

## IOLTA: Attorney Trust Accounts and Civil Legal Aid

Irwin W. Aronson, Esq., Former Chair  
Stephanie Libhart, Executive Director

Pennsylvania IOLTA Board




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### Topics to be Covered:

- What is the PA IOLTA Board?
- How to Establish an IOLTA Account
- Exclusions & Exemptions
- Unclaimed Funds in your IOLTA Account
- Attorney Registration Form
- Legal Aid

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### What is the PA IOLTA Board?

- Established by statute in 1989 as an opt-out program.
- The Supreme Court suspended the statute, took over jurisdiction of the program and made IOLTA mandatory in 1996.
- A non-profit organization operated by a nine-member Board of Directors, each appointed by the Supreme Court.

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## History of IOLTA in North America

Video: Presented by the American Bar Association and the National Association of IOLTA Programs

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## Why is IOLTA important?

- The IOLTA program essentially creates something out of nothing. IOLTA Accounts are interest-bearing accounts for holding pooled, clients' funds which are nominal in amount and/or held for a short period of time.
- The interest earned on IOLTA accounts is used to support civil legal aid throughout PA.

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## Applicable Rules

- Pennsylvania Rule of Professional Conduct 1.15, Safekeeping Property
- IOLTA Regulations, 204 Pa. Code, Chapter 81

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### Rule 1.15 Funds

- Funds received by a lawyer from a client or third person
  - in connection with a lawyer-client relationship
  - or
  - as an escrow agent, settlement agent, representative payee, fiduciary or agent

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### Qualified Funds

- “Qualified Funds”
  - (1) nominal in amount and/or
  - (2) held for a short period time such that sufficient interest income will not be generated for the client to justify the expense of administering a segregated account per the economic benefits factors in 204 Pa. Code 81.104(g)(v).

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### Duty to Safeguard and Segregate Client Funds

- No comingling of funds
  - One exception – to pay service charges on the account or if the bank requires a minimum balance
- Withdraw fees only after they have been earned or expenses incurred.

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## Recordkeeping

- See Pa. R.P.C. 1.15(c) for specific requirements.
- Client funds must be available upon request and without delay.
- Accurate, sound and consistently applied accounting records are a must!

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## How do I establish an IOLTA Account?

- **SIMPLE!**
  - Fill out the Enrollment Form.
  - Take it to an Approved Financial Institution to open your account.
  - Send the completed Enrollment Form to the IOLTA office by fax or email
    - Fax Number: 717-238-2003
    - Email: [paiolta@pacourts.us](mailto:paiolta@pacourts.us)
  - The bank and IOLTA staff members take care of the rest!

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## How do I establish an IOLTA Account?

- Fill out the Enrollment Form completely.
  - Title the Account Correctly!
    - Must include "IOLTA"
    - Ex. XYZ Firm's IOLTA Trust Account
  - Use the firm's mailing address, not IOLTA's.

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## How do I establish an IOLTA Account?

- Take it to an Approved Financial Institution.
- Deal with a Bank Manager, not a Teller
- Be sure that IOLTA's Federal Tax ID # is added to the account as the beneficiary of the interest, not the principal balance.
- Confirm that the bank has set it up properly on their system as an IOLTA account and that the account is interest-bearing.

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## How do I establish an IOLTA Account?

- Send the Enrollment Form to IOLTA Board's office
- Even if the bank offers to do this for you, please fax or email it to us anyway. It is the attorney's responsibility and the banks do not always follow through on providing it to us.

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## Does it matter which bank I choose?

- Yes! Yes! Yes!
- This is the single most effective way you as an attorney can have a positive impact on IOLTA revenue - and it costs you nothing.
- Bank with a Platinum Leader Bank. A list of PL Banks is in your materials. Please patronize them!

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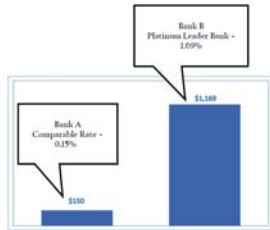
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## Does it matter which bank I choose?

