

# DISCIPLINARY REVIEW BOARD

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November 30, 2011

Mark Neary, Clerk  
Supreme Court of New Jersey  
P.O. Box 970  
Trenton, New Jersey 08625-0962

Re: In the Matter of Nathaniel Martin Davis  
Docket No. DRB 11-290  
District Docket No. VA-2010-0027E

Dear Mr. Neary:

The Disciplinary Review Board reviewed the motion for discipline by consent (reprimand or such lesser discipline as the Board may determine is warranted) filed by the District VA Ethics Committee in the above matter, pursuant to R. 1:20-10. Following a review of the record, the Board determined to grant the motion. In the Board's view, a reprimand is the appropriate discipline for respondent's violation of RPC 1.16 (d) (failure upon termination of the representation to promptly turn over client file to subsequent counsel).

Specifically, in February 2009, respondent represented Shirley Thompson in a personal injury matter. In November 2009, Thompson terminated the representation in favor of new counsel, who also, at the time, represented her in an employment discrimination matter.

On November 30, 2009, new counsel advised respondent of his retention for Thompson's personal injury matter and requested a copy of her file. From then until May 14, 2010, respondent failed to turn the file over to new counsel. Specifically, respondent ignored a November 30, 2009 oral request for the file and written requests, dated December 3, 2009, March 21, and May 3, 2010. Thereafter, her

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new attorney made an in-person request for the file at respondent's office, on May 5, 2010, and wrote a final letter requesting the file, on May 14, 2010. On May 21, 2010, respondent finally turned the file over to Thompson's new attorney.

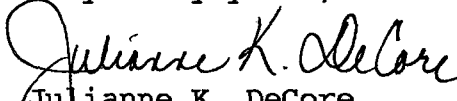
The parties stipulated that, in mitigation, Thompson's claim was not prejudiced by respondent's actions. In aggravation, however, respondent has a 2007 reprimand for gross neglect and for lying to Pennsylvania ethics authorities, a Pennsylvania court, and opposing counsel, about his eligibility to practice law in that state.

Respondent's failure to promptly turn over Thompson's file to new counsel and disregard for several written, oral and personal requests for the file from new counsel for six months after the termination of the representation, violated RPC 1.16(d).

Enclosed are the following documents:

1. Notice of motion for discipline by consent, dated "6/30/01."<sup>1</sup>
2. Stipulation of discipline by consent, dated Jun 30, 2011.
3. Affidavit of consent, dated June 29, 2011.
4. Ethics history, dated November 30, 2011.

Very truly yours,

  
Julianne K. DeCore  
Chief Counsel

JKD/sj

Encls.

c: Louis Pashman, Chair, Disciplinary Review Board  
Charles Centinaro, Director, Office of Attorney Ethics  
Stephen V. Falanga, Chair, District VA Ethics Committee  
William B. Ziff, Acting Secretary, District VA Ethics  
Committee  
Alan Dexter Bowman, Respondent's Counsel  
Eric Bailey, Grievant

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<sup>1</sup> This is an apparent error on the part of the presenter. The handwritten date appears to be "6/30/01", all other signatures regarding the matter were obtained in 2011.