

# DISCIPLINARY REVIEW BOARD

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SUPREME COURT OF NEW JERSEY

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COLIN T. TAMS  
KATHRYN ANNE WINTERLE  
ASSISTANT COUNSEL

September 22, 2005

**Certified Mail - R.R.R. and Regular Mail**

KayKay Davis-Daniels, Esq.  
c/o Kevin E. Daniels, Esq  
Daniels & Davis-Daniels  
527 Bangs Avenue - Suite 4  
Asbury Park, New Jersey 07712

Re: In the Matter of KayKay Davis-Daniels  
Docket No. DRB 05-218  
District Docket No. IX-03-031E  
**LETTER OF ADMONITION (CORRECTED)**

Dear Ms. Daniels:

The enclosed letter of admonition was reissued to reflect the correct district docket number.

Very truly yours,

A handwritten signature in cursive script that reads 'Julianne K. DeCore'.

Julianne K. DeCore  
Chief Counsel

/tk

c. Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey  
(w/ethics history)  
Mary J. Maudsley, Chair, Disciplinary Review Board  
David E. Johnson, Jr., Director, Office of Attorney Ethics  
James A. Paone, II, Chair, District IX Ethics Committee  
Kathleen A. Sheedy, Secretary, District IX Ethics Committee

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527 Bangs Avenue - Suite 4  
Asbury Park, New Jersey 07712

Re: In the Matter of KayKay Davis-Daniels  
Docket No. DRB 05-218  
District Docket No. IX-03-031E  
**LETTER OF ADMONITION (CORRECTED)**

Dear Ms. Daniels:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Specifically, on August 8, 2000, the Richland County Probate Court, in Columbia, South Carolina, appointed you personal representative of the estate of Beulah Delores Scott, a lifetime friend. Despite your failure to complete the administration of the estate with competence and dispatch, the Board found no clear and convincing evidence that the delay in finalizing it was entirely your fault. You had difficulty in communicating with the heirs, some of whom were not easily located, and in obtaining required information from them. In addition, you encountered unforeseen problems in opening safe deposit boxes and discovered previously-unknown life insurance policies that set back your investigation of the estate assets. The Board, therefore, dismissed the charges that your conduct constituted

gross neglect and lack of diligence, violations of RPC 1.1(a) and RPC 1.3, respectively.<sup>1</sup>

Similarly, the Board was unable to find clear and convincing proof that you violated RPC 1.4(a), as charged in the complaint.

Your conduct was unethical in other respects, however. Specifically, for a period of three years, you did not inform the court of problems in fulfilling your role as the estate's personal representative and did not seek the court's guidance and assistance. Although you were given many deadlines for the filing of the Inventory and Appraisal, only once did you file a motion to extend the deadline. Furthermore, after the court scheduled a hearing for an explanation of why you had not performed your fiduciary duties and for your possible removal as personal representative, you neither appeared at the hearing nor informed the court of your intended absence. The notice of the hearing cautioned you that failure to appear could cause the court to hold you in contempt. Your conduct in this regard was unethical and a violation of RPC 8.4(d) (conduct prejudicial to the administration of justice).

Finally, you failed to ask the court to withdraw from the case when your physical condition materially impaired your ability to serve the estate well; when the heirs did not fulfill their duty to provide with necessary information; and when it became clear that your participation in the case would result in an unreasonable financial burden to you. Your conduct was improper and a violation of RPC 1.16(a)(2), (b)(4) and (b)(5), respectively. Although the complaint did not charge you with a violation of that RPC, the record developed below contains sufficient evidence to deem the complaint amended to conform to the proofs. R. 4:9-2; In re Logan, 70 N.J. 222, 232 (1976).

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<sup>1</sup> Although you were not acting as an attorney, you were nevertheless bound by the same ethics rules that govern the legal profession. Attorneys must conform their conduct to the high standards of the profession even if their activities are not related to the practice of law. In re Genser, 15 N.J. 600, 606 (1954).

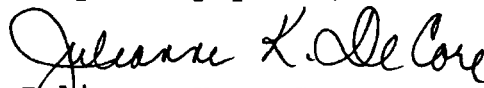
In imposing only an admonition, the Board considered several mitigating factors: without any prior experience in estate matters, either personally or professionally, you accepted your appointment as personal representative because of devotion and loyalty to the decedent, whom you regarded as a second mother; you had parental and professional responsibilities that took a great portion of your available time; you did not charge a fee and had limited personal funds for expenditures, most of which remained unreimbursed; you were unable to travel frequently to South Carolina; you experienced debilitating health problems at the time; you acknowledged your mistakes and apologized to the court; and, except for this incident, you have enjoyed an unblemished disciplinary record for twenty-three years.

Your conduct adversely reflected not only upon you as an attorney, but also upon all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Board's office. Should you become the subject of any further discipline, it will be taken into consideration.

The Board has also directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded under separate cover.

Very truly yours,

  
Julianne K. DeCore  
Chief Counsel

/tk

c. Chief Justice Deborah T. Poritz  
Associate Justices  
Stephen W. Townsend, Clerk, Supreme Court of New Jersey  
Gail G. Haney, Deputy Clerk, Supreme Court of New Jersey  
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