



STATEWIDE GRIEVANCE COMMITTEE

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Second Floor – Suite Two

287 Main Street, East Hartford, Connecticut 06118-1885

01/05/2007

OFFICE OF CHIEF DISCIPLINARY C
100 WASHINGTON STREET
HARTFORD CT 06106

ROSS A ANNENBERG
ELLIS LAW OFFICES
33 PLEASANT STREET
WORCESTER MA 01609

RE: GRIEVANCE COMPLAINT #06-0263
HTFD JD GRIEV PANEL GA13 ETC vs. ANNENBERG

Dear Respondent and Disciplinary Counsel:

Enclosed herewith is the decision of the reviewing committee of the Statewide Grievance Committee concerning the above referenced matter. In accordance with the Practice Book Sections 2-35, 2-36 and 2-38(a), the Respondent may, within thirty (30) days of the date of this notice, submit to the Statewide Grievance Committee a request for review of the decision.

A request for review must be sent to the Statewide Grievance Committee at the address listed above.

Sincerely,

Michael P. Bowler

Encl.

cc: Attorney Gregory A. Benoit
Attorney Matthew E. Frechette
HTFD JD GRIEV PANEL GA13 ETC



STATE OF CONNECTICUT
JUDICIAL BRANCH

STATEWIDE GRIEVANCE COMMITTEE

Michael P. Bowler, *Statewide Bar Counsel*

287 Main Street
Second Floor - Suite Two
East Hartford, CT 06118-1885
(860) 568-5157 Fax (860) 568-4953
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Attorney Patricia King
Assistant Disciplinary Counsel
100 Washington Street
Hartford, CT 06106

Attorney Ross Annenberg
Ellis Law Offices
33 Pleasant Street
Worcester, MA 01609

RE: Grievance Complaint #06-0263
Hartford J.D. Grievance Panel for G.A. 13 and the Town of Hartford v. Annenberg

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Disposition* (hereinafter "*Conditional Admission*") filed December 7, 2006 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on December 7, 2006, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

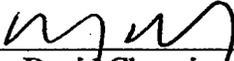
So ordered.

cc: Attorney John J. Quinn
Attorney Matthew Frechette
Attorney Gregory A. Benoit

(3)
(asc)

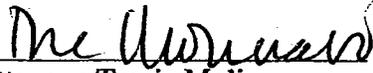
DECISION DATE: 1/5/07

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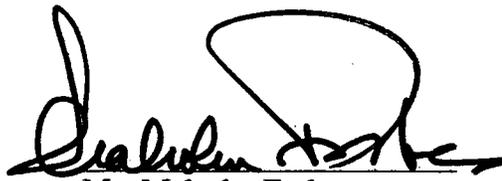


Attorney David Channing

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Attorney Tracie Molinaro

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A handwritten signature in black ink, appearing to read "Malcolm Forbes", written in a cursive style with a large loop at the end.

Mr. Malcolm Forbes

STATEWIDE GRIEVANCE COMMITTEE

GRIEVANCE COMPLAINT NO. 06-0263

HARTFORD JUDICIAL DISTRICT GRIEVANCE PANEL

Complainant

v.

ROSS ANNENBERG

Respondent

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISPOSITION

Pursuant to Practice Book §2-82, the undersigned Assistant Disciplinary Counsel and counsel for Respondent hereby stipulate and agree as follows:

1. This matter was commenced by a Grievance Complaint filed by the Hartford Judicial District Grievance Panel dated March 14, 2006.
2. The matter was then referred to the Windham Judicial District Grievance Panel, which found probable cause that the Respondent violated Rules 1.1 Competence, 1.3 Diligence, 1.4 (a) and (b) Communication, 3.3 Candor toward the Tribunal, 8.4(3) Conduct involving fraud, misrepresentation or deceit, and 8.4(4) Conduct prejudicial to the Administration of Justice in connection with his preparation of two affidavits in support of applications for pro hac vice admission of his employer and co-counsel, Attorney Kenneth Levine and their representation of plaintiffs in two professional misconduct in two civil medical malpractice actions in filed in the

Connecticut Superior Court in Hartford entitled Skinner v. Doelger and Miller v.

Fishman.

3. Specifically the local panel charged the following rules violations:
 - (1) Rules 1.1 and 1.3 for failing to obtain and disclose expert witnesses in the Skinner and Miller cases;
 - (2) Rules 1.3 and 1.4(a) and (b) for failing to promptly notify his clients in the Miller case of the court's order vacating his co-counsel's *pro hac vice* appearance.
 - (3) Rules 3.3(a) (1) and 8.4(3) and (4) for failing to advise the court of the of the pending disciplinary proceedings against Attorney Levine in other states when he sponsored his *pro hac vice* application in the Skinner case and while he was admitted *pro hac vice* in the Miller case;
4. Respondent is licensed to practice law in Connecticut and the Commonwealth of Massachusetts.
5. The Respondent was employed by Attorney Kenneth Levine in 2001 in Massachusetts when they were retained to represent plaintiffs in two medical malpractice cases filed the Superior Court in Hartford.
6. Attorney Levine was not admitted in Connecticut so the Respondent prepared affidavits and applications for *pro hac vice* admission filed in both the Skinner and Miller cases.

