

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Davis, Anthony M.

advs.

Attorney Discipline Office

#22-013

ORDER

On December 12, 2023, the Professional Conduct Committee discussed this matter after having reviewed the Hearing Panel's Order on Sanctions, the transcript of the hearing before the Hearing Panel, and the Attorney Discipline Office's Memorandum on Sanction. Despite postponing the discussion of this case and inviting Mr. Davis's input on sanction, he did not file a Memorandum with the Committee.

The Hearing Panel accurately considered the factors relevant to sanction and the Committee adopts the Panel's factual findings. The multiple rule violations that were deemed admitted lead to a baseline sanction of suspension under the *Standards for Imposing Lawyer Sanctions* (1992) (*Standards*), which this Committee looks to for guidance. Mr. Davis violated duties owed to his clients and the legal system, he did so knowingly, and his actions caused potential injury to his clients and actual injury to the legal system. He could not provide a clear answer for how he met his obligations for record-keeping regarding client funds and he repeatedly failed to comply with his obligations to the Attorney Discipline System and the Supreme Court, which were both acting to protect his clients. Because of his lack of

operation, questions remain about the funds that had been in his IOLTA account and his use of them. This behavior took place over many months with no apparent effort to address the underlying problems. The aggravating and mitigating factors in this case are in near equipoise and do not warrant departing from the baseline sanction.

The New Hampshire Supreme Court has found that multiple violations that implicate client funds, with inconsistent cooperation with the attorney discipline system warrants suspension. For instance, in *Coddington's Case*, 155 N.H. 66 (2007), the Supreme Court issued a suspension for two years. This suspension was primarily for failing to cooperate with the attorney discipline system before the PCC's decision, with the Court finding only one accounting irregularity in the amount of \$39.60. *Id.*

The Committee discussed the Hearing Panel's decision to make Mr. Davis's suspension retroactive to the date of his administrative suspension. The Committee did not concur that any suspension greater than six months, because it triggers the reinstatement provisions of Supreme Court Rule 37(14)(b), would be sufficient in this circumstance. It is unclear whether, when, and to what extent Mr. Davis complied with the administrative suspension and ceased legal work. He did not follow the Supreme Court's Order following that administrative suspension, nor did he appear to have addressed the cause of the administrative suspension by the time of the hearing before the Hearing Panel. On top of that, he did not appear to have addressed the issues that led to the attorney discipline case. For these reasons, a retroactive suspension did not appear appropriate in this case.

The Committee voted to suspend Mr. Davis for a period of two years effective upon the date of this order. However, the Committee wanted to give Mr. Davis the incentive to work on the issues that lead him to these troubles and to be able to resume practicing law sooner if those issues have been addressed. Thus, Mr. Davis may petition to have one year of his suspension suspended if he complies with the following conditions:

- 1) He must contact Jill O'Neill at the Lawyers Assistance Program, be assessed by her, and follow her recommendations,
- 2) He must obtain in-person training on IOLTA accounting and record-keeping and law office management,
- 3) He must obtain a professional mentor who will work with him upon his reinstatement to the practice of law,

- 4) He must pay the costs incurred by the ADO in the investigation and enforcement of this disciplinary matter pursuant to Supreme Court Rule 37(19)(b),
- 5) He must comply with any Supreme Court orders regarding notification of his clients and provision of proof therewith to the Court and/or the Attorney Discipline Office;
- 6) He must comply with all other requirements for reinstatement pursuant to Supreme Court Rule 37(14) and any order of the Supreme Court.

Ms. O'Neill, who is copied on this order, has agreed to assist Mr. Davis in finding appropriate training and in obtaining a suitable mentor. Mr. Davis is encouraged to reach out to her as soon as possible.

In order to have one year of his two-year suspension suspended, Mr. Davis must comply with the reinstatement process contained in Supreme Court Rule 37(14)(b). If the Supreme Court refers the matter to the Professional Conduct Committee, Mr. Davis shall also file with the PCC a motion to suspend which indicates how he has complied with the conditions of suspension. This motion may be filed no earlier than December 1, 2024.

