

VIRGINIA :

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF CLAUDE ALEXANDER ALLEN
VSB Docket Number 07-000-0372

ORDER OF SUSPENSION, WITH TERMS

This matter came on December 8, 2006, to be heard on the Agreed Disposition of the Virginia State Bar and the Respondent, relative to the matter contained in the Rule to Show Cause and Order of Suspension and Hearing issued by this Board on the 17th day of November, 2006. The Agreed Disposition was considered by a duly convened panel of the Virginia State Bar Disciplinary Board consisting of Robert E. Eicher, 2nd Vice Chair, V. Max Beard, lay member, William E. Glover, Esquire, Rhysa Griffith South, Esquire, and Glenn M. Hodge , Esquire.

Seth M. Guggenheim, Esquire, representing the Bar, and the Respondent, Claude Alexander Allen, Esquire, by and through his attorneys, Gregory B. Craig, Esquire (appearing *pro hac vice*), and Beth A. Stewart, Esquire, presented an endorsed Agreed Disposition, dated December 7, 2006, reflecting the terms of the Agreed Disposition. The court reporter for the proceeding was Donna Chandler, of Chandler & Halaaz, Richmond, Virginia 23227, telephone (804) 730-1222.

Having considered the Agreed Disposition, it is the decision of the Board ^{by majority vote} that the Agreed  Disposition be accepted, and the Virginia State Bar Disciplinary Board finds by clear and convincing evidence as follows:

1. At all times relevant hereto, Claude Alexander Allen, Esquire, (hereafter “Respondent”), has been an attorney licensed to practice law in the Commonwealth of Virginia.

2. On August 4, 2006, the Respondent personally appeared in the Circuit Court of Montgomery County, Maryland, and entered a plea of guilty to a misdemeanor charge brought upon a criminal information, alleging that on or about December 24, 2005, the Respondent stole a Kodak printer valued at less than \$500.00 from the Target Corporation.

3. Following the Respondent’s guilty plea, the Circuit Court entered an Order on August 4, 2006, imposing a disposition of “probation before judgment” under Maryland law. Under such a disposition, the Respondent will be discharged from probation upon his fulfillment of the terms thereof, and no judgment of conviction of a crime shall be entered against him.

4. The Respondent’s court-ordered probation is supervised, and its duration is two years. *Inter alia*, the terms of Respondent’s probation are that he make restitution to the Target Corporation, pay a fine and court costs, and perform forty (40) hours of community service by the time his supervised probation is scheduled to end.

In approving the Agreed Disposition, the Board gave due consideration to evidence furnished by and on behalf of the Respondent, to representations made by the Respondent and his counsel, and to representations made by Bar Counsel. The Board finds as applicable mitigating factors contained in the *Standards for Imposing Lawyer Sanctions*, published by the American Bar Association, as follows:

- a. absence of a prior disciplinary record;
- b. personal [and] emotional problems;
- c. full and free disclosure to disciplinary board [and] cooperative attitude

- toward proceedings;
- d. character [and] reputation;
- e. imposition of other penalties or sanctions; and
- f. remorse.

The Board also gave due regard to the findings of Thomas C. Goldman, M.D., who conducted a forensic psychiatric examination of the Respondent on April 10 and 24, and on May 31, 2006, and reported, *inter alia*, that the Respondent's behavior was "clearly in response to acute situational stress and [is] not expected to be a chronic problem" and that "[t]here is excellent reason to believe that a course of individual psychotherapy could be quite useful in guarding against any possibility of recurrence in the future."

The Board finds by clear and convincing evidence that the Respondent has pled guilty to a crime as defined in the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.A., and is thus subject to the imposition of discipline by the Virginia State Bar Disciplinary Board pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.I.5.c.

Upon consideration whereof, it is ORDERED as follows:

1. The Respondent's license to practice law in the Commonwealth of Virginia be, and it hereby is, suspended for a period of ninety (90) days, effective *nunc pro tunc* November 17, 2006, the date upon which this Board entered an order in the referenced matter suspending the Respondent's license due to his guilty plea referred to above.
2. The Respondent shall comply fully with each and every term of the

“Probation/Supervision Order” entered by the Circuit Court of Montgomery County, Maryland, on August 4, 2006, in *State of Maryland vs. Claude Allen*, Case No. 105714-C.

3. At the conclusion of the Respondent’s supervised probation, as referred to above, the Respondent shall promptly furnish the Virginia State Bar c/o Seth M. Guggenheim, Assistant Bar Counsel, 100 North Pitt Street, Suite 310, Alexandria, Virginia 22314, with documents certified by the Clerk of the Circuit Court of Montgomery County, Maryland, establishing that Respondent has successfully fulfilled all of his obligations imposed by the “Probation/Supervision Order” referred to above and that the said Court has discharged him from probation as a final disposition of the criminal charge to which he had entered the guilty plea, as aforesaid.

4. Should the Respondent fail to comply with the terms set forth in the immediately preceding Paragraphs 2 and 3, he shall receive a three (3) year suspension of his license to practice law in the Commonwealth of Virginia, *in addition to* the ninety (90) day suspension referred to above, as an alternative disposition of this matter.

5. Should the Virginia State Bar allege that Respondent has failed to comply with the terms of discipline referred to herein and that the alternative disposition should be imposed, a “show cause” proceeding pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.I.2.g. will be conducted, at which proceeding the burden of proof shall be on the Respondent to show the disciplinary tribunal by clear and convincing evidence that he has complied with terms of discipline referred to herein.

6. The provisions of Part 6, Section IV, Paragraph 13.M. of the Rules of the

Supreme Court of Virginia are inapplicable to this matter because the Respondent is not engaged in the practice of law as of the time of entry of this Order, and he was not so engaged at the time this Board entered the suspension order in this matter on November 17, 2006.

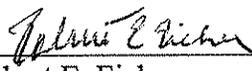
7. Pursuant to Part 6, Section IV, Paragraph 13.B.8.c. of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent; and

It is further ORDERED that a copy *teste* of this Order shall be mailed by Certified Mail, Return Receipt Requested, to the Respondent, at his address of record with the Virginia State Bar, and by first class, regular mail, to counsel for the parties appearing in this matter.

ENTERED this 8th day of December, 2006.

baw/col

EDWARD J. HARRIS, CLERK



Robert E. Eicher
2nd Vice Chair
Virginia State Bar Disciplinary Board