7. The Affidavit prepared by the Respondent in the Skinner case dated October 10, 2001, and filed in support of Attorney Levine's application for permission to appear for the plaintiffs pro hac vice, stated as follows: "I have not been denied admission to, nor have I been censured, suspended or disbarred by any court. No attorney at the firm of Annenberg & Levine has been denied admission by any Grievance Committee in any state or federal jurisdiction."

8. In an Affidavit in the Miller case dated October 10, 2001, also filed in support of a pro hac vice application, Respondent prepared the same representation he had made in the Affidavit in the Skinner case.

9. At the time Levine signed the October 10, 2001 Affidavits in the Skinner and the Miller cases, and at the time he signed a supplemental Affidavit in the Skinner case (dated November 21, 2001) in support of a motion to reargue, he was the subject of a pending "petition for discipline" filed against him by the Massachusetts Bar Counsel on August 30, 2001.

10. By an order entered on November 5, 2001 in the Skinner case, the Superior Court denied Levine's pro hac vice Application. By an order entered on July 10, 2003 in the Skinner case, the Court denied his November 21, 2001 "Motion To Reargue" relating to the Court's denial of his initial Application. The Respondent filed his own appearance in Skinner, and remained counsel of record until the case was dismissed.

11. By an order entered on November 5, 2001 in the Miller case, the Superior Court granted Levine's pro hac vice Application. The Respondent also filed an appearance in Miller as local counsel and sponsor of Attorney Levine.

12. By an order entered on December 27, 2004 in the Miller case, the Court, on motion of defense counsel, vacated the November 5, 2001 order granting permission to Attorney Levine to appear pro hac vice for the Miller plaintiffs.

13. During the time he was admitted pro hac vice in Miller and while the Respondent was co-counsel, Attorney Levine was disciplined in two states where he also had been admitted pro hac vice, and failed to disclose this discipline to the Connecticut court. He was disciplined in Rhode Island by the issuance of a reprimand by consent on December 17, 2003, and was suspended for 39 days in Vermont on September 10, 2004.

14. The Respondent did not timely notify his client in Miller that Attorney Levine was no longer able to represent them in the Connecticut action.

15. Practice Book §2-16 ("Attorneys of Other Jurisdictions -- Attorney Appearing Pro Hac Vice") requires an applicant for *pro hac vice* admission to submit an affidavit to the Court "certifying whether [the] applicant has a grievance pending against him...in any other jurisdiction, has ever been reprimanded, suspended, placed on inactive status, disbarred, or has ever resigned from the practice of law, and, if so, setting forth the circumstances of such action." *Id.* §2-16(a).

16. The Respondent has tendered a conditional admission of facts in accordance with his Affidavit attached hereto in which he admits certain allegations set forth in the Complaint.

17. Respondent has acknowledged that he violated Rule 1.1 Competence in connection with the affidavits he prepared in the Skinner and the Miller cases he failed to familiarize himself with the requirements of Practice Book §2-16(a) and failed to ensure that the affidavits disclosed, not only the existence of any prior disciplinary sanctions, but also the existence of any "grievance pending against" Attorney Levine.

18. The Respondent also acknowledges that he should have disclosed the discipline imposed upon Attorney Levine in Massachusetts, Rhode Island and Vermont during the Miller litigation, while he was sponsor of his pro hac vice admission in Connecticut.

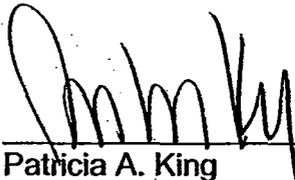
19. As reflected in the accompanying Affidavit, Respondent acknowledges that his non-disclosure to the Court of the existence of the pending disciplinary proceeding and the discipline later imposed by other states during the period of Attorney Levine's pro hac vice admission in Miller constituted professional misconduct in violation of Rule 8.4 (4).

20. The Respondent understands and agrees that the Office of Disciplinary Counsel intends to recommend that a reprimand be issued by the Statewide Grievance Committee.

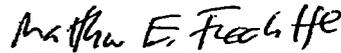
21. A copy of the Conditional Admission and a copy of Respondent's Affidavit have been sent to the Complainant Grievance Panel.

