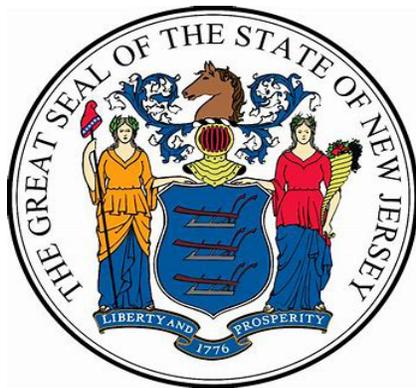
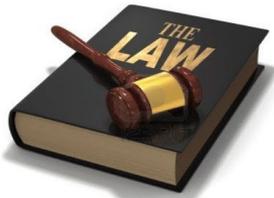




# **IOLTA FUND OF THE BAR OF NEW JERSEY**



# **2022 ANNUAL REPORT**



## MESSAGE FROM THE CHAIR

Fortunately, 2022 was a “re-bound” year for IOLTA, with rates and revenues up substantially in the second half of 2022. Bitter-sweet best describes 2022, depending on one’s perspective. In order to compensate for staggering inflation, the FFTR was increased seven times in 2022 leading to increasing IOLTA revenue. Regardless of the current increase in rates, uncertainty always remains for future years, alongside long-term factors that shape and influence the economy. Disproportionately, the low-income citizens of our state were, and still are, the most at-risk to suffer life-changing consequences during the post pandemic period.

As we enter the post-COVID-19 Pandemic period, the economy is now experiencing high levels of inflation and is threatened with recession. The Federal Reserve Bank has intervened by raising interest rates which have resulted in increased IOLTA revenue and, consequently, IOLTA’s ability to increase support of those organizations that provide legal services to New Jersey’s low-income population.

The New Jersey IOLTA program has been an important source of funding for civil legal assistance, improvement in the administration of justice, and education of the public about law-related topics since 1989.

N.J. Court Rule 1:28A requires that attorneys deposit client funds in the attorneys’ IOLTA accounts in certain circumstances. The interest generated by these accounts supports legal representation and advocacy in civil matters faced by low income individuals, improvements in the administration of justice, and public education about the law. The funds can be used for no other purpose.

Recipients of IOLTA grants serve New Jersey residents experiencing a civil legal problem, but who cannot afford an attorney and have nowhere else to turn for help. Grantee organizations provide assistance to:

- Victims of domestic violence---women, men, seniors, and teens;
- Tenants facing eviction, unsafe or unsanitary housing conditions;

- Homeowners in foreclosure proceedings;
- Veterans and military families who need to access benefits;
- Consumers experiencing credit problems, identity theft, or fraud;
- Workers paid less than minimum wage or denied overtime wages;
- Children in need of special education;
- Disabled people and their families seeking legal guardianship, access to health care programs, or a barrier-free apartment;
- Immigrants seeking to become citizens or renew a work authorization; and
- People affected by natural disasters such as Hurricane Sandy;

Other grantee organizations provide valuable information about the law in presentations and law-related conferences, school programs, teacher trainings, Law Day events, and publications.

The consequences of unmet legal needs can be serious and life changing: loss of home, job, or family — even incarceration. Uncertainty in immigration policy, changes in public benefit programs and increases in those seeking help with domestic violence and related matters have contributed to increased demand for legal services. Low and uncertain levels of funding have resulted in lower staffing levels, reduced office hours, and fewer programs available at legal service organizations.

Lawyers and law firms can make a difference by taking a case *pro bono*—legal service providers will even offer you guidance or training. Firms can also choose a higher paying financial institution to hold trust accounts or, where advisable, use an attorney trust account instead of a title company escrow account to maximize the principal balances earning interest for IOLTA.

The IOLTA Board joins me in thanking the 87 financial institutions that participated in this important public program in 2022, offering thousands of low-income individuals a place to turn to for help. We especially applaud those institutions enrolled in our Leadership and Loyalty Bank programs and other outstanding banks that paid 1% or more on high balance accounts.

For IOLTA purposes, we believe based on the current actions and forecasted predictions of the Federal Reserve Bank, we will continue to see interest revenue increase in the first half of 2023. It is important to keep in mind that the economy is extremely fragile and world conditions and events are ever changing. IOLTA will do our part in maintaining full bank and attorney compliance, whatever the circumstances, in order to maximize our part in funding the legal aid system in New Jersey.

