

TABLE OF CONTENTS

Chapter One – Opening a Trust Account	1
A. Select a South Carolina Financial Institution.....	1
B. Register IOLTA.....	1
C. Non-IOLTA Trust Accounts.....	2
D. Mandatory Overdraft Reporting.....	3
E. Approved Signatories.....	5
F. Law Firm Trust Accounts and FDIC Insurance.....	8
G. Trust Accounts and Credit Unions.....	8
Chapter Two – Safeguarding Funds	11
A. Commingling.....	11
B. Trust Account Cushions.....	12
Chapter Three – Receipt of Funds	15
A. Retainers and “Advance Fees”.....	15
B. Receipt of Fees from Third Parties.....	16
C. Alternate Payment Methods: Credit Cards.....	17
D. Alternate Payment Methods: Mobile Payment Apps.....	20
E. Deposit Receipts Intact.....	21
F. Records of Deposit.....	21

Table of Contents

Chapter Four – Disbursing Funds	23
A. Prompt Notice, Accounting, and Delivery.....	23
B. Client Consent and Indorsement.....	24
C. Deposit and Collect Prior to Disbursement.....	25
D. Methods of Disbursement.....	26
E. Disputes Over Funds.....	27
F. Resolution of Fee Disputes.....	28
Chapter Five – Required Financial Records	31
A. What Records are Required?.....	32
B. How and How Long to Keep Records.....	33
Chapter Six – The Reconciliation Process	35
A. “Skillful Review” of Trust Account Reports.....	49
Chapter Seven – Unclaimed and Abandoned Funds	51
A. Application of the Uniform Unclaimed Property Act.....	51
B. Annual Review of All Accounts.....	51
C. Locating Owners and Delivering Funds.....	52
D. Reporting and Remitting Abandoned Funds.....	53
E. What about Unidentified Funds?.....	54
F. Past Due Penalties and the Voluntary Disclosure Agreement.....	54
G. The Routine Compliance Review and UPP Audit.....	55
H. UUPA Compliance and Client Confidentiality.....	56

I.	Conclusion.....	57
Chapter Eight – Detecting and Avoiding Misappropriation.....		59
A.	Client Funds for Personal Gain.....	59
B.	Warning Signs of Embezzlement.....	60
C.	Managing the Operating Account.....	64
D.	Avoiding Internet and Email Scams.....	65
Chapter Nine – Closing a Trust Account.....		69
Appendices.....		71
	Appendix One – Trust Account Best Practices Checklist.....	73
	Appendix Two – Rule 412, SCACR – Interest on Lawyer Trust Accounts (IOLTA).....	77
	Appendix Three – Rule 1.15, RPC, Rule 407, SCACR: Safekeeping of Property.....	83
	Appendix Four – Rule 417, SCACR: Financial Recordkeeping.....	89
Table of Authorities.....		95