board. A new policy for future IOLTA funding was considered and approved.

The financial report was approved, it was reported that the independent audit would be completed and presented at the next Board meeting and there were no grant applications to review. The Board went into Executive Session to consider personnel matters and returned to Open Session where it approved an Executive Director salary of \$75,000 with an additional \$10,000 in deferred compensation. A new expense line item for the salary was added to the budget and the appointed committee was approved to negotiate an Employment Agreement with the new Executive Director and enter into it prior to January 1, 2008. Lastly, the Board approved the 2008 class of Bar Foundation Fellows.

The Board Meeting on March 13, 2008 was led by Vice President Harris, who requested the IOLTA Advisory Committee report. The Committee's recommendations were to add \$12,500 to the Rainy Day Fund for a total of \$137,500 and distribute \$161,000 to the grantees, in accordance with the Supreme Court Order, all of which was approved by the Board.

The 2006-07 independent audit was presented by the auditor, Derek Godwin, who stated that it was a clean audit and that the only management letter recommendation was to have documentation for expense reimbursement transactions between the Bar Foundation and the State Bar. The Board went into Executive Session with Mr. Godwin and upon returning to Open Session, it approved the audit report and the management letter. The Board also passed a motion to approve the financial report.

The next agenda item related to the Bar Foundation loans for the 2006 and 2008 Kanawha Blvd. buildings and property---there were three loans with the State Bar and one with Chase Bank. After several comments, a motion was passed to pay off the two smallest State Bar loans, with the money from the fundraising campaign, and to re-negotiate the Chase loan after discussions with the State Bar. The Board had no grant applications to review. It went over the members of the 2008 class of Bar Foundation Fellows and passed a motion to present the Lawyer Citizen of the Year Award to Teresa McCune, Esq. (Williamson) at the Fellows Dinner in April. The meeting concluded with the Board's approval of a new website for the organization---wvbarfoundation.org---after looking at a mock-up of it and the Board's request that Executive Director Tinder present some bylaw options at the next Board meeting.

Vice President Harris began the June 12, 2008 Board Meeting by mentioning the health care progress that had been accomplished by President Riley, which was followed by additional expressions of support by other Board members. There were also welcoming comments made to the new Board members, who were participating in their first meetings, Michael Aloï (Fairmont), Tracey Rohrbaugh (Martinsburg) and Tracey Weber (Weston) with Dean Joyce McConnell (Morgantown) also being elected.

Vice President Harris requested a report from the IOLTA Advisory Committee and it was given by Committee Chairperson Segal. He reviewed the circumstances of the decreasing interest rates and the IOLTA funds available for distribution. He then made the following recommendation to keep the Rainy Day Fund at its current amount of \$137,500, pay the annual management fee of \$50,000 by June 30, 2008 (\$25,000 to the WV State Bar and \$25,000 to the WV Bar Foundation) and distribute the remaining amount of \$115,000, all of which was approved. In addition, he stated that the Committee wished to consider implementing a Comparability Rule for the banks to provide IOLTA rates comparable to other bank account interest rates. It had received a proposal to do the necessary research for consideration of such a Rule in West Virginia. The proposed cost would be \$6,000, and the Committee was asking that the Bar Foundation provide a grant in that amount from its financial resources, which was approved.

Secretary/Treasurer Tinney went over the income and expenses for the 2007-08 budget, the figures through May 31, 2008, the projected amounts on June 30, 2008, including a surplus of approximately \$30,000, and the proposed 2008-09 budget. After discussion, the financial

report and the budget were approved. The Grants Committee report was given by Board Member Nord, who stated that there were three grant requests: from the WV Supreme Court, Legal Aid of WV and the WV Center for Civic Life for the WV Civics Literacy Council. The recommendation from the Committee was to provide a grant in the amount of \$5,000 to the WV Supreme Court for its Law Adventure program, a grant of \$5,000 to Legal Aid of WV for its telephone access and legal assistance hotline system and \$3,500 to the WV Center for Civic Life for website development, graphic design, postage and printing for the WV Civics Literacy Council---all of which were approved.

Vice President Harris led a discussion relating to the Foundation Fellows Dinner that was held on April 24, 2008. It was a very successful event with a large crowd in attendance. The Board reviewed the costs for the Dinner, which exceed the \$50 per person fee, so the Board agreed to increase the cost of the dinner to \$75 per person for the 2009 event. The next item on the agenda was a review of the Bylaws. The Board members went over some proposed changes to various sections of the document and approved changes to the membership dues, the annual business meeting, electronic mail notices, staff hiring, gender neutrality and the fiscal year. Also a bank resolution was approved.

At the end of the meeting, State Bar President Dwane Tinsley and Executive Director Anita Casey joined the Board meeting and comments were made relating to the past and future relationships and activities involving the State Bar and the Bar Foundation. Finally, it was agreed that Bar Foundation leaders would attend the July, 2008 State Bar Board of Governors meeting and review the financial transactions between the two groups.

At the September 11, 2008 Board meeting, Vice President Harris requested a report from IOLTA Advisory Committee Chairperson Segal. He recommended keeping the Rainy Day Fund at \$137,500 and distributing \$118,000, which was approved, along with a recommendation that \$150,000 be placed in a higher interest rate secure financial product. Regarding the Comparability Rule, he reported that it had been approved in 22 other states and that as much as \$100,000 could be generated in West Virginia. So, it was agreed that a Comparability Rule, with a Safe Harbor provision, be drafted by a special committee, consisting of Board members and IOLTA Advisory Committee members; that the draft rule be distributed to the Board members for review by October 1; that the final proposal be forwarded to the WV Supreme Court for consideration by October 10, with a possible implementation date of January 1, 2009; and that the amount of up to \$2,000 be approved for additional consulting services from The Resource, if needed.

The next item on the agenda was the financial report. Secretary/Treasurer Tinney went over the 2008-09 income and expenses and mentioned that the 2007-08 fiscal year ended with a surplus of revenues over expenses of approximately \$30,000. The independent auditor was to begin the 2007-08 fiscal year audit process in the next few days and would have the formal audit for review at the December Board meeting. The Grants Committee report was given by Board Member Nord, who stated that there was one grant request, from Legal Aid of WV, for a second \$5,000 grant for its ATLAS telecommunications program, which had been initially funded at the June Board meeting--it was approved.

Then, the Board elected its Officers for 2008-09---President Harris, Vice President Tinney and Secretary/Treasurer Rohrbaugh. Executive Director Tinder reported on the extensive ramifications of new IRS regulations regarding Form 990 and non-profit organizations, particularly in the areas of governance, conflict of interest, related organizations and finances. He distributed the final draft of A Practical Guide to Lawyer Trust Accounts pamphlet which would be distributed to all lawyers practicing in West Virginia. The pamphlet had been updated over the years as a joint project of the Young Lawyers Section of the State Bar and the Bar Foundation.

President Harris then informed the Board of his participation, along with Board Member Skeen and Executive Director Tinder, at the State Bar Board of Governors meeting in July. There had been many questions and answers regarding the Bar Foundation's activities, the relationship between the two entities and financial matters. He went on to say that he had a subsequent meeting with the State Bar officers who stated that the State Bar would be interested in negotiating another loan arrangement with the Bar Foundation.

President Harris began the December 11, 2008 Board meeting with the report from IOLTA Advisory Committee Chairperson Segal, who informed the Board that the \$150,000 in the Rainy Day Fund had been placed in a six month certificate of deposit, and recommended the reduction of the restricted amount in the Rainy Day Fund to \$125,000 and the distribution of \$116,000, in accordance with the Supreme Court Order, with the Board approving the recommendations.

He went on to talk about the composition of the IOLTA Advisory Committee and the Board approved the changes. There was more discussion concerning the proposed Comparability Rule which had been presented to the Supreme Court and placed out for public comment with a deadline date of December 15, 2008. He said that the Committee would be sending a letter of support to the Supreme Court and the Board later agreed to do the same.

President Harris introduced Derek Godwin to present the independent audit for the 2007-08 fiscal year. He reported that it was a clean audit and reviewed the entire audit report with the Board members-the Board approved it. The Board went into Executive Session to discuss financial matters and the audit and no action was taken during that session. Auditor Godwin made several additional comments regarding the need for arms length transactions between related organizations and the fact that the Internal Revenue Service had changed and strengthened the 990 Form with emphasis on governance and related organizations. He then went over the Management Letter and the Board approved that bank deposits would be made several days before the end of a fiscal year, that the typographical errors in the two lease agreements between the WV State Bar and the Bar Foundation, effective July, 2007, would be corrected and that any payment greater than \$2,500 must receive prior approval from the Board.

Secretary/Treasurer Rohrbaugh went over the financial report and it was approved. The Board agreed to close a dormant account at BB&T Bank in the amount of approximately \$7,000 and transfer the funds to the administrative account and to sell any stock that it gets in the future within 30 days of receipt. Board Member Nord gave the Grants Committee report and the Board approved a grant in the amount of \$4,000 for the Brazil student/faculty exchange program at the WVU College of Law. The Board scheduled the Annual Membership Meeting

to be held on Thursday, June 11, 2009 at the State Bar Center in Charleston to coincide with the quarterly Board of Directors meeting.

Under the topic of Other Business, President Harris informed the Board of his participation at the State Bar Board of Governors meeting in November. There had been continuing discussion about the loan agreements between the two entities and a decision was made to have a joint committee to review the situation. The State Bar had selected their Board members Anne Lambright, Marty Glasser, Henry Morrow and Harry Deitzler. He appointed Board Members Tinney, Crislip and Skeen to serve with him as the Bar Foundation's representatives.

A Special Meeting of the West Virginia Bar Foundation's Board of Directors, called by President Carl Harris on January 15, 2009 in accordance with the Bylaws, was called to order by Vice President John Tinney. In the notice for the Special Meeting, there were two items to be considered-ad valorem taxes for the State Bar Center and Lawyer Disciplinary Board buildings owned by the Bar Foundation and the loan arrangements for the organization.

Vice President Tinney informed the Board members of the discussions that a committee of President Harris, Board Members Skeen and Crislip and he had with a similar sized committee from the State Bar's Board of Governors. There were comments made about the positive and negative aspects of making a formal request to Kanawha County officials to have an exemption from the payment of real property taxes for the two facilities which are rented to the State Bar—it had been the longstanding practice of the Bar Foundation, in agreement with the State Bar, to pay the real property taxes on both facilities even though the Bar Foundation, as a tax exempt entity, was not required to have the taxes paid. Then, a motion was passed that the Bar Foundation request a tax exemption for the buildings at 2006 and 2008 Kanawha Blvd., East in Charleston, Kanawha County and that the proposed letter, drafted by the State Bar officials, be utilized with changes and corrections that had been discussed.

The Board members then reviewed the two loans that the Bar Foundation had with the State Bar and Chase Bank, which funds were used several years ago to purchase the building at 2008 Kanawha Blvd., as well as the Bar Foundation's current financial situation. The Bar Foundation had paid off loans to the State Bar in the total amount of more than \$44,000 in May, 2008, which had been used for the purchase of the building at 2006 Kanawha Blvd., East, approximately 15 years ago. The Board approved a four person committee to investigate bank loan options and report back to the Board at the next regular meeting on March 12, 2009 and that this committee would review all the loans of the Bar Foundation. Finally, it was agreed that the Bar Foundation would defer action on considering the amending of the leases with the State Bar for the two buildings that were to expire on June 30, 2010, until a later date.

On March 12, 2009, the Board held its quarterly meeting and President Harris called upon IOLTA Advisory Committee Chairperson Segal to give its report. He informed the Board that the WV Supreme Court had unanimously approved an Order on that very day for the implementation of an IOLTA Comparability Rule and that \$40 million in additional funding had been agreed to by Congress for the Legal Services Corporation which meant that Legal Aid of WV would receive approximately \$300,000 in additional funding. Chairperson Segal said that it was recommended to reduce the restricted amount in the Rainy Day Fund from \$125,000 to \$112,500 and distribute the amount of \$100,453, in accordance with the Supreme Court Order—which was approved.

Secretary/Treasurer Rohrbaugh reviewed the Services Contract that the Bar Foundation had with the Gibbons and Kawash Accounting Firm for the monthly and quarterly reconciliations and tax payment preparation. The Board approved the financial report for July, 2008-February, 2009 and, later in the meeting, it passed a motion to place \$150,000 in a longer term interest bearing account. President Harris gave a report on behalf of the Loan/Tax Exemption Committee, which was a joint committee with the WV State Bar. Based upon the action taken at the Special Board meeting in January, 2009, a formal request had been made to the Kanawha County Assessor's office for a tax exemption for the buildings owned by the Bar Foundation at 2006 and 2008 Kanawha Blvd., East, in Charleston. (The formal approval letter was received on March 17, 2009.)