On a personal note, I want to thank and commend the current and former members of the IOLTA Board for their commitment to the work and mission of the Fund. I also want to acknowledge and wholeheartedly thank the dedicated professionals who work day in and day out to ensure IOLTA is able to fund the grants that mean so much to so many. I wish them well in the coming year.



Roosevelt J. Donat  
2022-2023

*For budgetary reasons, this report is available only online.*

## The IOLTA Fund of the Bar of New Jersey

The purpose of New Jersey's IOLTA program is to make grants to qualifying organizations, which in turn provide law-related services. As directed in New Jersey Supreme Court Rule 1:28A grants are made only for the following purposes:

- Legal Aid to the Poor
- Improvement in the Administration of Justice
- Education of Lay Persons in Legal and Justice-related Areas

Court Rule 1:28A specifies that not less than 75% of net revenue is to be awarded to Legal Services of New Jersey, Inc. ("LSNJ") and through sub-grants, to its local member Legal Services programs, for the provision of civil legal services to the poor throughout New Jersey. In addition, an award of not less than 12.5% of net revenue is made to the New Jersey State Bar Foundation to be used for the purposes stated in the Rule. Through the IOLTA Discretionary Grant Program, the IOLTA Board of Trustees allocates the remaining net revenue to other grants supporting the purposes of the Rule.

Over \$480 million has been awarded to non-profit organizations in every county of New Jersey since 1989, when the first IOLTA grants were made. The grants have provided free civil legal assistance for very low-income individuals, victim assistance and advocacy, alternative dispute resolution, legal help and advocacy for special populations including persons with disabilities and HIV/AIDS, senior citizens, abused and neglected children, homeless youth, victims of domestic violence and immigrants, as well as law-related educational opportunities benefitting the public.

IOLTA Fund staff annually assists more than 40,000 attorneys in private practice with their responsibility to maintain and annually register an attorney trust account, and monitors compliance with other requirements of Court Rule 1:28A.

## 2022 GRANTS

Allocations to Legal Services and the Bar Foundation are paid four times each year from the revenue collected in the preceding months, while the discretionary grants are paid from funds accrued for the program in the prior fiscal year(s).

## LEGAL SERVICES OF NEW JERSEY

**In calendar 2022, Legal Services of New Jersey (“LSNJ”)** received \$5,060,834, compared to \$5,774,114 in 2021, exclusive of two smaller discretionary grants awarded in both years.

**Note:** Special funding from a bank settlement with the US Department of Justice was received by IOLTA, mainly in 2016, and allocated according to the Rule formula. The funds were restricted for the purpose of providing foreclosure prevention legal assistance. The remaining funds from this settlement continue to be awarded to eligible organizations.

The statewide Legal Services system consists of Legal Services of New Jersey and five regional Legal Services corporations, serving all 21 counties. IOLTA funds support centralized services for the provider network, such as training, technical assistance, telephone hotlines and shared technology. LSNJ also provides the public with access to information about the law and the NJ court system via publications, *pro se* manuals and legal booklets, and a comprehensive website, [www.LSNJLAW.org](http://www.LSNJLAW.org), to assist the public with resources, legal information, forms, and publications.

LSNJ reported that 59% of the IOLTA-funded cases closed in 2022 by the regional legal services offices were housing matters, overwhelmingly tenant disputes with private landlords. Family law (divorce, separation, support and custody), consumer law (bankruptcy, collection, warranties, unfair sales practices, and disputes with public utilities) and income maintenance matters (Social Security, Work First New Jersey, SNAP) accounted for 12%, 12% and 10%, respectively, of the closed cases supported by IOLTA funding. More than 79% of cases were resolved without litigation following a

brief service, counseling session or telephone call. LSNJ provides direct representation to clients in matters of broad or statewide significance and through special projects that respond to emergent legal needs of low-income people.

To augment the capacity of employed staff, LSNJ and the regional programs recruit and train hundreds of volunteer attorneys every year.

## NEW JERSEY STATE BAR FOUNDATION

**The New Jersey State Bar Foundation received \$843,473 in 2022. In 2021, the Foundation received \$962,352.**

The New Jersey State Bar Foundation promotes public understanding of the law through free education programs, grants and publications. The Bar Foundation's educational publications and programs annually reach many thousands of children and adults through school-based programs and professional development opportunities. Training of advocates for the disabled, teachers, students and school personnel occur year round. Publications for consumers and classrooms, a videotape loan library, volunteer speakers bureau, and mock trial competitions for all grade levels, are among the programs developed by the Foundation to meet its mission.