December 19, 2023

/s/Stephanie C. Hausman
Stephanie C. Hausman
Chair

cc: Sara S. Greene, Esq., Disciplinary Counsel
Anthony M. Davis
Jill O'Neill

NEW HAMPSHIRE SUPREME COURT
HEARINGS COMMITTEE

Davis, Anthony M.

advs.

Attorney Discipline Office

#22-013

HEARINGS COMMITTEE ORDER ON SANCTIONS

This matter came before the N.H. Supreme Court's Hearings Committee on Attorney Discipline on July 20, 2023. The Hearing panel members included Brooksley Belanger, Hearing Panel Chair; Stephanie K. Annunziata, Reporter; Andrea Amodeo-Vickery; Susan R. Chollet; and Alyson Maher.

The Attorney Discipline Office was represented by Attorney Sara Greene. Mr. Davis appeared *pro se*. Upon consideration of the arguments, pleadings and evidence presented, the Hearings Committee finds and rules as follows:

A. Procedural and Factual¹ Background

Anthony M. Davis was admitted to practice law in New Hampshire on May 25, 2018. He has not been admitted to practice law in any other jurisdiction. His license to practice law in New Hampshire was administratively suspended for failure to pay bar dues and court fees on December 14, 2022.

¹ Mr. Davis twice defaulted in answering the charges presented in the Notice of Charges issued by the Attorney Discipline Office. Consequently, Mr. Davis is deemed to have admitted the factual and legal allegations set forth in the Notice of Charges. Sup. Ct. R. 37A(III)(b)(3)(A).

(ADM-2022-0024). Mr. Davis operates a law office known as Argos Legal Group, PC, located at 1 Beacon Street, Boston, Suite 1500, Boston, MA. This is the address that he maintained with the New Hampshire Bar Association (“NHBA”) during the relevant time period.

On July 5, 2022, the Attorney Discipline Office (“ADO”) received notice that Davis’ client trust account (“IOLTA”) was overdrawn on June 30, 2022. On July 8, 2022, Deputy General Counsel Mark Cornell mailed Mr. Davis a letter requesting a written explanation as to how the overdraft occurred, as well as the client ledger relating to the overdraft and the IOLTA bank statements (“July 8 Letter”). The letter was mailed to the address on file with the NHBA. When no response was received by August 9, 2022, Mr. Cornell emailed the July 8 Letter to Mr. Davis at adavis@argoslegalgroup.com. In this email, Mr. Cornell wrote that he had attempted to contact Mr. Davis via telephone at the number on file with the NHBA but the number belonged to a different law office. On August 10, 2022, Mr. Davis replied to Mr. Cornell’s email. He wrote that he had not known of the July 8 Letter until he received it via email. Mr. Davis wrote he was in the process of moving offices and would make the request for information a “top priority.” Mr. Cornell replied and requested Mr. Davis’ response on or before August 16, 2022. The signature block attached to Mr. Davis’ August 10, 2022, email lists two addresses for Argos Legal Group: an address on Beacon Street, as filed with the NHBA (“Beacon Street”); and an address on Tara Boulevard in Nashua (“Tara Boulevard”).

On August 16, 2022, Mr. Davis emailed Mr. Cornell three documents: a signed statement; banking statements for May and June 2022; and invoices for “Sand Dollar.”² In his statement, Mr. Davis wrote that he provided legal services “relating to corporate, contract law and trust and estates.” He wrote that no client funds were present in the IOLTA account when the overdraft occurred. He also wrote that he disclosed the overdraft on his New Hampshire Trust Compliance Affidavit filed earlier that year. The statement was printed on Argos Legal Group letterhead which contained both the Beacon Street and Tara Boulevard addresses.

On September 6, 2022, Mr. Cornell mailed a letter to Mr. Davis at the Beacon Street and Tara Boulevard addresses (“September 6 Letter”). In his letter, Mr. Cornell acknowledged his receipt of Mr. Davis’ August 16, 2022, email with the attached documents, but wrote that these documents did not satisfy the request for information contained in the July 8 Letter. Mr. Cornell reiterated his request for the individual client ledger cards, as well as “copies of the records required to be maintained pursuant to the New Hampshire Supreme Court Rule 50(2)(B) for the IOLTA account for the period August 1, 2021 through July 31, 2022.” Mr. Cornell explained that the “pattern of withdrawals from the IOLTA account” raised additional questions. Mr. Cornell asked that Mr. Davis provide the requested documents on or before September

² In the statement attached to his email, Mr. Davis wrote that Sand Dollar Bar and Grill was one of the two clients to whom he provided legal services during May and June 2022.

27, 2022. Neither of the letters were returned to the ADO as undeliverable. Mr. Davis did not respond.

On October 3, 2022, Mr. Cornell emailed Mr. Davis a copy of the September 6 Letter and requested a timeline for the disclosure of the requested documents. Later that day, Mr. Davis responded by referring Mr. Cornell to his email of August 16 and attached documents. Mr. Davis wrote that he had not received any additional correspondence from the ADO. Mr. Davis' email signature block listed the Tara Boulevard address as his "Main NH Office." The signature block listed an address in Woburn, MA as the "Mailing Office," and an address on Canal Street in Boston was identified as a "Satellite Office." The Beacon Street address was struck out with a note that the address was no longer valid as of September 1, 2022. The Beacon Street address remained the only address maintained by Mr. Davis with the NHBA. Mr. Cornell emailed two copies of the September 6 Letter to Mr. Davis. He wrote that the only address for Mr. Davis on file with the NHBA was the Beacon Street address. Mr. Cornell renewed his request for a timeline for the disclosure of the documents requested in the September 6 letter.

On November 1, 2022, this case was docketed. In the docketing letter, Mr. Davis was advised:

YOU ARE REQUIRED TO PROMPTLY RESPOND TO THE REQUESTS OF THIS OFFICE. THE FAILURE TO COOPERATE WITH A DISCIPLINARY AGENCY COULD RESULT IN THE SCHEDULING OF A PUBLIC HEARING AND IN A FINDING THAT THE RULES OF PROFESSIONAL CONDUCT HAVE BEEN VIOLATED. RULE 8.1(b) ("Docketing Letter").

The Docketing Letter further indicated that Mr. Davis' deadline for his mandatory response to the docketed complaint was November 14, 2022. The Docketing Letter was mailed to three different locations: the Woburn "Mailing Office" address; the Tara Boulevard "Main NH Office;" and the Beacon Street address maintained on file with the NHBA. Mr. Davis did not submit a response to the docketed complaint before the November 14, 2022 deadline.

On November 15, 2022, Mr. Cornell emailed the Docketing Letter to Mr. Davis. In his email, Mr. Cornell provided Mr. Davis with the contact information for the New Hampshire Lawyers Assistance Program and suggested that Mr. Davis seek assistance if personal matters were impacting his professional life. Mr. Cornell expressly wrote that he did not want to escalate the matter "based on a lack of response," and requested that Mr. Davis reply in the near future. Later that day, Mr. Davis responded that he had only just received the Docketing Letter because he had just returned from a few days at his hunting cabin. Again, Mr. Davis wrote that he would make the submission of a response his "absolute priority," and requested that he be given until the end of the week to submit a response. He did not submit a response.

On December 12, 2022, this matter was referred to Disciplinary Counsel for formal proceedings. As Mr. Davis had not provided the requested IOLTA statements, the records were subpoenaed from the financial institution. On December 15, 2022, Attorney Sara Greene mailed Mr. Davis a letter requesting: (1) the identity of the client attributable to each credit card deposit made into the IOLTA account, with a description of the services rendered; (2) information

regarding each disbursement from the IOLTA account, including an explanation for terms used in the memo lines of the checks; (3) client ledgers, billing statements, and fee agreements for the period of November 2021 through November 2022; (4) information regarding the shareholders of Argos Legal Group; and (5) a telephone call to schedule a meeting at the ADO. The letter was mailed to the Woburn “Mailing Office” and the Nashua “Main NH Office” addresses. The letter was not returned to the ADO as undeliverable. Mr. Davis did not respond.

