

New Hampshire Supreme Court  
**Professional Conduct Committee**

*a committee of the attorney discipline system*

David M. Rothstein, Chair  
Heather E. Krans, Vice Chair  
Elaine Holden,\* Vice Chair  
Peter G. Beeson  
Susan R. Chollet\*  
Richard H. Darling\*  
Scott H. Harris

4 Chenell Drive, Suite 102  
Concord, New Hampshire 03301  
603-224-5828 ♦ Fax 228-9511

Margaret R. Kerouac  
Mona T. Movafaghi  
Georges J. Roy\*  
Richard D. Sager  
Martha Van Oot  
\* non attorney member  
Barbara J. Guay, Legal Assistant

*In the Matter of Jamie Mauritz James, Esquire – LD-2016-0009*

**PUBLIC CENSURE**

In accordance with Supreme Court Rule 37(12), on May 26, 2016, the New Hampshire Supreme Court ruled that the above-captioned reciprocal discipline matter from the Massachusetts Board of Bar Overseers of the Supreme Judicial Court (“the Board”) warrants the issuance of a public censure. The Court remanded the matter to the Professional Conduct Committee for the issuance of a public censure.

**I. FACTS**

Ms. James was admitted to the bar of the Commonwealth in 1993. She has no history of prior discipline.

Beginning in November of 2012 and continuing through June of 2014, Ms. James transferred responsibility for maintaining her IOLTA account and its records to various bookkeepers, paralegals, secretaries and others in her employ. Ms. James did not make reasonable efforts to ensure that she had in place measures giving reasonable assurance that her employees were conducting themselves in a manner compatible with her professional obligations.

From November of 2012 through June of 2014, Ms. James did not consistently maintain an accurate check register for her IOLTA account with a client identifier after every transaction, a list of every transaction, and a running balance after every transaction. Ms. James did not consistently maintain accurate individual client ledgers with a list of every transaction and running balance for each client matter. Ms. James did not consistently perform a three-way reconciliation of her IOLTA account at least every sixty days. Consequently, during that period

of time, certain trust account funds were inadvertently used to pay unrelated client obligations. Ms. James's failure to properly maintain her IOLTA account also led her to leave earned fees in her IOLTA account, and to erroneously deposit flat fees into that account. On one occasion she deposited personal funds into the IOLTA account.

No client was ever deprived of funds and no client lost funds a result of Ms. James's negligent maintenance of her IOLTA account. Ms. James has since brought her IOLTA account into compliance with her professional obligations.

This matter went before the Board on a stipulation of the parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On March 7, 2016, the Board voted to accept the stipulation of the parties and their joint recommendation. On April 7, 2016, Ms. James was publicly reprimanded.

## **II. ANALYSIS**

By failing to adequately supervise her employees and by failing to make reasonable efforts to ensure that she had in effect measures giving reasonable assurance that her employees' conduct was compatible with her professional obligations, Ms. James violated Massachusetts Rule of Professional Conduct 5.3(a) and (b).

By failing to keep a check register with a list of every transaction and with a client identifier and running balance after every transaction, Ms. James violated Massachusetts Rule of Professional Conduct 1.15(f)(1)(B). By failing to consistently keep an individual client ledger with a list of every transaction for each client and with a running balance after every transaction, the respondent violated Massachusetts Rule of Professional Conduct 1.15(f)(1)(C). By failing to perform a three-way reconciliation of her IOLTA account, Ms. James violated Massachusetts Rule of Professional Conduct 1.15(f)(1)(E).

By unintentionally misallocating client funds in her IOLTA account and creating a negative balance for individual clients, Ms. James violated Massachusetts Rule of Professional Conduct 1.15(b) and (f)(1)(C). By leaving earned fees in her IOLTA account and by depositing personal funds into her IOLTA account, Ms. James violated Massachusetts Rule of Professional Conduct 1.15(b).

## **III. SANCTION**

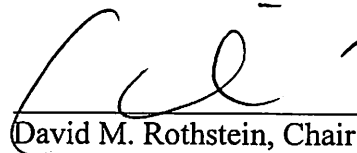
The Professional Conduct Committee deliberated the matter on May 17, 2016, and recommended to the Court that for purposes of reciprocal discipline, a sanction of public censure is the equivalent of the public reprimand imposed by the Commonwealth of Massachusetts Supreme Judicial Court. The Court concluded that a public censure is warranted, and the Committee hereby issues a public censure.

#### IV. COSTS

Ms. James shall be responsible for the expenses incurred by the Committee in the investigation and enforcement of this disciplinary matter. *See* Sup. Ct. R. 37(19)(b). Costs can include, but are not limited to, copying and costs associated with the publication of the censure. The assessment of costs shall become final unless Ms. James responds in writing, within thirty (30) days of receipt of the Committee's statement of expenses, listing each disputed expense and explaining the reasons for disagreement. Sup. Ct. R. 37(19)(b). The Committee may resolve the disagreement, or enforce the assessment of costs by petition to the superior court in any county in the state. Sup. Ct. R. 37(19)(b).

The Committee may file a copy of the final assessment of costs with the superior court in any county in the state, where it shall be docketed as a final judgment and shall be subject to all legally-available post-judgment enforcement remedies and procedures. *See* Sup. Ct. R. 37(19)(c). Ms. James shall be responsible for any costs incurred as a result of the Attorney Discipline Office's collection efforts.

June 16, 2016



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David M. Rothstein, Chair

**Distribution:**

Jamie Mauritz James, Esquire  
Brian R. Moushegian, Assistant General Counsel  
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