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## IOLTA ELIGIBLE FUNDS

Client funds shall be deposited in a lawyer's or law firm's IOLTA account unless the funds can otherwise earn income for the client in excess of the costs incurred to secure such income.

In determining whether a client's funds can earn income in excess of costs, the lawyer or law firm shall consider the following factors:

- (1) The amount of the funds to be deposited;
- (2) The expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held;
- (3) The rates of interest or yield at financial institutions where the funds are to be deposited;
- (4) The cost of establishing and administering non-IOLTA accounts for the client's benefit, including service charges, the costs of the lawyer's services, and the costs of preparing any tax reports required for income accruing to the client's benefit;
- (5) The capability of financial institutions, lawyers or law firms to calculate and pay income to individual clients;
- (6) Any other circumstances that affect the ability of the client's funds to earn a net return for the client.

The lawyer or law firm shall review its IOLTA account at reasonable intervals to determine whether changed circumstances require further action with respect to the funds of any client.