

## 2023 IOLTA COMPLIANCE STATEMENT

All lawyers licensed in Arkansas must complete this form each year.

To complete this form online, follow these steps:

1. Visit attorneyinfo.aoc.arkansas.gov and log in.
2. Click “My Account” in the top left-hand corner.
3. Click “Input IOLTA” at the bottom of the screen.
4. Enter your information and click “Submit”.

If you prefer to complete your IOLTA Compliance Statement on paper, complete the form below and return it to the Clerk of Courts at 625 Marshall Street Little Rock, AR 72201.

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Print Full Name (Required)

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Firm or Employer Name (Required)

Choose one of the options below, either compliance with IOLTA account or compliance by exemption:

- Compliance with IOLTA Account.** I, or my employer, have an IOLTA account. If you check this box, provide your IOLTA account information below. You are also verifying that you have checked the account for unclaimed or unidentifiable funds.
- If you are in private practice you should check this box and provide account information, even if someone else at your firm manages the IOLTA account. If you have an exclusively flat fee practice, see the FAQs.

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IOLTA Account Number

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Name of IOLTA Bank of Credit Union

- Compliance by Exemption.** Neither I, nor my employer, have an IOLTA account. If you select this option, you must choose a reason below to explain why you are exempt:
- Exemption 1: I am licensed to practice law in Arkansas, but I do not handle any client or third-party funds. This includes judges, government attorneys, in-house counsel, and licensed attorneys who do not practice law.
- Exemption 2: I am licensed to practice law in Arkansas, but I primarily practice in another state and I comply with that state’s IOLTA rules. See the FAQs if you practice law in Arkansas, but are affiliated with an out of state firm.
- Exemption 3: I am retired or voluntarily inactive and I do not handle any client or third-party funds.

I certify that the above information is true and correct to the best of my knowledge and belief.

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Attorney Signature

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Date

[Attorney Name]

[Bar number]

## FREQUENTLY ASKED QUESTIONS

### **Where can I find more information about IOLTA or how to complete this form?**

**Answer:** You can find the IOLTA rules, forms, and more FAQs at [arkansasjustice.org/IOLTA](http://arkansasjustice.org/IOLTA). You can also contact our staff by calling 501.492.7175.

### **Do all attorneys in private practice need an IOLTA account?**

**Answer:** Very few attorneys can ethically engage in the private practice of law without an IOLTA account. If an attorney in private practice does not have an IOLTA account, they must establish a separate, interest or dividend-bearing trust account in every instance that they handle client or third-party funds. Each trust account must contain the funds of only one client or third party and the attorney must remit all interest or dividends to the client or third party.

### **What if I only charge flat fees?**

Even lawyers with an exclusively flat fee practice need an IOLTA account. The Office of the Committee on Professional Conduct encourages attorneys who charge flat fees to place the flat fee into an IOLTA account, with periodic, partial transfers to the operating account as the case progresses.

### **What if I have more than one IOLTA account to report?**

**Answer:** If you have more than one IOLTA account to report, please attach a sheet that lists all the IOLTA accounts associated with you or your firm. Include the name of the bank and the account number for each account.

### **What if my IOLTA account contains unclaimed or unidentifiable funds?**

**Answer:** If you determine that your IOLTA account has unclaimed or unidentifiable funds, you must use reasonable efforts to locate or identify the owner of the funds for a period of two years. If you have already done this, complete a Report of Unclaimed of Unidentifiable Client Trust Account Funds form and an affidavit of Return of Funds form. Then, return those forms to the Arkansas Access to Justice Foundation at 1111 W. 6<sup>th</sup> Street, Suite D Little Rock, Arkansas 72201. Forms and additional information can be found at [www.arkansasjustice.org/iolta](http://www.arkansasjustice.org/iolta).

### **What if I am affiliated with an out of state firm, but I primarily practice law in Arkansas?**

**Answer:** The out of state practice exemption is intended only for attorneys who primarily practice law in a state other than Arkansas. If you primarily practice law in Arkansas on behalf of an out of state firm, you are subject to Arkansas Rule of Professional Conduct 1.15's trust accounting requirements. You or your firm must establish an Arkansas IOLTA account to hold funds related to your practice of law in Arkansas.