

ADMONITION NO. 25-15

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)]

SUMMARY:

The respondent is a solo practitioner with a real estate practice. This matter came to Bar Counsel's attention as the result of a dishonored check notice from the respondent's IOLTA account.

Upon review, the respondent's IOLTA records reflected 39 uncleared checks from real estate transactions spanning from 2015 through 2022. Many of the uncleared transactions were checks issued to towns, counties, and registries for taxes and other costs related to real estate closings. Although the respondent attempted to disburse the funds to the third parties by writing and sending the checks, she did not follow up to ensure that the funds were, in fact, delivered to those third parties. The respondent hired a bookkeeper to reissue the checks as appropriate and opened a new IOLTA for use going forward.

Additionally, the respondent's records showed 7 instances of negative client balances. During Bar Counsel's investigation, the respondent addressed these balances, with the exception of one nominal total amount which the respondent is undertaking to address. No clients were deprived of funds. The respondent's records also reflected that she failed to promptly remove attorneys' fees from her IOLTA account. At Bar Counsel's request, the respondent promptly removed the earned fees from the account.

By failing to make reasonable efforts to promptly disburse funds from the IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(c).

By disbursing funds that created negative client funds balances, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C).

By failing to promptly withdraw earned fees from the IOLTA account, the respondent Mass. R. Prof. C. 1.15(b)(2).

The respondent has been a member of the Massachusetts bar since 1987 and has received no prior discipline. She received an admonition for her misconduct in this matter.