

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1868 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 110 DB 2012
v.	:	
	:	Attorney Registration No. 92637
JILL CAROL CASTELLINI,	:	
Respondent	:	(Philadelphia)


ORDER

PER CURIAM:

AND NOW, this 16th day of November, 2012, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated August 28, 2012, 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 Jill Carol Castellini is suspended on consent from the Bar of this Commonwealth for a period of one year and one day and she shall comply with all the provisions of Rule 217, Pa.R.D.E.

A True Copy Patricia Nicola
As Of 11/16/2012

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

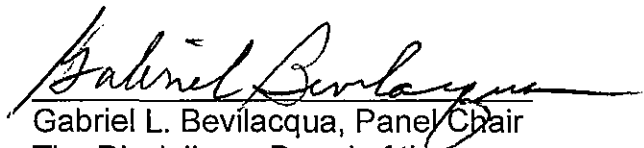
OFFICE OF DISCIPLINARY COUNSEL	:	No. 110 DB 2012
Petitioner	:	
	:	
v.	:	Attorney Registration No. 92637
	:	
JILL CAROL CASTELLINI	:	
Respondent	:	(Philadelphia)

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 Gabriel L. Bevilacqua, Carl D. Buchholz, III, and David E. Schwager, has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on July 23, 2012.

The Panel approves the Joint Petition consenting to a one year and one day 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.


Gabriel L. Bevilacqua, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: August 28, 2012

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : 110 DB 2012
Petitioner :
: ODC File No. C1-12-59
v. :
: Atty. Reg. No. 92637
JILL CAROL CASTELLINI, :
Respondent : (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER Pa.R.D.E. 215(d)

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Richard Hernandez, Disciplinary Counsel, and by Respondent, Jill Carol Castellini, and Samuel C. Stretton, Esquire, Counsel for Respondent, file this Joint Petition in Support of Discipline on Consent Under Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and respectfully represent that:

1. Petitioner, whose principal office is located at Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all

FILED

JUL 23 2012

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

disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Jill Carol Castellini, was born on November 6, 1974, and was admitted to practice law in the Commonwealth on May 18, 2004. Respondent was assigned Attorney Registration No. 92637 and is currently registered as "active."

3. According to attorney registration records, Respondent's public access address is 2628 Tulip Street, Philadelphia, PA 19125.

4. Pursuant to Pa.R.D.E. 201(a)(1), Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

5. In connection with ODC File No. C1-12-59, Respondent received a Request for Statement of Respondent's Position (Form DB-7) dated April 23, 2012.

6. By letter dated June 6, 2012, Respondent's counsel, Samuel C. Stretton, Esquire, advised Petitioner that Respondent had agreed to enter into a joint recommendation for consent discipline.

7. By letter dated June 7, 2012, Respondent submitted a counseled response to the DB-7 letter.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

8. Respondent hereby stipulates that the following factual allegations drawn from the DB-7 letter, as referenced above, are true and correct and that she violated the charged Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as set forth herein.

CHARGE

9. The Pennsylvania Continuing Legal Board ("the CLE Board") assigned Respondent to Compliance Group 1.

- a. Attorneys assigned to Compliance Group 1 had a deadline of April 30th to comply with the Pennsylvania Continuing Legal Education ("CLE") requirements.

10. At all times relevant hereto, Respondent resided at 2628 Tulip Street, Philadelphia, Pennsylvania ("the Tulip Street address").

- a. The zip code for the Tulip Street address is 19125-1827.

11. By notice dated June 25, 2010, mailed to Respondent at the Tulip Street address, the CLE Board, *inter alia*:

- a. enclosed Respondent's Annual CLE Report, which showed how the CLE courses Respondent had taken for the past three compliance years had been applied and that in Respondent's most recent compliance year, ending April 30, 2010, Respondent was two hours short of the required twelve credit hours;
- b. stated that the CLE Board's records showed that Respondent was non-compliant with her CLE requirements;
- c. informed Respondent that a late fee of \$100 had been assessed;
- d. advised Respondent that she had sixty days from the date of the notice to complete the required hours or to receive an approved exception as well as pay any required fees which had been assessed; and
- e. informed Respondent that following the expiration of ninety days from the date of the notice, the CLE Board would prepare a list of those lawyers who continued to be non-compliant and assess them an additional

\$100 late fee and would forward that list to the Supreme Court of Pennsylvania.

