

IN DISCIPLINARY DISTRICT VIII
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FILED

2012 JUN -1 PM 3: 27

BOARD OF PROFESSIONAL
RESPONSIBILITY

RW EXEC. SEC'

IN RE: GUY STEVEN DAVIS,
BPR # 13764, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Lake County)

DOCKET No. 2012-2096-8-SG

JUDGMENT OF THE HEARING PANEL

This matter came to be heard on May 15, 2012, before this Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on a Petition for Discipline filed by the Board of Professional Responsibility (the Board) against Guy Steven Davis. An Order granting the Board's Motion for Default was entered on April 13, 2012. Since the allegations have been deemed admitted pursuant to the April 13, 2012 Order Granting Default, the Hearing Panel heard argument from Disciplinary Counsel at the May 15, 2012 hearing regarding the appropriate sanction. Mr. Davis was notified of the hearing but did not attend.

FINDINGS OF FACT

1. Pursuant to Rule 9, Rules of the Supreme Court, on September 14, 2011, Mr. Davis was notified of the information received by the Board and asked for a response within ten (10) days. Mr. Davis failed to make any response to this September 14, 2011 letter.

2. On August 27, 2010, the Tennessee Supreme Court re-instated Mr. Davis to the practice of law in part conditioned on Mr. Davis' entering into a TLAP Monitoring Agreement for an additional three years and substantially complying with that agreement.

3. As of April, 2011, Mr. Davis had not extended his Monitoring Agreement and was non-compliant with his existing Agreement.

4. Mr. Davis signed a new Monitoring Agreement with TLAP on May 23, 2011.

~~5. After signing the TLAP Agreement on May 23, 2011, Mr. Davis continued to miss required phone calls, drug screens and monthly meetings.~~

6. On July 20, 2011 and July 27, 2011, TLAP Executive Director Laura Gatrell telephoned and e-mailed Mr. Davis requesting him to immediately telephone TLAP to discuss his non-compliant status.

7. On July 29, 2011, Mr. Davis met with his TLAP Peer Monitor and agreed to immediately contact TLAP.

8. Mr. Davis failed to contact TLAP and has remained noncompliant with this Agreement.

9. On September 7, 2011, TLAP discharged Mr. Davis from his TLAP Monitoring Agreement based upon his non-compliance.

CONCLUSIONS OF LAW

1. The acts and omissions of Mr. Davis constitute ethical misconduct in violation of Rules of Professional Conduct 3.4(c), 8.1(b) and 8.4 (a) and (g).

2. The ABA Standards applicable to this case are:

6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

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

3. Pursuant to ABA Standard 9.22, the following aggravating circumstances are present in this case:

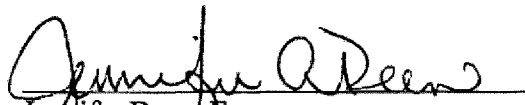
- a. Mr. Davis' prior discipline including a thirty (30) day suspension on January 16, 1998; a public censure on July 17, 2000; and a one-year suspension on January 5, 2008.

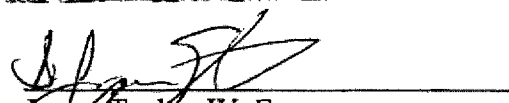
JUDGMENT

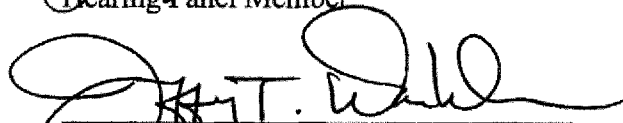
Based upon the above findings of fact, conclusions of law and aggravating factors, the Hearing Panel concludes Mr. Davis' violations of the Rules of Professional Conduct warrant a one-year suspension, retroactive to Mr. Davis' temporary suspension on October 11, 2011, coupled with an indefinite suspension thereafter until Mr. Davis has substantially complied with his Tennessee Lawyers Assistance Program (TLAP) Monitoring Agreement for a period of six months.

This Judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9 § 1.3 by filing a petition for Writ of Certiorari, which petition shall be made under oath or affirmation and shall state that it is the first application for the writ.

It is so ORDERED this 21st day of May, 2012.


Jennifer Deen, Esq.
Hearing Panel Chair


Jasper Taylor, IV, Esq.
Hearing Panel Member


Jeffery Washburn, Esq.
Hearing Panel Member