

FILED

Feb 25 2020
Disciplinary
Board

Docket # 013

BEFORE THE
DISCIPLINARY BOARD
OF THE
WASHINGTON SUPREME COURT

In re

JERRY J. DAVIS,
Lawyer (Bar No. 33294).

Proceeding No. 19#00045

ODC File No. 19-00988 and 19-01644

Resignation Form of Jerry J. Davis (ELC
9.3(b))

I, Jerry J. Davis, declare as follows:

1. I am over the age of eighteen years and am competent. I make the statements in this declaration from personal knowledge.

2. I was admitted to practice law in the State of Washington on December 16, 2002.

3. I was served with a First Amended Formal Complaint and Notice to Answer in this matter on January 3, 2020.

4. I have voluntarily decided to resign from the Washington State Bar Association (the Association) in Lieu of Discipline under Rule 9.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

5. Attached hereto as Exhibit A is Disciplinary Counsel's statement of alleged

1 misconduct for purposes of ELC 9.3(b). I am aware of the alleged misconduct stated in
2 Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
3 permanently resign from membership in the Association.

4 6. I consent to entry of an order under ELC 13.9(e) assessing expenses of \$1,500 in
5 this matter.

6 7. I agree to pay any additional costs or restitution that may be ordered by a Review
7 Committee under ELC 9.3(g).

8 8. I understand that my resignation is permanent and that any future application by
9 me for reinstatement as a member of the Association is currently barred. If the Washington
10 Supreme Court changes this rule or an application is otherwise permitted in the future, it will be
11 treated as an application by one who has been disbarred for ethical misconduct. If I file an
12 application, I will not be entitled to a reconsideration or reexamination of the facts, complaints,
13 allegations, or instances of alleged misconduct on which this resignation was based.

14 9. I agree to (a) notify all other states and jurisdictions in which I am admitted of this
15 resignation in lieu of discipline; (b) seek to resign permanently from the practice of law in all
16 other states and jurisdictions in which I am admitted; and (c) provide disciplinary counsel with
17 copies of this notification and any response(s). I acknowledge that this resignation could be
18 treated as a disbarment by all other jurisdictions.

19 10. I agree to (a) notify all other professional licensing agencies in any jurisdiction
20 from which I have a professional license that is predicated on my admission to practice law of
21 this resignation in lieu of discipline; (b) seek to resign permanently from any such license; and
22 (c) provide disciplinary counsel with copies of any of these notifications and any responses.

23 11. I agree that when applying for any employment, I will disclose the resignation in

1 lieu of discipline in response to any question regarding disciplinary action or the status of my
2 license to practice law.

3 12. I understand that my resignation becomes effective on Disciplinary Counsel's
4 endorsement and filing of this document with the Clerk, and that under ELC 9.3(c) Disciplinary
5 Counsel must do so promptly following receipt of this document.

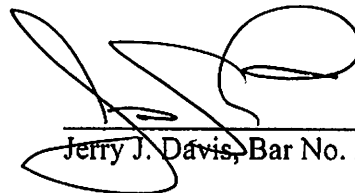
6 13. When my resignation becomes effective, I agree to be subject to all restrictions that
7 apply to a disbarred lawyer.

8 14. Upon filing of my resignation, I agree to comply with the same duties as a
9 disbarred lawyer under ELC 14.1 through ELC 14.4.

10 15. I understand that, after my resignation becomes effective, it is permanent. I will
11 never be eligible to apply and will not be considered for admission or reinstatement to the
12 practice of law nor will I be eligible for admission for any limited practice of law.

13 16. I certify under penalty of perjury under the laws of the State of Washington that
14 the foregoing is true and correct.

15 2-25-2020
16 Shelton WA
17 Date and Place


18 _____
19 Jerry J. Davis, Bar No. 33294

20 ENDORSED BY:



21 _____
22 Joanne S. Abelson, Managing Disciplinary Counsel
23 Bar No. 24877

EXHIBIT A

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In re

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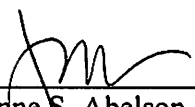
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STATEMENT OF ALLEGED
MISCONDUCT UNDER ELC 9.3(b)(1)

The attached First Amended Formal Complaint, filed on January 2, 2020, constitutes Disciplinary Counsel's statement of alleged misconduct under Rule 9.3(b)(1) of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC).

