Supreme Court of New Jersey
Disciplinary Review Board
Docket No. DRB 22-067
District Docket No. XIV-2021-0340E

In the Matter of	:
John Charles Allen	:
An Attorney at Law	:

Decision

Decided: September 16, 2022

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a certification of the record filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-4(f). The formal ethics complaint charged respondent with having violated RPC 8.1(b) (two instances

– failing to cooperate with disciplinary authorities)[1] and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to reiterate our previous recommendations to the Court – that respondent be disbarred.

Respondent earned admission to the New Jersey bar in 1995. He has an egregious disciplinary history, beginning with an admonition he received, in May 2005, for committing gross neglect and failing to communicate with his client in connection with a foreclosure matter. In the Matter of John Charles Allen, DRB 05-087 (May 23, 2005) (Allen I).

On May 6, 2015, respondent received a censure for committing gross neglect and lack of diligence; failing to communicate with the client; and engaging in conduct prejudicial to the administration of justice. In re Allen, 221 N.J. 298 (2015) (Allen II). In that case, we determined that respondent provided legal services to his client only after the client filed an ethics grievance against him. He failed to reply to any correspondence from his client for over a year and failed to keep his client reasonably informed about the status of the matter. Respondent also improperly sought to persuade his client to withdraw the grievance in exchange for a refund of his fees or continued work on the matter

[1] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the OAE amended the complaint to include the second RPC 8.1(b) charge.

without additional fees. In the Matter of John Charles Allen, DRB 14-226 (January 22, 2015) at 13-14.

In 2018 and 2019, the Court temporarily suspended respondent for failing to comply with fee arbitration awards in two client matters. In re Allen, 235 N.J. 363 (2018) (temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-15(k) for failure to pay fee arbitration determination in VIII-2017-0020F involving client M.P.), and In re Allen, 237 N.J. 435 (2019) (temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-15(k) for failure to pay fee arbitration determination in VIII-2018-0018F involving client Y.W.). In both matters, the Court reinstated respondent within a month's time, after he satisfied the awards. In re Allen, 236 N.J. 90 (2018) (reinstatement for payment of VIII-2017-0020F), and In re Allen, 237 N.J. 586 (2019) (reinstatement for payment of VIII-2018-0018F).

Effective July 6, 2021, the Court temporarily suspended respondent for his failure to comply with two additional fee arbitration matters. In the Matter of John Charles Allen, DRB 21-107 (May 27, 2021) (recommending temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-15(k) for failure to pay fee arbitration determination in VIII-2020-0003F to client K.R.), so ordered, __ N.J. __ (2021); In the Matter of John Charles Allen, DRB 21-078 (May 27, 2021) (recommending temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-

15(k) for failure to pay fee arbitration determination in VIII-2020-0010F to client D.S.), so ordered, __ N.J. __ (2021). In a December 1, 2021 letter, the Court acknowledged the OAE's confirmation that, on November 24, 2021, respondent satisfied his obligation under the fee arbitration determination in DRB 21-107. The Court noted that respondent must file with the Court a petition for reinstatement to practice again; however, he would remain suspended because additional unsatisfied fee arbitration obligations remained outstanding.

On February 25, 2022, the Court again temporarily suspended respondent for his failure to comply with two additional fee arbitration matters. In the Matter of John Charles Allen, DRB 21-242 (January 25, 2022) (recommending temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-15(k) for failure to pay fee arbitration determination in VIII-2020-0027F to client J.L.), so ordered, __ N.J. __ (2022); In the Matter of John Charles Allen, DRB 21-243 (January 25, 2022) (recommending temporary suspension pursuant to R. 1:20A-3(e) and R. 1:20-15(k) for failure to pay fee arbitration determination in VIII-2016-0062F to client C.C.), so ordered, __ N.J. __ (2022).

On March 11, 2022, the Court suspended respondent for three months, with the conditions that, prior to reinstatement, he complete a recordkeeping course, and that, after reinstatement, he be subjected to quarterly recordkeeping

monitoring by the OAE for a period of two years. In the Matter of John Charles Allen, DRB 20-296 (July 8, 2021), so ordered, 250 N.J. 113 (2022) (Allen III).

