

GERALD S. SHULMAN

Order (public reprimand) entered by the Board August 6, 2010.

SUMMARY<sup>1</sup>

Since 1990 the respondent had his own firm specializing in collections for corporate clients. The respondent maintained an IOLTA account to handle the receipt and distribution of funds received on behalf of creditors.

Between July 1, 2004 and May 2010, the respondent's IOLTA account was not properly reconciled every sixty days, the check register lacked client identifiers, the respondent did not calculate a running balance, the respondent did not maintain individual ledgers for each client matter, and there was no ledger for the respondent's personal funds in the account to cover bank charges. Bar counsel asked the respondent four times to bring his account records into compliance with Mass. R. Prof. C. 1.15. The respondent did not do so until May 2010. In February 2009, a check to a client drawn on the IOLTA account was dishonored for insufficient funds because the respondent had negligently drawn on the client's funds in the account. The respondent immediately deposited personal funds to the account to correct the shortage.

The respondent's conduct in failing to perform a three-way reconciliation of the account violated Mass. R. Prof. C. 1.15(f)(1)(E). His conduct in failing to keep an account ledger with a client identifier after every transaction and list of every transaction and running balance violated Mass. R. Prof. C. 1.15(f)(1)(B). The respondent's conduct in failing to keep individual client ledgers with a list of every transaction and running balance and failing to keep a ledger or other records of his personal funds for bank fees and expenses violated Mass. R. Prof. C. 1.15(f)(1)(C), and (D). The respondent's negligent misuse of client funds in the IOLTA account violated Mass. R. Prof. C. 1.15(b).

On July 7, 2010, bar counsel filed a petition for discipline, and the parties filed the respondent's answer and a stipulation in which the parties agreed that the appropriate sanction was public reprimand. On July 12, 2010, the Board of Bar Overseers voted to sanction the respondent by public reprimand.

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

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