



## New Trust Account Checklist

Items Needed	Description	Complete (Y/N)
<p><b>Form #1 – Bring this form to your bank when opening an account</b></p> <p><i>Notice to Eligible Institution Form</i></p> <p>To find this form, visit <a href="https://www.legalfuel.com/trust-accounting-resources/">https://www.legalfuel.com/trust-accounting-resources/</a> and look under the “Forms” section.</p>	<p>This form includes the Taxpayer I.D. Number for Funding Florida Legal Aid. The interest accrued each month will be directed to Funding Florida Legal Aid.</p>	
<p><b>Form #2 – Bring this letter to your bank when opening an account</b></p> <p><i>Sample Trust Account Bank Notification Letter</i></p> <p>To find this form, visit <a href="https://www.legalfuel.com/trust-accounting-resources/">https://www.legalfuel.com/trust-accounting-resources/</a> and look under the “Forms” section.</p>	<p>Customize this letter with your own letterhead and details. Bar Rule 5-1.2(d)(4), The lawyer or law firm must authorize, at the time the account is opened, and request any bank or savings and loan association where the lawyer is a signatory on a trust account to notify Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, in the event the account is overdrawn or any trust check is dishonored or returned due to insufficient funds or uncollected funds, absent bank error.</p>	
<p><b>Properly title the Trust Account</b></p>	<p>Rule 5-1.1(a)(1) requires that all trust accounts should be clearly labeled and designated as a trust account. A correct trust account title is the name of the attorney or law firm and the words “trust account.” Neither The Florida Bar’s name nor Funding Florida Legal Aid’s name (Formerly named The Florida Bar Foundation) should be in the account title.</p>	
<p><b>Deposit a small amount of funds belonging to the lawyer to cover bank fees</b></p>	<p>Rule 5-1.1 (a)(1), Rules Regulating The Florida Bar, states that “[a] lawyer may maintain funds belonging to the lawyer in the trust account in an amount no more than is reasonably sufficient to pay bank charges relating to the trust account.”</p> <p>The deposit should be managed like an individual client account, complete with a ledger and other necessary records. When the balance becomes low, the attorney should deposit additional funds to maintain a sufficient amount, ensuring that client funds are not used to cover bank fees.</p>	
<p><b>Enable “Positive Pay” with your bank</b></p> <p><i>Note: This service is recommended but not required.</i></p>	<p><a href="#">What Is Positive Pay?</a></p> <p>Positive Pay is an automated cash-management service used by banks to prevent check fraud. It matches checks issued by a company with those presented for payment. Any checks deemed suspicious are flagged and returned to the issuer for verification.</p>	

Items Needed	Description	Complete (Y/N)
<b>Order Checks</b>	We recommend ordering checks for the trust account in a different color than those for the operating account to prevent any accidental confusion between the two.	
<b>Form #3 – Complete this form after the account is opened</b>  <i>Notice to Funding Florida Legal Aid Form</i>  To find this form, visit <a href="https://www.legalfuel.com/trust-accounting-resources/">https://www.legalfuel.com/trust-accounting-resources/</a> and look under the “Forms” section.	Submit this form to Funding Florida Legal Aid <u>after</u> opening your trust account. You can complete it online or download, print, and mail it. Choose the method that best suits you.	
<b><u>Develop Written Trust Account Plan</u></b>	Rule 5-1.2 Law firms with more than one attorney must maintain a written plan for supervision and compliance of the trust account. The plan must identify the lawyer(s) responsible for signing trust checks, reconciling the account, and answering questions about the trust account. Firms must give the plan to each lawyer in the firm and update it with any material changes.	

***Do's***

- ✓ Notify the client in writing when trust funds are received.
- ✓ Return trust funds upon the client's request.
- ✓ Keep operating account funds separate from trust account money.
- ✓ Report trust account bank errors, overdrafts, and shortages to The Florida Bar [Attorney Consumer Assistance Program \(ACAP\)](#) at 866-352-0707.
- ✓ Contact the [Florida Department of Financial Services](#) if there are unclaimed funds in the trust account, after making reasonable efforts to contact the client.
- ✓ Complete a monthly 3-way reconciliation.