On December 14, 2022, Mr. Davis’ license to practice law in New Hampshire was administratively suspended because he failed to pay his bar dues and court fees. See ADM-2022-0024, In the Matter of Anthony M. Davis, Esquire. Mr. Davis was ordered to advise his clients of his suspension in writing and to provide the ADO with confirmation that he had done so before January 13, 2023. He did not provide any such confirmation to the ADO.

On January 25, 2023, Disciplinary Counsel filed the Notice of Charges (“NOC”). The NOC was emailed to Mr. Davis. The NOC was also mailed to Mr. Davis at the Beacon Street address (which remained his address of record with the NHBA) and the Tara Boulevard “Main NH Office” address. The NOC was sent via certified mail *and* regular mail. On January 31, 2023, the NOC mailed via certified to Beacon Street was delivered. The NOC sent via certified mail to Tara Boulevard was returned to the ADO after three failed delivery attempts. The copies of the NOC sent via regular mail were not returned to the ADO and are presumed to have been delivered.

Mr. Davis did not file an Answer. A default was entered on March 3, 2023. On March 22, 2023, the ADO emailed the Hearing Panel Appointment to Mr. Davis. Later that day, Mr. Davis responded and wrote that he did not initially know what the Hearing Panel Appointment referred to. However, he then conducted a search of his spam folder and found the January 25, 2023, email from the ADO containing the NOC. He wrote that had been sick and recently moved his office twice. He wrote that he believed the IOLTA issue had been resolved because no client funds had been impacted. He asked for an opportunity to respond to the NOC so that he could correct the record “as soon as possible.” On March 23, 2023, the ADO advised Mr. Davis that he would need to file a motion to set aside his default before filing a response. He responded that he would make this a “top priority,” and he would review “all relevant rules and respond accordingly very soon.” In each of his emails to the ADO, Mr. Davis was identified as the “Principal Attorney” at Argos Legal Group in his email signature block, despite his administrative suspension.

On April 4, 2023, Mr. Davis moved to set aside his default. In his motion, Mr. Davis wrote that he did not receive the NOC via mail or email. He cited his relocation from Beacon Street to Woburn as the suspected cause. The ADO did not object to Mr. Davis’ request to set aside his default. Instead, the ADO requested that Mr. Davis be compelled to provide the information and documentation previously requested by the ADO and to submit his answer to the NOC on or before April 24, 2023. On April 7, 2023, Mr. Davis’ request was granted and his default was set aside. The deadline for Mr. Davis’ answer was

set for April 24, 2023. Mr. Davis was ordered to: (1) provide the NHBA with updated and current contact information; (2) submit documentation confirming his compliance with the Order dated December 14, 2022, concerning his administrative suspension; and (3) respond to the ADO's previous requests for information and documents.

On April 24, 2023, Mr. Davis emailed Ms. Greene a statement³ disclosing on March 1, 2023, he closed his "offices." He provided a new mailing address in Medford, MA. Mr. Davis further wrote that he notified "or attempted to notify" all of his current clients that he was "dealing with an issue," his license to practice law was suspended, and that he hoped the matter would be resolved before Memorial Day. Mr. Davis also wrote that he had six clients with claims pending before the Office of Veteran's Affairs ("VA") but did not indicate whether those clients had received notice of his suspension. Finally, Mr. Davis wrote that one of his clients declined to find alternative counsel and instead sought to continue his pending legal matter until Mr. Davis could be reinstated. In a similar but separate statement sent on the same day to Barbara Guay, Mr. Davis wrote that he had been unaware of his suspension from the practice of law until he was notified by a client that the Salem District Court had rejected Mr. Davis' Appearance.

Mr. Davis did not file an answer. He did not provide any of the information or documentation requested by the ADO. A second default was entered against

³ Although Mr. Davis referred to these documents as "Affidavits," the statements are not attested to.