In all, over 300,000 publications, brochures, posters and videos were shipped in 2021-2022, including The *Legal Eagle* and *Respect* newsletters for middle and high school students, and *Students Rights*, *Plagiarism Guide*, *Bill of Rights Bulletin*, *Beyond the Bill of Rights*, *Bullying Prevention Guide* and other guides pertaining to conflict resolution and peer mediation. This is in addition to all the publications that are posted online. The Foundation also provides valuable webinars and other educational and informational online recourses including the use of social media.

## DISCRETIONARY GRANTS

**The 2022 Discretionary Grant Program awarded thirty-nine grants totaling \$1,064,100 compared to \$1,423,200 in 2021. Three additional 2022 grants totaling \$127,986 were awarded from the foreclosure pool of funds received in 2016.**

Discretionary Grant recipients reported a total of 8,608 closed cases in 2022. Of those, 66% were categorized in the area of family law, the majority of which related to

domestic violence restraining orders and follow up cases for support, custody and separation. In the next highest service category, individual rights (16%), the cases closed mainly concerned immigration law matters serving diverse populations such as Central Americans in Newark’s North Ward, Africans in Camden, Burmese in Trenton and Eastern Europeans in Middlesex County. Education law matters, 6% of the case closed total, saw staff and volunteer attorneys represent and advocate for children and families with problems related to special education services and school discipline, access to testing to identify disabilities and relief from bullying in the classroom. Landlord-tenant disputes accounted for 5% of the closed cases.

Other cases handled by grantees were categorized as consumer, employment, juvenile, health, and income maintenance areas of law. Additionally, the Discretionary Grant Program allocated a portion of the remaining bank settlement funds from 2016 for foreclosure prevention legal assistance grants.

## **DISABILITIES**

AIDS Law Project of Pennsylvania	\$28,000
Community Health Law Project	42,000
Hyacinth AIDS Foundation	29,000
SCARC Guardianship Services, Inc.	38,000

These agencies provided assistance to disabled persons and their families; volunteer and staff attorneys offer help resolving legal problems that result from living with a disability. Two of these organizations directed their services to individuals who have AIDS or are HIV-positive and face difficulties with access to housing or medical care, job discrimination, and end-of-life arrangements. At SCARC, a court-approved *pro se* (self-help) program guided families through guardianship proceedings with the support of volunteer attorneys. Community Health Law Project worked with disabled individuals and their families who encountered problems with Medicaid coverage of home health services.

## **DOMESTIC VIOLENCE**

180, Turning Lives Around (Monmouth)	\$12,000
Alternatives to Domestic Violence (Bergen)	12,000
Camden Center for Law and Social Justice	16,400
Center for Family Services, Inc. - Cumberland	7,500
Center for Family Services, Inc. - Gloucester	13,200
Domestic Abuse and Sexual Assault Crisis Center (Warren)	12,000
Domestic Abuse and Sexual Assault Intervention Services (Sussex)	12,000

Jersey Battered Women’s Service (Morris)	12,000
Jewish Family Services of MetroWest- The Rachel Coalition	\$16,000
New Jersey Association on Correction (Camden)	10,500
New Jersey Association on Correction (Passaic)	12,000
Providence House- Burlington of Catholic Charities	13,000
Providence House- Ocean of Catholic Charities	13,000
Safe + Sound Somerset	13,200
Womanspace, Inc. (Mercer)	12,000
Women Aware (Middlesex)	11,500
YWCA of Union County	12,000

These grants supported a variety of legal advocacy and court liaison programs assisting victims of domestic violence throughout the state--women, men, senior citizens and teenagers--were all represented in their caseloads. IOLTA funds enabled legal advocates to assist victims of domestic violence during a time of crisis. Victims typically arrive in court without any prior knowledge of domestic violence laws or the relief available to them under the law. Advocates offer information about the Prevention of Domestic Violence Act, assistance with restraining order paperwork, and court accompaniment. The safety of victims inside the courthouse, as well as when leaving it after court proceedings, is a priority. Advocates also work to educate court and law enforcement personnel to promote better handling of domestic violence cases.

