



SUPREME COURT OF GEORGIA
Case No. S05Y1312

Atlanta September 19, 2005

The Honorable Supreme Court met pursuant to adjournment.

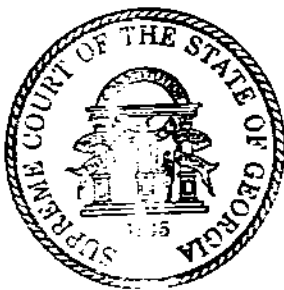
The following order was passed.

IN THE MATTER OF WALLACE ANTHONY KITCHEN.

This disciplinary matter is before the Court on the Notice of Discipline filed by the State Bar and seeking the imposition of a public reprimand on Wallace Anthony Kitchen for his violations of Rules 1.16 and 9.3 of Bar Rule 4-102 (d) of the Georgia Rules of Professional Conduct. The maximum penalty for a violation of either Rule 1.16 or Rule 9.3 is a public reprimand. Although Kitchen was personally served with the Notice of Discipline on June 8, 2005, he failed to reject the Notice as required by Bar Rule 4-208.3 and thus pursuant to Bar Rule 4-208.1, Kitchen is in default, has no right to any evidentiary hearing, and is subject to such discipline and further proceedings as may be determined by this Court.

By his default, Kitchen admits that he was hired by a client to represent her in a civil and criminal case following an incident during which the client was arrested in her home and that the client delivered important documents to Kitchen. After the client was unable to reach Kitchen regarding the progress of her case, she notified him that she no longer wanted his assistance and told him to return her documents. Kitchen, however, failed to return the documents even after numerous requests from the client, who needed the documents to pursue her case. Although Kitchen subsequently acknowledged service of the Notice of Investigation filed in this matter, he failed to file a verified response to the Notice of Investigation in accordance with Bar Rules.

After a review of the record, this Court accepts the facts and violations as admitted by Kitchen and finds in aggravation of discipline that Kitchen has prior discipline, including a May 26, 2000 order determining that Kitchen was suffering from an alcohol impairment and ordering him to receive treatment and to report to the State Bar, see In the Matter of Kitchen, Case No. S00Y0847 (May 26, 2000), and an Investigative Panel reprimand imposed on September 27, 2002. Based on the record therefore, this Court imposes, pursuant to Bar Rule 4-102 (b) (3), a public reprimand for Kitchen's violations of Rules 1.16 and 9.3 of Bar Rule 4-102 (d) of the Georgia Rules of Professional Conduct.

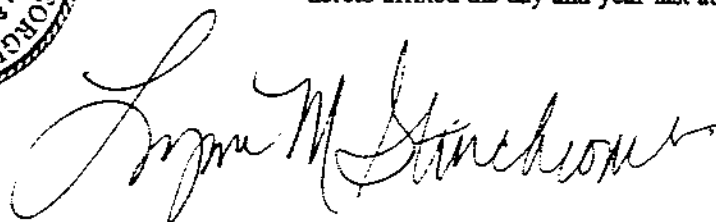


SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I 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.

 Lynn M. Stinson
Chief Deputy Clerk