

JOHN M. BEATRICE

Order (public reprimand) entered by the Board June 29, 2007.

SUMMARY¹

At all relevant times, the respondent maintained an office for the practice of law under the name John M. Beatrice, Esq. In connection with this practice, he maintained at least two IOLTA trust accounts. Commencing at least as of August, 2005 and continuing to at least October, 2006, he failed to maintain complete records of the receipt, maintenance, and disposition of clients' funds in his trust accounts.

The occasion for Bar Counsel's examination of the respondent's records was a dishonored-check report. After receiving the report, Bar Counsel determined that the dishonored checks were honored on re-presentment and that there was no evidence of any commingling or misuse of clients' funds. However, the respondent's records had multiple deficiencies and failed to conform to the requirements of Mass. R. Prof. C. 1.15(f), specifically:

The respondent's failure to prepare and maintain chronological check registers that showed the current balance in each IOLTA account after each deposit or withdrawal violated Mass. R. Prof. C. 1.15(f)(1)(B).

The respondent's failure to prepare and maintain check registers that specified for each deposit and withdrawal the identity of the client matter for which funds were deposited or disbursed violated Mass. R. Prof. C. 1.15(f)(1)(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).

The respondent's failure to maintain client ledgers documenting that he had not disbursed funds from the trust account in amounts that would create a negative balance with respect to any individual client violated Mass. R. Prof. C. 1.15(f)(1)(C).

The respondent's failure to prepare and maintain reconciliation reports at least every sixty days showing three-way reconciliation of the IOLTA accounts violated Mass. R. Prof. C. 1.15(f)(1)(E).

Bar Counsel informed the respondent of the deficiencies in his record-keeping practices and asked him to correct his record-keeping practices and to provide evidence that his trust-account records met the requirements of the Rules of Professional Conduct. The respondent submitted updated records, but they continued to fail to meet the requirements of Mass. R. Prof. C. 1.15(f). After requesting and receiving a total of three inadequate submissions, Bar Counsel filed a petition for discipline.

The respondent was admitted to the bar in 1991. He has no prior discipline. He stipulated that the allegations in the Petition for Discipline were accurate and submitted additional trust account records to Bar Counsel. Bar Counsel verified that the newly-submitted records conformed to the requirements of the Rules of Professional Conduct and agreed to the imposition of a Public Reprimand and a period of probation during which the respondent agreed to provide periodic reports to document that his trust account records continued to conform to Mass. R. Prof. C. 1.15(f).

On June 11, 2007, the Board voted to accept the parties' stipulation and to impose a public reprimand.

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

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