

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1868 Disciplinary Docket No. 3
: :
: Nos. 110 DB 2012
JILL CAROL CASTELLINI : :
: Attorney Registration No. 92637
: :
PETITION FOR REINSTATEMENT : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 31st day of December, 2015, upon consideration of the Report and Recommendations of the Disciplinary Board, the Petition for Reinstatement is granted. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

Mr. Justice Eakin did not participate in the consideration or decision of this matter.

A True Copy Patricia Nicola
As Of 12/31/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order of November 16, 2012, the Supreme Court of Pennsylvania suspended Jill Carol Castellini for a period of one year and one day. Ms. Castellini filed a Petition for Reinstatement on December 15, 2014. Office of Disciplinary Counsel filed a Response to Petition on May 13, 2015.

A reinstatement hearing was held on July 21, 2015 before a District I Hearing Committee comprised of Chair Dion G. Rassias, Esquire, and Members Patricia V. Pierce,

Esquire and Alexander B. Giacobetti, Esquire. Petitioner was represented by Samuel C. Stretton, Esquire.

Following the submission of a brief by Petitioner, the Committee filed a Report on August 31, 2015 and recommended that the Petition for Reinstatement be granted.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on October 22, 2015.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Jill Carol Castellini. She was born in 1974 and was admitted to practice law in the Commonwealth of Pennsylvania in 2004. Her current attorney registration address is 2628 Tulip Street, Philadelphia, PA 19125. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

2. Following her admission in Pennsylvania, Petitioner worked for Roland Atkins, Esquire at the law firm of Atkins & Cohen, P.C. in Philadelphia, from 2006 until November 2010. Petitioner tried between five and ten civil arbitrations and served as second chair with Attorney Atkins on approximately ten jury trials. N.T. 103.

3. In November 2010, Petitioner left the Atkins law firm under amicable circumstances and obtained employment at Wilbraham, Lawler and Buba, a Philadelphia law firm. N.T. 104, 105.

4. Petitioner was placed on administrative suspension in January 2011 for failure to comply with Continuing Legal Education requirements. Petitioner explained that she was two credits short. N.T. 106.

5. Petitioner was not aware of her administrative suspension and continued to practice law, excluding the time she spent on maternity leave, until January 2012. N.T. 106

6. Upon discovery of her administrative suspension, Petitioner was terminated from the Wilbraham law firm. She immediately contacted the CLE Board and the Disciplinary Board. N.T. 110,111.

7. Petitioner entered into discipline on consent and was suspended from the practice of law in Pennsylvania for a period of one year and one day by Order of the Supreme Court of Pennsylvania dated November 16, 2012.

8. Petitioner credibly explained that due to overwhelming personal issues, she did not realize she had failed to complete her required CLE credits. Her husband was drinking, abusing the drug Adderall and gambling. Petitioner became pregnant and found that her husband increased his poor behavior. She was in a fragile emotional state and was very distracted as a result of her husband's conduct. N.T. 107-111.

9. Petitioner has accepted responsibility for her misconduct and is extremely remorseful. (N.T. 111, 112) She apologized for her actions and the embarrassment she has caused the bar, her family, friends and others. She indicated she would like to make amends if given the opportunity to return to the practice of law. N.T. 138, 139.

10. Petitioner has not engaged in the unauthorized practice of law during the time frame of her disciplinary suspension. N.T. 112.

11. Petitioner began working in an administrative/paralegal capacity for Attorney Atkins at year end 2012. She generally works one day per week. She answers the telephone, sorts the mail and reviews and summarizes medical records and reports for Attorney Atkins. She is paid at the rate of \$35.00 per hour and treated as an independent contractor with a 1099 filing. N.T. 115.

12. In addition to her work for Attorney Atkins, Petitioner is substitute teaching in New Jersey and works for a company called Source for Teachers. N.T. 119, 120.

13. Petitioner has limited income and has relied upon her parents, who have helped her generously with gifts and loans. N.T. 122.

14. Petitioner is divorced from her former husband and has primary custody of their four-year old daughter. The former husband provides very little assistance in raising their daughter and/or providing funds for support. N.T. 112.

15. Petitioner has credit card debt, which she pays monthly. She also owes several hospital bills, which she is not in a position to pay at the current time. N.T. 127.

16. Petitioner is current in all her state and federal tax filings. N.T. 130.

17. Office of Disciplinary Counsel raised an issue concerning Petitioner's City of Philadelphia taxes. They were initially prepared by a tax preparer and were incorrect. Petitioner went to a different tax preparer who attempted to correct her tax returns for the City, but the second preparer also committed some errors, so Petitioner filed an Amended City Tax Return. N.T. 130-133.

18. Petitioner admitted that her tax returns still listed her as an attorney. She indicated that this was an error and she has advised her tax preparer to remove any listing as an attorney. N.T. 135-136.

19. Petitioner has fulfilled her Continuing Legal Education credits required for reinstatement. N.T. 128.

20. Petitioner remains current in the law by reading legal publications on the days she works at the Atkins law firm. N.T. 128, 129.

21. Petitioner delayed petitioning for reinstatement for more than two years because she wanted to be fully prepared and ready to return to the practice of law. This included resolving her domestic situation and dealing with the issues of raising her daughter. N.T. 112, 113.

22. Petitioner's experience with her divorce litigation has motivated her to consider practicing in the area of domestic relations if she is reinstated. N.T. 124, 125.

23. If reinstated, she plans to practice law at Atkins & Cohen, P.C. N.T. 137.

24. Petitioner believes she has learned from her suspension. She particularly noted the need to pay attention and keep her personal life in order. N.T. 137.

