

**JAMES F. RENNICK****Public Reprimand No. 2011-29****Order (public reprimand) entered by the Board on December 23, 2011.****SUMMARY**<sup>1</sup>

During 2010, the respondent had his own firm concentrating in criminal defense and civil litigation. The respondent maintained an IOLTA account to handle the receipt and distribution of client funds.

Between January 2010 and July 30, 2010, the respondent's IOLTA account was not properly reconciled every sixty days and the check register lacked client identifiers, did not list every transaction, and did not calculate a running balance after each transaction. The respondent also did not maintain individual ledgers for each client matter, and there was no ledger for the respondent's personal funds in the account to cover bank charges. From January 1, 2010, through April 20, 2010, the respondent withdrew funds from his IOLTA account via cash withdrawals and by authorizing payments from his IOLTA account directly to creditors or vendors for his personal expenses.

In March 2010 the respondent deposited a check for \$3,000 into his IOLTA account. The respondent then withdrew the \$3,000 before confirming that the deposited check had cleared. The deposited check was then dishonored, and, as a result, checks written by from the IOLTA account for personal expenses were dishonored and the respondent created negative balances for clients in the account. Upon receiving notice of the dishonored check, the respondent deposited personal funds to the account to replace the funds inadvertently misused. By July 30, 2010, the respondent had brought his IOLTA account record keeping into compliance with Mass. R. Prof. Conduct 1.15.

The respondent's conduct in failing to perform a three-way reconciliation of the account violated Mass. R. Prof. C. 1.15(f)(1)(E). His conduct in failing to keep an account ledger with a client identifier after every transaction and list of every transaction and running balance violated Mass. R. Prof. C. 1.15(f)(1)(B). The respondent's conduct in failing to keep individual client ledgers with a list of every transaction and running balance and failing to keep a ledger of his

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

personal funds for bank fees and expenses violated Mass. R. Prof. C. 1.15(f)(1)(C), and (D). The respondent's negligent misuse of client funds and his issuing checks that created a negative balance for individual clients in the IOLTA account violated Mass. R. Prof. C. 1.15(b) and (f)(1)(C). The respondent's conduct in withdrawing funds from his IOLTA account via cash withdrawals and by authorizing payments from his IOLTA account directly to creditors or vendors for his personal expenses violated Mass. R. Prof. C. 1.15(e)(3) and (4).

On November 22, 2011, bar counsel filed a petition for discipline, and the parties filed the respondent's answer and a stipulation in which the parties agreed that the appropriate sanction was public reprimand. On December 12, 2011, the Board of Bar Overseers voted to sanction the respondent by public reprimand.