

JOEL F. SOFORENKO

Order (public reprimand) entered by the Board August 17, 2006.

SUMMARY<sup>1</sup>

Between approximately January 2003 and November 2005, the respondent was employed as an associate at the Fullwood Law Offices (law firm). The law firm maintained two IOLTA accounts for deposits and withdrawals of client or other trust funds. In the fall of 2003, Attorney Julia Fullwood, the owner of the law firm, took a leave of absence, and delegated to the respondent the responsibility for managing the firm's client funds accounts. The respondent's duties included overseeing all checks, deposits, wire transfers, and record keeping in connection with real estate closings handled by the firm.

Commencing at least as of November 2003 and continuing until the respondent left the law firm in November 2005, the respondent failed to maintain complete records of the receipt, maintenance, and disposition of clients' funds in the IOLTA accounts. The respondent failed to maintain records required by Mass. R. Prof. C. 1.15 after specific record-keeping requirements went into effect on July 1, 2004.

On January 26, 2004, the law firm's bank dishonored a check in the amount of \$312,000 drawn on one of the IOLTA accounts. This check was resubmitted and paid. On July 30, 2004, the bank dishonored two additional checks in the amount of \$550 and \$78 drawn on the same IOLTA account. Both checks were resubmitted and paid. Due to the high volume of transactions in the account and the respondent's poor record keeping, the respondent was not able to identify the cause of the problems.

In April 2006, after the respondent left the firm, the law firm closed both IOLTA accounts. The respondent opened his own law practice, addressed his record-keeping problems, and began maintaining his trust accounts in accordance with Mass. R. Prof. C. 1.15.

The respondent's failure to maintain complete records of the receipt, maintenance, and disposition of trust account funds between November 2003 and June 30, 2004 violated Mass. R. Prof. C. 1.15(a), as in effect prior to July 1, 2004. The respondent's failure to maintain complete records of the receipt, maintenance, and disposition of trust account funds between July 1, 2004, and November 2005 violated Mass. R. Prof. C. 1.15(f) as follows:

- a. The respondent's failure to prepare and maintain check registers that showed the current balance in each IOLTA account after each deposit or withdrawal and that specified for each deposit and withdrawal the associated client matter violated Mass. R. Prof. C. 1.15(f)(1)(B);
- b. The respondent's failure to prepare and maintain a chronological ledger for each client or third person for whom the law firm received trust funds documenting each receipt and disbursement of the funds of the client or third person, the identity of the client matter for which funds were deposited or disbursed, and the balance held for the client or third person violated Mass. R. Prof. C. 1.15(f)(1)(C);

c. The respondent's failure to prepare and maintain a chronological ledger for funds of the law firm deposited in each IOLTA account for bank fees and charges, documenting each deposit and expenditure of the law firm's funds in each account and the balance remaining, violated Mass. R. Prof. C. 1.15(f)(1)(D); and

d. The respondent's failure to prepare and maintain reconciliation reports at least every sixty days showing the required reconciliation of check registers, individual ledgers, and bank statements for the IOLTA accounts violated Mass. R. Prof. C. 1.15(f)(1)(E).

The respondent was admitted to the Bar of the Commonwealth on December 21, 1979. He had no prior discipline.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On August 15, 2006, the Board voted to accept the parties' stipulation and to impose a public reprimand. While it accepted the stipulation in these circumstances, the Board indicated that, in the absence of a fully litigated proceeding, it would not treat this particular case as precedent regarding the appropriate sanction for violation of the revised record-keeping rule, Mass. R. Prof. C.1.15, which became effective on July 1, 2004.

<sup>1</sup> Compiled by the Board of Bar Overseers based on the record of proceedings before the Board.

Site Index

Please direct all questions to [webmaster@massbbo.org](mailto:webmaster@massbbo.org).

© 2006. Board of Bar Overseers. Office of Bar Counsel. All rights reserved.