



2. Respondent is also a member of the state bars of Maryland (active), New York (resigned), and Virginia (administratively suspended since 2020).

3. On January 28, 2021, Disciplinary Counsel docketed for investigation a complaint against Respondent by **Evelyn Kayode**. On that same day Disciplinary Counsel sent a copy of the complaint and a subpoena for Respondent's client file to his email address of record, tito@castrolaw.net, and asked him to provide a written response and the requested records by February 8, 2021.

4. Respondent did not provide a written response or any responsive documents by the due date, and he did not ask for an extension of time to provide the requested response and records.

5. On February 11, 2021, Disciplinary Counsel e-mailed Respondent to inform him that his deadline to respond had passed, and again included the January 28, 2021 letter and attachments. On that same day, Disciplinary Counsel received a read receipt e-mail, which confirmed that Respondent had received and opened the e-mail sent to him.

6. On February 11, 2021, Respondent e-mailed Disciplinary Counsel stating that he first saw Disciplinary Counsel's January 28 e-mail on February 9, 2021, and he requested an extension of time to provide his response. Disciplinary Counsel extended the due date until February 26, 2021.

7. On February 26, 2021, instead of e-mailing his response and subpoenaed documents, Respondent e-mailed Disciplinary Counsel stating that he had submitted the disciplinary complaint to his legal counsel, who would not be able to review it until March 1, 2021. In his e-mail, Respondent requested an extension and stated that even if he did not receive one, he would send his response by February 28, 2021.

8. On March 5, 2021, Disciplinary Counsel informed Respondent by e-mail that his response to the complaint had not been received either from him or his attorney. Disciplinary Counsel asked Respondent for his attorney's contact information and provided him with an extension to send his response by e-mail by March 10, 2021.

9. That same day, Respondent confirmed receipt of Disciplinary Counsel's e-mail and stated that he would send his response by March 10, 2021. Disciplinary Counsel replied, and asked Respondent to confirm whether he had hired an attorney.

10. On March 10, 2021, Respondent sent an e-mail to Disciplinary Counsel stating that he was having difficulty accessing his electronic files, which he needed to draft his response to the complaint. Respondent stated that he needed a one-day extension and would be able to complete his response by close of business on

March 11, 2021. In the same e-mail, Respondent also confirmed that he did not have an attorney and was proceeding *pro se*.

11. On March 11, 2021, Disciplinary Counsel responded to Respondent's e-mail and stated that his response was expected by the close of business that day. Respondent did not submit his response by close of business that day.

12. On March 17, 2021, Disciplinary Counsel e-mailed Respondent and stated that the office still had not received his response to the complaint. In that e-mail, Disciplinary Counsel provided Respondent an extension to March 19, 2021, to respond to the complaint. Respondent did not respond.

13. On March 29, 2021, Disciplinary Counsel docketed for investigation a complaint against Respondent by **James Gilliland**. On March 31, 2021, Disciplinary Counsel sent Respondent a copy of the complaint and a subpoena for Respondent's client file and asked him to provide a written response and the requested records by April 12, 2021.

14. By letter dated April 1, 2021, Disciplinary Counsel wrote Respondent informing him that not responding to the **Kayode** complaint could result in disciplinary actions under Rules 8.1(b) and 8.4(d), and requested that he respond to the complaint by April 14, 2021. Disciplinary Counsel e-mailed the letter.

Respondent did not respond to Disciplinary Counsel's inquiries or provide documents responsive to the subpoena by the due date.

15. On April 14, 2021, Respondent did not respond or provide the subpoenaed documents to Disciplinary Counsel in the **Kayode** matter, nor did he request additional time to respond.

16. By letter dated April 23, 2021, Disciplinary Counsel wrote Respondent informing him that not responding to the **Gilliand** complaint could result in disciplinary actions under Rules 8.1(b) and 8.4(d) and requested that he respond to the complaint by May 7, 2021. Disciplinary Counsel e-mailed the letter. Respondent did not respond to Disciplinary Counsel's inquiries or provide documents responsive to the subpoena by the due date, and he did not seek additional time to respond.

17. On June 14, 2021, Disciplinary Counsel filed a motion with the Court to enforce its subpoenas in both matters and served Respondent by electronic and first-class mail. Respondent did not respond.

18. Also on June 14, Disciplinary Counsel filed a motion to compel Respondent's written response in both matters and served Respondent by electronic and first-class mail. Respondent did not respond.

19. On July 2, 2021, the Board on Professional Responsibility ordered Respondent to comply with Disciplinary Counsel's request for a substantive written response in each matter within 10 days.

20. By letter dated July 12, 2021, Respondent submitted a substantive written response to **Ms. Kayode's** disciplinary complaint in which he contends that he returned the client file to her by e-mail. His response was forwarded for Ms. Kayode's review and comment.

21. Respondent did not provide **Ms. Kayode's** client file to Disciplinary Counsel.

22. On August 6, 2021, the Court ordered Respondent to comply with Disciplinary Counsel's document subpoenas in each matter within 10 days. Respondent failed to do so.

23. On February 9, 2022, one of Disciplinary Counsel's investigators, Charles Anderson, personally served Respondent with, *inter alia*, the outstanding Court and Board orders. During their conversation, Respondent provided a new e-mail address. Mr. Anderson informed him that Disciplinary Counsel would also e-mail the relevant documents to Respondent the next day.

24. On February 10, 2022, Disciplinary Counsel sent Respondent a link to the records previously sent and personally served. Mr. Anderson received confirmation that Respondent received the link.

25. Ms. Kayode reports to Disciplinary Counsel that a number of documents are missing from the papers Respondent provided by e-mail as her file.

26. By the filing of this Specification of Charges, Respondent had not provided his client file in the **Kayode** or **Gilliand** matters to Disciplinary Counsel, nor had he provided a substantive written response to **Mr. Gilliland's** disciplinary complaint.

27. Respondent has not further communicated with Disciplinary Counsel.

### **THE CHARGES**

28. Respondent violated the following provisions of the District of Columbia Rules of Professional Conduct:

A. Rule 8.1(b) in the Kayode and Gilliland matters, because in connection with a disciplinary matter, Respondent knowingly failed to respond reasonably to a lawful demand for information from Disciplinary Counsel; and,

B. Rule 8.4(d) in the Kayode and Gilliland matters, because Respondent seriously interfered with the administration of justice.

Respectfully submitted,

/S/ Hamilton P. Fox, III

Hamilton P. Fox, III  
Disciplinary Counsel



Traci M. Tait  
Assistant Disciplinary Counsel

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**VERIFICATION**

I declare on July 19, 2022, under penalty of perjury, that I believe the foregoing facts stated in the Specification of Charges and Petition are true and correct.



Traci M. Tait  
Assistant Disciplinary Counsel



**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**



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**In the Matter of** :  
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**TITO V.A. CASTRO, ESQUIRE** : **Disciplinary Docket Nos. 2021-D016**  
 : **and 2021-D063**  
 :  
**Respondent,** :  
 :  
 :  
**A Member of the Bar of the** :  
**District of Columbia Court of Appeals** :  
**Bar Number: 992539** :  
**Date of Admission: February 1, 2010** :  

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**PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS**

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. **Procedures**

(1) **Referral to Hearing Committee** – When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** – Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** – The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** – Respondent has the right to present evidence in

mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** – Respondent is entitled to fifteen days’ notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

**WHEREFORE**, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Respectfully submitted,

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Hamilton P. Fox, III  
Disciplinary Counsel

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