Supreme Court of New Jersey
Disciplinary Review Board
Docket Nos. DRB 22-104; 22-121;
22-124; and 22-125
District Docket Nos. VIII-2020-0034E;
VIII-2021-0005E; VIII-2020-0038E; and
VIII-2021-0006E

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

Decision

Decided: October 7, 2022

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

These matters were before us on four separate certifications of the record filed by the District VIII Ethics Committee (the DEC), pursuant to R. 1:20-4(f). We consolidated these matters for review.

The amended formal ethics complaint in DRB 22-104 (grievant Mary Kruh) charged respondent with having violated RPC 1.3 (lacking diligence);

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); 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).

The formal ethics complaint in DRB 22-121 (grievant Abudulwahab S. Afyouni) charged respondent with having violated RPC 1.1(a) (engaging in gross neglect); RPC 1.3; RPC 1.16(d); RPC 1.4(b); RPC 8.1(b) (two instances);[2] and RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The formal ethics complaint in DRB 22-124 (grievant Karen Craig) charged respondent with having violated RPC 1.3; RPC 1.4(b); RPC 1.5(a) (charging an unreasonable fee – performing no work on a matter); RPC 3.2 (failing to expedite litigation); RPC 1.16(a)(2) (failing to withdraw from

[1] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the DEC amended the complaint in VIII-2020-0034E to include the second RPC 8.1(b) charge.

[2] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the DEC amended the complaint in VIII-2021-0005E to include the second RPC 8.1(b) charge.

representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client); RPC 1.16(a)(3) (failing to withdraw from representation despite being discharged by the client); RPC 1.16(d); and RPC 8.1(b) (two instances).[3]

The formal ethics complaint in DRB 22-125 (grievant Gregory C. Fladger) charged respondent with having violated RPC 1.3; RPC 1.4(b); RPC 1.16(d); RPC 8.1(b) (two instances);[4] and RPC 8.4(d).

For the reasons set forth below, we determine to reiterate our prior 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).

[3] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the DEC amended the complaint in VIII-2020-0038E to include the second RPC 8.1(b) charge.

[4] Due to respondent's failure to file an answer to the formal ethics complaint, and on notice to respondent, the DEC amended the complaint in VIII-2021-0006E to include the second RPC 8.1(b) charge.

On May 6, 2015, respondent received a censure for committing gross neglect and lacking 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 without additional fees. In the Matter of John Charles Allen, DRB 14-226 (January 22, 2015).

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),[5] and In re Allen, 237 N.J. 435 (2019).[6] 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), and In re Allen, 237 N.J. 586 (2019).

[5] The Court's October 18, 2018 Order temporarily suspended respondent effective November 19, 2018. Respondent was reinstated to the practice of law on November 30, 2018.

[6] The Court's April 12, 2019 Order temporarily suspended respondent effective May 13, 2019. Respondent was reinstated to the practice of law on May 15, 2019.

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); In re Allen, __ N.J. __ (2021); In the Matter of John Charles Allen, DRB 21-078 (May 27, 2021); In re Allen, __ N.J. __ (2021). In a December 1, 2021 letter, the Court acknowledged that, on November 24, 2021, respondent satisfied his obligation in connection with DRB 21-107. The Court noted that respondent must file, with the Court, a petition for reinstatement to practice and would remain suspended for additional unsatisfied fee arbitration obligations.

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); In re Allen, __ N.J. __ (2022); and In the Matter of John Charles Allen, DRB 21-243 (January 25, 2022); In re Allen, __ 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 re Allen, 250 N.J. 113 (2022); In the Matter of John Charles Allen, DRB 20-296 (July 8, 2021) (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).

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 re Allen, 250 N.J. 115 (2022); In the Matter of John Charles Allen, DRB 21-028 (July 21, 2021) (Allen IV). In addition to maintaining the previously ordered conditions upon respondent's reinstatement to the practice of law, the Court also imposed the condition that, upon reinstatement, respondent practice under the supervision of a proctor for a period of no less than one year.

On April 8, 2022, in respondent's second consecutive default matter, the Court imposed an indeterminate suspension, prohibiting respondent from seeking reinstatement to the practice of law for a minimum of five years. In re Allen, 250 N.J. 360 (2022); In the Matter of John Charles Allen, DRB 21-126 (December 6, 2021) (Allen V). In that matter, respondent violated RPC 1.3; RPC

1.4(b); RPC 1.16(d); 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 cooperate with disciplinary authorities or to provide information requested by the DEC. In imposing an indeterminate suspension, the Court parted ways with our recommendation that respondent be disbarred.

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 Matter of John Charles Allen, DRB 21-260 and DRB 21-264 (May 26, 2022) (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); 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); RPC 1.16(a)(3); RPC 1.16(d) (two instances); RPC 3.2; RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal); RPC 5.5(a)(1) (practicing

law while suspended); RPC 8.1(a); RPC 8.1(b) (two instances);[7] 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); 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 observed 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. The Court has scheduled an Order to Show Cause hearing for November 9, 2022, in that matter.

Finally, at our July 21, 2022 session, we considered respondent's fifth consecutive default matter and again determined to recommend to the Court that respondent be disbarred. In the Matter of John Charles Allen, DRB 22-067 (September 16, 2022) (Allen VII). In that matter, respondent violated RPC 8.1(b) (two instances) and RPC 8.4(d) by failing to file the required R. 1:20-20 affidavit following the Court's June 2, 2021 Order temporarily suspending him, effective July 6, 2021. Respondent further failed to file a verified answer to the formal ethics complaint in that matter.

