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February 20, 2018

REGULAR MAIL AND E-MAIL

David Perry Davis, Esq.
57 Hamilton Avenue, Suite 301
Hopewell, NJ 08525

Re: **In the Matter of David Perry Davis**
Docket No. DRB 17-392
District Docket No. XIV-2013-0063E
LETTER OF ADMONITION

Dear Mr. Davis:

The Disciplinary Review Board has reviewed your conduct in the above matter and has concluded that it was improper. Following a review of the record, the Board has determined to impose an admonition.

Specifically, E.L., an attorney licensed to practice law in New Jersey, was married to K.W.L., who was granted a Temporary Restraining Order (TRO) against E.L. on October 21, 2010. Almost two years later, on October 10, 2012, E.L. was granted a TRO against K.W.L.'s father, J.W. Initially, that TRO matter was scheduled for a hearing, in the Superior Court of New Jersey, on January 23, 2013. On or about October 23, 2012, J.W. retained you to represent him in connection with the TRO that E.L. had obtained against him. Prior to the scheduled hearing, E.L. made written and verbal representations, including to the Superior Court Judge assigned to the matter, that he desired to dismiss the TRO against J.W. E.L., however, never took the action required to dismiss the TRO.

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Subsequently, you left a voicemail message for E.L., in which you clearly attempted to induce E.L. to immediately dismiss the TRO against J.W. by threatening a potential six-month law license suspension in connection with the restraining order that K.W.L. had secured against him. The content of the voicemail, objectively, constitutes a threat that J.W. and K.W.L. would seek to initiate disciplinary action against E.L. if he did not immediately – by the end of the day – dismiss the TRO against J.W. That E.L. was an attorney, that he had previously represented that he would dismiss the TRO, that you were frustrated that he had not done so, and that E.L.'s TRO was ultimately dismissed at trial, do not excuse or negate the impropriety of your conduct. In sum, you attempted to leverage the attorney disciplinary system to achieve a positive outcome for your client, J.W. – the dismissal of E.L.'s TRO against him, in violation of RPC 8.4(d), ACPE Opinion 721, 204 N.J.L.J. 928 (June 27, 2011), and In Re George, 174 N.J. 538 (2002).

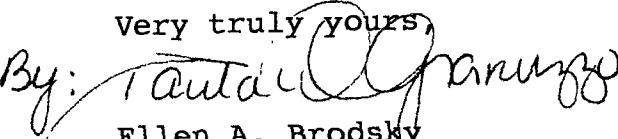
In imposing only an admonition, the Board considered the following mitigating factors: you have no prior discipline; you have completed extensive, successful pro bono work for indigent clients; and your conduct in this matter, while ill-conceived, was aberrational.

Your conduct has 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. Rule 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,

By: 
Ellen A. Brodsky
Chief Counsel

c: see attached list

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