



## Colorado Access to Justice Commission

November 13, 2008

Via E-mail: [Comments@FDIC.gov](mailto:Comments@FDIC.gov)

Mr. Robert E. Feldman  
Executive Secretary  
Federal Deposit Insurance Corporation  
550 17<sup>th</sup> Street, N.W.  
Washington, DC 20429

Re: Comments RIN #3064-AD37

Dear Mr. Feldman:

I am writing on behalf of the Colorado Access to Justice Commission (Colorado ATJC) in response to the FDIC's "Interim Rule with request for comments" related to the establishment of the Temporary Liquidity Guarantee Program (TLGP). The Colorado Access to Justice Commission is an independent entity that was created in 2003 with the support of the Colorado Supreme Court, the Colorado Bar Association and the Statewide Legal Services Group to develop, coordinate and implement policy initiatives to expand access to and enhance the quality of justice in civil legal matters for persons who encounter barriers in gaining access to Colorado's civil justice system.


On behalf of the Colorado ATJC, I urge the FDIC to include IOLTA accounts among those accounts entitled to unlimited insurance coverage under the TLGP. IOLTA accounts are special trust accounts where lawyers temporarily deposit client funds. The interest earned on these accounts is a critical source of support for civil legal services throughout the country. In Colorado, for example, interest paid on IOLTA accounts (called "COLTAF accounts" in Colorado), is distributed through grants and supports Colorado's statewide staffed legal services program, fifteen bar-sponsored *pro bono* programs around the state, and a variety of other organizations that work to improve access to civil justice for victims of domestic violence and others. Last year, COLTAF made grants in Colorado totaling approximately \$3.2 million, which makes COLTAF funding second only to federal funding in meeting the civil legal needs of Colorado's indigent population. If the FDIC does not provide full coverage for IOLTA accounts under the TLGP, lawyers will be forced to consider fully insured non-interest bearing accounts for their pooled client funds, thus seriously jeopardizing this critical funding stream for access to civil justice both nationally and in Colorado.

Last fall, in hearings across the state, the Colorado ATJC documented the crisis in access to civil justice for low-income Coloradans and, in particular, the inadequacy of current funding for civil legal services in the state. Witness after witness attested to the significant unmet need for legal services and the attendant human and societal toll. The loss of COLTAF funds would severely exacerbate this problem, and would mean that even more serious civil legal problems among the poor and the elderly would go unaddressed.

With civil legal services in even greater demand because of the economic maelstrom, and more important than ever to help stabilize the vulnerable populations served, the Colorado ATJC urges the FDIC to preserve this important source of funding for civil legal services by extending full coverage to IOLTA accounts.

Thank you for your attention.

Respectfully submitted,

  
Constance C. Talmage  
Chair, Colorado Access to Justice Commission

cc: Julie Strandlie, ABA Governmental Affairs Office, [jstrandlie@staff.abanet.org](mailto:jstrandlie@staff.abanet.org)