

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2107 Disciplinary Docket No. 3
Petitioner :
 : No. 137 DB 2014
v. :
 : Attorney Registration No. 75857
HOPE RENAE D'OYLEY, :
Respondent : (Montgomery County)


ORDER

PER CURIAM

AND NOW, this 30th day of December, 2014, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated October 9, 2014, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Hope Renae D'Oyley is suspended on consent from the Bar of this Commonwealth for a period of six months, and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy John A. Vaskov, Esquire
As Of 12/30/2014

Attest: 
Deputy Prothonotary
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

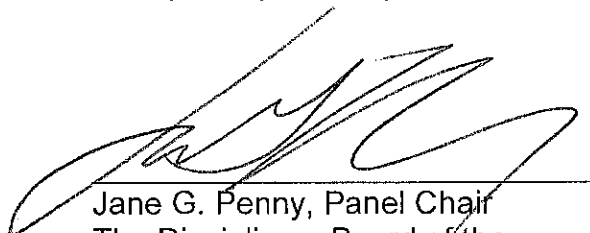
OFFICE OF DISCIPLINARY COUNSEL	:	No. 137 DB 2014
Petitioner	:	
v.	:	Attorney Registration No. 75857
HOPE RENAE D'OYLEY	:	
Respondent	:	(Montgomery County)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Jane G. Penny, Brian J. Cali and David A. Fitzsimons, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on September 10, 2014.

The Panel approves the Joint Petition consenting to a six month suspension and recommends to the Supreme Court of Pennsylvania that the attached Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Jane G. Penny, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 10/9/2014

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 137 DB 2014
Petitioner :
 : Board File No. C2-14-601
v. :
 : Attorney Reg. No. 75857
HOPE RENAE D'OYLEY, :
Respondent : (Montgomery 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, Hope Renae D'Oyley (n/k/a Hope Renae D'Oyley-Gay) (hereinafter "Respondent"), by and through her counsel, Abraham C. Reich, Esquire, and Beth L. Weisser, 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

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Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

investigate all matters involving alleged misconduct of an attorney admitted to practice 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, Hope Renae D'Oyley-Gay, was born on October 31, 1969, and was admitted to practice law in the Commonwealth of Pennsylvania on October 10, 1995.

3. Respondent was placed on inactive status for failing to comply with her continuing legal education requirements by Order of the Supreme Court of Pennsylvania dated April 3, 2009.

4. On September 1, 2010, pursuant to former subdivision (k) of Rule 219, Pa.R.D.E., Respondent's status was transferred from inactive to administratively suspended.

5. Respondent remains administratively suspended.

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

SPECIFIC FACTUAL AND LEGAL ADMISSIONS

7. At all times relevant to this Joint Petition, Respondent has been employed by GlaxoSmithKline ("GSK") and has been based in GSK's King of Prussia, Pennsylvania, office at 2301 Renaissance Boulevard.

8. By April 3, 2009 Order, which became effective May 3, 2009, the Supreme Court of Pennsylvania transferred Respondent to inactive status, pursuant to Rule 111(b), Pa.R.C.L.E.

9. By letter dated April 3, 2009, mailed to Respondent's registered address, GlaxoSmithKline, 2301 Renaissance Boulevard, King of Prussia, Pennsylvania, 19406, Attorney Registrar Suzanne E. Price notified Respondent of the April 3, 2009 Order, and that Respondent's transfer to inactive status would become effective May 3, 2009, for her failure to comply with the Pennsylvania Rules for Continuing Legal Education.

10. Ms. Price's letter further advised Respondent of her requirement to comply with Rule 217, Pa.R.D.E.

11. On May 3, 2009, Respondent was transferred to inactive status because she took no action to address her failure to earn sufficient CLE credits.

12. On May 15, 2009, Attorney Registration caused to be mailed to Respondent at her registered address a 2009-2010 registration packet. Included in that packet was notification of amendments to Rule 219, Pa.R.D.E.¹

¹ That change, which was adopted by Order dated April 16, 2009 (No. 75 Disciplinary Rules Docket No. 1, Supreme Court), effective May 2, 2009, established a grace period of one year commencing on July 1, 2009, in which any attorney who was on inactive status by order of the Supreme Court could request and achieve reinstatement to active status under Rule 218, Pa.R.D.E., or another applicable subdivision of Rule 219,

13. On September 1, 2010, pursuant to former subdivision (k) of Rule 219, Pa.R.D.E., Respondent's status was transferred from inactive to administratively suspended because Respondent had failed to seek the reinstatement of her license.

14. Following Respondent's transfer to administrative suspension, attorney registration packets for the years 2010-2011, 2011-2012, and 2012-2013, were also mailed to Respondent at her registered address. Each of those packets referred to Respondent's status as inactive or administratively suspended and included information as to the annual fee requirements and the procedure to be reinstated.

15. During the period of Respondent's status as inactive and administratively suspended, Respondent paid no annual attorney registration fees.

16. Respondent did, however, continue to take continuing legal education courses, but the courses taken were in most compliance years insufficient to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education.

