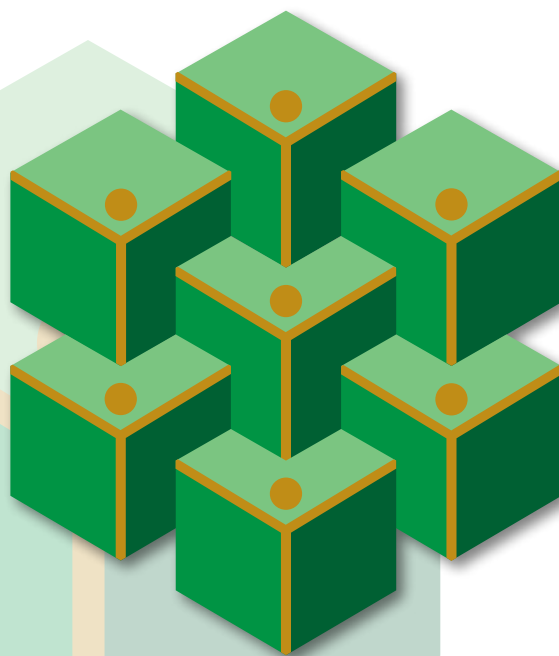




# State Bar of New Mexico Interest on Lawyers Trust Accounts

## I O L T A Interest on Lawyers Trust Accounts



## *Funding Civil Legal Services in New Mexico*

### **What is an IOLTA account?**

A pooled, interest-bearing demand deposit account used by lawyers to hold client funds.

### **Where does IOLTA interest go?**

The interest generated on IOLTA accounts is remitted to the State Bar of New Mexico and distributed through an annual grant process conducted by the State Bar's Access to Justice Fund Grant Commission.

### **What do the grants fund?**

The Commission awards grants to Civil Legal Service Providers throughout New Mexico. These organizations provide civil legal assistance to low-income New Mexicans. In the 2019-2020 grant cycle, the Commission awarded \$675,000 to civil legal service programs. Of that amount, \$270,000 came from IOLTA funding.

### **How can I help?**

By choosing a bank with the highest interest rates for IOLTA, you are increasing the funding for civil legal services in New Mexico. To find out which banks offer the highest rates check our website at <https://www.sbnm.org/Licensing-Regulatory/IOLTA> or email [iolta@sbnm.org](mailto:iolta@sbnm.org).

*Leadership Circle banking institutions go above and beyond the eligibility requirements of the Rule to support the State Bar in its mission to ensure access to critically needed legal aid for low-income New Mexicans. These financial institutions pay an interest rate equal to the higher of 55% of the Federal Funds Target rate OR 0.35%.*

**Leadership Circle**



**WELLS FARGO**

Century Bank of Santa Fe

Pinnacle Bank

BMO Harris



**Interest on Lawyers Trust Accounts Program (IOLTA)  
FINANCIAL INSTITUTION CERTIFICATION STATEMENT**

**Financial Institution Name:** \_\_\_\_\_

**Declaration of the Financial Institution**

In accordance with the rules governing the operation of the New Mexico IOLTA program, Rule 24-109 NMRA, the financial institution named herein will:

**I. Comply with the interest rate comparability provisions of Rule 24-109 as follows:  
(Please check and complete ONE selection in A-E):**

A. ☐ 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 with similar eligibility requirements. (Please note documentation requirement in section III.)

***OR***

B. ☐ Continue to pay \_\_\_\_\_ % which is the same rate as our \_\_\_\_\_ account,  
which is the highest interest rate available to non-IOLTA depositors with similar eligibility requirements.  
(Please note documentation requirement in section III.)

***OR***

C. ☐ Pay a rate on IOLTA accounts equal to 55% of the Federal Funds Target Rate as of the first business day of the  
month, net of allowable reasonable fees as described in Rule 24-109 as the "Benchmark" interest rate. The  
Benchmark rate effective August 1, 2019 is 1.24%.

***OR***

D. ☐ Other (please describe below or attach additional explanation):

\_\_\_\_\_  
\_\_\_\_\_.

**II.** The effective date of any changes noted above will be: \_\_\_\_/\_\_\_\_/\_\_\_\_

**III. Documentation Requirement**

Please attach substantiating documentation for all bank deposit/investment products noted below.

**Required for Certification to meet interest rate comparability requirement (unless electing option I.C.):**

- Internal RATE SHEET on all deposit/investment accounts; Please include rates for ALL CONSUMER/RETAIL, SMALL BUSINESS/BUSINESS/CORPORATE, GOVERNMENT and WEALTH MANAGEMENT products however categorized at your institution;
- Internal deposit accounts interest rate specifications report (listing all rates paid within each product type);
- Explanatory product literature and disclosures in support of the election in Option B;
- All documentation and disclosures for BUSINESS SWEEP PRODUCTS, including SWEEP TO REPURCHASE AGREEMENTS, SWEEP TO MONEY MARKET MUTUAL FUNDS OR ANY OTHER TYPE OF SWEEP PRODUCT;
- Include information on all deposit or investment accounts noted above, whether or not you believe them to be a comparable product per the Court Rule.

**Required for Certification if not waiving service charges:**

- Service Charge and other applicable disclosures for all deposit accounts.

**IV. Reporting Institution**

Name of financial institution: \_\_\_\_\_

Name of person executing this form: \_\_\_\_\_

Title: \_\_\_\_\_

Contact Person (if different): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_ Web Address: \_\_\_\_\_

I certify that the above statements are true and accurate, and that the information requested in Section III has been provided. I also understand that the information in this Compliance Statement will remain in effect until 60 days after this institution gives written notice to the State Bar of New Mexico and submits a revised Compliance Statement which is approved by the State Bar as meeting the requirements for eligible institutions.

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

**Please return this form and documentation to the State Bar of New Mexico by e-mail, fax or mail to:**

Att: Kate Kennedy  
State Bar of New Mexico  
PO Box 92860  
Albuquerque, NM 87199-2860  
Email: [iolta@nmbar.org](mailto:iolta@nmbar.org)

*Thank you for your assistance in implementing the New Mexico IOLTA Rules.*