

# Trust Me: I'm a Lawyer

Handling Trust Accounts Plus Finances,  
Fee-Splitting, and Freelancing

Presenter: **Claude E. Ducloux**  
Board Certified, Civil Trial Law &  
Civil Appellate Law - Tx Bd Legal Specialization  
National Director of Education, Ethics & State  
Compliance

**UTCLE- First Friday Ethics**  
Nov,5, 2021 - Austin, Texas

**LAWPAY**<sup>®</sup>  
AN AFFINIPAY SOLUTION



1



## Claude E. Ducloux

**Attorney at Law**

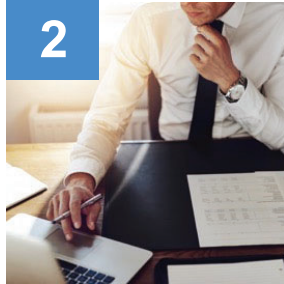
- 42+ year seasoned attorney
- Board Certified in Civil Trial Law and Civil Appellate Law, Texas Board of Legal Specialization
- Former President, Austin Bar Association
- Received Gene Cavin Award for Lifetime Achievement in Teaching Continuing Education

2

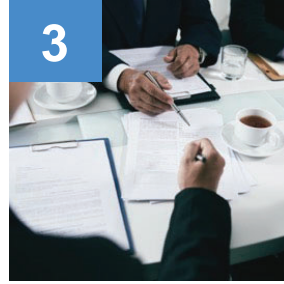
## Preview



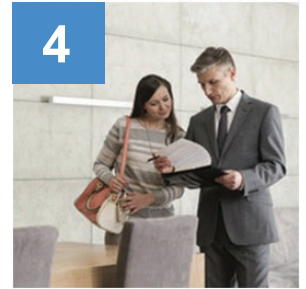
Using a Trust Account



Third-Party Disputes



Running Your Office



Freelancing

**LAWPAY**  
AN AFFINIPAY SOLUTION

# PART 1

## Using a Trust Account

# The big five trust account misunderstandings

1. What goes **into** a trust (often called “IOLTA” or “IOTA”) account?
2. What comes **out of** a trust account and when?
3. What is the correct procedure for taking money out?
4. What about flat fees not yet earned? In? Or out?
5. What about conflicting claims to money held in trust?

## Trust account basics

1. Lawyers are fiduciaries, entrusted with client confidences, secrets, documents, and their MONEY! Almost all states require that lawyers handling funds for clients deposit those funds in **a separate account**.
2. Typically, trust accounts are intended for **short term-funds**, in smaller amounts, where the client is not harmed by the lack of interest earned.
3. For **larger amounts** (i.e., extended-time deposits for appeal bonds, bail, or cash held for security or closings) lawyers should inform client of the right to put those funds in long-term interest-bearing accounts.
4. Lawyers have a **fiduciary duty** to keep accurate accounting of each client’s deposit to the lawyer trust account.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: TRUST ME I'm A Lawyer

Also available as part of the eCourse

[TRUST ME I'm A Lawyer](#)

First appeared as part of the conference materials for the  
2021 First Friday Ethics (November 2021) session  
"TRUST ME I'm A Lawyer"