

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULE 1.15 §  
OF THE DELAWARE LAWYERS' §  
RULES OF PROFESSIONAL CONDUCT §  
AND RULE 11 OF THE LAWYERS' FUND §  
FOR CLIENT PROTECTION PERTAINING §  
TO LAWYER BANK ACCOUNTS §

Before **STEELE**, Chief Justice, **HOLLAND, BERGER, JACOBS** and **RIDGELY**,  
Justices, constituting the Court *en Banc*.

ORDER

This 16<sup>th</sup> day of February, 2010, it appears to the Court that it is desirable to  
amend certain rules and requirements pertaining to lawyer bank accounts.

NOW, THEREFORE, IT IS ORDERED that the following changes shall  
become effective May 1, 2010:

(1) Rule 1.15(d) of the Delaware Lawyers' Rules of Professional Conduct  
("DLRPC") is hereby amended by deleting subsection (1) of the present rule and  
substituting the following in lieu thereof: "All bank statements, cancelled checks (or  
images and/or copies thereof as provided by the bank), records of electronic transfers,  
and duplicate deposit slips relating to fiduciary and non-fiduciary accounts must be  
preserved. Records of all electronic transfers from fiduciary accounts shall include the  
name of the person authorizing transfer, the date of transfer, the name of recipient and  
confirmation from the banking institution confirming the number of the fiduciary

account from which the funds are withdrawn and the date and time the request for transfer was completed.”

(2) Fiduciary Funds Audit Objective B2(1)a of Rule 11 of the Rules of the Lawyers’ Fund for Client Protection (“RLFCP”) is hereby amended by deleting the present language and substituting the following in lieu thereof: “Bank statements, deposit tickets, records of electronic transfers, and cancelled checks (or images and/or copies thereof as provided by the bank). Records of all electronic transfers from fiduciary accounts shall include the name of the person authorizing transfer, the date of transfer, the name of recipient and confirmation from the banking institution confirming the number of the fiduciary account from which the funds are withdrawn and the date and time the request for transfer was completed.”

(3) Fiduciary Funds Audit Objective B1(14)c of Rule 11 of the RLFCP is hereby amended by deleting the present language and substituting the following in lieu thereof: “Examine cancelled checks (or images and/or copies thereof as provided by the bank) and records of electronic transfers to verify disbursements.”

(4) Real Estate Funds Audit Objective B2(1)(a) of Rule 11 of the RLFCP is hereby amended by deleting the present language and substituting the following in lieu thereof: “Bank statements, deposit tickets, records of electronic transfers, and cancelled checks (or images and/or copies thereof as provided by the bank). Records

of all electronic transfers from fiduciary accounts shall include the name of the person authorizing transfer, the date of transfer, the name of recipient and confirmation from the banking institution confirming the number of the fiduciary account from which the funds are withdrawn and the date and time the request for transfer was completed.”

(5) The Clerk of this Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE COURT:

/s/ Randy J. Holland  
Justice