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

We found that respondent's repeated and flagrant disregard for the disciplinary system unmistakably demonstrated that he no longer possesses the qualities of an attorney privileged to practice law in the State of New Jersey, for which disbarment was the only remedy available to protect the public. Our decision in Allen VII was transmitted to the Court on September 16, 2022.

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

Service of process was proper in all four matters.

Regarding DRB 22-104, on March 17, 2022, the DEC sent a copy of the amended formal ethics complaint,[8] by certified and regular mail, to respondent's home address of record, given his suspended status. The certified mail was left with an individual at respondent's home, and the regular mail was not returned.

By letter dated April 8, 2022, sent via certified and regular mail to respondent's home address of record, the DEC informed respondent 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

[8] The DEC served respondent with the original complaint on October 5, 2021. The two complaints are virtually identical, with the exception that the amended complaint charged respondent with violations of RPC 8.1(b) and RPC 8.4(d) due to his failure to cooperate with disciplinary authorities.

complaint would be amended to include a willful violation of RPC 8.1(b). The certified mail was delivered to an individual at respondent's home, and the regular mail was not returned.

As of May 24, 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 DEC certified this matter to us as a default.

On July 25, 2022, Chief Counsel to the Board 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 in correspondence with us, informing him that the matter was scheduled before us on September 15, 2022, and that any motion to vacate must be filed by August 8, 2022. Delivery to respondent's e-mail address was complete. According to USPS tracking, the certified mail has been "awaiting delivery scan" since July 30, 2022; however, on August 2, 2022, a signed return receipt card bearing an illegible signature, as well as "C-19" was returned to the Office of Board Counsel (the OBC). The regular mail was not returned.

Regarding DRB 22-121, on March 18, 2022, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record. The certified mail was left with an individual at respondent's home, and the regular mail was not returned.

By letter dated April 8, 2022, sent via certified and regular mail to respondent's home address of record, the DEC informed respondent 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 certified mail was delivered to an individual at respondent's home address, and the regular mail was not returned.

As of May 24, 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 DEC certified this matter to us as a default.

On July 25, 2022, Chief Counsel to the Board sent a letter to respondent's home address, by certified and regular mail, with a third copy via the e-mail address respondent regularly has used in correspondence with us, informing him that the matter was scheduled before us on September 15, 2022, and that any motion to vacate must be filed by August 8, 2022. Delivery to respondent's e-mail address was complete. According to USPS tracking, the certified mail has been "awaiting delivery scan" since July 30, 2022; however, on August 2, 2022, a signed return receipt card bearing an illegible signature, as well as "C-19" was returned to the OBC. The regular mail was not returned.

Regarding DRB 22-124, on March 16, 2022, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record. The certified mail has been "awaiting delivery scan" since March 19, 2022 and the regular mail was not returned.[9]

By letter dated May 4, 2022, sent via certified and regular mail to respondent's home address of record, the DEC informed respondent 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 certified mail was delivered to an individual at respondent's home, and the regular mail was not returned.[10]

As of May 26, 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 DEC certified this matter to us as a default.

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[9] The DEC provided two separate tracking numbers for the March 16, 2022 letter. However, we conclude that service of the May 16, 2022 letter was effective notwithstanding the DEC's inclusion of a surplus tracking number pertaining to the May 4, 2022 letter.

[10] Based on the aforementioned issue with Exhibits B and D, the DEC mistakenly stated in the certification of the record that its May 4, 2022 certified letter to respondent was not claimed. However, based upon USPS tracking, on May 6, 2022, the certified letter was delivered to an individual at respondent's home address.

On July 25, 2022, Chief Counsel to the Board sent a letter to respondent's home address, by certified and regular mail, with a third copy via the e-mail address respondent regularly has used in correspondence with us, informing him that the matter was scheduled before us on September 15, 2022, and that any motion to vacate must be filed by August 8, 2022. Delivery to respondent's e-mail address was complete. According to USPS tracking, the certified mail has been "awaiting delivery scan" since July 30, 2022; however, on August 2, 2022, a signed return receipt card bearing an illegible signature, as well as "C-19" was returned to the OBC. The regular mail was not returned.

Regarding DRB 22-125, on May 4, 2022, the DEC sent a copy of the formal ethics complaint, by certified and regular mail, to respondent's home address of record. The certified mail was delivered to an individual at respondent's home, and the regular mail was not returned.

By letter dated May 24, 2022, sent via certified and regular mail to respondent's home address of record, the DEC informed respondent 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

certified mail was delivered to an individual at respondent's home, and the regular mail was not returned.

As of June 13, 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 DEC certified this matter to us as a default.

On July 25, 2022, Chief Counsel to the Board sent a letter to respondent's home address, by certified and regular mail, with a third copy via the e-mail address respondent regularly has used in correspondence with us, informing him that the matter was scheduled before us on September 15, 2022, and that any motion to vacate must be filed by August 8, 2022. Delivery to respondent's e-mail address was complete. According to USPS tracking, the certified mail has been "awaiting delivery scan" since July 30, 2022; however, on August 2, 2022, a signed return receipt card bearing an illegible signature, as well as "C-19" was returned to the OBC. The regular mail was not returned.

Finally, on August 1, 2022, the OBC published a Notice to the Bar in the New Jersey Law Journal, stating that these matters were scheduled for the Board's review on September 15, 2022. The notice informed respondent that, unless he filed a motion to vacate for each default by August 8, 2022, his failure to answer the four formal ethics complaints would be deemed an admission of the allegations of the complaints.

On July 25, 2022, respondent sent a reply e-mail to the OBC, the OAE, and the Supreme Court Clerk's Office with a salutation of "Dear All," to "address any pending scheduling concerning me and to respectfully request at lease [sic] a thirty (30) day adjournment/extension."

