

NON-IOLTA LAWYER TRUST ACCOUNT NOTICE TO FINANCIAL INSTITUTION

(To be completed by lawyer/law firm for each Non-IOLTA account.)

TO FINANCIAL INSTITUTION:

FROM LAWYER/LAW FIRM:

Name

Lawyer Name

Address

Firm Name

City State Zip Code

Address

City State Zip Code

Phone Email

Account Name: _____
(The account name **must** include the term "trust" or "escrow," e.g., "John Doe Client Trust Account" or "Doe Law Firm Escrow Account," see instruction 3 on back [page 2] of this form.)

Account Number: _____

In compliance with Rule 1.15A(a)(2) of the Michigan Rules of Professional Conduct, the undersigned hereby notifies the above referenced financial institution that the account identified above is a non-IOLTA account subject to the provisions of MRPC 1.15A.

BY (ALL TRUST ACCOUNT SIGNATORIES)

Please use supplemental signature page, if needed.

Date: _____

(Signature)

(Signature)

(Name) (State Bar P Number)

(Name) (State Bar P Number)

(Signature)

(Signature)

(Name) (State Bar P Number)

(Name) (State Bar P Number)

(Signature)

(Signature)

(Name) (State Bar P Number)

(Name) (State Bar P Number)

ACKNOWLEDGMENT OF RECEIPT BY FINANCIAL INSTITUTION:

Financial Institution Representative

Date

Distribution:

- Send **original** to Financial Institution
- Send **copy** to State Bar of Michigan
Professional Standards Division - TAON
306 Townsend Street, Lansing, MI 48933
TAON@mail.michbar.org; FAX 517-367-6433
- Keep **copy** for Law Firm

INSTRUCTIONS

Before completing this form, take the following steps:

- 1) Check at <http://www.michbar.org/opinions/TAON.cfm> to see if the depository institution is on the list of financial institutions which are approved to hold lawyer trust accounts. If the depository institution is not on the list by September 15, 2010, you may need to move your trust account to a financial institution which is on the list. Contact the State Bar of Michigan Professional Standards Division for more information at 517-346-6333.
- 2) Determine whether the trust account is a NON-IOLTA account per MRPC 1.15(a)(4).
 - a. Use this form only to notify your financial institution of *NON-IOLTA* accounts. Complete a form for *each* of your non-IOLTA accounts.
 - b. If the trust account is an IOLTA account (interest is payable to the Michigan State Bar Foundation for charitable purposes), DO NOT USE THIS FORM. The *IOLTA Notice To Eligible Financial Institution* form which you used to set up the IOLTA account provides the necessary notice to the financial institution, so no further action is required to meet the financial institution notice requirement. For new IOLTA accounts, use the form at <http://msbf.org/iolta/IOLTANoticeForm.pdf>.
- 3) Make sure the name of the NON-IOLTA account includes the word “trust” or “escrow,” e.g., *Smith Law Firm Client Trust Account* or *Smith Law Firm Escrow Account*. If the name of your non-IOLTA account *does not currently* include either “trust” or “escrow,” it must be **changed** to comply with MRPC 1.15A(a)(2). Contact your financial institution to determine what it requires to change the name of your non-IOLTA account. **Do not** complete this form *before* you have fulfilled your financial institution’s requirements regarding the account name and the name of your non-IOLTA account has been changed to comply with MRPC 1.15A(a)(2).

After completing this form, give the original to the financial institution, send a copy to the State Bar of Michigan Professional Standards Division - TAON, and retain a copy for the law firm.

Rule 1.15A of the Michigan Rules of Professional Conduct provides, in part, that:

- A. No lawyer trust account shall be maintained in any financial institution that has not been approved¹ by the State Bar of Michigan to hold lawyer trust accounts. MRPC 1.15A(c).
- B. Lawyers shall clearly identify any NON-IOLTA accounts in which funds are held in trust as “trust” or “escrow” accounts. MRPC 1.15A(a)(2).
- C. Lawyers must inform the depository institution in writing (*use this notice form*) that such NON-IOLTA accounts are trust accounts for purposes of MRPC 1.15A. MRPC 1.15A(a)(2).
- D. For IOLTA accounts, the *Notice to Eligible Financial Institution* form constitutes notice to the depository institution that the IOLTA account is subject to MRPC 1.15A. MRPC 1.15A(a)(2).

¹ In order to be approved to hold lawyer trust accounts, the financial institution submits a signed agreement to the State Bar of Michigan that it will notify the Grievance Administrator and the trust account holder “when any properly payable instrument is presented against a lawyer trust account containing insufficient funds or when any other debit to such account would create a negative balance in the account, whether or not the instrument or other debit is honored and irrespective of any overdraft protection or other similar privileges that may attach to such account.” MRPC 1.15A(b). Lawyers may not place trust accounts at financial institutions **which do not appear on the State Bar’s list of TAON-approved financial institutions**.

Questions? – Contact the State Bar of Michigan Professional Standards Division at 517-346-6333.