



SUPREME COURT OF GEORGIA

Case No. S00Y0847

Atlanta

MAY 26 2000

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF WALLACE ANTHONY KITCHEN.

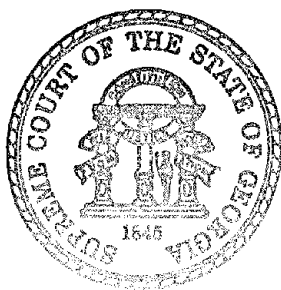
This disciplinary matter is before the Court on the Petition for Voluntary Discipline of Respondent Wallace Anthony Kitchen. Kitchen acknowledges that he is an alcoholic and consents to a period of monitoring by the State Bar of Georgia to resolve three of its Formal Complaints. Both the State Bar and the special master recommend acceptance of Kitchen's petition.

In the three grievances, Kitchen's clients alleged that he abandoned their cases after agreeing to represent them. The State Bar subsequently issued Formal Complaints setting forth allegations that Kitchen violated Standards 4 (a lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation) and 44 (a lawyer shall not wilfully abandon or wilfully disregard a legal matter entrusted to him without just cause) of Bar Rule 4-102 (d) and Bar Rule 4-104 (habitual intoxication or drug addiction that impairs the attorney's competency as an attorney). All three Formal Complaints alleged that Kitchen suffered from an impairment that prevented him from adequately representing his clients; each of the violations alleged is punishable by disbarment. Although Kitchen admits in his petition that he is an alcoholic and was arrested three times in 1998 for driving under the influence of alcohol, he claims that he has not driven since the third DUI conviction, is receiving treatment from two

specialists, has not had a drink since December 31, 1999, and is taking Anabuse and the antidepressant Celebrex. He further admits that he must remain sober to retain his license to practice law. The special master found that Kitchen's alcoholism did not appear to affect his representation of the three clients who filed grievances.

We have reviewed the record and, in accordance with the recommendations of the State Bar and special master, accept Kitchen's petition for voluntary discipline. Kitchen is ordered to: (1) continue his treatment; (2) direct his counselors to file monthly reports with the Office of General Counsel at the State Bar of Georgia for eighteen months; and (3) have sole responsibility for ensuring that the reports are filed by the tenth day of each month, beginning with the month after the entry of this order. If Kitchen fails to continue his treatment and ensure that the State Bar receives the monthly reports or if the reports suggest that his alcoholism is a threat to his clients, the Office of General Counsel may seek further action against him.

All the Justices concur, except Hunstein and Thompson, JJ., who dissent.



SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
The minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
Affixed the day and year last above written.

, Chief Deputy Clerk