12. Respondent received the June 25, 2010 notice, with enclosures.

13. By notice dated September 29, 2010, mailed to Respondent at the Tulip Street address, the CLE Board, *inter alia*:

- a. stated that the CLE Board's records showed that Respondent was non-compliant with her CLE requirements for the compliance year ending April 30, 2010;
- b. informed Respondent that a second late fee of \$100 had been assessed;
- c. advised Respondent that the process for preparing the list of those lawyers who continued to be non-compliant for submission to the Supreme Court of Pennsylvania would be finalized by October 29, 2010;
- d. urged Respondent "to take action to remedy this situation"; and
- e. informed Respondent of the consequences that would follow if she failed to address her non-compliance, as well as those steps she had to take to resume active status.

14. Respondent received the September 29, 2010 notice, with enclosure.

15. By Order dated December 10, 2010, the Supreme Court of Pennsylvania placed Respondent on administrative suspension pursuant to Rule 111(b) of the Pennsylvania Rules for Continuing Legal Education ("Pa.C.L.E.") for failure to comply with CLE requirements.

16. By letter dated December 10, 2010, sent to Respondent by certified mail, return receipt requested, at the Tulip Street address, Suzanne E. Price, Attorney Registrar:

- a. served Respondent with a copy of the Order;
- b. informed Respondent that she was required to comply with Rules 217 of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and §§91.91-91.99 of the Disciplinary Board Rules, as enclosed;
- c. provided Respondent with the Standard Guidance to Lawyers Who have been Administratively Suspended; Form DB-23(a), Nonlitigation Notice of Administrative Suspension; Form DB-24(a), Litigation Notice of Administrative Suspension; Form DB-25(a), Statement of Compliance; and a letter

prepared by the CLE Board providing information regarding compliance with Rule 111(B), Pa.C.L.E.; and

d. advised Respondent that in order to resume active status, she was required to comply with the CLE Board.

17. On or about January 10, 2011, the Attorney Registration Office received from the United States Postal Service Ms. Price's December 10, 2010 certified letter, which was marked "RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD."

18. On January 10, 2011, the Attorney Registration Office re-sent to Respondent Ms. Price's December 10, 2010 letter, with enclosures, by first class mail.

19. Respondent received Ms. Price's December 10, 2010 letter.

20. Respondent knew that as of January 9, 2011, she was administratively suspended.

21. By Preliminary Annual CLE Report ("Report") dated February 17, 2011, mailed to Respondent at the Tulip Street address, the CLE Board, *inter alia*:

a. stated that the Report was to inform Respondent of her status with the

Pennsylvania CLE requirements as of February 3, 2011;

- b. informed Respondent that the CLE Board's records showed that her CLE requirement for the 2011 compliance year was deferred because she was placed on administrative suspension; and
- c. alerted Respondent to where she could obtain information regarding reinstatement to the practice of law in Pennsylvania and CLE obligations.

22. Respondent received the February 17, 2011 Report.

23. Respondent knew that she was ineligible to practice law in Pennsylvania by virtue of:

- a. the June 25, 2010 and September 29, 2010 notices and the February 17, 2011 Report that she received from the CLE Board;
- b. Ms. Price's December 10, 2010 letter and enclosures;
- c. the expiration of Respondent's Pennsylvania attorney's license on July 1, 2010; and
- d. Respondent's failure to obtain a Pennsylvania attorney license after July 1, 2010.

24. Respondent violated Pa.R.D.E. 217(e), in that she did not timely file a verified Statement of Compliance (Form DB-25(a)) with the Disciplinary Board Secretary within ten days after the effective date of her administrative suspension.

25. Respondent was employed as an associate at Wilbraham, Lawler, & Buba ("WL&B") at the time her administrative suspension became effective.

26. Respondent continued in her employment as an associate at WL&B after her administrative suspension became effective.

27. From January 10, 2011 through January 18, 2012, in her capacity as a WL&B associate, Respondent engaged in the unauthorized practice of law by attending hearings in workers' compensation court, attending mediations in workers' compensation matters, attending hearings in discovery court, appearing at a settlement conference and an oral argument, and/or attending depositions in connection with the following client matters:

1. SWIF;
2. PHICO Services;
3. PLAN;
4. United States Gypsum;
5. Gallagher Bassett;

6. ASBESTOS;
7. PECO;
8. Broudy Supply;
9. National Gypsum Company;
10. PFRACP;
11. AH Bennett Company;
12. Athlone Industries;
13. Arvin Meritor;
14. Brake Systems, Inc.;
15. Burnham Boilers;
16. Celanese;
17. CL Zimmerman;
18. Cummins;
19. Case New Holland;
20. Corken, Inc.;
21. CertainTeed Corp.;
22. Curtis Wright;
23. DAP, Inc.;
24. Eggers;
25. Fairbanks Company;
26. Fruehauf;
27. Grinnell Corporation;
28. Hale Pumps;
29. Heidelberg, Inc.;

30. HM Royal;
31. IUNA;
32. JC Penney;
33. Kelsey-Hayes;
34. Lawrence Pumps;
35. Lennox Industries;
36. Mannington Mills;
37. Maremont, Inc.;
38. Nelson Insulation;
39. NOSROC;
40. St. Gobain Abrasives;
41. Rockwell, Inc.;
42. Robertson Seco;
43. Rockwell International;
44. Tabet Manufacturing;
45. Transdigm Group;
46. US Restaurants;
47. Viking Pumps;
48. Wilson Industries;
49. Yarway Valves;
50. Buffalo Pumps; and
51. PLENCO.