- A \$100,000 account at a Platinum Leader Bank




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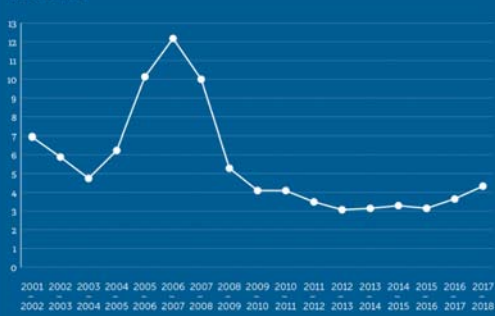
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## IOLTA AND MJ-IOTA REVENUE

2001 - Present

\$ dollars in millions




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## Do I Qualify for an Exemption?

- You can apply for an exemption under 204 Pa. Code 81.109(d) if:
  - Low balance
  - Bank service charges routinely exceed the income
  - Extreme impracticality

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## Applying for an Exemption

- Write a letter to the IOLTA Board's executive director outlining your request.
- Identify the type of exemption you are seeking.
- Provide bank statements from your IOLTA account for the most recent 12 months.

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## Am I excluded?

- You are automatically excluded per 204 Pa. Code 81.109(a) if:
  - You do not receive Rule 1.15 Qualified Funds as the result of the practice of law in Pennsylvania
    - Ex. government lawyer, law clerk, judge, professor
  - You are retired or no longer practice law
  - Your practice is such that you only receive flat fee reimbursements in which no client or third party has an interest

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## Unclaimed and Unidentifiable Funds in your IOLTA Account

### Background

- Effective June 29, 2018, Pa. R.P.C. 1.15(v)
- Unclaimed or unidentifiable funds in a Pennsylvania IOLTA account must be sent to the IOLTA Board for safekeeping following reasonable efforts occurring over at least two years to identify and return the funds to their rightful owner.

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### Unclaimed Funds

Funds in a Pennsylvania IOLTA account for which a client, former client, or third party appear to have an interest, but have not responded to the lawyer or law firm's reasonable efforts to encourage the client, former client, or third party to claim their rightful funds.

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### Unidentifiable Funds

Funds accumulated in a Pennsylvania IOLTA account that cannot be reasonably documented as belonging to a client, former client, third party, or the lawyer or law firm.

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### Reasonable Efforts

- Periodic correspondence of the type contemplated by the lawyer or law firm's relationship with the client, former client, or third party.
- Efforts similar to those that would be undertaken when attempting to locate a person for service of process.
- A greater outlay of time and expense may be warranted when larger amounts of money are at issue.

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## Conservators

- Conservators appointed pursuant to Pa. R.D.E. 321 should follow Pa. R.D.E. 324(c)(1) with respect to any Unidentifiable funds.

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## Remitting Funds to IOLTA

- Remittance Report & Certification form is available on the IOLTA Board's website
- Mail the form to the IOLTA Board with a check payable to the IOLTA Board for the amount in question

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## Reclaiming Funds from IOLTA

- Funds may be reclaimed by the lawyer or law firm that originally remitted the funds to the IOLTA Board on behalf of the rightful owner
- Lawyer Unclaimed / Unidentifiable Fund Return Request form available on the IOLTA Board's website.

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## Attorney Registration Form

- You must disclose all of the accounts used to hold funds received as the result of your practice of law from May of the previous year to the date of filing.
- Two financial disclosure sections on the form:
  - IOLTA accounts
  - All other non-IOLTA accounts

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## Attorney Registration Form

- IOLTA Section
  - Include PA IOLTA and other state IOLTA accounts
  - For other state IOLTA accounts, check “No” for “Does this account hold Pa. R.P.C. 1.15 Funds?”
  - Only select “IOLTA-Exempt” for the account if you previously requested and were granted an exemption from the PA IOLTA Board.