Then, the Board reviewed three bank proposals that it had received for the current commercial loan on the building at 2008 Kanawha Blvd., with the JP Morgan Chase Bank. After carefully considering the terms and conditions, a motion was passed to accept the revised and reduced loan proposal from Chase Bank. President Harris commented that there had been no formal interest expressed by the State Bar regarding this situation. Board Member Nord gave the Grants Committee report which was to provide a grant in the amount of \$5,000 for the We, the People program, for attendance at a national competition for high school students on constitutional issues---it was approved.

The next item on the agenda was the Executive Director's Report and Mr. Tinder said that the 2009 Bar Foundation Fellows Dinner would be on April 30 at the Marriott Hotel in Charleston with every nominated judge and lawyer having accepted the honor. He reported that he had received more information on the new Internal Revenue Service Form 990 that was to go into effect that year and the guidelines which were set up by the IRS. Lastly, the Board members briefly reviewed a planning process document for the organization.

Following the discussion on planning at the March 13, 2009 Board meeting, a special Board meeting was held on May 7, 2009 to deal primarily with that issue. President Harris presented to the Board a letter of resignation from Scott Segal, the Chairperson of the IOLTA Advisory Committee. The letter stated that his "current charitable work, lecturing and trial commitments simply do not permit that I continue to serve." A motion was passed that Mr. Segal's resignation be accepted, with regret and with appreciation for his valuable leadership. President Harris informed the Board that Tom Flaherty (Charleston) had agreed to serve as the IOLTA Advisory Committee Chairperson and it was approved.

The Board reviewed the IOLTA Comparability Rule situation with the WV Supreme Court's approval of an Order to implement the Rule, effective April 15, 2009. The Board members discussed a proposal from The Resource group which had completed preliminary work several months prior. After some comments, the Board agreed to hire The Resource, to negotiate a fee for the first phase of the implementation process, and determined that any IOLTA Comparability Rule documents being sent to WV lawyers would also include the annual membership dues material.

The Board then turned its attention to the Bar Foundation's current and future goals and objectives. It discussed extensively the following areas---IOLTA Program, governance, grantmaking process, marketing/public relations and fundraising.

For the June 11, 2009 Board meeting, President Harris called upon IOLTA Committee Chairperson Flaherty, who stated that there was \$152,655 in the IOLTA Rainy Day Fund and that \$50,000 should be paid to the Bar Foundation as the annual management fee before the end of the fiscal year. There was a total amount of \$82,154 available for distribution. The Board agreed to pay the \$50,000 annual management fee from the Rainy Day Fund and distribute the amount of \$100,000, in accordance with the Supreme Court Order, with \$82,154 from the distribution account and \$17,846 from the Rainy Day Fund.

Then, Secretary/Treasurer Rohrbaugh reviewed the financial report for the 2008-09 fiscal year and a proposed budget for the 2009-2010 fiscal year. The major aspects were that the 2008-2009 fiscal year would end with additional reserves of more than \$40,000 based primarily upon unbudgeted contributions and that the budget would be approximately break-even for the 2009-2010 fiscal year, based upon the use of reserves to pay off the last State Bar loan, an increase in grants to \$38,000 with the addition of a new scholarship for a student at the West Virginia University College of Law, and minor changes in other accounts. After questions and comments, the Board approved both documents, as well as agreed to sell the stock and transfer the funds in the Wachovia account with the proceeds to be utilized to pay The Resource consultants for the implementation of the IOLTA Comparability Rule.

Vice President Tinney gave a report on behalf of the Loan/Tax Exemption Committee, which was a joint committee with the WV State Bar. There had been a Committee meeting where there had been a discussion of the county property tax exemption which had been granted. In addition, there was more discussion on the current three year lease agreement which was to conclude on June 30, 2010 between the two entities, with no action being taken. Board Member Nord gave the recommendations from the Grants Committee and the Board approved grants to the Harrison County Child Abuse Task Force for its Child Advocacy program and to the WV Association of Counties for a courthouse documentary in the total amount of \$6,239 (Harrison County (\$2,739)/Association of Counties (\$3,500)).

The Board took action on several governance matters including the election of Officers for 2009-10---President Tinney, Vice President Rohrbaugh and Secretary/Treasurer Long; a discussion of the provisions of the Executive Director's Employment Agreement as required by that document, with no actions taken to make changes in the terms of the agreement; the approval of the Conflict of Interest policy, the Records Retention policy and the Whistleblower policy; a new twice monthly Bar Foundation Brief email newsletter, initiated on June 1 with positive feedback; the appointment of a Long Range Planning Committee, based upon the discussions during the Special Board meeting held on May 7; and expressions of appreciation to President Harris for his extraordinary leadership and commitment to the Bar Foundation as an Officer, and to Board member Skeen and President Harris for their outstanding expertise and support of the Bar Foundation as they conclude six years of service as Board members.

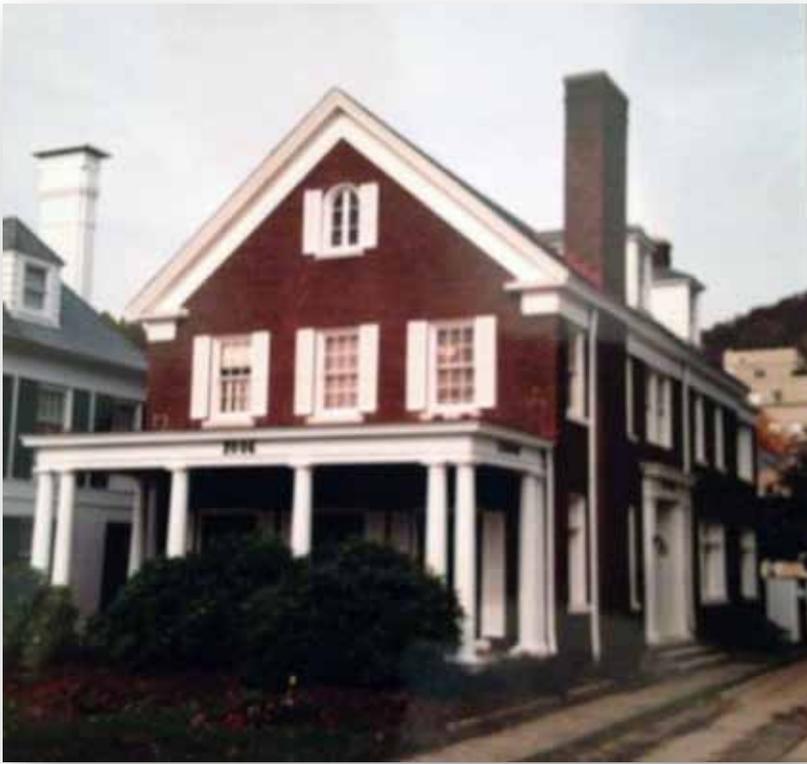
President Tinney welcomed Harry Hatfield (Madison) and Eric Holmes (Ripley) to their first Board meeting that occurred on September 10, 2009. He then requested a report from the IOLTA Advisory Committee, which was that the IOLTA Comparability Rule was being implemented and federal government funding for legal services for the poor may increase. The Board approved the retention of approximately \$83,000 currently in the Rainy Day Fund and distributed the amount of \$96,000, in accordance with the Supreme Court Order. Secretary/Treasurer Long reviewed the unaudited financial report for the 2008-09 fiscal year, which was projected to be a successful financial year, and the first two months of the 2009-2010 fiscal year budget---they were both approved by the Board.

President Tinney gave a report on behalf of the Bar Foundation/State Bar Committee. He reviewed the discussion that had occurred at the meeting that had been held on the previous day and said that the State Bar leaders were desirous of moving out of the buildings at 2006 and 2008 Kanawha Blvd., East. The Board approved getting an appraisal and an engineering study of both buildings at a cost not to exceed \$7,500. The Board also agreed to send a letter to the State Bar requesting that it inform the Bar Foundation, by no later than October 15, 2009, of its specific intention to remain in the buildings or to move out, and, if the State Bar planned to move out, that the Bar Foundation would grant up to two six month extensions of both leases, beyond the end of the current leases on June 30, 2010, at the same terms and conditions as the current leases. It was agreed that the appraisal and engineering study on the two buildings would not be done until after getting a response from the State Bar to the letter.

The next agenda item was a report from the Grants Committee. Board Member Nord stated that one grant request had been received from the Fayette County Education Fund for its Student Leadership program. The Board approved a \$1,200 grant. Executive Director Tinder informed the Board of the request he had received to make a brief statistical presentation to the Governor's Independent Commission on Judicial Reform at its upcoming public meeting and wanted to make sure that the Board was in agreement with his participation---no concerns were raised. Finally, under the topic of Other Business, President Tinney announced that Immediate Past President Harris, Mr. Tinder and he would be making a presentation at the WV Judicial Association meeting on October 15 regarding Bar Foundation activities, including cy pres awards.

The December 10, 2009 Board meeting was called to order by President Tinney and he requested a report from IOLTA Advisory Committee Chairperson Flaherty. There was a total amount of \$145,000 available for distribution, an increase because of an extraordinary court case, and the Board approved adding \$5,000 to the Rainy Day Funds for a total of \$87,000 and distributing the remaining amount of \$115,000, in accordance with the Supreme Court Order.

The next items on the agenda were the Independent Audit, the Management Letter and the IRS Form 990, all of which were presented by Mr. Williams, the Herman and Cormany representative. He went over the 2008-09 financial audit report in detail, which was a clean audit. (Mr. Tinder left the meeting room.) Then, he reviewed the Management Letter, which contained one item relating to the past financial administration of the We, the People Program and explained the Form 990, the new expanded version and the various aspects of it. Board actions were taken to approve the 2008-09 independent audit, to send a letter to the Bowles Rice law firm regarding the current status of the We, the People Program and to approve the IRS Form 990. (Mr. Tinder returned to the meeting room.)



The Bar Foundation's building at 2006 Kanawha Blvd., East in Charleston, WV. It was purchased in 1989, leased by the WV State Bar, as the State Bar Center, from 1989 until 2011, when it became vacant and was sold in 2012.

Shortly after the Bar Foundation's purchase of the 2006 Building in 1989, a reception was held to celebrate its opening. In the center of the picture are Kemp Morton and James MacCallum, the Bar Foundation's incorporators. Other recognizable lawyers in the photo are David Goldenberg (Parkersburg) and Bar Foundation Fellow Robert Noone (Logan).



Also present at the 2006 Building reception in 1989 were, in the center of the picture from left to right, Susan and Bar Foundation President John Tinney (Charleston), Bar Foundation Board Member John Busch (Elkins) and Charles Bagley, III (Huntington)---all three gentlemen were selected as Bar Foundation Fellows.

During a news conference for the Interest On Lawyer Trust Accounts (IOLTA) Program in the early 1990's, the participants were, from the left, Nick Casey, a State Bar Officer who later served as Bar Foundation President (Charleston), the first President of the Bar Foundation, Robert Steptoe, Jr. (Clarksburg) and WV Supreme Court Justice Thomas McHugh, all of whom were selected as Bar Foundation Fellows.



A later IOLTA news conference included State Bar Officer and later Bar Foundation Board Member Thomas Flaherty (Charleston), WV Supreme Court Justice Thomas McHugh, Bar Foundation President John McClaugherty (Charleston) and WV Bankers Association representative Doug Maddy. The Justice, Flaherty and McClaugherty were selected as Bar Foundation Fellows.

Another IOLTA news conference had as participants--John Ballengee, the WV Bankers Association representative, WV Supreme Court Justice Margaret Workman, Bar Foundation President John McClaugherty and State Bar Officer and later Bar Foundation Board Member Jerry Jones (Clarksburg). The Justice, Jones and McClaugherty were selected as Bar Foundation Fellows.





Pictured in front of the 2006 Building in the mid 1990's are Bar Foundation Board Members, in the back, Michael Chaney (Charleston), Nick Casey (Charleston), Robert Fisher (Ripley), Howard Persinger (Williamson), Cheryl Henderson (Huntington) and Mote Thompson (Ashland, KY). In front, Board Member Caton Hill (Philippi) presented his Lifetime Member contribution to President John McClagherty (Charleston).

Judges from Espirito Santo, Brazil, which was joined with WV in the 1960's through the International Partners of the Americas Program, visited WV in the early 2000's to share legal and judicial programs and endeavors. Pictured at the WV Supreme Court of Appeals at the State Capitol are, from left to right, Judge Tasso Lugon, WV Supreme Court Justice Robin Jean Davis, Justice Pedro Vals Feu Rosa, WV Supreme Court Justice Larry Starcher and WV Supreme Court Justice Elliott Maynard. The visit led to other activities including educational trips to Brazil by faculty and students from the WVU College of Law, which utilized Bar Foundation grant funding.



The excellent support staff, who gave more than 70 combined years of professional expertise and assistance to the Bar Foundation from its inception in 1988 until 2008 were Connie Blessing, standing, and Hope Gresham, Kathy Henning and Cheryl Petty, seated.

