

VIRGINIA:

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

**IN THE MATTER OF
JON I. DAVEY**

VSB Docket No.: 06-090-2814

**SUBCOMMITTEE DETERMINATION
(Approval of Agreed Disposition for Public Admonition)**

On August 8, 2006, a duly convened Ninth District Subcommittee consisting of John Michael Perry, Jr., Esquire (Chair presiding), Tyler Williams, III, Esquire, and Frances Giles, lay member, met and considered these matters.

Pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia, the Ninth District Subcommittee, of the Virginia State Bar hereby approves the Agreed Disposition entered into between Respondent Jon I. Davey (“Respondent”) and Assistant Bar Counsel Scott Kulp, and hereby serves upon Respondent the following Public Admonition:

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 was court-appointed to represent Barrett Thomas Vernon in a probation revocation hearing on August 12, 2005 in the Pittsylvania County Circuit Court.
3. Mr. Vernon pled guilty and received a 5 ½ year sentence. Mr. Vernon asked Respondent to appeal.
4. Respondent filed a timely notice of appeal.

5. According to Respondent, the only other correspondence he has in his file is notification by the circuit court dated November 2, 2005 submitting the record to the Court of Appeals.

6. The Court of Appeals received the record from the circuit court on November 4, 2005, and it sent notice to Respondent on November 8, 2005. Notwithstanding, Respondent contends he never received this notice advising him that he had 40 days to file his opening brief. Instead, the next and last correspondence Respondent contends he received from the Court of Appeals was the dismissal decision on January 20, 2006.

7. Respondent has been handling appellate cases for 9 or 10 years. Respondent did not notify Mr. Vernon that his appeal had been dismissed because he believed Respondent's girlfriend would share that information with him.

8. Mr. Vernon contends the last communication he received from Respondent was the appeal request in August 2005.

9. Respondent was not diligent in tracking his representation in this case, and he failed to notify Mr. Vernon (a) that his appeal had been dismissed, (b) of the reasons for the dismissal, and (c) of any recourse Mr. Vernon might have to revive the appeal.

NATURE OF MISCONDUCT

The foregoing findings of fact give rise to the following violations of the Rule of Professional Conduct:

RULE 1.3 Diligence

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

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

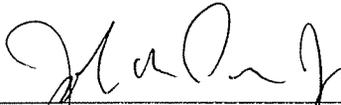
SUBCOMMITTEE DETERMINATION

It is the decision of the Ninth District Subcommittee to accept the Agreed Disposition of the parties. Accordingly, a hearing is not necessary to resolve this matter and Respondent shall receive a Public Admonition pursuant to Part Six, Section IV, Paragraph 13.G.1.d(1) of the Rules of the Supreme Court of Virginia. This Public Admonition is public discipline under the Rules of the Supreme Court of Virginia.

WHEREFORE, the Respondent is hereby issued a Public Admonition for the foregoing matter.

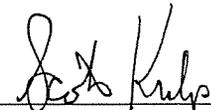
The Clerk of the Disciplinary System is directed to assess the appropriate administrative fees.

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

By: 
John Michael Perry, Jr., Esquire
Subcommittee Chair Presiding

CERTIFICATE OF SERVICE

I certify I have, this the 6th day of September, 2006, mailed by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a true and complete copy of the Subcommittee Determination (Public Admonition) to Respondent Jon I. Davey, at his last address of record with the Virginia State Bar, Law Office of Jon I. Davey, 128 South Market Street, P.O. Box 777, Danville, VA 24543-0777.


Scott Kulp
Assistant Bar Counsel