

October 15, 2010

Mr. Robert E. Feldman, Executive Secretary  
Attention: Comments  
Federal Deposit Insurance Corporation  
550 17th Street, NW  
Washington, DC 20429

Sent by Email: [Comments@FDIC.gov](mailto:Comments@FDIC.gov)

Re: RIN 3064-AD37

Dear Mr. Feldman:

Last year you responded to the urgent pleas of thousands of lawyers and bankers by including IOLTA accounts in the FDIC's important Transaction Account Guarantee (TAG) program, reassuring lawyers as well as businessmen throughout America that our banking system was again stable and trustworthy. It worked well and may be one reason America is not in its third depression.

In a world in which people cannot agree about almost anything, Americans of every party and no party agree on one thing: the TAG program must be extended. Our delicate economic recovery must be nurtured with the financial reassurance that says it is business as usual. Nothing could be more reassuring than to see unlimited FDIC insurance extended on transaction accounts. That is exactly what happened when the extension was included in the Dodd Frank bill and signed into law by President Obama.

Economic prosperity, however, is impossible without legal prosperity. Any nurturing of our banking system that hurts our legal system risks America's full economic recovery. Sadly, the Dodd Frank bill neglected to extend unlimited FDIC insurance on lawyer trust accounts. As thousands of businessmen happily realized that their government at work had indeed worked for them, thousands of lawyers nationwide realized that their government unintentionally hurt them when it wrote this new law. Come January 1, 2011, lawyers face the reality that the safety net safeguarding America's business activities has been pulled out from under America's legal activities.

Even though it is much more challenging this year to fix Federal statutory law than it was for you to fix Federal regulatory law last year, solving this problem is critically important and worth any effort it may require. Multipartisan groups are working together to make sure that reasoned agreement trumps stalemate. A bill with multiple-party sponsors has been introduced to solve the problem when Congress reconvenes.

As part of your normal procedures to implement a new law, the FDIC has issued proposed regulations regarding the Dodd Frank act. I am writing this letter to ask you to delay the dissemination of at least the lawyer trust account portion of your new regulations regarding the Dodd Frank act until Congress adjourns for Christmas. By then, I believe that the law fixing the problem will have been passed. If I am correct about the likelihood of passage of this new law, then your delay will enable banks to avoid having to notify their lawyer customers twice, once to say unlimited FDIC insurance is ending for IOLTA accounts and the second time to say that unlimited FDIC insurance coverage is once again being provided for IOLTA accounts. And lawyers will avoid suffering unnecessary work and stress in their legal activities facilitating the business of America.

On behalf of our Board of Trustees and of our many grant recipient organizations providing legal and other assistance to thousands of disadvantaged Georgians, I thank you for your invaluable support last year. I hope you can assist us this year as we struggle to maintain IOLTA as a vital supporter of law-related, charitable organizations throughout America.

Sincerely,  
Len Horton

Len Horton  
Executive Director  
Georgia Bar Foundation  
104 Marietta Street  
Suite 610  
Atlanta, GA 30303  
[gabarfoundation@bellsouth.net](mailto:gabarfoundation@bellsouth.net)  
[HortonL@Bellsouth.net](mailto:HortonL@Bellsouth.net)