

PENNSYLVANIA INTEREST ON LAWYERS TRUST ACCOUNT BOARD

INSTRUCTIONS FOR REMITTING UNIDENTIFIABLE OR UNCLAIMED FUNDS

Pennsylvania Rule of Professional Conduct 1.15(v) provides direction to lawyers and law firms to resolve unclaimed or unidentifiable funds in Pennsylvania IOLTA trust accounts so that the funds are promptly returned to their rightful owner. Should the lawyer or law firm's reasonable efforts to return the funds for the two-year period specified by Pa. R.P.C. 1.15(v) prove unsuccessful, the enclosed Remittance Report and Certification should be submitted to the Pennsylvania Interest on Lawyers Trust Account Board along with a check in the amount of the Unclaimed or Unidentifiable funds made payable to the Pennsylvania IOLTA Board. Note: If you are a conservator appointed for an absent lawyer, refer to Pa. R.D.E. 324(c)(1) for guidance regarding unidentifiable funds.

If you believe you are holding unidentifiable or unclaimed funds in your Pennsylvania IOLTA account, or the Pennsylvania IOLTA account of a deceased lawyer whose estate is represented by your firm, please follow these instructions:

Step 1: Determine whether the funds in the Pennsylvania IOLTA account are unidentifiable or unclaimed.

- Unidentifiable Funds: Funds accumulated in an IOLTA account that cannot be reasonably documented as belonging to a client, former client, third party, or the lawyer or law firm.
- Unclaimed Funds: Funds for which a client, former client, or third party appear to have an interest, but have not responded to the lawyer or law firm's reasonable efforts to encourage the client, former client, or third party to claim their rightful funds.

Step 2: Confirm that reasonable efforts have been undertaken for a minimum of two (2) years to return the funds to their rightful owner.

- Reasonable efforts to confirm identity of the owner(s): A lawyer or law firm's reasonable efforts to identify the owner of funds include a review of transaction records, client ledgers, case files, and any other relevant fee records.
- Reasonable efforts to locate the owner(s) and return funds: A lawyer or law firm's reasonable efforts to locate and return funds to the rightful owner(s) include periodic correspondence of the type contemplated by the lawyer or law firm's relationship with the client, former client, or third party owner of the funds. Should such correspondence prove unsuccessful, a lawyer or law firm's reasonable efforts include efforts similar to those that would be undertaken when attempting to locate a person for service of process, such as examinations of local telephone directories, courthouse records, voter registration records, local tax records, motor vehicle records, or the use of consolidated online search services that access such records. A greater outlay of time and expense may be warranted when larger amounts of money are at issue.

Step 3: Provide the information requested on the Remittance Report, sign the Certification, and submit the Remittance Report and Certification with a check for the amount of unidentifiable or unclaimed funds payable to the Pennsylvania IOLTA Board to:

Attn: Unidentifiable or Unclaimed Funds
PA IOLTA Board
P.O. Box 62445
Harrisburg, PA 17106-2445

The Pennsylvania IOLTA Board will send you a letter acknowledging receipt for your records. You should retain a copy of the IOLTA Board's acknowledgement for no less than five (5) years per Pa. R.P.C. 1.15(c).

Do you need assistance? Contact us by phone (toll free) at 888-PA-IOLTA (724-6582) or (717) 238 2001, by e-mail at paioleta@pacourts.us, or by fax at (717) 238 2003.

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REMITTANCE REPORT & CERTIFICATION

This Remittance Report and Certification must accompany the remittance of Unidentifiable or Unclaimed funds to the Pennsylvania IOLTA Board.

I. REMITTANCE REPORT

A. PERSON MAKING REPORT Provide the following contact information for the individual submitting this report:

1. Name (First, Middle Initial, Last):	4. Law Firm Name (if applicable):	
<input type="text"/>	<input type="text"/>	
2. Phone:	5. Address:	
<input type="text"/>	Street Address 1	<input type="text"/>
3. E-mail Address:	Street Address 2	<input type="text"/>
<input type="text"/>	City, State, Zip Code	<input type="text"/>

B. IOLTA ACCOUNT INFORMATION Provide the following information for the IOLTA account and associated law firm which held the Unidentifiable or Unclaimed funds which are now being submitted to the Pennsylvania IOLTA Board:

1. Financial Institution Holding IOLTA Account:	4. Name and Pennsylvania Attorney ID of the lawyer(s) primarily responsible for the legal representation which resulted in the receipt of the Unclaimed or Unidentifiable funds:	
<input type="text"/>		
2. Account Number:		
<input type="text"/>		
3. Law Firm Name & Address (if different from subsection A above):	First, Last)	PA Attorney ID
Law Firm Name	<input type="text"/>	<input type="text"/>
Street Address 1	<input type="text"/>	<input type="text"/>
Street Address 2	<input type="text"/>	<input type="text"/>
City, State, Zip Code	<input type="text"/>	<input type="text"/>

C. OWNER INFORMATION Indicate the amount of funds which are Unidentifiable or Unclaimed, and for any funds that are Unclaimed, provide the relevant owner information below. Please note that any Unclaimed funds for owners with a last known address outside of the Commonwealth of Pennsylvania should not be submitted to the Pennsylvania IOLTA Board; instead, consult the unclaimed property statutes and court rules for the owner's last known state of residence.