Respondent reiterated previous information that he provided to us concerning his vascular disease, which he stated causes him "extraordinary harm and disability," as well as blood clots in his brain. Respondent explained that, although his ischemic strokes began approximately seven years ago, his doctor only recently diagnosed him following MRI scans.

Respondent asserted that the damage from the strokes had "made it very difficult for [him] to address and respond to the items at issue before the OAE, DRB, and Supreme Court."

Attached to his e-mail, respondent provided a July 25, 2022 letter from Dr. David Wells-Roth, M.D. Dr. Wells-Roth explained that respondent was under his care for "neurosurgery" and was being treated for "ischemic stroke and cervical radiculopathy." Dr. Wells-Roth wrote that respondent's pain had caused respondent:

> to be debilitated which has been the case for an extended period of time. Patient has suffered 4-5 ischemic strokes over the period dating back to 2015 due to blood clots in his brain. These ischemic strokes have had a very profound and debilitating effect upon him and made even the most basic activities extremely

> difficult for him. His condition is very serious and he is not to exert himself, must avoid stress and should not work until his condition and the effects of these ischemic strokes are overcome and significantly improve.

Respondent offered to provide additional information concerning the incapacity his diseases have caused him.

On August 1, 2022, the OBC sent respondent granting him a twenty-day extension, notwithstanding his omission to tether his extension request to a particular case or obtain the consent of his adversary. The OBC directed respondent to file a motion to vacate in each of the four pending matters no later than August 22, 2022.

Thereafter, respondent did not file a motion to vacate the default in any of the four matters.

We now turn to the allegations of the complaints.

The Kruh Matter (DRB 22-104)

On June 1, 2020, Mary Kruh contacted respondent to inquire whether he could prepare a health proxy and living will for her daughter who, in August 2020, was moving to another state to attend college. Kruh contacted respondent through a specialized attorney search website and explained what services she was seeking. Within thirty minutes, respondent replied to Kruh via telephone

and told her it would take about thirty minutes for him to prepare the documents she sought. Two days later, Kruh sent respondent an e-mail containing all the information required to prepare the health proxy and living will and asked how respondent wished to receive payment.

On June 19, 2020, Kruh paid respondent a $250 fee via PayPal. Thereafter, failed to prepare the health proxy or living will. Consequently, between June 19 and August 5, 2020, Kruh called respondent multiple times. Respondent failed to reply to Kruh's telephone calls.

Additionally, Kruh sent respondent e-mails on July 3; July 10; July 24; and August 5, 2020, requesting an update on the documents. Respondent failed to reply to Kruh's e-mails. Therefore, on August 5, 2020, Kruh sent respondent another e-mail explaining that her daughter was leaving for college on August 11, 2020, and that she needed the documents prior to her daughter's departure. Respondent did not reply.

Consequently, on August 8, 2020, Kruh requested a refund of the $250 fee she had paid to respondent because he failed to prepare the documents. Instead, Kruh had utilized another legal service to prepare the health proxy and living will for her daughter. Because respondent failed to provide a refund, on August 19 and September 9, 2020, Kruh sent respondent follow up e-mails and letters reiterating her desire that respondent refund the fee due to his non-performance

of work. Respondent failed to reply to Kruh.

Additionally, on September 21 and December 4, 2020, through PayPal, Kruh requested the refund of the $250 fee from respondent, but her request was canceled.[11] Moreover, respondent failed to send Kruh a closing or withdrawal letter.

To date, respondent has failed to refund Kruh's fee and has failed to prepare the documents for Kruh's daughter. Respondent also failed to reply to the ethics grievance that the DEC sent to him on November 20, 2020.

Based on the above facts, the complaint alleged that respondent failed to diligently represent Kruh; failed to communicate with her at all after receiving her fee; failed to properly terminate the representation; failed to refund the fee; and failed to provide a written reply to Kruh's ethics grievance against him during the DEC's investigation, even after the DEC investigator verbally instructed him to do so, on March 18, 2021. Accordingly, the complaint charged violations of RPC 1.3; RPC 1.4(b); RPC 1.16(d); RPC 8.1(b); and RPC 8.4(d). Moreover, the DEC amended the complaint, on notice to respondent, to include a second RPC 8.1(b) violation for his failure to file an answer.

[11] It is not clear from the record who canceled Kruh's PayPal request for payment.

The Afyouni Matter (DRB 22-121)

In August 2018, Abudulwahab S. Afyouni requested, via Lawyer.com, that respondent assist him with a child custody matter. After Afyouni sent the request, respondent called Afyouni to discuss the representation. Respondent told Afyouni that his fee for completing work on the child custody matter would be $2,500.

Later, on August 20, 2018, respondent sent Afyouni a text message which stated:

> This will confirm your appointment to meet with me [. . .] at 8:00 P.M. tonight 8/20/2018. [. . .] I have a greed[12] to handle your motion for a fixed fee of $2500 plus the filing fee of $50 provided that you retain my services tonight so that I can prepare the work between now and the end of the month as I do have a lull That Customarily happens at the end of each summer. This is a Significantly discounted fee that I am able to offer to you at this time only. Of course, payment of $2,550.00 this evening is required for you to take advantage of this discounted fee and for me to begin work. I look forward to the pleasure of meeting with you this evening. Thank you.
>
> [C2¶7.][13]

[12] All typographical errors within the text message exchange are included in the original.

[13] "C2" refers to the January 21, 2022 formal ethics complaint filed in DRB 22-121. "Ex." refers to the exhibits attached to the formal ethics complaint filed in DRB 22-121.