When the Bar Foundation dramatically increased its grantmaking in 2008, one of the first grants was awarded to the WV Supreme Court for its innovative “Law Adventure” program for middle school students. On the left is Board Member Neva Lusk (Charleston), who is presenting the grant check to Supreme Court Public Information Officer Jennifer Bundy.



The 15 member Board of Directors is the governing body for the Bar Foundation. With Board members located around the state, there are always conference call capabilities for participation in the quarterly meetings. During a Board meeting in September, 2008, the members in attendance were, from left to right, Larry Skeen (Ripley), John Tinney (Charleston), Carl Harris (Fayetteville), Steve Nord (Huntington) and Steve Crislip (Charleston).

To support the international law activities at the WVU College of Law, the Bar Foundation presented a grant in early 2009 to assist law students during a summer session seminar trip to Brazil. Pictured here with two of the law students are Professor John Taylor and Dean Joyce McConnell, who participated as faculty members to teach the students during the educational trip.





One of the first actions when the IOLTA Program was implemented by Supreme Court Order in 1991 was the selection of an IOLTA Advisory Committee, which consisted of appointed representatives from the legal services providers, the financial institutions, members of the public, judges and lawyers. Pictured at a Committee meeting in 2009 are, from left to right, Ken Greear (Bankers Association representative), Bob Baker (Beckley), Committee Chairperson Tom Flaherty (Charleston), Bren Pomponio (Charleston), Steve Canterbury (Supreme Court Administrative Director) and Jim Martin (Charleston).

Quarterly Board meetings are always longer when the annual independent audit is presented. All Board members take their fiduciary responsibilities very seriously and the audits have always been clean. During the December, 2009, Board meeting, the Board members reviewed the audit, from left to right, Joe Long (Bluefield), Harry Hatfield (Madison), Jane Moran (Williamson), Steve Nord (Huntington), the Herman and Cormany independent auditor and Tom Flaherty (Charleston).



Begun in 1999, the Bar Foundation Fellows Program honors those judges and lawyers, “whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession with the individuals selected reflecting the diverse nature of the legal profession in West Virginia.” During the 2009 ceremony are, right to left, William Redd (Huntington), Ancil Ramey (Huntington), Janet Preston (Parsons), John Nesius (Charleston), Catherine Munster (Clarksburg), Harry Hatfield (Madison), Logan Hassig (New Martinsville), Linda Garrett (Summersville), Judge Chuck Chambers (Huntington), Michael Caryl (Martinsburg), Landers Bonenberger (Wheeling), Oscar Bean (Moorefield), Professor Robert Bastress (Morgantown), Barbara Allen (Charleston) and Nancy Albright (Widow of the late Justice Joseph Albright-Parkersburg).

With approximately 6,000 judges and lawyers in WV in 2013, only 300 or so have been selected as Bar Foundation Fellows since 1999. Honored at the 2010 ceremony were, from right to left, Tom Heywood (Charleston), Judge Gary Johnson (Summersville), William Kolibash (Wheeling), Tim Manchin (Fairmont), Dean Joyce McConnell (Morgantown), Robert Minto (Missoula, MT), Dina Mohler (Charleston), Charles Piccirillo (Madison), William Powell (Martinsburg), Kathy Santa Barbara (Martinsburg), Judge Thomas Steptoe (Charles Town), William Wilmoth (Wheeling) and John Wooton (Beckley).



On almost an annual basis, the Bar Foundation would conduct news conferences to publicly announce the latest progress occurring in the IOLTA program in providing funding for free civil legal services for low income citizens in the state. For a news conference in the State Supreme Court at the State Capitol in 2010 are, from left to right, Joe Ellison (WV Bankers Association), State Bar Officer Gary Nickerson (Bridgeport), Jim Martin (Legal Aid of WV) and other legal services providers, Bar Foundation President John Tinney (Charleston) and WV Supreme Court Justice Brent Benjamin.

The national We, the People program provides high school students with the opportunity to debate legal and constitutional issues before lawyers and other citizens serving as judges. In WV, the statewide program final competition occurs at the Robert C. Byrd Federal Courthouse in Charleston. Pictured above with Chief Judge Joseph Goodwin, in the middle of the back row, are the winning team of students from Herbert Hoover High School (Kanawha County) and their teachers. The Bar Foundation administered the program and provided grants over several years.





The Bar Foundation Fellows program was modeled after similar activities in other states and with the American Bar Association. The American Bar Foundation Fellows honors WV judges and lawyers, who meet specific criteria. The AB Foundation Fellows and the WV Bar Foundation Fellows groups contain many of the same judges and lawyers, so they began having a joint luncheon during the Annual Meetings of the WV Bar Association. Pictured at the event are Richard Ford, Sr. (Lewisburg), Tom Potter (Charleston), Dean Joyce McConnell (Morgantown), Professor Forest “Jack” Bowman (Morgantown) and Dan Callaghan (Summersille), all of whom are WV Bar Foundation Fellows.

Bar Foundation grants are provided to improve the administration of justice and the provision of legal services to the state’s citizens. The J.R. Clifford Project to inform students and the general public about the accomplishments of the first African American lawyer in WV and civil rights has been supported by Bar Foundation grants. Receiving a grant in 2012 were J.R. Clifford Project representatives Tom Rood (Charleston) and Kitty Dooley (Charleston) with Bar Foundation Officer Steve Nord (Huntington), on the right.



In 2011, the Bar Foundation began the Lunch and Laughs With a Legal Legend event to generate additional funds for worthwhile activities to improve the administration of justice and the provision of legal services. A well known and well respected judge or lawyer was honored with a “friendly roast” with the proceeds designated for charitable endeavors. Pictured at the first Lunch are, in the foreground from left to right, David Hardesty, Jr., the honoree, and two of the “roasters”, Judge Irene Keeley and Tom Heywood. In the back ground are Master of Ceremonies Forest “Jack” Bowman and Dean Emeritus John Fisher, the third “roaster” all of whom are Bar Foundation Fellows.

A new initiative for the Bar Foundation in 2012 was the Lawyer Leader Institute. During a spring weekend, a small group of newer lawyers met to learn from and interact with distinguished judges and lawyers regarding leadership traits in the legal profession, the justice system and their communities. The presenter with the highest evaluation at each event is Professor Emeritus Forest “Jack” Bowman, who is pictured in the middle with his wife, Myla, and one of the participants, Jason Foster (Charleston).



During a Bar Foundation Fellows Dinner, Past President Al Emch (Charleston) is pictured on the left with Mike Foster(Charleston) and other participants. Both Emch and Foster are Bar Foundation Fellows.

The Bar Foundation’s second building at 2008 Kanawha Blvd., East in Charleston, WV. It was purchased in 2001, leased by the WV State Bar, for the WV Lawyer Disciplinary Board, until 2011, when it became vacant and was sold in 2012.



Secretary/Treasurer Long gave the financial report for the first five months of the current fiscal year—July-November, 2009, which was approved. President Tinney gave a report on behalf of the Bar Foundation/State Bar Committee. He said that the State Bar Board of Governors had informed him that it would not renew the lease on the 2006 Kanawha Blvd., East building when it expired on June 30, 2010, but that the Lawyer Disciplinary Board had expressed its interest in extending the lease for the facility at 2008 Kanawha Blvd., East. The Board also reviewed the formal inspection report that had been completed on the 2006 building by Advantage Inspections which was positive overall. The Board agreed to get an appraisal of the 2006 building, request a specific response from the State Bar and see if it has interest in the building in the future.

Board Member Hatfield gave the Bar Foundation Fellows Nominating Committee report and the Board approved the 2010 class of Fellows, agreed to accept voluntary payments that are made, but, otherwise, to waive further payments in those situations involving the death of a Fellow who still owed payments on their financial commitment, that if a new Foundation Fellow was already a Bar Foundation Life Member that the Life membership payment be deducted from the Foundation Fellows pledge amount and that requests for payment continue to be made to the small group of Fellows who have not fulfilled their financial pledge.

Grants Committee Chairperson Nord presented two proposed grants that were approved by the Board—Family Counseling Connection—\$2,500 and the Alliance for Children—\$3,000. President Tinney began a lengthy discussion regarding communications and requests that had been received from Bar Foundation Member Harry Deitzler since the last quarterly Board meeting in September. There had been allegations raised relative to the decisions made by the Board of Directors over the past few years, as well as by the WV State Bar's Board of Governors in the past. Many comments were made concerning legal, financial, policy and governance matters. Secretary/Treasurer Long mentioned his recent personal actions. Finally, the Board agreed to have Secretary/Treasurer Long send the material responsive to ten items that Mr. Deitzler had formally requested, to have President Tinney send follow-up communications to Mr. Deitzler, as well as to have President Tinney request a meeting of the three Bar Foundation Officers with the three State Bar Officers within the following week.

Executive Director Tinder informed the Board of the brief statistical presentation that he had made to the Governor's Independent Commission on Judicial Reform at its public meeting in Morgantown on September 21 and that his information had been quoted and footnoted in the Commission's Final Report—the only person from West Virginia mentioned.

The IOLTA Advisory Committee report by Chairperson Flaherty was the first item for discussion during the March 11, 2010 Board meeting. After some discussion, the Board agreed to add \$5,000 to the Rainy Day Fund for a total of \$92,000 and distribute the remaining amount of \$100,000. In addition, the Board approved action to send the necessary documents to the Unclaimed Property Division of the State Treasurer's Office to claim the IOLTA funds in listed accounts. Mr. Flaherty stated that a special committee had been set up to consider a proposed policy or rule to pursue unclaimed money in IOLTA accounts. Secretary/Treasurer Long gave the financial report for the first eight months of the current fiscal year—July, 2009-February, 2010, which was approved.

President Tinney talked about the Bar Foundation/State Bar Committee, which is a joint committee with the WV State Bar. He said that there had been one joint meeting of the Bar Foundation and State Bar Officers, as well as conversations between State Bar President Chapman and him. A State Bar Board member was to put together a memo regarding the buildings situation and the State Bar planned to do an appraisal of the buildings.

Then, it was agreed that a special conference call meeting of the Board would be held on April 1, 2010. President Tinney also commented on the draft letter to Supreme Court Justice Ketchum, which had been distributed to the Board members in response to the Justice's earlier letter concerning the Bar Foundation's actions during the Hurricane Katrina disaster in 2005. It was agreed that the letter should be sent immediately from President Tinney. The Justice's letter was one of the follow-up activities that had occurred after the Supreme Court had called and conducted a meeting with the entire Bar Foundation Board on January 28, 2010, in Charleston, regarding the Bar Foundation's operation and the relationship between the Bar Foundation and the State Bar.

Other Board actions taken included the approval of three grants-- WV Public Broadcasting (The Law Works)-\$10,000, Hi-Y Program (Youth And Government)-\$6,000 and the WVU College of Law (Law Student Scholarship)-\$12,000, the formation of a new and re-constituted Strategic Planning Committee to replace the Long Range Planning Committee, and the election of the 2010-11 Officers—President Rohrbaugh, Vice President Long and Secretary/Treasurer Weber.

The Special Board meeting, by telephone conference call, was held on April 1, 2010 with the main purpose to consider making a proposal to the WV State Bar regarding the lease agreements on the buildings located at 2006 and 2008 Kanawha Blvd., East, in Charleston, that were set to expire on June 30, 2010. President Tinney began the discussion by referencing the letter with attachments and an architect's sketch that he had received from State Bar Board member Marty Glasser.

No Board action was taken and a second Special Board meeting, by telephone conference call, was held on April 9, 2010. President Tinney led the discussion regarding the proposal, dated March 30, 2010, that had been received from State Bar Board member Glasser and it was formally agreed that President Tinney would notify Mr. Glasser about the possible availability of 2004 Kanawha Blvd., East building, as well as the offer to continue the leases on the 2006 and 2008 buildings, with no property taxes, with the Bar Foundation paying the property insurance costs and with a cap on maintenance costs for the State Bar of \$50,000. In addition, it was decided to get a legal opinion from a tax law attorney regarding lease purchase agreements and the tax exempt status of the Bar Foundation.

Acting in the place of President Tinney, Vice President Rohrbaugh chaired the Board meeting on June 10, 2010 and requested a report from the IOLTA Advisory Committee Chairperson Flaherty, who gave the Committee's recommendations to take \$12,000 from the Rainy Day Fund, which would leave \$80,000 in that account, and distribute the amount of \$108,000, which the Board approved. He went on to mention the recent Order from the Supreme Court to transfer the administration of the IOLTA program from the Bar Foundation to the

State Bar and reduce the annual administrative fee to \$30,000. The Order, which was put out for public comment until June 21, 2010, was discussed at the Committee meeting and the representatives from the Supreme Court, State Bar and Bar Foundation had no understanding or advance notice of the Court's action. Then, the Board approved sending a letter during the public comment period to express its concern regarding the Order. Mr. Flaherty stated that he was sending a letter on his own behalf expressing his opinion.

Secretary/Treasurer Long gave the financial report for the first eleven months of the current fiscal year—July, 2009-May, 2010—with a small year-end surplus being projected, which was approved by the Board. The Board then discussed the letter, dated June 9, 2010, from State Bar President Chafin which had just been distributed. The letter contained a proposal to reduce the lease amounts on the 2006 and 2008 Kanawha Blvd. buildings by more than 30%, effective July 1, 2010. The proposal was in response to the letter sent from President Tinney to the State Bar, dated April 12, 2010. Then, the Board agreed that a response be sent to President Chafin stating that the Board would review the proposal and respond to it, but that the current lease terms would continue into July, in accordance with the current lease agreements. Lastly, the Board then reviewed the proposed 2010-11 budget with a large deficit based upon the contemplated transfer of the IOLTA program on July 1, 2010 and agreed to defer action on the 2010-11 budget and approve a continuing resolution for the payment of necessary and required expenses in July, 2010, until a formal budget was approved.

Vice President Rohrbaugh gave a report on behalf of the Bar Foundation/State Bar Committee. She said that there had been an attempt made to have a joint meeting of the Bar Foundation and State Bar Officers on June 9, but it was not possible. A meeting would occur in the near future. Grants Committee Chairperson Nord stated that the Committee had met and had received three grant applications. However, because of the uncertain future funding situation for the Bar Foundation, the Committee agreed to take no action on the proposals.

Vice President Rohrbaugh gave a full report on the activities of the Strategic Planning Committee, which had met recently. The Committee planned to work on numerous matters, including communications, cy pres awards, estate planning opportunities, the 2006 and 2008 Kanawha Blvd. buildings, a WV Lawyers Fund and a Lawyer Leadership Academy. The Committee planned to meet regularly in the future. The final action was for Mr. Tinder to leave the room, so that an evaluation of his performance could be performed by the Board.

The emergency telephone conference call meeting of the Board was called to order by President Rohrbaugh on June 24, 2010. New Board members participating were Barbara Allen (Charleston), Tom Flaherty (Charleston), Ancil Ramey (Charleston) and Steve White (South Charleston). President Rohrbaugh began the meeting by confirming that the emergency Board meeting had been called based upon an Administrative Order of the Supreme Court of Appeals, dated June 22, 2010, requiring interim and long-term proposals regarding the buildings located at 2006 and 2008 Kanawha Blvd., East, in Charleston, to be filed with the Court Clerk on or before July 1, 2010. The Order also required similar reports from the Lawyer Disciplinary Board/Office of Disciplinary Counsel and the State Bar.

She then called upon Board member Flaherty to give a report on the meeting that he had attended, as the Board's representative, on June 21, 2010, with the Court, representatives from the other two groups and Court staff members. He gave a detailed summary of the meeting, that had lasted for an hour, after which, more time was spent by the Court with the other persons in attendance. The Board members had an extensive discussion on all aspects of the ownership, use, maintenance, upkeep, leases and other relevant issues affecting the buildings and the relationships among all the affected parties.

Finally, the Board approved to offer to sell the 2006 Kanawha Blvd. building to the State Bar, for zero dollars, contingent upon confirmation of no lien from current Chase Bank note; to retain the ownership of 2008 Kanawha Blvd. building; negotiate a lease with the Lawyer Disciplinary Board/Office of Disciplinary Counsel; as well as offer the garage apartment office located at 2008A Kanawha Blvd., East, to the LDB/ODC on a temporary basis. Board member Preston voted "No" based upon her opposition to the zero dollars for the 2006 building. The Board agreed that the proposals and report, accompanied by additional explanatory materials, would be filed with the Court Clerk by the deadline date of July 1, 2010.

The next item on the agenda related to the administrative transfer of the Interest on Lawyer Trust Accounts (IOLTA) program from the Bar Foundation to the State Bar, effective July 1, 2010, as included in an Order of the Supreme Court, dated June 22, 2010. The Board directed that the IOLTA records, documents and materials, in the possession of the Bar Foundation, be provided to IOLTA Advisory Committee Chairperson and Board Member Flaherty, since the Court had requested that he remain as Committee Chairperson after July 1, 2010 and he had agreed to do so. Lastly, the Board tabled the 2010-11 budget proposal because of the uncertain financial situation.

President Rohrbaugh began the September 9, 2010 Board meeting by welcoming Federal Court Chief Judge John Bailey (Wheeling), as a new Board member and the first member of the judiciary to serve on the Board. Secretary/Treasurer Nord gave the financial report for the last fiscal year—July 1, 2009-June 30, 2010—which provided a projected surplus of approximately \$15,000 because of the delay in moving forward with the WVU Law School student scholarship. He discussed the revenues and expenses for July and August in the 2010-11 fiscal year. Then, the Board went over the budget for 2010-11 which showed a deficit of more than \$15,000, with the reduction in rental payment receipts and the loss of the IOLTA program administrative fee, even after reductions in other expenses of salary, travel, accounting and office expenses. The Board agreed to include unexpected revenues in New Contributions for a break even budget.

President Rohrbaugh led a lengthy discussion regarding the 2006 and 2008 Kanawha Blvd. buildings situation with the WV State Bar. The Strategic Planning Committee had met for more than four hours, on the previous evening, with the State Bar Officers and some of their Board members. During the meeting, there had been several offers and counter-offers with separate caucuses by both groups. Finally, the Board agreed to decline the two offers that were made by the State Bar—to buy both buildings for \$400,000 or to buy both buildings for \$300,000 plus two annual payments of \$100,000 each, that would be distributed by the Bar Foundation to various groups as directed by the State Bar. The Board directed President Rohrbaugh to contact the State Bar President and determine the ability for additional negotiations to resolve the buildings situation.

Grants Committee Chairperson Nord stated that the Committee had not met and continued to have three grant applications for consideration. However, because of the ongoing review of the Bar Foundation's budget and future finances, the Committee had not taken any action on

the proposals. Mr. Tinder reported that the transfer of the administration of the Interest on Lawyer Trust Accounts (IOLTA) program to the WV State Bar had occurred on July 1, 2010, as required in the Supreme Court Order. There had been continuous actions taken by the Bar Foundation related to the transitioning IOLTA program since July 1, as the State Bar had assumed its new responsibilities, with almost weekly reports being provided to the IOLTA Advisory Committee and the Board of Directors.

The December 10, 2010 Board meeting was held at the law offices of Bowles, Rice, McDavid, Graff and Love, LLP in Charleston with video and conference call capabilities. President Rohrbaugh requested that Independent Auditor Godwin present the financial audit for the fiscal year of July 1, 2009-June 30, 2010. He stated that the audit was a clean unqualified opinion and went through each aspect of it. Then, he reviewed the IRS Form 990 that was to be placed on the Bar Foundation website, along with the financial audit. He went over the use of a second accounting firm to do the monthly reconciliations of the bank statements. After some discussion, Mr. Tinder was directed to renegotiate the fees for the bank reconciliations, as well as the annual audit, in light of the transfer of the administration of the IOLTA program and the ongoing real estate negotiations. In addition, Mr. Godwin reported that the compensation paid to the Executive Director was fair, comparable and satisfactory for the size and responsibilities of the organization. Mr. Tinder left the room so that the Board members and Mr. Godwin could discuss any confidential matters. Upon Mr. Tinder's return, the Board approved the financial audit for the 2009-2010 fiscal year and the IRS Form 990.

Secretary/Treasurer Nord gave the financial report for the first five months of the fiscal year—July 1, 2010-November 30, 2010. The Board agreed to place the funds from the certificate of deposit that was to mature, in the next several days, into the Bar Foundation's regular savings account in preparation for the balloon payment on the commercial loan due in August, 2011 and approved the financial report.

President Rohrbaugh led a lengthy discussion regarding the 2006 and 2008 Kanawha Blvd. buildings situation with the WV State Bar. The Strategic Planning Committee met just prior to the Board meeting to discuss the recent responses that the State Bar had provided to the Bar Foundation's proposed modifications to the Real Estate Option Agreement for the property. The two issues to resolve related to property insurance, during the option period, and the use of the property for a new facility for the State Bar. The Board approved a motion to request specific changes in the Agreement in those two areas.

The Board approved the members of the 2011 class of Bar Foundation Fellows and President Rohrbaugh gave a report on the activities of the Strategic Planning Committee. The Committee had been spending time and effort on the buildings situation, but had also considered the following activities to benefit the Bar Foundation and its operation—an event to “roast” a well known figure in the legal community with proceeds going to charitable causes, a joint meeting of the ABA Fellows and the Bar Foundation Fellows prior to the Bar Foundation Fellows Dinner in April, 2011, the pursuit of cy pres awards in Federal Court cases, an increase in the Bar Foundation Fellows Dinner fee from \$95 to \$125 per person and solicitation of West Virginia lawyers for end of year financial contributions to the Bar Foundation—all of which the Board approved.

2011-2013-MOVING IN NEW DIRECTIONS

After the decisions to no longer be involved in some longstanding commitments and obligations, the Bar Foundation utilized its strategic planning process to move off, proactively, in new directions. With the effective and efficient sale of its real estate, the Bar Foundation became debt-free for the first time in its history and established an Investment Fund with over a half million dollars. Continuing its progress in making grants for beneficial charitable activities, more than \$120,000 was distributed through Bar Foundation grants, the Public Service Scholarship for a WVU Law School student and the proceeds from a new event—Lunch and Laughs With A Legal Legend. Assisting newer lawyers occurred with the much acclaimed Lawyer Leadership Institute and a completed pilot mentoring plan, which was a collaborative effort with the American Bar Fellows, the American Inns of Court and the State Bar. Governance matters and fiscal policy grew even stronger.

The March 11, 2011 Board meeting began with Secretary/Treasurer Nord giving the financial report for the first eight months of the fiscal year and stating that the organization was in good financial condition—the Board approved it. President Rohrbaugh informed the Board of the recent communications that she had initiated with State Bar President Chafin regarding the signed Real Estate Purchase Option for the 2006 and 2008 Kanawha Blvd. buildings with the WV State Bar. She reported that the State Bar is on course to purchase the buildings during the current six month option period.

Grants Committee Chairperson Nord stated that the Committee met and recommended the following grants—Just for Kids, Inc. (\$2,000), WV Association of Counties (\$1,500), Liberty Day (\$2,000), Monongalia County Child Advocacy Center (\$1,000) and The Law Works (\$5,000)—all of which were approved. Finally, Secretary/Treasurer Nord stated that the Bar Foundation was still waiting for the necessary agreement from the WVU College of Law for the Bar Foundation Public Service Scholarship. The amount of the scholarship would be approximately \$13,000 and the Board approved the payment out of the Bar Foundation's reserves.

Reports were made to the Board concerning the Lunch and Laughs with a Legal Legend event in October in Morgantown with David C. Hardesty, Jr., as the honored guest, the Officer nominations being President Joe Long, Vice President Steve Nord and Secretary/Treasurer Tracey Weber and that the Retirement Reception for Connie Blessing, who had provided staff assistance to the Bar Foundation for 19 years, which was jointly sponsored by the Bar Foundation and the Lawyer Disciplinary Board, with the Bar Foundation's approved portion of the expenses of \$260.

There were comments made about the outstanding service and expertise that had been provided by Ms. Blessing and the other supporting staff, Hope Gresham, Cheryl Petty and Kathy Henning, from the origination of the Bar Foundation in December, 1988 through December,

2007. The many Bar Foundation achievements and accomplishments, which were attained for the legal profession and the judicial system, would not have occurred without the dedication and guidance provided by these four exemplary individuals.

The June 9, 2011 Board meeting began with the Board approving the 2010-11 financial report as presented by Secretary/Treasurer Nord. The Board members spent an extensive amount of time reviewing the 2011-12 proposed budget with lots of discussion concerning the two Kanawha Blvd. buildings and the commercial loan. There were comments made about the Real Estate Option Agreement with the WV State Bar, the future use of the facilities, and the loan balloon payment due in August, 2011. Finally, the Board tabled the budget proposal and agreed to continue its revenue and expenditure schedule into the new fiscal year.

President Rohrbaugh gave the report for the Strategic Planning Committee and informed the Board of the recent meeting that the Officers had with State Bar President Gary Nickerson and President-elect Jim Wright. There had been comments made about the State Bar's use of the 2006 and 2008 Kanawha Blvd. buildings in the future, the Supreme Court's leasing directions, a plan by the State Bar and Lawyer Disciplinary Board to look for other space, and equity matters. The Board members reviewed the options of selling the property, renting the property and how to handle equity. Then, there was agreement to get commercial loan options to be reviewed by the Board.

President Rohrbaugh continued with the activities of the Strategic Planning Committee and the Board approved the Lunch and Laughs event in October in Morgantown, an endowment campaign in the future and a proposed Lawyer Leadership Academy for younger lawyers in 2012. The next item was an Employment Agreement for Executive Director Tinder, since the present agreement was to expire on June 30, 2011. The Board members reviewed a proposed agreement that had been distributed to them after being approved by the Strategic Planning Committee. Reflecting the significant reductions in revenues for the Bar Foundation in the past year, the agreement substantially decreased the hours and salary to be paid. Mr. Tinder made some comments regarding the best interests of the organization and left the meeting room and the Board approved the Agreement, beginning on July 1, 2011.

The Board members reviewed a proposed joint meeting of the American Bar Association Foundation Fellows and the WV Bar Foundation Fellows with the major topic being cooperative activities, including a possible mentoring program for inexperienced lawyers. The Board agreed to have a joint meeting of the Fellows groups on August 12, 2011, during the WV Bar Association Annual Meeting and that the Bar Foundation would donate up to \$150 for the costs of the meeting as well as establishing a mentoring program. Grants Committee Chairperson Nord stated that the Committee met and reviewed two grant applications---one was a supplemental request for \$5,000 for The Law Works Program on West Virginia Public Broadcasting and the other for \$16,423 to initiate the Bar Foundation Public Service Scholarship for a qualified student at the WVU College of Law. The Board approved the two grants with the Public Service Scholarship being paid with \$12,000 in excess revenues and \$4,423 in grant funds in the current year's budget. The approved Grant funding in the 2010-11 Bar Foundation Budget was \$25,000 with the total grants awarded being almost \$33,000 with more grants (7) for more money than any time in the Bar Foundation's 23 year history.

The meeting concluded with motions approved to hire the Independent Auditor, accomplish the bank reconciliation work and upgrade the website, as well as strong supportive comments for President Rohrbaugh's leadership, along with plans being proposed by incoming President Long.

President Long welcomed new Board members Kathy Santa Barbara (Martinsburg) and David Webb (Keyser) as he called the September 8, 2011 Board meeting to order at a new location, the law office of Flaherty Sensabaugh Bonasso in Charleston. Secretary/Treasurer Weber gave the financial report and the proposed budget document with comparisons of the 2009-10 budget, the 2010-11 budget, the projected budget for 2010-11 and the proposed 2011-12 budget, as of June, 2011 and September, 2011. There were numerous questions made about the real estate lease and sale situation, as well as the proposed deficit budget. The Board voted to approve the financial report and the 2011-12 budget (9/11 version).

President Long gave the report for the Strategic Planning Committee and informed the Board that there had been comments made that the WV Supreme Court might perhaps have some interest in the 2006 and 2008 Kanawha Blvd. buildings, but that Board Member Ramey had made an appropriate contact and had been told that there was no interest. The Board members thoroughly discussed the future plans for the real estate, since the State Bar was still not certain when it would move out of the buildings. Then, the Board approved spending up to \$2,500 to upgrade the properties, but that, prior to the expenditure, there be input from reputable real estate agents as to what action should be taken.

President Long talked about other activities, including the Lunch and Laughs event, a mentoring program and the Lawyer Leadership Institute, as well as mentioning a few priority items for the near future, such as the real estate situation, an endowment campaign, Lunch and Laughs with a Legal Legend, a mentoring program, the Lawyer Leadership Institute and cy pres awards.

The 2010-11 independent audit was the first agenda item for the December 8, 2011 Board meeting. President Long requested that the auditor, Mr. Godwin, provide the report and he reviewed the cover letter, additional explanatory letter, the financial report and the IRS Form 990 on a page by page basis. The audit was a clean, unqualified audit with numerous comments being made regarding the decreases in income because of the loss of the IOLTA program administrative fee and payments, as well as the reduction in building rent payments, with corresponding decreases in IOLTA grants, administrative, overhead and office expenses. Executive Director Tinder left the room, so that the Board could discuss the audit and financial operation with Mr. Godwin, privately. Then, the Board approved the audit and the IRS Form 990.

Secretary/Treasurer Weber gave the financial report for the first five months of the current fiscal year, July-November, 2011. He highlighted the changes in the finances because of the IOLTA program, rent payments and Chase loan re-negotiations and the Board approved the report with an increase to the Rent income line item to \$34,196 in the 2011-12 budget, since that is the exact figure based upon the State Bar's decision to vacate the 2008 Kanawha Blvd. building on November 31, 2011 and the 2006 Kanawha Blvd. building on December 31, 2011, making a balanced budget for the fiscal year.

The Board had a lengthy discussion regarding the Real Estate situation. Marketing proposals had been received, which had been reviewed by the Strategic Planning Committee. The Committee recommended West Virginia Commercial because of its commercial property expertise, its commission rate and its past accomplishments, with the Board approving it and agreeing to utilize up to \$7,500 from Reserves for updating the buildings, which would be done at the direction of the Officers.

The next item on the agenda was a report from the Bar Foundation Fellows Nominating Committee which was given by Judge Aloï. (Vice President Nord left the room.) He went over the judges and lawyers recommended by the Committee. The Board approved the 20 individuals on the list. (Vice President Nord returned to the room.) The last item was the Executive Director's Report and Mr. Tinder stated that Michael Nissim-Sabat had been awarded the Bar Foundation Public Service Scholarship. He is a second year student at the WVU College of Law. Finally, the Board was informed that the State Bar was moving out of the 2006 Kanawha Blvd. building at the present time and would completely vacate the premises by December 31, 2011.

The financial report was given by Secretary/Treasurer Weber at the beginning of the March 22, 2012 Board meeting. He mentioned several revenue items and several expense items with the overall forecast for a balanced budget, even after the unanticipated expenses for the two Kanawha Blvd. buildings, and the Board approved it.

President Long led a lengthy discussion regarding the Real Estate situation for the two buildings-2006 and 2008 Kanawha Blvd., East. The facilities had been placed on the market for sale and a real estate purchase agreement had been entered into with the West Virginia Oil Marketers and Gas Association (OMEGA) for the 2006 Kanawha Blvd. building. OMEGA had 45 days to undertake due diligence and financing with an anticipated closing date on or before May 1, 2012. A letter from Rudy Henley (West Virginia Commercial) had been distributed, which stated that there had been several showings of the 2008 Kanawha Blvd. building with one party returning on multiple occasions. There was hope that a bid to purchase the 2008 facility would be made in the near future. Both properties had been on the market for just 90 days.

Vice President Nord gave a report for the Grants Committee and went over two applications---New Mystics Arts (\$2,000) and J. R. Clifford Project (\$4,000)—both of which received Board approval. President Long gave the report for the Strategic Planning Committee and informed the Board that the Committee had met recently and had discussed the real estate situation, the Foundation Fellows Dinner and the Lawyer Leadership Institute. He stated that the Attorneys Liability Protection Society (ALPS) made a donation to support the Lawyer Leadership Institute (LLI) and the Board agreed to have ALPS as the name sponsor of the LLI and to express the Bar Foundation's appreciation for ALPS' strong support.

President Long started the June 7, 2012 Board meeting with remarks by Ms. Kitty Dooley and Mr. Tom Rodd regarding the Bar Foundation grant, which had been awarded to the J.R. Clifford Project for activities relating to civil rights, human rights and the legal profession. They stated that the Bar Foundation's support was "extremely important". Then, Secretary/Treasurer Weber gave the financial report with the overall forecast for almost a balanced budget, even after the numerous unanticipated expenses for the two buildings. He also went over the budget proposal for the 2012-13 fiscal year, which was a basic budget with a very small surplus based upon the sale of the 2008 Kanawha Blvd. building and paying off the Chase Bank commercial loan which was projected to occur in late June/early July, 2012. The Board approved both documents.

For the Report of the Strategic Planning Committee, President Long led a lengthy discussion regarding the real estate situation for the two buildings-2006 and 2008 Kanawha Blvd., East. The 2006 building was sold for \$287,500 to the Oil Marketers and Grocers of West Virginia (OMEGA) with a closing date of May 22, 2012. An amount of approximately \$273,000 was provided to the Bar Foundation after the necessary deductions for fees and expenses. A Real Estate Sales Agreement with Joel Beverly, an out of state business owner, was signed at the end of May, 2012, for the 2008 Kanawha Blvd. building. With a 30 day inspection period, the plan was to close on the property at the end of June or early in July.

The Board members discussed the commercial loan with Chase Bank on the 2008 Kanawha Blvd. property. A request had been made to the bank to eliminate a prepayment penalty provision and the Board agreed to authorize the Executive Committee to negotiate the commercial loan and its provisions regarding that property. President Long then reported that the Strategic Planning Committee reviewed the proposed Endowment Fund. After discussion, the Board gave approval to place \$500,000 in the Endowment Fund once both the 2006 and the 2008 Kanawha Blvd. buildings had been finally sold.

The Board received an overview of the very successful ALPS Lawyer Leadership Institute that was held on May 18-20 at Stonewall Resort and the Board agreed to continue the activity for a second year. Grants Committee Chairperson Nord discussed grants for the continuation of the Bar Foundation Public Service Scholarship at the WVU College of Law (\$17,240) (Dean McConnell did not participate in the discussion and did not vote.), The Law Works (\$5,000) and the Court Appointed Special Advocates (CASA) program of the Eastern Panhandle (\$1,760 challenge grant)—all of which were approved by the Board.

The Board then elected the Officers to serve during 2012-13---President Weber, Vice President Hatfield and Secretary/Treasurer White. The next item on the agenda was the Executive Director's Report. Mr. Tinder presented proposals for the Bar Foundation Fellows Dinner, the independent audit and the bank reconciliations, with the Board approving them. The Board then considered a request from the WV Bar Association to again sponsor the Fellows Luncheon on August 17, 2012, for ABA Fellows and Bar Foundation Fellows during its Annual Convention. After some discussion, it was approved to make a \$150 grant to the WV Bar Association to be a sponsor of the Fellows Luncheon.

The next item for discussion related to the Bar Foundation office space situation with the impending sale of the 2008 Kanawha Blvd. building and the 2008A garage apartment located behind it, which had served as the Bar Foundation office space since January, 2008. After discussion, the Board approved to have the Bar Foundation use a post office box for regular mail and have the current phone system located

at Mr. Tinder's home, at a reduction in cost, once the 2008A garage apartment is no longer available for use. Under Other Business, Vice President Nord reported that he had done some work with Bar Foundation Fellow Rob Fisher regarding a joint mentoring program with the State Bar. It was agreed that incoming President Weber would follow up on this possible program.

Finally, the Board moved into Executive Session to discuss personnel matters and, upon returning to Public Session, it approved entering into an Employment Contract with Mr. Tinder as a part-time employee in accordance with terms that had been earlier discussed between Mr. Tinder and Secretary/Treasurer Weber, with the agreement to be signed by Mr. Weber, as the incoming President, and that Mr. Tinder be authorized to spend up to \$1,000 for a new laptop computer to replace the current one that was purchased in January, 2008.

President Weber introduced the new Board members---Richard Bolen (Huntington), Jodie Boylen (Parkersburg), Ken Gray (Morgantown) and John Shott (Bluefield)---at the start of the September 6, 2012 Board meeting. Secretary/Treasurer White gave the 2012-13 financial report, as well as a review of the unaudited figures for the 2011-2012 fiscal year. With the Board's approved addition of \$7,500 to be taken from reserves, the last fiscal year budget was basically balanced, after paying the unexpected unbudgeted expenses for the maintenance of the 2006 and 2008 Kanawha Blvd. buildings. The Board approved both documents.

For the Report of the Strategic Planning Committee, President Weber reviewed the real estate situation for the two buildings-2006 and 2008 Kanawha Blvd., East. The 2006 building was sold to the Oil Marketers and Grocers of West Virginia (OMEGA) in May, 2012. The closing for the 2008 Kanawha Blvd. property occurred during the first week of August for a sales price of \$330,000 with the purchaser being Joel Beverly. After the pay-off of the Chase Bank commercial loan, in the approximate amount of \$272,000 and the payment of other fees, the remainder from the sale was just over \$35,000.

President Weber then reported that the Strategic Planning Committee reviewed the proposed Endowment Fund. An Investment Counselor, Mr. O'Connor, had made a proposal utilizing government backed bonds and the Board gave its approval. The next item on the agenda was the Executive Director's Report and Mr. Tinder stated that the American Bar Association Fellows and the Bar Foundation Fellows had held their annual joint meeting with a discussion regarding the proposed mentoring program and the need to move forward with it. The Board authorized Mr. Tinder to provide administrative support to the committee members. Under Other Business, the Board members approved President Weber's appointment of an Endowment Fund Committee.

The Independent Audit report was the first agenda item during the December 6, 2012 Board meeting. The Auditor, Mr. Godwin, reviewed each aspect of the financial audit for the 2011-12 fiscal year and the IRS Form 990. He stated that the audit was clean and unqualified with the major actions being the sale of the 2006 Kanawha Blvd., East building in the 2011-12 fiscal year and then the sale of the 2008 building and the pay-off of the commercial loan on that building in August, 2012 during the 2012-13 fiscal year. It was reported that the Bar Foundation ended the 2011-12 fiscal year with a slight surplus and there had been no utilization of a Board approved amount of \$7,500 from reserves for the unanticipated costs of maintaining and selling the buildings, after the lease with the West Virginia State Bar concluded on December 31, 2011. Mr. Godwin went over every page of the Form 990 and mentioned all the significant aspects of it. Then, Mr. Tinder left the meeting room, so that any confidential information could be shared by Mr. Godwin with the Board members. The Board approved the Independent Audit for the 2011-12 fiscal year and the Form 990, to be filed with the Internal Revenue Service.

Secretary/Treasurer White gave the financial report for the current 2012-13 fiscal year. There had been some unanticipated expenses in July and August regarding the 2008 building and its sale, but the overall financial condition was satisfactory. The report was approved and it was agreed to close the savings account with the funds (\$21,110) being placed in the new Investment Fund. President Weber reviewed the successful Lunch and Laughs event, with Dean Emeritus John Fisher in September, and the upcoming Lawyers Leadership Institute scheduled to be held in May. The Board approved the 2013 class of Bar Foundation Fellows to be honored in April. Mr. Ramey gave the report for the Investment Fund Committee, which felt that the fund should be an investment fund rather than an endowment fund, and reviewed the proposed policy for the Fund that had been distributed to the Board---it was approved.

Judge Aloï then mentioned that there were four Foundation Fellows who had not made any payments on their financial commitment to support the Bar Foundation's programs and activities. The Board agreed that letters be sent to these four individuals stating that they would be removed as Fellows if payments weren't made by January 1, 2014. For the Executive Director's Report, Mr. Tinder stated that the joint mentoring committee, consisting of three representatives from the American Bar Fellows and the Bar Foundation Fellows, was working on a pilot program in several areas of the state and should have a report for consideration at the March, 2013 Board meeting.

The Investment Fund was the first matter discussed at the March 7, 2013 Board Meeting. President Weber requested the Investment Counselor, Mr. O'Connor, to report and he stated that the Bar Foundation's investment policy was being followed and that there was almost \$520,000 in AAA rated bonds in the Fund. There had been a small reduction of approximately one half percentage point based upon the investment fee being paid and because of the recent run-up in stocks, which depressed the bond rates. He suggested that consideration be given to placing some percentage in mutual stock funds. The Board directed the Investment Fund Committee to meet with Mr. O'Connor and report back at the June Board meeting. Secretary/Treasurer White gave the financial report for the current 2012-13 fiscal year and the Board approved it.

President Weber then led a discussion regarding the 25th anniversary of the Bar Foundation on December 30, 2013. There were comments about a commemorative publication, a special event or some other activity with the Board in agreement to expand the Bar Foundation Fellows Dinner in April, 2014, to include some type of 25th year celebration. President Weber requested a Grants Committee report and the Committee recommended that approximately \$19,000 being set aside for the Bar Foundation Public Service Scholarship, \$2,500 for the Liberty Day project and \$5,000 for The Law Works program---the Board approved the recommendations.

Mr. Tinder gave his Executive Director's report by stating that progress was being made on setting up a mentoring program with pilot sites where Federal Court Judges are located in the Northern District and then in the Southern District. This is a joint endeavor of the Bar

Foundation's Fellows and the American Bar Fellows. He said that there were 22 Bar Foundation Fellows set for the Annual Dinner on April 25 with one person declining, one person being carried over until 2014, and one person who had not responded, yet.

President Weber called upon Secretary/Treasurer White to give the financial report as the first agenda item at the June 6, 2013 Board Meeting. He said that the overall forecast was for a few thousand dollars in excess income for the 2012-13 fiscal year and that the 2013-14 budget proposal was a basic one with a very small surplus. The Board approved the two documents. For the Report of the Strategic Planning Committee, President Weber stated that the past year had been a second successful one, as the Bar Foundation had sold its two facilities and gotten out of the real estate business, and it placed the proceeds in an Investment Fund. In focusing on its objective of providing grants, the Bar Foundation had distributed more than \$175,000 in grants in the past five years, including the initiation of the Public Service Scholarship at the WVU College of Law. Additionally, the second Lunch and Laughs with a Legal Legend, honoring Dean Emeritus John Fisher, and the second ALPS Lawyer Leadership Institute had been immensely successful. The Bar Foundation is continuing to work on a mentoring program using Bar Foundation Fellows and American Bar Association Fellows to assist younger lawyers.

Investment Fund Committee Chairperson Ramey lead a discussion regarding the money placed in the Fund. At the Board's direction, the Committee had reviewed the status of the Fund that currently consisted solely of bond instruments and had received input and suggestions from Mr. O'Connor, the Investment Consultant. The normal distribution for charitable organizations is 60-70% in equities. The Board agreed to place 20% of the Investment Fund in equities and consider additional changes in the future.

Grants Committee Member Shott reported that a joint conference call had been held with the Strategic Planning Committee to consider a grant application from the WV State Bar's Lawyer Assistance Program. After some discussion, the Board agreed to approve the continuation of the Bar Foundation's Public Service Scholarship at the WVU College of Law in the approximate amount of \$17,630 and to approve a challenge grant in the amount of \$5,000 per year for a five year period to the Lawyer Assistance Program, with the stipulations that the funds not be used for personnel salary and benefits as required in the Bar Foundation grant application guidelines, that the Program pursue other sources of funding and that the Bar Foundation grant would be provided as "last in" after the Program had financial commitments for the \$45,000 contained in its annual budget proposal. (Judge Aloj and Ms. Boylen abstained from the discussion and from voting on the matter because of their current interactions with the WV State Bar and the Lawyer Assistance Program.)

The Board approved the Officers for 2013-14---President Hatfield, Vice President White and Secretary/Treasurer Ramey. The Board then agreed to have the Foundation Fellows Dinner on April 24, 2014 at the Marriott Hotel in Charleston, to hire Herman and Cormany to do the annual audit and to hire Gibbons and Kawash to do the monthly bank reconciliations, as well as to make a \$150 grant to the WV Bar Association to be a sponsor of the joint Fellows Luncheon. Under Other Business, it was reported that work continues to be done regarding a mentoring program which would utilize Bar Foundation Fellows and American Bar Association Fellows with the possibility of coordinating it with Federal Court Judges in the Northern District.

President Weber requested that Mr. Tinder leave the meeting room in order for the Board to discuss personnel matters. The Board approved a motion to enter into an Employment Contract with Mr. Tinder as a part-time employee for the 2013-14 fiscal year with the same terms and conditions as the current year and that Mr. Tinder be provided with a bonus in the form of reimbursement of his reasonable expenses in the amount of \$3,000 during calendar year 2013.

With the class of Board members being re-elected to second 3 year terms (Board Members Allen, Bailey, Flaherty, Ramey and White), President Hatfield called the September 5, 2013 Board meeting to order. Secretary/Treasurer Ramey gave the unaudited financial report for the July 1, 2012 through June 30, 2013 fiscal year with the overall forecast being for a few thousand dollars in excess income. He then reviewed the approved 2013-14 budget and the financial report for the first two months of July and August—all of which were approved by the Board.

For the Strategic Planning Committee, President Hatfield led the discussion regarding the Lunch and Laughs event that will be held on September 13 in Morgantown with Judge Keeley as the honoree. He went on to say that the Bar Foundation's 25th Anniversary will occur on December 30, 2013, and a celebration would be held in conjunction with the Bar Foundation Fellows Dinner on April 24, 2014. The Committee is recommending that Mr. Tinder prepare a brief historical booklet about the Bar Foundation's programs, activities and accomplishments, that bids be solicited for printing several hundred booklets for distribution at the 2014 Fellows Dinner and to Foundation Fellows, and that contact be made with Bob Noone to determine his availability to provide entertainment for the 2014 Fellows Dinner, with decisions to be made at the December, 2013, Board meeting. Then, comments were made by Dean McConnell and Mr. Tinder relating to a proposed mentoring program in the northern part of the state, which would utilize materials from the American Inn of Court, ABA and Bar Foundation Fellows as mentors, and newer lawyers as mentees, all with the support of the Federal Court Judges in the Northern District. It is hoped that this pilot project can be in operation early in 2014.

Investment Fund Committee Chairperson Ramey reviewed the Fund for the Board members. It was initiated in December, 2012, with \$521,000, primarily from the sale of the Bar Foundation's two buildings, and the current balance was \$498,000 in the Fund because of the recent decrease in stock prices. The Board approved the report. Grants Committee Chairperson Allen gave the report that the Board had previously approved funding for the Public Service Scholarship at the WVU College of Law and that the Committee was recommending that it be continued in the approximate amount of \$18,000 to be paid in June, 2014, which was approved. (Dean McConnell was recused from discussing and voting on the matter.) Then, the Board agreed to a \$2,500 grant for the Logan County Child Advocacy Center. Finally, Chairperson Allen stated that the Board had approved a \$5,000 grant to the WV State Bar in June, 2013, for the initiation of a Lawyer Assistance Program. The funds were to be provided after other money had been received by the State Bar. The grant had not been funded, as of yet, because the State Bar had yet to notify the Bar Foundation that the required other funding was received, and thus the money was being held.

As usual, the Independent Audit was the first matter for discussion during the December Board meeting, held on December 5. President Hatfield called upon Mr. Godwin to present the Financial Report for 2012-13 and the Internal Revenue Service Form 990, both of which had been previously reviewed by the Executive Committee and distributed to the Board members. The Independent Auditor went over every aspect of the Financial Report and every page of the Form 990. The audit was a clean one and demonstrated the changes that had occurred as the Bar Foundation sold its two buildings and instituted an Investment Fund with resulting positive income over the past two year period. Mr. Tinder was excused from the meeting room so that Mr. Godwin could provide any confidential material to the Board members, as well as give comparability information regarding the Executive Director's salary. The Board approved the 2012-13 Financial Report and the IRS Form 990.

The unaudited financial report for the first five months of the 2013-2014 fiscal year was presented by President Hatfield. The significant matter was the very successful Lunch and Laughs event that generated additional net proceeds. All other items were in the expected ranges. After additional comments, the Board took action to approve the 2013-14 financial report.

For the report of the Strategic Planning Committee, President Hatfield mentioned several items including the decision not to respond or react to the article by State Bar President Deitzler that was placed in the WV Lawyer magazine; the successful Lunch and Laughs event, in September, honoring Judge Keeley; the donation options involving ALPS and Chase Bank; and the progress on a pilot mentoring program proposed for the Northern District Federal Court. The Board agreed to schedule the 2014 Lunch and Laughs on October 17 in Morgantown with Jack Bowman as the honoree.

President Hatfield requested a report on the status of the Investment Fund. After it was initiated in December, 2012, with \$521,000 primarily from the sale of the Bar Foundation's two buildings, the Board changed the make-up of the Fund from 100% bonds to 20% in equities. The Fund amount was \$512,000 and the Board approved the report. Lastly, the Board approved the members of the 2014 Bar Foundation Fellows class.

AS THE WEST VIRGINIA BAR FOUNDATION CONTINUES AS THE PHILANTHROPIC ORGANIZATION FOR THE STATE'S LEGAL PROFESSION AND JUSTICE SYSTEM, THE BOARD OF DIRECTORS WILL GIVE ITS EXPERTISE AND EXPERIENCE TO FULFILLING THE MISSION OF IMPROVING THE ADMINISTRATION OF JUSTICE AND THE PROVISION OF LEGAL SERVICES FOR THE MEN, WOMEN AND CHILDREN OF WEST VIRGINIA.

WV BAR FOUNDATION PRESIDENTS

Robert M. Steptoe, Jr. (Clarksburg)	1989-1992
John L. McClaugherty (Charleston)	1992-1998
G. Nicholas Casey, Jr. (Charleston)	1998-2000
Michael T. Chaney (Charleston)	2000-2001
Cheryl L. Henderson (Huntington)	2001-2003
Heather Heiskell Jones (Charleston)	2003-2004
Alvin L. Emch (Charleston)	2004-2007
Cheryl Dean Riley (Wheeling)	2007-2008
Carl L. Harris (Fayetteville)	2008-2009
John H. Tinney (Charleston)	2009-2010
Tracey A. Rohrbaugh (Martinsburg)	2010-2011
J. Franklin Long (Bluefield)	2011-2012
W. Tracey Weber, Jr. (Weston)	2012-2013
Harry M. Hatfield (Madison)	2013-2014

BAR FOUNDATION BOARD MEMBERS

INCORPORATORS – December 30, 1988

James MacCallum-Madison
Kemp Morton-Huntington

INITIAL BOARD OF DIRECTORS-June, 1989

Sue Core (Elkins)
David Daugherty (Huntington)
John Fisher (Morgantown)
David Hardesty, Jr. (Charleston)(Could not accept. Replaced by Charles Love, III-Charleston.)
Helen Jackson-Gillison (Weirton)
Charlotte Lane (Charleston) (Resigned position because of conflict of interest.)
Brooks Lawson (Williamson)
Charles Loeb (Charleston)
Thomas McCarthy (Wheeling)
John McClaugherty (Charleston)
Larry Morhous (Bluefield)
Lacy Rice, Jr. (Martinsburg)
William Richardson, Jr. (Parkersburg)
Robert Steptoe, Jr. (Clarksburg)
Warren Thornhill (Beckley)
Robert Wallace (Buckhannon)

BOARD OF DIRECTORS-1990 to 2013

Barbara Allen (Charleston)	William File, III (Beckley)	Jennifer Mason (Wheeling)
Judge Michael Aloï (Fairmont)	Dean John Fisher, II (Morgantown)	Dean Joyce McConnell (Morgantown)
Chief Judge John Bailey (Wheeling)	Robert Fisher (Ripley)	Robert Noone (Logan)
Claudia Bentley (Martinsburg)	Tom Flaherty (Charleston)	Steven Nord (Huntington)
Richard Bolen (Huntington)	Richard Ford, Sr. (Lewisburg)	Howard Persinger, Jr. (Williamson)
Forest Bowman (Morgantown)	Dean Teree Foster (Morgantown)	Janet Preston (Parsons)
Jodie Boylen (Parkersburg)	Robert Goldenberg (Parkersburg)	Ancil Ramey (Charleston/Huntington)
David Burton (Princeton)	Ken Gray (Morgantown)	Cheryl Riley (Wheeling)
John Busch (Elkins)	Michele Grinberg (Charleston)	Tracey Rohrbaugh (Martinsburg)
Nicholas Casey, Jr. (Charleston)	Carl Harris (Fayetteville)	Larry Skeen (Ripley)
Michael Chaney (Charleston)	Harry Harfield (Madison)	Mote Thompson (Ashland, KY)
James Companion (Wheeling)	Cheryl Henderson (Huntington)	John Tinney (Charleston)
Grant Crandall (Charleston)	Elliot Hicks (Charleston)	Robert Trainer (Parkersburg)
Steven Crislip (Charleston)	Caton Hill (Philippi)	David Webb (Keyser)
Richard Douglas (Martinsburg)	Eric Holmes (Ripley)	Tracey Weber (Weston)
Al Emch (Charleston)	Heather Heiskell Jones (Charleston)	Steve White (South Charleston)
Joseph Farrell (Huntington)	Jerry Jones (Clarksburg)	
	Neva Lusk (Charleston)	

WEST VIRGINIA BAR FOUNDATION FELLOWS

West Virginia Bar Foundation Fellows – Those lawyers whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and honorable service to the legal profession with the individuals selected reflecting the diverse nature of the legal profession in West Virginia.

2013 FELLOWS	
Fred Adkins	Huntington
The Honorable Jack Alsop	Webster Springs
Marcia L. Ashdown	Morgantown
Robert V. Berthold, Jr.	Charleston
Rebecca A. Betts	Charleston
Thomas C. Cady	Morgantown
The Honorable Russell M. Clawges, Jr	Morgantown
Robert W. Dinsmore	Morgantown
William H. File, III	Beckley
Richard E. Ford, Jr.	Lewisburg
William E. Galeota	Morgantown
Thomas J. Hurney, Jr.	Charleston
Evans L. King, Jr.	Bridgeport
Neva G. Lusk	Charleston
David W. McCauley	Buckhannon
The Honorable Ronald G. Pearson	Charleston
Rory L. Perry, II	Charleston
Tracey A. Rohrbaugh	Martinsburg
Don R. Sensabaugh, Jr.	Charleston
Howard E. Seufer, Jr.	Charleston
Lonnie C. Simmons	Charleston
Ron L. Tucker	Fairmont
2012 FELLOWS	
James M. Brown	Beckley
Phyllis H. Carter	Institute
Sandra M. Chapman	Wheeling
The Honorable Edwin F. Flowers	Morgantown
F. T. “Tom” Graff, Jr.	Charleston
Anthony G. Halkias	Charleston
Carl L. Harris	Fayetteville
Teresa C. McCune	Williamson
Taunja Willis Miller	Morgantown
The Honorable Alan D. Moats	Grafton
C. David Morrison	Bridgeport
Steven K. Nord	Huntington
Thomas O. Patrick	Morgantown
Cheryl Dean Riley	Wheeling
Frederick M. Dean Rohrig	Middlebourne
The Honorable O. C. “Hobby” Spaulding	Hurricane
Ward D. “Jerry” Stone, Jr.	Morgantown
Charles S. Trump, IV	Berkeley Springs
Jeff C. Woods	Hurricane
2011 FELLOWS	
J. Michael Benninger	Morgantown
Jodie M. Boylen	Parkersburg
Harry L. Buch	Wheeling
Robert D. Fisher	Ripley
Michael D. Foster	Charleston
The Honorable John R. Frazier	Princeton
The Honorable John W. Hatcher, Jr.	Fayetteville
The Honorable Sally G. Jackson	Martinsburg
Patrick D. Kelly	Charleston

Stephen M. LaCagnin	Morgantown
Donald B. O'Dell	Huntington
Sharon L. Potter	Wheeling
Harry G. Shaffer, III	Madison
Jessica Justice Stolarik	Morgantown
The Honorable Robert B. Stone	Morgantown
Charlene A. Vaughan	Charleston
William Douglas Witten	Logan
2010 FELLOWS	
Robert B. Allen	Charleston
Richard J. Bolen	Huntington
Ellen S. Cappellanti	Charleston
Anita R. Casey	Charleston
Stephen B. Farmer	Charleston
Kenneth D. Gray	Morgantown
Thomas A. Heywood	Charleston
The Honorable Gary L. Johnson	Summersville
William A. Kolibash	Wheeling
Timothy J. Manchin	Fairmont
Dean Joyce E. McConnell	Morgantown
Robert W. Minto, Jr.	Missoula, Montana
Dina M. Mohler	Charleston
Charles S. Piccirillo	Madison
William J. Powell	Martinsburg
Kathy M. Santa Barbara	Martinsburg
The Honorable Thomas W. Steptoe, Jr.	Charles Town
William D. Wilmoth	Wheeling
John D. Wooton	Beckley
2009 FELLOWS	
The Honorable Joseph P. Albright	Parkersburg
Barbara H. Allen	Charleston
Professor Robert M. Bastress, Jr.	Morgantown
Oscar M. Bean	Moorefield
Landers P. Bonenberger	Wheeling
Michael E. Caryl	Martinsburg
The Honorable Chuck Chambers	Huntington
Linda Nelson Garrett	Summersville
Logan Hassig	New Martinsville
Harry M. Hatfield	Madison
Catherine D. Munster	Clarksburg
John J. Nesius	Charleston
Janet D. Preston	Parsons
Ancil G. Ramey	Charleston
William L. Redd	Huntington
2008 FELLOWS	
Michael A. Albert	Charleston
The Honorable Donald H. Cookman	Romney
Stephen R. Crislip	Charleston
K. Paul Davis	Charleston
Stephen A. Davis	Summersville
Carl N. Frankovitch	Weirton
The Honorable Martin J. Gaughan	Wellsburg
R. Edison Hill	Charleston
David A. Jividen	Wheeling
Charles J. Kaiser, Jr.	Wheeling
The Honorable John S. Kaul	Clarksburg
J. Davitt McAteer	Shepardstown
Marjorie McDiarmid	Morgantown

Susan Kipp McLaughlin	Fairmont
Wesley W. Metheney	Morgantown
Kenneth R. Miller	Fairmont
Gary W. Nickerson	Clarksburg
Charles F. Printz, Jr.	Martinsburg
Susan R. Snowden	Martinsburg
Gail T. Henderson-Staples	Huntington
Robert W. Trumble	Martinsburg
Marc E. Williams	Huntington
2007 FELLOWS	
George Daniel Blizzard	Madison
Michael O. Callaghan	Charleston
Katherine L. Dooley	Charleston
The Honorable David A. Faber	Beckley
James C. Gardill	Wheeling
Lucien G. Lewin	Martinsburg
Deborah L. McHenry	Charleston
Harvey D. Peyton	Nitro
William B. Richardson, Jr.	Parkersburg
The Honorable Larry V. Starcher	Charleston
Dwane L. Tinsley	Charleston
James A. Varner	Clarksburg
2006 FELLOWS	
Michael John Aloï	Fairmont
John Preston Bailey	Wheeling
Kathryn Reed Bayless	Princeton
Ralph J. Bean, Jr.	Clarkssburg
Virginia A. Conley	Parkersburg
The Honorable Robin Jean Davis	Charleston
Charles R. DiSalvo	Morgantown
Martin J. Glasser	Charleston
Jesse O. Guills, Jr.	Lewisburg
Stanley M. Hostler	Venice, Fl
John E. Jenkins, Jr.	Huntington
The Honorable Robert Bruce King	Charleston
The Honoranle John T. Madden	Moundsville
Robert T. Noone	Logan
Debra Scudiere	Morgantown
The Honorable James E. Seibert	Wheeling
Sterl F. Shinaberry	Vero Beach, Fl
2005 FELLOWS	
Norwood Bentley	Martinsburg
James K. Brown	Williamsburg
Patrick S. Cassidy	Wheeling
Michael R. Cline	Charleston
Michael J. Farrell	Huntington
Mary Ellen Griffith	Princeton
Elliot G. Hicks	Charleston
William T. Holmes	Morgantown
R. Gregory McNeer	Huntington
The Honorable M. Blane Michael	Charleston
Joyce H. Morton	Webster Springs
Lucien R. Sammons, Jr.	West Union
Scott S. Segal	Charleston
Sarah E. Smith	Charleston
James I. Stealey	Parkersburg
Gary Joe Triplett	Charleston-1926-2005
James M. Wilson	Clarksburg
William R. Wooton	Beckley

2004 FELLOWS	
David M. Baker	Huntington
G. Nicholas Casey, Jr.	Charleston
John W. Cooper	Parsons
Alvin L. Emch	Charleston
Mary Claire Eros	Martinsburg
Diana Everett	Lewisburg
F. Richard Hall	Parkersburg
Cheryl L. Henderson	Huntington
Allan N. Karlin	Morgantown
The Honorable Irene M. Keeley	Clarksburg
Marvin W. Masters	Charleston
James A. McLaughlin	Morgantown
C. Jane Moran	Williamson
D. C. Offutt, Jr.	Huntington
Edward M. Payne, III	Beckley
Philip C. Petty	Fairmont
Arch W. Riley, Sr.	Wheeling
John H. Tinney	Charleston
Boyd L. Warner	Clarksburg
The Honorable Ronald E. Wilson	New Cumberland
2003 FELLOWS	
Cathy M. Armstrong	Wheeling
Claudia W. Bentley	Martinsburg
Vincent P. Cardi	Morgantown
The Honorable John T. Copenhaver	Charleston
Rudolph L. DiTrapano	Charleston
Richard L. Douglas	Martinsburg
Thomas V. Flaherty	Charleston
Thomas R. Goodwin	Charleston
Lloyd G. Jackson, II	Hamlin
Stephen G. Jory	Elkins
Clarence E. Martin, III	Martinsburg
Darrell W. Ringer	Morgantown
Elisabeth H. Rose	Fairmont
Herschel H. Rose	Charleston
James W. St. Clair	Huntington
The Honorable Booker T. Stephens	Welch
Thomas R. Tinder	Charleston
William W. Upton	Charleston
2002 FELLOWS	
Charles D. Bell	Wellsburg
The Honorable Irene C. Berger	Charleston
G. David Brumfield	Welch
David H. Daugherty	Huntington
James H. Davis, III	Charleston
Patrick D. Deem	Clarksburg
George R. Farmer, Jr	Morgantown
Philip B. Hill	Martinsburg
T.D. Kauffelt	Charleston
Charlotte R. Lane	Charleston
Alfred J. Lemley	Fairmont
Ross Maruka	Fairmont
The Honorable Thomas E. McHugh	Charleston
Howard M. Persinger, Jr.	Williamson
Robert B. Sayre	Beckley
The Honorable Frederick P. Stamp, Jr.	Wheeling
Louis S. Southworth, II	Charleston
J. Scott Tharp	Fairmont

The Honorable Margaret L. Workman	Charleston
2001 FELLOWS	
Charles F. Bagley, III	Huntington
Nelson R. Bickley	Charleston
David Burton	Princeton
James F. Companion	Wheeling
George A. Daugherty	Elkview
The Honorable Fred L. Fox	Fairmont
C. E. Goodwin	Ripley
Raymond A. Hinerman	Weirton
J. Franklin Long	Bluefield
Carl M. Selinger	Morgantown
John H. Shott	Bluefield
Robert M. Steptoe, Jr.	Clarksburg
W. T. Weber, Jr.	Weston
2000 FELLOWS	
G. Thomas Battle	Charleston
R. Sue Core	Elkins
William H. File, Jr.	Beckley
John W. Fisher, II	Morgantown
The Honorable Charles H. Haden, II	Charleston
David C. Hardesty, Jr.	Morgantown
Charles M. Love, III	Charleston
Thomas Patrick Maroney	Charleston
Ernest V. Morton, Jr.	Webster Springs
R. Kemp Morton	Huntington
Thomas E. Potter	Charleston
The Honorable Arthur M. Recht	Wheeling
The Honorable James M. Sprouse	Union
William E. Watson	Wellsburg
Benjamin Hayes Webb, II	Fairmont
James C. West, Jr.	Clarksburg
1999 FELLOWS	
Forest "Jack" Bowman	Morgantown
John E. Busch	Elkins
Dan O. Callaghan	Summersville
Sue Seibert Farnsworth	Wheeling
Richard E. Ford, Sr.	Lewisburg
Robert t. Goldenberg	Parkersburg
Herbert H. Henderson	Huntington
Jerald E. Jones	Clarksburg
John O. Kizer	Charleston
The Honorable Robert E. Maxwell	Elkins
John L. McClaugherty	Charleston
The Honorable Thomas B. Miller	Wheeling
D. Grove Moler	Mullens
A. Michael Perry	Huntington
Lacy I. Rice, Jr.	Martinsburg
E. Glenn Robinson	Charleston
Harry G. Shaffer, Jr.	Daniels
Herbert G. Underwood	Clarksburg
Wade T. Watson	Bluefield

WEST VIRGINIA BAR FOUNDATION
GRANTS PROGRAM

Improve the administration of justice and the provision of legal services to WV's citizens.