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## Attorney Registration Form

- Non-IOLTA Section
  - The Disciplinary Board’s Attorney Registrar has a number of account designations that you can select, to best identify the type of account, these include: Business / Operating, Interest for Clients, Other Authorized Accounts

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## Attorney Registration Form

- Available Resources
  - PBA's Revised Formal Ethics Opinion 2016-100
  - Pennsylvania Attorney Registration Financial Data Help document available at:  
<http://www.padisciplinaryboard.org/Storage/media/pdfs/20180320/124314-financialdatahelp18-19.pdf>

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## IOLTA's Impact

- Income Guidelines to Qualify for Legal Assistance

Family Size	Annual
1	\$15,175
2	\$20,575
3	\$25,975
4	\$31,375
5	\$36,775
6	\$42,175
7	\$47,575
8	\$52,975

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## IOLTA's Impact

- Case Types Handled by IOLTA's Grantees
  - Habitability and Illegal Eviction
  - Access to food, medicine and shelter
  - Mortgage foreclosure
  - Child Custody
  - Consumer Protection
  - Protection from Abuse
  - Unemployment Compensation
  - Income Maintenance

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## How you Can Help

- Open an IOLTA account with a Platinum Leader Bank.
- Encourage your bank to become a Platinum Leader Bank.
- Volunteer to take a case at your local legal aid office. You'll be glad you did.

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## MidPenn Legal Services

- There is one legal aid lawyer for every 6,415 people living in poverty.
- Pro bono representation by private attorneys is an enormously valuable supplement to the services of civil legal aid programs.
- Contact Rhodia Thomas, Executive Director, MidPenn Legal Services
- (717) 234-1020
- [rthomas@midpenn.org](mailto:rthomas@midpenn.org)

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Thank you! Any Questions?

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# ENROLLMENT FORM FOR LAWYERS AND LAW FIRMS

## Pennsylvania IOLTA Board

Federal I.D. #25-1802119

IOLTA Staff Only:

Firm:

Staff Initials:

PLB:

**Instructions:** Complete this form and provide the original to your financial institution, retain a copy for your records, and also send a copy to the Pennsylvania IOLTA Board via fax (717-238-2003) or e-mail (paiolta@pacourts.us). For your convenience a list of all financial institutions approved to hold attorney trust accounts has been included with this form.

### **I. Account Information**

**1. Financial Institution:**

**2. IOLTA Account Number:**

**3. IOLTA Account Title:**

**Note:** Account titles for Pennsylvania IOLTA accounts should contain the words "PA IOLTA Trust Account" or "PA IOLTA Escrow Account" and the name of the lawyer or the law firm maintaining the account.

**4. Primary Firm Contact:**

*Firm Name*

*Street Address*

*City, State, & Zip Code*

*E-mail*

*Phone*

**Note:** Provide the full list of attorneys that will use the IOLTA account on the following page if attorneys other than the authorizing attorney will use the account.

### **II. Authorization & Acknowledgement**

The account listed above will be used as an IOLTA account and will hold qualified client / third party funds related to the practice of law in Pennsylvania in accordance with the applicable rules and regulations, including Pa R.P.C. 1.15, Pa R.D.E. 221, and 204 Pa. Code 81.101- 81.113.

The financial institution with which this account is maintained is hereby authorized and directed to transmit immediate notice to the Pennsylvania Lawyers Fund for Client Security\* of any check drawn on the trust/escrow account(s) listed above which is presented for payment against insufficient funds and to provide account activity and interest remittance reports to the Pennsylvania Interest on Lawyers Trust Accounts Board.

**Authorizing Attorney Signature:** \_\_\_\_\_ **PA Bar ID:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*(must also be an authorized signatory on the IOLTA account listed above)*

\* For overdraft reporting instructions, call 800-962-4618.

**List of Attorneys Using the IOLTA Account (include additional pages as necessary).**

Reminder: only an attorney admitted to practice law in Pennsylvania or someone under their direct supervision may be a signatory on a Pennsylvania IOLTA account per Pa R.P.C. 1.15(g).

Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>
Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>
Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>
Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>
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Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>
Name:	<input type="text"/>	PA Bar ID:	<input type="text"/>

**Return a Copy of this Enrollment Form to the Pennsylvania IOLTA Board by:**

fax: (717) 238 2003

OR

e-mail: *[paiolta@pacourts.us](mailto:paiolta@pacourts.us)*

## **FINANCIAL INSTITUTIONS APPROVED AS DEPOSITORIES OF TRUST ACCOUNTS OF ATTORNEYS**

### **PLATINUM LEADER BANKS**

The **HIGHLIGHTED APPROVED INSTITUTIONS** listed below are Platinum Leader Banks – institutions that go above and beyond the minimum eligibility requirements to support Pennsylvania’s IOLTA Program. These institutions pay a preferred interest rate on all Pennsylvania IOLTA accounts.

