

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 10, 2019, the following order was made and entered:

Lawyer Disciplinary Board,
Petitioner

vs.) No. 18-0112

Melissa D. Davis, a member of
The West Virginia State Bar,
Respondent

RECEIVED

JAN 16 2019

FILED

ORDER

On October 16, 2018, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Anne Werum Lambright, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, presented to the Court its written recommended disposition in this matter, recommending that:

- (1) Respondent's law license be suspended for a period of three months;
- (2) Upon respondent's automatic reinstatement pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Practice, respondent's civil practice be supervised for a period of two years by an attorney agreed upon by the Office of Lawyer Disciplinary Counsel and respondent, that respondent meet with her supervising attorney every month with the goal of the supervised practice being to improve the quality and effectiveness of her civil law practice to the extent that her sanctioned behavior is not likely to recur;
- (3) Respondent refund the three thousand dollar (\$3,000.00) retainer fee she received to the complainants immediately;
- (4) Respondent complete an additional six hours of continuing legal education in the area of ethics and law office management within twelve (12) months from the date of the Court's order; and
- (5) Respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

On November 14, 2018, the Office of Disciplinary Counsel, by Joanne M. Vella Kirby, Lawyer Disciplinary Counsel, filed its consent to the recommendation. The respondent did not file a consent or an objection.

Upon consideration, the Court is of the opinion to and does hereby concur with and does hereby approve the written recommended disposition of the Hearing Panel Subcommittee. It is therefore ORDERED that:

(1) Respondent's license to practice law in the State of West Virginia shall be, and it hereby is, suspended for a period of three months, effective January 11, 2019, with automatic reinstatement of her law license pursuant to Rule 3.31 of the Rules of Lawyer Disciplinary Procedure;

(2) If her license to practice law is reinstated, respondent's civil practice shall be supervised for a period of two years by an attorney agreed upon by the Office of Lawyer Disciplinary Counsel and respondent. Respondent shall meet with her supervising attorney every month, with the goal of the supervised practice being to improve the quality and effectiveness of her civil law practice to the extent that her sanctioned behavior is not likely to reoccur;

(3) Respondent shall immediately refund the three thousand dollar (\$3,000.00) retainer fee to Thomas P. Phillips and Connie J. Phillips;

(4) Respondent shall complete an additional six hours of continuing legal education, over and above the hours needed during the current reporting period, in the area of ethics and law office management within twelve (12) months from the date of the Court's order; and

(5) Respondent shall reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the respondent, the Office of Disciplinary Counsel, and the West Virginia State Bar, shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Edythe Nash Gaiser
Clerk of Court

