

**IN RE: EDWARD J. LANG****NO. BD-2015-041****S.J.C. Order of Term Suspension entered by Justice Cordy on November 30, 2015.¹****SUMMARY²**

The respondent was suspended for a year and a day for intentionally misusing trust property without deprivation to the affected clients and for failing to maintain proper trust account records.

On nineteen occasions during the years 2011 and 2012, the respondent withdrew money from his IOLTA account as purported payment of his contingent fees on personal injury cases that had settled but on which he had not yet received settlement funds from the defendants or their insurers. In two such cases, the premature payment of the respondent's fees caused checks from his IOLTA account to be dishonored for insufficient funds. On two other occasions, the respondent avoided check dishonor by depositing personal funds in his account after his bank notified him of the insufficiency. In seven of the nineteen cases in which the respondent paid himself attorney's fees prior to receiving the corresponding settlement funds, he misused the money of other clients without their permission, resulting in a negative balance in their individual accounts.

During the period of January 2011 to October 2013, the respondent failed to maintain required records of his IOLTA account, including a contemporaneous and chronological check register with a running balance and individual ledgers for each client account. The respondent also failed to perform required three-way reconciliations of his individual ledgers, his check register, and his bank statements.

The respondent's conduct in misusing client trust funds in order to facilitate the premature payment of his fees violated Mass. R. Prof. C. 1.15(b), 8.4(c), and 8.4(h). His failure to keep a check register listing all transactions in chronological order with client identifiers and a running balance after every transaction, an individual ledger for each client matter with a running balance after each transaction, and a ledger for bank fees and expenses violated Mass. R. Prof. C. 1.15(f)(1)(B), (C), and (D). His failure to prepare the required reconciliation reports violated Mass. R. Prof. C. 1.15(f)(E).

The respondent was admitted to practice in 1989 and had no prior record of discipline. In aggravation, the respondent had substantial experience in the practice of law, committed multiple

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

acts of misconduct, attempted to blame an unsupervised, non-lawyer office manager for his misuse of trust property, and exhibited a lack of remorse and a lack of candor for his misconduct.

The matter came before Court (Cordy, J.) on a recommendation and vote of the Board of Bar Overseers dated August 3, 2015, adopting the hearing committee's findings of fact and conclusions of law and recommending that the respondent be suspended for a year and a day.