

ADMONITION NO. 21-11

CLASSIFICATION:

Failure to Maintain Legal Fees and Expenses Paid in Advance in Trust Account
[Mass. R. Prof. C. 1.15(b)(3)]

SUMMARY:

The respondent was retained to represent a client in a divorce, and the client made a credit card payment to the respondent in the amount of \$5,000 towards a fee retainer. The respondent failed to have the \$5,000 credit card fee retainer deposited into the firm's IOLTA account or to any other client trust account. The client subsequently decided against divorce and requested the respondent to return the fee retainer. Although the respondent had earned some portion of the fee, she ultimately refunded the entire \$5,000 fee retainer to her client. As a result, the client suffered no loss.

The respondent's conduct in failing to deposit into the firm's IOLTA account the legal fees that were paid in advance violated Mass. R. Prof. C. 1.15(b)(3).

The respondent has been a member of the Massachusetts bar since 2012 and has received no prior discipline. She received an admonition for her conduct.