Upon receipt of respondent's text message, Afyouni drove to respondent's office to meet with him that evening.

Also on August 20, 2018, respondent provided Afyouni with a retainer agreement. The retainer agreement was never executed. Nor did the proposed retainer agreement reflect the terms that respondent set forth in his August 20, 2018 text message to Afyouni. For example, although respondent told Afyouni that he would charge a flat fee of $2,500, the retainer agreement states that respondent's fee was $2,250; that he would bill Afyouni hourly; that Afyouni was subject to additional advance retainer fees; and that Afyouni would be responsible for costs and expenses incurred during the representation.

Afyouni provided respondent with all of the substantive information he requested in order to file the child custody motion. Thereafter, Afyouni contacted respondent multiple times, including in September and October 2018, inquiring whether respondent required additional information and when respondent would file the application. Respondent either canceled or rescheduled all follow-up appointments with Afyouni.

Moreover, respondent failed to provide Afyouni with any invoices for services rendered, as R. 5:3-5(a)(5), governing family court representation,

requires.[14] For example, when Afyouni requested updates on the motion, respondent replied that he was "still putting things together. [He] will be in touch shortly."[15] Respondent also told Afyouni that he would be "hearing from [respondent] some time this week. Please bear with me While I get this done for you." Additionally, respondent stated that he understood the motion was important to Afyouni, but asked Afyouni to:

> please also understand that I am trying to do my best job for you. Today I have Dr appointments. If I finish I will call you. Most likely it will be Monday. I know you want it today but the next motion date that it can possibly be heard due to the requirements of the Court Rules is October 19, 2018. The court rules require certain advance filing and notice requirements. That is why this is the earliest possible date."[16]
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> [Ex.C.]

Thereafter, on September 26, 2018, Afyouni sent respondent a text message confirming that he had spoken to respondent by telephone that date and memorializing that respondent told him he was:

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[14] R. 5:3-5(a)(5) requires an attorney to provide a client in family actions with a bill of services rendered "no less frequently than once every ninety days, provided that services have been rendered during that period."

[15] Unless Afyouni specifically referenced the date within a text message, the text message chain between respondent and Afyouni that is contained within the record is a running dialogue of the text of the messages exchanged and lacks any dates.

[16] It is unclear from the record where respondent obtained the October 19, 2018, date as that was not a motion day for the court's 2018-2019 calendar year. https://www.njcourts.gov/notices/2017/n170707b.pdf.

> still putting things together I said okay but on September 7/ 2018 after when I did dropped off everything you need it for the cas you said to give you a week to work on it I said okay no problem I did follow up with you aweek later on September 13th 2018 I ask you .you said still nothing's done still putting things together. but today September 26, 2018 today talking to you on the phone I said to you I'm going to be fair with you give you enough time I will call you by the end of October but you said you will be hearing from me which is you telling me before that but I said still I'm going to call you by the end of October to give you enough time 2018. That will be 2 month thank you in advance and have a great night.
>
> [Ibid.]

Respondent then scheduled an appointment to meet with Afyouni on Thursday, November 8, 2018, promising that the motion would be ready for Afyouni's review and signature. However, respondent ignored Afyouni's telephone calls and, when Afyouni asked respondent why he did not call him, respondent stated:

> just so you understand, the next motion day that your motion can be heard is no different regardless as to whether the motion is filed on This Friday or this coming Monday. I am sure that we can get a great deal more accomplished go over things on Saturday or Sunday than we will tomorrow night as we will have more time and fewer potential interruptions on a weekend day that a Thursday and I will be much fresher than during an evening during the week after a long work and court day. I will talk to you when I call you tomorrow.
>
> [Ibid.]

Afyouni rejected respondent's attempts to reschedule the appointment from Thursday to the weekend but respondent nevertheless told Afyouni that "tonight is going to be very difficult for me. I will see you on Saturday or Sunday depending upon your schedule." Respondent told Afyouni that he would meet with him on Monday, November 12, 2018, which was "[Veteran's Day] and i am Closed but I will open the office just for You."

Ultimately, respondent failed to provide Afyouni with any draft motion for his review and failed to file any motion in court.

Approximately one year later, Afyouni contacted respondent and told him that the one-year delay was unacceptable and requested that respondent refund the $2,500 fee. However, rather than refund Afyouni's payment, respondent, during an October 2020 telephone call, told Afyouni that he owed respondent additional funds. After the October 2020 telephone call, respondent stopped communicating with Afyouni.

After Afyouni filed an ethics grievance against respondent, on January 9, 2021, the assigned DEC investigator contacted respondent numerous times and granted respondent's multiple requests for extensions of time to provide a reply to the ethics grievance. Nevertheless, respondent failed to provide a reply to Afyouni's ethics grievance.

Based on the above facts, the complaint alleged that respondent failed to competently or diligently represent Afyouni; failed to properly terminate the representation; failed to refund Afyouni's retainer fee; failed to provide Afyouni with information regarding the motion, and eventually stopped communicating with Afyouni altogether; failed to cooperate with disciplinary authorities; and misrepresented to Afyouni that he would provide legal services for a flat fee of $2,500. Accordingly, the complaint charged respondent with violations of RPC 1.1(a); RPC 1.3; RPC 1.16(d); RPC 1.4; RPC 8.1(b); and RPC 8.4(c). Moreover, the DEC amended the complaint, on notice to respondent, to include a second RPC 8.1(b) violation for respondent's failure to file an answer.

