

**AMERICAN BAR ASSOCIATION
 CENTER FOR PROFESSIONAL RESPONSIBILITY
 STANDING COMMITTEE ON CLIENT PROTECTION**

State Implementation of ABA Model Rule on Financial Recordkeeping

	Rule	Methods of Withdrawal	Must Keep Original Checks
ABA	Model Rule on Financial Recordkeeping http://www.abanet.org/cpr/clientpro/finance.html	Check or authorized bank transfer.	Records required by this rule may be maintained by electronic, photographic, computer or other media provided that they otherwise comply with this rule and provided further that printed copies can be produced.
AL	Rule 1.15 Safekeeping Property http://www.alabar.org/ogc/ropc/rule1-15.cfm	Rule contains no language regarding method of withdrawal.	Lawyer must maintain complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for six (6) years after termination of the representation. Rule does not detail what records are required.
AK	Rule 1.15. Safekeeping Property. http://www.state.ak.us/courts/prof.htm#1.15	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation. Rule does not detail what records are required.
AZ	Supreme Court Rules 43 and 44 http://www.myazbar.org/LawyerRegulation/Rule43.pdf http://www.myazbar.org/LawyerRegulation/Rule44.pdf	All trust account disbursements shall be made by pre-numbered check or by electronic transfer, provided the lawyer maintains a record of such disbursements in accordance with the requirements of this Rule.	A lawyer shall retain, in accordance with this Rule, all trust account statements, cancelled pre-numbered checks (unless recorded on microfilm by a bank or other financial institution), other evidence of disbursements, duplicate deposit slips, client ledgers, trust account general ledger or register, and reports to clients.

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CO	Rules of Professional Conduct Rule 4-100. Preserving the Identity of Funds and Property of a Client http://calbar.ca.gov/state/calbar/calbar_extend.jsp?cid=10158	Check, wire transfer or other instrument that specifies who is paying and who is receiving funds	Lawyer must keep client trust account statements and cancelled checks for a minimum of five years after conclusion of business; lawyer should attempt to locate bank that provides cancelled checks but if that is not possible, must maintain records by requesting check imaging from bank and maintaining hard copies. While not required by Rules, Client Trust Handbook advises against maintaining only electronic records.
CT	Rule 1.15. Safekeeping Property. Colorado Rules of Professional Conduct http://www.cobar.org/index.cfm/D/20472/subID/22389/CETH//	Authorized bank or wire transfer or by check payable to a named payee	Lawyer must keep for at least seven years after the event that they record, all receipt and disbursement records of all deposits in and withdrawals from all trust accounts and any other bank account that concerns the lawyer's practice of law, specifically identifying the date, payor, payee, description of deposit and purpose of deduction
DE	Sec. 2-27 Superior Court General Provisions. Clients' Funds; Lawyer Registration http://www.jud.ct.gov/Publications/PracticeBook/PB1.pdf#page=9	Rule contains no language regarding method of withdrawal.	Lawyer shall keep records of the maintenance and the disposition of all funds of clients or of third persons held by the lawyer or firm seven years after final distribution, including a receipt and disbursement journal identifying all deposits and withdrawals with running balance; a separate accounting page or column for each client or third person for whom funds are held; at least quarterly reconciliations of records; a list of trust accounts; and all checkbooks, bank statements, and canceled or voided checks.

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DC	Rule 1.15. Safekeeping Property http://courts.state.de.us/Rules/?FinalDLRPCclean.pdf	Rule contains no language regarding method of withdrawal.	Lawyer must maintain financial books and records for at least five years following completion of the year to which they relate of five years following completion of fiduciary obligation. Records must include: all bank statements, cancelled checks, and duplicate deposit slips relating to fiduciary and non-fiduciary accounts
FL	Rule 1.15. Safekeeping Property and D.C. Bar Rule XI, sec. 19(f) http://www.dcbbar.org/for_lawyers/ethics/legal_ethics/rules_of_professional_conduct/amended_rules/rule_one/rule01_15.cfm http://www.dcbbar.org/inside_the_bar/structure/bar_rules/rule11.cfm	Rule contains no language regarding method of withdrawal.	Under both Rule 1.15 and D.C. Bar Rules (Rule XI), lawyers are required to keep “complete records” of account funds and other property for a period of five years after termination of representation (Rule XI require 5 years after final distribution of funds). Rule 1.15 does not define “complete”. Rule XI requires all records handling maintenance and disposition of all funds. Neither rule details what an attorney is required to keep as records.
GA	Rule 5-1.2 Rules Regulating the Florida Bar http://www.floridabar.org/divexertrfb.nsf/FV/E1831C523E86C08F85256BC000696D44	Rule contains no language regarding method of withdrawal.	Lawyer must maintain, for six years after completion of the matter, original or duplicate deposit slips (and/or cash receipts book) original cancelled checks, numbered consecutively, or if the financial institution does not return original checks, copies that include all endorsements, as provided by the financial institution.
HI	Rule 1.15. Safekeeping Property http://www.gabar.org/handbook/part_iv_after_january_1_2001_georgia_rules_of_professional_conduct/rule_115i_safekeeping_property_-_general/	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation. Rule does not detail what records are required.
ID	Rule 1.15. Preserving Identity of Funds and Property of Clients http://www.state.hi.us/jud/ctrules/hrpcond.htm	Authorized bank transfer or check made to payee	A lawyer shall, at a minimum, maintain for at least six years after completion of the employment to which they relate, all checkbooks, check stubs, bank statements, pre-numbered cancelled checks (or access to cancelled checks), and deposit slips (or access to deposit slips).

