

## **ADMONITION NO. 05-07**

### **CLASSIFICATIONS:**

Trust Account Commingling and Recordkeeping [Mass. R. Prof. C. 1.15(a) as effective through June 30, 2004]

### **SUMMARY:**

This matter came to bar counsel's attention as a result of the receipt pursuant to Mass. R. Prof. C. 1.15(h), in December 2003 and April 2004, of four notices of dishonored checks from the bank at which the respondent maintains his IOLTA account.

The respondent accepted a full time position in the public sector in 1997 and does not currently engage in private practice or hold client funds. However, instead of closing his existing IOLTA account or allowing it to remain inactive, the respondent began using the IOLTA account as a personal account.

The respondent had no clients' funds in his IOLTA account. The respondent was depositing personal funds, and then issuing checks for personal expenses from the account, including checks to pay a personal loan and his children's college tuition.

The account became overdrawn when the respondent issued two checks for the loan payoff before he made the corresponding deposit, and again when the respondent issued two checks for his children's tuition before he made the supporting deposit.

The respondent's use of an account designated as a trust account for the deposit of personal funds and the payment of personal expenses violated Mass R. Prof. C. 1.15(a) as appearing in 426 Mass. 1301, 1363 (1997) and effective through June 30, 2004.

The respondent has been a member of the Bar since 1989, with no prior discipline. He accordingly received an admonition for the above violations, conditioned upon attendance at a CLE program designated by Bar Counsel.