

ADMONITION NO. 25-10

CLASSIFICATIONS:

Trust Account Commingling [Mass. R. Prof. C. 1.15(b)(2)]

Failure to Notify of Receipt or to Disburse Promptly [Mass. R. Prof. C. 1.15(c)]

Disbursed Funds Creating Negative Client Funds Balance [Mass. R. Prof. C. 1.15(f)(1)(C)]

Recordkeeping Violation [Mass. R. Prof. C. 1.15(f)(1)(D)]

Recordkeeping Violation [Mass. R. Prof. C. 1.15(f)(1)(E)]

SUMMARY:

The respondent is a partner in a small law firm and was responsible for the IOLTA account recordkeeping requirements along with another partner. Between at least July 2023 and April 2024, the respondent's IOLTA account recordkeeping was not fully compliant with the requirements of Mass. R. Prof. C. 1.15 in that the respondent did not maintain a compliant firm funds ledger and the respondent's reconciliation reports only recorded a two-way reconciliation rather than a three-way reconciliation. The respondent's IOLTA account also contained a balance consisting of outstanding checks dating back to 1999, mostly in nominal amounts relating to real estate transactions; the respondent had five negative client ledgers; and the respondent kept an excess of firm funds in the IOLTA account. In response to bar counsel's investigation, the respondent stopped using the existing IOLTA account, opened a new IOLTA account and hired a bookkeeper who brought his law firm's recordkeeping into full compliance. The respondent rectified all of the above-described issues with the existing IOLTA account, and disbursed all funds owed to clients or third parties, except approximately \$200 in firm funds.

By commingling personal funds with client funds, the respondent violated Mass. R. Prof. C. 1.15(b)(2). By failing to disburse funds promptly, the respondent violated Mass. R. Prof. C. 1.15(c). By creating negative balances in client ledgers, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C). By failing to keep fully compliant records, including a firm funds ledger and compliant three-way reconciliation reports, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(D) and (E).

The respondent was admitted to practice law in Massachusetts in 1982 and has no prior discipline. The respondent received an admonition for this misconduct.