TRUST ACCOUNT NOTIFICATION UNDERTAKING

This Undertaking is given, effective this _____ day of _____ 20____, by _____, a Financial Institution that wishes to serve as a depository for lawyer or law firm trust and/or escrow accounts (hereafter "Trust Accounts") for lawyers who are members of the District of Columbia Bar and for law firms any of whose lawyers are members of the District of Columbia Bar, including if applicable, Trust Accounts maintained in connection with the District of Columbia Interest on Lawyers Trust Account program (such Trust Accounts hereinafter referred to as "IOLTA Trust Accounts"), as indicated below:

☐ The Financial Institution seeks to serve as a depository of Trust Accounts, including IOLTA Trust Accounts; or

☐ The Financial Institution seeks to serve as a depository of Trust Accounts, but NOT IOLTA Trust Accounts.

Recitals:

A. On April 8, 1992, the District of Columbia Court of Appeals adopted Rule 1.17 (subsequently renumbered as Rule 1.19), as an amendment to the District of Columbia Rules of Professional Conduct, imposing certain reporting requirements on depositories of Trust Accounts. By Order of March 22, 2010, effective August 1, 2010, the District of Columbia Court of Appeals deleted Rule 1.19, moved the reporting requirement to a new Section 20 of Rule XI of the Rules Governing the Bar of the District of Columbia Court of Appeals, and imposed additional requirements for Financial Institutions electing to participate in the IOLTA program.

B. D.C. Bar R. XI, § 20 requires, in general, that Trust Accounts be maintained only in Financial Institutions approved by the Board on Professional Responsibility (the "Board") of the District of Columbia Court of Appeals and that, as a condition to obtaining such approval, the Financial Institution must undertake to report to the Office of Disciplinary Counsel overdrafts or similar irregularities respecting such Trust Accounts. The Rule further requires that Financial Institutions electing to offer and maintain IOLTA Trust Accounts must, in addition to complying with the rules applicable to Trust Accounts generally, undertake to pay interest or dividends and charge fees on IOLTA Trust Accounts that comply with D.C. Bar R. XI, § 20(f), and to periodically remit interest and submit reports on IOLTA Trust Accounts to the D.C. Bar Foundation in accordance with D.C. Bar R. XI, § 20(g).

C. The undersigned Financial Institution seeks to be deemed an approved depository for Trust Accounts and, accordingly, does duly undertake, as a condition of such approval, to take the following actions:

Undertakings:

1. Notification to Lawyers or Law Firm. The Financial Institution will notify the lawyer or law firm promptly of an overdraft in any Trust Account or the dishonor for insufficient funds of any instrument drawn on any Trust Account held by it.

2. Notification to Disciplinary Counsel. The Financial Institution will promptly report the overdraft or dishonor to Disciplinary Counsel, as follows:

(a) In the case of a dishonored instrument, the report shall be identical to the overdraft notice customarily forwarded to the depositor and shall include a copy of the dishonored instrument, if such copy is normally provided to the depositor. The report shall be made simultaneously with, and within the time period, if any, provided by law for notice of dishonor.

(b) In the case of an instrument that was presented against insufficient funds but was honored, the report shall identify the financial institution, the lawyer or law firm maintaining the account, the account name, the account number, the date of presentation for payment and the date paid, as well as the amount of the overdraft created thereby. The Financial Institution shall file a report irrespective of any overdraft privileges that may attach to such account. The report shall be mailed to Disciplinary Counsel within five (5) business days of payment of the instrument.

3. Response to Disciplinary Counsel Subpoena. The Financial Institution will respond promptly and fully to subpoenas from the Office of Disciplinary Counsel that seek a lawyer's or law firm's Trust Account records, notwithstanding any objections that might be raised based upon the territorial limits on the effectiveness of such subpoenas or upon the jurisdiction of the District of Columbia Court of Appeals to enforce them.

4. IOLTA Trust Accounts. A Financial Institution electing to offer and maintain IOLTA Trust Accounts agrees to comply with all of the requirements applicable to Trust Accounts generally, and further agrees to: (i) pay comparable interest or dividend rates and assess only allowable

reasonable fees (as approved by the D.C. Bar Foundation) on such IOLTA Trust accounts, and (ii) remit such interest and dividends to the D.C. Bar Foundation, all as more specifically set forth below:

(a) The Financial Institution will pay no less on its IOLTA Trust Accounts than the interest rate or dividend rate in (i) or (ii):

(i) The highest interest rate or dividend rate generally available from the Financial Institution to its non-IOLTA customers when the IOLTA Trust Account meets or exceeds the same minimum balance or other eligibility qualification on its non-IOLTA accounts, if any.

(ii) A "benchmark" rate set periodically by the D.C. Bar Foundation that reflects the D.C. Bar Foundation's estimate of an overall comparability rate for accounts in the IOLTA program and that is net of allowable reasonable fees.

