

ADMONITION NO. 05-03

CLASSIFICATION:

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 the result of the respondent's attempt to pay his annual registration fees to the Board of Bar Overseers with a check drawn on an IOLTA account.

The respondent is a sole practitioner. In addition to retainers or other trust funds that he occasionally received, he improperly deposited earned fees to his IOLTA account, thereby commingling his own personal or business funds with trust funds. He then used his earned fees to pay certain personal expenses directly from the IOLTA account.

The respondent's use of a client trust account for the deposit of earned fees 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 did not understand that he could not use a trust account for the deposit of earned fees. He has now opened a new IOLTA account that is properly maintained.

The respondent has been a member of the Bar since 1983, with no prior discipline. He accordingly received an admonition for the above violations, conditioned upon attendance at a CLE program or programs designated by Bar Counsel.