

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

SCA EFiled: Aug 16 2023

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Transaction ID 70644829

Bar No.: 6247

Re: JEFFERY A. DAVIS, SR., a suspended member
of The West Virginia State Bar

Supreme Court No.: 22-916

I.D. Nos.: 21-03-363

22-03-255

REPORT OF THE HEARING PANEL SUBCOMMITTEE

I. PROCEDURAL HISTORY

Formal charges were filed against Jeffery A. Davis (hereinafter "Respondent") with the Clerk of the Supreme Court of Appeals of West Virginia on December 19, 2022, and served upon Respondent by certified mail from the Clerk on January 7, 2023. On or about January 18, 2023, Lawyer Disciplinary Counsel filed her mandatory discovery upon Respondent. Respondent filed his Answer to the Statement of Charges on February 6, 2023.

Thereafter, this matter proceeded to a hearing in Charleston, West Virginia, on May 3, 2023. The Hearing Panel Subcommittee who presided over this matter comprised of Richard A. Pill, Esquire, Chairperson; David A. Wandling, Esquire; and Cynthia Tawney, Layperson. Renée N. Frymyer, Lawyer Disciplinary Counsel, appeared on behalf of the Office of Lawyer Disciplinary Counsel (hereinafter "ODC"). Respondent appeared *pro se*. The HPS heard testimony from Cletis Rogers, Samantha Shafer, and Respondent. In addition, ODC Exhibits 1-11, and Joint Exhibit 1, which consisted of stipulations regarding

certain findings of fact, conclusions of law and recommendation as to discipline, were admitted into evidence without objection.

Based upon the evidence and the record, the ODC submits to the Hearing Panel Subcommittee of the Lawyer Disciplinary Board the following Proposed Findings of Fact, Conclusions of Law, and Recommended Sanctions regarding the final disposition of this matter:

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a lawyer who last practiced in Spencer, which is located in Roane County, West Virginia. Respondent, having passed the Bar Exam, was admitted to The West Virginia State Bar on May 5, 1993. As such, Respondent is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board. [Stipulated¹]
2. Respondent's law license is currently suspended pursuant to a Mandate Order entered by the Supreme Court of Appeals of West Virginia on March 14, 2022, in a separate disciplinary matter [Ex. 11, pp. 347-348]. The Mandate Order followed a Memorandum Decision filed by the Court on February 11, 2022, which held that Respondent's law license should be suspended for a period of six months [Ex. 11, pp. 349-358].
3. On or about August 26, 2022, Respondent filed a Petition to Reinstate License to Practice Law with the Supreme Court of Appeals pursuant to Rule 3.32 of the Rules

¹ Per agreement, stipulations regarding the facts and conclusions of law relieves either party from having to provide such evidence to support the allegations.

of Lawyer Disciplinary Procedure. The Hearing Panel Subcommittee filed its Report with the Supreme Court in that matter on March 30, 2023, in which it recommended that Respondent's law license not be reinstated. On May 12, 2023, the Supreme Court entered an Order adopting the recommendation of the Hearing Panel Subcommittee and refused Respondent's petition for reinstatement [Attached].

COUNT I
I.D. No. 21-03-363
Complaint of the Office of Lawyer Disciplinary Counsel

4. On or about November 2, 2021, Judge Anita Ashley, Circuit Court Judge for the Fifth Judicial Circuit of West Virginia, provided the ODC with a copy of a handwritten document she referred to as a "pro se motion" she had received from Samantha Shafer. [Stipulated; Ex. 1]
5. At that time, Ms. Shafer was a defendant in a criminal matter pending in the Circuit Court of Roane County, West Virginia. Respondent was her court-appointed counsel in that matter. [Stipulated]
6. The document dated October 25, 2021, and signed by Ms. Shafer, stated that Respondent made sexual gestures toward her and had asked her if she wanted to go to the beach with him while she was his client. Ms. Shafer requested she be appointed a new lawyer. [Stipulated; Ex. 1, p. 2]
7. By letter dated November 5, 2021, the ODC advised Respondent that it had opened a complaint based upon the information received from Judge Ashley and directed him to file a response to the allegations within twenty days. [Stipulated; Ex. 2]