DISCIPLINARY COUNSEL
ATTORNEY

RESPONDENT, BY HIS



Patricia A. King
Assistant Disciplinary Counsel
Office of Chief Disciplinary Counsel
Connecticut Judicial Branch
100 Washington Street
Hartford, CT 06106
(203) 706-5055



Matthew Frechette
Frechette & Frechette
12 Trumbull Street
New Haven, CT 06511
(203) 865-2133

DATE

12/7/06

DATE

12-7-06

STATEWIDE GRIEVANCE COMMITTEE

GRIEVANCE COMPLAINT NO. 06-0263

HARTFORD JUDICIAL DISTRICT GRIEVANCE PANEL
Complainant

v.

ROSS ANNENBERG
Respondent

AFFIDAVIT

Pursuant to Practice Book §2-82, I, Ross Annenberg, being duly sworn, do hereby depose and say:

1. I am over the age of 18 and I understand the meaning and obligation of an oath.
2. I am not subject to coercion or distress, and I am fully aware of the implications of submitting this Conditional Admission and Affidavit.
3. I am represented by counsel in this matter.
4. This matter was commenced by a Grievance Complaint filed by the Hartford Judicial District Grievance Panel dated March 14, 2006.
5. The matter was then referred to the Windham Judicial District Grievance Panel, which found probable cause that the Respondent violated Rules 1.1 Competence, 1.3 Diligence, 1.4 (a) and (b) Communication, 3.3 Candor toward the Tribunal, 8.4(3) Conduct involving fraud, misrepresentation or deceit, and 8.4(4)

Conduct prejudicial to the Administration of Justice in connection with my preparation of two affidavits in support of applications for pro hac vice admission of my partner, employer and co-counsel, Attorney Kenneth Levine and our representation of plaintiffs in two medical malpractice lawsuits in filed in the Connecticut Superior Court in Hartford entitled Skinner v. Doelger and Miller v. Fishman.

6. Specifically the local panel charged the following rules violations:
 - (1) Rules 1.1 and 1.3 for failing to obtain and disclose expert witnesses in the Skinner and Miller cases;
 - (2) Rules 1.3 and 1.4(a) and (b) for failing to promptly notify his clients in the Miller case of the court's order vacating his co-counsel's *pro hac vice* appearance.
 - (3) Rules 3.3(a) (1) and 8.4(3) and (4) for failing to advise the court of the of the pending disciplinary proceedings against Attorney Levine in other states when I sponsored his pro hac vice application in the Skinner case and while he was admitted *pro hac vice* in the Miller case;

7. I am licensed to practice law in Connecticut and the Commonwealth of Massachusetts.

8. I was Attorney Kenneth Levine's employee / law partner in Massachusetts in 2001 when we were retained to represent plaintiffs in two medical malpractice cases filed the Superior Court in Hartford, Skinner v. Doelger, and Miller v. Fishman.

9. Attorney Levine was not admitted in Connecticut so I prepared affidavits and applications for pro hac vice admission filed in on behalf of the plaintiffs in both the Skinner and Miller cases.

10. Attorney Levine was denied pro hac vice admission in Skinner, and was granted pro hac admission in Miller, until the court vacated his pro hac vice admission in December, 2004.

11. I filed appearances in and acted as local counsel in both the Skinner and Miller cases.

12. I have been tendered a conditional admission of facts in accordance with his Affidavit attached hereto in which I admit certain allegations set forth in the Complaint.

13. I acknowledge that I violated Rule 1.1 Competence in connection with the affidavits I prepared in the Skinner and the Miller cases I failed to familiarize myself with the requirements of Practice Book §2-16(a) and failed to ensure that the affidavits disclosed, not only the existence of any prior disciplinary sanctions, but also the existence of any "grievance pending against" Attorney Levine.

14. I also acknowledge that I should have disclosed the discipline imposed upon Attorney Levine in Massachusetts, Rhode Island and Vermont during the Miller litigation, while I was sponsor of his pro hac vice admission in Connecticut in light of the requirements of Practice Book §2-16 that I as local counsel was responsible for Attorney Levine's conduct.

15. I acknowledge that my failure to discover and disclose to the Court the existence of the pending disciplinary proceeding and the discipline later imposed by other states during the period of Attorney Levine's pro hac vice admission in Miller constituted professional misconduct in violation of Rule 8.4 (4).

16. I understand and agree that the Office of Disciplinary Counsel intends to recommend that a reprimand be issued by the Statewide Grievance Committee.

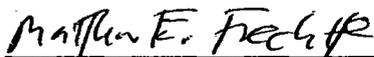
17. A copy of the Conditional Admission and Affidavit have been sent to the Complainant Grievance Panel.

18. The foregoing is true and accurate to the best of my knowledge and belief.


Ross Annenberg

Subscribed and sworn to before me

this 2nd day of December, 2006.



~~Notary Public~~

Commissioner of the Superior Court