

NORTH CAROLINA  
WAKE COUNTY

BEFORE  
THE GRIEVANCE COMMITTEE  
OF  
THE NORTH CAROLINA STATE BAR  
21G0472

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IN THE MATTER OF )  
 )  
RICHARD DUNDAS ALLEN, ) REPRIMAND  
ATTORNEY AT LAW )

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On January 23, 2025 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C.B. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff’s investigation of this matter.

Pursuant to 27 N.C. Admin. Code 1B.0113(a), the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as “reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action.”

Having found probable cause exists in your matter, the Grievance Committee next considered what level of discipline is most appropriate in your matter based upon all the facts, the nature of the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. After further discussion and deliberation, the Grievance Committee determined the conduct before it merited discipline at the level of reprimand.

A reprimand is a written form of discipline issued where an attorney is determined to have violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the protection of the public does not require a censure.

As Chair of the Grievance Committee of the North Carolina State Bar, it is my duty to issue this reprimand.

You represented client C.B. in a federal whistleblower action. After the United States elected to partially intervene in the action, you asked the Court for additional time to file an amended complaint. The Court gave you an extension, but you did not file the amended complaint until after the Court’s deadline. You subsequently failed to engage in reasonable and diligent efforts to serve the amended complaint. The Grievance Committee found you failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3. The whistleblower action was eventually settled and C.B. was awarded a relator share of the government’s settlement proceeds. After receiving a series of settlement payments to your trust account, you failed to timely disburse those funds to C.B. in violation of Rule 1.15-2(a) and (n) and failed to keep your client reasonably informed about the status of the funds in violation of Rule 1.4(a)(3).

The State Bar initiated a trust account investigation based on your failure to timely disburse entrusted funds to C.B. You provided some trust account records requested by the State Bar but failed to provide others. You also failed to timely respond to multiple State Bar requests for information. Your failure to fully and timely respond to the State Bar's requests for information is in violation of Rule 8.1(b). A review of your trust account records revealed that you failed to maintain accurate client ledgers in violation of Rule 1.15-3(b)(5) and failed to conduct monthly and quarterly reconciliations in violation of Rule 1.15-3(d).


In determining the appropriate disposition of this matter, the Grievance Committee took into consideration your good faith attempts to comply with the State Bar's requests for information, your acceptance of responsibility for your actions, and the difficulties that you were experiencing at the time of the misconduct.

Accordingly, you are hereby reprimanded by the North Carolina State Bar for your professional misconduct consisting of the cited violations of the Rules of Professional Conduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

If you accept this reprimand, it will be maintained as a record in the judgment book of the North Carolina State Bar and a copy will be sent to the complainant. Please review carefully the details set forth in the formal Notice of Reprimand attached

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 20<sup>th</sup> day of February, 2025.

  
Charles Gordon Brown, Chair  
Grievance Committee

CGB/jms