8. By letter dated December 2, 2021, received by the ODC on December 6, 2021, Respondent provided a verified response to the complaint. [Stipulated; Ex. 3]
9. In his response, Respondent provided background of his representation of Ms. Shafer, which had resulted in her entry of a guilty plea pursuant to a plea agreement. Respondent said that after entering her plea but before her sentencing hearing was scheduled to take place, Ms. Shafer had reviewed the Pre-Sentence Investigation report and became angry. Respondent said that Ms. Shafer had apparently been told by the probation officer that to be considered for alternative sentencing she must be enrolled in a rehab facility since she had failed a prior screen for drugs. Respondent said he discussed the situation with Ms. Shafer on October 25, 2021, and she indicated that she did not want to go to a rehab facility and regretted entering the aforementioned plea. [Stipulated; Ex. 3]
10. Respondent stated that Ms. Shafer filed her “pro se motion” with the Court that same day. [Stipulated; Ex. 3]
11. Respondent was removed and replaced as counsel for Ms. Shafer by the Circuit Court on October 26, 2021. [Stipulated; Ex. 4, p. 11]
12. At the disciplinary hearing, Ms. Shafer testified that at one point during Respondent’s representation, he came to Clendenin and picked her and her son up in his personal vehicle and took them to Taco Bell for food and then to a school parking lot to talk. She said that Respondent did not discuss anything about her case at that time. Instead, she said they talked about trips and that Respondent offered to take her to the beach, “all expenses paid.” [Tr. pp. 38; 52]

13. Ms. Shafer felt that this conversation that took place with Respondent was inappropriate and unprofessional. [Tr. pp. 39-40]
14. Ms. Shafer also described an instance where she met with Respondent at his office and he complimented her looks, saying “[T]hose pants look nice on you.” She testified that her impression was that Respondent was attempting to flirt with her. [Tr. pp. 40-41]
15. Ms. Shafer stated that she wanted to talk about her case, which involved several serious felony charges, but Respondent would dismiss her. She testified, “I [felt] like there was nothing being said or done, you know, to try to help me and my case any at all.” [Tr. p. 41]
16. Ms. Shafer was incarcerated for approximately six weeks while she was represented by Respondent. She testified that while she was incarcerated Respondent made no attempt to contact her. She further testified that while she was incarcerated, she attempted to call Respondent’s office every day, but he never answered the phone. [Tr. pp. 43; 70; 107]
17. Ms. Shafer said that the only time she was able to speak with Respondent was when another individual called him on her behalf with her on the line as a third party. She said they spoke in this manner on maybe three occasions. [Tr. pp. 70-71]
18. Ms. Shafer further testified that she felt that if she had “made [Respondent] feel like, you know, maybe there was a chance for anything other than just him being my lawyer” he probably would have attempted to contact her at the jail, would have tried to have her released sooner, and been more interested in her case. [Tr. p. 46]

19. Ms. Shafer said she was surprised that Respondent had behaved in the manner she described. She said she had not had a similar experience with any other lawyer who had represented her in the past. [Tr. p. 100]
20. Although Respondent ultimately filed a motion to reinstate bond on behalf of Ms. Shafer, she stated that she never saw a copy of that motion. [Tr. p. 72]
21. Ms. Shafer did not feel she received proper representation from Respondent. [Tr. p. 48]
22. At the hearing, Ms. Shafer expressed little understanding of what her exposure to incarceration was under the sentencing guidelines for her charges. [Tr. pp. 75-77]
23. With new counsel, Ms. Shafer was able to enroll in the Kanawha County Drug Court, which she called a “blessing.” [Tr. p. 42]
24. Respondent denied the allegations that he engaged in misconduct regarding Ms. Shafer. [Stipulated]
25. Respondent specifically denied making flirtatious comments in any nature toward Ms. Shafer or offering to take her to a beach. [Tr. pp. 131; 138; 146-147]
26. Respondent acknowledged that he had told Ms. Shafer on one occasion that she looked nice because she was dressed appropriately for court. [Tr. p. 138]
27. Regarding his communication with Ms. Shafer while she was incarcerated, Respondent testified that he believed he had adequately informed her on the status of the matter and it “would just be a waste of time and the state’s money” to visit her at the jail. [Tr. p. 152]

28. Respondent explained that he did not accept collect calls from the jail and that he did not believe that his landline could take collect calls. [Tr. pp. 175-176]
29. Because Respondent failed to respond to Ms. Sbafer's phone calls while she was incarcerated, he has violated Rule 1.4(a)(4) of the Rules of Professional Conduct which provides as follows:

Rule 1.4. Communication.