28. Respondent failed to advise her clients in those cases that are set forth in paragraph 27 that:

- a. she had been administratively suspended; and
- b. she could not represent them in their legal matters.

29. On January 13, 2012, the corporate officers of WL&B learned that Respondent had been placed on administrative suspension.

30. On January 18, 2012, Respondent's employment at WL&B was terminated.

31. By her conduct as alleged in Paragraphs 9 through 30 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

- a. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- b. RPC 5.5(a), which states that a lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so; and
- c. Pa.R.D.E. 203(b)(3), which states that a wilful violation of any other provision of

the Enforcement Rules shall be grounds for discipline, via:

- (1) Pa.R.D.E. 217(b), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, by registered or certified mail, return receipt requested, all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney;
- (2) Pa.R.D.E. 217(c)(1), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return

receipt requested all persons or their agents or guardians to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, administrative suspension or transfer to inactive status. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status;

- (3) Pa.R.D.E. 217(c)(2), which states that a formerly admitted attorney shall promptly notify, or cause to be notified, of the disbarment, suspension, administrative suspension or transfer to inactive status, by registered or certified mail, return receipt requested all other 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. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status;
- (4) Pa.R.D.E. 217(e), which states that within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Board a verified statement;
- (5) Pa.R.D.E. 217(j)(2), which states that the only law-related activities that may be conducted by a formerly admitted

attorney are the following: (i) legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents; (ii) direct communication with the client or third parties to the extent permitted by paragraph (3); and (iii) accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client;

- (6) Pa.R.D.E. 217(j)(3), which states that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney, organization or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney;
- (7) Pa.R.D.E. 217(j)(4)(v), which states that a formerly admitted attorney is specifically prohibited from having any contact with clients either in person, by telephone, or in writing, except as provided in paragraph (3);
- (8) Pa.R.D.E. 217(j)(4)(vi), which states that a formerly admitted attorney is specifically prohibited from rendering

legal consultation or advice to a client;

(9) Pa.R.D.E. 217(j)(4)(vii), which states that a formerly admitted attorney is specifically prohibited from appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body; and

(10) Pa.R.D.E. 217(j)(4)(viii), which states that a formerly admitted attorney is specifically prohibited from appearing as a representative of the client at a deposition or other discovery matter.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

32. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a suspension from the practice of law for a period of one year and one day.

33. Respondent hereby consents to that discipline being imposed upon her by the Supreme Court of Pennsylvania. Attached to this Petition is Respondent's executed Affidavit required by Rule 215(d), Pa.R.D.E., stating that she consents to the recommended discipline, including the mandatory acknowledgements contained in Rule 215(d)(1) through (4), Pa.R.D.E.

34. In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent has admitted engaging in misconduct and violating the charged Rules of Professional Conduct and Rules of Disciplinary Enforcement;
- b. Respondent has cooperated with Petitioner, as is evidenced by Respondent's admissions herein and her consent to receiving a suspension of one year and one day;
- c. Respondent has no record of discipline; and
- d. Respondent is remorseful for her misconduct and understands she should be disciplined, as is evidenced by her consent to receiving a suspension of one year and one day.

35. Respondent, through her attorney, desires to bring to the attention of the three-member panel of the Disciplinary Board and the Supreme Court of Pennsylvania that if the within disciplinary matter had proceeded to a disciplinary hearing, Respondent would have testified that she experienced several significant personal events that collectively distracted Respondent from being mindful of, and attending to, her CLE requirements. Those alleged

events, which occurred from the middle of 2010 through all of 2011, are as follows: Respondent worked full time as an attorney and experienced severe marital stress; Respondent's husband refused to assist Respondent with household chores and other matters; Respondent became pregnant; and Respondent discovered that her husband was having an extramarital relationship in March 2012.

