

John-Paul LaPre

Order (public reprimand) entered by the Board August 2, 2010.

SUMMARY¹

Since 1980 the respondent had his own firm specializing in bankruptcy and civil litigation. The respondent maintained an IOLTA account to handle the receipt and distribution of client funds.

Between July 1, 2007 and January 2008, 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.

In July 2007 the respondent wrote a check to a client as a refund of a retainer. The client did not immediately attempt to cash the check. Between July and December 2007, the respondent negligently misused some of the client's funds in the account. When the client attempted to cash the check in December 2007 and it was dishonored due to insufficient funds. The respondent immediately restored the funds to the client from his personal funds, audited his account, and brought his records into compliance by January 2008.

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.

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

