

PCB 99

[01-Sep-1995]

STATE OF VERMONT

PROFESSIONAL CONDUCT BOARD

In re: PCB File No. 95.01

DECISION NO. 99

Respondent and Bar Counsel submitted a joint statement of facts which we adopt as our own and incorporate by reference. Respondent, a lawyer admitted to practice in the late 80's, incurred an overdraft of \$12.75 in her lawyer trust account. The overdraft was reported to Bar Counsel pursuant to DR 9-104. Bar Counsel undertook a review and learned that Respondent had failed to balance her trust account for several years. Neither Respondent nor her accountant could determine the reason for the overdraft or the identity of the person who owns the funds. DR 9-102(B)(3) requires a lawyer to "maintain complete records of all funds...of a client coming into the possession of the lawyer and render appropriate accounts to the client regarding them." Respondent's negligent failure to balance her account on a regular basis resulted in an inability to account for trust funds in violation of DR 9-102(B)(3). The amount of money involved is obviously insubstantial although there is always a potential for injury when accounts for client funds are so neglected. Respondent is now properly balancing her trust account and we find no risk of repeated violations. The chair will issue a letter privately admonishing Respondent.

Dated at Montpelier, Vermont this 1st day of September, 1995.

PROFESSIONAL CONDUCT BOARD

/s/

Deborah S. Banse, Chair

/s/

George Crosby

Donald Marsh

/s/

Joseph F. Cahill, Esq.

Karen Miller, Esq.

/s/

/s/

Nancy Corsones, Esq.

Mark Sperry, Esq.

Paul S. Ferber, Esq.

Robert F. O'Neill, Esq.

/s/

Nancy Foster

Ruth Stokes

/s/

Rosalyn L. Hunneman

Jane Woodruff, Esq.

/s/

Robert P. Keiner, Esq.

Charles Cummings, Esq.

/usr3/wsc/9501.dec