36. Precedent suggests that Respondent's unauthorized practice of law warrants a suspension of one year and one day. In *Office of Disciplinary Counsel v. Steven Clark Forman*, No. 70 DB 2001 (S.Ct. Order dated 1/31/03) (D.Bd. Rpt. dated 11/13/02), Respondent Forman claimed that he was unaware of his transfer to inactive status because he had not received notices stating that he was transferred to inactive status. Respondent Forman was suspended for one year and a day for engaging in the unauthorized practice of law for twelve years. The Disciplinary Board, citing another case, stated that "it is not unreasonable to expect an attorney to be continuously aware of the status of his privilege to practice law." D.Bd. Rpt. 7. In determining the length of the suspension, the Board considered Respondent Forman's: lack of a disciplinary record; admission to rule violations; expressions of remorse; and

strong character evidence. *Id.* The Board also found that Respondent Forman's "actions were not defiant." *Id.* at 8.

Forman supports the conclusion that Respondent's unauthorized practice of law warrants a suspension of one year and one day even though she lacks a record of discipline, she has admitted her misconduct and expressed remorse, and she claims that several personal events diverted her attention from her deficient CLE requirements.

37. There are other disciplinary cases aside from *Forman* that support imposing on Respondent a suspension of one year and one day for her having engaged in the unauthorized practice of law. See, e.g., *Office of Disciplinary Counsel v. Stephen H. Griffiths*, No. 191 DB 2006 (D.Bd. Rpt. 4/4/08) (S.Ct. Order 8/29/08) (Respondent Griffiths, who was on inactive status, received a suspension of one year and one day for engaging in the unauthorized practice of law in not less than 50 matters, which consisted of representing parties in civil actions in the Court of Common Pleas of Philadelphia County and performing other legal services; Respondent Griffiths had no record of discipline, expressed remorse, and established *Braun* mitigation); *Office of Disciplinary Counsel v. Robert Mark Unterberger*, No. 14 DB 2007 (D.Bd. Rpt. 2/21/08) (S.Ct. Order 6/18/08) (Respondent Unterberger, who was on inactive

status, received a suspension of one year and one day for engaging in the unauthorized practice of law by entering his appearance in approximately 294 cases in the Court of Common Pleas of Luzerne County, and representing himself to clients, judges, attorneys and third parties that he was eligible to practice law; Respondent Unterberger had no record of discipline, cooperated with ODC, took responsibility for his actions, and established **Braun** mitigation).

38. After examining precedent and giving consideration to Respondent's admissions and the mitigating circumstances, Petitioner and Respondent submit that a one-year-and-one-day suspension is appropriate discipline for Respondent's misconduct.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Pa.R.D.E. 215(e) and 215(g), the three-member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and file its recommendation with the Supreme Court of Pennsylvania recommending that the Supreme Court enter an Order that Respondent receive a one-year-and-one-day suspension; and

b. Pursuant to Pa.R.D.E. 215(i), the three-member panel of the Disciplinary Board enter an order for Respondent to pay the necessary expenses incurred in the investigation and prosecution of this matter as a condition to the grant of the Petition, and that all expenses be paid by Respondent before the imposition of discipline under Pa.R.D.E. 215(g).

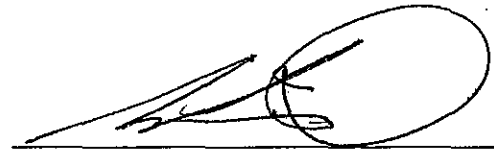
Respectfully and jointly submitted,

OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

July 20, 2012
Date

By



Richard Hernandez
Disciplinary Counsel

7/18/12
Date

By



Samuel C. Stretton, Esq.
Counsel for Respondent

7.16.2012
Date

By



Jill Carol Castellini, Esq.
Respondent

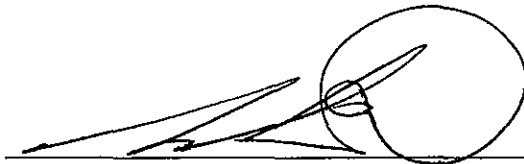
BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
Petitioner :
: ODC File No. C1-12-59
v. :
: Atty. Reg. No. 92637
JILL CAROL CASTELLINI, :
Respondent : (Philadelphia)

VERIFICATION

The statements contained in the foregoing Joint Petition In Support Of Discipline On Consent Under Pa.R.D.E. 215(d) are true and correct to the best of our knowledge, information and belief and are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

July 20, 2012
Date


Richard Hernandez
Disciplinary Counsel

7.16.2012
Date

Jill C. Castellini
Jill Carol Castellini, Esq.
Respondent

4. She consents because she knows that if charges predicated upon the matters under investigation were filed, she could not successfully defend against them.

Bill Carol Castellini
Bill Carol Castellini, Esquire
Respondent

Sworn to and subscribed
before me this 16th
day of JULY, 2012.

St J.C.
Notary Public