## **EDUCATION LAW**

Advocates for Children of New Jersey (ACNJ)	\$29,000
Disability Rights New Jersey	48,600
Education Law Center	77,000

Staff attorneys at Education Law Center and Disability Rights New Jersey represented families having a variety of problems with school districts, usually in the areas of special education services, appropriate school and classroom placements and discipline. ACNJ staff attorneys intervened, without litigating, in disputes resolving problems related to access to special education services and testing, Individual Education Plans and appropriate school placements.

## **FAMILIES AND CHILDREN**

Covenant House	\$35,000
Partners for Women and Justice, Inc.	42,000
Project Self-Sufficiency of Sussex County	12,000

These organizations served displaced homemakers, single parent heads of households and women with family law and financial matters that arise as a result of domestic violence, divorce or death of a spouse. Through legal clinics, workshops, information and referrals, individuals without the means to how to make informed decisions about legal problems such as divorce, name change, employment discrimination, applying for public assistance and consumer credit. Volunteer lawyers offered individualized counseling to help resolve specific legal problems and assistance with paperwork for *pro se* filings. At Partners for Women and Justice, staff and volunteer attorneys provided representation in court as needed.

## HOUSING

AIDS Law Project of Pennsylvania – Foreclosure Relief	\$ 5,000
Community Health Law Project-Foreclosure Defense	100,486
Rutgers Law School Mortgage Foreclosure Project	22,500

Grants relating to foreclosure funds served elderly and disabled individuals in several counties who were on the verge of losing a home, reverse mortgages foreclosures and inability to respond to the many documents involved in foreclosures and sheriffs’ sales due to their disabilities.

## IMMIGRATION

American Friends Service Committee	\$48,600
Catholic Charities-Archdiocese of Newark- Dedicated Docket Program	14,000
Catholic Charities-Archdiocese of Newark- NJ Catholic Consortium	86,000
Jewish Family Services of Middlesex County	27,000
KIND, Inc.	17,000
La Casa de Don Pedro, Inc.	38,000
Lutheran Social Ministries of New Jersey	36,000
Servicios Latinos de Burlington County	23,000

The ever changing landscape in policy presents many challenges to our grantees providing legal assistance in the area of immigration. These agencies provided services to income eligible legal immigrants who sought assistance for family reunification, representation in Immigration Court, citizenship applications and work authorizations, as well as Temporary Protected Status renewals. Some also offered help for immigrant battered women. Clients included young people brought to this country as small children and who were later abused or abandoned. Other young people looked to these organizations for help with the Deferred Action for Childhood Arrivals (DACA) program which offers the immigration status needed to work or attend college. The dysfunction in

the immigration system creates fear and worry creating urgent need for immigration legal services. One grantee also represents mentally challenged detainees in immigration court proceedings.

The Dedicated Docket Program is part of a collaboration of organizations and volunteers that assists families who are in removal proceedings. Newark is one of eleven destination cities for families crossing the US border offering the Dedicated Docket Program.

All of the immigration grant recipients work hard to offer immigrant communities authoritative and accurate information to counteract and thwart unqualified and unscrupulous practitioners known as “notarios” who can delay, disrupt or destroy a person’s chances to work and live in the US.

## **GENERAL LEGAL AID**

Essex County Legal Aid Association	\$57,000
Legal Services of New Jersey- Health Care Access Project	48,600
Legal Services of New Jersey- Public Interest Summer Legal Intern Program	64,000
Volunteer Lawyers for Justice	24,000

These grantees provided a range of legal services, from advice and brief counseling to representation by an attorney. Income eligible individuals may discuss their legal problems with an experienced attorney, sometimes progressing to full or limited representation. After a client’s legal needs are assessed, services are provided by a staff or volunteer attorney.

The programs served a diverse set of clients: individuals with disabilities and the elderly facing foreclosure proceedings; young people seeking help with matters such as child support, parking tickets, expungement and employment; families having trouble accessing healthcare for children; and individuals filing for bankruptcy protection. IOLTA grants for LSNJ’s summer intern program provide opportunities for students to contribute to the community through *pro bono* service and exposure to public interest law.

## BANKS

*Only financial institutions that are Court-approved trust account depositories may offer IOLTA accounts.*

In 2022, the IOLTA Fund earned trust account interest totaling \$16,080,494 from 87 banks compared to \$7,199,496 from 89 banks in 2021. The average rate on all IOLTA accounts, regardless of size, was 0.51%, compared to 0.37% in 2021 and 0.48% in 2020. Balances in all IOLTA accounts statewide averaged \$3.11 billion, compared to \$3.04 billion in 2021.

