SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the recommendations of the Louisiana State Bar Association, as well as the Louisiana Legislature's promulgation of 2005 La. Acts No. 249,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Appended to this Order is a Trust Account Disclosure and Overdraft Notification Authorization Form to be used by attorneys for reporting trust account information and authorizing banks to provide overdraft notification.

The attached form shall replace the Trust Account Disclosure and Overdraft Notification Authorization Form which was previously approved through Court Order dated March 29, 2006. The attached form shall be designated as Appendix F to Louisiana Supreme Court Rule XIX.

This Order shall become effective upon signing, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of _____, 2006.

FOR THE COURT:

_____

Pascal F. Calogero, Jr., Chief Justice

Supreme Court of Louisiana
Trust Account Disclosure & Overdraft Notification Authorization

Pursuant to the inherent, plenary and Constitutional authority of the Louisiana Supreme Court to regulate the practice of law, and in accordance with Supreme Court Rule XIX, every attorney licensed to and engaged in the practice law in Louisiana is required to disclose the existence of a trust or escrow account (or declare that because of the nature of his/her practice that he/she is not required to maintain such an account). Every attorney who maintains a trust or escrow account as required by the Rules of Professional Conduct is required to maintain such account with a federally insured financial institution with whom the attorney has executed an agreement which authorizes the financial institution to provide written or electronic notification to the Office of Disciplinary Counsel of any account overdraft. Use of this form complies with the rules of the Louisiana Supreme Court.

Name of Attorney: _____ Bar Roll Number: _____

Section 1 – Attorneys Who Do Not Handle Client Funds

(Attorneys completing this section are not required to complete any additional portion of this form)

❑ I certify that because of the nature of my practice, I do not maintain a client trust or escrow account. I further certify that I do not handle funds of clients or third persons, and that I do not expect to receive the funds of a client or third person within the next twelve (12) months. Should these facts change, I acknowledge that I am ethically required to provide to the Office of Disciplinary Counsel within 30 days of the change an executed copy of this form providing the required information.

_____ _____

(Attorney's Signature) (Date)

Section 2 – Attorneys Whose Practices Are Domiciled Outside of Louisiana

(Attorneys completing this section are not required to complete any additional portion of this form)

❑ I certify that my law practice is domiciled in a state other than Louisiana and that I do not maintain client trust or escrow account(s) in Louisiana banks or in Louisiana branches of multi-state banks.

_____ _____

(Attorney's Signature) (Date)

Section 3 – Law Firm Reporting

(Attorneys completing this section are not required to complete any additional portion of this form)

I am a member of the law firm of _____ and all trust or escrow accounts are maintained under the name of that law firm. The firm has designated (insert name of attorney) _____, a Louisiana-licensed attorney, as the reporting counsel for the firm. His/her bar roll number is _____. I adopt the reporting as made by our firm's designated reporting attorney.

_____ _____

(Attorney's Signature) (Date)

Section 4 – Trust Account Certification

(Attorneys completing this section are also required to have their financial institution complete Section 5 of this form)

As an officer of the Court, I (insert name) _____ certify that I am a duly licensed attorney and am familiar with the provisions of the Supreme Court rules regarding trust accounts. I acknowledge that:

A. All attorneys holding funds of clients or third persons must maintain a separate account for such funds (commonly referred to a trust or escrow account);
B. Every attorney maintaining a qualified pooled trust or escrow account must participate in the Interest on Lawyers Trust Account (IOLTA) Program administered by the Louisiana Bar Foundation; and
C. All attorneys who are required to maintain trust or escrow accounts must do so with federally insured financial institutions with which they have executed agreements requiring the financial institutions to provide to the Office of Disciplinary Counsel written or electronic notification of any overdraft incident created on such accounts.

I certify that the following information regarding my trust or escrow account(s) is truthful and accurate. I further certify and acknowledge that should this information change, I am ethically obligated to notify the Office of Disciplinary Counsel within 30 days of any change. (Additional accounts should be reported on copies of this form.)

Bank Name: _____ _____

(Name Listed on Account)

Bank Address: _____

_____ _____

(Account Number)

_____ _____

(Attorney's Signature) (Date)

❑ Please check here if you are providing this information as Reporting Counsel for your law firm.

Section 5 – Authorization to Financial Institution

(Attorneys completing Section 4 of this form must have their financial institutions complete Section 5 of this form)

The financial institution with which I (or my law firm) maintain(s) a trust or escrow account is hereby authorized to provide to the Office of Disciplinary Counsel written and/or electronic notification of any instance of overdraft occurring on such account(s) in accordance with the rules of the Louisiana Supreme Court and Act 249 of the Louisiana Legislature (Regular Session 2005). Notification shall be sent to: **Office of Disciplinary Counsel, 4000 S. Sherwood Forest Blvd., Suite 607, Baton Rouge, LA 70816; phone (225)293-3900; fax (225)293-3300; email overdraft@ladb.org**

_____ _____

(Attorney's Signature) (Bar Roll Number)

Authorization Accepted by: _____ _____

(Bank Officer's Signature) (Date)

_____

(Bank Officer's Name – Please Print Legibly or Type)

(**Notice to Financial Institution:** Pursuant to Legislative Act 249 of the 2005 Regular Session, notice to the Office of Disciplinary Counsel shall be issued after five (5) business days have passed from the date of notice to the attorney, and whether or not the account remains in overdraft status; but such notice will not issue where the overdraft was created solely by bank charges imposed or when charges are imposed through bank error. Costs associated with providing this notice may be charged to the attorney and deducted from the interest created on the trust or escrow account. The act provides that no civil or criminal action may be based upon a disclosure or non-disclosure of financial records made pursuant to the Act.)