



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: DAPHNE MICHELLE DAVIS, BPR #028128
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 4, 2019

WILSON COUNTY LAWYER SUSPENDED

On February 4, 2019, the Supreme Court of Tennessee suspended Daphne Michelle Davis from the practice of law for three years. Ms. Davis must pay restitution to a former client as a condition of reinstatement to the practice of law. Ms. Davis must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety (90) days of the date of the order.

A Petition for Discipline was filed against Ms. Davis on May 18, 2018, alleging that Ms. Davis missed a court date in General Sessions Court resulting in a default judgment against her client in the amount of \$25,151.50. After appealing the case to Circuit Court, she unilaterally cancelled a mediation and failed to inform her client of the date the case was set for hearing. Ms. Davis failed to appear, and the appeal was dismissed. Ms. Davis did not inform her client who learned about the dismissal when he received a copy of the judgment from opposing counsel. In another complaint, Ms. Davis promised to refund a fee to her client, but failed to do so until the client filed a complaint with the Board. Finally, Ms. Davis was appointed to represent a client in Criminal Court who entered into a diversion program and as part of probation, was required to pay \$1,968.50 in court costs. The client requested Ms. Davis' assistance in seeking a waiver or reduction of the court costs. Ms. Davis sent the client a questionnaire to complete and return, which the client did. Thereafter, Ms. Davis ceased communicating with her client. Ms. Davis did not respond to the Board in this case.

Ms. Davis entered a Conditional Guilty Plea admitting her guilt of violating Rules of Professional Conduct 1.2(a) (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5(a), (b) and (f), (fees), 1.16 (d) and (f) (terminating representation), 3.2 (expediting litigation) 8.1(b) (bar and disciplinary matters) and 8.4(a), (b), (c), and (d) (misconduct).

Ms. Davis must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of suspended attorneys.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

02/04/2019

Clerk of the
Appellate Courts

IN RE: DAPHNE MICHELLE DAVIS, BPR #028128

An Attorney Licensed to Practice Law in Tennessee
(Wilson County)

No. M2019-00184-SC-BAR-BP
BOPR No. 2018-2866-4-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Attorney Daphne Michelle Davis on May 18, 2018; upon a Motion for Default Judgment and charges in Petition for Discipline Be Deemed Admitted filed on October 30, 2018; upon an Order for Default Judgment on November 20, 2018; upon Conditional Guilty Plea filed by Ms. Davis on December 6, 2018; upon an Order Recommending Approval of Conditional Guilty Plea entered on December 6, 2018; upon consideration and approval by the Board on December 14, 2018; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order as the Court's Order.

On September 21, 2018, Ms. Davis was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2018-01723-SC-BAR-BP). Ms. Davis has not requested, nor been granted, reinstatement.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, Daphne Michelle Davis is suspended from the practice of law for three (3) years.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Ms. Davis shall make restitution to Ms. Christine Rodriguez in the amount of \$1,500.00. To the extent restitution is paid by the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Ms. Davis shall reimburse TLFCP for said amount and shall remain obligated to the individual listed above for any unpaid restitution.

(4) Ms. Davis shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Prior to seeking reinstatement, Ms. Davis must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(6) Further, the Order of Temporary Suspension, entered September 21, 2018, in Case No. M2018-01723-SC-BAR-BP, is hereby dissolved.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective immediately.

(8) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3, Ms. Davis shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$619.35 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(9) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM