IOLA Fund of the State of New York
Meeting of the Board of Trustees – New York, NY
December 4, 2019
DRAFT

Present: Chair Davis, Trustees Lindenauer, Lopez-Soto, and Nardelli
Video-Conference: Trustees Cirando, Leider, and Madigan
Tele-Conference: Trustee Ross
Absent: Trustees Dunham and Galowitz
Staff: Fecko and O’Malley

1. Call to Order.
The meeting was called to order by Chair Davis at approximately 12:15 p.m.

2. Approval of the minutes of the meeting of the Board of Trustees held on September 18, 2019.
The minutes of the above meeting were reviewed and approved with no objection.

3. Executive Report
Mr. O’Malley discussed the annual public hearing of the Permanent Commission on Access to Justice that was held on Monday, September 23, 2019. Mr. O’Malley summarized his remarks at the hearing regarding the importance of infrastructure spending and the need for funders to financially support it. The Permanent Commission has released its annual report and IOLA data again played a critical role in the Commission’s findings regarding the economic impact of civil legal aid, which totaled approximately $4.2 billion. The report recommends increasing funding over the $100 million level for the first time. The Chief Judge expressed her support for an increase, but the issue is subject to the state budget process. Next, Mr. O’Malley described a series of site visits with nine new or returning IOLA grantees, the details of which he deferred to an Executive Session discussion.

Ms. Agard presented the Administrative and Financial Report, including the October 2019 Consolidated Bank and Revenue Report.

Ms. Agard noted that the cash on hand is about $86 million. The October 2019 revenue was nearly $6.3 million, an increase of about 70% over the same period last year, with the year to date revenue increasing by $20.2 million (nearly double). She noted that the revenue has plateaued over the last several months. Next, Ms. Agard reported that administrative expenses are on pace with the budget, but close to the budget cap. The budget cap has remained flat, despite normal expense increases (e.g., contracted lease escalations, COLA salary increases), and Ms. Agard and Mr. O’Malley are in discussions with the Division of Budget to seek an increase in the cap. Finally, Ms. Agard reported that she is
in the process of arranging for board meetings to be live streamed on the IOLA website, as required.

5. **Counsel’s Report**
Ms. Fecko referenced her written report, providing some additional details regarding a few grantee related items. First, she highlighted a legal risk detector technology tool that was developed by ProBonoNet and piloted by JASA and the Center for Elder Law & Justice. Ms. Fecko also briefly summarized the 2019 Statewide Stakeholders Meeting that she attended where administrative judges from throughout the state made presentations on their local initiatives to advance the Permanent Commission’s goal of providing effective assistance to 100% of low-income people with civil legal needs. Ms. Fecko also described the recent convening in Syracuse of immigration legal services providers by new IOLA grantee the New York Immigration Coalition, noting that nearly 50 people participated from across upstate New York.

Ms. Fecko reported that IOLA’s current bank compliance efforts have not yielded many significant rate adjustments, however, another large national bank has moved to the Safe Harbor rate (now at 1.05%).

Finally, Ms. Fecko mentioned that she continues to work with Ms. Agard on improvements to IOLA’s bank and attorney data systems, including integration with the IOLA website.

6. **2020 Meetings**
The meetings for the IOLA Board of Trustees in 2020 will be as follows:

- April 1, 2020 at noon (New York)
- June 17, 2020 at noon (place TBD)
- September 23, 2020 at noon (New York)
- December 9, 2020 at noon (New York)

7. **Executive Session**
Trustee Lindenauer made a motion to enter in Executive Session to consider matters relating to the financial history and appointment of particular corporations (i.e., IOLA grantees), which was seconded by Chair Davis and approved without objection. No decisions or actions were taken in Executive Session.

There being no further business before the Board, the meeting was adjourned at approximately 1:30 p.m.

Respectfully submitted,
Christopher B. O’Malley
Executive Director