

**IN RE: RON MEYERS**

**NO. BD-2015-089**

**S.J.C. Order of Term Suspension entered by Justice Cordy on October 9, 2015, with an effective date of November 8, 2015.<sup>1</sup>**

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

The respondent was suspended for two months with conditions for reinstatement set forth below for his misconduct in unrelated matters.

In September of 2010, the respondent was retained by a client to file a motion to reopen her immigration case with Board of Immigration Appeals. The respondent and client entered into a written flat fee agreement pursuant to which the client paid the respondent \$3,000 and an additional \$110 in filing fees. The respondent performed preliminary work on the motion; however, due to a change in the client's circumstances, the respondent and the client agreed that the respondent would stop work on the motion. The respondent did not perform any further work for the client.

In June of 2012, the client discharged the respondent, demanded the return of \$2,000 of the fee paid and requested a copy of her file. The respondent failed to respond to the client. By August of 2012, the client retained successor counsel, who notified the respondent that he had been discharged, and requested a return of the unearned fee, the client's file, and time and expense records. The respondent again failed to respond. In January of 2013, successor counsel made another request for return of the unearned fee. In February of 2013, the respondent orally agreed to begin making payments to refund the client's unearned fee but failed to make any payments. In August of 2013, the respondent promised to repay the client \$3,000 by February 15, 2014, but he failed to do so. In February and March of 2015, the respondent made two monthly payments in the amount of \$200 and made no additional payments. The respondent failed to safeguard the client's file in a number of office moves and has been unable to locate it.

By failing to return the client's file and unearned fee, the respondent violated Mass. R. Prof. C. 1.4 and 1.16(d) and (e), as in effect prior to July 1, 2015. By failing to safeguard the client's file, the respondent violated Mass. R. Prof. C. 1.3 and 1.15(b)(3), as in effect prior to July 1, 2015. By failing to promptly respond to correspondence made by or on behalf of the client, the respondent violated Mass. R. Prof. C. 1.4(a), as in effect prior to July 1, 2015.

In January 2015, the respondent authorized weekly electronic funds transfers from his IOLTA account to a cellular telephone leasing company. At no time were there any funds in the account when the leasing company initiated electronic funds transfers resulting in thirteen notices of insufficient funds which were sent to the respondent and bar counsel. Between

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

March 11, 2015, and May 7, 2015, the respondent knowingly failed to respond to bar counsel's requests for information regarding these transactions, resulting in his administrative suspension from the practice of law on June 1, 2015, for his failure to cooperate with bar counsel's investigation. The respondent was reinstated on July 2, 2015.

By authorizing electronic funds transfers from his IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(b) and (e)(3), as in effect prior to July 1, 2015. By knowingly failing without good cause to cooperate with bar counsel's investigations, the respondent violated Mass. R. Prof. C. 8.4(d), (g) and (h), as in effect prior to July 1, 2015.

From at least January of 2014 through April of 2015, the respondent deposited earned fees and other personal funds to his IOLTA account, failed to keep adequate records of the receipt, maintenance and disbursement of clients' funds held in his IOLTA account and failed to maintain a chronological check register for the account. The register kept by the respondent did not contain a client name or purpose for each client transaction, and he did not maintain a record of deposits, electronic debits or the running balance of the account. The respondent did not maintain individual client ledgers for clients whose funds were held in the account. For the same period of time, the respondent failed to perform a three-way reconciliation of his IOLTA account.

By failing to maintain a check register for the IOLTA account listing all transactions in chronological order with client identifiers and a running balance after every transaction, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(B), as in effect prior to July 1, 2015. By failing to keep individual client ledgers for the IOLTA account with a list of every transaction and running balance, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C), as in effect prior to July 1, 2015. By failing to perform a three-way reconciliation of the IOLTA account at least every sixty days, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(E), as in effect prior to July 1, 2015.

This matter came before the Board of Bar Overseers on a stipulation of the parties that the respondent be suspended from the practice of law for two months, with the respondent's reinstatement conditioned upon proof of repayment to the client in the amount of \$2,000 and attendance at one of the monthly Trust Account Training programs held by the Office of Bar Counsel.

On September 21, 2015, the Board of Bar Overseers voted to accept the parties' stipulation and recommendation for discipline. The matter came before the Supreme Judicial Court for Suffolk County, and on October 9, 2015, the county court, Cordy, J., entered an order suspending the respondent for two months subject to the conditions set forth above.