

BRIAN P. CASSIDY

Public Reprimand No. 2011-26

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

SUMMARY¹

From April 2009 through July 2010, the respondent had his own firm concentrating in civil litigation. The respondent maintained an IOLTA account to handle the receipt and distribution of client funds.

Between September 2009 and July 2010, the respondent's IOLTA account was not properly reconciled every sixty days. The check register lacked a list of every transaction and client identifiers, and the respondent did not calculate a running balance after each transaction. The respondent also did not maintain individual ledgers for each client matter.

Between April 2009 and June 2010, the respondent on occasion negligently misused trust funds to pay unrelated client obligations. As a result, the respondent created negative balances for individual clients. The respondent deposited personal funds to the account that allowed him to cover his obligations by the time payment was due. By July 2010, the respondent had brought his IOLTA account record keeping into compliance with Mass. R. Prof. Conduct 1.15.

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 violated Mass. R. Prof. C. 1.15(f)(1)(C). The respondent's negligent misuse of client funds, failure to keep client funds in a trust account, and transactions that created a negative balance for individual clients in the IOLTA account violated Mass. R. Prof. C. 8.4 (h) and 1.15(b) and (f)(1)(C).

On November 7, 2011, bar counsel filed a petition for discipline, and the respondent filed an answer admitting to the allegations and rule violations. The parties filed a stipulation agreeing that the appropriate sanction was public reprimand. On November 14, 2011, 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.