



State Bar of New Mexico IOLTA Program Financial Institution Participation Agreement

IOLTA stands for Interest on Lawyers Trust Accounts which is a pooled, interest-bearing demand deposit account used by lawyers to hold client funds. Lawyers may maintain IOLTA accounts only in eligible financial institutions that voluntarily agree to comply with the requirements of Rule 17-204 and 24-109 NMRA. Those rules are incorporated into this agreement by reference.

SECTION I – CONTACT INFORMATION

Name of Financial Institution:

Business Address:

Authorized Representative:

Address:

Telephone / Fax Number:

Email Address:

IOLTA Accounts Contact:

(Bank Representative that will be reporting and remitting IOLTA accounts)

Address:

Telephone / Fax Number:

Email Address:

SECTION II - COMPARABILITY REQUIREMENT SELECTION

A. Financial Institution hereby agrees to comply with the Comparability Requirements of Rule 24-109 NMRA by selection option below (choose one):

- ☐ 1. Pay a variable interest “benchmark” rate on IOLTA accounts of 55% of the Federal Funds Target Rate as described in Rule 24-109 (B)(3)(a)(iii).
- ☐ 2. Adjust the interest rate paid on IOLTA accounts to equal the rate paid on the following account / product _____, with the following interest rate: _____%, which is the highest interest rate available to non-IOLTA depositors having similar eligibility requirements.
- ☐ 3. Continue to pay _____% which is that same rate as our _____ account, which is the highest rate available to non-IOLTA depositors having similar eligibility requirements.
- ☐ 4. Other (please describe compliance proposal on separate sheet).

B. Financial Institution agrees to provide the necessary documentation to establish the comparability requirement proposal chosen above including but not limited to:

- 1. Internal Rate Sheet on all deposit and investment accounts
- 2. Explanatory product literature and disclosures in support of your compliance selection or proposal.
- 3. Any analysis or explanation in support of your compliance selection or proposal.

SECTION III – OTHER COMPLIANCE PROCEDURES

A. Accounts established must be clearly identified as “Attorney Trust Account” or “IOLTA Account” as a part of the account name.

B. Financial Institution agrees to report to the Office of Disciplinary Counsel whenever any properly payable instrument is presented against a trust account containing insufficient funds, whether or not the instrument is honored. The report shall be sent to the following:

Disciplinary Board
20 First Plaza NW, Suite 710
Albuquerque NM 87102
(505) 842-5781

Please see Rule 17-204 (B)(4) NMRA for information required for this report.

- C. Financial Institution agrees to remit at least quarterly to the State Bar of New Mexico IOLTA Program, on a form provided by the program, all interest or dividends net of any allowable reasonable service charge fees in one single payment by check or ACH transfer to:

Name of Bank: Bank of Albuquerque
Name of Account: State Bar of New Mexico
Routing Number: 107006606
Account Number: 8095524849
State Bar FEIN #: 85-0242641

The State Bar of New Mexico IOLTA Program is tax-exempt. No Form 1099 need be issued for the IOLTA account remittances. Further, Financial Institution is not liable for a penalty under Section 6676(b) for filing an information return with a mismatched TIN number when, pursuant to IRS regulation the payee is an exempt organization.

Section IV – Certifications

I, the undersigned authorized representative of listed Financial Institution, hereby certify that the statements contained herein are true and accurate and request certification as an eligible financial institution pursuant to the State Bar of New Mexico IOLTA Program and the established rules of the New Mexico Supreme Court incorporated herein.

By: _____
Print Name and Title

For: _____
Financial Institution

Signature

Date

Certified as APPROVED eligible financial institution pursuant to authority granted in Rule 24-109 (B)(3) NMRA:

By: State Bar of New Mexico IOLTA Program

Signature

Date