

DOUGLAS EDWARD SYLVIA

Order (public reprimand) entered by the Board April 1, 2008.

SUMMARY¹

The respondent received a public reprimand for commingling earned fees with trust funds belonging to clients or third persons in his IOLTA account and failing to maintain the required records of trust account funds.

The respondent was admitted to the bar on January 27, 1998. The respondent was employed at Edward J. Sylvia, Jr., & Associates. The respondent maintained an IOLTA account at the Bank of America. Between January 3, 2006 and May 1, 2007, the respondent used his IOLTA account for deposits of the firm's earned fees, deposits of cash, payments of the firm's operating expenses, as well as for deposits and withdrawals of client or other trust funds. During this same time period, the respondent commingled the firm's earned fees with clients' funds in the IOLTA account.

Commencing at least as of January 2006 and continuing through May 1, 2007, the respondent failed to maintain complete records of the receipt, maintenance, and disposition of clients' funds in the IOLTA account, in violation of Mass. R. Prof. C. 1.5(f). During the same time period, the respondent failed to prepare and maintain a check register as required by Mass. R. Prof. C. 1.15(f)(1)(B); failed to prepare and maintain a chronological ledger as required by Mass. R. Prof. C. 1.15(f)(1)(C); and failed to prepare and maintain reconciliation reports at least every sixty days as required by Mass. R. Prof. C. 1.15(f)(1)(E). In addition, by paying operating expenses directly to creditors from his IOLTA account the respondent violated Mass. R. Prof. C. 1.15(e)(4).

As a result of these deficiencies in the respondent's record-keeping, the respondent made an error as to the balance of his IOLTA account. On January 17, 2007, the IOLTA account was overdrawn in the amount of \$95.05. Thereafter, the respondent brought his IOLTA account into compliance and has kept IOLTA account records as required by the Mass. R. Prof. C. 1.15.

On February 11, 2008, the parties filed a stipulation and jointly recommended a public reprimand. On March 10, 2008, the Board of Bar Overseers voted unanimously 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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