From: Marcus Jaynes [mailto:mbj@landisarn.com]
Sent: Monday, November 10, 2008 2:21 PM
To: Comments
Subject: FDIC RIN 3064-AD37

I am VERY concerned that the interim rule does not propose to provide full coverage for IOLTA accounts (Interest on Lawyer Trust Accounts), accounts where lawyers hold funds for their clients (for filing fees, expenses, and in some cases, legal fees that will be earned over time). Across the nation, the interest earned on IOLTA accounts provides critical funding for legal services for the poor – this is always critically important, but especially now as we teeter on the brink of a recession and joblessness is at a record high, along with foreclosures and evictions. The interim rule—without coverage for IOLTA accounts—will create an incentive for lawyers to put their clients' funds in fully covered, non-interest bearing accounts – the result will be a huge detriment to the funding of legal services for the poor. I urge the FDIC to carve out an exception for these accounts, which are effectively same as the covered transaction accounts, and where the FDIC and the Federal Reserve exceptions permit banks to pay interest on these accounts. With this seemingly small technicality regarding coverage for IOLTA accounts, the ability of millions of impoverished Americans to obtain the legal services they need is hanging in the balance. Please do not let this go through without an amendment to address this important issue.

Thank you.

Marcus B. Jaynes, Esquire
LANDIS & ARN, P.A.
115 Middle Street, Suite 300
PO Box 17705
Portland, ME 04112-8705

http://www.landisarn.com
mbj@landisarn.com