



WOODWARD, PIRES & LOMBARDO, P.A.
Attorneys - At - Law

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CRAIG R. WOODWARD
MARK J. WOODWARD
ANTHONY P. PIRES, JR.
J. CHRISTOPHER LOMBARDO
STEVEN V. BLOUNT
CARRIE E. LADEMAN

Via Electronic Mail to comments@fdic.gov and Regular U.S. Mail

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

CARLO F. ZAMPOGNA
JENNIFER L. DEVRIES
JENNIFER M. TENNEY

(Board Certified Real Estate
Attorney)

ATTN: Comments RIN #3064-AD37A

(Board Certified City, County
and Local Government
Attorney)

Dear Mr. Feldman:

As a member of the Young Lawyers Division Board of Governors of The Florida Bar, I am writing this letter to appeal to the FDIC to include IOLTA accounts within the unlimited insurance coverage of the Temporary Liquidity Guarantee Program (TLGP).

The Interest on Lawyers' Trust Accounts program, commonly known as IOLTA, began in Florida in 1978. The program requires or permits attorneys to pool temporarily certain client trust accounts, specifically those of a "nominal" or "short-term" nature. The income earned from those pools is then diverted, ostensibly to provide legal services for the poor.

Attorneys deposit these funds into IOLTA accounts because they cannot earn interest for an individual client, net of banking charges and administrative fees. Client funds pooled in an IOLTA account are either nominal in amount or significant amounts held only long enough for a check to clear or for the attorney to disburse the funds. The types of funds held by a lawyer on behalf of clients include court filing fees, real estate escrows, settlements and retainers. While the need of legal services programs for IOLTA-generated income is great, the principal responsibility of lawyers is their fiduciary duty to maintain security of client funds.

Under the current TLGP Interim Rules, lawyers holding client funds for a short time exceeding \$250,000 must consider whether to continue to use their IOLTA accounts or to place their client funds in a fully insured, non-interest bearing deposit transaction account. Establishing multiple accounts at various financial institutions for amounts over \$250,000 is not a viable or practical solution, as the lawyer may not even know whether the client's cumulative funds deposited in a certain single institution exceed the \$250,000 ceiling for insured funds.

3200 Tamiami Trail N.
Suite 200
Naples, FL 34103
TEL (239)649-6555
FAX (239)649-7342

www.wpl-legal.com

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Failure to include IOLTA accounts within the unlimited insurance coverage of the Temporary Liquidity Guarantee Program (TLGP) could result in the loss of millions of dollars in IOLTA funds (in 2007 IOLTA programs nationwide provided more than \$212 million dollars) each year that are used for the provision of civil legal services to the poor, the administration of justice and law related education, all of which are vital to our system's guarantee of equal access to justice for all. If lawyers move their IOLTA-eligible trust account funds, the interest income received by IOLTA programs would be greatly reduced, in turn reducing the funds for the provision of civil legal services.

For the above reasons, it is critical that the FDIC extend the unlimited insurance coverage of the TLGP to IOLTA accounts and I respectfully request that the FDIC include IOLTA accounts in the full insurance available under the new TLGP.

I appreciate your consideration and attention to this matter.

Sincerely,



Carlo F. Zampogna
Florida Bar, Board of Governors –
Young Lawyers Division