The Craig Matter (DRB 22-124)

On January 9, 2019, Karen and John Craig retained respondent to represent them in a lawsuit against Karen Craig's[17] brother concerning the distribution of property held by their parents, which distribution occurred in Florida. According to the retainer agreement, respondent charged Craig $26,000 as an "unrestricted advance, i.e., [respondent] shall have the immediate use of these funds and **TWENTY-FIVE THOUSAND DOLLARS ($25,000.00)** of

[17] Although the Craigs jointly retained respondent for representation in the lawsuit against Craig's brother, because the facts of respondent's misconduct surround Karen Craig, this decision will singularly refer to Karen Craig as "Craig."

this amount shall represent the minimum non-refundable portion of [his] fee for handling this matter." In addition to the non-refundable $25,000 fee, respondent's retainer agreement also provided for his receipt of twenty-five percent of any recovery greater than $100,000.

Regarding the Florida property, on January 18, 2019, respondent filed a notice of lis pendens in Volusia County, Florida, citing Rose v. Port of New York Authority, 61 N.J. 129 (1972), as a controlling legal authority.

Later, on January 31, 2019, respondent drafted a complaint in the Craig matter, alleging that Craig's brother violated the New Jersey Consumer Fraud Act. On April 4, 2019, respondent filed the complaint; a demand for documents and admissions; and a notice for depositions for the defendants in the Superior Court of New Jersey, Somerset County, Law Division.[18] However, respondent failed to properly serve the defendants with the complaint. Thus, on August 17, 2019, the court sent respondent a dismissal for lack of prosecution warning.

Thereafter, on October 1, 2019, respondent filed an amended complaint, which was virtually identical to the original complaint, in the Superior Court of New Jersey, Somerset County, Law Division. However, respondent again failed to properly serve the defendants.

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[18] The record does not explain why respondent filed the complaint in New Jersey when the distribution of the relevant property occurred in Florida.

On October 19, 2019, the court entered an order for dismissal for lack of prosecution and sent a copy to respondent. Subsequently, on February 15, 2020, the court sent respondent another lack of prosecution dismissal warning, presumably in response to the amended complaint.[19] Respondent failed to take any action on the case and, on August 18, 2020, the court entered a second order for dismissal for lack of prosecution and sent a copy to respondent. Respondent failed to inform Craig that the court twice entered an order dismissing her case for lack of prosecution.

Approximately four months later, on November 30, 2020, Craig filed an ethics grievance against respondent. In her grievance, Craig alleged that respondent failed to communicate with her. Craig also asserted that respondent had lied to her about the case, "with the latest excuse on 11/24/2020 being that courts are behind" due to COVID-19.[20] Although Craig explained that she had been "more than patient and understanding" with respondent, she asserted that

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[19] Neither the record nor eCourts make clear why the trial court proceeded in this order.

[20] The Superior Court entered the first order dismissing the case due to lack of prosecution approximately five months prior to the Supreme Court's first Order postponing in-person proceedings as a result of the COVID-19 pandemic. Notice, "New Jersey Court Operations – COVID-19 Coronavirus: Rescheduling of In-Court Proceedings Scheduled for the Week Beginning Monday, March 16, 2020; Continuation of All Critical Functions" (March 15, 2020). Approximately one month before that Order, the Superior Court sent respondent the second warning that the matter would be dismissed for lack of prosecution. Thus, when respondent told Craig that the courts were behind due to the COVID-19 pandemic, the Superior Court had already dismissed the Craig matter twice for lack of prosecution before the Court had even issued its first order relating to the pandemic.

he was good at making excuses about his legal work but had failed to demonstrate that any work had been done on her case.

On December 12, 2020, Craig sent a certified letter to respondent requesting her file; a billing invoice; a refund of her retainer fee; and a completed substitution of attorney. Craig's new counsel, Peter Ouda, Esq., also requested Craig's file and a substitution of attorney from respondent. Respondent failed to reply to either request. On December 20, 2020, Ouda filed an appearance with the court in the Craig matter. Later, in March 2021, Ouda wrote a letter to the court to explain that, despite numerous requests, respondent had failed to provide Craig's file; when Ouda filed a motion in the Craig matter two months later, he certified that he still had not received the file from respondent. However, after Craig filed an ethics grievance against respondent, respondent provided Craig with some documents from her file.

During the DEC's investigation of Craig's ethics grievance, respondent recounted the various medical ailments he has suffered from for "quite some time." However, respondent wrote that, "while [he] was significantly affected by [his] illness and it did require [him] to take time away from [his] work, [he] did not act unethically in this matter." Respondent asserted that he explained his medical condition to Craig before he was retained, and he kept Craig fully advised as to his medical condition throughout the representation.

Respondent maintained that Craig's brother was "successfully personally served," but conceded the other defendants were difficult to serve due to fees charged by process servers in Florida. Respondent did not state that he had, in fact, served any of the other defendants. Respondent also asserted that he always promptly communicated with Craig whenever she called. Respondent maintained that the thoroughness of the complaint and amended complaint he filed in the Craig matter justified his fee. Respondent did not address his failure to act when the court dismissed the Craig complaint two times for lack of prosecution.

Furthermore, during the ethics investigation, respondent did not provide an explanation as to why he failed to communicate with Craig or Ouda.

Although respondent promised to provide Craig's full file to the DEC investigator, he provided only a portion of the file. In fact, the DEC investigator made multiple document requests to respondent, which went unanswered. Additionally, respondent failed to account for how he used Craig's $25,000 retainer, despite requests from Craig and the DEC investigator. With respect to Craig's request for a refund of her $25,000 retainer fee, respondent was "dismissive." Ultimately, respondent's failure to cooperate with the DEC's investigation of Craig's ethics grievance impeded the DEC's ability to "move this matter to a conclusion."

