

Do the Right Thing: Support the Kansas Bar Foundation and IOLTA



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As lawyers, we have knowledge and skills that enable us to assist our communities in unique ways. However, most of us are also fortunate enough to have monetary resources that can also be used to support and assist the community, and certainly, all of us in private practice have trust accounts where we keep our clients' money safe. This is where the Kansas Bar Foundation (KBF) and the Kansas IOLTA (Interest on Lawyers' Trust Accounts) program come in.

For those of you who are unfamiliar with the KBF and the IOLTA program (especially the young lawyers new to the profession), let me provide a little information, background, and history. The KBF is a 501(c)(3) charitable organization that was founded by members of the Kansas Bar Association in 1957. The mission of the KBF is to "serve the citizens of Kansas and the legal profession through funding charitable and educational projects that foster the welfare, honor, and integrity of the legal system by improving its accessibility, equality, and uniformity, by enhancing public opinion of the role of lawyers in our society." The KBF is supported solely through the contributions of lawyers, the KBF Fellows program, and IOLTA.

Becoming a member of the KBF Fellows program is easy, the pain it inflicts on your checkbook is also relatively non-existent. To become a KBF Fellow, all you have to do is pledge to contribute at least \$1,000 to the KBF. While \$1,000 is not a nominal amount, the KBF allows you to pay off this pledge in 10 annual payments of \$100. By becoming a Fellow, you receive the normal tax deductions that you receive when contributing to 501(c)(3) organizations. Additionally, you also get the benefit of being invited to the annual Fellows Dinner that is held in conjunction with the KBA Annual Meeting each year. This is a great chance, especially for young lawyers, to meet and network with lawyers and judges from all across the state.

If you're interested in becoming a KBF Fellow, please contact me or Kelsey Schrempp, KBA public service manager, so that we can send you a pledge card. As a Fellow, I would be happy to speak with you and answer any questions you may have.

One of the primary contributing sources of financial support to the KBF is the IOLTA program. By participating in IOLTA, lawyers agree to allow the IOLTA program to collect interest from their trust accounts in which funds are nominal in amount or are expected to be held for a short period of time. The interest that is collected is then contributed to the KBF. This is a voluntary program, so you have to agree to participate.

The IOLTA Committee — made up of representatives from the KBA, KBF, the Kansas Supreme Court, a representative from the Kansas Bankers Association, and other representatives from the bar — reviews applications and approves grants

for the collected IOLTA funds. Grants are made based upon careful review of applications from programs and entities, which must be 501(c)(3), show financial responsibility and stability, and agree to audits of their expenses, if requested. Historically, 80 percent of the funds are allocated to the provision of legal services to low-income citizens. Since the IOLTA program was started in 1986, the program has made a total of \$3.7 million in grants.

From the beginning of 2011 to the end of August 2011, the IOLTA program has collected \$62,058.47. Projections indicate that the IOLTA program will collect approximately \$100,000 by the end of 2011. This year, the IOLTA program has made \$84,500 in grants. Recipients of these grants include Kansas Legal Services, CASA of Kansas, the KBA YLS Mock Trial program, and local legal aid societies. However, the amount of money that has been granted in recent years is sharply down from previous years. For example, from 2006 to 2009, IOLTA made yearly grants totaling between \$128,000 and \$261,395. Certainly, the recent economic downturn has played a role in this decline. Nevertheless, participation numbers in the program can also be improved. Currently, there are about 10,700 lawyers who are licensed in Kansas. However, only 3,609 participate in IOLTA. While many attorneys who are licensed in Kansas practice in other states, many other attorneys do practice law in a private setting that requires a trust account. Surely, we can work to get more private-practice lawyers in the state to participate.

I'm not writing this to throw stones. In fact, I just became a KBF Fellow in 2011. I should have joined earlier, but I never really had much information about or awareness of the programs. That's why I'm writing this column. Please, carefully consider the information I have provided about the programs. If you want more information, contact the KBA. Consider whether contributing to the KBF, or participating in the IOLTA program (or both) is right for you. By participating in these programs, you'll not only be helping yourself, but most importantly, you'll be contributing to programs that provide important legal assistance to those who are less fortunate in our communities. You'll also be helping programs that promote our great profession. ■

About the Author

Vincent M. Cox is an associate with the Topeka firm of Cavanaugh & Lemon P.A., where he maintains a civil litigation practice. He received his bachelor's degree from Benedictine College in 2002 and his juris doctorate from Washburn University School of Law in 2005, where he was a member of the Washburn Law Journal. Cox is a member of the Topeka and Kansas bar associations and is past president of the Topeka Bar Association Young Lawyers Division.