

IN RE: MATTHEW ANTHONY PELLEGRINO

S.J.C. Order of Term Suspension entered by Justice Cowin on June 4, 2008.¹

SUMMARY²

In June of 2004, the respondent was retained by a client who was injured in a motor vehicle accident. In September of 2005, the respondent negotiated a settlement of the client's claim with the insurer for \$12,000. The client agreed to the settlement and signed a release, which the respondent forwarded to the insurer.

In October of 2005, the respondent received the insurer's settlement check, which was made out to him as attorney for the client. The respondent did not inform the client of his receipt of the check. Later that month, the respondent negotiated the check, took \$100 in cash and deposited the remaining \$11,900 into a personal checking account in his name at the Bank of America.

From October 2005 through at least August of 2007, the respondent intentionally misused the client's settlement proceeds to pay various personal and business expenses. Between October 2005 and about July 2007, the client made repeated inquiries to the respondent regarding the status of the settlement, but the respondent repeatedly denied having received any funds.

The respondent's failure to inform the client of his receipt of her settlement proceeds, his commingling of client funds with personal funds and his intentional misuse of the client's funds were in violation of Mass. R. Prof. C. 1.15(b), 1.15(c), 8.4(c) and 8.4(h). The respondent's intentional misrepresentations to the client that he had not received her settlement funds were in violation of Mass. R. Prof. C. 8.4(c) and 8.4(h).

On August 22, 2007, bar counsel received a request from the client for an investigation into the conduct of the respondent. The respondent received and failed without good cause to reply to two letters from bar counsel requesting a response to the grievance and failed without good cause to respond to a subpoena requiring his appearance at the Office of Bar Counsel. As a result, bar counsel filed a petition with the Supreme Judicial Court for Suffolk County requesting that the respondent be immediately administratively suspended. On November 29, 2007, the Court so ordered.

The respondent's failure to cooperate with an investigation of bar counsel as described above was in violation of Mass. R. Prof. C. 8.4(d), 8.4(g), 8.4(h) and S.J.C. Rule 4:01, § 3.

In mitigation, the respondent has paid the client her net recovery from the settlement with some interest. In mitigation of only the respondent's failure to cooperate with bar counsel's investigation, the respondent suffers from a severe back injury which causes the respondent chronic pain and he suffers from severe depression and alcoholism, for which he is now receiving treatment.

This matter came before the Board of Bar Overseers on a stipulation of facts and disciplinary violations and a joint recommendation for an indefinite suspension. On May 12, 2008, the Board voted to accept the stipulation and the joint recommendation. On June 4, 2008, the Court entered an order, effective June 4, 2008, suspending the respondent from the practice

of law for an indefinite period.

FOOTNOTES:

¹ The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record before the Supreme Judicial Court.

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