

ADMONITION NO. 05-15

CLASSIFICATION:

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

SUMMARY:

This matter came to bar counsel's attention pursuant to a notice of dishonored check received in August 2003, pursuant to Mass. R. Prof. C. 1.15(f) of the rule in effect prior to July 2004 (now 1.15(h)), from the bank at which the respondent maintains his IOLTA account. The respondent is a solo practitioner whose practice includes conveyancing. During the time period at issue, his record keeping in his IOLTA account was inadequate to his needs. In particular, he did not maintain or cause a complete and accurate check register to be maintained, and he did not reconcile or cause the check register to be reconciled, or reconciled adequately, to bank statements. The respondent's conduct in these respects was in violation of Mass. R. Prof. C. 1.15(a) of the rule in effect prior to July 2004 (now 1.15(f)), and led to the problems that caused the check to be returned.

The respondent has been a member of the Bar since 1972, with no prior discipline. After the check was returned unpaid, the respondent took immediate corrective action, both as to the specific check and as to his record keeping generally. He accordingly received an admonition for the above violations, conditioned upon attendance at a CLE program designated by bar counsel.