

**IN RE: ROBERT D. LOVENTHAL**

**NO. BD-2015-029**

**S.J.C. Order of Term Suspension/Stayed entered by Justice Cordy on April 9, 2015.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

The respondent stipulated to misconduct alleged in two counts of a petition for discipline.

In count one the respondent maintained an IOLTA account to handle the receipt and distribution of client funds. Between January 1, 2012, and June 27, 2014, the respondent's IOLTA account was not properly reconciled every sixty days, the check register was not in chronological order with client identifiers for every transaction and a running balance, and he did not maintain individual ledgers for each client matter that listed every transaction in chronological order with a running balance after every transaction. The respondent also made several cash withdrawals from the IOLTA account. By June 27, 2014, the respondent had brought his IOLTA account records into compliance with Mass. R. Prof. C. 1.15. The respondent's conduct in failing to perform a three-way reconciliation of the account violated Mass. R. Prof. C. 1.15(f)(1)(E). His conduct in failing to keep an account ledger with a client identifier after every transaction and list of every transaction and running balance violated Mass. R. Prof. C. 1.15(f)(1)(B). The respondent's conduct in failing to keep individual client ledgers with a list of every transaction and running balance violated Mass. R. Prof. C. 1.15(f)(1)(C). The respondent's cash withdrawals from the IOLTA account violated Mass. R. Prof. C. 1.15(e)(3).

Count two details two specific instances of inadequate record keeping and other violations. In the first matter the respondent loaned funds to a client without a written agreement, thereby entering into a business transaction with the client and acquiring a proprietary interest in her cause of action without consent to the conflict of interest in violation of Mass. R. Prof. C. 1.8(a), 1.7(b) and 1.8(j). The respondent deposited the loan re-payments into his IOLTA account, where he was often holding client funds, then withdrew them via cash withdrawal and failed to keep a ledger listing every transaction with a running balance after every transaction in violation of Mass. R. Prof. C. 1.15(b)(2), (e)(3), and (f)(1)(C).

---

<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

In the second specific instance the respondent represented a company and sent e-mail invoices for completed work and then deposited the earned fees he received into his IOLTA account and withdrew them via cash withdrawal in violation of Mass. R. Prof. C. 1.15(b)(2) and 1.15(e)(3). The respondent did not keep a ledger listing in chronological order all deposits and withdrawals with a running balance after every transaction in the IOLTA in violation of Mass. R. Prof. C. 1.15(f)(1)(C).

The respondent had received a public reprimand in June 1993 for failing to maintain compliant records in his IOLTA account.

On August 29, 2014, bar counsel filed a petition for discipline. On February 27, 2015, the parties filed the respondent's answer and a stipulation. On April 9, 2015, an order was entered imposing a six-month suspension, stayed for a two-year period of probation with an accounting monitoring agreement.