

MARINA R. MATUZEK

Public Reprimand No. 2018-17

Order (public reprimand) entered by the Board on December 10, 2018.

The respondent stipulated to a public reprimand based on her violations of the rules on IOLTA accounts. She failed to maintain adequate records, failed to remit unearned fees to clients when refunds became due, and failed to promptly withdraw her own fees out of the account. Some the money owed to clients remained in her account for years, causing some funds to escheat to the commonwealth.

SUMMARY¹

The respondent maintained an IOLTA account (“old IOLTA”) from at least June 2004 until the spring of 2018. In addition, she has maintained another IOLTA account (“new IOLTA”) since December 2015. Prior to the fall of 2017, the respondent failed to reconcile those accounts adequately and failed to maintain adequately all records required by Mass. R. Prof. C. 1.15(f) for those accounts.

In the course of administering her old IOLTA, the respondent failed at times to remit unearned fee payments to clients when the refunds became due and retained substantial funds due the clients for periods of years in some cases. The respondent also failed promptly to withdraw all her earned fees from the old IOLTA and retained substantial earned and thus, personal, funds in the account, sometimes for periods of years.

Starting in early 2017, bar counsel asked and directed the respondent to remit to clients all unearned fee payments from the old IOLTA, withdraw all her earned fees from the old IOLTA, and establish all required records for both accounts. The respondent brought her IOLTA records into compliance in the fall of 2017 but did not finish distributing all the fee refunds due her clients until the spring of 2018. By then, some clients to whom funds were owed could not be located, and those clients’ funds escheated to the Commonwealth.

By failing promptly to remit all trust funds to which her clients were entitled from her old IOLTA, the respondent violated Mass. R. Prof. C. 1.15(c) and Mass. R. Prof. C. 1.16(d) as then in effect. By failing to withdraw promptly all her earned fees and expense reimbursements from her old IOLTA, the respondent violated Mass. R. Prof. C. 1.15(b)(2)(ii). By failing adequately to reconcile her IOLTA accounts and failing to maintain all required records for those accounts, the respondent violated Mass. R. Prof. C. 1.15(f)(1)(B)-(E).

The matter came before the Board of Bar Overseers on the parties’ stipulation of facts and rule violations and an agreed recommendation for discipline by public reprimand. In November 2018, the board voted to accept the stipulation and to impose a public reprimand without further proceedings.

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