

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**O R D E R**

**LD-2019-0012, In the Matter of John L. Allen, Esquire**

On October 8, 2019, the Attorney Discipline Office (ADO) filed a petition for the immediate suspension of Attorney John L. Allen from the practice of law in New Hampshire. The ADO has alleged:

- (1) that Attorney Allen has not responded to communications from clients seeking information about client matters, and has failed to respond to communications from his office staff seeking information to respond to client inquiries;
- (2) that Attorney Allen has not responded to a request from an attorney demanding the return of \$525,000 in client funds being held by Attorney Allen;
- (3) that Attorney Allen has not returned approximately \$370,000 in client funds after being requested to do so by the client; and
- (4) that Attorney Allen has not responded to the ADO's attempts to contact him by telephone and emails.

Rule 37(16)(f) authorizes the court to suspend an attorney when it deems it necessary for the protection of the public and the preservation of the integrity of the legal profession. When the court makes such a finding, the attorney may be suspended on a temporary order, with or without hearing. See Rule 37(16)(d).

Based on the information submitted by the ADO in its petition, the court finds that Attorney Allen's immediate suspension from the practice of law is necessary to protect the public and to preserve the integrity of the legal profession. See Rule 37(16)(d) and (f). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(16)(d) and (f), Attorney John L. Allen is immediately suspended from the practice of law in New Hampshire pending further order of this court.
- (2) A copy of the petition for immediate suspension and of this order shall be served on Attorney Allen by first class mail at the

latest address that Attorney Allen provided to the New Hampshire Bar Association.

- (3) Within 15 days from the date of this order, Attorney Allen may request a hearing on the issue of whether the interim suspension should be lifted. The hearing will be promptly scheduled. See Reiner's Case, 152 N.H. 163 (2005).
- (4) Within 30 days of the date of this order, Attorney Allen shall file an answer to the Petition for Immediate Suspension.
- (5) Attorney Allen is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

Pursuant to Supreme Court Rule 37(17), the court appoints Attorney Andrea Q. Labonte, ADO Assistant General Counsel, to take immediate possession of the client files and trust and other fiduciary accounts of Attorney Allen, and to take the following actions:

- (1) Attorney Labonte shall notify all banks and other entities where Attorney Allen has trust or fiduciary accounts and operating accounts of Attorney Allen's suspension from the practice of law and of Attorney Labonte's appointment by the court.
- (2) Attorney Labonte shall notify clients of Attorney Allen of his suspension, inform them of any scheduled hearings, advise them to obtain the services of other lawyers of their choice, and advise them how they or their new attorneys may obtain their files. Attorney Labonte shall not undertake the representation of any of Attorney Allen's clients, however.
- (3) Attorney Labonte shall notify the courts in which any hearings are scheduled in the near future of Attorney Allen's suspension.
- (4) Attorney Labonte shall prepare an inventory of Attorney Allen's client files and shall file a copy of the inventory with the Supreme Court on or before November 25, 2019, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (5) If Attorney Allen was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

Attorney Allen is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. The expenses of Attorney

Labonte shall be paid in the first instance from the funds of the Professional Conduct Committee, which may seek reimbursement from Attorney Allen.

Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: October 9, 2019

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:

Andrea Q. Labonte, Esquire

John L. Allen, Esquire

File