

ARKANSAS BAR ASSOCIATION, IN THE MATTER
OF INTEREST ON LAWYERS' TRUST ACCOUNTS

84-90

689 S.W.2d 352

Supreme Court of Arkansas
Opinion delivered May 13, 1985

ATTORNEY & CLIENT — INTEREST ON LAWYERS' TRUST ACCOUNTS —
MODIFICATION OF NOTICE PROVISION. — The requirement that all
attorneys or law firms participating in the IOLTA Program send
notice to all of their clients, informing them of their participation,
and providing information concerning the new procedures and the
uses of trust earnings, is modified to provide that on the same day as
a client's money is first deposited in the trust account of a
participating attorney or law firm, the attorney or law firm shall
mail a notice to that client in the form prescribed, providing
information concerning the procedures and uses of trust earnings,
but that subsequent deposits of money of a client who has once been
notified may be made without repeating the notice.

Petition to Amend Opinion; petition granted in part.

William R. Wilson, Jr., for Arkansas Bar Association,
petitioner.

PER CURIAM. On September 17, 1984, we granted a petition
by the Arkansas Bar Association requesting that we permit
establishment of a program for collecting interest on monies
deposited in lawyers' trust accounts and for use of the interest
earned for certain purposes having to do with furthering legal
education and the sound administration of justice in Arkansas. *In
the Matter of the Arkansas Bar Association Petition to Author-
ize a Program Governing Interest on Lawyers' Trust Accounts*,
283 Ark. 252, 675 S.W.2d 355 (1984).

Our opinion contained, in part, this language:

4. Client consent is not an element of the IOLTA program.
However, attorneys and law firms participating in the
program shall inform their clients of their participation by

sending to each client a notice, in the form set out below, providing information concerning the new procedures and the uses of trust earnings.

The petitioner has pointed out this language could be interpreted as requiring notice be sent to all clients of any participating lawyer, whether the client had money in the lawyer's trust fund or not. We agree that would be a useless act in many instances.

The petitioner suggests our opinion be changed to permit a lawyer to give notice to his clients by posting it in the lawyer's office.

[1] Our opinion is hereby modified by replacing the language quoted above with the following:

4. Client consent is not an element of the IOLTA program. However, on the same day as a client's money is first deposited in a participating attorney or law firm's trust account, the attorney or law firm shall mail a notice to that client in the form set out below, providing information concerning the procedures and the uses of trust earnings. Subsequent deposits of money of a client who has once been notified may be made without repeating the notice.