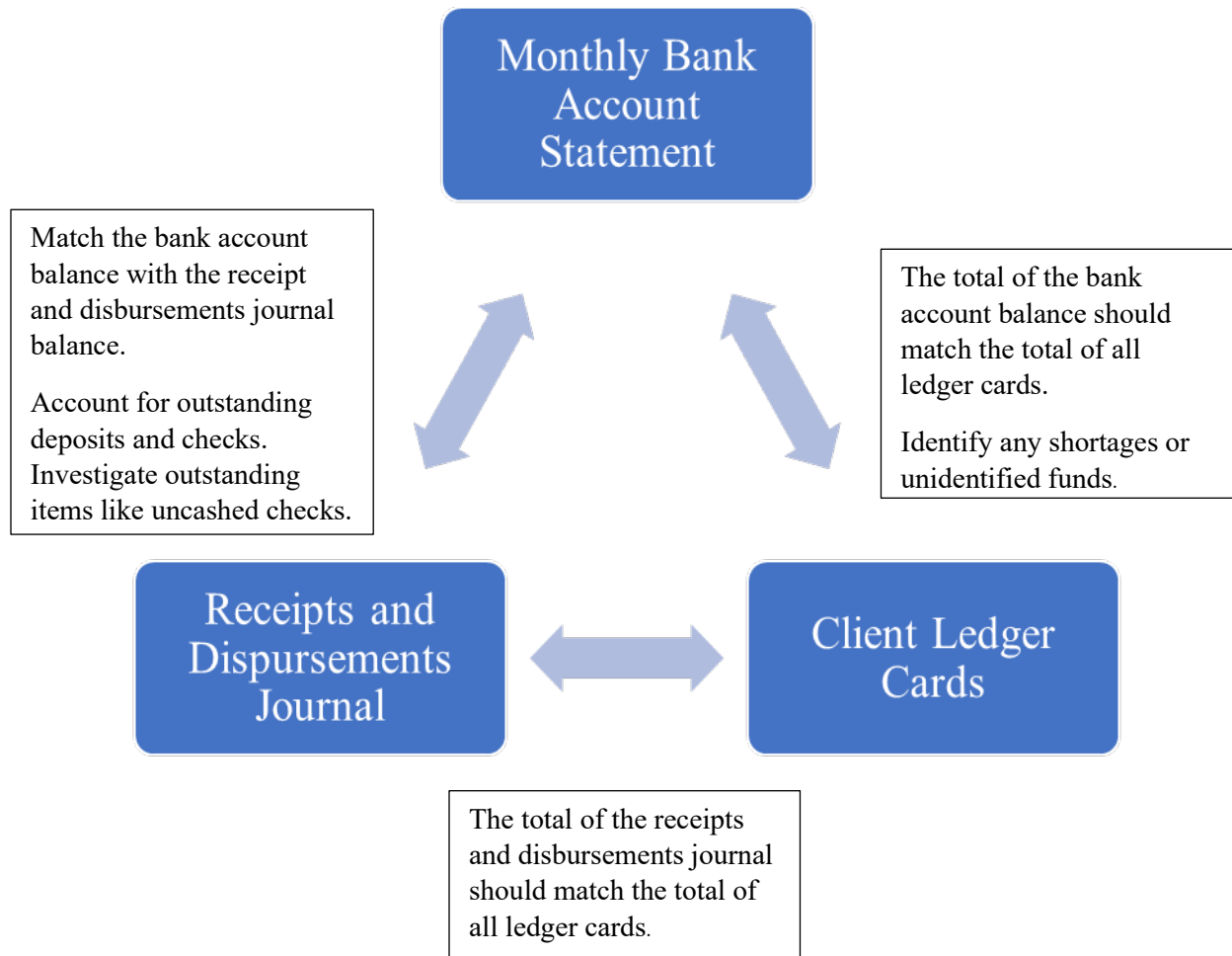
***Don'ts***

- ✗ Do not use ATM access.
- ✗ Do not enable automatic overdraft protection—NO commingling of funds!
- ✗ Do not transfer funds from the trust account to the operating account unless authorized by the client.
- ✗ Do not withdraw trust funds if they are in dispute.
- ✗ True retainers and non-refundable fees should NOT be deposited into a trust account. Review [Ethics Opinion 93-2](#).
- ✗ Do not use a check signature stamp, as it increases the risk of fraud.

# Required Trust Accounting Records

Bank Records	Receipts and Disbursements Journal	Ledger Cards
<p>These encompass monthly bank statements, deposit slips, wire transfer details, and both sides of canceled checks. It is essential to collect these records promptly since banks may not retain records beyond a few years due to their retention policies. Receiving unopened bank statements directly from the bank helps protect against dishonest employee interference.</p>	<p>This journal is a chronological record of all transactions in the trust account, detailing the account's activity for <u>all clients</u>. Like a personal checkbook register, it includes the transaction date, source or payee, transaction amount, and the <u>total account balance</u>. Additionally, the journal must specify the client involved and the purpose of each transaction.</p>	<p>Ledger cards document all transactions for <u>individual clients</u>, with a separate ledger maintained for each. Each entry must include the transaction date, a description, and the transaction amount. The ledger also maintains a running balance, indicating the client's current balance in the trust account. If the receipts and disbursements journal were sorted by client, the result would be a set of ledger cards.</p>

## 3-Way Reconciliation Process



Rule 5-1.2(f) states that a lawyer or law firm that receives and disburses client or third-party funds or property must maintain the client trust account records required by this chapter for 6 years subsequent to the final conclusion of each representation in which the trust funds or property were received.