Amount of Unidentifiable Funds:	<input type="text"/>
Amount of Unclaimed Funds:	<input type="text"/>
Total Amount Remitted:	<input type="text"/>

For any funds which are "Unclaimed" as defined in Pa. R.P.C. 1.15(v), please provide the relevant ownership information below. If additional space is required, include additional pages as necessary.

If all of the funds are "Unidentifiable" as defined in Pa. R.P.C. 1.15(v), proceed to subsection D.

#	Amount Owed	Name & Last Known Address (must be a Pennsylvania address to be remitted to the PA IOLTA Board).	SSN or Federal EIN (if known)	Date of Last Communication From Owner	Date of Last Communication To Owner	General description of the nature of representation or interaction resulting in the receipt of unclaimed funds (estate administration, real estate transaction, divorce proceeding, etc.).
1						
2						

D. DESCRIPTION OF REASONABLE EFFORTS TO RETURN FUNDS

1. Provide a description of the Reasonable Efforts undertaken to identify, locate, and reunite the rightful owner(s) of the Unclaimed or Unidentifiable funds with their funds in accordance with Pa. R.P.C. 1.15(v). If additional space is required, attach additional pages as necessary.

2. If available, attach a copy of: (1) any relevant fee agreement or engagement letter which demonstrates an owner's interest in the unclaimed funds, and; (2) a copy of the last correspondence sent to the owner(s) in order to facilitate the return of any Unclaimed funds.

II. CERTIFICATION

1. I certify that I have examined this Remittance Report and Certification addressing funds which are Unclaimed or Unidentifiable pursuant to Pennsylvania Rule of Professional Conduct 1.15(v).

2. I certify that the information provided in the enclosed Remittance Report is accurate and complete to the best of my knowledge and belief as of the date of the submission of this Certification to the Pennsylvania IOLTA Board.

3. I certify that I have reviewed the relevant transaction records, client ledgers, case files, correspondence, and any other relevant records which demonstrate that Reasonable Efforts, as defined in Pa. R.P.C. 1.15(v), to identify the owner and reunite them with their funds, have occurred.

4. I certify that I have reviewed records which demonstrate that the funds being remitted to the IOLTA Board have been Unclaimed or Unidentifiable, as defined in Pa. R.P.C. 1.15(v), for a minimum period of two (2) years.

5. I understand that, if after making a payment of Unclaimed or Unidentifiable funds to the Pennsylvania IOLTA Board, should my firm or I subsequently identify and locate the owner of the funds remitted, the Pennsylvania IOLTA Board must be notified so that the funds can be returned to their rightful owner.

6. I understand that if my Pennsylvania attorney license is active and in good standing at the time a claim is submitted to the Pennsylvania IOLTA Board for the return of the Unclaimed or Unidentifiable funds remitted pursuant to this Remittance Report and Certification, I agree to assist the Pennsylvania IOLTA Board in returning the funds to their rightful owner in accordance with Pa. R.P.C. 1.15(v)(2).

7. I understand that lawyers must maintain records related to the ultimate disposition of Unclaimed or Unidentifiable funds in Pennsylvania IOLTA accounts in accordance with the recordkeeping requirements and minimum five (5) year retention period specified in Pa. R.P.C. 1.15(c), and further, that these records must be made available for production to the Pennsylvania Lawyers Fund for Client Security or the Office of Disciplinary Counsel in a timely manner upon a request or demand by either agency made pursuant to the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board Rules, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.

Having reviewed the Remittance Report and Certification, I represent and warrant that the information provided is accurate and complete to the best of my knowledge and belief, and that I am authorized to provide this information to the Pennsylvania IOLTA Board in accordance with Pa. R.P.C. 1.15(v), and have accordingly executed this Certification on the date written below. I understand that any false information and/or documentation supplied with this Remittance Report and Certification, which I do not believe to be true, may subject me to prosecution and penalties under 18 Pa. C.S. § 4904.

Print Name

Signature

Date