<b>532</b>	<b>AMERICAN BANK (PA)</b>	<b>294</b>	<b>MID PENN BANK</b>
<b>116</b>	<b>AMERISERV FINANCIAL BANK</b>	<b>276</b>	<b>MIFFLINBURG BANK &amp; TRUST COMPANY</b>
<b>392</b>	<b>BRENTWOOD BANK</b>	<b>596</b>	<b>MOREBANK, A DIVISION OF BANK OF PRINCETON</b>
<b>394</b>	<b>CFS BANK</b>	<b>484</b>	<b>MUNCY BANK &amp; TRUST COMPANY</b>
<b>647</b>	<b>CONGRESSIONAL BANK</b>	<b>434</b>	<b>NEW TRIPOLI BANK</b>
<b>541</b>	<b>ENTERPRISE BANK</b>	<b>598</b>	<b>PARKE BANK</b>
<b>343</b>	<b>FIDELITY SAVINGS &amp; LOAN ASSOC. OF BUCKS COUNTY</b>	<b>486</b>	<b>SOMERSET TRUST CO.</b>
<b>592</b>	<b>FIRST RESOURCE BANK</b>	<b>518</b>	<b>STANDARD BANK, PASB</b>
<b>58</b>	<b>FULTON BANK, NA</b>	<b>122</b>	<b>SUSQUEHANNA COMMUNITY BANK</b>
<b>364</b>	<b>HUNTINGDON VALLEY BANK</b>	<b>656</b>	<b>TIOGA FRANKLIN SAVINGS BANK</b>
<b>72</b>	<b>JUNIATA VALLEY BANK</b>	<b>182</b>	<b>TOMPKINS VIST BANK</b>
<b>74</b>	<b>LAFAYETTE AMBASSADOR BANK</b>	<b>119</b>	<b>WASHINGTON FINANCIAL BANK</b>
		<b>573</b>	<b>WOORI AMERICA BANK</b>

### **ALL APPROVED FINANCIAL INSTITUTIONS**

#### **Bank Code A.**

595 Abacus Federal Savings Bank  
2 ACNB Bank  
613 Allegent Community Federal Credit Union  
375 Altoona First Savings Bank  
376 Ambler Savings Bank  
**532 AMERICAN BANK (PA)**  
615 Americhoice Federal Credit Union  
**116 AMERISERV FINANCIAL BANK**  
648 Andover Bank  
377 Apollo Trust Company

#### **Bank Code B.**

558 Bancorp Bank  
485 Bank of America, NA  
662 Bank of Bird in Hand  
415 Bank of Landisburg

642 BB&T Company  
519 Beaver Valley Federal Credit Union  
501 BELCO Community Credit Union  
397 Beneficial Bank  
652 Berkshire Bank  
5 BNY Mellon, NA  
**392 BRENTWOOD BANK**  
495 Brown Brothers Harriman Trust Co., NA  
161 Bryn Mawr Trust Company

#### **Bank Code C.**

618 Capital Bank, NA  
16 CBT Bank, Division of Riverview Bank  
136 Centric Bank  
**394 CFS (CHARLEROI FEDERAL SAVINGS) BANK**  
623 Chemung Canal Trust Company  
599 Citibank, NA

238 Citizens & Northern Bank  
561 Citizens Bank, NA  
206 Citizens Savings Bank  
602 City National Bank of New Jersey  
576 Clarion County Community Bank  
660 Clarion Federal Credit Union  
591 Clearview Federal Credit Union  
23 CNB Bank  
354 Coatesville Savings Bank  
223 Commercial Bank & Trust of PA  
21 Community Bank (PA)  
371 Community Bank, NA (NY)  
132 Community State Bank of Orbisonia  
**647 CONGRESSIONAL BANK**  
380 County Savings Bank  
617 Covenant Bank  
480 Cresson Branch, of PennCrest Bank  
536 Customers Bank

