

VIRGINIA:

*Before the Virginia State Bar Disciplinary Board*

*In the Matter of*

*Arthur Emerson Davis, III  
Attorney at Law*

*VSB Docket No. 13-042-094524*

*On November 20, 2014, came Arthur Emerson Davis, III and presented to the Board an Affidavit Declaring Consent to Revocation of his license to practice law in the courts of this Commonwealth. By tendering his Consent to Revocation at a time when allegations of Misconduct are pending, the nature of which are specifically set forth in the attached affidavit and certification, Respondent acknowledges that the material facts upon which the allegations of Misconduct are pending are true.*

*The Board having considered the said Affidavit Declaring Consent to Revocation, and Bar Counsel having no objection, the Board accepts his Consent to Revocation. Accordingly, it is ordered that the license to practice law in the courts of this Commonwealth heretofore issued to the said Arthur Emerson Davis, III be and the same hereby is revoked, and that the name of the said Arthur Emerson Davis, III be stricken from the Roll of Attorneys of this Commonwealth.*

*Entered this 21<sup>st</sup> day of November, 2014*

*For the Virginia State Bar Disciplinary Board*

By *Barbara S. Lanier*  
*Barbara Sayers Lanier, Clerk of the Disciplinary System*

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF  
ARTHUR EMERSON DAVIS, ■

VSB Docket No. 13-042-094524

AFFIDAVIT DECLARING CONSENT TO REVOCATION

Arthur Emerson Davis, ■, after being duly sworn, states as follows:

1. That Arthur Emerson Davis, ■ was licensed to practice law in the Commonwealth of Virginia on 10/15/1996;
2. That Arthur Emerson Davis, ■ submits this Affidavit Declaring Consent to Revocation pursuant to Rule of Court, Part 6, Section IV, Paragraph 13-28.
3. That Arthur Emerson Davis, ■'s consent to revocation is freely and voluntarily rendered, that Arthur Emerson Davis, ■ is not being subjected to coercion or duress, and that Arthur Emerson Davis, ■ is fully aware of the implications of consenting to the revocation of his license to practice law in the Commonwealth of Virginia;
4. Arthur Emerson Davis, ■ is aware that there is currently pending a complaint, an investigation into, or a proceeding involving, allegations of misconduct set forth in the Certification of the Fourth District Committee, Section II dated May 29, 2014, the docket number for which is set forth above, the allegations of which are summarized as follows:
  - a. Respondent was appointed the executor of the estate of Carrol D. Davis on January 9, 2009, by a Certificate of Probate entered by the Superior Court of Wake County, North Carolina;
  - b. Carrol D. Davis was Respondent's mother;

- c. Respondent listed assets of \$5,000.00 in his mother's estate on a supplemental inventory after filing an inventory showing other assets including bank accounts;
- d. His siblings claimed that the value of his mother's estate was at least \$723,100.00;
- e. Respondent filed several accountings that were never approved by the Clerk of the Wake County, North Carolina Circuit Court;
- f. On September 5, 2012, the Wake County Circuit Court Clerk ordered Respondent removed as executor of his mother and father's estate;
- g. On September 19, 2012, the Wake County Circuit Court Clerk entered an order requiring Respondent to turn over all assets of his mother's and father's estates to the newly appointed executrix and to file an interim final accounting;
- h. Respondent did not comply with any of the orders of the Wake County Circuit Court;
- i. In the Fall of 2013, Respondent's siblings filed suit against him in the Circuit Court of Alexandria, Virginia and obtained a pre-judgment attachment in favor of the siblings against the Respondent in the amount of \$272,502.00;
- j. In his answer to the sibling's lawsuit, Respondent admitted he never complied with the orders of the Wake County Circuit Court;
- k. On January 28, 2013, the Virginia State Bar ("VSB") forwarded to Respondent a copy of a complaint alleging his Misconduct in connection with the administration of his parent's estate ("Complaint");
- l. Respondent failed to answer the Complaint;
- m. Respondent failed to answer a subpoena duces tecum issued by VSB with a return date of September 11, 2013 in connection with the investigation of the Complaint;
- n. Respondent failed to respond to numerous requests by the VSB's investigator to appear for an interview; and

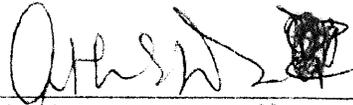
0. Respondent failed to appear pursuant to a subpoena issued by the VSB that he appear at the Alexandria Circuit Court House on February 19, 2014 to be interviewed in connection with the investigation of the Complaint.

