

Members:

Unfortunately, the first few minutes of this morning's webinar failed to record.

In my introductory remarks, I explained that I would be presenting a PowerPoint presentation of the new Bar Rule 15.1 and going through the documents found on the Bar Association's webpage.

With new rule, Alaska joins 41 other jurisdictions in adopting mandatory overdraft notification. Alaska's rule is based on the American Bar Association's model rule which can be found on the ABA Center for Professional Responsibility's website.

The purpose of the rule is to be the figurative "canary in the coal mine" since a pattern of trust account overdrafts may be an indication of a problem with a lawyer's trust account.

When the Bar office receives an overdraft notification from a financial institution, it goes into an intake stage where a voluntary response is requested from the lawyer. However, I strongly encourage lawyers to provide a response at that point, since trust account issues are taken very seriously by the Disciplinary Board of the Bar Association and the Alaska Supreme Court.

Often we find that a simple error contributed to the notification: 1) a lawyer or the lawyer's staff using the wrong deposit slip or checkbook or 2) a processing error by the financial institution. Giving us the information in the intake stage permits us to rule out a problem. A failure to answer the intake request will likely result in the matter being opened for investigation.

Lawyers who have "IOLTA" accounts or "Interest on Lawyer's Trust Accounts" do not need to change the name of their accounts since the words "trust account" are already included in the name.

At this point, the recording continues the presentation.