

Depositing Settlement Checks Made Out to Firm and Client

How does everyone handle settlement checks made out to "XYZ law firm and John Doe" when the client lives in a different state and cannot be present to sign an endorsement to deposit the check.

Does your bank offer an affidavit, signed before a notary, which verifies the identity of the client? Do you refuse any such check and insist that it be made out to the name of either your firm or the client?

Any ideas?

I write into the settlement agreement to whom the check will be made payable to and if they don't comply, I send it back and tell them to stop being annoying.

Jeremy M. Glapion, New Jersey

If your bank knows you pretty well (mine does) and if the check is deposited into my trust account, my bank does not require signatures by all the payees.

Michael Boli, California

Set it out in documentation how the check should be written ahead of time as a general rule. Failing that, many banks work with you on your trust account (if not, find one that will). Depositing joint checks payable to firm and client is common and a good bank will understand it. If it is one of the biggest, good luck, but to my view you should go elsewhere.

Darrell G. Stewart, Texas

If I remember correctly, they've always been made out to me as attorney for my client, or my client care of me (or some such wording that I can't remember exactly now). I've deposited them with just my signature into my trust account then withdrawn my

portion and cut a check for the balance to my client. I haven't had a problem. Can you call the bank to find out their procedure? If they won't accept just one signature, request that the check be made out to you as attorney for client (or whatever the actual wording is).

Jessica Gorman

Same with me. I have authority in my agreement to endorse the check as well. Bank not concerned with attorney trust accounts since the money needs to be accounted for. It's not your money.

Phil A. Taylor

In 8 years, I've only had a check returned once by the insurance company who insisted on the client's signature. Otherwise, I just endorse it:

Bank Name - #12345678

Client Trust Account

FBO John Client

Bam.

I recently had one settlement where they didn't even need a settlement agreement, just asked that I add a line to the endorsement, "In full and final settlement of all claims."

Richard J. Rutledge, Jr., North Carolina