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IN	Rule 1.15. Safekeeping Property http://www.iardc.org/rulesprofco nduct.html#Rule%201.15	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of seven years after termination of the representation. Rule does not detail what records are required.
IA	Rule 23. Disciplinary Commission and Proceedings. Section 29(a) http://www.in.gov/judiciary/rules/ad_dis/index.html#r23	Wire transfer authorized by written withdrawal authorization and evidenced by a document from the financial institution indicating the date of the transfer, the payee and the amount, or by check payable to a named payee and not to "cash".	Every attorney shall maintain and preserve for a period of at least five (5) years, after final disposition of the underlying matter, the records of trust accounts, including checkbooks, canceled checks, check stubs, written withdrawal authorizations, vouchers, ledgers, journals, closing statements, accounting or other statements of disbursements rendered to clients or other parties with regard to trust funds.
KS	Iowa Court Rules. Chapter 45. Client Trust Account Rules http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf	Rule contains no language regarding method of withdrawal.	A lawyer shall maintain complete records of all funds, securities, and other properties of a client coming into the lawyer's possession and regularly account to the client for them. Books and records relating to funds or property of clients shall be preserved for at least six years after completion of the employment to which they relate. [Court Order April 20, 2005, effective July 1, 2005]
KY	Rule 1.15. Client-Lawyer Relationships Safekeeping of Property. http://www.kscourts.org/rules/Rule-Info.asp?r1=Rules+Relating+to+Discipline+of+Attorneys&r2=40	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation. Rule does not detail what records are required.

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ME	Rule 1.15. Safekeeping Property http://www.ladb.org/Publications/ropc2006-04-01.pdf	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation. "The Louisiana Lawyer and Other People's Money" states that a lawyer must, for a minimum of five years, maintain: check stubs, vouchers, journals, closing statements, accounts, and statements of disbursement. The records must reflect: the date the funds were received/disbursed; the amount; the source of the funds; and an explanation for receipts, withdrawals, deliveries, and disbursements.
MD	Rule 3.6. Conduct During Representation. Maine Bar Rules, Code of Professional Responsibility. http://www.mebaroverseers.org/Maine%20Bar%20Rules/rule%203.6.htm	Rule contains no language regarding method of withdrawal.	Lawyer shall maintain complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation. Rule does not detail what records are required.
MA	Title 16 Ch. 606.1. Maryland Rules. Attorney Trust Account Record-keeping http://www.mlsc.org/MarylandRulesChap600.htm	"for each disbursement made by electronic transfer, a written memorandum authorizing the transaction and identifying the attorney responsible for the transaction"	Records to be maintained. Financial institution month-end statements, any canceled checks or copies of canceled checks provided with a financial institution month-end statement, duplicate deposit slips or deposit receipts generated by the financial institution, and records created in accordance with section (a) of this Rule shall be maintained for a period of at least five years after the date the record was created.

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MN	Rule 1.15. Safekeeping Property http://www.michbar.org/generalinfo/pdfs/mrpc.pdf	Rule contains no language regarding method of withdrawal.	A lawyer shall preserve complete records of such account funds and other property for a period of five years after termination of the representation.
MS	Appendix 1 To The Minnesota Rules of Professional Conduct http://www.mncourts.gov/lprb/rulesapp1.html	All disbursements should be check unless a check is economically imprudent or when exigent circumstances require a wire transfer. For wire transfers, an attorney or law firm must create a written memorandum authorizing the transaction, signed by the responsible attorney.	Lawyer must maintain bank statements, canceled checks if they are provided by the bank, and duplicate deposit slips.
MO	Rule 1.15. Safekeeping Property http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_of_professional_conduct.pdf	Rule contains no language regarding method of withdrawal.	Complete records of such trust account funds and other property shall be kept and preserved by the lawyer for a period of seven years after termination of the representation. Rule does not detail what records are required.
MT	Rule 4-1.15. Safekeeping Property http://www.courts.mo.gov/page.asp?id=8642	Rule contains no language regarding method of withdrawal.	A lawyer should maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any recordkeeping rules established by law or court order. See, e.g., ABA Model Financial Recordkeeping Rule.
NE	Rule 1.15. Safekeeping of Property and Trust Account Maintenance and Audit Requirements http://www.montanabar.org/associations/7121/files/Trust%20Acct%20Maint%20&%20Audit%20rules.pdf	Rule contains no language regarding method of withdrawal.	For each trust account, lawyer shall maintain financial institution account register, cash receipts journal, cash disbursement journal (shall reflect the payee, date and description of disbursement), and client ledger.
NV	Rule 1.15. Safekeeping Property. http://www.supremecourt.ne.gov/rules/pdf/rulesprofconduct-34.pdf	Rule contains no language regarding method of withdrawal.	“A lawyer should maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any recordkeeping rules established by law and court order. See e.g., ABA Model Financial Recordkeeping Rule.”

