

**GEORGE PIANDES****Public Reprimand No. 2012-19****Order (public reprimand) entered by the Board on September 26, 2012.****CORRECTED SUMMARY**¹

At all times relevant to this disciplinary proceeding, the respondent engaged in the practice of law, maintained an IOLTA account, and used the IOLTA account for deposits and withdrawals of client or other trust funds. Between at least June of 2009 and at least April of 2010, the respondent failed to prepare and retain reconciliation reports for his IOLTA account on a regular and periodic basis at least every sixty days, and he failed to maintain an accurate client ledger for at least one client for whom he held funds in the IOLTA account. During the same time period, the respondent deposited personal funds into his IOLTA account for the purpose of making payments on personal loans from the IOLTA account.

In connection with the representation of a client, from June of 2009 through January of 2010, the respondent on eleven occasions made withdrawals from the client's funds in his IOLTA account for the purpose of paying fees due. On none of the eleven occasions did the respondent provide the client with an itemized bill or other accounting showing the services rendered, written notice of the amount and date of the withdrawal, or a statement of the remaining funds of the client in the IOLTA account.

As a result of the respondent's failure to prepare and provide the client with an itemized bill supporting each of his eleven withdrawals toward his fees, the respondent negligently withdrew approximately \$1,500 more from his client's funds than he had earned over the above period. Upon discovery of this error when the representation terminated in February of 2010, the respondent refunded the overage to the client. The client was not deprived of funds.

The respondent's failure to prepare and retain reconciliation reports on a regular and periodic basis, but no less frequently than every sixty days, was in violation of Mass. R. Prof. C.1.15(f)(1)(E). The respondent's failure to maintain an accurate client ledger was in violation of Mass. R. Prof. C.1.15(f)(1)(C). The respondent's conduct in depositing personal loans into the IOLTA account for payment of his personal obligations was in violation of Mass. R. Prof. C.1.15(b)(2). The respondent's conduct in making a cash withdrawal from his IOLTA account was in violation of Mass. R. Prof. C. 1.15(e)(3). The respondent's conduct in paying fees from a client's funds without providing the client with an itemized bill or other

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

accounting showing the services rendered, written notice of the amount and date of the withdrawal, and a statement of the remaining funds of the client in the IOLTA account, was in violation of Mass. R. Prof. C.1.15(d)(2) and 8.4(h). The respondent's conduct in negligently paying himself more in fees than had been earned was in violation of Mass. R. Prof. C. 1.15 and 8.4(h).

In mitigation, the respondent's IOLTA account is now maintained in compliance with Mass. R. Prof C. 1.15.

The matter came before the Board of Bar Overseers on a stipulation of facts and a joint recommendation for discipline. On September 10, 2012, the board voted to accept the parties' stipulation and to impose a public reprimand.