

VIRGINIA:

**BEFORE THE NINTH DISTRICT SUBCOMMITTEE
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
JON IAN DAVEY**

VS B Docket No. 04-090-1804

**SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS, PURSUANT TO AGREEMENT)**

On September 14, 2004, a meeting in this matter was held before a duly convened Ninth District Subcommittee consisting of Paul J. Feinman, Esquire, Chair presiding, Tyler E. Williams, Esquire and Langhorne S. Mauck, lay member. Pursuant to Virginia Supreme Court Rules of Court Part Six, Section IV, ¶ 13.G.1.c.(3), the Subcommittee hereby approves the Agreed Disposition entered into by Kathryn A. Ramey, Assistant Bar Counsel, and the Respondent, Jon Ian Davey (“Respondent”), for a Public Reprimand with Terms.

I. FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.

2. Respondent has failed to perfect appeals from criminal convictions in three separate cases as follows:

- On April 2, 2002, the Supreme Court of Virginia dismissed an appeal because Respondent failed to set forth assignments of error in the petition.
- On June 11, 2002, a belated appeal to the Court of Appeals was granted due to Respondent’s failure to timely file a petition for appeal.
- On July 2, 2003, the Supreme Court dismissed a petition for appeal because Respondent failed to file a notice of appeal in the Court of Appeals, although he did timely file the petition for appeal.

3. Upon learning of the dismissals, Respondent prepared habeas corpus petitions for his clients in the first and third instances listed above.

II. RULES OF PROFESSIONAL CONDUCT

Such conduct on the part of Respondent constitutes misconduct in violation of the following Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. APPROVAL OF AGREED DISPOSITION FOR A PUBLIC REPRIMAND WITH TERMS

Accordingly, the Subcommittee hereby approves the Agreed Disposition of a Public Reprimand with Terms. Respondent is hereby Reprimanded and must comply with the following Terms:

1. By April 1, 2005, Respondent shall certify to Assistant Bar Counsel Kathryn A. Ramey, or her designee, that he has completed six (6) hours of continuing legal education (CLE) in the areas of time management, law office management, or handling criminal appeals. The six (6) CLE hours shall be MCLE approved, but shall not count towards Respondent's annual MCLE requirement and Respondent shall not seek credit for the CLE hours.

If, however, Respondent fails to meet these terms within the time specified, the Ninth District Committee shall certify the case to the Virginia State Bar Disciplinary Board for Sanction Determination. If there is disagreement as to whether the Terms were fully and timely completed, the Ninth District Committee will conduct a hearing on the issue. At the hearing, the sole issue shall be whether Respondent fully completed the Terms within the time specified

above. The Respondent shall have the burden of proof by clear and convincing evidence at the hearing.

The Clerk of the Disciplinary System shall assess the appropriate administrative fees.

NINTH DISTRICT COMMITTEE
SUBCOMMITTEE
VIRGINIA STATE BAR

By: _____
Paul J. Feinman, Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the _____ day of _____, 2004 mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Reprimand with Terms, Pursuant to Agreement) to Respondent Jon I. Davey, at his last address of record with the Virginia State Bar, 128 South Market St., P.O. Box 777, Danville, VA 24543.

Kathryn A. Ramey
Assistant Bar Counsel