In that matter, we found that respondent violated RPC 1.15(d) (failing to comply with the recordkeeping provisions of R. 1:21-6); RPC 3.3(a)(1) (two instances – making a false statement of material fact to a tribunal); RPC 5.5(a)(1) (engaging in the unauthorized practice of law – failing to maintain professional liability insurance); RPC 8.1(a) (two instances – making a false statement of material fact in a disciplinary matter); RPC 8.1(b) (two instances); and RPC 8.4(c) (two instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

Also on March 11, 2022, in a default matter, the Court suspended respondent for three months, consecutive to the three-month suspension imposed in Allen III, for his violation of RPC 1.15(d) and RPC 8.1(b) (two instances). In the Matter of John Charles Allen, DRB 21-028 (July 21, 2021), ordered as modified, 250 N.J. 115 (2022) (agreeing with findings but imposing lesser discipline) (Allen IV). In addition to maintaining the previously ordered conditions upon respondent's reinstatement to the practice of law, the Court also ordered respondent to practice under the supervision of a proctor for a period of no less than one year upon reinstatement.

On April 8, 2022, the Court imposed an indeterminate suspension in respondent's second consecutive default matter, which prohibits respondent from seeking reinstatement to the practice of law for a minimum of five years. In the Matter of John Charles Allen, DRB 21-126 (December 6, 2021), ordered as modified, 250 N.J. 360 (2022) (Allen V). In that matter, respondent violated RPC 1.3; RPC 1.4(b) (failing to keep a client reasonably informed about the status of a matter and to comply with reasonable requests for information); RPC 1.16(d) (upon termination of the representation, failing to refund any advance payment of a fee that has not been earned or incurred); and RPC 8.1(b) (two instances). Respondent received a $3,250 fee from the client but subsequently abandoned the client by failing to have documents translated, failing to file or serve the client's divorce complaint, and failing to otherwise perform legal work for the client or communicate with the client. Upon termination, respondent failed to refund the unearned portion of the fee. Further, respondent failed to respond to disciplinary authorities and to provide information requested by the District Ethics Committee. In imposing an indeterminate suspension, the Court parted ways with our recommendation that respondent be disbarred.

Finally, at our February 17, 2022 session, we considered respondent's third and fourth consecutive defaults, in a consolidated matter, and determined to again recommend to the Court that respondent be disbarred. In the Matters of

John Charles Allen, DRB 21-260 and DRB 21-264 (Allen VI). In that matter, we found that respondent violated RPC 1.1(a); RPC 1.2(a) (failing to abide by client's decisions); RPC 1.3 (two instances); RPC 1.4(b); RPC 1.5(a) (charging an unreasonable fee – performing no work on a matter); RPC 1.7(a)(2) (engaging in a conflict of interest – continuing to represent a client despite the client's filing of an ethics grievance, the client's filing for fee arbitration, and the client terminating the representation); RPC 1.16(a)(2) (failing to withdraw from representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client); RPC 1.16(a)(3) (two instances – failing to withdraw from representation despite being discharged by the client); RPC 1.16(d) (two instances – failing to take reasonable steps to protect the client's interests upon termination of representation); RPC 3.2 (failing to expedite litigation); RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); RPC 5.5(a) (practicing law while suspended); RPC 8.1(a) (knowingly making a false statement of material fact in a disciplinary matter); RPC 8.1(b) (two instances); RPC 8.4(b) (committing a criminal act that reflects adversely on lawyer's honesty, trustworthiness, or fitness as a lawyer – practicing law while suspended (N.J.S.A. 2C:21-22(b)(1)); RPC 8.4(c) (four instances – engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d).

We found that respondent's misconduct in the two default matters was identical to his earlier misconduct and clearly demonstrated his ongoing victimization of clients. We determined that respondent refused to acknowledge his wrongdoing, had not learned from his prior contacts with the disciplinary system, and, in fact, expressed utter disdain for the disciplinary process.

Our decision in Allen VI was transmitted to the Court on May 26, 2022.

