

Lo 88-06

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December 5, 1988

Mr. [REDACTED]
[REDACTED]
[REDACTED]

Re: Ethics Committee.

Dear [REDACTED]

The Ethics Committee of the State Bar Association of North Dakota addressed the questions raised in your letter of October 4, 1988, at its meeting on December 2, 1988.

Although we frankly cannot understand how money can be deposited in your trust account and not be attributable to a specific individual, we would suggest that you make diligent attempts to locate the individual using available methods for finding lost persons. If, after a period of five years, no one has claimed the money, it could be turned over to the state under the abandoned property statute, which is N.D.C.C. §47-30.1-12.

Your firm will, of course, remain responsible if the individual ever comes forth to claim the money.

Sincerely,

Patrick J. Ward

Patrick J. Ward

CJT:L-ETHIC.JJP

88-06 122M+g

[REDACTED]

October 4, 1988

Patrick J. Ward
ZUGER, KIRMIS & BOLINSKE
P. O. Box 1695
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ETHICS COMMITTEE

I have a question with regard to a trust account problem.

Nearly three and one-half years ago, \$255 was deposited in our trust account on behalf of an individual. We have reviewed our records and have been unable to find any file ever having been opened on behalf of that individual. Accordingly, we have no address or knowledge as to who that individual was. The deposit of \$255 has been sitting in our trust account since April, 1985. For the past couple of years I have been taking a look at that each time our list of accounts comes out for the trust account, and pondering what to do with it. We would be happy to pay that money over to IOLTA, the Bar Foundation, etc. We will follow any guidelines or recommendations which your committee may make.

[REDACTED]

*Turn over to
state under
abandoned property
statute*

12/2M+g

RECEIVED
OCT 06 '88
ZUGER, KIRMIS,
BOLINSKE & SMITH