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MAY 06 2016

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 16-Q-10062
)	
WALTER LEE DAVIS,)	RECOMMENDATION ON
)	RESIGNATION
A Member of the State Bar, No. 98513.)	
_____)	

On January 4, 2016, Respondent Walter Lee Davis, filed a resignation with charges pending and was transferred to inactive status. On March 21, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed its report and recommendation regarding the resignation; it recommends that the resignation be rejected. We recommend that the Supreme Court reject the resignation based on OCTC's recommendation and in light of the grounds set forth in California Rules of Court, rule 9.21(d),¹ as detailed below.

I. BACKGROUND

Respondent was admitted to practice law in California on January 12, 1981. Respondent does not have a prior record of discipline, but charges and investigations are pending against him. On August 31, 2015, OCTC filed a notice of disciplinary charges (NDC) in State Bar Court case numbers 14-O-06116; 14-O-06441, charging respondent with 13 counts of misconduct, including for two counts of misappropriation involving moral turpitude, misrepresentations, and twice signing a client's name to a check without the client's knowledge. On January 6, 2016, the Hearing Department entered the member's default for failure to appear at trial and ordered

¹ All further references to rules are to this source unless otherwise noted.

respondent enrolled as involuntarily inactive, effective January 9, 2016. Due to the default, the Hearing Department found that the facts alleged in the NDC were deemed admitted. (Rules Proc. of State Bar, rule 5.81.)

Separately, OCTC is conducting investigations of two bank reports that respondent presented client trust account checks against insufficient funds, which respondent has not satisfactorily explained to OCTC. In addition, OCTC is investigating a client complaint against respondent involving the misappropriation of \$47,200 in client funds and the presentation of another check issued against insufficient funds as attempted repayment.

II. CONSIDERATION OF THE GROUNDS SET FORTH IN RULE 9.21(d)

We have considered respondent's resignation under the grounds set forth in rule 9.21(d). We summarize below the relevant information for each ground:

1. Whether the preservation of testimony is complete.

OCTC reports that the preservation of necessary testimony is complete and that it is not seeking to perpetuate any testimony.

2. Whether after transfer to inactive status, respondent has practiced law or has advertised or held himself out as entitled to practice law.

OCTC reports that after respondent was transferred to inactive status he has continued to practice law and hold himself out as entitled to practice law by remaining counsel of record for a client in a marriage dissolution matter.

3. Whether respondent performed the acts specified in rule 9.20(a)-(b).

OCTC reports that it does not have evidence that respondent has performed the acts specified in rule 9.20(a)-(b). Respondent did not provide evidence that he gave notice to his client of his ineligibility to practice law until late February 2016. Then, he only admitted his ineligibility orally to his client upon direct inquiry from her and not in writing as required by rule

9.20(b). Respondent also failed to notify counsel for the opposing party in the same matter that respondent is ineligible to practice law, and he failed to file the required notice with Alameda County Superior Court of the same.

4. Whether respondent provided proof of compliance with rule 9.20(c).

Respondent has not provided proof of compliance with rule 9.20(c) and not submitted a rule 9.20 compliance declaration.

5. Whether the Supreme Court has filed a disbarment order.

The Supreme Court has not filed a disbarment order.

6. Whether the State Bar Court has filed a decision recommending disbarment.

The State Bar Court has not filed a decision recommending respondent's disbarment. The State Bar Court has entered respondent's default in case numbers 14-O-06116; 14-O-06441, which may result in respondent's disbarment. (Rules Proc. of State Bar, rule 5.82.)

7. Whether respondent previously resigned or has been disbarred and reinstated to the practice of law.

Respondent has not previously resigned or been disbarred.

8. Whether respondent entered a stipulation with OCTC as to facts and conclusions of law regarding pending disciplinary matters.

OCTC reports that the parties have not entered into a stipulation as to facts and conclusions of law regarding the above described pending charges and investigations.

9. Whether accepting respondent's resignation will reasonably be inconsistent with the need to protect the public, the courts, or the legal profession.

Acceptance of respondent's resignation would be inconsistent with the need to protect the public, the courts, and the legal profession. Respondent is charged with serious acts of misconduct, including the misappropriation of funds, and is being investigated for further serious

acts of misconduct. He has not provided proof of his compliance with rule 9.20(c), and OCTC presented evidence that he has practiced law since he was transferred to inactive status. Further, his default has been entered, and the parties have not entered into a stipulation regarding the pending investigations and charges. For these reasons and because OCTC maintains that respondent has engaged in a pattern of serious misconduct, OCTC states that a full resolution of these matters by the Hearing Department is necessary to show the public that our profession will not tolerate the type of misconduct committed by the respondent. Under these circumstances, we find that respondent should not be allowed the benefit of resigning because it would undermine public confidence in the disciplinary system and the legal profession.

III. RECOMMENDATION

We recommend that the Supreme Court decline to accept the resignation of Walter Lee Davis, State Bar number 98513.

PURCELL

Presiding Judge

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 Los Angeles, on May 6, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION ON RESIGNATION FILED MAY 6, 2016

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

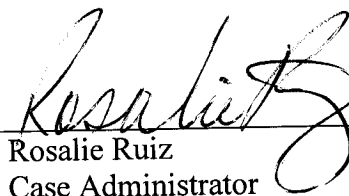
- X by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

WALTER LEE DAVIS
2420 SAND CREEK ROAD
C-1 # 327
BRENTWOOD, CA 94513

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

Sherrie McLetchie, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 6, 2016.



Rosalie Ruiz
Case Administrator
State Bar Court