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NJ	Rule 1.15. Safekeeping Property. http://www.nh.gov/judiciary/rules/pcon/pcon-1_15.htm	Rule contains no language regarding method of withdrawal.	Records should be maintained by the lawyer of the handling, maintenance and disposition of all funds from time of receipt to time of final disposition, and must be preserved for a period of six years. Rule does not detail what records are required.
NM	Court Rule 1:21-6. Recordkeeping; Sharing of Fees; Examination of Records http://www.judiciary.state.nj.us/rules/r1-21.htm	All trust account withdrawals shall be made only by attorney authorized financial institution transfers or by check payable to a named payee and not to cash. Each electronic transfer out of an attorney trust account must be made on signed written instructions from the attorney to the financial institution.	Attorney shall maintain originals of all checkbooks with running balances and check stubs, bank statements, pre-numbered cancelled checks and duplicate deposit slips, except that, where financial institution provides proper digital images or copies thereof to the attorney, then these digital images or copies shall be maintained.
NY	Rule 17-204. Required Records. Rules Governing Discipline http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0	Trust account disbursement shall be made only by authorized bank transfer or by check payable to a named payee and not to cash.	Lawyer must maintain all checkbook, check stubs, bank statements, cancelled checks and duplicate deposit slips.
NC	DR 9-102. New York Code of Lawyer Professional Responsibility. Preserving Identity of Funds and Property of Others; Fiduciary Responsibility; Commingling and Misappropriation of Client Funds or Property; Maintenance of Bank Accounts; Record Keeping; Examination of Records. http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/LawyersCodeDec2807.pdf	All withdrawals must be made to named payees	Lawyer shall maintain for seven years deposits in and withdrawals from the accounts with source and description of each item as well as payee and purpose. Copies of all checkbooks and check stubs, bank statements, prenumbered canceled checks and duplicated deposit slips. A lawyer may satisfy the requirements of maintaining "copies" by maintaining any of the following: original records, photocopies, microfilm, optical imaging, and any other medium that cannot be altered.

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OH	Rule 1.15. Safekeeping Property and Professional Liability Insurance Disclosure. http://www.court.state.nd.us/court/rules/conduct/rule1.15.htm	Rule contains no language regarding method of withdrawal.	A lawyer shall maintain or cause to be maintained on a current basis records sufficient to demonstrate compliance with the provisions of this Rule. Such records shall be preserved for at least six years after termination of representation. Rule does not detail what records are required.
OK	Rule 1.15 (a)(1) – (a)(5). Safekeeping Property http://www.sconet.state.oh.us/AttorneySvcs/ProfConduct/rules/default.asp#Rule1_15	Rule contains no language regarding method of withdrawal.	A lawyer must maintain all bank statements, deposit slips, and cancelled checks, if provided by the bank, for each bank account.
OR	Rule 1.15. Safekeeping Property http://www.okbar.org/ethics/ORPC07.pdf	Rule contains no language regarding method of withdrawal.	A lawyer should maintain, in accordance with accepted accounting practice, complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation. Rule does not detail what records are required.
PA	Rule 1.15. Safekeeping Property http://www.osbar.org/docs/rulesregs/orpc.pdf	Rule contains no language regarding method of withdrawal.	Current Rule states that a lawyer must maintain records for five years. Former DR9-101 was more detailed and required a lawyer to maintain "the records of the accounts, including checkbooks, canceled checks, check stubs, vouchers, ledgers, journals, closing statements, accountings or other statements of disbursements rendered to clients or equivalent records clearly and expressly reflecting the date, amount, source and explanation for all receipts, withdrawals, deliveries and disbursements of funds or other property of a client."