To date, respondent remains suspended pursuant to both his temporary suspensions and his disciplinary suspensions.

In the instant matter, service of process was proper. On February 16, 2022, the OAE sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's last known office address and his home address of record. The regular mail was not returned; however, the certified letter the OAE sent to respondent's office address was returned and marked as "UNCLAIMED." The certified mail receipt sent to respondent's home address was returned undated and signed "C-19." United States Postal Service (USPS) tracking indicated that, as of February 25, 2022, the certified mail to respondent's home address was "In Transit to Next Facility." The regular mail sent to respondent's home address was not returned.

On March 21, 2022, the OAE sent a second letter to respondent at his home and office addresses informing him that, unless he filed a verified answer

to the complaint within five days of the date of the letter, the allegations of the complaint would be deemed admitted, the record would be certified directly to us for the imposition of discipline, and the complaint would be amended to include a willful violation of RPC 8.1(b). The regular mail was not returned to the OAE. The certified mail sent to respondent's office address was returned as "UNCLAIMED;" the certified mail receipt for the letter sent to respondent's home address was returned undated and signed "C-19." USPS tracking indicated that the certified letter was delivered to an individual at respondent's home address on March 24, 2022.

As of May 3, 2022, respondent had not filed an answer to the complaint, and the time within which he was required to do so had expired. Accordingly, the OAE certified this matter to us as a default.

On May 13, 2022, our Chief Counsel sent a letter to respondent's home address, by certified and regular mail, with a third copy via an e-mail address respondent regularly has used to correspond with disciplinary authorities, informing him that the matter was scheduled before us on July 21, 2022, and that any motion to vacate must be filed by May 31, 2022. According to USPS tracking, on May 18, 2022, the certified mail was delivered to an individual at respondent's home address. The regular mail has not been returned.

Moreover, on May 23, 2022, the Office of Board Counsel published a Notice to the Bar in the New Jersey Law Journal, stating that we would review this matter on July 21, 2022. The notice informed respondent that, unless he filed a successful motion to vacate the default by May 30, 2022, his failure to answer the complaint would remain deemed an admission of the allegations of the complaint.

Respondent failed to file a motion to vacate the default.

We now turn to the allegations of the formal ethics complaint.

The complaint noted that the Court's June 2, 2021 Order temporarily suspending respondent, effective July 6, 2021, required him to comply with R. 1:20-20, which requires, among other things, that, "within 30 days after the date of the order of suspension (regardless of the effective date thereof)," the attorney must "file with the Director the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." Respondent failed to file the required affidavit.

On November 3, 2021, due to respondent's failure to timely file the required affidavit, the OAE sent a letter to respondent, by certified and regular mail, to his home and office addresses, reminding him of his responsibility to file the affidavit. The certified mail receipt the OAE sent to respondent's home

address was returned to the OAE undated, with a signature of "C-19;" the regular mail was not returned. USPS tracking indicated that the certified letter was delivered to an individual at respondent's home address on November 8, 2021. The certified mail receipt the OAE sent to respondent's office address was returned to the OAE undated and unsigned. However, USPS tracking indicated that the certified letter was delivered to an individual at respondent's office address on November 8, 2021. The regular mail was not returned.

Respondent failed to reply to the OAE.

Consequently, on December 13, 2021, the OAE sent a second letter to respondent at his home and office addresses, advising him that his failure to file a conforming affidavit on or before December 27, 2021 might result in a disciplinary complaint being filed against him and might also preclude consideration of any application for reinstatement for up to six months. The OAE enclosed a copy of R. 1:20-20, as well as its past letters.

The certified mail receipt sent to respondent's home address was returned to the OAE undated and signed "C-19." USPS tracking indicated the certified letter was delivered to an individual at respondent's home address on December 16, 2021. The regular mail was not returned.

The certified mail receipt sent to respondent's office address was returned to the OAE unsigned, with a stamped date of December 17, 2021. USPS tracking

indicated that the certified letter was delivered to an individual at respondent's office address on December 16, 2021.[2] The regular mail was not returned.