(a) A lawyer shall:

* * *

(4) promptly comply with reasonable requests for information[.]

30. Because Respondent made unwelcome advances in an attempt to create an inappropriate relationship of a sexual nature with his court-appointed client, Ms. Shafer, he has violated Rule 8.4(a) and (d) [attempted violation of Rule 1.8(j) of the Rules of Professional Conduct²], which provides as follows:

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

* * *

(d) engage in conduct that is prejudicial to the administration of justice[.]

COUNT II
I.D. No. 22-03-255
Complaint of Cletis W. Rogers

² **Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.**

(j) A lawyer shall not have sexual relations with a client whom the lawyer personally represents during the legal representation unless a consensual sexual relationship existed between them at the commencement of the lawyer/client relationship. For purposes of this rule, "sexual relations" means sexual intercourse or any touching of the sexual or other intimate parts of a client or causing such client to touch the sexual or other intimate parts of the lawyer for the purpose of arousing or gratifying the sexual desire of either party or as a means of abuse.

31. In a complaint, received by the ODC on July 7, 2022, Cletis W. Rogers stated that he and Respondent had entered into an agreement for representation in a civil matter, and Mr. Rogers had paid Respondent \$500.00 to file an injunction on his behalf. [Stipulated; Ex. 6]
32. According to the complaint, Respondent had not done the work and Mr. Rogers wanted his money refunded. [Stipulated; Ex. 6]
33. By letter dated July 27, 2022, the ODC advised Respondent that it had opened a complaint based upon the complaint filed by Mr. Rogers and directed him to file a response to the allegations within twenty days. [Stipulated; Ex. 7]
34. By letter dated August 15, 2022, received by the ODC on August 16, 2022, Respondent provided a verified response to the complaint. [Stipulated; Ex. 8]
35. Respondent stated that he had agreed to represent Mr. Rogers in an injunction in Clay County, West Virginia, in September 2021. Respondent said that the injunction was regarding a right of way to Mr. Rogers' property that was being blocked, and he wanted to use the right of way to haul timber cut on this land. [Stipulated; Ex. 8]
36. Respondent asserted that during late fall/early winter of 2021, Mr. Rogers informed him that there was no hurry in filing the injunction because the weather would be bad until spring. [Stipulated; Ex. 8]
37. Respondent said no communication with Mr. Rogers followed until he received a summons that he had been sued by Mr. Rogers in Clay County Magistrate Court on December 14, 2021. [Stipulated; Ex. 8]

38. Respondent said that the Magistrate awarded Mr. Rogers judgment for \$700.00 (\$500.00 refund plus \$200.00 filing fee) on March 7, 2022. [Stipulated; Ex. 8]
39. Mr. Rogers replied to Respondent's response and stated that he did not instruct Respondent to wait until spring to proceed with the matter. [Stipulated; Ex. 9]
40. On or about December 8, 2022, Respondent satisfied the civil judgment owed to Mr. Rogers. [Stipulated; Ex. 10]
41. Respondent stipulated that he neglected Mr. Rogers' case and failed to take appropriate action in the matter, in violation of Rule 1.3 of the Rules of Professional Conduct, which provides as follows:

Rule 1.3. Diligence.

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

42. Respondent stipulated that he failed to make reasonable efforts consistent with the stated and agreed upon objectives of Mr. Rogers, in violation of Rule 3.2 of the Rules of Professional Conduct which provides as follows:

Rule 3.2. Expediting litigation.

A lawyer shall make reasonable efforts to expedite litigation consistent with the interest of the client.

43. Respondent stipulated that he failed to promptly return the unearned fee paid to him by Mr. Rogers upon termination of representation, in violation of Rule 1.16(d) of the Rules of Professional Conduct, which provides as follows:

Rule 1.16. Declining or terminating representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and

refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by other law.