Mr. Davis. As a result of his default, Mr. Davis is deemed to have admitted the factual and legal allegations set forth in the Notice of Charges. Sup. Ct. R. 37A(III)(b)(3)(A).

Accordingly, Mr. Davis is hereby deemed to have violated the following rules of professional misconduct:

- A. Rule 1.15 – Safekeeping Property and Supreme Court Rule 50;
- B. Rule 3.4 – Fairness to Opposing Party and Counsel;
- C. Rule 8.1 – Bar Admission and Disciplinary Matters;
- D. Rule 8.4(a) – General Rules

Having concluded that Mr. Davis violated the aforementioned rules, a hearing was held to determine the appropriate sanction for Mr. Davis' conduct.

B. July 20, 2023, Hearing

Mr. Davis represented himself during the July 20, 2023, Hearing. He presented no witnesses but testified on his own behalf. Though he described his work as “military and veteran work,” Mr. Davis testified that he provided a wide range of legal services to veterans, including counseling veterans “that wanted to open their own companies,” assistance with trademarking intellectual property, employment contracts, lease agreements, and criminal defense. At the time of his suspension, he had two corporate clients, a single criminal defense client, and six clients with claims pending before the VA.

Mr. Davis testified that he had been accredited by the VA as a Claims Representative and provided assistance to clients seeking disability benefits or discharge upgrades. He testified that he did not charge most of his clients.

Mr. Davis testified that because a law license is not required for accreditation as a Claims Representative, he had not informed clients with VA claims that he had been suspended from the practice of law. On cross-examination, Mr. Davis agreed with Attorney Greene that the Standards of Conduct issued by the VA for Claims Representatives provides that a Claims Representative may not have engaged in “unlawful or unethical conduct.” However, he disagreed that his violation of the Rules of Professional Conduct constituted unethical conduct. In January 2022, Mr. Davis let his accreditation as a Claims Representative lapse. He testified that he had not told his clients about the loss of accreditation because he had completed all of the requirements but “just formally didn’t reinstate” his accreditation and had twelve months to submit the required paperwork.

Throughout the hearing, Mr. Davis insisted that none of his clients were impacted by the overdrawn IOLTA because none of his clients’ funds were held in the client trust account. On cross-examination, he admitted that he had not produced the information and documents requested by the ADO that would have allowed the Office to reach this conclusion independently. Though Mr. Davis admitted that he did overdraft the IOLTA and “breached a professional responsibility,” he denied that his actions were unlawful or unethical. He testified that his trouble with the IOLTA was because he is a “terrible office manager.” He described various roadblocks that prevented him from complying with his obligations to the NHBA, including the distance between his

home and the NHBA office and an unfamiliarity with the New Hampshire court system.

When asked to explain the lapses in communication and his failure to comply with the ADO's requests for information, Mr. Davis testified that he had a lot going on in his personal life due to his office relocation, poor sleep, and stomach surgery. Mr. Davis testified that he had garnered a lot of public attention due to his work with veterans and received many telephone calls and emails per day due to the publication of his contact information. His system for flagging emails from clients prevented him from seeing Mr. Cornell's correspondence when it first arrived. He also testified that he believed he had satisfied Mr. Cornell's request for information on August 16, 2022. When asked by the panel whether he confirmed this belief with Mr. Cornell, Mr. Davis referred to the email correspondence in the record and stated that he did not make any attempts to communicate with Mr. Cornell over the phone.

If reinstated to practice, Mr. Davis testified that he would like to work as in-house counsel for a company and provide *pro bono* services for veterans or a veterans facility. Though Mr. Davis has only ever been admitted to practice law in New Hampshire, he testified that he had planned to waive into admission in other states after concluding his fifth year of practice, which would have occurred in March 2023.

