

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2409 Disciplinary Docket No. 3
: :
Petitioner : No. 130 DB 2017
: :
v. : Attorney Registration No. 67489
: :
ALICE ANNE PELLEGRINO, : (Delaware County)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 6th day of October, 2017, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is granted, and Alice Anne Pellegrino is suspended on consent from the Bar of this Commonwealth for a period of six months. Respondent shall comply with all provisions of Pa.R.D.E. 217 and shall pay the costs incurred by the Disciplinary Board in the investigation and prosecution of this matter.

A True Copy Patricia Nicola
As Of 10/6/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. **130** DB 2017
Petitioner :
 : Board File No. C2-17-400
v. :
 : Attorney Reg. No. 67489
ALICE ANNE PELLEGRINO, :
Respondent : (Delaware County)

**JOINT PETITION IN SUPPORT OF
DISCIPLINE ON CONSENT
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel (hereinafter, "ODC") by Paul J. Killion, Chief Disciplinary Counsel, and Barbara Brigham Denys, Disciplinary Counsel, and Respondent, Alice Anne Pellegrino (hereinafter "Respondent"), by and through her counsel, Ellen C. Brotman, Esquire, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

1. ODC, whose principal office is situated at Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice

FILED

8/25/2017

**The Disciplinary Board of the
Supreme Court of Pennsylvania**

law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Enforcement Rules.

2. Respondent, Alice Anne Pellegrino, was born on March 3, 1960, and was admitted to practice law in the Commonwealth of Pennsylvania on December 28, 1992, and registered in November 1998, as voluntarily inactive as of July 1, 1998.

3. On March 3, 2010, the Pennsylvania Supreme Court entered an Order placing Respondent on administrative suspension effective April 2, 2010, for failure to comply with Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (Annual registration of attorneys).

4. Respondent remains administratively suspended.

5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

6. From January 1996, through September 2006, Respondent worked as Director/Counsel at Merrill Lynch Investment Managers, LLC ("Merrill Lynch"), in Plainsboro, New Jersey.

7. From October 2006, through August 2007, Respondent worked in the same Plainsboro, New Jersey location as

Director/Counsel for BlackRock, Inc., after it acquired Merrill Lynch.¹

8. In September 2007, Respondent began working for Hartford Funds Management Company, LLC (then Hartford Investment Financial Services, LLC) in Simsbury, Connecticut, as Vice President / Senior Counsel.²

9. In mid-December 2012, Respondent continued to work in the same position for Hartford Funds, but relocated to Pennsylvania to work in the new Pennsylvania headquarters Hartford Funds was establishing. Hartford Funds completed the move of its corporate headquarters from Simsbury, Connecticut, to Radnor, Pennsylvania, in September 2013.

10. In early 2013, Respondent contacted Pennsylvania Attorney Registration to inquire about the requirements for

¹ Respondent submitted an application for In-House Counsel, limited licensure in New Jersey in a timely fashion by March 31, 2004, the date when New Jersey's In-House Counsel rule took effect. Her application was not approved until April 27, 2006, due to a large backlog in the office of the Board of Bar Examiners. Due to a lack of eligible employment in New Jersey, Respondent's New Jersey In-House Counsel license expired on March 30, 2008.

² Respondent became certified as Authorized House Counsel in Connecticut on October 20, 2008, after submitting an application for registration as Authorized House Counsel in Connecticut. Under Rule 2-15A of the Rules of the Connecticut Superior Court creating the status of Authorized House Counsel and prescribing the requirements for registration and the restrictions on scope of practice, Respondent qualified for amnesty and immunity from UPL charges for work in Connecticut as in-house counsel prior to the effective date of the Rule (January 1, 2008).

reinstating her Pennsylvania license and became aware that her Pennsylvania license was administratively suspended, requiring that she file a petition for reinstatement from administrative suspension in accordance with Rule 218, Pa.R.D.E., to return her Pennsylvania license to active status.