Based on the above facts, the complaint alleged that respondent failed to expedite Craig's lawsuit, resulting in two dismissals; failed to diligently represent Craig; failed to communicate with Craig; charged an unreasonable fee; failed to properly terminate the representation; failed to fully return Craig's file; failed to inform Craig that he could not properly represent her due to his illness; and failed to cooperate with disciplinary authorities. Accordingly, the complaint charged respondent with violations of RPC 3.2; RPC 1.3; RPC 1.4(b); RPC 1.5; RPC 1.16(a)(2); RPC 1.16(a)(3); RPC 1.16(d); and RPC 8.1(b). Moreover, the DEC amended the complaint, on notice to respondent, to include a second RPC 8.1(b) violation for respondent's failure to file an answer.

The Fladger Matter (DRB 22-125)

Gregory C. Fladger filed a pro se complaint to evict a tenant. However, when the tenant confronted and threatened Fladger after receiving notice of the eviction proceeding, Fladger retained respondent to assist with the eviction. Thus, in August 2020, Fladger paid respondent $600 to write a letter demanding that the tenant voluntarily vacate the premises. The letter was unsuccessful, so Fladger paid respondent an additional $1,000 to file an order to show cause seeking the tenant's eviction.

Thereafter, Fladger repeatedly attempted to contact respondent via telephone, e-mail, and text message, inquiring whether respondent filed the order to show cause with the court. Fladger was mostly unsuccessful in speaking with respondent because respondent's telephone line was either busy or his voicemail box was full. However, when Fladger did speak with respondent, respondent falsely told Fladger that he had filed the paperwork with the court and that Fladger would receive a copy.

Fladger never received any work product prepared by respondent. Consequently, when Fladger contacted the Superior Court in Middlesex County to obtain a copy of the paperwork, a court representative informed Fladger that respondent had not filed anything.

Thereafter, on at least two occasions, Fladger requested that respondent refund the fee he had paid. Respondent failed to refund any portion of the retainer fee and failed to reply to Fladger's communications. Respondent also failed to send a closing or withdrawal letter to Fladger.

In his January 14, 2021 ethics grievance, Fladger explained that respondent's failure to file the motion for which he was retained has resulted in the tenant's residence in the property since June 2020 without paying any rent, which was a "very tense situation."

Based on the above facts, the complaint alleged that respondent failed to diligently represent Fladger; failed to provide Fladger with information on the landlord-tenant matter; failed to properly terminate the representation; failed to refund the retainer Fladger paid; failed to cooperate with disciplinary authorities during the ethics investigation; and engaged in conduct prejudicial to the administration of justice. Accordingly, the complaint charged respondent with violations of RPC 1.3; RPC 1.4; RPC 1.16(d); RPC 8.1(b); and RPC 8.4(d). Moreover, the DEC amended the complaint, on notice to respondent, to include a second RPC 8.1(b) violation for respondent's failure to file an answer.

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

Specifically, respondent violated RPC 1.1(a) by failing to take any legal action on Afyouni's child custody matter, aside from collecting a legal fee from Afyouni.[21]

[21] Notwithstanding his clear gross neglect, respondent was not charged with violating RPC 1.1(a) in the Kruh, Craig, and Fladger matters. Although we may not find such violations, we may consider his uncharged conduct in aggravation. See In re Steiert, 201 N.J. 119 (2010) (evidence of unethical conduct contained in the record can be considered in aggravation, even though such unethical conduct was not charged in the formal ethics complaint).

Respondent also violated RPC 1.3 by agreeing to represent Kruh, Afyouni, and Fladger and then failing to perform the services required in their matters. Although respondent filed a complaint in the Craig matter, he failed to serve the defendants and the complaint ultimately was dismissed for lack of prosecution, twice. In addition, when respondent accepted Kruh's legal fee, he told her that the preparation of the documents would not be labor-intensive and would have only taken him about thirty minutes; yet, respondent failed to prepare the documents for three months, causing Kruh to terminate the representation.

Moreover, respondent's utter failure to communicate with Kruh; Afyouni; Craig; and Fladger, or to provide them with any updates on the status of their cases, notwithstanding their repeated requests, violated RPC 1.4(b).

In the Craig matter, there is no question that respondent's fee was unreasonable, in violation of RPC 1.5(a). Respondent charged Craig $26,000 to file a complaint and an amended complaint, which was virtually identical to the original complaint, and neither of which he properly served. Thereafter, respondent performed no work on the matter, resulting in two dismissals of the litigation for lack of prosecution. In analyzing the eight factors of RPC 1.5(a), respondent's preparation of a twenty-two-page complaint (three of which simply listed the defendants) did not justify a $26,000 fee. More importantly, in light of factor number four – the amount of the fee and the results obtained – the only

results respondent achieved were two dismissals of the complaint for his failure to prosecute, which is hardly the outcome the plaintiff, Craig, paid $26,000 to obtain. See RPC 1.5(a)(4).

Additionally, the record contains clear and convincing evidence that respondent violated RPC 1.16(a)(2) and RPC 1.16(a)(3) by accepting Craig as a client despite knowing that his medical conditions impaired his ability to function as an attorney, and by failing to withdraw as counsel when Craig terminated his representation.

Similarly, respondent's failure to properly terminate the attorney-client relationship in all four matters, including his refusal to refund the unearned retainer fees paid by all four clients, violated RPC 1.16(d).

Furthermore, respondent's failure to prosecute Craig's civil action, which ultimately led to the court's dismissal of the complaint, unquestionably violated RPC 3.2.

