

ADMONITION NO. 00-14

CLASSIFICATIONS:

Notice of Dishonored Check [Mass. R. Prof. C. 1.15(f)]

Commingling Clients' Funds with Lawyer's Funds [Mass. R. Prof. C. 1.15(a)]

Failure to Maintain Proper Records of Client's Property [Mass. R. Prof. C. 1.15(a)]

SUMMARY:

This matter came to Bar Counsel's attention pursuant to Mass. R. Prof. C. 1.15(f) as a result of a receipt of a notice of dishonored check from the bank at which the respondent maintains his IOLTA account. The account in question was in fact a commingled account into which the respondent deposited client funds and earned fees. The check that was returned unpaid was to pay a personal debt and there were no client funds in the account at the time.

The respondent did not always keep adequate track of withdrawals, resulting in the overpayment that led to the dishonored check. Review of the respondent's record keeping practices also showed that the respondent did not retain bank statements or paid checks as required.

The respondent's conduct in this matter constituted commingling and inadequate record keeping, in violation of Mass. R. Prof. C. 1.15(a). In mitigation, the respondent is an inexperienced solo practitioner. He received an admonition for these violations, conditioned upon attendance at a CLE course designated by Bar Counsel and upon obtaining training in trust accounting.