State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: August 18, 2016 D-48-16

In the Matter of GASPAR M. CASTILLO, an Attorney.

MEMORANDUM AND ORDER ON MOTION

(Attorney Registration No. 1701606)

Calendar Date: August 5, 2016

Before: Lahtinen, J.P., Garry, Rose, Clark and Mulvey, JJ.

Monica A. Duffy, Committee on Professional Standards, Albany (Alison M. Coan of counsel), for Committee on Professional Standards.

Dennis B. Schlenker, Albany, for Gaspar M. Castillo.

Per Curiam.

Gaspar M. Castillo was admitted to practice by this Court in 1981, but has been indefinitely suspended from the practice of law on an interim basis by a June 9, 2016 order of this Court (140 AD3d 1392 [2016]).

Previously, by order entered April 4, 2016, the United States Court of Appeals for the Second Circuit publically reprimanded Castillo and, among other things, barred him from representing clients as a Criminal Justice Act panelist for a period of two years based upon his neglect of two criminal appeals assigned to him by that Court (Matter of Castillo, ___ Fed Appx ___, 2016 WL 1319359, 2016 US App LEXIS 6164 [2d Cir 2016]). The Committee on Professional Standards now moves, by order to show cause returnable August 5, 2016, to impose discipline upon Castillo as a result of the discipline imposed by

the Second Circuit (see Rules of App Div, 3d Dept [22 NYCRR] § 806.19). Castillo responded to the Committee's motion, admitted his misconduct and acknowledged that he does not possess any available defenses (see Rules of App Div, 3d Dept [22 NYCRR] § 806.19 [d]); therefore, we grant the Committee's motion (see Matter of Sommer, 130 AD3d 1359, 1360 [2015]).

Turning to the issue of the appropriate disciplinary sanction, we note the presence of aggravating factors, including, among other things, the fact that Castillo was previously disciplined by the Second Circuit for similar conduct in June 2014 and that, despite such admonishment, he continued to neglect his clients' criminal appeals thereby potentially subjecting them to severe prejudice, namely, having their appeals dismissed. Accordingly, under all the facts and circumstances presented, we conclude that Castillo should be suspended from the practice of law for a period of six months (see Matter of Morin, 131 AD3d 799, 799 [2015]; Matter of Flannery, 274 AD2d 940, 940 [2000]).

Lahtinen, J.P., Garry, Rose, Clark and Mulvey, JJ., concur.

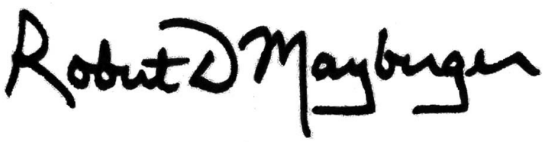
ORDERED that the motion of the Committee on Professional Standards is granted; and it is further

ORDERED that Gaspar M. Castillo is suspended from the practice of law for a period of six months, effective immediately, and until further order of this Court; and it is further

ORDERED that, for the period of suspension, Gaspar M. Castillo is commanded to continue to desist and refrain from the practice of law in any form, either as principal or as agent, clerk or employee of another; and Castillo is forbidden to appear as an attorney or counselor-at-law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto; and it is further

ORDERED that Gaspar M. Castillo shall comply with the provisions of this Court's rules regulating the conduct of suspended attorneys (see Rules of App Div, 3d Dept [22 NYCRR] § 806.9).

ENTER:



Robert D. Mayberger
Clerk of the Court