

ADMONITION NO. 06-10

CLASSIFICATIONS:

Failure to Act Diligently [Mass. R. Prof. C. 1.3]

Record-Keeping Violation [Mass. R. Prof. C. 1.15(f)]

SUMMARY:

Bar counsel began his investigation after receiving a notice of dishonored check drawn on the respondent's conveyancing account. Investigation disclosed that the respondent had gone to record and issued checks in connection with a real estate conveyance before he had confirmed that corresponding funds had been deposited into his conveyancing account. In fact, the lender had not transferred funds to the account. Upon notice of the deficiency, the respondent immediately contacted the lender, who wire-transferred the funds in question to the respondent's conveyancing account. The mortgagor's check was then redeposited and paid. The respondent has since attended a course on the record keeping requirements of Mass. R. Prof. C. 1.15.

The respondent's received an admonition for inadequate record-keeping, in violation of Mass. R. Prof. C. 1.15(a) of the rule in effect prior to July 2004 (now Rule 1.15(f)), and for lack of diligence, in violation of Mass. R. Prof. C. 1.3.