11. Respondent failed to seek reinstatement of her Pennsylvania license in 2013, 2014, 2015, or 2016.

12. From 2013 to 2016, Respondent continued to annually renew her Connecticut Authorized House Counsel license, misrepresenting to the Connecticut Judicial Branch Statewide Grievance Committee that she was engaging in the private practice of law in the State of Connecticut.

13. While a formerly admitted Pennsylvania attorney, from mid-December 2012, until on or about April 13, 2017, Respondent engaged in the unauthorized practice of law and other prohibited, law-related activity in Pennsylvania in her role at Hartford Funds as Vice President / Senior Counsel.

14. While a formerly admitted Pennsylvania attorney, Respondent's unauthorized practice of law and prohibited, law-related activity in Pennsylvania included providing advice and support to Hartford Funds in the Federal securities regulatory and compliance area, primarily advising on issues related to the Investment Company Act of 1940, as amended, and the Investment

Advisers Act of 1940, as amended. Respondent's primary areas of responsibility for Hartford Funds included managing support of its registration requirements and regulatory filings with the Securities and Exchange Commission for over 80 registered open-end investment companies, including over 40 retail mutual funds and 19 insurance product mutual funds; advising management on the building and creation of new products, both mutual fund and non-mutual fund (including closed-end funds, exchange traded funds and exchange traded managed funds); drafting and reviewing agreements, including custody and trading and distribution related agreements for the fund complex; and providing advice and support to the mutual fund Board of Directors, including acting as primary attorney for the audit and compliance committees of the Board, and the investment committee of the Board.

15. On March 10, 2017, Respondent filed a Petition for Reinstatement from Administrative Suspension with the Disciplinary Board of the Supreme Court of Pennsylvania. Respondent did not disclose in her Petition and Special Reinstatement Questionnaire that she had relocated to Hartford Funds' Radnor, Pennsylvania office in mid-December 2012.

16. After retaining counsel, Respondent withdrew her petition for reinstatement to address questions ODC raised about Respondent's compliance with Pennsylvania Rule of Professional

Conduct 5.5 and Rule of Disciplinary Enforcement 217(j). Respondent anticipates filing a new petition for reinstatement from administrative suspension after this disciplinary matter concludes upon entry of an Order of the Pennsylvania Supreme Court on certification of the Disciplinary Board that Respondent has complied with applicable requirements to be returned to administrative suspension. See Pa.R.D.E. 218(g)(2)(ii).

17. On April 13, 2017, Walter F. Garger, Hartford Funds' General Counsel and a member in good standing of the Pennsylvania bar, submitted to the Disciplinary Board a Notice of Engagement under Rule 217(j)(5), Pa.R.D.E., registering as Respondent's supervising attorney and committing to monitor Respondent's activities for compliance with Rule 217(j). Mr. Garger reported as of that date that Respondent's duties had been revised to exclude all activities that are prohibited by Rule 217(j).

18. On May 1, 2017, Respondent notified the Connecticut Bar Examining Committee and Statewide Bar Counsel under its applicable requirements (a) that her authorization as Authorized House Counsel in the State of Connecticut had ceased as a result of her transfer to an office in the Commonwealth of Pennsylvania (see Practice Book §2-15A(e), and (b) that she was administratively suspended in Pennsylvania in 2010 (see Practice Book §2-25).

19. By May 11, 2017, Ms. Pellegrino's certification as Authorized House Counsel in Connecticut was revoked and her Connecticut juris number deactivated.

20. Respondent has attributed her unauthorized practice of law in Pennsylvania to her claimed belief that she was properly practicing under the auspices of her Connecticut license, was engaged by a Hartford, Connecticut Company (Hartford Fire Insurance Company), that she was a member of a Hartford-based legal department, and that she was paid from Hartford, Connecticut.

21. Respondent accepts full responsibility for her disregard of the Pennsylvania and Connecticut licensing requirements, including her failure to take the steps required to seek reinstatement of her Pennsylvania law license prior to returning to Pennsylvania in mid-2012, and to promptly notify Connecticut disciplinary authorities that her authorization as Connecticut Authorized House Counsel had ceased.

22. Through counsel, Respondent has expressed remorse for her disregard of attorney licensing requirements in Pennsylvania and Connecticut.