Additionally, on December 13, 2021, the OAE sent respondent the letter via e-mail. The New Jersey Judiciary's outgoing e-mail service confirmed the delivery as complete, but the destination service did not send a delivery notification.

Respondent failed to reply to the OAE's communications.

Consequently, on January 27, 2022, the OAE contacted respondent via his office telephone number. The voicemail message identified the telephone number as that of the "Law Offices of John Charles Allen."[3] The OAE left a voicemail message for respondent concerning his obligation to file the affidavit, in compliance with R. 1:20-20, following his suspension, and requested that he contact the OAE concerning the affidavit.

Respondent failed to file the required affidavit. Based on the above facts, the complaint alleged that respondent willfully violated the Court's Order and failed to take the steps required of all suspended or disbarred attorneys, including notifying clients and adversaries of his suspension and providing his

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[2] On December 16, 2021, when an individual received the certified letter at his office address, respondent already had been temporarily suspended for approximately five months.

[3] Respondent was temporarily suspended on the date of this telephone call.

clients with their files. Accordingly, the complaint charged violations of RPC 8.1(b) and RPC 8.4(d). Moreover, the OAE amended the complaint to include a second RPC 8.1(b) violation for respondent's failure to file an answer.

In its submission to us, the OAE argued that disbarment is the appropriate sanction for respondent's willful failure to file the R. 1:20-20 affidavit, despite ample time and opportunity to do so.

The OAE cited respondent's significant disciplinary history and his history of defaults as significant aggravating factors for us to consider. In addition to respondent's formal discipline, the OAE noted respondent's multiple temporary suspension orders for failing to comply with fee arbitration awards. Finally, the OAE cited the indeterminate suspension the Court most recently imposed in Allen V.

The OAE analogized respondent's misconduct in the instant matter to that of the misconduct we addressed in In re Lowden, 248 N.J. 508 (2021). Just as in Lowden, the OAE argued that respondent is charged with violating RPC 8.1(b) and RPC 8.4(d) for failing to file the required R. 1:20-20 affidavit. Similarly, just as we found that Lowden's misconduct had "reached a tipping point," the OAE asserted that respondent, too, should be disbarred for reaching a similar, negative benchmark.

We find that the facts recited in the complaint support all the charges of unethical conduct. Respondent's failure to file an answer to the complaint is deemed an admission that the allegations are true and that they provide a sufficient basis for the imposition of discipline. R. 1:20-4(f)(1).

Specifically, R. 1:20-20(b)(15) requires a suspended attorney, within thirty days of the Court's Order of suspension, to "file with the Director [of the OAE] the original of a detailed affidavit specifying by correlatively numbered paragraphs how the disciplined attorney has complied with each of the provisions of this rule and the Supreme Court's order." Among the correlatively numbered paragraphs are paragraphs (10) and (11), which require the attorney to notify all clients of the suspension and, in pending litigation or administrative matters, all adversaries. Moreover, the attorney is to return client files, if requested.

In the absence of an extension by the Director of the OAE, failure to file an affidavit of compliance pursuant to R. 1:20-20(b)(15) within the time prescribed "constitute[s] a violation of RPC 8.1(b) . . . and RPC 8.4(d)." R. 1:20-20(c). Thus, respondent's failure to file the affidavit within 30 days of the Court's June 2, 2021 Order temporarily suspending him from the practice of law constitutes a per se violation of RPC 8.1(b) and RPC 8.4(d). Moreover, respondent again violated RPC 8.1(b) by failing to file an answer to the

complaint. Given respondent's history of temporary and disciplinary suspensions, he is acutely aware of his obligation not only to file the R. 1:20-20 affidavit but to participate in the disciplinary process. Thus, we conclude that his decision to not file an affidavit in this case was knowing and intentional.

In sum, we find that respondent violated RPC 8.1(b) (two instances) and RPC 8.4(d). The sole issue remaining for determination is the appropriate quantum of discipline for respondent's misconduct.