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SC	Rule 1.15. (a) and Comment 1. http://www.courts.ri.gov/supreme/pdf-files/Rules_Of_Professional_Conduct.pdf	Rule contains no language regarding method of withdrawal.	A lawyer should maintain on a current basis books and records in accordance with generally accepted accounting practice and comply with any recordkeeping rules established by law or court order. See, e.g., ABA model Financial Recordkeeping Rule.
SD	Rule 417. Financial Recordkeeping. Rules Governing the Practice of Law. http://www.judicial.state.sc.us/courtReg/displayRule.cfm?ruleID=417.0&subRuleID=&ruleType=APP	Withdrawals shall be made only by check payable to a named payee and not to cash, or by authorized bank transfer	A lawyer must maintain checkbook registers or check stubs, bank statements, records of deposit, and pre-numbered canceled checks or their equivalent. Records required by this rule may be maintained in electronic, photographic, computer or other media provided that they otherwise comply with this rule and provided further that printed copies can be produced.
TN	South Dakota Codified Laws 16-16-20.2. http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=16-18-20.2	Rule contains no language regarding method of withdrawal.	Lawyer must maintain original canceled checks, or the equivalent, all of which must be numbered consecutively. "Equivalent" means truncated checks, imaged statements or digital formats of the future.
TX	Rule 1.15. Safekeeping Property. http://www.tsc.state.tn.us/opinions/tsc/rules/TNrulesofcourt/06supct1_9.htm#8	Rule contains no language regarding method of withdrawal.	There are no recordkeeping standards outlined in the rule.
UT	Texas Rules of Disciplinary Procedure. Rule 15.10. Maintenance of Funds and Other Property Held for Clients and Others http://www.txethics.org/reference_rules.asp?view=procedural&num=15.1	Rule contains no language regarding method of withdrawal.	Lawyers must maintain for a period of no less than five years after final disposition of the underlying matter, all checkbooks, canceled checks, check stubs, check registers, bank statements, vouchers, deposit slips, ledgers, journals, closing statements, accountings, and other statements of receipts and disbursements rendered to clients or other parties with regard to client trust funds or other similar records clearly reflecting the date, amount, source, and explanation for all receipts, withdrawals, deliveries, and disbursements of the funds or other property of a client

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VA	Rule 1.15. Safekeeping Property http://www.vermontjudiciary.org/PRB1.htm	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of six years after termination of the representation. Rule does not detail what records are required.
WA	Rule 1.15 (e) Safekeeping Property, Record-keeping Requirements, Required Books and Records. http://www.vsb.org/docs/rules-pc_2007-08pg.pdf	Rule contains no language regarding method of withdrawal.	Lawyer must maintain, for a minimum of five years, current books and records which establish compliance with 1.15 (a) and 1.15 (c). Whether the records required by rule are maintained by an electronic or manual accounting system, such system must produce information required by this rule. [Rule does not seem to require lawyer to maintain checkbooks, check stubs, or cancelled checks, but does refer to “checkbook entries”]
WV	Rule 1.15B. Required Trust Account Records. http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=RPC&ruleid=garpcl.15b	Rule contains no language regarding method of withdrawal.	A lawyer must maintain current trust account records. They may be in electronic or manual form and must be retained for at least seven years after the events they record. At minimum, the records must include bank statements, copies of deposit slips, and cancelled checks or their equivalent.
WI	Rule 1.15. Safekeeping Property http://www.wvbar.org/barinfo/rulesprofconduct/rules1.htm	Rule contains no language regarding method of withdrawal.	Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation. Rule does not detail what records are required.

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WY	Rule 1.15. Safekeeping Property http://courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=AttorneysConduct.xml	Rule contains no language regarding method of withdrawal.	A lawyer shall keep complete and current records of the trust account funds. These records shall be preserved for a period of five years after termination of the representation. Records should include all checkbooks, bank statements, and copies or originals of the canceled or voided checks.
CANADA			
Law Society of Upper Canada	Financial Transactions and Records. Part IV, Trust Account Transactions & Part V, Record Keeping Requirements http://www.lsuc.on.ca/media/bylaw09.pdf	A licensee shall withdraw money from a trust account only, (a) by a check drawn in favor of the licensee; (b) by a transfer to a bank account that is kept in the name of the licensee and is not a trust account; or (c) by electronic transfer	Every licensee shall maintain financial records to record all money received and disbursed in connection with the licensee's professional business including bank statements or pass books, cashed checks and detailed duplicate deposit slips for all trust and general accounts, signed electronic trust transfer requisitions and signed printed confirmations of electronic transfers of trust funds. For cash received, licensee shall also maintain a book of duplicate receipts, with each receipt identifying date and from whom cash was received, related file number and the signature of the licensee and person from whom cash was received. The financial records required to be maintained must be pasted by hand or electronic means, but if record is posted by hand, must be in ink. If record is maintained electronically, licensee must be able to produce a paper copy promptly.

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