

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on September 17, 2020, the following order was made and entered:

Lawyer Disciplinary Board,  
Petitioner

vs.) No. 19-0942

Melissa D. Davis, a suspended  
member of The West Virginia State Bar,  
Respondent

**ORDER**

By order entered January 10, 2019, the law license of the respondent, Melissa D. Davis, was suspended and other sanctions imposed. Respondent's law license remains suspended by that order.

On August 5, 2020, the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by its Chair Gail T. Henderson-Staples, filed its written recommended disposition in accordance with Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, recommending that:

- (1) The respondent's law license be suspended for a period of two years under Rule 3.15 of the Rules of Lawyer Disciplinary Procedure;
- (2) Respondent be required to petition for reinstatement under Rule 3.32 of the Rules of Lawyer Disciplinary Procedure;
- (3) Upon reinstatement, respondent's practice be supervised for a period of two years;
- (4) Prior to reinstatement, respondent complete nine hours of continuing legal education in ethics, specifically in office management, in addition to such ethics hours as she is otherwise required to complete to maintain an active license;
- (5) Respondent be ordered to refund the seven hundred fifty dollars (\$750.00) retainer fee she received from complainant Duncan; and
- (6) Respondent be ordered to reimburse the Lawyer Disciplinary Board the costs of these proceedings pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Thereafter, on August 28, 2020, the Office of Disciplinary Counsel, by Joanne M. Vella Kirby, Lawyer Disciplinary Counsel, filed its consent to the recommendation. The respondent did not file a consent or an objection to the recommendation.

Upon consideration of the recommendation, the Court is of the opinion to and does hereby concur with and does hereby approve the recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ORDERED that:

- (1) The license to practice law in the State of West Virginia of the respondent, Melissa D. Davis, shall be, and it hereby is, suspended for a period of two years;
- (2) Respondent is required to petition for reinstatement under Rule 3.32 of the Rules of Lawyer Disciplinary Procedure;
- (3) If the respondent's license to practice law in the State of West Virginia is reinstated on a future date, respondent's practice shall be supervised for a period of two years;
- (4) Prior to filing a petition for reinstatement, the respondent shall complete an additional nine hours of continuing legal education in ethics, specifically in law office management, over and above all required hours of mandatory continuing legal education required to maintain an active license;
- (5) Respondent shall refund the seven hundred fifty dollars (\$750.00) retainer fee to complainant Duncan; and
- (6) Respondent shall pay the costs of these proceedings in accordance with Rule 3.15 of the Rules of Lawyer Disciplinary Procedure.

Service of a copy of this order upon the respondent, Melissa D. Davis, the Office of Disciplinary Counsel, and the West Virginia State Bar shall constitute sufficient notice of the contents herein.

A True Copy

Attest: /s/ Edythe Nash Gaiser  
Clerk of Court