**Bank Code D.**

339 Dime Bank  
239 DNB First, NA  
27 Dollar Bank, FSB

**Bank Code E.**

500 Elderton State Bank  
567 Embassy Bank for the Lehigh Valley  
**541 ENTERPRISE BANK**  
28 Ephrata National Bank  
601 Esquire Bank, NA  
340 ESSA Bank & Trust

**Bank Code F.**

629 1st Colonial Community Bank  
158 1st Summit Bank  
31 F & M Trust Company  
205 Farmers National Bank of Emlenton  
658 Farmers National Bank of Canfield  
34 Fidelity Deposit & Discount Bank  
**343 FIDELITY SAVINGS & LOAN ASSOCIATION  
OF BUCKS COUNTY**  
661 First American Trust, FSB  
643 First Bank  
174 First Citizens Community Bank  
191 First Columbia Bank & Trust Company

583 Fifth Third Bank  
539 First Commonwealth Bank  
504 First Federal S & L Association of Greene County  
525 First Heritage Federal Credit Union  
42 First Keystone Community Bank  
51 First National Bank & Trust Company of  
Newtown  
419 Pennian Bank  
48 First National Bank of Pennsylvania  
427 First National Bank of Port Allegany  
426 First Northern Bank & Trust Company  
604 First Priority Bank, a division of Mid Penn Bank  
**592 FIRST RESOURCE BANK**  
408 First United National Bank  
657 First United Bank & Trust  
151 Firstrust Savings Bank  
416 Fleetwood Bank  
175 FNCB Bank  
241 Franklin Mint Federal Credit Union  
639 Freedom Credit Union  
**58 FULTON BANK, NA**

**Bank Code G.**

499 Gratz Bank  
498 Greenville Savings Bank

**Bank Code H.**

402 Halifax Bank, Division of Riverview Bank  
244 Hamlin Bank & Trust Company  
362 Harleysville Savings Bank  
363 Hatboro Federal Savings  
463 Haverford Trust Company  
559 Home Savings & Loan Company (OH)  
606 Hometown Bank of Pennsylvania  
68 Honesdale National Bank  
350 HSBC Bank USA, NA  
**364 HUNTINGDON VALLEY BANK**  
605 Huntington National Bank  
608 Hyperion Bank

**Bank Code I.**

365 InFirst Bank  
557 Investment Savings Bank  
526 Iron Workers Savings Bank



**Bank Code J.**

70 Jersey Shore State Bank  
127 Jim Thorpe Neighborhood Bank  
488 Jonestown Bank & Trust Company  
659 JP Morgan Chase

**72 JUNIATA VALLEY BANK**

**Bank Code K.**

651 KeyBank, NA  
414 Kish Bank

**Bank Code L.**

**74 LAFAYETTE AMBASSADOR BANK**

554 Landmark Community Bank  
78 Luzerne Bank

**Bank Code M.**

361 M & T Bank  
386 Malvern Federal Savings Bank  
510 Marion Center Bank  
387 Marquette Savings Bank  
81 Mars Bank  
43 Marysville Branch, of Riverview Bank  
367 Mauch Chunk Trust Company  
619 MB Financial Bank, NA  
511 MCS (Mifflin County Savings) Bank  
641 Members 1st Federal Credit Union  
555 Mercer County State Bank  
192 Merchants Bank of Bangor  
610 Meridian Bank  
420 Meyersdale Branch, of Riverview Bank  
**294 MID PENN BANK**  
**276 MIFFLINBURG BANK & TRUST COMPANY**  
457 Milton Savings Bank  
614 Monument Bank  
**596 MOREBANK, A DIVISION OF**  
**BANK OF PRINCETON**  
**484 MUNCY BANK & TRUST COMPANY**

**Bank Code N.**

433 National Bank of Malvern  
168 NBT Bank, NA  
347 Neffs National Bank

**434 NEW TRIPOLI BANK**

15 NexTier Bank, NA  
636 Noah Bank  
638 Norristown Bell Credit Union  
439 Northumberland National Bank  
93 Northwest Bank

