

**JOHN G. MOLLOY**

**Public Reprimand No. 2015-10**

**Order (public reprimand) entered by the Board on October 22, 2015.**

**SUMMARY<sup>1</sup>**

The respondent stipulated to misconduct alleged in a one-count petition for discipline.

The respondent maintained an IOLTA account to handle the receipt and distribution of client funds. Between January 1, 2013, and August 31, 2013, the respondent's IOLTA account was not properly reconciled every sixty days, the check register was not in chronological order with client identifiers for every transaction and a running balance, and he did not maintain individual ledgers for each client matter that listed every transaction in chronological order with a running balance after every transaction. The respondent also made over a dozen deposits of personal funds into his IOLTA account while he was holding client funds in the account, and he withdrew funds in cash from his IOLTA account eleven times during this same time period. By August 31, 2013, the respondent had brought his IOLTA account records into compliance with Mass. R. Prof. C. 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 cash withdrawals from the IOLTA account violated Mass. R. Prof. C. 1.15(e)(3). By depositing and withdrawing earned fees into and from the IOLTA account while holding client funds in the account, the respondent violated Mass. R. Prof. C. 1.15(b)(2).

On August 13, 2015, 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 a public reprimand. On September 21, 2015, the Board of Bar Overseers voted to sanction the respondent by public reprimand.

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