

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2023-0019, In the Matter of Anthony M. Davis, Esquire

On December 14, 2022, in case no. ADM-2022-0024, the court suspended the respondent, Attorney Anthony M. Davis, from the practice of law in New Hampshire for his failure to timely pay 2022/2023 bar dues and court fees and for his failure to appear at a show-cause hearing on November 29, 2022, to address the issue of non-compliance. The administrative suspension remains in effect.

On December 27, 2023, the Professional Conduct Committee (PCC) filed a petition in this matter recommending that Attorney Davis be suspended from the practice of law for two years. In accordance with Rule 37(16)(c), the court provided notice to Attorney Davis of that recommendation and ordered him to file a response on or before February 5, 2024, identifying any legal or factual issues relating to the PCC's recommendation that he wished the court to review. The court's order of notice, along with the PCC's recommendation, was sent to Attorney Davis by first-class and certified mail at the latest address provided by him to the New Hampshire Bar Association. See Rule 42E(c). The court's order of notice was also sent to him at the email address that Attorney Davis provided when he registered in the court's e-filing system.

Attorney Davis did not file a response to the PCC's recommendation. Instead, on the day that a response was due, Attorney Davis filed a motion for an extension of time, claiming that his email is inactive and that the mailed copies did not arrive until February 3, 2024. The Attorney Discipline Office (ADO) filed an objection, arguing that the "excuses [set forth in the motion] are the consistent theme of this disciplinary matter." The court agrees with the ADO and therefore denies the motion.

The following facts are taken from the PCC's written recommendation or are otherwise supported by the record that the PCC filed. The ADO contacted Attorney Davis for documentation after the ADO received notification that Attorney Davis had overdrawn an IOLTA account. The ADO's efforts over the ensuing weeks and months to obtain responsive information from Attorney Davis proved unsuccessful. The underlying IOLTA issue and the failure to cooperate with the ADO's investigation led the ADO to file disciplinary charges against Attorney Davis; he was no more responsive in the disciplinary proceeding than he had been during the ADO's investigation. For example, he was defaulted for failing to file an answer, even after an earlier default for the same failure had

been set aside. Accordingly, allegations that he violated Rules of Professional Conduct relating to safeguarding of client property (Rule 1.15), fairness to opposing counsel (Rule 3.4), cooperation with disciplinary authorities (Rule 8.1), and the general prohibition against violating the rules (Rule 8.4(a)) were deemed admitted pursuant to Supreme Court Rule 37A(III)(b)(3)(A). The matter proceeded to a hearing that was limited to the issue of sanctions.

A panel of the Hearings Committee recommended a one-year suspension, retroactive to the date of Attorney Davis's administrative suspension. The PCC disagreed with that recommendation, instead recommending to this court that Attorney Davis be suspended for two years without any retroactive credit.

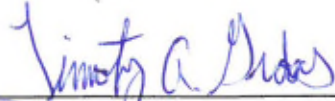
After reviewing the PCC's recommendation and record, the court accepts the PCC's findings and its recommendation that Attorney Davis be suspended from the practice of law in New Hampshire for a period of two years, running from the filing of the PCC's recommendation on December 27, 2023. Attorney Davis may petition the court to have one year of the two-year suspension suspended if he has complied with the conditions set forth in the PCC's recommendation, but no such petition shall be filed before December 1, 2024. Accordingly, the court orders as follows:

- (1) Attorney Anthony M. Davis is suspended from the practice of law in New Hampshire for a period of two years.
- (2) Attorney Davis is ordered to reimburse the Attorney Discipline Office for all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of this matter.

The disciplinary suspension imposed in this case is independent of the administrative suspension imposed in case no. ADM-2022-0024. Attorney Davis will not be reinstated to the practice of law in New Hampshire until he meets the reinstatement requirements applicable to each case.

DATE: April 17, 2024

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Professional Conduct Committee, 22-013
Sara S. Greene, Esq.
Anthony M. Davis, Esq.
File