

VIRGINIA:

BEFORE THE THIRD DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
RUSSELL NARDY ALLEN

VS B Docket No. 09-032-079048

SUBCOMMITTEE DETERMINATION  
(PUBLIC REPRIMAND WITHOUT TERMS)

On June 19, 2009, a hearing in this matter was held before a duly convened Third District Subcommittee consisting of Steven C. McCallum, chair presiding, Michelle C. Harman, and John B. Wake, Jr., lay member. At this meeting, the Subcommittee voted to accept an Agreed Disposition for a Public Reprimand if so entered by the parties. Thereafter, the Virginia State Bar, by Assistant Bar Counsel Kathryn R. Montgomery, and the respondent, Russell Nardy Allen, (“Respondent”), entered into such agreement. Therefore, pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Third District Subcommittee of the Virginia State Bar hereby serves upon the Respondent the following Public Reprimand:

I. FINDINGS OF FACT

1. Respondent represented Client A on an appeal of a criminal conviction to the Virginia Court of Appeals. Respondent failed to timely file the transcripts in the circuit court and the appeal was dismissed. Respondent advised Client A of his error, and Client A obtained a delayed appeal to the Virginia Court of Appeals by order dated September 4, 2007.
2. Respondent represented Client B on an appeal of a criminal conviction to the Virginia Court of Appeals. Respondent failed to timely file the transcripts in the circuit court and

the appeal was dismissed. Respondent advised Client B of his error, and Client B obtained a delayed appeal to the Virginia Court of Appeals by order dated August 6, 2002.

3. Respondent represented Client C on an appeal of a judgment of the Virginia Court of Appeals to the Supreme Court of Virginia. Respondent failed to perfect the appeal to the Supreme Court, and the appeal was dismissed. Respondent advised Client C of his error, and Client C obtained a delayed appeal to the Supreme Court of Virginia by order dated November 30, 2005.

## II. NATURE OF MISCONDUCT

Such conduct by Russell Nardy Allen constitutes misconduct in violation of the following provision of the Rules of Professional Conduct:

### RULE 1.3     Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

## III. PUBLIC REPRIMAND

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand and Respondent is hereby so reprimanded. Pursuant to Paragraph 13-9.E. the Clerk of the Disciplinary System shall assess costs.

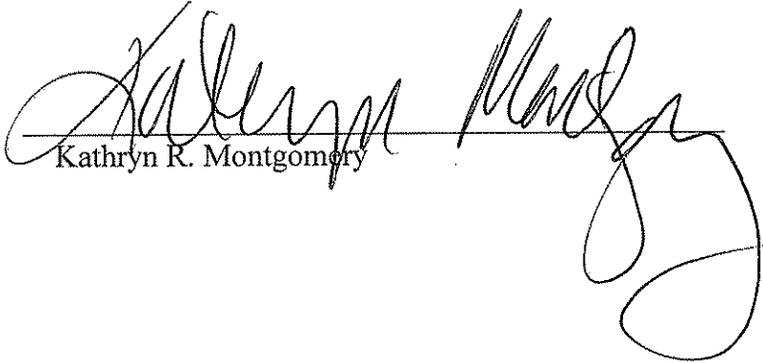
The Subcommittee notes the professionalism, candor, and cooperation of Respondent during the course of the bar's investigation.

THIRD DISTRICT SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By   
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Steven C. McCallum  
Chair

CERTIFICATE OF SERVICE

I certify that on July 9, 2009 I caused to be mailed by Certified Mail, Return Receipt Requested, a true and correct copy of the Subcommittee Determination (Public Reprimand Without Terms) to Russell Nardy Allen, Esquire, Respondent, at, 2211 Colwyn Rd., Richmond, VA 23229, his/her last address of record with the Virginia State Bar.

  
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Kathryn R. Montgomery