

IN RE: CARMEN R. CORSARO

Order (public reprimand) entered by the Board July 19, 2002.

SUMMARY¹

From about 1996 through about June 2001, the respondent failed to keep adequate records of all his deposits to and disbursements from his IOLTA account. During about 1996 and 1997, the respondent used his IOLTA account as a combined repository for client, business, and personal funds. During that period, the respondent disbursed funds from the account to pay client obligations as well as his own business or personal expenses. When the respondent made payments from the IOLTA account during that period for personal or business purposes, he intended to draw on his own funds on deposit in the account. In fact, as a result of his inadequate record-keeping, the respondent on occasion inadvertently applied client funds to pay his own obligations during this period without depriving any clients of their funds.

Between about 1998 and June 2001, the respondent continued to deposit client funds to his IOLTA account and disburse those funds from the account. On occasion during that period, the respondent deposited earned fees or other business funds to the IOLTA account and failed promptly to withdraw all funds due him as fees.

The respondent's failure to maintain a segregated IOLTA account, commingling of client funds with his own funds, occasional negligent and temporary misuse of client funds without any deprivation, and failure to maintain adequate records for all those funds violated Canon One, DR 1-102(A)(6) [conduct adversely reflecting on fitness to practice law], Canon Nine, DR 9-102(A) and (B)(3), and, after December 31, 1997, Mass. R. Prof. C. 1.15(a) and (d) [failure to safeguard and segregate client or fiduciary funds; failure to keep adequate records of funds].

The respondent was admitted to the Massachusetts bar in 1975. He has no history of discipline.

The matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and an agreed recommendation for discipline by public reprimand, subject to accounting conditions as set forth in a two-year probationary agreement. The Board adopted the parties' recommendation. On July 8, 2002, the Board imposed a public reprimand subject to the probationary conditions.

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