5. Arthur Emerson Davis,  acknowledges that the material facts upon which the allegations of misconduct are predicated are true;

6. Pursuant to Part 6, Section IV, Paragraph 13-28.B, the admissions offered in this Affidavit of Consent to Revocation shall not be deemed an admission in any proceeding except one relating to the status of the Respondent as a member of the Virginia State Bar.

7. Arthur Emerson Davis,  submits this Affidavit and consents to the revocation of his license to practice law in the Commonwealth of Virginia because he knows that if the disciplinary proceedings based on the said alleged misconduct were brought or prosecuted to a conclusion, he could not successfully defend them.

Executed and dated on November 19, 2014.

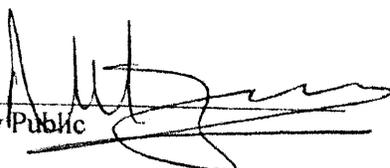


Arthur Emerson Davis,   
Respondent

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF ALEXANDRIA, to wit:

The foregoing Affidavit Declaring Consent to Revocation was subscribed and sworn to before  
me by Arthur Emerson Davis,  on NOVEMBER 19<sup>th</sup>, 2014.

  
\_\_\_\_\_  
Notary Public

My Commission expires: NOVEMBER 30, 2018.

NITIN JAIN  
NOTARY PUBLIC  
REGISTRATION # 7036194  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
NOVEMBER 30, 2018

RECEIVED

VIRGINIA:

BEFORE THE FOURTH DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

MAY 30 2014

IN THE MATTER OF  
ARTHUR EMERSON DAVIS, III

VSB CLERK'S OFFICE  
VSB Docket No. 13-042-094524

**SUBCOMMITTEE DETERMINATION  
(CERTIFICATION)**

On March 24, 2014, a meeting in this matter was held before a duly convened Fourth District, Section II Subcommittee consisting of Ms. Nancy M. Williams, lay member, Sandra M. Rohrstaff, Esquire, and Anne M. Heishman, Esquire, Chair. Pursuant to Part 6, § IV, ¶ 13-15.B.3 of the Rules of the Supreme Court of Virginia, the Fourth District Subcommittee of the Virginia State Bar hereby serves upon Arthur Emerson Davis, III, ("Respondent") the following Certification:

**I. FINDINGS OF FACT**

1. At all times relevant, Respondent was admitted to the practice of law in the Commonwealth of Virginia.
2. Respondent was admitted to the practice of law in the Commonwealth of Virginia on October 15, 1996.
3. Complainant is the Clerk of the Superior Court of Wake County, North Carolina.
4. Respondent was appointed the executor of the estate of Arthur E. Davis, Jr. on October 10, 2007 by a Certificate of Probate entered by the Superior Court of Wake County.
5. Arthur E. Davis, Jr. was Respondent's father.
6. Respondent was appointed the executor of the estate of Carol D. Davis on January 9, 2009, by a Certificate of Probate entered by the Superior Court of Wake County.
7. Carol D. Davis was Respondent's mother.

8. Respondent filed an initial accounting on his father's estate listing assets totaling \$901,950.29 and an initial accounting of his mother's estate that listed only \$5,000.00 in assets.
9. At the time that Respondent filed the initial inventory on his mother's estate, he knew that it was false.
10. Other documents showed that the actual value of his mother's estate was at least \$723,100.00.
11. Respondent filed several accountings on both estates, all of which contained errors, and none were approved.
12. As a result of these errors and further delinquent accountings for both estates, the Wake County Superior Court issued a Rule to Show Cause against Respondent requiring him to appear on September 4, 2012 to show cause why he should not be held in civil contempt for violating lawful orders of the court.
13. Around the same time that the Show Cause Order was entered, the Respondent's siblings filed Petitions to remove Respondent as executor of their parents' estates on the grounds that he was not communicating with them and not acting in the best interests of the estate.
14. Respondent failed to appear at the September 4, 2012 show cause hearing.
15. On September 5, 2012, the Wake County Superior Court entered orders removing Respondent as executor of his parents' estate.
16. On September 19, 2012, the Wake County Superior Court entered two order requiring Respondent to turn over to the new executrix of the parents' estate all estate assets within ten days of receipt of the order.
17. In each of the orders, Respondent was further required to file an interim final accounting.
18. To date, Respondent has failed to comply with any of the requirements of the Wake County Superior Court's orders of September 19, 2012.
19. Upon information and belief, Respondent failed to provide the requisite accountings and otherwise failed to deal fairly with his siblings because he was converting assets from

his mother's estate for his own benefit and not in accordance with his mother's wishes as expressed in her last will and testament.