The threshold measure of discipline to be imposed for an attorney's failure to file a R. 1:20-20(b)(15) affidavit is a reprimand. In re Girdler, 179 N.J. 227 (2004); In the Matter of Richard B. Girdler, DRB 03-278 (November 20, 2003) at 6. The actual discipline imposed may be different, however, if the record demonstrates mitigating or aggravating circumstances. Examples of aggravating factors include the attorney's failure to answer the complaint, the existence of a disciplinary history, and the attorney's failure to follow through on his or her promise to the OAE that the affidavit would be forthcoming.

Since Girdler, the discipline imposed in default cases on attorneys who have failed to comply with R. 1:20-20 and who have defaulted has ranged from a censure to disbarment, based on the extent of the attorney's ethics history. See, e.g., In re Stasiuk, 235 N.J. 327 (2018) (censure for an attorney who failed to file the affidavit after the Court had temporarily suspended and required him to

return a client's fee; he also ignored the OAE's request that he file the affidavit); In re Rak, 214 N.J. 5 (2013) (three-month suspension; aggravating factors included three default matters against the attorney in three years (two of the defaults were consolidated and resulted in a three-month suspension, the third resulted in a reprimand) and the OAE left additional copies of its previous letters about the affidavit, as well as the OAE's contact information, with the attorney's office assistant, after which the attorney still did not comply); In re Rosanelli, 208 N.J. 359 (2011) (six-month suspension for attorney who failed to file the affidavit after a temporary suspension in 2009 and after a three-month suspension in 2010, which proceeded as a default; prior six-month suspension).

A one-year suspension has been imposed in default matters where the attorneys' ethics histories were more egregious. See, e.g., In re Rifai, 213 N.J. 594 (2013) (following two three-month suspensions in early 2011, one of which proceeded as a default, the attorney failed to file the affidavit; his ethics history also included two reprimands); In re Wargo, 196 N.J. 542 (2008) (the attorney's ethics history included a temporary suspension for failure to cooperate with the OAE, a censure, and a combined one-year suspension for misconduct in two separate matters; all disciplinary matters had proceeded on a default basis).

More serious discipline was imposed in the following default cases: In re Brekus, 208 N.J. 341 (2011) (two-year suspension; the attorney's ethics history

included a 2000 admonition, a 2006 reprimand, a 2009 one-year suspension, a 2009 censure, and a 2010 one-year suspension; the 2010 discipline was a default); In re Kozlowski, 192 N.J. 438 (2007) (two-year suspension; the attorney's significant ethics history included a private reprimand, an admonition, three reprimands, a three-month suspension, and a one-year suspension; the attorney defaulted in six disciplinary matters, and his repeated indifference towards the ethics system was found to be beyond forbearance); In re Wright, 240 N.J. 218 (2019) (two-year suspension; the attorney's extensive disciplinary history consisted of a reprimand; a censure; a six-month suspension; and a one-year suspension; three matters were defaults); In re Brekus, 220 N.J. 1 (2014) (three-year suspension; the attorney's egregious disciplinary history consisted of an admonition; a reprimand; a censure; two one-year suspensions, one of which proceeded as a default; and a two-year suspension, which also resulted from a default); In re Bernot, 246 N.J. 183 (2021) (three-year suspension; the attorney's egregious disciplinary history, which consisted of a reprimand, two-year suspension, and a six-month suspension; three matters were defaults; the attorney spoke with the OAE about his R. 1:20-20 obligation, and signed for at least one certified letter, but still failed to file the required affidavit, which we found to be a significant aggravating factor); In re Smith, 244 N.J. 191 (2020) (disbarment; the attorney failed to file a R. 1:20-20 affidavit

following two Orders suspending him from the practice of law; over an eleven-year period, the attorney had received an admonition, two censures, a three-month suspension and a six-month suspension; we determined that a two-year suspension was appropriate for the attorney's blatant disregard of the Rules but the Court disagreed and disbarred the attorney after he failed to appear on the Court's Order to Show Cause); In re Lowden, 248 N.J. 508 (2021) (in a default matter, disbarment for an attorney who failed to file the required R. 1:20-20 affidavit; the attorney's disciplinary record was egregious, including a reprimand; censure; six-month suspension; two-year retroactive suspension; and two temporary suspensions for failing to comply with fee arbitration determinations).