DATED this 9th day of January, 2020.



Joanne S. Abelson, Bar No. 24877
Managing Disciplinary Counsel

FILED

Jan 02 2020

Disciplinary
Board

Docket # 011

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JERRY J. DAVIS,

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Proceeding No. 19#00045

FIRST AMENDED FORMAL COMPLAINT

Under Rule 10.3 of the Washington Supreme Court's Rules for Enforcement of Lawyer Conduct (ELC), the Office of Disciplinary Counsel (ODC) of the Washington State Bar Association charges the above-named lawyer with acts of misconduct under the Washington Supreme Court's Rules of Professional Conduct (RPC) as set forth below.

ADMISSION TO PRACTICE

1. Respondent Jerry J. Davis was admitted to the practice of law in the State of Washington on December 16, 2002.

FACTS REGARDING COUNT 1

2. On January 30, 2018, the Thurston County Prosecutor filed an information charging Respondent with two counts of first degree possession of depictions of a minor engaged in sexually explicit conduct, in violation of RCW 9.68A.070(1), as defined by RCW

1 9.68A.011(4)(a)-(e). State v. Davis, Thurston County Superior Court No. 18-1-00157-34.

2 3. RCW 9.68A.070(1) is a class B felony.

3 4. On September 19, 2018, the Thurston County Prosecutor filed an amended
4 information charging Respondent with one count of violating RCW 9.68A.070(1), as defined by
5 RCW 9.68A.011(4)(a)-(e).

6 5. On September 19, 2018 Respondent entered a guilty plea to the amended
7 information.

8 6. The court accepted Respondent's guilty plea that day.

9 7. In his Statement of Defendant on Plea of Guilty to Sex Offense (Felony),
10 Respondent admitted: "On or about a time between January 22, 2018 and January 23, 2018, in
11 Thurston County, Washington, I did knowingly possess visual material depicting a minor
12 engaged in sexually explicit conduct, to wit a minor male being masturbated by another
13 person."

14 8. On December 3, 2018, the court sentenced Respondent to 14 months in prison.

15 **COUNT 1**

16 9. By committing the crime of possession of depictions of a minor engaged in sexually
17 explicit conduct, Respondent violated RPC 8.4(b) and/or RPC 8.4(i).

18 **FACTS REGARDING COUNT 2**

19 10. On October 25, 2018, the Benton County Prosecutor filed an information charging
20 Respondent with one count of first degree child molestation, in violation of RCW 9A.44.083,
21 and one count of sexual exploitation of a minor, in violation of RCW 9.68A.040(1)(b), with
22 aggravating circumstances of position of trust and victim vulnerability as to both counts. State
23 v. Davis, Benton County Superior Court No. 18-1-01303-03.

1 11. On November 6, 2019, the Benton County Prosecutor filed an amended information
2 charging Respondent with one count of first degree child molestation in violation of RCW
3 9A.44.083.

4 12. On November 6, 2019 Respondent entered a guilty plea to the amended information.

5 13. The court accepted Respondent's guilty plea that day.

6 14. In his Statement of Defendant on Plea of Guilty to Sex Offense (Felony),
7 Respondent admitted: "In Benton County, State of Washington, during the time between April
8 of 2015 and April of 2017, I intentionally aided or assisted another adult to engage in sexual
9 contact with E.D. (DOB: 08/03/2011), a person less than twelve years of age at the time, and I
10 and the other adult were more than 36 months older than E.D. and not married to E.D., by
11 allowing this adult access to E.D. for the purpose of that adult touching E.D.'s penis for sexual
12 gratification in my presence, and for my sexual gratification as well."

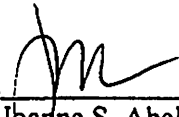
13 15. Sentencing currently is set for January 22, 2010.

14 **COUNT 2**

15 16. By committing the crime of first degree child molestation, Respondent violated RPC
16 8.4(b) and/or RPC 8.4(i).

17 THEREFORE, Disciplinary Counsel requests that a hearing be held under the Rules for
18 Enforcement of Lawyer Conduct. Possible dispositions include disciplinary action, probation,
19 restitution, and assessment of the costs and expenses of these proceedings.

20 Dated this 2nd day of January, 2020

21 
22 _____
23 Joanne S. Abelson, Bar No. 24877
Managing Disciplinary Counsel