DATE	ORGANIZATION	GRANT	ACTIVITY
3/04	Legal Aid of WV	\$6,811	Legal Needs Survey
7/04	ChildLaw Services	\$1,000	Child Abuse Prevention
6/05	WALS Foundation	\$1,000	Student Mock Trials
3/06	Charleston Catholic H.S.	\$1,000	Health Care Directives (Clay Co.)
10/06	WV Public Broadcasting	\$2,000	Closed Captioning
2/07	Wheeling Jesuit University	\$2,000	Constitution Day
10/07	Junior Achievement	\$1,500	Student Legal Studies
6/08	Legal Aid of WV	\$5,000	Statewide Technology Network
6/08	WV Supreme Court	\$5,000	Student Law Adventure
6/08	WV Center for Civic Life	\$3,500	Civic Literacy
9/08	Legal Aid of WV	\$5,000	Statewide Technology Network
10/08	The Resource	\$6,200	IOLTA Comparability Rule
2/09	WVU College of Law	\$4,000	International Law
3/09	We, the People	\$5,000	Constitution Student Debate
6/09	Harrison Co. Child Advocacy	\$2,739	Child Abuse Forensic nterviews
6/09	WV Association of Counties	\$3,500	Co. Courthouse Documentary
7/09	The Resource	\$7,623	IOLTA Comparability Rule
9/09	Fayette Co. Education Fund	\$1,200	Student Legal Leadership
12/09	Family Counseling Connection	\$2,500	Sex Offense Treatment Training
12/09	Alliance for Children	\$3,000	Guardian ad Litem Handbook
3/10	The Law Works	\$10,000	Legal Education TV Program
3/10	Hi-Y Leadership Program	\$6,000	Youth & Government Program
3/11	The Law Works	\$5,000	Legal Education TV Program
3/11	WV Association of Counties	\$1,500	Co. Courthouse Documentary
3/11	Just for Kids	\$2,000	Suspected Child Abuse Training
3/11	Liberty Day	\$2,000	Constitution Education
3/11	Monon. Co. Child Advocacy	\$1,000	Behavioral Therapy Program
6/11	WVU College of Law	\$16,423	Public Service Scholarship
6/11	The Law Works	\$5,000	Legal Education TV Program
3/12	Seven Stories Theatre Co.	\$2,000	Anti-bullying Program
3/12	J.R. Clifford Project	\$4,000	New Home for Liberty

6/12	WVU College of Law	\$17,240	Public Interest Scholarship
6/12	WV Public Broadcasting	\$5,000	Legal Education TV Program
6/12	CASA-Eastern Panhandle	\$1,760	Child Abuse/Neglect Prevention
3/13	Liberty Day	\$2,000	Constitution Education
3/13	The Law Works	\$5,000	Legal Education TV Program
6/13	WVU College of Law	\$17,658	Public Service Scholarship
9/13	Logan Co. Child Advocacy	\$2,500	Child Abuse Forensic Interviews

Total-\$175,654 (38 Grants)

Lunch and Laughs Events

2011 David Hardesty	\$12,554	WVU Law Student Scholarships
2012 John Fisher	\$7,918	WVU Law Student Scholarships
2013 Judge Keeley	\$12,778	WVU Law Student Clinics

Grant Categories:

Public Education-	\$73,200 (21 Grants)
Law Student Education-	\$55,321 (4 Grants)(3 L&L-\$33,250)
Legal Services for Low income Citizens-	\$30,634 (5 Grants)
Child Abuse Prevention-	\$16,499 (8 Grants)

IOLTA GRANT DISTRIBUTION BY WV BAR FOUNDATION-JULY, 1991 THROUGH JUNE, 2010	
LEGAL SERVICES PROGRAMS	
Legal Aid of West Virginia	\$2,713,629
(Merger of Appalachian Legal Services and West Virginia Legal Services Plan)	
Mountain State Justice	\$2,313,002
Legal Aid Society of Charleston	\$757,408
Appalachian Research and Defense Fund	\$1,337,285
North Central Legal Aid Society	\$321,874
West Virginia Legal Services Plan	\$3,898,688
Appalachian Legal Services	\$591,039
(Merger of Appalachian Research and Defense Fund and Legal Aid of Charleston)	
Total	\$11,932,925
SPECIAL GRANTEEES	
WV CASA Network	\$872,399
Elder Law Project	\$355,878
WV Fund for Law in the Public Interest	\$404,073
Appalachian Center for Law	\$108,470
ChildLaw Services	\$16,936
Total	\$1,757,756
GRAND TOTAL-IOLTA PROGRAM(1991-2010)	\$13,690,681

CONTRIBUTORS

Alex, James J.	Harris, Carl L.	Persinger, Howard M., Jr.
Allen, Guthrie and Thomas	Harvit, E. William	Peyton, Angus E.
Armada, Frank M.	Hatfield, Harry M.	Pierce, Roxanna
Attorneys Liability Protection Society (ALPS)	Hazard, Sprague W.	Robb, Richard A.
Bailey, Honorable John Preston	Hogan, Colleen S.	Romano, Michael J.
Bailey, Riley, Buch and Harman	Howard, Sue Ann	Roncaglione, Carl J., Jr.
Bean, Ralph J., Jr.	Jackson Kelly	Rowe, Larry L.
Beeson, Joseph S.	Jackson, Lloyd G., II	Shere, Fazal A.
Bowles, Rice, McDavid, Graff and Love	Jernigan, W. Henry, Jr.	Skeen, Larry
Cardi, Vincent P.	LaCagnin, Stephen M.	Stamp, Honorable Frederick P., Jr.
Carter, Phyllis H.	Lindner, Richard H.	Starcher, Honorable Larry V.
Douglas, Richard L.	Long, J. Franklin	Stolarik, Jessica Justice
File, Payne, Scherer and File	Madden, Honorable John T.	Stoops, Gary L.
Fisher, John W., II	Martin, Lisa	Tinney, John H.
Fisher, Robert Dean	Morton, Julia A.	Van Nostrand, Montie
Flowers, Honorable Edwin F.	Morton, R. Kemp	Wallace, Robert J.
Garrett, Linda Nelson	Miller, Taunja Willis	Warfield, Dawn E.
	Montoro, Harry Philip	White, Steven F.
	Nord, Steven K.	Wilson, James M.

LUNCH AND LAUGHS WITH A LEGAL LEGEND

In 2011, the WV Bar Foundation announced a new event---Lunch and Laughs With A Legal Legend---which would provide additional funding for programs that improve the administration of justice and the provision of legal services to the state's citizens.

A well known and well respected member of the judiciary or the legal profession would agree to be the honored guest for a "friendly roast" by colleagues. The proceeds from the Lunch would be equally divided between the honoree's selected nonprofit charitable organization and Bar Foundation grants with more than \$33,000 generated for the honoree's chosen entity during the first three years.

These highly anticipated and very well attended endeavors "roasted" the following distinguished legal legends:

2011-WVU President Emeritus David C. Hardesty, Jr.
2012-WVU College of Law Dean Emeritus John W. Fisher, II
2013-U.S. District Court Judge Irene M. Keeley

LAWYER LEADERSHIP INSTITUTE

In 2012, the WV Bar Foundation instituted the Lawyer Leadership Institute with the objective being to provide newer lawyers with specific education and professional training that will enable them to become leaders in the legal profession, in their communities and in the State.

LAWYER LEADERSHIP INSTITUTE PARTICIPANTS

Mike Addair-Charleston
Nathan Brown-Huntington
Ryan Brown-Charleston
Geoffrey Cullop-Charleston
Michael Dockery-Huntington
Jason Foster-Martinsburg
Andy Graham-Morgantown
Seth Hayes-Morgantown
Katie Hicklin-Charleston
Jack Hoblitzell-Charleston
Mark Imbrogno-Charleston
Matt Lockhart-Charleston
Kameron Miller-Charleston
Jason Pizatella-Charleston
Hampton Rose-Charleston
Randy Saunders-Huntington
Mary Beth Snead-Clarksburg
Alex Turner-Huntington
Erin Webb-Charleston
Rusty Wooton-Beckley

LAWYER LEADERSHIP INSTITUTE SPEAKERS

Judge Michael Aloï-Fairmont
Jessica Alsop-Charleston
Judge John Bailey-Wheeling
Mark Bassingwaighte-Missoula, Montana
Norwood Bentley-Martinsburg
Judge Irene Berger-Beckley
Professor Forest "Jack" Bowman-Morgantown
Elliot Hicks-Charleston
Professor Tom Patrick-Morgantown
Kara Williams-Charleston

LAWYER CITIZEN OF THE YEAR AND PUBLIC CITIZEN OF THE YEAR AWARDS

In 1996, the West Virginia Bar Foundation established annual awards to honor two West Virginians who have performed outstanding community service. One award, the Lawyer Citizen of the Year Award is presented to a West Virginia lawyer. The second award, the Public Citizen of the Year Award, is presented to a non-lawyer West Virginia citizen.

CRITERIA-Lawyer Citizen of the Year Award

1. Resident of West Virginia.
2. Is or has been engaged in the practice of law in West Virginia.
3. Outstanding service activities, defined as activities and contributions of time and efforts that benefit individuals, the community and society in general. This award is intended to recognize public or community service and the definition of service does not include the practice of law.

CRITERIA-Public Citizen of the Year Award

1. Resident of West Virginia.
2. Is not a lawyer.
3. Outstanding service activities, defined as activities and contributions of time and efforts that benefit individuals, the community or society in general.

Although nominees may have provided significant service to the region and/or the nation, in reviewing nominations, the primary emphasis for both the Lawyer Citizen of the Year Award and the Public Citizen of the Year Award will be placed upon service that addresses the needs of West Virginians.

The Board of Directors of the West Virginia Bar Foundation will select recipients for the Lawyer Citizen of the Year Award and the Public Citizen of the Year Award from among qualified nominees submitted for consideration.

Please address inquiries to Tom Tinder, Executive Director, West Virginia Bar Foundation—

(304)-343-9823 phone or tom@wvbarfoundation.org

2008 AWARDS		2001 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
None	Teresa C. McCune, Williamson	Reverend Donal Squires, Fairmont	Lary Garrett, Moorefield
2007 AWARDS		2000 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
Gloria Martin, Lewisburg	Steven K. Nord, Huntington	Sam Bowling, Charleston	Jay West, Clarksburg
2006 AWARDS		1999 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
Charlene Marshall, Morgantown	George A. Daugherty, Elkview	Debra Sullivan, Charleston	Catherine Munster, Clarksburg
2005 AWARDS		1998 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
Margaret M. "Maggie" Drennen, Shepherdstown	The Honorable Robert E. Maxwell, Elkins	James "Buck" Harless, Gilbert	John L. McClaughtery, Charleston
2004 AWARDS		1997 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
Patricia Antion, Morgantown	Stephen LaCagnin, Morgantown	Frank Mazzei, Summersville	Professor Jack Bowman, Morgantown
Margaret Dolin Brown, Weston			
2003 AWARDS		1996 AWARDS	
Citizen of the Year	Lawyer of the Year	Citizen of the Year	Lawyer of the Year
Richard Waybright, Ripley	James I. Stealey, Parkersburg	Newton Thomas, Charleston	Dan Ringer, Morgantown
2002 AWARDS			
Citizen of the Year	Lawyer of the Year		
Adrienne Worthy, Charleston	Richard Yurko, Clarksburg		