17. Although Respondent does not dispute that the materials Attorney Registration directed to her were received at

Pa.R.D.E., to avoid an automatic change in status to administrative suspension. The grace period was administratively extended to August 31, 2010, and any involuntarily inactive attorney who did not achieve active status by that date was transferred to administrative suspension on September 1, 2010.

her registered address, Respondent does not recall reviewing them and claims to have been unaware of them resulting in her failure to pay annual attorney registration fees.

18. While a formerly admitted attorney, Respondent engaged in the unauthorized practice of law and engaged in law-related activity in her roles at GSK as Assistant General Counsel through November 2009, and Vice President and Associate General Counsel for GSK from December 2009, until April 28, 2014, when Respondent's title at GSK was changed to Vice President and her role became administrative.

19. Respondent's unauthorized practice of law and improper law-related activity included her work in supporting strategic transactions, such as mergers and acquisitions, product divestments, product acquisitions and joint ventures, including the global divestment of more than 100 consumer healthcare products in 2010 and 2011, for GSK as part of the Legal Operations - Business Development Transactions Team.

- a. The transactions Respondent supported as in-house counsel for GSK were governed by foreign law of European countries and, to some extent, New York and Delaware law.
- b. According to Respondent, none of the transactions were governed by Pennsylvania law.

- c. Due to the size of the transactions Respondent supported, GSK was also represented by outside counsel who performed legal services, usually international counsel.
- d. Respondent's focus was primarily on the business issues and compliance with GSK's corporate policies and procedures.

20. In addition to working as in-house counsel for GSK during her inactive status and administrative suspension, Respondent participated on two occasions as a volunteer in Small Business Clinics sponsored by Philadelphia VIP as part of Philadelphia VIP's Martin Luther King Day celebrations in 2013 and 2014.

- a. On January 21, 2013, Respondent and another volunteer were paired with a small business owner who sought advice regarding employment, patent, and tax issues.
- b. On January 20, 2014, Respondent and another volunteer were paired with a small business owner who sought advice regarding business expansion, small business funding, tax issues, and insurance.

c. Both sessions were held at the law offices of Ballard Spahr LLP, and, depending on the areas of need requested by the small business owners, actively licensed attorneys from that firm were called upon to provide advice and guidance to the volunteers and small business owners.

d. Respondent's contact with the small business owners did not extend beyond the clinics held on January 21, 2013, and January 20, 2014.

21. Respondent claims to have learned of her status as administratively suspended on January 24, 2014, as a result of a telephone call she placed to the Pennsylvania Continuing Legal Education Board to seek approval of 2013 CLE courses that she had taken outside of Pennsylvania.

22. By February 24, 2014, Respondent had taken the additional continuing legal education credits required for the reinstatement of her license. Respondent, however, was also required to petition for reinstatement under the procedure set forth in Rule of Disciplinary Enforcement 218(c) because she had not been on active status at any time within the past three years.

23. In early March 2014, Respondent notified GSK of the status of her Pennsylvania license.

24. At or about the same time, Respondent discontinued all activities in connection with her employment at GSK that may have been deemed the practice of law or that may have constituted the engagement in law-related activities in the Commonwealth.

25. On April 14, 2014, Respondent filed a petition for reinstatement. The petition for reinstatement has been withdrawn, and Respondent anticipates filing a new petition for reinstatement from administrative suspension after this disciplinary matter concludes.

26. On April 28, 2014, Respondent's title at GSK was changed to Vice President and she was transitioned to an administrative role within the Company.

27. According to Respondent, in Respondent's current role at GSK, she handles process improvement projects for the Legal Corporation Functions - Business Development Transactions Team ("the Team"), plans Team meetings, and oversees other administrative tasks/projects for the Team. Respondent's work includes the following: reviewing/developing metrics measuring the Team's workload, including volume of work, type of work, efficiency and use of outside counsel resources; developing and implementing a system for the Team to more effectively track workload; establishing processes for determining the best way to

prioritize the workload of the Team and to allocate responsibilities among the various members of the Team to ensure a fair and adequate distribution of work; and establishing processes for the Team's use of third party vendors, including outside counsel. Respondent also works on processes for the Team's use of a new IT system within the GSK Legal Department and preparations for the Team's anticipated move from its current location to a new location with an open-space working environment.

28. Respondent has represented that in her current role at GSK she has and will have no involvement in activities that address legal issues or law-related matters. Respondent has nevertheless engaged a supervising attorney pursuant to Pa.R.D.E. 217(j)(5) in an abundance of caution. Respondent's supervising attorney is Lisa DeMarco, Esquire, GSK Vice President & Associate General Counsel, Legal Corporate Functions - Business Development Transactions.

29. By her conduct as alleged in paragraphs 1 through 28, 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. Pa.R.D.E. 217(a), requiring a formerly admitted attorney to promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients being represented in pending matters, other than litigation or administrative proceedings, of the administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere;
- c. Pa.R.D.E. 217(c), requiring a formerly admitted attorney to promptly notify, or cause to be notified, of the administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested, all persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good

standing; and

- d. 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.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

30. 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.

31. 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.

32. 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.

33. 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).