More than 20,000 attorney trust accounts are maintained in participating New Jersey financial institutions and on average, 9,630 of those were remitting IOLTA accounts in 2022. The remainder were too small to consistently earn interest but satisfied the responsibility of attorneys to maintain a pooled attorney trust account at an authorized financial institution in New Jersey.

The Supreme Court of New Jersey awards trust account business to all banks and credit unions in New Jersey that comply with applicable guidelines. There is no competitive bidding process. In exchange, a fair, comparable and reasonable return is expected. The Best Customer Standard provides a mechanism to establish and ensure such a return. Banks may choose to pay the Best Customer Standard “indexed option” as the rate they would pay on accounts with average balances of \$100,000 or more: the greater of 60% of the Federal Funds Target Rate or 1%. Banks may alternatively choose to pay the best rate they make available to other, similarly-situated, high balance, non-IOLTA customers on any one of five other account types.

### LEADERSHIP & LOYALTY BANKS AND BANKS WITH SPECIAL RECOGNITION

In determining how to meet the Best Customer Standard at their own financial institutions, banks may enroll in the **IOLTA Leadership Bank** Program, agreeing to pay the greater of 80% of the Federal Funds Target Rate or 1% on qualifying, high average balance accounts (\$100,000 or more). Banks may also enroll in the **IOLTA Loyalty Bank** Program, agreeing to pay the greater of 60% of the Federal Funds Target Rate or 1% on qualifying, high average balance accounts (\$100,000 or more). Additionally, banks may also opt to pay rates higher than the “Best Customer” rates. We especially recognize those choosing to pay **1.00%** or more. The Leadership Banks (**L+**), the Loyalty Banks (**L**) and Recognized Banks (**\***) appear on the following page appropriately designated.

All of these IOLTA-friendly **Leadership Banks, Loyalty Banks** and specially **Recognized Banks** deserve acknowledgement for making a business choice that increases the capacity of New Jersey’s legal service providers to serve individuals and families with civil legal problems but have nowhere else to go for help. Often low-income and vulnerable people have legal problems affecting their most basic survival needs, such as food, shelter, jobs and access to health care. Civil legal aid provides our most economically fragile neighbors with equal access to justice through full and limited representation, even when they cannot afford a lawyer. The results are real: economic stability, peace at home, and the ability to move forward as productive members of society.

## BANK PARTICIPATION

The following authorized trust account depositories remitted interest to IOLTA during 2022. Banks carrying specialty designations as of March 31, 2023 are noted accordingly. Banks acquired as of 12/31/2022 are marked with an **(a)**.

1st Colonial Community Bank *	First Hope Bank
Abacus Bank	First National Bank of Absecon
Alma Bank <b>(F)</b>	First National Bank of Elmer
Amboy Bank	Firsttrust Bank
Ascendia (Glen Rock Sav Bank)	Franklin Bank
Bank of America <b>(F)</b>	Freedom Bank <b>(F+)</b>
Bank of Delmarva	Freehold Bank *
Bank of Hope <b>(F)</b>	Fulton Bank of New Jersey <b>(F)</b>
The Bank of Princeton <b>(F)</b>	Garden State Community Bank
1 <sup>st</sup> Constitution Bank <b>(a)</b>	Hanmi Bank
BCB Bank	Haven Savings Bank
Blue Foundry Bank <b>(F)</b>	HSBC Bank USA
Bogota Savings Bank	Industrial Bank *
Brunswick Bank and Trust	Investors Bank <b>(a)</b>
Capital One Bank *	Israel Discount Bank *
Century Savings Bank	J.P. Morgan Chase Bank <b>(F)</b>
Citibank	Kearny Bank <b>(F)</b>

