

District of Columbia Court of Appeals

No. M-240-11

BEFORE: Washington, Chief Judge; Glickman, Fisher, Blackburne-Rigsby, Thompson, Oberly, Beckwith, Easterly, and McLeese, Associate Judges.

ORDER (FILED – March 11, 2013)

On Consideration of the recommendations by the Board of Governors of the District of Columbia Bar to add new Rule XIV to the District of Columbia Court of Appeals Rules Governing the Bar, the comment received in response to the Court's Notice of proposed Rule XIV published on December 12, 2012, and the Board of Governors of the District of Columbia Bar's response to the comment received from the D.C. Bar Foundation, it is hereby

ORDERED that the proposed new Rule XIV to the District of Columbia Court of Appeals Rules Governing the Bar is hereby adopted, and 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.

ENTERED BY DIRECTION OF THE COURT:

JULIO A. CASTILLO
Clerk of the Court