

ADMONITION NO. 06-13

CLASSIFICATION:

Trust Account Violation [Mass. R. Prof. C. 1.15]

SUMMARY:

This matter came to bar counsel's attention pursuant to Mass. R. Prof. C. 1.15(h) as the result of receipt from a bank of a notice of five dishonored checks drawn on an IOLTA account in the respondent's name. The account in question was denominated as an IOLTA account but was in fact being used as a business operating account.

The respondent initially opened this account to hold funds advanced by a major client to pay court costs in collection cases. The client subsequently discontinued its practice of advancing court costs. The respondent then began depositing his firm's money into the account and continued to use the account to pay court costs for this one client. At the time the checks were dishonored, there were no client funds in the account.

The respondent's use of an IOLTA account as a business operating account violated Mass. R. Prof. C. 1.15(b)(2). The respondent received an admonition for the above violation.