

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1163, Disciplinary Docket No. 3
Petitioner	:	
	:	No. 71 DB 2005
v.	:	
	:	Attorney Registration No. 77245
NATHANIEL M. DAVIS	:	
Respondent	:	(Out of State)

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On May 12, 2005, Office of Disciplinary Counsel filed a Petition for Discipline against Nathaniel M. Davis, Respondent. The Petition charged Respondent with violation of numerous Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of allegations that Respondent engaged in the unauthorized practice of law. Respondent filed an Answer to Petition for Discipline on June 30, 2005.

A disciplinary hearing was held on September 28, 2005, before a District I

Hearing Committee comprised of Chair Martin L. Trichon, Esquire, and Members Theresa M. Italiano, Esquire, and A. Harold Datz, Esquire. Respondent was represented by James C. Schwartzman, Esquire.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on February 21, 2006, finding that Respondent violated the Rules as charged in the Petition for Discipline, and recommending that he be suspended for a period of one year and one day.

No Briefs on Exception were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on March 29, 2006.

II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Pa.R.D.E. 207, with the power and duty to investigate all matters involving alleged misconduct of any attorney admitted to practice law in the Commonwealth and to prosecute all disciplinary proceedings brought in accordance with the various provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Nathaniel M. Davis, was born in 1967 and was admitted to practice law in the Commonwealth in 1996. His registered principal address for the

practice of law is 136 Central Ave., Clark NJ 07066. His current office address is 40 East Park Street, Newark NJ 07102.

3. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

4. Respondent has no prior record of discipline.

5. At all relevant times, Respondent was engaged in the practice of law from an office he maintained in New Jersey, where he is also licensed to practice law.

6. By Order of the Supreme Court of Pennsylvania dated August 4, 2003, effective September 3, 2003, Respondent was transferred to inactive status pursuant to Rule 111(b), Pa.R.C.L.E., for failure to satisfy the Continuing Legal Education (CLE) requirements for his compliance period.

7. Between October 1999 and March 2001, Respondent signed and filed with the CLE Board three non-resident active status forms for years ending 1999, 2000, and 2001, and on all three forms:

a. Respondent represented that he “did not practice law in Pennsylvania” nor did he “represent any Pennsylvania clients/residents during the CLE compliance period which this form is to be applied”;

b. Respondent represented that he “agreed[d] not to practice law in Pennsylvania nor represent any Pennsylvania clients/residents in Pennsylvania courts while on non-resident active status”;

c. Respondent represented that he understood that if for

any reason he no longer met the above conditions, he must notify the CLE Board immediately;

d. Respondent represented that he understood that if he violated the statements contained in the application, he may be placed on involuntary inactive status; and

e. Respondent represented that the statements made on the form were made “subject to the penalties of 18 Pa.C.S.A. Section 4904 (relating to unsworn falsification to authorities).”

8. Between July 31, 2001 and September 6, 2001, Respondent engaged in the practice of law in Pennsylvania in that:

a. on July 31, 2001, Respondent filed a complaint on behalf of the plaintiff in the matter of Yoon v. Faith Theological Seminary I et. al., (2900 matter) in the Philadelphia Court of Common Pleas; and

b. On September 6, 2001, Respondent filed a “Response to Preliminary Objections Faith Theological Seminary I, Inc., Dr. Carl McIntire and Dr. Norman Manohar” in the Yoon matter.

9. CLE Board Regulation Section 6(e)(2) provides that a non-resident active lawyer must notify the Board if he or she chooses to practice law in the Commonwealth of Pennsylvania and must satisfy the CLE requirements.

10. Subsequent to the filing of the aforementioned pleadings, Respondent failed to comply with the CLE Board Regulation Section 6(e)(2) by failing to immediately

notify the CLE Board and failing to satisfy the CLE requirements.

11. In and under cover of a letter dated February 22, 2002, addressed to Respondent at 317 Brook Avenue, North Plainfield NJ 07060 (home address), the CLE Board:

a. forwarded to Respondent a “Non-Resident Active Status Compliance Year Ending in 2002” form, informed Respondent that Non-Resident Active Status (NRA) deferral “expires each year on [his] compliance deadline and must be renewed annually prior to [his] deadline to continue the deferral of [his] CLE obligations”;

b. informed Respondent that “should [he] decide not to renew his NRA deferral before [his] next compliance deadline, [he] must complete [his] CLE requirements”; and

c. informed Respondent that the “then-current CLE requirements must be completed by the first occurring deadline and all deferred CLE requirements from the previous two (2) compliance years must be completed within twelve (12) months of the expiration of the NRA deferral.”

12. Respondent received the CLE Board’s February 22, 2002 correspondence.

13. After receiving the NRA form for year ending 2002, Respondent did not complete and file the form with the CLE Board until the passage of over sixteen

months, or until August 11, 2003.