23. ODC has confirmed through contact with Mr. Garger that Respondent made no misrepresentations to Hartford Funds that she had activated her Pennsylvania license in 2013 or thereafter.

24. By her conduct as alleged in paragraphs 1 through 23, above, Respondent violated the following Rules of Professional Conduct:

- a. RPC 5.5(a), prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction;
- b. RPC 5.5(b)(1), prohibiting a lawyer who is not admitted to practice in this jurisdiction from establishing an office or other systematic and continuous presence in this jurisdiction for the practice of law except as authorized by the Rules of Professional Conduct, Pa.B.A.R. 302 or other law;
- c. Pa.R.D.E. 217(j), prohibiting a formerly admitted attorney from engaging in any form of law-related activities in this Commonwealth except in accordance with the requirements set forth within that Rule; and
- d. RPC 8.4(c), prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

25. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a six (6) month suspension from the practice of law.

26. Respondent consents to that discipline being imposed upon her by the Supreme Court of Pennsylvania. Respondent's affidavit required by Rule 215, Pa.R.D.E., stating, *inter alia*, her consent to the recommended discipline, is attached hereto as Exhibit A.

27. In support of the Joint Petition, the parties respectfully submit that the following mitigating circumstances are present:

- a. Respondent has admitted engaging in and expressed remorse for her misconduct;
- b. Respondent has cooperated with Petitioner by entering into this Joint Petition to receive a six (6) month suspension; and
- c. Respondent has no prior history of discipline.

28. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually. *Office of Disciplinary Counsel v. Lucarini*, 417 A.2d 186 (Pa. 1983).

29. The imposition of a six (6) month suspension is consistent with the range of sanctions imposed in similar cases involving the unauthorized practice of law:

- a. For example, in *Office of Disciplinary Counsel v. D'Oyley*, No. 2107 DD No. 3, No. 137 DB 2014 (2014), the Pennsylvania Supreme Court imposed a six (6) month suspension on consent to address Ms. D'Oyley's unauthorized practice of law and law-related activity working in Pennsylvania in her roles as Assistant General Counsel and Associate General Counsel for a pharmaceutical company from May 2009 through April 2014;
- b. In *Office of Disciplinary Counsel v. McCarthy Clark*, No. 2315 DD No. 3, No. 132 DB 2016 (2016), the Pennsylvania Supreme Court imposed a six (6) month suspension on consent to address McCarthy Clark's unauthorized practice of law in Massachusetts in her roles as in-house counsel at three successive companies over a period of approximately four years. McCarthy Clark had never been admitted to practice law in Massachusetts or any other jurisdiction with the exception of Pennsylvania, and had elected voluntary inactive

status in Pennsylvania for the entire period at issue;

- c. In *Office of Disciplinary Counsel v. Moore*, No. 1486 DD No. 3, No. 32 DB 2009 (2009), the Pennsylvania Supreme Court imposed a six (6) month suspension on consent to address Moore's unauthorized practice of law. In that case, Moore, who was General Counsel for a Pennsylvania company, remained in that position for a one-year period during which his license was inactive for failure to comply with CLE requirements. During that time, Moore answered legal questions the company had regarding approximately six business contracts while awaiting outside counsel's advice regarding significant legal issues;
- d. In *Office of Disciplinary Counsel v. Talbot*, No. 1323 DD No. 3, No. 158 DB 2008 (2008), Talbot engaged in the unauthorized practice of law until regaining active status in August 2007. At or about that time, he voluntarily ceased practicing law and agreed to a temporary suspension. He was eventually suspended for six (6) months,

retroactive to the date of his temporary suspension; and

- e. In the case of *Office of Disciplinary Counsel v. Price*, No. 1179 DD No. 3, No. 113 DB 2006 (2006), the Court approved a joint petition in support of a six (6) month suspension for Price who continued to practice law as a sole practitioner without supervision while on inactive status. Price, on behalf of several clients, appeared at judicial hearings, filed pleadings, provided legal consultation and advice, and negotiated or transacted matters with opposing counsel and/or third parties.