25. Petitioner presented the testimony of five witnesses. The testimony of these witnesses is credible.

26. Roland Atkins, Esquire testified in support of Petitioner. He has practiced law since 1975, primarily in the area of insurance defense. N.T. 11, 12.

27. Mr. Atkins confirmed that Petitioner worked for him as an attorney from 2006 to 2010. He noted that she was very conscientious and thorough. He also noted she was good at reviewing medical records and medical terminology. N.T. 15, 16.

28. Mr. Atkins is aware that Petitioner was placed on administrative suspension when she did not complete her CLE requirements and he is also aware that she engaged in the unauthorized practice of law. N.T. 18.

29. Petitioner has worked for Mr. Atkins in an administrative capacity since 2012. Mr. Atkins and Petitioner notified the Disciplinary Board of her employment as an administrative assistant/paralegal. Exh. P-3; N.T. 20, 21.

30. Mr. Atkins confirmed that he supervises everything Petitioner does when she works at his firm. N.T. 22, 23.

31. Mr. Atkins confirmed that Petitioner has never held herself out as an active attorney since her suspension. N.T. 22.

32. Petitioner has expressed remorse and embarrassment to Mr. Atkins. He noted that she was enduring a difficult time in her domestic life when the misconduct occurred. N.T. 24, 25.

33. Mr. Atkins opined that Petitioner's reputation among people in the community as a peaceful and law-abiding person and as a truthful and honest person is good. N.T. 26.

34. Mr. Atkins has no hesitation in recommending Petitioner's reinstatement to the practice of law. N.T. 27.

35. Steven Anderson has worked as a paralegal for Attorney Atkins for 21 years. He has known Petitioner since she was an active attorney with the Atkins firm starting in 2006, as well as during her suspension. He opined that she was an excellent attorney and extremely diligent. N.T. 37, 38.

36. Mr. Anderson confirmed that Petitioner has no contact with clients other than answering the telephone for administrative purposes. N.T. 46, 47.

37. Mr. Anderson opined that Petitioner has a good reputation in the community as a truthful and honest person and he has no hesitation in recommending her reinstatement to the bar. N.T. 41, 42.

38. Petitioner presented three other character witnesses: Sarah King and Jill Mumie, who are long-time personal friends, and Joan Castellini, Petitioner's mother. These witnesses confirmed that Petitioner is very remorseful about her misconduct and has an excellent reputation for truth and honesty in the community. N.T. 50– 90.

39. Office of Disciplinary Counsel does not oppose reinstatement.

III. CONCLUSIONS OF LAW

Petitioner has met her burden of proof by clear and convincing evidence that she has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth and that the resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

IV. DISCUSSION

Petitioner seeks readmission to the bar following her suspension for one year and one day for the unauthorized practice of law while on administrative suspension. Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of

Pennsylvania. In order for Petitioner to gain reinstatement, she has the burden of proving by clear and convincing evidence that she is morally qualified, competent and learned in the law, and that her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Rule 218(c)(3), Pa.R.D.E.

A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts made since the time the sanction was imposed and the degree of success achieved in the rehabilitative process. *Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court*, 363 A.2d 779 (Pa. 1976).

Petitioner failed to fulfill her Continuing Legal Education credits and was administratively suspended by the Supreme Court in January 2011. She was unaware of her suspension and continued to practice law until she was terminated from her law firm in January 2012 upon the firm's discovery of the administrative suspension. Petitioner consented to her disciplinary suspension by the Supreme Court, effective December 16, 2012.

During the time frame of her misconduct, Petitioner explained that she was emotionally fragile and very distracted due to ongoing difficulties involving a destructive marital situation. Petitioner admitted she failed to pay attention to her responsibilities. She was extremely embarrassed and remorseful, and while the substance of the hearing must have been difficult for Petitioner, her testimony was at all times candid and forthcoming. She made clear her intent to fully abide by the rules in the future and is determined that her misconduct will never occur again. While these extraordinary personal

challenges do not excuse or justify her actions, the Board recognizes that they contributed to her misconduct.

Petitioner's testimony is very persuasive as to her readiness to resume the practice of law. The factors and influences of her personal misfortunes appear to have subsided. Petitioner has since divorced and is raising a young daughter. She felt it was important to deal with the domestic issues in her life before delving into a reinstatement proceeding, which is why she waited more than two years to apply for readmission. At this point, Petitioner believes her life has stability, rendering her ready and able to re-engage in the practice of law and give it her full attention.

Petitioner is currently working part-time as an administrative assistant/paralegal for the Atkins & Cohen law firm and is substitute teaching. She fulfilled her required CLE credits and kept current in the law by reviewing legal publications through her employment at the Atkins firm. Petitioner plans to return to practice with Attorney Atkins, if given the privilege to do so.

Petitioner's five witnesses fully support her reinstatement. Each witness understood the circumstances of Petitioner's suspension, and each witness credibly testified to Petitioner's expressions of remorse, acknowledgment of wrongdoing, and good reputation in the community for truth and honesty. In addition, Roland Atkins, Esquire offered persuasive testimony as to Petitioner's thoroughness and diligence as an attorney.

Having considered all of the testimony and the facts and circumstances unique to this matter, the Board is persuaded that Petitioner has met her burden pursuant to Rule 218(c)(3), Pa.R.D.E. and is fit to be reinstated to the practice of law in Pennsylvania.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Jill Carol Castellini, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 
David A. Fitzsimons, Board Member

Date: December 11, 2015

Board Members Porges and Cordisco did not participate in the adjudication.