

PAULA E. MATTALIANO

Order (public reprimand) entered by the Board August 30, 2010.

SUMMARY¹

Since at least 2007 the respondent had her own firm specializing in criminal defense. The respondent maintained an IOLTA account to handle the receipt and distribution of client funds.

Between October 1, 2008, and June 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.

The respondent made withdrawals directly from her IOLTA account to pay personal expenses. The respondent also deposited a retainer into her personal account. When she then wrote herself a check for earned fees drawn on the IOLTA account, it was dishonored. The respondent investigated and immediately deposited the unearned portion of the retainer into her IOLTA account. Despite three requests from bar counsel, the respondent did not thereafter bring her account records into compliance with Mass. R. Prof. C. 1.15 until June 2010.

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). Her 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 her personal funds for bank fees and expenses violated Mass. R. Prof. C. 1.15(f)(1)(C), and (D). The respondent's conduct in writing checks to pay personal expenses directly from the IOLTA account violated Mass. R. Prof. C. 1.15(e)(4). The respondent's conduct in depositing client funds in her personal account and writing a check from her IOLTA account that created a negative balance for a client violated Mass. R. Prof. C. 1.15(b) and 1.15(f)(1)(C).

On July 26, 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 August 16, 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.

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