

LEONARD A. GLIONNA

Order (public reprimand) entered by the Board February 13, 2004.

SUMMARY¹

The respondent maintained a commingled IOLTA account in 2001 and 2002 into which he deposited earned fees and other personal funds and from which, in addition to proper disbursements to or for the benefit of clients, he made payment of personal and business expenses. In addition, the respondent's record keeping was inadequate. He made withdrawals for legal fees from the account, including cash withdrawals, without maintaining records of those withdrawals. He also failed to maintain separate ledgers for each client and did not periodically reconcile his account.

On November 29, 2001, the respondent deposited \$47,402.50 of client funds into his IOLTA account. The respondent was to hold the funds in trust for the benefit of the client with the understanding that he would issue payments to her, or on her behalf, as needed. The respondent did not transfer the funds, as required, into an individual interest-bearing client trust account. As of January 28, 2002, the IOLTA account balance fell to \$184.62. As of that date, the respondent had made distributions to or for the benefit of the client in the amount of \$34,959.00. As a result of the respondent's commingling and inadequate record keeping, the respondent negligently misused \$12,443.50 of client funds.

Subsequent to January 28, 2002, the client upon request received the funds to which she was entitled. The respondent was able to make these payments from earned fees that had accumulated in his IOLTA account.

The respondent's commingling and inadequate recordkeeping was in violation of Mass. R. Prof. C. 1.15(a). The respondent's failure to deposit funds to be held long term in escrow to an individual interest-bearing account was in violation of Mass. R. Prof. C. 1.15(e). The respondent's negligent misuse of client funds, without intent to deprive and with no deprivation resulting, was in violation of Mass. R. Prof. C. 1.15(a) and (b) and Mass. R. Prof. C. 8.4(h).

In aggravation, the respondent had a prior admonition on two files. In the first case, the respondent handled an immigration matter that he was not competent to handle. In the second matter, the respondent neglected to timely draft and record a family trust.

During the applicable time period, the respondent was generally in poor health, resulting in pain and difficulty concentrating. The respondent has taken steps to rectify his accounting deficiencies, including attending CLE programs and a recent program on the new record keeping rule. He has also purchased accounting software.

The matter came before the Board on a stipulation of facts and a joint recommendation for discipline by public reprimand conditioned upon satisfactory completion of a two-year trust account monitoring agreement. The Board of Bar Overseers voted to adopt the parties'

recommendation and imposed a public reprimand.

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

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