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**State Bar Court of California
Hearing Department
San Francisco
DISBARMENT**

<p>Counsel For The State Bar</p> <p>Wonder J. Liang Deputy Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2297</p> <p>Bar # 184357</p>	<p>Case Number(s): 10-O-6133-LMA 11-N-11507</p>	<p>For Court use only</p> <p>PUBLIC MATTER</p> <p>FILED <i>R</i></p> <p>JUL 11 2011</p> <p>STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO</p>
<p>In Pro Per Respondent</p> <p>Steven Roy Davis PO Box 579478 Modesto CA 95357 (209) 589-3787</p> <p>Bar # 182231</p>	<p>Submitted to: Assigned Judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT</p> <p>DISBARMENT</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p> <p>kwiktag[®] 018 040 939</p> 	
<p>In the Matter of:</p> <p>STEVEN ROY DAVIS</p> <p>Bar # 182231</p> <p>A Member of the State Bar of California (Respondent)</p>		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted 6/04/96.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (8) pages, not including the order.

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- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar.
- Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
- Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case 01-O-04739; 03-O-03535 (Cons.)-PEM
- (b) Date prior discipline effective 2/27/04
- (c) Rules of Professional Conduct/ State Bar Act violations: Bus. & Prof. Code sections 6068(m), 6068(i) & 6068(l)
- (d) Degree of prior discipline public reproof w/standard probation-like conditions
- (e) If respondent has two or more incidents of prior discipline, use space provided below:
- S187071 (08-O-12846, etc.), eff. 1/13/11, RPC 3-110(A) (three counts), 3-310(F)(3), 3-700(A)(2), and 3-700(D)(2) (four counts) & Bus. & Prof. Code section 6068(m) (four counts), two years suspension stayed, three years probation on conditions including a one-year and until proof of payment of restitution to four clients (totaling \$6,054, plus 10% interest) actual suspension, attendance at Ethics School and passage of the Multi-State Professional Responsibility Examination
- (2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

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- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See "Facts Supporting Aggravating Circumstances."
- (8) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. By entering into this stipulation respondent displayed cooperation with the State Bar.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

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- (10) **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Respondent represents that during the time of the stipulated misconduct he was suffering from undiagnosed depression. However, respondent has not provided the State Bar with any independent verification of his claim.

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D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.

- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.

- (3) **Other:**

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ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: STEVEN ROY DAVIS, SBN 182231

CASE NUMBERS: 10-O-6133-LMA; 11-N-11507

VARIANCE BETWEEN THE NDC AND STIPULATION

Any variance between the language of the Notice Disciplinary Charges in the above-entitled matters, and the language of this Stipulation is waived.

FACTS AND CONCLUSIONS OF LAW

Respondent admits that the following facts are true and that he is culpable of the violations set forth below:

10-O-6133-LMA (State Bar Investigation)

Facts

1. At all times pertinent, respondent maintained an attorney-client trust account at WestAmerica Bank, account number 623-30XXX-X ("CTA").
2. On April 20, 2010, respondent issued CTA check number 539, in the sum of \$4,365.03, against insufficient funds. Check number 539 was issued to Richard Vanover, a client of respondent's, and represented distribution to Richard Vanover of entrusted funds held by respondent.

Conclusion of Law

By issuing CTA check 539 against insufficient funds, respondent failed to maintain the balance of funds received for the benefit of a client and deposited in an attorney-client bank account, in wilful violation of Rules of Professional Conduct 4-100(A).

11-N-11507 (Rule 9.20, CRC)

Facts

1. By order of the Supreme Court in *In re Steven Roy Davis on Discipline*, case number S187071 (08-O-12846, etc.), filed December 14, 2010, effective January 13, 2011, respondent was ordered to, among other things, comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 30 and 40 days, respectively. That is, he was required to file an affidavit or declaration under penalty of perjury with the State Bar Court no later than February 22, 2011.
2. On or about February 22, 201, respondent attempted to file a rule 9.20(c) declaration, but it was rejected because he could not unequivocally state that he had refunded all unearned fees paid him.
3. To date, respondent has not submitted a rule 9.20(c) declaration.

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Conclusion of Law

By not successfully filing a timely rule 9.20(c) declaration, respondent has wilfully disobeyed an order of the Supreme Court requiring him to do an act connected with or in the course of his profession, which he ought in good faith to do in violation of Business and Professions Code section 6103.

PENDING PROCEEDINGS

The disclosure date referred to, on page 2, paragraph A(7), was June 20, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of April 1, 2011, the prosecution costs in this matter are approximately \$6,385. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE

Standards for Attorney Sanctions for Professional Misconduct

1.7(b)

Respondent has two prior incidents of discipline; therefore, disbarment is appropriate unless the most compelling mitigating circumstances clearly predominate. Such mitigation has not been shown.

2.6(b)

Standard 1.6(b) provides disbarment or suspension for violation of Business and Professions Code section 6103 depending on the gravity of the offense. Failure to comply with rule 9.20 has traditionally been considered a grave offense.

Case Law

In *In the Matter of Pierce* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr. 382 the attorney who filed her rule 955 affidavit 21 days late was disbarred despite the fact that she had no clients to notify and had been ill. Pierce had two prior incidents of discipline.

FACT SUPPORTING AGGRAVATING CIRCUMSTANCES

Multiple Acts of Misconduct

Respondent has both failed to maintain the balance of funds received for the benefit of a client *and* failed to comply with an order of the Supreme Court.

WAIVER OF REFERRAL TO STATE BAR COURT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND/OR MENTAL HEALTH CONDITIONS

In signing this stipulation, respondent hereby acknowledges that the State Bar Court's separate program for respondents with substance abuse or mental health conditions has been fully explained to him, that he has had an opportunity to request to be considered for that program, and that he has specifically waived any such consideration.

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In the Matter of: STEVEN ROY DAVIS, SBN 182231	Case number(s): 10-O-6133-LMA; 11-N-11507
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>6/21/2011</u> Date	 Respondent's Signature	<u>Steven Roy Davis</u> Print Name
<u> </u> Date	<u> </u> Respondent's Counsel Signature	<u>N/A</u> Print Name
<u>6/23/2011</u> Date	 Deputy Trial Counsel's Signature	<u>Wonder J. Liang</u> Print Name

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In the Matter of STEVEN ROY DAVIS, Member No. 182231	Case Number(s): 10-O-06133; 11-N-11507-LMA
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent **STEVEN ROY DAVIS** is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 490(b) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

July 11, 2011
Date

[Signature]
Judge of the State Bar Court

LUCY ARMENDARIZ

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on July 11, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND
ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

in a sealed envelope for collection and mailing on that date as follows:

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

STEVEN R. DAVIS
PO BOX 579478
MODESTO, CA 95357

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

WONDER J. LIANG & SHERRIE B. McLETCHIE, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 11, 2011.



Bernadette C.O. Molina
Case Administrator
State Bar Court