

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

BAR COUNSEL,

Petitioner,

v.

Nicholas H. Babanikas, Esq.,

Respondent

Public Reprimand No. 2024-15

**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 December 9, 2024, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Nicholas H. Babanikas be and hereby 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 Nicholas H. Babanikas be and hereby is PUBLICLY REPRIMANDED.

BY: *1st Ashley Hayes*  
Ashley Hayes, Member  
BOARD OF BAR OVERSEERS

DATED: January 21, 2025

**NICHOLAS H. BABANIKAS**

**BBO # 552365**

**Public Reprimand No. 2024-15**

**Order (public reprimand) entered by the Massachusetts Board of Bar Overseers of the  
Supreme Judicial Court on \_\_\_\_\_, 2025.**

*The respondent received a public reprimand for trust account recordkeeping violations.*

**SUMMARY<sup>1</sup>**

The respondent, Nicholas H. Babanikas, received a public reprimand for violating Mass. R. Prof. C. 1.15. The respondent maintains a practice focused on personal injury, worker's compensation, and civil litigation and managed his law firm's IOLTA account. On December 23, 2022, the respondent's law firm deposited a settlement check received in a personal injury matter to the firm's IOLTA account. On the same day, the firm issued a check to the client for the client's portion of the settlement. Due to holiday bank closures, the funds did not become available until the day after the client negotiated the check, which caused the bank to send an insufficient funds notice to bar counsel.

From at least January 1, 2023, through December 31, 2023, the respondent failed to reconcile his law firm's IOLTA account at least every sixty days and failed to maintain compliant records as required by Mass. R. Prof. C. 1.15(f), including (1) individual client ledgers with every transaction listed and a running balance after each transaction, (2) a bank fees and charges ledger for personal or firm funds to cover anticipated bank fees, and (3) three-way reconciliation reports at least every sixty days. From at least January 1, 2020, through May 1, 2023, the respondent failed to remove earned fees relating to at least one client matter at the earliest reasonable time after the law firm's portion became fixed.

Due to the inadequate recordkeeping, it was discovered the respondent's law firm's IOLTA account had been short by \$22,000 for more than ten years. The respondent deposited firm funds to cover the shortage, and, pursuant to bar counsel's suggestion, stopped using the existing IOLTA account, and opened a new IOLTA account to become compliant with the recordkeeping rules. The respondent worked to reconcile the old IOLTA account and disbursed all funds except for a nominal amount that did not belong to a client or third party.

By failing to maintain compliant individual client ledgers, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C). By failing to maintain a bank fees and charges ledger, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(D). By failing to perform three-way reconciliations at least every sixty days and maintain three-way reconciliation reports for his law firm's IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(E). By disbursing funds from the law firm's IOLTA account which created a negative balance as to an individual client, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C). By failing to remove earned fees from the

---

<sup>1</sup>Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

law firm's IOLTA account at the earliest reasonable time after the firm's interest became fixed, the respondent violated Mass. R. Prof. C. 1.15(b)(2)(ii).

The parties filed a stipulation as to the misconduct and rules violations and jointly recommended to the Board of Bar Overseers ("Board") that the respondent receive a public reprimand. On December 9, 2024, the Board voted to sanction the respondent by public reprimand.