

# District of Columbia Court of Appeals

No. M-240-11

## NOTICE OF PROPOSED RULE XIV (FILED – December 14, 2012)

In March 2010, this court adopted new rules related to Interest on Lawyers' Trust Accounts (IOLTA). At that time, no verification mechanism was adopted. The Board of Governors of the District of Columbia Bar now proposes that a new Rule XIV be added to the District of Columbia Court of Appeals Rules Governing the Bar. The proposed rule does not create a verification program, but rather establishes the authority of the D.C. Bar Foundation to propose a verification program. The proposed rule reads as follows:

### **Rule XIV. IOLTA Verification**

#### Section 1. Establishment of an IOLTA Verification Program

The D.C. Bar Foundation (Bar Foundation) administers the District of Columbia Court of Appeals' IOLTA program (D.C. IOLTA program). In furtherance of its fundamental function of maximizing and collecting the interest revenue generated by D.C. IOLTA accounts for the support of legal services organizations and administration of justice programs, the Bar Foundation may periodically request that lawyers and law firms verify to the Bar Foundation their participation in the D.C. IOLTA program. A lawyer or law firm is expected to respond in good faith to such a request.

#### Section 2. Procedures

If the Bar Foundation decides to undertake verification of lawyers' and law firms' participation in the D.C. IOLTA program, it shall develop a plan for the form and manner of such verification program (the "Plan"). The Plan shall address, among other things, the nature, security and use of information to be collected from lawyers and law firms; the content of the Bar Foundation's communications to lawyers and law firms about the verification program; and the anticipated scope of disclosures to other parties of information received from lawyers and law firms pursuant to the verification program. The Plan, and any subsequent changes recommended thereto, shall be subject to review and approval by

the District of Columbia Bar's Board of Governors and by the District of Columbia Court of Appeals.

Section 3. Reports

The Bar Foundation shall, at least once annually, submit a report to the District of Columbia Court of Appeals and the District of Columbia Bar Board of Governors about the Bar Foundation's verification activities, including steps taken to implement the approved Plan, and setting forth, in the aggregate, the number of requests made, the number of responses received, the number of lawyers and law firms participating and the total funds obtained.

This notice is published to afford interested parties an opportunity to submit written comments concerning the proposed amendment to the Rules Governing the Bar. Ten copies of any comments should be submitted to the Clerk, District of Columbia Court of Appeals, 430 E Street, N.W., Second Floor, Washington, D.C. 20001, no later than January 31, 2013. All comments submitted pursuant to this notice will be available to the public.