

IN THE SUPREME COURT OF PENNSYLVANIA

In the Matter of : No. 1004 Disciplinary Docket No. 3
: :
: No. 76 DB 2005
REED JAMES DAVIS : :
: Attorney Registration No. 64343
: :
PETITION FOR REINSTATEMENT : (Allegheny County)

ORDER

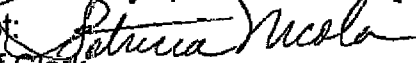
PER CURIAM:

AND NOW, this 8th day of January, 2009, upon consideration of the Report and Recommendations of the Disciplinary Board dated October 22, 2008, the Petition for Reinstatement is granted.

Pursuant to Rule 218(e), Pa.R.D.E., petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement.

A True Copy Patricia Nicola

As of: January 8, 2009

Attest: 
Chief Clerk

Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

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: No. 3
: REED JAMES DAVIS : No. 76 DB 2005
: :
: Attorney Registration No. 64343
PETITION FOR REINSTATEMENT :
: (Allegheny County)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

Reed James Davis was suspended for one year and one day retroactive to May 13, 2005, by Order of the Supreme Court of Pennsylvania dated January 18, 2007. The suspension arose from Mr. Davis's criminal conviction of possession, possession with intent to deliver and delivery of cocaine. Mr. Davis filed a Petition for Reinstatement to the

bar of the Supreme Court of Pennsylvania on November 13, 2007. Office of Disciplinary Counsel filed a Response and does not oppose the reinstatement request.

A reinstatement hearing was held on March 25, 2008, before a District IV Hearing Committee comprised of Chair Mark R. Alberts, Esquire, and Members Walter F. Wall, Esquire, and Paul J. Walsh, III, Esquire. Petitioner was represented by John E. Quinn, Esquire. Petitioner presented the testimony of four witnesses and testified on his own behalf.

The Hearing Committee filed a Report on July 28, 2008, and recommended that the Petition for Reinstatement be granted.

This matter was adjudicated by the Disciplinary Board at the meeting on September 15, 2008.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner is Reed James Davis. He was born in 1964 and was admitted to practice law in Pennsylvania in 1992. His current business address is 393 Vanadium Road, Pittsburgh PA 15243.

2. By Order of the Supreme Court of Pennsylvania dated January 18, 2007, Petitioner was suspended from the practice of law for a period of one year and one day,

retroactive to May 13, 2005, the date of Petitioner's temporary suspension by the Supreme Court.

3. The events giving rise to Petitioner's suspension occurred in 2000. On three separate occasions Petitioner delivered cocaine to a confidential informant. Criminal charges were filed against Petitioner on August 24, 2000, for possession, possession with intent to deliver and delivery of a controlled substance, namely cocaine.

4. On December 6, 2003, Petitioner entered a plea of guilty to the charges and was subsequently sentenced to prison for one year to three years followed by two years of probation.

5. On August 16, 2004, Petitioner began his prison term. He was discharged on August 16, 2005.

6. During the period of suspension, Petitioner was employed as the manager of an office building owned by Petitioner and his father, Reed J. Davis, Esquire. Though the building houses his father's law practice, Petitioner avoided any client contact and did not engage in the practice of law during his suspension.

7. Petitioner testified at length as to his addiction to drugs and recovery from that addiction.

8. Petitioner has been sober since April 30, 2000, the day that he entered Gateway Rehabilitation. He attends Alcoholics Anonymous and Lawyers Concerned for Lawyers group meetings every week and has contact with his sponsor on a regular basis.

9. Petitioner expressed remorse for his criminal conduct. He understands that it caused tremendous problems for everyone in his life.

10. Petitioner's sponsor, Daniel Hall, testified at the hearing. Petitioner is doing well in his recovery efforts and ongoing sobriety.

11. Theodore Blair, Esquire, is an attorney who is a recovering alcoholic. He has known Petitioner for about seven years through Lawyers Concerned for Lawyers and Alcoholics Anonymous. He knows Petitioner to be a regular attendee and an active participant in the meetings.