Sanction Analysis

The Hearings Committee agrees that the *American Bar Association Standards for Imposing Lawyer Sanctions* (1992) (*Standards*) support the

conclusion that the baseline sanction in this case is suspension. As a result of Mr. Davis' failure to cooperate with the ADO and his testimony that he did not believe his conduct was unethical, despite having admitted to violations of the Rules of Professional Conduct, the Hearings Committee found that a suspension of one year is appropriate. The Hearings Committee recommends that the suspension be retroactive to the date of Mr. Davis' administrative suspension.

The purpose of the Court's disciplinary power "is to protect the public, maintain public confidence in the bar, preserve the integrity of the legal profession, and prevent similar conduct in the future." *E.g., Conner's Case*, 158 N.H. 299, 303 (2009). "The sanction must take into account the severity of the misconduct." *Coffey's Case*, 152 N.H. 503, 513 (2005). A suspension of one-year will require Mr. Davis to satisfy the reinstatement requirements set forth at Rule 37(14)(b) prior to resuming practice in New Hampshire. Specifically, Mr. Davis will be required to retake the MPRE and prove, by clear and convincing evidence, to a Panel that he "has the moral qualifications, competence, and learning in the law required for admission to practice law in this State and that the resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive to the public interest." Sup. Ct. R. 37(14)(b)(5)(C).

Although the Court has not adopted the *Standards*, it looks to them for guidance. *Conner's Case*, 158 N.H. at 303. The *Standards* set forth a four-part analysis for courts to consider in imposing sanctions: "(a) the duty

violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors." *Id.* (quoting *Douglas' Case*, 156 N.H. 613, 621 (2007)); *Standards* § 3.0. The first three steps create the framework for characterizing the misconduct and determining a baseline sanction. *See Conner's Case*, 158 N.H. at 303 (stating that "[i]n applying these factors, the first step is to categorize the respondent's misconduct and identify the appropriate sanction"). Once the baseline sanction is determined, the Court then looks to the fourth and final step in the analysis: the existence of any aggravating or mitigating factors and whether they affect the baseline sanction. *See id.* (stating that "[a]fter determining the sanction, [the Court] consider[s] the effect of any aggravating or mitigating factors on the ultimate sanction").

Under the first prong of the analysis, Mr. Davis violated duties owed to his clients when he managed an IOLTA without understanding the manner in which the account operated or how his office management software deposited/transferred client funds. Mr. Davis violated duties owed to the legal profession when he repeatedly failed to cooperate with Mr. Cornell's requests for information. With respect to Mr. Davis' mental state under the second prong of the sanction analysis, the Hearings Committee finds that Mr. Davis' mental state was at least knowing, in that he had actual knowledge of the relevant events set forth in the NOC. He also had a "conscious awareness of attendant circumstances," regarding the pending ADO investigation, the

unsatisfied requests for information, and the existence of a formal disciplinary matter with a pending NOC.

The *Standards*, as well as New Hampshire's Rules of Professional Conduct, differentiate between a knowing state of mind and an intentional state of mind. Rule 1.0(f) of the N.H.R. Prof. Conduct defines "knowingly" as "denot[ing] actual knowledge of the fact[s] in question. A person's knowledge may be inferred from circumstances." The *Standards* define "knowledge" as a "conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result." *Standards*, Sec. III ("Definitions"). See also *In Re Wyatt's Case*, 159 N.H. 285, 307, 982 A.2d 396, 413 (2009).

Mr. Davis' sporadic responses to ADO communications demonstrated an awareness of the pending disciplinary matter. Mr. Davis repeatedly ignored deadlines for the production of information. He failed to provide the information that was requested multiple times by the ADO and that he was compelled to produce in the Order setting aside his default. The Hearings Committee was especially concerned about Mr. Davis' repeated representations that he would make the investigation a "top priority," while taking no additional steps to move the matter towards conclusion.

