

ROSELINE JEANNE BAZELAIS

Public Reprimand No. 2011-16

Order (public reprimand) entered by the Board on June 30, 2011.

Summary¹

The respondent, Roseline Jeanne Bazelais, Esq., is an attorney duly admitted to the Bar of the Commonwealth on April 24, 2003. In 2009, and again in 2010, the registration department of the Board of Bar Overseers received from the respondent a check in the amount of \$300 drawn on the respondent's IOLTA account for payment of her annual bar dues. The two checks drew upon earned fees due to the respondent that she kept in the IOLTA account. In March of 2010, the registration department wrote a letter to the respondent with a check in the amount of \$600 as a refund for both her 2009 and 2010 payment.

From April 23, 2008 through at least November 10, 2010, the respondent failed to maintain the following account records required by Mass. R. Prof. C. 1.15(f):

- a) a check register showing in chronological order the date and amount of each deposit; the date, amount and payee of each disbursement; the identity of the client matter to which each deposit and disbursement pertained; and the balance after each deposit and disbursement;
- b) a chronological ledger for each client or third person for whom she received trust funds showing each related receipt and disbursement; the identity of the client matter for which each sum was deposited or disbursed; and the balance held for the client or third person;
- c) a chronological ledger for her funds deposited into the account to accommodate reasonably expected bank charges showing each deposit and expenditure of her funds and the balance remaining;
- d) reconciliation reports prepared at least every sixty days showing the required reconciliation of check register, individual ledgers, and bank statements;
- e) account documentation including all bank statements, canceled checks and other transaction records returned by the bank, and records of all deposits separately listing each deposited item and the client or third person for whom the deposit was made.

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

From April 1, 2008, through approximately June 24, 2010, the respondent occasionally failed to promptly withdraw a portion of her earned fees from her IOLTA account. From April 1, 2008 through approximately March 17, 2010, the respondent deposited into her operating account, client funds advanced for expenses and then made disbursements for these clients from her IOLTA account to pay clients' expenses, such as filing fees.

Starting on or about July 7, 2010, bar counsel made requests for the respondent to bring her records into compliance with Rule 1.15. The respondent brought her records into compliance on or about January 24, 2011, when she began to maintain her IOLTA account and account records in full compliance with Rule 1.15. After bar counsel initiated her investigation, the respondent attended both trust accounting school and ethics school.

By paying her annual bar dues directly from her IOLTA account with fees due her, the respondent violated Mass. R. Prof. C. 1.15(e)(4). By failing to maintain the required account documentation records, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(A). By failing to maintain a trust account check register that recorded all deposits and records of disbursements and the current balance, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(B). By failing to maintain the required individual client records and subsidiary ledgers, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(C). By failing to prepare and retain reconciliation reports on a regular and periodic basis but no less frequently than every sixty day, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(E). By failing to retain account documentation and records of all deposits, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(F). By failing to promptly withdraw earned fees from her IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(b)(2)(ii). By depositing client funds advanced for expenses into her operating account but disbursing these advances using earned fees she had failed to withdraw from her IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(b).

The matter came before the board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On June 13, 2011, the board voted to accept the parties' stipulation and to impose a public reprimand.