

ADMONITION NO. 21-14

CLASSIFICATION:

Charging and Collecting Clearly Excessive Fees or Expenses [Mass. R. Prof. C. 1.5(a)]

SUMMARY:

The respondent represented numerous clients as a “paymaster”. As such, he charged those clients a flat fee to receive wired funds from certain accounts into his IOLTA accounts, and then to wire the funds to the accounts of the client or third parties, usually outside of the United States. The respondent maintained IOLTA accounts at both the Bank of America and the TD Bank. The TD Bank charged wiring fees to the respondent’s IOLTA account, which fees he passed along to his clients. The Bank of America did not charge wiring fees. During 2020, the respondent charged his clients an “administrative fee” for each wire transfer that went through the Bank of America, even though he did not incur an expense for those transfers. Given that the wires were an essential part of the respondent’s paymaster services, his addition of the administrative fee was either an unreasonable amount for expenses or a clearly excessive fee.

The respondent’s conduct in charging clients for expenses not incurred or for clearly excessive fees violated Mass. R. Prof. C. 1.5(a).

The respondent has been a member of the Massachusetts bar since 2002 and has received no prior discipline. He received an admonition for his conduct.