JULIE C. MOLLOY

Public Reprimand No. 2013-15

Order (public reprimand) entered by the Board on August 28, 2013.

SUMMARY[1]

The respondent, a sole practitioner, had a general practice with a concentration in the area of litigation and family law. She received funds on behalf of clients that she deposited to her IOLTA account.

In or about January 2012, the Internal Revenue Service issued a Notice of Levy on Wages, Salary and Other Income of the respondent. From at least March 2012 through December 2012, the respondent deposited personal funds to her IOLTA account and kept earned fees in her IOLTA account to avoid an Internal Revenue Service levy against her personal accounts and operating account. This conduct violated Mass. R. Prof. C. 1.15(b)(2) and 8.4(c) and (h).

From at least March 2012 through December 2012, the respondent made cash withdrawals and internal debits from the IOLTA account that did not identify the recipient or source of the funds, in violation of Mass. R. Prof. C. 1.15(e)(3) and (4); made payments from her IOLTA account from personal funds and earned fees directly to creditors or vendors for her personal expenses, in violation of Mass. R. Prof. C. 1.15(e)(4); and did not maintain a ledger for each client matter that listed all transactions for the client and the balance remaining for the client after each transaction, in violation of Mass. R. Prof. C. 1.15(f)(1)(C).

In addition, from at least March 2012 through at least December 2012, the respondent did not perform a three-way reconciliation of her IOLTA account at least every sixty days. To the extent that the respondent reconciled her IOLTA account, she did so incorrectly and calculated incorrect balances. The respondent did not maintain and retain any reconciliation reports. This conduct was in violation of Mass. R. Prof. C. 1.15(f)(1)(E).

In aggravation, the respondent has prior discipline for unrelated misconduct. See Admonition No. 09-13, 25 Mass. Att'y Disc. R. 676 (2009).

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

In mitigation, the respondent was suffering from a number of serious health problems that prevented her from exercising proper judgment in the management of her client funds account and she is now in treatment.

This matter came before the Board of Bar Overseers on an agreed recommendation for discipline by public reprimand based upon a stipulation of the parties. On August 26, 2013, the board voted to accept the parties' stipulation and imposed a public reprimand.