30. In light of the nature of the misconduct and the mitigating factors, Petitioner and Respondent submit that a six (6) month suspension is appropriate discipline.

WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Rules 215(e) and 215(g)(2), that a three-member panel of the Disciplinary Board review and approve the Joint Petition in

[remainder of page intentionally left blank]

Support of Discipline on Consent and file a recommendation with the Supreme Court of Pennsylvania that Respondent be suspended for a period of six (6) months.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

Date: 8-25-17

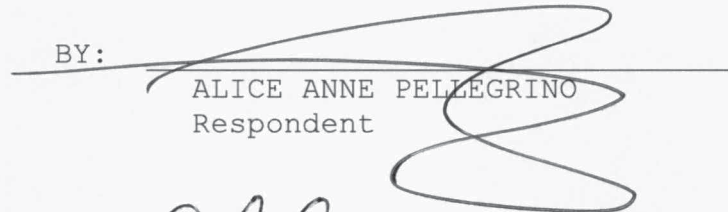
BY:



BARBARA BRIGHAM DENYS
Disciplinary Counsel
District II Office
Attorney ID No. 78562
Suite 170, 820 Adams Avenue
Trooper, PA 19403
(610) 650-8210

Date: 8-21-17

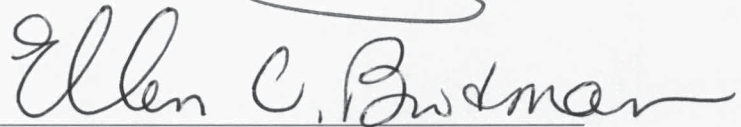
BY:



ALICE ANNE PELLEGRINO
Respondent

Date: 8-21-17

BY:



ELLEN C. BROTMAN, ESQUIRE
Attorney ID No. 71775
Counsel for Respondent
Brotman Law
150 N. Radnor Chester Road
Suite F200
Radnor, Pennsylvania 19087
(610) 977-2412

VERIFICATION

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: 8-25-17

BY:


BARBARA BRIGHAM DENYS,
Disciplinary Counsel

Date: 8-21-17

BY:


ALICE ANNE PELLEGRINO,
Respondent

Date: 8-21-17

BY:


ELLEN C. BROTMAN, ESQUIRE
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
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OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2017
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ALICE ANNE PELLEGRINO, :
Respondent : (Delaware County)

AFFIDAVIT
UNDER RULE 215(d), Pa.R.D.E.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DELAWARE

ALLICE ANNE PELLEGRINO, being duly sworn according to law, deposes and hereby submits this affidavit in support of the Joint Petition in Support of Discipline on Consent Pursuant to Rule 215(d), Pa.R.D.E., and further states as follows:

1. She desires to submit a Joint Petition in Support of Discipline on Consent ("Joint Petition") pursuant to Rule 215(d), Pa.R.D.E.

2. Her consent is freely and voluntarily rendered; she is not being subjected to coercion or duress, and she is fully aware of the implications of submitting the consent.

3. She is fully aware of her right to consult and employ counsel to represent her in the instant proceeding. She has consulted or followed the advice of counsel in connection with her decision to consent to discipline.

4. She is aware that there is presently pending an investigation into allegations that she has been guilty of misconduct as set forth in the Joint Petition.

5. She acknowledges that the material facts set forth in the Joint Petition are true.

6. She consents because she knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, she could not successfully defend against them.

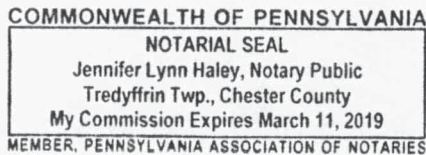
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 21st day of August, 2017.


ALICE ANNE PELLEGRINO

Sworn to and subscribed
before me this 21st day
of August, 2017.


Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2017
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Respondent : (Delaware County)

CERTIFICATE OF SERVICE


I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail, as follows:

Ellen C. Brotman, Esquire
Brotman Law
150 N. Radnor Chester Road
Suite F200
Radnor, Pennsylvania 19087

Date: 8/20/17

BY: _____


BARBARA BRIGHAM DENYS
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