Additionally, in a recent default matter, we determined to recommend disbarment for an attorney who failed to file three separate R. 1:20-20 affidavits following his suspensions from the practice of law. In the Matter of Brian LeBon Calpin, DRB 21-185 (January 25, 2022). In that matter, the attorney's ethics history demonstrated his utter disdain for the disciplinary system and included a reprimand; admonition; one-year suspension; and two temporary suspensions for failing to comply with fee arbitration decisions. Moreover, we previously had determined to impose an eighteen-month suspension, in a matter pending with the Court, to be served consecutive to his one-year suspension. In the

Matter of Brian LeBon Calpin, DRB 21-082 (September 27, 2021).

In our view, respondent's repeated and flagrant disregard for the disciplinary system operates as a significant and determinative aggravating factor. Furthermore, respondent's failure to file the required affidavit informing his clients that he had been suspended from the practice of law is even more troubling, given his history of accepting new clients, along with their retainer fees, while suspended from the practice of law.

Moreover, the Court ordered respondent to file the required R. 1:20-20 affidavit. However, consistent with respondent's contumacious approach to the disciplinary system, and his pattern of rejecting the obligations incumbent upon all attorneys practicing in New Jersey, he has chosen to intentionally ignore his obligation to comply with the Rule. Considering his prior disciplinary and temporary suspensions, respondent is well aware of his obligations upon suspension.

Like the attorney in Kozlowski, respondent has shown a "repeated indifference toward the ethics system," not just in this default matter, but in the four prior default matters we have considered in 2022, and in his refusal to obey Court Orders. "[A] respondent's default or failure to cooperate with the investigative authorities acts as an aggravating factor, which is sufficient to permit a penalty that would otherwise be appropriate to be further enhanced."

In re Kivler, 193 N.J. 332, 342 (2008) (citations omitted).

Furthermore, in crafting the appropriate quantum of discipline, we also weigh, in aggravation, respondent's failure to learn from his past mistakes. The Court has signaled an inclination toward progressive discipline and stern treatment of repeat offenders. In such scenarios, enhanced discipline is appropriate. See In re Kantor, 180 N.J. 226 (2004) (disbarment for abandonment of clients and repeated failure to cooperate with the disciplinary system). To date, respondent has been found guilty of ten instances of failing to cooperate with disciplinary authorities.

Including the RPC violations in the within matter, since 2005, respondent has committed the following RPC violations:

RPC Violation	**Number of Violations**
1.1(a)	3
1.2(a)	1
1.3	4
1.4(a)	1
1.4(b)	3
1.5(a)	2
1.7(a)(2)	1
1.15(d)	2
1.16(a)(2)	1
1.16(a)(3)	2
1.16(d)	3
3.2	1
3.3(a)(1)	2
3.4(c)	1
5.5(a)(1)	2
8.1(a)	3

8.1(b)	10
8.4(b)	1
8.4(c)	6
8.4(d)	3

This is respondent's eighth matter before us since 2005 (not including his repeated failures to comply with fee arbitration determinations) and the fifth consecutive complaint where he has failed to file an answer, resulting in the matter proceeding as a default. Respondent already has been suspended for an indeterminate period and, thus, is prohibited from reinstatement for five years. Respondent also remains temporarily suspended due to his failure to comply with a fee arbitration determination. Thus, respondent's misconduct exceeds the misconduct in Lowden and Calpin, warranting his disbarment.

There is no question that respondent's disciplinary record of nine temporary and disciplinary suspensions in fewer than four years, along with his proven failure to obey Court Orders, demonstrates that he no longer possesses the qualities of an attorney privileged to practice law in the State of New Jersey.

Indeed, there are certain qualities an attorney privileged to practice law in the State of New Jersey must possess. For example, to be admitted to practice law in this State, the Regulations of the Committee on Character require individuals to "demonstrate their fitness to practice law" and possess "the requisite traits of honesty, integrity, financial responsibility, and

trustworthiness." R. 1:27-1(a)(2); RG. 202:1. The Court has stated that "good moral character" was "[a]mong the most basic conditions precedent to bar admission." Application of Matthews, 94 N.J. 59, 75 (1983); see also In re Pennica, 36 N.J. 401, 434 (1962) (finding that "good moral character, a capacity for fidelity to the interests of clients, and for fairness and candor in dealing with the courts [. . .] are not only prerequisite for admission to the bar, they are equally essential afterward") (emphasis added).