34. 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. 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;
- b. 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;

c. 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;

d. In *Office of Disciplinary Counsel v. Quinn*, No. 1274 DD No. 3, 39 DB 2006 (2007), Quinn received a three (3) month suspension for the unauthorized practice of law; Quinn's behavior was characterized by the Board as being careless

and sloppy, but not intentional or deceitful (Bd. Rpt. p. 15); and

- e. In *Office of Disciplinary Counsel v. Perrella*, No. 824 DD No.3, 19 DB 2001, Perrella was suspended for a period of three (3) months for knowingly disregarding his inactive status by engaging in the unauthorized practice of law for several years and in several civil matters.

35. 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 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, and that Respondent be ordered to pay all necessary expenses incurred in the investigation and prosecution of this matter as a condition to this Joint Petition being granted.

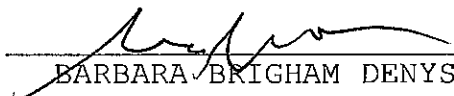
Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION,
Chief Disciplinary Counsel

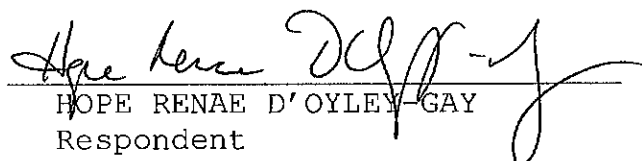
Date: 9/8/14

BY:


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

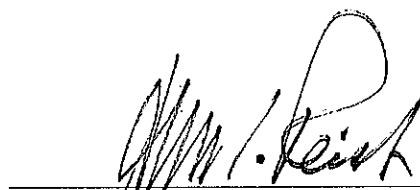
Date: 9-3-2014

BY:


HOPE RENAE D'OYLEY-GAY
Respondent

Date: 9.5.14

BY:



ABRAHAM C. REICH, ESQUIRE
BETH L. WEISSER, ESQUIRE
Attorney ID Nos. 20060/93591
Counsel for Respondent
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222
(215) 299-2000
AReich@Foxrothschild.com
BWeisser@Foxrothschild.com

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.

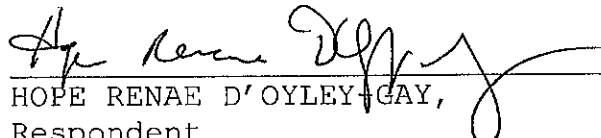
Date: 9/8/14

BY:


BARBARA BRIGHAM DENYS,
Disciplinary Counsel

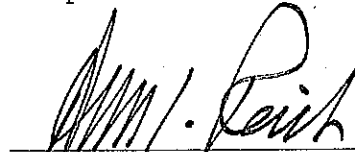
Date: 9-3-2014

BY:


HOPE RENAE D'OYLEY-GAY,
Respondent

Date: 9.5.14

BY:


ABRAHAM C. REICH, ESQUIRE
BETH L. WEISSER, ESQUIRE
Counsel for Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2014
Petitioner :
 : Board File No. C2-14-601
v. :
 : Attorney Reg. No. 75857
HOPE RENAE D'OYLEY, :
Respondent : (Montgomery County)

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

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY

HOPE RENAE D'OYLEY (n/k/a Hope Renae D'Oyley-Gay), 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

retained, consulted and acted upon the advice of counsel, Abraham C. Reich, Esquire, and Beth L. Weisser, Esquire, in connection with her decision to consent to discipline.

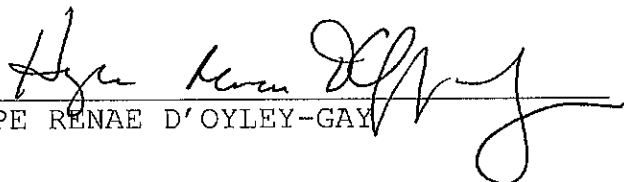
4. She is aware that there is presently pending an investigation into allegations that she has been guilty of misconduct as set forth in the Joint Petition.

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

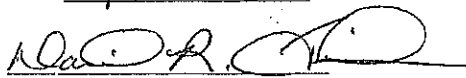
6. She consents because she knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, she could not successfully defend against them.

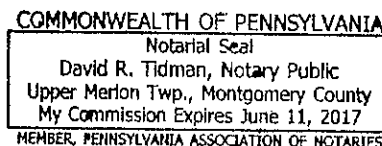
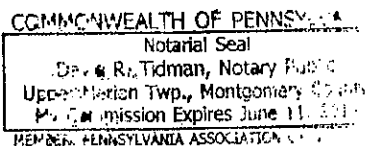
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 3rd day of September, 2014.


HOPE RENAE D'OYLEY-GAY

Sworn to and subscribed
before me this 3rd day
of September, 2014.


Notary Public



BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. DB 2014
Petitioner :
v. : Board File No. C2-14-601
HOPE RENAE D'OYLEY, : Attorney Reg. No. 75857
Respondent : (Montgomery 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:

Abraham C. Reich, Esquire
Beth L. Weisser, Esquire
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222

Date: 9/8/14

BY: 

BARBARA BRIGHAM DENYS
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