

Book

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May 5, 1997

Certified Mail - R.R.R. and Regular Mail

James Castiglia, Esq.
 5701 Berkshire Valley Road
 Oak Ridge, NJ 07438

Re: In the Matter of James Castiglia
 Docket No. 97-022
 LETTER OF ADMONITION

Dear Mr. Castiglia:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, you drafted a Last Will and Testament for Helen Lillian Murray, which will was executed on June 30, 1994. Ms. Murray died shortly thereafter, on July 9, 1994. You and one of the will beneficiaries were co-executors. You were also the attorney for the estate. On or about August 3, 1994, John H. Bergener, Sr., Ms. Murray's twin brother, together with his son and other relatives met with you to obtain a copy of the will and to discuss the status of the probate of the will, as well as the nature of the assets in the estate. At that meeting, the Bergeners expressed their concerns with the circumstances surrounding the draft and execution of the will and the apparent discrepancy between your assessment of the size of the estate and some information previously conveyed to them by Ms. Murray. Thereafter, still concerned about some discrepancies as to the size of the estate and the failure to locate certain bank accounts, Mr. Bergener sent you a letter requesting a copy of the certificate of probate and of Ms. Murray's bank records. The letter also requested additional information about bank accounts. You did not reply to that letter. On September 30, 1994, Mr. Bergener's son sent you a second letter, again requesting a copy of Ms. Murray's bank records. That letter, too, remained ignored. As a result, the family decided to retain its own attorney. On October 14, 1994, the new attorney reiterated a request for Ms. Murray's bank records and also asked for copies of certain documents. It was not until May 11, 1995 that you finally supplied some of the information requested. Your conduct in failing to comply with reasonable requests for information for a nine-month period from August 22, 1994 to

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May 11, 1995 was unethical and violative of RPC 1.4(a). As a direct result of your disregard of the Bergeners' requests for information, they felt compelled to hire an attorney on their own and to file suit to contest the will, thereby causing the estate to incur legal costs.

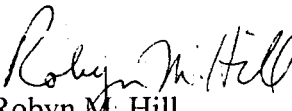
In imposing only an admonition, the Board considered that no disciplinary actions had been sustained against you since your admission to the New Jersey bar in 1977.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15 (f) (4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An affidavit of costs will be forwarded under separate cover.

Very truly yours,


Robyn M. Hill

RMH/ms

- c. Chief Justice Deborah T. Poritz
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District X Ethics Committee
Nicholas A. Galante, Esq.
Counsel for respondent
John Bergener, Grievant