

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

SONYA CHARMAINE DAVIS,

Respondent.

Supreme Court Case  
No. SC19-1447

The Florida Bar File  
No. 2019-30,225(10A)

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**REPORT OF REFEREE ACCEPTING CONSENT JUDGMENT**

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On August 28, 2019, The Florida Bar filed its Complaint against Respondent in these proceedings. The parties herein entered into a Conditional Guilty Plea for Consent Judgment. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

## II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary of Case. Saint Paul Woodard hired respondent to replace John Martinez as counsel of record in Mr. Woodard's pending dissolution of marriage. Respondent sent Mr. Martinez a Joint Motion for Substitution of Counsel, but Mr. Martinez refused to sign the motion without a hearing. Despite the passage of three months, respondent did not commence any proceeding to pursue the substitution of counsel. Respondent indicated that during this period she began drafting documents related to the dissolution in preparation of her substitution as counsel. Ultimately, Mr. Woodard terminated respondent's representation. Mr. Martinez filed a Motion to Withdraw as Counsel in the dissolution proceeding and set the motion for a hearing. Before the hearing, Mr. Martinez and William Allen, substitute counsel, filed a Stipulation for Substitution of Counsel. The Court entered an Order granting Mr. Allen's substitution of counsel. Mr. Woodard sent respondent correspondence by certified mail to terminate her representation while alleging that respondent had rendered no valuable services. Thereafter, Mr. Woodard hand-delivered a copy of the

termination letter personally upon respondent. During that meeting, respondent provided Mr. Woodard with a copy of his file. Respondent failed to timely respond to the bar's written inquiries. During her sworn statement, respondent provided a written response to Mr. Woodard's bar complaint and stated that after she moved her law office, she had problems receiving email and her forwarded U.S. mail.

### III. RECOMMENDATIONS AS TO GUILT

In accordance with the Conditional Guilty Plea for Consent Judgment, I recommend that respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-1.2(a) Lawyer to Abide by Client's Decisions; 4-1.3 Diligence; and, 4-8.4(g) Misconduct.

### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

#### 4.4 Lack of Diligence

4.44 Admonishment is appropriate when a lawyer is negligent and does not act with reasonable diligence in representing a client and causes little or no actual or potential injury to a client.

#### 9.22 Aggravating factors

- (i) substantial experience in the practice of law.

#### 9.32 Mitigating Factors

- (a) absence of a prior disciplinary record;
- (b) absence of a dishonest or selfish motive; and,
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings

## V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Sharon Lee Stedman, SC18-1985 – By Court order dated October 31, 2019, the Court admonished respondent by writing within the referee's report. In one matter, respondent failed to diligently handle a matter on behalf of the client's son pertaining to his suspended driver's license. Respondent did not maintain clear and adequate communication with the client despite repeated requests for status updates. Respondent attempted to file a petition on behalf of the client's son, which was not accepted by the clerk's office. Thereafter, respondent did not file anything with the court. The client hired substitute counsel who successfully completed the matter. Respondent deposited cost funds into her operating account rather than a trust account. Respondent acknowledged that she did not fully comply with the trust accounting rules and that she did not maintain a trust account. In another matter, respondent was retained to handle a post-conviction matter for an inmate. As part of her post-conviction practice, respondent utilized the services of a paralegal, another inmate, for assistance with

research and drafting motions. Respondent did not diligently review the draft of the Motion to Correct Illegal Sentence in conjunction with the docket sheet for the underlying matter before filing the motion. The trial court denied the post-conviction relief, finding that it was a successive motion and further determined that the client was not entitled to re-sentencing.

The Florida Bar v. Joshua Lopez, SC17-2238 - By Court order dated May 24, 2018, respondent received an admonishment for minor misconduct. Respondent attended a hearing for a family law client on behalf of his supervising attorney. Respondent appeared late for the hearing due to a diary error. The client was also late for the hearing, after being informed of an inaccurate start time by respondent's firm. At the hearing, respondent failed to inquire about the status of a pending motion to dismiss filed by his firm. The trial court entered an order denying the motion to dismiss noting that any venue or jurisdiction arguments were waived since they were not argued and/or prosecuted during the hearing. This was an isolated instance of negligence, and respondent had no prior disciplinary record.

The Florida Bar v. Elsa Figueras-Williams, SC16-1038 - By Court order dated July 20, 2017, respondent received an admonishment for minor misconduct. Respondent failed to diligently defend her clients' foreclosure matter and to maintain adequate communications with the clients. Respondent also failed to

timely respond to an inquiry from the bar. During this period, respondent suffered from a series of significant medical issues. She had no prior discipline.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

In accordance with the Conditional Guilty Plea for Consent Judgment, I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that she be disciplined by:

- A. Admonishment administered in writing within the Report of Referee; and,
- B. Payment of the disciplinary costs incurred.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of respondent, to wit:

Age: 59

Date admitted to the Bar: April 20, 2001

Prior Discipline: None

VIII. ADMONISHMENT

Sonya Charmaine Davis, your misconduct in this matter, while found to be minor and perhaps unintentionally committed, is nevertheless a violation of the

Rules Regulating The Florida Bar. All violations of the code of conduct, even those such as yours, threaten our existence as a profession.

I trust that from this point forth your professional conduct will help preserve our profession and be in compliance with our code. Pride in your profession and self-respect should encourage you in this regard.

This admonishment is now a permanent part of your bar record. The lawyers of Florida expect your future conduct to always be in compliance with your oath and your obligations to our profession.

IX. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

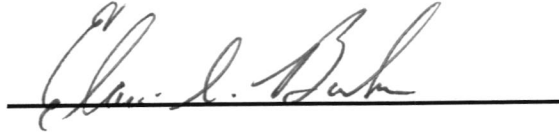
I find the following costs were reasonably incurred by The Florida Bar:

Administrative Fee	\$1,250.00
Bar Counsel Costs	\$14.06
Court Reporters' Fees	\$519.65
Investigative Costs	\$331.70

TOTAL	\$2,115.41
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It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 23rd day of January, 2020.

A handwritten signature in cursive script, appearing to read "Elaine A. Barbour", is written over a solid horizontal line.

ELAINE AGNES BARBOUR, Referee

Original To:

Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927.

Conformed Copies to:

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