III. DISCUSSION

The Supreme Court of Appeals of West Virginia has long recognized that attorney disciplinary proceedings are not designed solely to punish the attorney, but also to protect the public, to reassure the public as to the reliability and integrity of attorneys, and to safeguard its interests in the administration of justice. *Lawyer Disciplinary Board v. Taylor*, 192 W.Va. 139, 451 S.E.2d 440 (1994). Factors to be considered in imposing appropriate sanctions are found in Rule 3.16 of the Rules of Lawyer Disciplinary Procedure. These factors consist of: (1) whether the lawyer has violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the lawyer acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of any aggravating or mitigating factors. *See also* Syllabus Point 4, *Office of Disciplinary Counsel v. Jordan*, 204 W.Va. 495, 513 S.E.2d 722 (1998).

A. Respondent violated duties he owed to his clients and the profession.

Lawyers owe duties of candor, loyalty, diligence and honesty to their clients. Members of the public should be able to rely on lawyers to protect their property, liberty, and their lives. A lawyer also has a fiduciary duty to a client and, with that duty, an obligation to act in their best interests. Furthermore, a lawyer's duties also include

maintaining the integrity of the profession. The evidence in this case establishes by clear and convincing proof that Respondent violated these duties.

Importantly, as a client in a felony criminal matter, Ms. Shafer relied on Respondent to protect her liberty. By failing to reasonably communicate with her and initiating intimate and unprofessional conversations with her, Respondent clearly fell short of his duties and fiduciary role in the matter. In addition, Respondent admitted regarding Count II that he violated the duty owed to his client, Mr. Rogers, to diligently pursue the matter for which he was retained.

B. Respondent has acted negligently.

The *ABA Standards for Imposing Lawyer Sanctions* states that the most culpable mental state is that of intent, when the lawyer acts with the conscious objective or purpose to accomplish a particular result. The next most culpable mental state is that of knowledge, when the lawyer acts with conscious awareness of the nature or attendant circumstances of his conduct, both without the conscious objective or purpose to accomplish a particular result. The least culpable mental state is negligence, when a lawyer fails to be aware of a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard of care that a reasonable lawyer would exercise in the situation. The evidence is clear and convincing that Respondent acted in a negligent manner in these matters. In addition, Respondent admitted and stipulated that he acted in a negligent, but not in an intentional, manner to the harm of Mr. Rogers.

C. The amount of injury.

Respondent's actions caused frustration and delay on the part of Mr. Rogers. At the hearing, Mr. Rogers testified that it was "shocking" to him when Respondent did not do the work he was paid to do [Tr. p. 14]. He said that Respondent failed to take any action in the case for six or seven months, and that the matter for which he retained Respondent was still unresolved [Tr. pp. 14; 19]. In addition, Mr. Rogers indicated that he no longer trusts lawyers [Tr. p. 14-15]. Indeed, Respondent's conduct has brought the legal system and legal profession into disrepute.

Ms. Shafer testified that she felt "abandoned" when Respondent did not visit or communicate with her while she was incarcerated, and like there was "no hope" [Tr. p. 44]. She stated that she did not feel Respondent was on her side [Id.]. These emotional injuries, though intangible, are nonetheless significant.

D. There are aggravating factors present.

Aggravating factors are considerations enumerated under Rule 3.16 of the Rules of Lawyer Disciplinary Procedure for the Court to examine when considering the imposition of sanctions. Elaborating on this rule, the *Scott* Court held "that aggravating factors in a lawyer disciplinary proceeding 'are any considerations, or factors that may justify an increase in the degree of discipline to be imposed.'" *Lawyer Disciplinary Board v. Scott*, 213 W.Va. 209, 216, 579 S.E.2d 550, 557 (2003), quoting *ABA Model Standards for Imposing Lawyer Sanctions*, 9.21 (1992).

Rule 9.22(a) of the *ABA Model Standards for Imposing Lawyer Sanctions* indicates that prior disciplinary offenses constitute an aggravating factor. Respondent has previously