20. In the fall of 2013, Respondent's siblings learned that Respondent was preparing to leave the Washington, D.C. area.
21. The siblings filed a civil suit in the Circuit Court for the City of Alexandria against the Respondent claiming, among other things, breach of fiduciary duty and conversion with respect to their mother's estate.
22. After an evidentiary hearing, the Circuit Court for the City of Alexandria entered an order of pre-judgment attachment in favor of the siblings against the Respondent in the amount of \$272,502.00.
23. In answering the lawsuit in the Alexandria Circuit Court filed by the siblings against him, Respondent admitted that he failed to comply with the September 29, 102 orders of the Superior Court of Wake County.
24. On January 28, 2013, the Virginia State Bar ("VSB") forwarded to Respondent a copy of the complaint alleging his Misconduct in connection with the administration of his parent's estate.
25. Respondent failed to answer the complaint.
26. On July 30, 2013, VSB Investigator David Jackson phoned Respondent and left a voice mail asking that Respondent return the call.
27. Respondent did not return the call.
28. On July 31, 2013, Investigator David Jackson personally appeared at Respondent's office located at 211 N. Union Street, Suite 100, Alexandria, Virginia 22314.
29. Respondent was not available, but Investigator Jackson left a business card asking that Respondent contact him.
30. By email dated August 20, 2013, Investigator Jackson advised Respondent of his role in the case and requested Respondent's available dates in order to meet with him.
31. On August 21, 2013, the VSB forwarded Respondent a Subpoena Duces Tecum requesting documents in connection with the investigation of the case.

32. The subpoena had a return date of September 11, 2013.
33. Investigator Jackson forwarded a copy of the subpoena and the initial complaint by email to the Respondent on August 26, 2013.
34. On September 6, 2013, Respondent sent Investigator Jackson an email in response stating that he was in the process of moving his office and would provide a summary letter response within the week.
35. Respondent never provided the summary letter he promised Mr. Jackson.
36. On September 19, 2013, Respondent was notified that if he failed to comply with the Bar's subpoena on or before September 30, 2013, he would be in jeopardy on having his license to practice law administratively suspended for failure to comply with the subpoena.
37. Several emails were exchanged between Respondent, Mr. Jackson and counsel for the VSB.
38. By email dated October 4, 2013, Respondent advised he was going to consult with a long-time colleague and that he intended to be fully compliant with VSB requests.
39. That was the last communication that the VSB ever had with Respondent.
40. On February 4, 2014, the VSB served on Respondent a subpoena requiring him to appear at the Circuit Court for the City of Alexandria compelling him to appear for an interview with Mr. Jackson on February 19, 2014.
41. Respondent failed to appear on February 19, 2014 to be interviewed by Mr. Jackson.

## **II. NATURE OF MISCONDUCT**

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **RULE 1.3   Diligence**

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.
- (b) A lawyer shall not intentionally fail to carry out a contract of employment entered

into with a client for professional services, but may withdraw as permitted under Rule 1.16.

(c) A lawyer shall not intentionally prejudice or damage a client during the course of the professional relationship, except as required or permitted under Rule 1.6 and Rule 3.3.

**RULE 3.3 Candor Toward The Tribunal**

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal;

**RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

(d) Knowingly disobey or advise a client to disregard a standing rule or a ruling of a tribunal made in the course of a proceeding, but the lawyer may take steps, in good faith, to test the validity of such rule or ruling.

**RULE 8.1 Bar Admission And Disciplinary Matters**

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6; or

**RULE 8.4 Misconduct**

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal or deliberately wrongful act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;

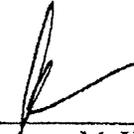
(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation which reflects adversely on the lawyers fitness to practice law;

**III. CERTIFICATION**

Accordingly, it is the decision of the Subcommittee to certify the above matters to the Virginia State Bar Disciplinary Board.

FOURTH DISTRICT, SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By \_\_\_\_\_



Anne M. Heishman  
Subcommittee Chair

**CERTIFICATE OF SERVICE**

I certify that on this 29<sup>th</sup> day of May, 2014, I mailed by certified mail a true and correct copy of the foregoing Subcommittee Determination (Certification) to Arthur Emerson Davis, III, Esquire, Respondent, at PO Box 1817, Alexandria, VA 22313, Respondent's last address of record with the Virginia State.



Paulo E. Franco, Jr.  
Assistant Bar Counsel