**Bank Code O.**

653 OceanFirst Bank  
489 OMEGA Federal Credit Union  
94 Orrstown Bank

**Bank Code P.**

**598 PARKE BANK**

584 Parkview Community Federal Credit Union  
40 Penn Community Bank  
580 Penn Liberty Bank  
540 PennCrest Bank  
447 Peoples Security Bank & Trust Company  
99 PeoplesBank, a Codorus Valley Company  
556 Philadelphia Federal Credit Union  
448 Phoenixville Federal Bank & Trust  
79 PNC Bank, NA  
449 Port Richmond Savings  
451 Progressive-Home Federal Savings & Loan  
Association  
637 Provident Bank  
456 Prudential Savings Bank  
491 PS Bank

**Bank Code Q.**

107 QNB Bank  
560 Quaint Oak Bank

**Bank Code R.**

452 Reliance Savings Bank  
220 Republic First Bank d/b/a Republic Bank  
628 Riverview Bank

**Bank Code S.**

153 S & T Bank  
316 Santander Bank, NA  
460 Second Federal S & L Association of  
Philadelphia

646 Service 1st Federal Credit Union  
458 Sharon Bank  
633 SSB Bank  
462 Slovenian Savings & Loan Association of  
Franklin-Conemaugh  
**486 SOMERSET TRUST CO.**  
**518 STANDARD BANK, PASB**  
542 Stonebridge Bank  
**122 SUSQUEHANNA COMMUNITY BANK**  
440 SunTrust Bank

**Bank Code T.**

143 TD Bank, NA  
**656 TIOGA FRANKLIN SAVINGS BANK**  
**182 TOMPKINS VIST BANK**  
609 Tristate Capital Bank  
640 TruMark Financial Credit Union  
467 Turbotville National Bank

**Bank Code U.**

483 UNB BANK  
481 Union Building and Loan Savings Bank  
133 Union Community Bank  
634 United Bank, Inc.  
472 United Bank of Philadelphia  
475 United Savings Bank  
600 Unity Bank  
232 Univest Bank & Trust Co.

**Bank Code V.**

611 Victory Bank

**Bank Code W.**

**119 WASHINGTON FINANCIAL BANK**  
121 Wayne Bank  
631 Wells Fargo Bank, NA  
553 WesBanco Bank, Inc.  
494 West View Savings Bank  
473 Westmoreland Federal S & L Association  
476 William Penn Bank  
272 Woodlands Bank  
**573 WOORI AMERICA BANK**  
630 WSFS (Wilmington Savings Fund Society), FSB

**Bank Code X.**

**Bank Code Y.**

577 York Traditions Bank

**Bank Code Z.**

**IOLTA EXEMPTION**

Exemptions are not automatic (see 204 PA. Code § 81.109). If you believe you qualify, you must apply by sending a written request to the IOLTA Board's executive director: 601 Commonwealth Avenue, Suite 2400, P.O. Box 62445, Harrisburg, PA 17106-2445. If you have questions concerning IOLTA or exemptions from IOLTA, please visit their website at [www.paiolta.org](http://www.paiolta.org) or call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA.



## Banking on Justice

*The Platinum Leader Banks listed below are surpassing eligibility requirements by paying a premium yield on IOLTA accounts. This means more funding for legal aid. The Pennsylvania IOLTA Board encourages attorneys and firms to patronize Platinum Leader Banks.*

### PA IOLTA Platinum Leader Banks

American Bank	Mifflinburg Bank & Trust
AmeriServ Financial Bank	MoreBank, a division of Bank of Princeton
BankUnited, NA	Muncy Bank & Trust Company
Brentwood Bank	New Tripoli Bank
CFS Bank	Parke Bank
Congressional Bank	Somerset Trust Co.
Enterprise Bank	Standard Bank
Fidelity Savings & Loan Bucks County	Susquehanna Community Bank
First Resource Bank	Tioga Franklin Savings Bank
Fulton Bank	Tompkins VIST Bank
Huntingdon Valley Bank	Washington Financial Bank
Juniata Valley Bank	Woori America Bank
MidPenn Bank	

For a complete list of eligible banks, visit [www.paiolta.org](http://www.paiolta.org).

The Pennsylvania IOLTA Board was created by the Supreme Court of PA in 1996 to administer the IOLTA Program. It provides funding to legal aid organizations, law school clinics and pro bono programs statewide.

November 2019