

CHARLES M. MAGUIRE

Public Reprimand No. 2019-7

Order (public reprimand) entered by the Board on May 22, 2019.

The respondent received a public reprimand for violations of the IOLTA record-keeping rules.

SUMMARY¹

The respondent received a public reprimand for violations of IOLTA account record-keeping requirements. This matter came to bar counsel's attention as the result of a dishonored check. The respondent deposited a cashier's check but then wrote a check on the basis of the deposit before the funds were available. Once the funds became available, the transaction was completed.

Between September 1, 2017 and October 12, 2018, the respondent's IOLTA account was not properly reconciled every sixty days and the check register was not in chronological order with client identifiers for every transaction and a running balance. He also did not maintain a ledger for his funds held in the IOLTA account for anticipated bank fees. By October 12, 2018, after bar counsel opened a complaint file, the respondent brought his IOLTA account records into compliance with Mass. R. Prof. C. 1.15.

The respondent's failure to perform a three-way reconciliation of the account violated Mass. R. Prof. C. 1.15(f)(1)(E). The respondent's failure to maintain a chronological check register with client identifiers for every transaction and a running balance violated Mass. R. Prof. C. 1.15(f)(1)(B). The respondent's failure to keep a ledger for bank fees and charges with a list of every transaction and running balance violated Mass. R. Prof. C. 1.15(f)(1)(D).

On March 20, 2019, bar counsel filed a petition for discipline, and the parties filed the respondent's answer and stipulation in which the parties agreed that the appropriate sanction was a public reprimand. On April 8, 2019, 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.