"Lawyering is a profession of 'great traditions and high standards.'" In re Jackman, 165 N.J. 580, 584 (2000) (quoting Speech by Chief Justice Robert N. Wilentz, Commencement Address-Rutgers University School of Law, Newark, New Jersey (June 2, 1991), 49 Rutgers L. Rev. 1061, 1062 (1997)). Attorneys are expected to hold themselves in the highest regard and must "possess a certain set of traits -- honesty and truthfulness, trustworthiness and reliability, and a professional commitment to the judicial process and the administration of justice." In re Application of Matthews, 94 N.J. 59, 77-78 (1983).

The Court has explained, when considering the character of a Bar applicant, that:

> [t]hese personal characteristics are required to ensure that lawyers will serve both their clients and the administration of justice honorably and responsibly. We also believe that applicants must demonstrate through the possession of such qualities of character the ability to adhere to the Disciplinary Rules governing

> the conduct of attorneys. These Rules embody basic ethical and professional precepts; they are fundamental norms that control the professional and personal behavior of those who as attorneys undertake to be officers of the court. These Rules reflect decades of tradition, experience and continuous careful consideration of the essential and indispensable ingredients that constitute the professional responsibility of attorneys. Adherence to these Rules is absolutely demanded of all members of the Bar.
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> [In re Application of Matthews, 94 N.J. at 77-78.]

In short, as an attorney licensed to practice law in New Jersey, respondent is required to act in accordance with the Rules of Professional Conduct, yet, he consistently has failed to do so, and through his repeated misconduct, he convincingly has demonstrated that he has no interest in complying with the Rules governing the conduct of attorneys in New Jersey.

In fact, respondent's utter disdain for the disciplinary system, notwithstanding his near constant contact with it since 2015, renders him a clear and present danger to the public. In our view, to recommend anything less than disbarment would be tantamount to acquiescing to respondent's refusal to comply with the Rules of our Court and the standards of the profession.

Given respondent's misconduct, we echo our decision in In the Matter of Marc D'Arienzo, DRB 16-345 (May 25, 2017) at 26-27, where we stated:

> we must consider the ultimate question of whether the protection of the public requires respondent's disbarment. When the totality of respondent's behavior

> in all matters, past and present, is examined, we find ample proof that . . . no amount of redemption, counseling, or education will overcome his penchant for disregarding ethics rules. As the Court held in another matter, "[n]othing in the record inspires confidence that if respondent were to return to practice [from his current suspension] that his conduct would improve. Given his lengthy disciplinary history and the absence of any hope for improvement, we expect that his assault on the Rules of Professional Conduct would continue." In re Vincenti, 152 N.J. 253, 254 (1998). Similarly, we determine that, based on his extensive record of misconduct and demonstrable refusal to learn from his mistakes, there is no evidence that respondent can return to practice and improve his conduct. Accordingly, we recommend respondent's disbarment.

The Court agreed with our recommendation and disbarred D'Arienzo. In re D'Arienzo, 232 N.J. 275 (2018).

Therefore, in accordance with Kantor, Kivler, and the principles of progressive discipline, we once again recommend to the Court that respondent be disbarred in order to protect the public and preserve confidence in the bar.

Member Joseph was recused.

Member Hoberman was absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Maurice J. Gallipoli, A.J.S.C. (Ret.),
Chair

By: 
Johanna Barba Jones
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of John Charles Allen
Docket No. DRB 22-067

Decided: September 16, 2022

Disposition: Disbar

Members	Disbar	Recused	Absent
Gallipoli	X		
Boyer	X		
Campelo	X		
Hoberman			X
Joseph		X	
Menaker	X		
Petrou	X		
Rivera	X		
Singer	X		
Total:	7	1	1

Johanna Barba Jones
Chief Counsel