

**IN RE: ELIZABETH GUERRERO**

**NO. BD-2015-076**

**S.J.C. Order of Term Suspension entered by Justice Duffly on August 28, 2015, with an effective date of September 27, 2015.<sup>1</sup>**

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

In about April 2009, the respondent undertook the representation of a husband and wife in connection with an insurance claim. In the course of the representation the respondent agreed to hold a partial insurance payment of approximately \$30,000 in escrow until a dispute involving a third party was resolved. The respondent received the funds at the end of September 2009. She promptly deposited the funds into her IOLTA account instead of an interest-bearing account.

The respondent knowingly misused at least \$17,000 of the funds between 2010 and 2011. Between January 2013 and September 2013, the respondent replaced the misused funds by depositing personal funds into her IOLTA account. She turned the funds over to her clients in October 2013.

During this entire period, the respondent failed to maintain records of her IOLTA account as required. She failed to maintain a chronological check register and individual client ledgers, and she failed to reconcile the adjusted bank statement balance with these records at least every sixty days. The respondent also made numerous withdrawals in cash from her IOLTA account.

By intentionally using the escrow funds for personal and professional obligations unrelated to the clients' matter, the respondent violated Mass. R. Prof. C. 1.15(b) and 8.4(c). By failing to deposit the escrow funds into an individual interest-bearing account, the respondent violated Mass. R. Prof. C. 1.15(e)(5).

By failing to maintain a chronological check register, and individual client ledgers, and by failing to reconcile the adjusted bank statement balance of her IOLTA account with these records at least every sixty days, the respondent violated Mass. R. Prof. C. 1.15(f). By making withdrawals in cash from her IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(e)(3).

The matter came before the Board of Bar Overseers on a stipulation of facts and rule violations and a joint recommendation that the respondent be suspended from the practice of law

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<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> Complied by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

for six months with the added conditions that the respondent attend a CLE course on ethics and law office management, as well as attend a trust account class, both approved by bar counsel. On August 18, 2015, the board voted to accept the joint recommendation with the agreed-upon conditions. On August 28, 2015, the Court entered the order suspending the respondent from the practice of law for six months with the condition that the respondent attend a CLE course on ethics and law office management, as well as a trust account class, both approved by bar counsel.