

DISCIPLINARY REVIEW BOARD

OF THE

SUPREME COURT OF NEW JERSEY

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February 24, 2015

Mark Neary, Clerk
Supreme Court of New Jersey
P. O. Box 970
Trenton, New Jersey 08625-0962

Re: In the Matter of V. James Castiglia
Docket No. DRB 14-357
District Docket No. XB-2013-0020E

Dear Mr. Neary:

The Disciplinary Review Board has reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may deem warranted), filed by the District XB Ethics Committee pursuant to R. 1:20-10(b). Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate discipline for respondent's violation of RPC 1.2(a) (failure to abide by a client's decisions concerning the scope and objectives of the representation).

Specifically, in 2009, respondent represented grievant Robert Coyman, Jr., the plaintiff in civil litigation. In November 2009, the judge presiding over the litigation informed respondent that the defendant's pending summary judgment motion would likely be decided in favor of the defendant, without oral argument. The judge suggested that a settlement should be seriously considered by the plaintiff.

Respondent claimed that he had difficulty contacting Coyman and was under pressure to resolve the matter, given the judge's

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preliminary ruling and the impending return date (one business day) for the summary judgment motion. Consequently, believing that not settling the case would be acting against his client's best interests, respondent settled the case without first consulting Coyman or obtaining his consent, in violation of RPC 1.2(a). Respondent produced undisputed evidence that he had waived his legal fee for the Coyman matter.

Typically, attorneys who settle cases without their clients' consent are either admonished or reprimanded. See, e.g., In the Matter of John S. Giava, DRB 01-455 (March 15, 2002) (admonition imposed on attorney who was hired to obtain a wage execution against a defaulting real estate purchaser but instead entered into a settlement agreement with the buyer without the clients' consent); In the Matter of Thomas A. Harley, DRB 95-215 (July 26, 1995) (admonition imposed on attorney who settled case without his client's authority and represented to the other parties and the court that he had such authority); and In re McKenna, 172 N.J. 644 (2002) (reprimand by consent imposed on attorney who failed to act with diligence in a wrongful termination matter and then settled the case, despite his client's objections).

The Board was aware that respondent was placed in a difficult position, where immediate action was required due to the judge's preliminary ruling and the time constraints involved. The Board also noted that respondent's conduct ultimately benefitted his client. Nevertheless, this is not respondent's first brush with the disciplinary system. He has previously received an admonition and two reprimands, albeit for unrelated conduct. The Board, therefore, determined to impose a reprimand, rather than an admonition.

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated November 12, 2014;
2. Stipulation of discipline by consent, dated November 11, 2014;
3. Affidavit of consent, dated October 29, 2014;
4. Ethics history, dated February 24, 2015.

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I/M/O V. James Castiglia, DRB 14-357

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Very truly yours,



Ellen A. Brodsky
Chief Counsel

Enclosures

c: (w/o encls.)

Bonnie C. Frost, Chair

Disciplinary Review Board (via e-mail)

Charles Centinaro, Director

Office of Attorney Ethics

Caroline Record, Secretary

District XB Ethics Committee

V. James Castiglia, Respondent