

18-MONTH SUSPENSION – Christopher A. Amalfitano, Esquire
No. 184, 2007 (Del. May 31, 2007)

Christopher A. Amalfitano, Esquire was suspended for 18 months by Order of the Delaware Supreme Court dated May 31, 2007. In 2001, Amalfitano was convicted of 2d offense DUI and leaving the scene of an accident. In 2003, Amalfitano was convicted of driving while his driver's license was revoked on two occasions, as well as another DUI offense. These criminal matters constitute criminal conduct in violation of Rule 8.4(b) of the Delaware Lawyers' Rules of Professional Conduct.

The following were considered aggravating factors: (1) Amalfitano's record includes a 1991 private admonition for alcohol-related misconduct and a 1997 DUI conviction; and (2) there was a pattern of misconduct. The following were considered mitigating factors: (1) Amalfitano's conduct did not reflect a dishonest or selfish motive; (2) Amalfitano suffered from personal or emotional problems; (3) Amalfitano demonstrated a meaningful and sustained period of successful rehabilitation from alcoholism; the recovery arrested the misconduct, and recurrence of the misconduct is unlikely; (4) other penalties and sanctions have been imposed; and (5) Amalfitano demonstrated remorse.

The suspension is retroactive to June 8, 2004, which is the date that all disciplinary proceedings against Amalfitano were stayed for as long as he remained on disability inactive status. Amalfitano's disability was caused by chemical dependency to alcohol. On November 6, 2006, the Court transferred Amalfitano to active status on the grounds that Amalfitano's disability had been removed and that he had demonstrated a sustained abstinence period exceeding three years. The ODC agreed that Amalfitano had demonstrated a meaningful and sustained period of successful rehabilitation. After he was reinstated to active status, Amalfitano was prosecuted by the ODC for his criminal conduct in violation of Rule 8.4(b) which occurred during Amalfitano's active addiction to alcohol.

Amalfitano is immediately eligible to petition for reinstatement.