

**STEPHEN M. KAPLAN**  
**Public Reprimand No. 2016-7**  
**Order (public reprimand) entered by the Board on July 21, 2016.**  
**SUMMARY**<sup>1</sup>

In June 2009, the respondent opened an IOLTA account and deposited personal funds into the account. He used the money to pay his personal and business expenses. The respondent made these deposits to avert possible attachment of the funds by the Internal Revenue Service or the Massachusetts Department of Revenue. At no time did the respondent deposit or hold client funds in this account.

The respondent's conduct in depositing personal funds to his IOLTA account violated Mass. R. Prof. C. 1.15(b)(2). The respondent's conduct in attempting to hide personal funds in his IOLTA account to protect those funds from his creditors was conduct involving dishonesty, fraud, deceit or misrepresentation, which violated Mass. R. Prof. C. 8.4(c) and (h). The respondent's conduct in issuing checks to his creditors directly from the IOLTA account violated Mass. R. Prof. C. 1.15(e) (4).

The respondent maintained a second IOLTA account in which he deposited only client funds. Since no later than 2009, the respondent failed to maintain a check register for the account with a list of every transaction, a client identifier for each transaction, and the running balance of the account in violation of Mass. R. Prof. C. 1.15(f)(1)(B). The respondent also failed to maintain individual client ledgers for the IOLTA account with a list of every transaction and running balance in violation of Mass. R. Prof. C. 1.15(f)(1)(C). The respondent failed to maintain a ledger of his personal funds for reasonably expected bank charges in the IOLTA account in violation of Mass. R. Prof. C. 1.15(f)(1)(D). Finally, the respondent failed to perform a three-way reconciliation of the IOLTA at least every sixty days in violation of Mass. R. Prof. C. 1.15(f)(1)(E).

In mitigation, the respondent suffered from severe, persistent depression during the time in which the misconduct occurred.

The matter came before the Board of Bar Overseers on a stipulation of facts and rule violations and a joint recommendation for a public reprimand. On June 13, 2016, the board 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.