been the subject of eight disciplinary sanctions. Respondent was admonished by the Investigative Panel of the Lawyer Disciplinary Board for not responding to the ODC in violation of Rule 8.1(b) and a conflict issue in violation of Rule 1.8, and was also warned regarding client communication, fees, and terminating client representation involving Rules 1.4, 1.5, and 1.16 on May 12, 2007. Respondent was twice admonished by the Investigative Panel on October 25, 2008, for not responding to the ODC in violation of Rule 8.1(b) and warned about being diligent and communicating with clients involving Rules 1.3 and 1.4 in one matter, and for not responding to the ODC in violation of Rule 8.1(b) and warned regarding his fees pursuant to Rule 1.5 in another matter. On April 27, 2013, Respondent was issued two admonishments for not responding to ODC in violation of Rule 8.1(b) in one matter, and for not responding to the ODC in violation of Rule 8.1(b) along with being directed to update his phone number with the State Bar in another matter. Respondent was admonished for inaccurate billing to the Public Defender Services in violation of Rules 3.3, 4.1, and 8.4 on April 13, 2018. On June 10, 2019, Respondent was suspended for thirty days by the Supreme Court of Appeals of West Virginia, being found in violation of Rules 1.4 and 8.1(b), and on March 14, 2022, Respondent was suspended for six months by the Supreme Court, being found in violation of Rules 1.3, 8.4(d), 1.4, 1.5(b) and 8.1(b). Therefore, the aggravating factor of prior discipline is present in this matter. Rule 9.22(a) of the *ABA Model Standards for Imposing Lawyer Sanctions* also indicates that substantial experience in the practice of law may be considered as an aggravating factor, which is also present herein.

E. There is a possible mitigating factor.

The *Scott* court adopted mitigating factors in a lawyer disciplinary proceeding and stated that mitigating factors “are any considerations or factors that may justify a reduction in the degree of discipline to be imposed.” *Lawyer Disciplinary Board v. Scott*, 213 W.Va. 209, 216, 579 S.E.2d 550, 557 (2003). In this case, Respondent’s cooperative attitude toward proceedings may be considered in mitigation.

IV. RECOMMENDED SANCTIONS

The Rules of Professional Conduct state the minimum level of conduct below which no lawyer can fall without being subject to disciplinary action. Syllabus Pt. 3, in part, *Committee on Legal Ethics v. Tatterson*, 173 W.Va. 613, 319 S.E.2d 381 (1984), cited in *Committee on Legal Ethics v. Morton*, 410 S.E.2d 279, 281 (1991). In addition, discipline must serve as both instruction on the standards for ethical conduct and as a deterrent against similar misconduct to other attorneys. Indeed, in Syllabus Point 3 of *Committee on Legal Ethics v. Walker*, 178 W.Va. 150, 358 S.E.2d 234 (1987), the Court stated:

In deciding on the appropriate disciplinary action for ethical violations, this Court must consider not only what steps would appropriately punish the respondent attorney, but also whether the discipline imposed is adequate to serve as an effective deterrent to other members of the Bar and at the same time restore public confidence in the ethical standards of the legal profession.

Moreover, a principal purpose of attorney disciplinary proceedings is to safeguard the public’s interest in the administration of justice. *Daily Gazette v. Committee on Legal*

Ethics, 174, W.Va. 359, 326 S.E.2d 705 (1984); *Lawyer Disciplinary Board v. Hardison*, 205 W.Va. 344, 518 S.E.2d 101 (1999).

Absent any aggravating or mitigating circumstances, the *ABA Model Standards for Imposing Lawyer Sanctions* provide that:

Standard 4.42. Suspension is generally appropriate when (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

Standard 7.2. Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

In addition, case law in West Virginia concerning such misconduct has resulted in attorney suspensions. *See Committee on Legal Ethics v. Keenan*, 189 W.Va. 37, 427 S.E.2d 471 (1993) (indefinite suspension for failure to provide competent representation, failure to act with reasonable diligence, failure to communicate effectively with his clients, and failure to return unearned fees); *Lawyer Disciplinary Board v. Burgess*, No. 23030 (WV 4/25/96) (unreported) (two year suspension with one year suspension deferred while respondent undergoes a one-year period of supervision following reinstatement for violation of Rules 1.3, 1.4, 8.1(b), 8.4(d) and other violations); *Lawyer Disciplinary Board v. Holmstrand*, No. 22523 (WV 5/30/96) (unreported) (one year suspension and psychiatric evaluation ordered for violation of Rules 1.3, 1.4, 8.4(d) and other violations); *Lawyer Disciplinary Board v. Morgan*, 228 W.Va. 114, 717 S.E.2d 898 (2011) (one year suspension for violation of Rules 1.3, 1.4, 8.1(b), 8.4(d), and other violations); *Lawyer*

