

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,

Petitioner,

v.

Mark C. Watson, Esq.,

Respondent

Public Reprimand No. 2021-15

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On November 8, 2021, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Mark C. Watson be and he is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Mark C. Watson, be and hereby is PUBLICLY REPRIMANDED.

BY:/s/ Rita Balian Allen, MS, PCC
Member
BOARD OF BAR OVERSEERS

DATED: November 22, 2021

MARK C. WATSON

BBO # 645080

Public Reprimand No. 2021-15

**Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of
the Supreme Judicial Court on November 22, 2021**

The Board ordered a Public Reprimand, with conditions, for the respondent's failure adequately to supervise a paralegal, who stole significant client and firm funds; for recordkeeping violations; and for failure properly to distribute funds to those entitled to receive them.

SUMMARY¹

The respondent is a real estate practitioner who received, into an IOLTA account, funds from lenders and others. One of his long-time paralegals, whose responsibilities included tracking all funds deposited into and disbursed from the firm's IOLTA account, stole over \$244,000 from him over a period of several years. She was able to do this because she was the only person who tracked all funds deposited into and disbursed from the IOLTA account, she used a computer that only she had access to, and she maintained Quicken records solely on that computer. She also opened the relevant mail and took all phone calls, so she was able to deflect inquiries. She diverted the funds by writing IOLTA checks to two acquaintances of hers, as well as several of her own creditors. She disguised her theft by falsely entering the names of persons who were not the payees of the checks in the Quicken records. The respondent failed to uncover the theft because he never viewed the actual cancelled checks. Of the \$244,000, at least \$67,000 misappropriated by the paralegal was owed to the respondent's firm.

The respondent received, in 2003, \$240,000 in mis-wired funds – funds that should not have gone to him. He kept them in his account for many years without determining who they belonged to. Despite some efforts, he has not been able to figure out to whom these funds belong.

The respondent's misconduct violated Rules 1.15(c), 1.15(f)(1)(C) and (E)(iii), and 5.3(a) and (b).

Although not mitigating, the respondent self-reported to Bar Counsel. Additionally, he contacted and cooperated with the Hingham Police Department, engaged an accounting firm to audit his IOLTA account, opened a new IOLTA account, and adopted a policy that he is to be the only signatory on any IOLTA check. He has also furnished Bar Counsel an acceptable explanation concerning the mis-wired funds, and a

¹ Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

pledge to hold these in his IOLTA account pending Bar Counsel's receipt from the SJC of permission for him to send them to the Massachusetts IOLTA Committee.

The agreed conditions for the public reprimand include that the respondent locate and notify affected clients and third parties whose funds were diverted or misused; try to obtain from his insurance company the net funds stolen by the paralegal that belong to third parties; pay from personal funds the remaining reasonable costs owed; and provide a full accounting to Bar Counsel.

The parties stipulated to a public reprimand, with the above conditions. By vote dated November 8, 2021, the Board of Bar Overseers voted to impose a public reprimand, with conditions.