Respondent also misrepresented his fee to Afyouni, in violation of RPC 8.4(c).[22] Respondent told Afyouni that he would handle Afyouni's child custody

[22] Respondent also violated RPC 8.4(c) by misrepresenting to Craig that the reason for the delay in her case was that the courts were behind, when he knew, by virtue of the two dismissal warnings and two orders dismissing her matter for lack of prosecution, that he was the reason, and not the court, for the delay in moving her case forward. However, respondent was not charged with violating RPC 8.4(c) in the Craig matter. Thus, we consider this misconduct only in aggravation.

motion for a flat fee of $2,500 plus a $50 filing fee. However, respondent then provided Afyouni with a retainer agreement that provided for hourly billing and which stated that the $2,500 fee was only a retainer. Later, when Afyouni requested a refund of the flat fee he paid respondent, respondent demanded additional funds.

Moreover, the record contains clear and convincing evidence that respondent violated RPC 8.1(b) in eight respects, by failing to cooperate with disciplinary authorities in any of the four matters and failing to file an answer to any of the four complaints. In our view, given respondent's history of temporary and disciplinary suspensions – particularly his ten previous violations of RPC 8.1(b) – he is acutely aware of his obligation to cooperate with an ethics investigation and to file an answer to a disciplinary complaint. Thus, we conclude that respondent's decision to not cooperate with the DEC's investigations, and his decision to not file answers to the complaints, was knowing and intentional.

Finally, there is no question that respondent's continued failure to cooperate with disciplinary authorities violated RPC 8.4(d).

In sum, we find that respondent violated RPC 1.3 (four instances); RPC 1.4(b) (four instances); RPC 1.5(a) (Craig); RPC 1.16(a)(2) (Craig); RPC 1.16(a)(3) (Craig); RPC 1.16(d) (four instances); RPC 3.2 (Craig); RPC 8.1(b)

(eight instances); RPC 8.4(c) (Afyouni) and RPC 8.4(d) (Kruh and Fladger). The sole issue left for our determination is the appropriate quantum of discipline to recommend for respondent's misconduct.

Just two months ago, on July 21, 2022, we considered Allen VII, respondent's fifth consecutive default. All New Jersey attorneys, including respondent, have an obligation to cooperate with disciplinary authorities. However, here, for the sixth, seventh, eight, and ninth consecutive times, respondent has chosen to ignore his obligation – one he knows well due to his extensive contact with the New Jersey attorney disciplinary system.

In our view, the instant matters simply continue respondent's now obvious pattern of preying upon new clients. Respondent's established scheme is to accept new client matters; accept the legal fee; fail to provide any legal services; and fail to refund the legal fee despite client requests.

There is no mitigation to consider. Respondent's decision to wholly absent himself from another four ethics proceedings resulted in his failure to provide us with any information for consideration, except for his unrefuted misconduct, which is strikingly similar to his past misconduct.

We again accord significant weight to multiple, profound aggravating factors. First, we weighed respondent's substantial disciplinary history and its similarity to the four instant default matters.

Consistently, 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).

By defaulting in an additional four matters (respondent had seven defaults in 2022 alone), respondent has, once again, refused to acknowledge or account for his wrongdoing, let alone express remorse for his gross exploitation of his clients' trust in him. His actions in the instant matters are in stark contrast to the statements he made during his March 29, 2022 appearance before the Court at an Order to Show Cause, wherein he told the Court that if given the opportunity, he was going to reform his conduct. Yet, in each of the instant four matters, the DEC sent respondent letters that post-dated respondent's appearance before the Court, warning respondent that, unless he filed answers to the complaints, the allegations of the complaint would be deemed admitted, the record would be certified directly to us for the imposition of discipline, and the complaints would be amended to include a willful violation of RPC 8.1(b). As he had done four times before, respondent intentionally chose to ignore his obligation to cooperate with the ethics investigation and chose not to provide us with an explanation for his misconduct, notwithstanding his statements before the Court.

"[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).

It is clear that respondent has not learned from his past contacts with the disciplinary system, nor has he used those prior experiences as a foundation for reform. His actions demonstrate no desire to do so. See In re Zeitler, 182 N.J. 389, 398 (2005) ("[d]espite having received numerous opportunities to reform himself, respondent has continued to display his disregard, indeed contempt, for our disciplinary rules and our ethics system"). Respondent's ethics history reveals a pattern of temporary suspensions and reinstatements, as well as numerous cases indicating non-compliance with fee arbitration awards and corresponding misrepresentations, to us, regarding the status of the payment of those awards.

Additionally, respondent has continued his pattern of alluding to his health as an explanation for his misconduct without conceding misconduct or showing remorse. We again reject respondent's attempt to use his health as both a shield and a sword. In Craig, as in other cases, respondent tacitly argued that he was well enough to take his client's $25,000 fee, but too ill to do the work for which he was paid, engage with the disciplinary system, or mount any

defense.[23] Notably, respondent did not decline to accept new cases and fees on the ground of that illness.

Instead, respondent ignored his contemporaneous knowledge that he was ill and carefully crafted a "non-refundable" retainer agreement for Craig. When the clients requested a refund due to his non-performance of work, respondent refused to refund the unearned retainer fee.

Similarly, when Afyouni requested a refund of the unearned retainer fee because respondent had performed no work on his matter for approximately one year, respondent refused to part ways with the unearned fees. To the contrary, instead of providing a refund for work respondent knew he did not complete, he had the audacity to request additional fees, notwithstanding his initial statement to Afyouni that he would only charge a reduced flat fee. Notably, respondent had provided Afyouni no invoices documenting his purported legal work, as R. 5:3-5(a)(5) requires in such family court matters.