Disciplinary Board v. Phalen, No. 11-1746 (WV 11/14/12) (unreported) (one year suspension for violation of Rules 1.3, 1.4, and other violations); *Lawyer Disciplinary Board v. Rossi*, 234 W.Va. 675, 769 S.E.2d 464 (2015) (three year suspension for violation of Rules 1.3, 1.4, 8.1(b) and 8.4(d) and other violations); *Lawyer Disciplinary Board v. Sturm*, 237 W.Va. 115, 785 S.E.2d 821 (2016) (suspension for ninety days and two years' supervised practice for violation of Rules 1.3, 1.4, 8.1(b), 8.4(d), and other violations, prior admonishments); *Lawyer Disciplinary Board v. Barbara Harmon-Schamberger*, No. 16-0662 (WV 5/16/17) (unreported) (90-day suspension for failures in diligence and in failing to properly supervised nonlawyer staff, prior admonishments); *Lawyer Disciplinary Board v. Alison R. Gerlach*, No. 17-0869 (WV 4/11/19) (unreported) (90-day suspension for unauthorized practice of law, prior reprimand). Respondent clearly has a pattern and practice of failing to follow the Rules of Professional Conduct. For the public to have confidence in our disciplinary and legal systems, lawyers such as Respondent must be removed from the practice of law for a period of time. A license to practice law is a revocable privilege and when such privilege is abused, the privilege should be revoked. Such sanction is also necessary to deter other lawyers from engaging in similar conduct and to restore the public's confidence in the integrity of the Bar.

The Hearing Panel Subcommittee has reviewed the record in this proceeding and has further considered the long history of misconduct exhibited by the Respondent, including 33 complaints, 8 disciplinary sanctions, 6 admonishments and 2 suspensions over a 15-year period. The entire record demonstrates an ongoing pattern of misconduct that

has not been corrected by past minimal sanctions. As a result, the HPS believes that the ODC and the Respondent's agreement regarding sanctions is insufficient and recommends to the Supreme Court of Appeals of West Virginia the following sanctions as being just, appropriate, and rehabilitative

- A. Respondent's law license be suspended for a period of three years, served retroactively based upon the Supreme Court's Mandate of March 14, 2022, which suspended Respondent's license to practice law for six months.³
- B. That Respondent petition for reinstatement pursuant to Rule 3.32 of the Rules of Lawyer Disciplinary Procedure be denied. That Respondent undergo a psychological evaluation with confirmation of his ability to practice law. Should he be reinstated to the practice of law pursuant to those proceedings, that Respondent's practice be supervised for a period of two years by an attorney agreed upon by the ODC and Respondent;
- C. Respondent shall pay the costs of this disciplinary proceeding to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Richard A. Pill
Richard A. Pill, Esquire, Chairperson
Hearing Panel Subcommittee
Date: AUGUST 14, 2023

David A. Wandling
David A. Wandling, Esquire
Hearing Panel Subcommittee
Date: AUGUST 14, 2023

Cynthia Tawney
Cynthia Tawney, Laymember
Hearing Panel Subcommittee
Date: AUGUST 14, 2023

³ At the time of this submission, Respondent's law license has been suspended for over 15 months

CERTIFICATE OF SERVICE

This is to certify that I, Renée N. Frymyer, Lawyer Disciplinary Counsel for the Office of Lawyer Disciplinary Counsel, have this day, the 16th day of August, 2023, served a true copy of the foregoing **"REPORT OF THE HEARING PANEL SUBCOMMITTEE."** upon Respondent Jeffery A. Davis, Sr., by mailing the same via United States Mail, with sufficient postage, and electronically via File & Serve Xpress, to the following addresses:

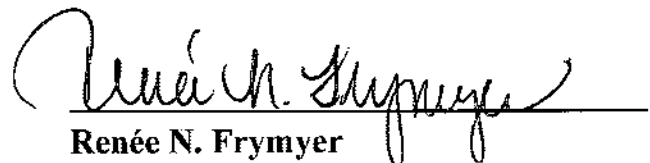
Jeffery A. Davis, Sr., Esquire
Post Office Box 175
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And upon the Hearing Panel Subcommittee at the following address:

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Renée N. Frymyer