

## **ADMONITION NO. 06-03**

### **CLASSIFICATIONS:**

Failure to Maintain Disputed Funds in Trust Account [Mass. R. Prof. C. 1.15(b)(2)]

Trust Account Not Properly Labeled [Mass. R. Prof. C. 1.15(e)(2)]

### **SUMMARY:**

This matter came to bar counsel's attention as a result of four notices of dishonored checks received by bar counsel pursuant to Mass. R. Prof. C. 1.15(h) from the bank at which the respondent maintains his IOLTA account.

The respondent issued five checks from his IOLTA account on May 24, May 31, June 3, and June 7, 2005 in the amounts of \$86.00, \$65.00, \$850.00, and \$250.00. Two of the checks were sent to probate courts to pay fees that the respondent was advancing on behalf of the clients and the remaining checks were payable to the respondent. The bank returned all of the checks due to insufficient funds in the account.

There were no client funds on deposit in the IOLTA Account. The account was solely used for the deposit of personal or business funds. The respondent's use of a client trust account for the deposit of personal funds and the payment of expenses violated Mass. R. Prof. C. 1.15(b)(2). The respondent's mislabeling of a personal or business account as a trust account was a violation of Mass. R. Prof. C. 1.15(e)(2). The respondent did not understand that his use of the account was improper and has now closed the account.

The respondent has been a member of the bar since 1988, with no prior discipline. He accordingly received an admonition for the above violations, conditioned upon attendance at the trust account training program designated by bar counsel.