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[23] Importantly, attorney regulation recognizes no such status. Court Rules afford an attorney suffering from "mental or physical infirmity or illness" who, therefore, "lacks the capacity to practice law" the opportunity to petition to be transferred to disability inactive status. R. 1:20-12(b); R. 1:20-12(d). Such petitions may be litigated, or, where there is no factual disagreement, the subject of consent. A transfer to disability inactive status will have the effect of terminating the attorney's active use of the law license and may stay pending disciplinary proceedings if the Court additionally finds "that the respondent is incapable of assisting counsel in defense of any ethics proceedings." R. 1:20-12(b).

An attorney's cooperation with the disciplinary system (and resulting discipline for failing to do so) serves as the cornerstone of the public's confidence that it will be protected from unethical attorneys. Respondent's disciplinary record of nine suspensions (temporary and disciplinary) in less than four years, and his 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. Prior to the four instant matters, respondent has on ten occasions failed to cooperate with disciplinary authorities. These four matters alone comprise eight additional counts of failing to cooperate with disciplinary authorities. Thus, it is unmistakable that respondent believes his conduct need not conform to RPC 8.1(b).

Including the instant four matters, since 2005, respondent has committed the following RPC violations:

RPC Violation	**Number of Violations**
1.1(a)	4
1.2(a)	1
1.3	8
1.4(a)	1
1.4(b)	7
1.5(a)	3
1.7(a)(2)	1
1.15(d)	2
1.16(a)(2)	2
1.16(a)(3)	3
1.16(d)	7
3.2	2

3.3(a)(1)	2
3.4(c)	1
5.5(a)(1)	2
8.1(a)	3
8.1(b)	18
8.4(b)	1
8.4(c)	7
8.4(d)	5

As we noted in our decision in Allen VI, in In re Spagnoli, 115 N.J. 504 (1989), the attorney accepted retainers from fourteen clients over a three-year period without any intention of performing services for them. He lied to the clients, assuring them that their cases were proceeding. After neglecting their cases to the point that judgments had been entered against his clients, the attorney ignored their efforts to contact him by telephone. To explain his prior failure to appear in court, he lied to a judge. Afterward, the attorney failed to cooperate in the disciplinary process.

The Court adopted our findings and recommendation that Spagnoli be disbarred:

> Respondent's repetitive, unscrupulous acts reveal not only a callous disregard for his responsibilities toward his clients and disdain for the entire legal system [. . .] [It also] shows that respondent's conduct is incapable of mitigation. A lesser sanction than disbarment will not adequately protect the public from this attorney, who has amply demonstrated that his "professional good character and fitness have been permanently and irretrievably lost."

> [Id. at 517-18 (quoting Matter of Templeton, 99 N.J. 365, at 376 (1985).]

In In re Moore, 143 N.J. 415 (1996), the attorney accepted retainers in two matters and failed to take any action on behalf of his clients. Although he agreed to refund one of the retainers and was ordered to do so after a fee arbitration proceeding, he retained the funds and then disappeared. The attorney did not cooperate with the disciplinary investigation. In recommending disbarment, we remarked as follows:

> It is unquestionable that this respondent holds no appreciation for his responsibilities as an attorney. He has repeatedly sported a callous indifference to his clients' welfare, the judicial system and the disciplinary process . . . . The Board can draw no other conclusion but that this respondent is not capable of conforming his conduct to the high standards expected of the legal profession.
>
> [In the Matter of John A. Moore, DRB 95-163 (December 4, 1995).]

Similarly, in In re Cohen, 120 N.J. 304 (1990), the attorney, after accepting representation in a matter, failed to file the complaint until after the statute of limitations had expired. He compounded his misconduct by altering the filing date on the complaint to mislead the court and opposing counsel that he had timely filed the complaint. The attorney misrepresented the status of the matter to the client, giving assurances that the case was proceeding. The Court disbarred the attorney, observing that "[w]e are unable to conclude that

respondent will improve his conduct." Id. at 308. See also In re Vincenti, 152 N.J. 253 (1998) (attorney disbarred for his repeated abuses of the judicial process resulting in harm to his clients, adversaries, court personnel and the entire judicial system).

Like the attorney in Spagnoli, respondent has continued his pattern of accepting legal fees from clients and failing to provide the promised services, four times in this consolidated matter alone. At this point in respondent's experience with the disciplinary system he clearly knows that his scheme is unethical. Yet, he has made no effort to curb his misconduct.

Therefore, we again recommend respondent's disbarment to the Court in order to protect the public from respondent's pernicious practices.

Additionally, we recommend that the Court impose the condition that respondent disgorge the entire fee in the Kruh, Afyouni, and Fladger matters, because, in our view, it is clear he provided no legal services in those matters that would justify retention of the legal fees he charged. Respondent's fee in the Craig matter has been adjudicated and, thus, we need not address it. R. 1:20A-3.

Member Joseph was recused.

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: **/s/ Timothy M. Ellis**
Timothy M. Ellis
Acting Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matters of John Charles Allen
Docket Nos. DRB 22-104; 22-121; 22-124; and 22-125

Decided: October 7, 2022

Disposition: Disbar

Members	Disbar	Did Not Participate	Recused
Gallipoli	X		
Boyer	X		
Campelo	X		
Hoberman	X		
Joseph			X
Menaker	X		
Petrou	X		
Rivera	X		
Singer		X	
Total:	7	1	1

/s/ Timothy M. Ellis
Timothy M. Ellis
Acting Chief Counsel