(b) The Financial Institution will deduct only allowable reasonable fees from interest or dividends earned on an IOLTA Trust Account. Allowable reasonable fees will be deducted from interest or dividends on an IOLTA Trust Account only at the rates and in accordance with the customary practices of the Financial Institution for non-IOLTA customers. No fees or service charges other than allowable reasonable fees will be assessed against the accrued interest or dividends on an IOLTA Trust Account. Any fees and service charges other than allowable reasonable fees will be the sole responsibility of, and will only be charged to, the lawyer or law firm maintaining the IOLTA Trust Account. Allowable reasonable fees in excess of the interest or dividends earned on one IOLTA Trust Account for any period will not be taken from interest or dividends earned on any other IOLTA Trust Account or Accounts or from the principal of any IOLTA Trust Account.

(c) On forms approved by the D.C. Bar Foundation, the Financial Institution will:

(i) at least quarterly, remit to the D.C. Bar Foundation all interest or dividends, net of allowable reasonable fees, if any, on the average monthly balance in each IOLTA Trust Account, or as otherwise computed in accordance with the Financial Institution's standard accounting practice;

(ii) transmit with each remittance to the D.C. Bar Foundation a report showing the name of the lawyer or law firm in

whose name the account is registered, the amount of interest or dividends earned, the rate and type of interest or dividend applied, the amount of any allowable reasonable fees assessed during the remittance period, the net amount of interest or dividends remitted for the period, the average account balance for the remittance period, and such other information as is reasonably required by the D.C. Bar Foundation; and

(iii) transmit to the lawyer or law firm in whose name the account is registered a periodic statement in accordance with normal procedures for reporting to depositors.

5. Duration of Undertaking. This Undertaking shall remain in effect so long as the Financial Institution shall maintain any Trust Accounts subject to D.C. Bar R. XI, § 20. In the event that the Financial Institution no longer wishes to serve as an approved depository of Trust Accounts, it shall give thirty-days advance written notice of its intent to terminate to Disciplinary Counsel, the Board, and Trust Account holders. The failure of the Financial Institution to comply with any of the undertakings hereunder shall be grounds for immediate removal of the Financial Institution from the list of approved depositories, in which event the Financial Institution shall promptly give notice to all Trust Account holders. Any Financial Institution that terminates this Undertaking or is removed from the list of approved depositories shall promptly thereafter comply with the Trust Account holder's instructions regarding the disposition of Trust Account funds remaining in the care of the Financial Institution, including transferring any Trust Accounts remaining in the care of the Financial Institution to another approved Financial Institution to be selected by the lawyer or law firm.

6. Waiver of Claims. The Financial Institution hereby waives any and all claims of any kind for damages or for any other compensation from or against the District of Columbia Government or any branch thereof, the District of Columbia Court of Appeals, the District of Columbia Bar, the D.C. Board on Professional Responsibility, the Office of Disciplinary Counsel, the D.C. Bar Foundation and/or any individual associated with such entities, in connection with this Undertaking or any related actions.

7. Reports and Notice to Disciplinary Counsel. Reports and notices to the Office of Disciplinary Counsel shall be sent to Office of Disciplinary Counsel, Room 117, 515 5th Street, N.W., Washington, D.C. 20001, or electronically, as directed by the Office of Disciplinary Counsel.

8. Notices to the Board on Professional Responsibility. All notices and correspondence to the Board on Professional Responsibility shall be sent to Board on Professional Responsibility, 430 E Street, N.W., Suite 138, Washington, D.C. 20001, or electronically, as directed by the Board on Professional Responsibility.

9. Reports and Remittances to the D.C. Bar Foundation. Reports and remittances to the D.C. Bar Foundation shall be sent either in hard copy to D.C. Bar Foundation, 655 New York Ave, N.W., 6th Floor, Washington, D.C. 20001, or electronically, as directed by the D.C. Bar Foundation.

10. Binding Effect. This Undertaking shall be binding upon the Financial Institution and any branch thereof that receives or holds Trust Accounts.

11. Inclusion of Rules by Reference. The rules adopted by the District of Columbia Court of Appeals governing the approval and termination of approved status for depositories are included herein by reference and made a part of this Undertaking. In addition, to the extent feasible, the Financial Institution shall notify all lawyers or law firms for whom it maintains Trust Accounts pursuant to D.C. Bar R. XI, § 20, of the requirements of this Undertaking.

IN WITNESS WHEREOF, the Financial Institution has executed this Undertaking on the date and year written above.

_____
Financial Institution

By: _____

Name: _____

Title: _____

SUBSCRIBED and SWORN to before me this ____ day of _____,20___.

[Stamp/Seal]

_____
Notary Public

My Commission expires on _____