Citizens Bank	Lakeland Bank
Columbia Bank	M & T Bank <b>(F)</b>
ConnectOne Bank	Magyar Bank *
Cornerstone Bank	Malvern Bank
Crest Savings Bank	Manasquan Bank
Crown Bank *	Metro City Bank
CTBC Bank USA *	Millville Bank <b>(F)</b>
Customers Bank *	Monroe Savings Bank
Esquire Bank <b>(F)</b>	New Bank *
First Bank	New Millennium Bank *
First Commerce Bank <b>(F)</b>	Newfield National Bank <b>(F)</b>
Noah Bank (a)	Santander Bank *
Northfield Bank *	Somerset Savings Bank <b>(F)</b>
NVE Bank	Spencer Savings Bank <b>(F)</b>
Oceanfirst Bank	Sturdy Savings Bank
Pacific City Bank	TD Bank *
Parke Bank *	Truist Bank (BB&T)
Peapack-Gladstone Bank	Union County Savings Bank
Pennsville National Bank *	Unity Bank <b>(F)</b>
PNC Bank <b>(F)</b>	Univest Bank and Trust
Ponce Bank	Valley Bank <b>(F)</b>
Popular Community Bank	Webster Bank (Sterling)
The Provident Bank	Wells Fargo Bank
Regal Bank *	William Penn Bank
Republic Bank *	Woori American Bank
RSI Bank <b>(a)</b>	WSFS Bank



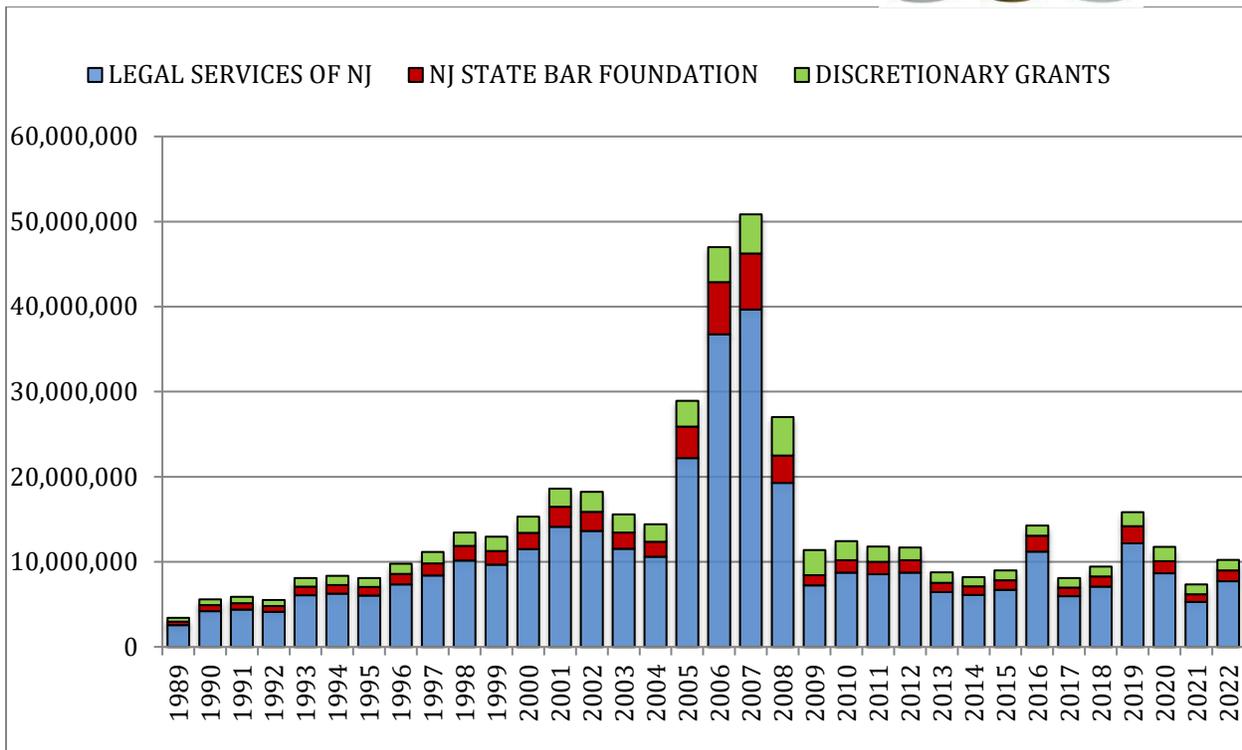
## FINANCIAL INFORMATION

<b>Revenue</b>	<b>2022</b>	<b>2021</b>
<b>Net IOLTA Interest Earned</b>	<b>\$ 16,080,494</b>	<b>\$ 7,199,496</b>
<b>Investment Interest Income</b>	<b>63,975</b>	<b>1,433</b>
<b>Nonrecurring Revenue</b>	<b>0</b>	<b>0</b>
<b>Discretionary Grant Returns</b>	<b>0</b>	<b>5,312</b>
<b>Total Revenue</b>	<b>\$ 16,144,469</b>	<b>\$ 7,361,026</b>
<b>Expenses</b>		
<b>General and Administrative Expenses</b>	<b>\$ 445,026</b>	<b>\$ 490,030</b>
<b>Authorized Grant Allocations</b>	<b>\$ 10,241,202</b>	<b>\$ 7,361,026</b>
<b>Total Expenses</b>	<b>\$ 10,686,228</b>	<b>\$ 7,851,056</b>
<b>Net Increase/ (Decrease) in Temporarily Restricted Net Assets for the Year</b>	<b>\$ 5,458,241</b>	<b>\$ (644,815)</b>

