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OF THE

SUPREME COURT OF NEW JERSEY

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October 18, 2010

Mark Neary, Clerk
Supreme Court of New Jersey
P.O. Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of Michael G. Pellegrino
Docket No. DRB 10-193
District Docket No. X-2007-0075E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand) filed by the District X Ethics Committee (DEC), pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate discipline for the combination of respondent's stipulated violations of RPC 1.7(a) and (b) and RPC 1.5(b). See, e.g., In re Berkowitz, 136 N.J. 148 (1994); In re Mott, 186 N.J. 367 (2006); In the Matter of Joel C. Seltzer, DRB 09-009 (June 11, 2009); In the Matter of Alfred V. Gellene, DRB 09-068 (June 9, 2009); and In the Matter of David W. Boyer, DRB 07-032 (March 28, 2007).

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Specifically, in 2004, respondent and his law partner, Deborah T. Feldstein, represented Plantagenet, an entity formed by other clients of the law firm, to purchase tax-lien certificates.¹ Respondent engaged in a conflict of interest when Plantagenet purchased tax-lien certificates from other individuals and entities for whom the law firm prosecuted tax-lien foreclosures.

One of Plantagenet's purchases pertained to 37 Phillips Avenue, Trenton. Respondent and Feldstein handled the tax-lien foreclosure for the certificate owner, Robert Kosch, as well as the assignment to Plantagenet. After the assignment and disbursement of funds took place, a dispute arose between Plantagenet and Kosch over the correctness of the disbursements.

Plantagenet also purchased a tax lien for 302-306 Mulberry Street, Trenton, from Rina Holdings, another client of the law firm. A defect in the title from Rina caused a diminution in the value of Plantagenet's lien, thereby creating conflicting interests between the parties.

Respondent admitted that he did not disclose to Plantagenet, Kosch or Rina the potential for conflicts of interest. Likewise, he did not seek written waivers of conflict from any of the persons or entities involved in the matters. Respondent admitted that the simultaneous representations of Plantagenet, Kosch, Rina "and possibly others" who had conflicting interests violated RPC 1.7(a). He also stipulated that his failure to obtain written waivers of conflict from his clients and their entities violated RPC 1.7(b).

Finally, respondent conceded that his failure to set forth in writing the rate or basis of the legal fee for Plantagenet's representation violated RPC 1.5(b).

In mitigation, the Board considered that respondent has no prior discipline, since his 1991 admission to the bar.

Enclosed are the following documents:

¹ The Board also considered a disciplinary matter involving co-respondent Feldstein, based on the within facts.

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1. Notice of motion for discipline by consent, dated May 14, 2010.
2. Stipulation of discipline by consent, dated May 12, 2010.
3. Affidavit of consent, dated April 20, 2010.
4. Ethics history, dated October 18, 2010.

Chair Pashman recused himself.

Very truly yours,



Julianne K. DeCore
Chief Counsel

JKD/sj
encls.

cc: Bonnie Frost, Vice-Chair, Disciplinary Review Board
(w/o encls.)
Charles Centinaro, Director, Office of Attorney Ethics
(w/o encls.)
Melissa Czartoryski, Deputy Ethics Counsel, Office of
Attorney Ethics (w/o encls.)
Gerard E. Hanlon, Respondent's Counsel (w/o encls.)
Eric S. Solotoff, Chair, District XB Ethics Committee
(w/o encls.)
Caroline Record, Secretary, District XB Ethics Committee
(w/o encls.)