

SUPREME COURT OF GEORGIA

Case No. S97Y0534.

Atlanta

APR 11 1997

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

IN THE MATTER OF RICHARD D. ALLEN, JR.

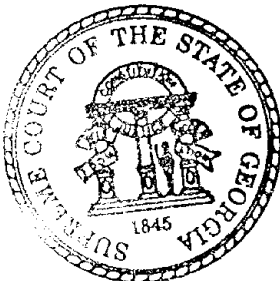
Respondent Richard D. Allen, Jr. acknowledged service of the Notice of Discipline in two disciplinary matters, but failed to file a timely rejection. Accordingly, he is in default. Bar Rule 4-208.1 (b). In both cases, the Bar alleged that Allen violated Standards 23, 44, and 68. The Investigative Panel based its finding of probable cause on the following underlying facts: In State Disciplinary Board Docket No. 3315, Phyllis Jones retained Allen to represent her son in a criminal matter and paid an initial fee of \$1,000. Allen failed to respond to phone calls, and Ms. Jones eventually learned from the district attorney that the case had been dismissed. Allen failed to inform Ms. Jones or her son of the dismissal and failed to return any part of the fee. In State Disciplinary Board Docket No. 3358, Johnny Mann hired Allen to appeal a case and paid him \$3,000 therefor. Allen failed to communicate with Mr. Mann, the appeal was dismissed, and Mann had to retain a second attorney to attempt to pursue the appeal.

Although the Bar notes that Allen's violations would authorize the imposition of disbarment, the Bar sets forth several mitigating factors. These factors are consistent with Standard 9.3 of the ABA Standards for Imposing Lawyer Sanctions (1991), and are as follows: Allen has no prior disciplinary record. During the relevant time period, he was impaired by an addiction to prescription pain medication. After trying to notify all his clients, he participated in an extensive treatment program. In addition, his parents became ill and he has suffered extreme financial hardship. Since becoming able to do so, he has cooperated with disciplinary authorities.

This Court has reviewed the record and agrees with the State Bar that a single Review Panel Reprimand is an appropriate sanction. Accordingly, it is hereby ordered that Allen receive a single Review Panel Reprimand, to be administered by the Review Panel pursuant to Bar Rule 4-102 (4) and Rule 10 pertaining to the Rules of Conduct and Procedure of the Review Panel of the State Disciplinary Board of the State Bar of Georgia.

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