12. Mark Flaherty, Esquire, is an attorney who is a recovering alcoholic. He has known Petitioner for a number of years. He has observed that Petitioner is a regular attendee at the recovery meetings and has remained sober.

13. Reed J. Davis, Esquire, is Petitioner's father and has been an attorney for 49 years. After Petitioner became a lawyer he practiced with his father. Mr. Davis was shocked to discover in 2000 that his son had a drug problem, as he had never observed any problems with his work.

14. Mr. Davis has observed that since the time of incarceration, Petitioner has managed problems when they arise, particularly family issues, and has not used drugs or alcohol since his time at Gateway Greentree Rehabilitation. Mr. Davis looks forward to practicing again with his son and sees no reason why he should not be reinstated.

15. Petitioner fulfilled his Continuing Legal Education credits required for reinstatement and read advance sheets and legal periodicals.

16. If reinstated Petitioner plans to practice law with his father at Davis & Davis Attorneys in Pittsburgh.

III. CONCLUSIONS OF LAW

1. Petitioner has met his burden of proof by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth of Pennsylvania.

2. Petitioner has met his burden of proof by clear and convincing evidence that his 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 of the public interest.

IV. DISCUSSION

Petitioner seeks reinstatement to the bar of the Supreme Court of Pennsylvania following his suspension for a period of one year and one day imposed on January 18, 2007, retroactive to May 13, 2005.

Pursuant to Rule 218(a), Pa.R.D.E., an attorney who is suspended for a period exceeding one year may not resume the practice of law until reinstated by the Supreme Court of Pennsylvania. In order for Petitioner to gain reinstatement, he has the burden of proving by clear and convincing evidence that he possesses the moral

qualifications, competency and learning in the law required for admission to practice law in this Commonwealth. In addition, Petitioner has the burden of demonstrating that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Rule 218(c)(3)(i), Pa.R.D.E.

A reinstatement proceeding is a searching inquiry into a lawyer's present professional and moral fitness to resume the practice of law. The object of concern is not solely the transgressions which gave rise to the lawyer's suspension, but rather the nature and extent of the rehabilitative efforts the lawyer has made since the time the sanction was imposed, and the degree of success achieved in the rehabilitative process. Philadelphia News, Inc. v. Disciplinary Board of the Supreme Court, 363 A.2d 779 (Pa. 1976).

Petitioner was suspended for one year and one day due to his criminal conviction for possession of illegal drugs and his possession with intent to distribute illegal drugs. His criminal misconduct did not impact his professional obligations in that no clients were harmed by his actions. Petitioner provided clear evidence that he has rehabilitated himself from drug and alcohol abuse problems which were the source of the disruptions in his life. Petitioner has been sober since the Spring of 2000, when he entered a rehabilitation program. Petitioner continues to take remedial steps to address his addiction by attending Alcoholics Anonymous and Lawyers Concerned for Lawyers meetings on a regular basis. He is in regular contact with his AA sponsor, Daniel Hall, who provided credible testimony that Petitioner is abstaining from alcohol and drug use and takes his

recovery efforts seriously. Testimony from Petitioner's father and two lawyers involved with Lawyers Concerned for Lawyers was credible and convincing that Petitioner is successfully continuing his sobriety efforts. Petitioner has developed a support system which will assist him in staying sober. Petitioner expressed sincere remorse for the impact his conviction had on the legal profession and on his family and friends.

During his suspension Petitioner did not practice law, but instead managed an office building jointly owned by Petitioner and his father which housed the senior Mr. Davis's law practice. In anticipation of the reinstatement process, Petitioner took the required number of Continuing Legal Education courses, and reviewed advance sheets, the Allegheny County Lawyer and periodicals in the field of creditor/debtor rights. If reinstated he will resume practicing law with his father's firm.

Petitioner has met his burden of proving with clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law in the Commonwealth, and he has further demonstrated by clear and convincing evidence that his resumption of the practice of law within the Commonwealth will be neither detrimental to the integrity and standing of the bar or the administration of justice, nor subversive of the public interest.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Reed James Davis, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(e), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: 

William A. Pietragallo, Vice-Chair

Date: October 22, 2008

Board Members Baer and Buchholz did not participate in the adjudication.