

**HARVEY J. BAZILE**

**Public Reprimand No. 2017-4**

**Order (public reprimand) entered by the Board on March 13, 2017.**

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

The respondent received a public reprimand for depositing personal funds to an IOLTA account, paying personal expenses directly from the account, and recordkeeping violations. In addition, the respondent used a misleading firm name and shared legal fees with a nonlawyer.

The respondent was admitted to practice in 1996. He practiced in his own firm focusing on immigration and personal injury matters, and did not employ any associates.

From at least March 2013 through November 2016, the respondent failed to keep records for his IOLTA account in compliance with Mass. R. Prof. C. 1.15. The respondent did not keep (1) a check register with a chronological list showing for each transaction the client matter, date, amount, check or transaction number, source or purpose of the deposit or withdrawal, payee, and the balance after each transaction; (2) individual client ledgers for each client matter listing each transaction and a running balance for each client matter; and (3) a ledger of his personal funds for reasonably expected bank charges. The respondent did not perform a three-way reconciliation of the IOLTA account at least every sixty days.

In addition, between at least August 2015 and September 2016, the respondent deposited earned fees, cash, and other personal funds to a second IOLTA account, and used that account to make payments for his own personal and business purposes. From time to time, the respondent made cash withdrawals from this second IOLTA account. The respondent did not hold client funds in the second IOLTA account while his personal funds were on deposit in the account. The respondent used this second IOLTA account to hold personal funds for convenience, and not to evade creditors. All client funds were accounted for and no client funds were misused.

In 2011, the respondent hired a non-lawyer as a part-time paralegal to assist him with his automobile accident cases. From 2011 until September 2016, the respondent paid the paralegal approximately one-third of the fee he received from each automobile accident case on which the paralegal worked. By paying his paralegal a percentage of the fees he collected from each case, the respondent impermissibly shared his legal fees with a non-lawyer.

Between January 2007 and September 2016, the respondent practiced law under the law firm name of Bazile & Associates. Because the respondent employed no associates, the respondent's law firm name falsely implied that he practiced in a partnership or other entity with other lawyers.

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

In the fall of 2016, the respondent opened a new IOLTA account to replace his two other IOLTA accounts, and attended a trust account training program recommended by bar counsel. Since that time, he has been maintaining appropriate trust account records. The respondent also entered into an hourly fee agreement with his paralegal, and changed the name of his law firm.

The respondent's failure to reconcile his IOLTA account and maintain required records for the account violated Mass. R. Prof. C. 1.15(f)(1)(B)-(E). By depositing earned fees and other personal funds to an IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(b)(2). By making cash withdrawals from an IOLTA account, the respondent violated Mass. R. Prof. C. 1.15(e)(4), as in effect on and after July 15, 2015. By sharing legal fees with a nonlawyer, the respondent violated Mass. R. Prof. C. 5.4(a). By using a law firm name that falsely implied that the respondent practiced in a partnership or other organization of lawyers, the respondent violated Mass. R. Prof. C. 7.1, and 7.5(a) and (d).

In aggravation, the respondent was on notice of his record-keeping obligations from a prior complaint.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. The Board of Bar Overseers accepted the parties' recommendation and imposed a public reprimand on March 13, 2017.