

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,

Petitioner,

v.

Thomas E. Giblin, Esq.,

Respondent

Public Reprimand No. 2020-6

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On August 10, 2020, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Thomas E. Giblin, be and he is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Thomas E. Giblin, be and hereby is PUBLICLY REPRIMANDED.

BY: Ernest L. Sarason, Jr.
Ernest L. Sarason, Jr., Member
BOARD OF BAR OVERSEERS

DATED: September 2, 2020

THOMAS E. GIBLIN

Public Reprimand No. 2020-6

Order (public reprimand) entered by the Board on September 2, 2020.

The respondent, Thomas E. Giblin, received a public reprimand for failure to maintain required records for his IOLTA account and for failing to deposit a substantial sum, that he was holding in escrow in connection with a divorce, in a separate interest-bearing account.

SUMMARY¹

At all times relevant to the petition for discipline, the respondent maintained an IOLTA account at Santander Bank for the deposit and disbursement of client funds. Admitted to the bar in 1977, the respondent focuses his practice on domestic relations.

From at least February 1, 2017, through July 31, 2019, the respondent failed to keep records in compliance with Mass. R. Prof. C. 1.15 for the IOLTA account. He failed to maintain a check register with a running balance and a client identifier for each transaction. He also failed to maintain individual ledgers for each client matter and a separate ledger for bank charges. The respondent also failed to perform three-way reconciliations at least every sixty days and to prepare and retain reconciliation reports.

In 2016 and 2017, the respondent represented a party in a divorce. In connection with the divorce, on or about February 2, 2017, the respondent received proceeds in an amount of approximately \$610,000.00 from a real estate transaction. He agreed to hold those funds in escrow for the client and ex-spouse. The respondent could not have reasonably believed that the sum of \$610,000 was “nominal in amount” within the meaning of Mass. R. Prof. C. 1.15(e)(6)(i). The respondent failed to deposit those funds into a separate interest-bearing account with the interest accruing to the client and ex-spouse. On or about July 14, 2017, the respondent disbursed \$325,779.29 to the ex-spouse as her portion of the proceeds from the real estate transaction. Because the respondent had held the funds in an IOLTA account, the ex-spouse received no interest on the funds.

By failing to keep a check register with a client identifier for each transaction and running balance, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(B). By failing to keep individual client matter ledgers, the respondent violated Mass. R. Prof. C.

¹ Compiled by the Board of Bar Overseers based on the record of proceedings before the board.

1.15(F)(1)(C). By failing to keep a register for bank fees and expenses, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(D). By failing to reconcile his bank statement with his client ledger balances and his checkbook register balance at least every sixty days and retain the reconciliation reports, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(E). By failing to keep the \$610,000 proceeds from the sale of the real estate in an interest-bearing trust account, the respondent violated Mass. R. Prof. C. 1.15(e)(6).

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation that the respondent receive a public reprimand. On August 10, 2020, the board voted to accept the stipulation of the parties and to administer a public reprimand to the respondent.