

**ADMONITION NO. 99-21**

**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. Although the deficiency was only a few hundred dollars, a review of the respondent's trust account records showed various mistakes that had gone undetected. On occasion checks for business expenses or advances of filings fees were written from the trust account that should have been written from the operating account. At least one check was deposited to the operating account that should have been deposited to the trust account. The respondent did not maintain individual ledgers for client matters and, in at least one personal injury case, could not reconcile receipts and disbursements. The respondent also did not reconcile the account adequately each month and instead relied upon the bank to tell him what the balance was.

The respondent's conduct in this matter constituted commingling and inadequate recordkeeping, in violation of Mass. R. Prof. C. 1.15(a). In mitigation, the respondent is a solo practitioner with no prior

discipline. He now understands his errors, has received training in trust accounting, and has taken corrective measures. He accordingly received an admonition, conditioned upon attendance at a CLE course designated by Bar Counsel.