

Bank Directive on NSF Trust Checks

Rule 1.15-2(k) of the Rules of Professional Conduct requires a lawyer to direct each bank where he or she maintains a trust account to notify the State Bar when any item¹ drawn on the trust account is **presented for payment** against insufficient funds. To comply with the rule, every lawyer or law firm that maintains a trust account must file a directive with the bank where the account is maintained instructing the bank to notify the Executive Director of the State Bar when any item drawn on the trust account is presented for payment against insufficient funds. The notice form below should be used for this purpose.

Notice and Authorization: Concerning Attorney Trust Account Checks Presented Against Insufficient Funds

To: _____
Financial Institution

Pursuant to Rule 1.15-2(k), of the North Carolina State Bar Rules of Professional Conduct, you are hereby authorized and directed to transmit immediate notice to the executive director of the North Carolina State Bar of any item drawn on the trust account(s) or fiduciary account(s) listed below which is presented for payment against insufficient funds.

Acct. No. _____ Acct. Name. _____
Acct. No. _____ Acct. Name. _____
Acct. No. _____ Acct. Name. _____

This the _____ day of _____, 20____.

Signature

North Carolina State Bar
PO Box 25908
Raleigh, NC 27611

(print full name)

¹ Rule 1.15-1(i): "Item" denotes any means or method by which funds are credited to or debited from an account; for example: a check, substitute check, remotely created check, draft, withdrawal order, automated clearinghouse (ACH) or electronic transfer, electronic or wire funds transfer, electronic image of an item and/or information in electronic form describing an item, or instructions given in person or by telephone, mail, or computer.
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