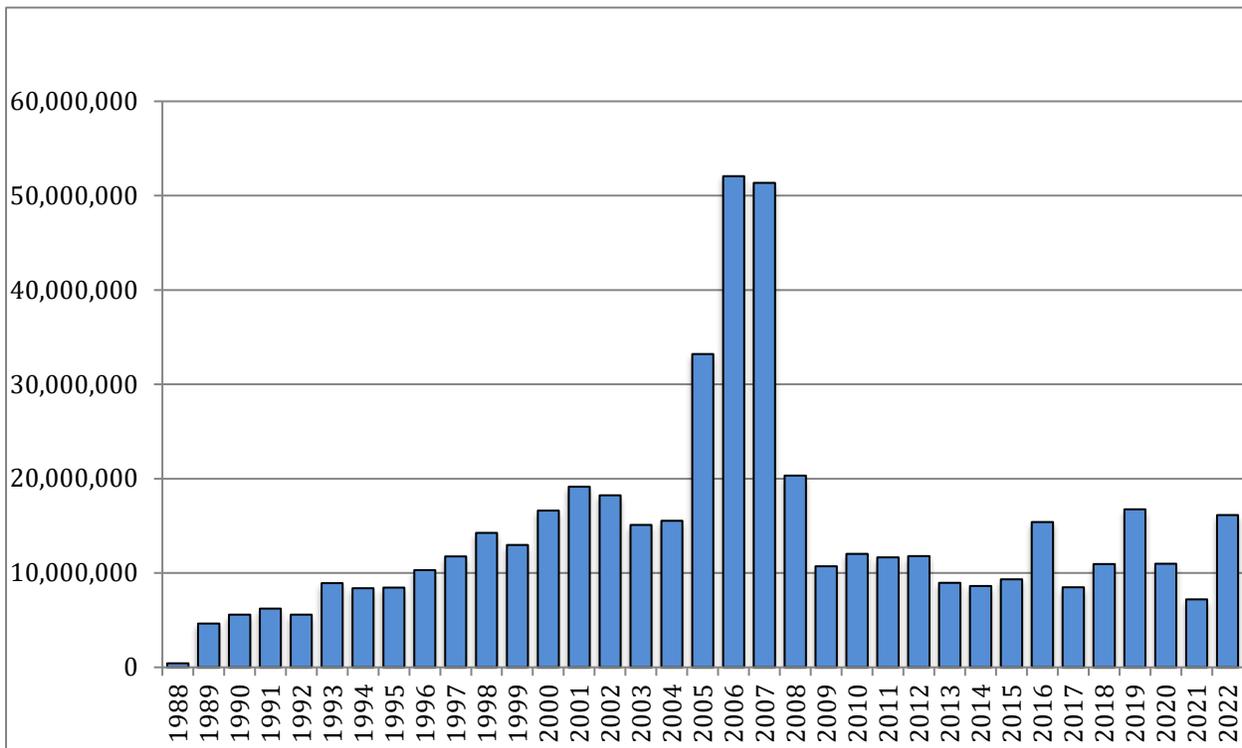
*Figures are excerpted from the 2022 audited financial statement prepared by Savastano, Kaufman & Company LLC, Certified Public Accountants. The audit may be examined by appointment during business hours at the Fund's offices.*



## IOLTA GRANTS 1989 – 2022 (\$)



## IOLTA REVENUES 1989 – 2022 (\$)



## **ADMINISTRATION**

A nine member Board of Trustees governs the IOLTA Fund of the Bar of New Jersey. The Court appoints six members. Ex-officio members are: President, Legal Services of New Jersey, Inc.; First Vice President, New Jersey State Bar Association; and Vice President, New Jersey State Bar Foundation.

### **2022-2023 BOARD OF TRUSTEES**

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Joseph Baldomero, Jr.

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