

GERALD S. SHULMAN

Order (public reprimand) entered by the Board December 20, 2006.

SUMMARY¹

The respondent has engaged in the practice of law as a solo practitioner since 1964. The respondent's practice consists predominantly of consumer collection work. Since at least 1998 or earlier, the respondent has maintained an IOLTA account at the Sovereign Bank ("the IOLTA").

Between at least 1998 or earlier and February 2006, the respondent:

- commingled client funds and personal funds in the IOLTA;
- failed to withdraw legal fees from the IOLTA as he earned them;
- used the IOLTA to pay personal and business expenses; and
- allowed automatic withdrawals to certain vendors of products and/or services to be made directly from the IOLTA.

The respondent did not, between July 1, 2004 and July 1, 2006, maintain individual client ledgers. The respondent did not, between July 1, 2004 and July 1, 2006, reconcile the IOLTA at least every sixty days.

The respondent's commingling of client funds with personal funds, and his failure to maintain the required records of those funds, violated Mass. R. Prof. C. 1.15(a) (for conduct prior to July 1, 2004), and Mass. R. Prof. C. 1.15(b) and (f) (for conduct on or after July 1, 2004).

The respondent received a public reprimand in 2002 for conduct unrelated to that involved in this matter. The matter came before the Board of Bar Overseers on an agreed recommendation for discipline by public reprimand based on a stipulation of the parties. On December 11, 2006, the Board of Bar Overseers voted to administer a public reprimand to the respondent.

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

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