The third prong of the sanction analysis requires an assessment of the actual or potential injury caused by Mr. Davis' misconduct. As a result of Mr. Davis' conduct, the ADO was unable to fully investigate the circumstances surrounding the overdraft of Mr. Davis' IOLTA or the potential harm that his

conduct may have caused his clients. The documentation produced by the financial institution in response to a subpoena from the ADO revealed additional causes for concern. Mr. Davis did not produce documentation to allow the ADO to investigate those additional concerns. The Hearings Committee notes that none of Mr. Davis' clients have issued a complaint against him and none have reported that he mismanaged their funds. However, his failure to produce documentation as required by Rule 50(2)(B), failure to educate himself as to the operation of his IOLTA, and apparent failure to maintain proper records is injurious to the integrity of the profession.

Mr. Davis' 1.15 rule violation implicates Section 4.12 of the *Standards*.

That Section provides, in relevant part:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving the failure to preserve client property:

4.12 Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

Mr. Davis' conduct in this matter, when considered under *Standard* 4.12, would call for a baseline sanction of suspension.

Mr. Davis' 3.4 rule violation implicates Section 6.22 of the *Standards*.

That Section provides, in relevant part:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists:

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.

Mr. Davis' conduct in this matter, when considered under *Standard 6.22*, would call for a baseline sanction of suspension.

Mr. Davis' 8.1 rule violation implicates Section 7.0 of the *Standards*.

That Section provides:

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

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

Mr. Davis' conduct in this matter, when considered under *Standard 7.0*, would call for a baseline sanction of suspension.

The baseline sanction must be considered and/or adjusted in light of any aggravating and mitigating factors. *E.g., Conner's Case*, 158 N.H. at 303. In this case, there are two mitigating factors: Mr. Davis' lack of a disciplinary history and his inexperience in the practice of law. *See Standards* § 9.32(a). In this case there are four aggravating factors present: a pattern of misconduct, multiple offenses, and obstruction of the discipline process. *See Standards* § 9.22.

The Hearings Committee finds that the balance of the mitigating and aggravating factors does not call for a deviation from the baseline sanction of suspension. However, the Hearings Committee does not believe that a two-year suspension is appropriate. As any suspension longer than six months will require Mr. Davis to participate in the reinstatement process, a one-year suspension will require Mr. Davis to demonstrate to a Panel that he has resolved the circumstances that led to his suspension. The requirement for Mr. Davis to demonstrate he is prepared to re-enter the legal profession is an important component of the sanction. As Mr. Davis has been administratively suspended since January 2023, the Hearings Committee recommends that Mr. Davis' suspension be retroactive to that date.

Prior to seeking reinstatement, the Hearings Committee suggests that Mr. Davis obtain mental health counseling to address the stressors associated with the practice of law and the management of his own law offices. The Hearings Committee also recommends that Mr. Davis seek to build relationships with more experienced attorneys or participate in a mentor-program, so that he can avail himself of the advice and guidance of a seasoned attorney. Mr. Davis would also benefit from additional training, particularly in relation to the use of his law office management software and the management of IOLTAs. The Hearings Committee further suggests that Mr. Davis engage with the Lawyer's Assistance Program and familiarize himself with the options available to him through the Program.

ORDER ON SANCTIONS

After considering the arguments, pleadings, and evidence in the context of the four-part analysis recommended by the *Standards*, and the purposes of attorney discipline in New Hampshire, the Hearings Committee orders that Mr. Davis be suspended from the practice of law for a period of one year, retroactive to the date of his administrative suspension.

As conditions for reinstatement, The Hearings Committee recommends that Mr. Davis obtain mental health counseling, that he identify an attorney-mentor so that he can avail himself of the advice and guidance of a seasoned attorney, and that pursue additional training, particularly in relation to the use of his law office management software and the management of IOLTAs. Finally, the Hearings Committee recommends that Mr. Davis engage with the Lawyer's Assistance Program and familiarize himself with the options available to him through the Program.

In addition to the one-year suspension, Mr. Davis is ordered to pay the costs incurred by the ADO in the investigation and enforcement of this disciplinary matter. *See* Supreme Court Rule 37(19).

SO ORDERED,

/s/Brooksley Belanger _____
Brooksley C. Belanger
Hearing Panel Chair

Dated: September 15, 2023