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PUBLIC MATTER

FILED

DEC 21 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT

HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of:) Case No. 15-O-10337 [15-O-12313;
13 GABRIEL GERARDO CASTILLO,) 15-O-12546]
14 No. 256748,) NOTICE OF DISCIPLINARY CHARGES
15 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

17 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20
18 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE
19 BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;
- 21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL
22 NOT BE PERMITTED TO PRACTICE LAW;
- 23 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
24 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND
25 THE DEFAULT IS SET ASIDE, AND;
- 26 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
27 SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR
28 VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER
RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER
HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF
PROCEDURE OF THE STATE BAR OF CALIFORNIA.

The State Bar of California alleges:



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JURISDICTION

1. GABRIEL GERARDO CASTILLO ("respondent") was admitted to the practice of law in the State of California on June 9, 2008, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 15-O-10337
Business and Professions Code, section 6068(m)
[Failure to Respond to Client Inquiries]

2. Respondent failed to respond promptly to several telephonic reasonable status inquiries made by respondent's client, Virginia Reyes Martinez, between in or about March 2013 and in or about September 2013, that respondent received, in a matter in which respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m).

COUNT TWO

Case No. 15-O-10337
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

3. In or about January, 2013, Virginia Reyes Martinez employed respondent to perform legal services, namely to represent her in an immigration matter, which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to submit documentation to the Monterey County District Attorney's Office so that Reyes Martinez could apply for a U visa and failing to file a U Visa immigration petition.

COUNT THREE

Case No. 15-O-10337
Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Refund Unearned Fees]

4. On or about January 26, 2013, respondent received advanced fees of \$1,500 from a client, Virginia Reyes Martinez, to assist the client with her U visa immigration petition. Respondent failed to take action on the client's behalf to obtain U visa, or to perform any legal

1 services for the client, and therefore earned none of the advanced fees paid. Respondent failed to
2 refund promptly, upon respondent's termination of employment in or about October 2013, any
3 part of the \$1,500 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-
4 700(D)(2).

5 COUNT FOUR

6 Case No. 15-O-10337
7 Business and Professions Code, section 6106
8 [Moral Turpitude - Misrepresentation]

9 5. Respondent made the following misrepresentations orally or in writing, to the
10 following individuals, when respondent knew or was grossly negligent in not knowing the
11 statements were false, and thereby committed acts involving moral turpitude, dishonesty or
12 corruption in willful violation of Business and Professions Code, section 6106:

13 (A) Falsely stating to client Virginia Reyes Martinez, in or about September 2013, that
14 respondent had submitted the U Visa petition documentation to the Monterey County District
15 Attorney's Office to obtain the District Attorney's Office's approval; and

16 (B) Falsely stating in his February 23, 2015 letter to the State Bar, that respondent had
17 sent Virginia Reyes Martinez a \$1,500 refund of unearned fees.

18 COUNT FIVE

19 Case No. 15-O-12546
20 Business and Professions Code, section 6068(m)
21 [Failure to Respond to Client Inquiries]

22 6. Respondent failed to respond promptly to several telephonic reasonable status
23 inquiries made by respondent's client, Angel Juarez, between in or about July 2013 and in or
24 about November 2014, that respondent received in a matter in which respondent had agreed to
25 provide legal services, in willful violation of Business and Professions Code, section 6068(m).

26 COUNT SIX

27 Case No. 15-O-12546
28 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

7. In or about April 2013, Angel Juarez employed respondent to perform legal

1 services, namely to oppose pending deportation/removal proceedings, which respondent
2 intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation
3 of Rules of Professional Conduct, rule 3-110(A), by failing to take any action on Juarez's
4 behalf to oppose the pending deportation/removal proceedings.

5 COUNT SEVEN

6 Case No. 15-O-12546
7 Rules of Professional Conduct, rule 3-700(D)(2)
8 [Failure to Refund Unearned Fees]

9 8. Between in or about April 2013 and in or about July 2013, respondent received
10 advanced fees of \$8,000 from a client, Angel Juarez, to assist the client with his pending
11 removal/deportation proceeding. Respondent failed to take action on the client's behalf to
12 oppose the pending removal/deportation proceedings, or to perform any legal services for the
13 client, and therefore earned none of the advanced fees paid. Respondent failed to refund
14 promptly, upon respondent's termination of employment in or about November 2013, any part
15 of the \$8,000 fee to the client, in willful violation of Rules of Professional Conduct, rule 3-
16 700(D)(2).

17 COUNT EIGHT

18 Case No. Case No. 15-O-12313
19 Business and Professions Code, section 6068(m)
20 [Failure to Respond to Client Inquiries]

21 9. Respondent failed to respond promptly to several telephonic reasonable status
22 inquiries made by respondent's client, Raul Gomez Becerra, between in or about February
23 2015 and in or about April 2015, that respondent received in a matter in which respondent had
24 agreed to provide legal services, in willful violation of Business and Professions Code, section
25 6068(m).

26 COUNT NINE

27 Case No. 15-O-12313
28 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

10. In or about January 2015, Raul Gomez Becerra employed respondent to perform

1 legal services, namely to expunge a domestic violence record, which respondent intentionally,
2 recklessly, or repeatedly failed to perform with competence, in willful violation of Rules of
3 Professional Conduct, rule 3-110(A), by failing to take any action on Becerra's behalf to
4 expunge the domestic violence record.

5 COUNT TEN

6 Case No. Case No. 15-O-12313
7 Rules of Professional Conduct, rule 3-700(D)(2)
8 [Failure to Refund Unearned Fees]

9 11. On or about January 30, 2015, respondent collected advanced fees of \$600 from a
10 client, Raul Gomez Becerra, to expunge a domestic violence record. Respondent failed to take
11 action on the client's behalf to expunge the domestic violence record, or to perform any legal
12 services which were of benefit to the client, and therefore earned none of the advanced fees
13 paid. Respondent failed to refund promptly, upon respondent's termination of employment in
14 or about April 2015, any part of the \$600 fee to the client, in willful violation of Rules of
15 Professional Conduct, rule 3-700(D)(2).

16 NOTICE - INACTIVE ENROLLMENT!

17 YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR
18 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE
19 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL
20 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE
21 PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE
22 MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD
23 BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

24 NOTICE - COST ASSESSMENT!

25 IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,
26 YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY
27 THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF
28 THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE
SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATE: December 21, 2015

By: *Esther J. Rogers*

ESTHER J. ROGERS
Senior Trial Counsel

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DECLARATION OF SERVICE BY CERTIFIED AND REGULAR MAIL

GABRIEL CASTILLO
CASE NOS: 15-O-10337; 15-O-12313; 15-O-12546

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

NOTICE OF DISCIPLINARY CHARGES

in a sealed envelope placed for collection and mailing as *certified mail, return receipt requested*, and in an additional sealed envelope as *regular mail*, at San Francisco, on the date shown below, addressed to:

Article No. 9414 7266 9904 2042 4851 78

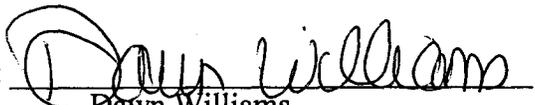
Gabriel Gerardo Castillo
Law Office of Gabriel Castillo
137 Central Ave., Ste 6
Salinas, CA 93901

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: December 21, 2015

Signed: 
Dawn Williams
Declarant