

IN THE SUPREME COURT, STATE OF WYOMING

OCTOBER TERM, A.D. 1987

In the Matter of the )  
Amendment of Rule 1.15, )  
Rules of Professional )  
Conduct for Attorneys )  
at Law )

IN THE SUPREME COURT  
STATE OF WYOMING  
**FILED**

DEC 11 1987

Jean A. Wood  
CLERK

ORDER

The Wyoming State Bar having recommended to the court amendments to Rule 1.15 Relating To Safekeeping Property, Rules of Professional Conduct For Attorneys at Law, as attached hereto; and the court having examined the proposed amendments and deeming their adoption to be advisable; it is

ORDERED that Rule 1.15, Rules of Professional Conduct for Attorneys at Law be, and it is amended hereby, as attached, to be effective sixty (60) days after publication in the Advance Sheets of the Pacific Reporter; and,

ORDERED that Rule 1.15, Rules of Professional Conduct for Attorneys at Law, as amended, shall be published in the Advance Sheets of the Pacific Reporter and in the Wyoming Reporter; and, that the rule shall thereupon be spread at length on the journal of the court.

Dated December 10<sup>th</sup> 1987.

By the Court

C. Stuart Brown  
C. Stuart Brown  
Chief Justice

Rule 1.15, Rules of Professional Conduct For Attorneys at Law, amended to include two (2) new subsections (d) and (e), as follows:

**Rule 1.15. Safekeeping property.**

\* \* \*

(d) Nothing in these rules shall prohibit a lawyer or law firm from placing trust funds held for the credit of a client (client's trust funds) which are nominal in amount or to be held for a brief time, including advances for costs and expenses, in one or more interest-bearing accounts for the benefit of the charitable purposes of a court-approved Interest on Lawyer Trust Accounts (IOLTA) program.

(e)(1) A lawyer who receives a client's trust funds, or the associated law firm, may maintain a pooled interest-bearing depository account for deposit of client funds that are nominal in amount or expected to be held for a brief time. Such account shall comply with the following provisions:

(i) The account shall include only a client's funds which are nominal in amount or are expected to be held for a brief time.

(ii) No interest from such an account shall be made available to a lawyer or law firm.

(iii) The determination of whether a client's trust funds are nominal in amount or to be held for a brief time rests in the sound judgment of each attorney or law firm.

(iv) Discretion as the lawyer's exercised good faith judgment shall determine a client's trust fund placement in this account or its deposit in a separate interest bearing trust account for the benefit of the specified client, in consideration of:

(a) the amount of interest which the funds would earn during the period they are expected to be deposited;

(b) the cost of establishing and administering the account including the cost of the lawyer's services, accounting fees, and tax reporting procedures;

(c) the nature of the transaction(s) involved; and

(d) the likelihood of delay in the relevant proceedings.

(v) Lawyers or law firms depositing client funds in an amount greater than \$500.00 in an interest-bearing trust account established pursuant to this subsection, shall de-

liver to the client from whom or for whose benefit such funds are received a notice reading substantially as follows:

IMPORTANT NOTICE TO CLIENTS

THIS OFFICE PARTICIPATES IN THE WYOMING PLAN REGARDING THE GENERATION OF INTEREST ON ATTORNEYS' TRUST ACCOUNTS. Under this plan, funds deposited on behalf of a client that are a nominal amount or are expected to be held for a brief time will be deposited in an interest-bearing trust account and the interest generated will be remitted to the Wyoming State Bar Foundation to fund programs for the public benefit. Because of administrative costs and tax considerations, it is not feasible for the client to benefit individually from the interest earned. Furthermore, the attorney will not receive any of the interest generated under the plan.

(2) Any interest-bearing trust account established pursuant to subsection (1) of this rule may be established with any financial institution which is authorized by federal and state law to do business in the State of Wyoming and which is a member of the Federal Deposit Insurance Corporation, or the Federal Savings and Loan Insurance Corporation, or successor agencies. Funds deposited in such accounts shall be subject to withdrawal upon request and without delay.

(3) Lawyers or law firms depositing a client's trust funds which are nominal in amount or to be held for a brief time in an interest-bearing depository account under subsection (1) of this rule shall direct the depository institution:

(i) to remit interest or dividends, net of any service charges or fees, on the average monthly balance in the account, or as otherwise computed in accordance with the institution's standard accounting practice for other depositors, at least quarterly, to the Wyoming State Bar Foundation.

(ii) to transmit with each remittance to the Wyoming State Bar Foundation a statement showing the name of the lawyer or law firm for whom the remittance is sent and the rate of the interest applied.

(iii) to transmit to the depositing lawyer or law firm at the same time a report showing the amount paid to the Wyoming State Bar Foundation, the rate of interest applied, and the average account balance of the period for which the report is made.

(4) The Wyoming State Bar Foundation shall maintain records of each remittance and statement received from depository institutions for a period of at least three years and shall, upon re-

quest, promptly make available to a lawyer or law firm the records and statements pertaining to that lawyer's or law firm's account.

(5) All interest transmitted to the Wyoming State Bar Foundation shall be distributed by that entity for the purposes of:

(i) providing legal services to the poor of Wyoming, who would otherwise be unable to obtain legal assistance;

(ii) providing public education projects which promote a knowledge and awareness of the law;

(iii) providing projects which improve the administration of justice; and

(iv) providing for the reasonable costs of administration of interest earned on clients' trust accounts under this rule.

Subject to the fulfillment of fund purposes, the Wyoming State Bar Foundation shall have the sole discretion of allocation, division, and distribution.