14. On July 9, 2002, Respondent contacted the CLE Board and spoke to Susan Miller, Provider Coordinator; Ms Miller explained to Respondent that “if [he] c[a]me to Pennsylvania [he] must do the hours.”

15. Between August 2, 2002 and August 20, 2003:

a. Respondent filed a complaint on behalf of the plaintiff in the matter of Yoon v. Faith Theological Seminary I et. al. (4933 matter) in the Philadelphia Court of Common Pleas;

b. Respondent filed a “Praecipe to Overrule Preliminary Objections in the Yoon matter;

c. Respondent filed a second “Praecipe to Overrule Preliminary Objections” in the Yoon matter; and

d. Respondent filed a third “Praecipe to Overrule Preliminary Objections” in the Yoon matter.

16. Respondent failed to comply with the CLE Board Regulation Section 6(e)(2) in that he failed to immediately notify the CLE Board that he no longer met the requirements of a non-resident active status attorney and he failed to satisfy the CLE requirements for his compliance period.

17. Between October 4, 2002 and May 27, 2003 the CLE Board made not less than three attempts to provide Respondent with notice of his CLE requirements.

18. In and under cover of a letter dated October 4, 2002, addressed to

Respondent's home address, and entitled "Preliminary Annual CLE Report", the CLE Board:

a. forwarded to Respondent a "Supreme Court of Pennsylvania Continuing Legal Education Board Course Attendance Record Preliminary" form that lists one Course with a Course date of November 12, 1997, and states that requirements were met for year 1999 and requirements were not met for years 2000, 2001 and 2002.

b. Represented that the letter was sent to Respondent to "remind him of [his] Pennsylvania Continuing Legal Education requirements, to inform [him] of the status of [his] Course attendance record, and to provide [him] ample time to complete [his] requirements if [he][has] not already done so"; and

c. Represented that "lawyers who have not completed the requirements for compliance or been granted an approved extension will be considered non-compliant, assessed a \$100 late fee, and subject to Pa.R.C.L.E 111."

19. Respondent received the CLE Board's October 4, 2002 correspondence.

20. In and under cover of letters dated February 21, 2003, and May 27, 2003, addressed to Respondent at his home address, the CLE Board:

a. forwarded to Respondent an invoice for "Initial Late Fee

for Non-Compliance”,

b. forwarded to Respondent a “Non-Resident Active Status Compliance Year Ending in 2002” form;

c. represented that “Respondent had failed to meet his Pennsylvania Continuing Legal Education requirements and is non-compliant for the year ending December 31, 2002”;

d. represented that the “process of preparing the list of names of **non-compliant** attorneys for submission to the **Pennsylvania Supreme Court** is nearing completion”.

e. represented that if “Respondent failed to comply with the PACLE Rules and Regulations within the additional time provided, the Supreme Court will enter an order to involuntarily inactivate Respondent’s license; and

f. represented that once “the Supreme Court Order is issued, in order to return to an active status, a non-compliant attorney must complete the then current year’s requirements and any unfulfilled requirements from the preceding two compliance years, pay the \$100 initial late compliance fee, the \$100 second late compliance fee, and the \$100 reinstatement fee if not previously paid.”

21. Respondent received the CLE Board’s February 21, 2003 correspondence.

22. Respondent received the CLE Board's May 27, 2003 correspondence.

23. Respondent failed to take the courses necessary to comply with the CLE Board's requirements.

24. Between October 23, 2002 and August 4, 2003:

a. Respondent filed a Motion for Extraordinary Relief in the Yoon matter;

b. Respondent filed a Response to Preliminary Objections by Faith Theological Seminary, Dr. Carl McIntire and Dr. Norman Manohar, in the Yoon matter;

c. Respondent filed a Response to Defendant's Motion to Dismiss Complaint Against Dr. Carl McIntire;

d. Respondent filed an Answer of Plaintiff to Defendant's New Matter;

e. Respondent filed a Praecipe for Substitution of Successor to the Yoon matter;

f. Respondent filed a Response of Plaintiff For the Denial of Motion of Defendant, Korea Central Daily News For the Entry of A Judgment Of Non Pros Pursuant to Pennsylvania Rules of Civil Procedure 4019(3); and

g. Respondent filed a Motion for Reconsideration.

25. In and under cover of a letter dated August 4, 2003, addressed to

Respondent at his home address and sent by certified mail return receipt requested, Elaine

M. Bixler, Secretary to the Disciplinary Board:

a. forwarded to Respondent a copy of the Order of the Supreme Court of Pennsylvania, dated August 4, 2003, transferring him to inactive status;

b. forwarded to Respondent copies of Rule 217 of the Pennsylvania Rules of Disciplinary Enforcement and Sections 91.91-91.99 of the Disciplinary Board Rules and informed Respondent that he was required to comply with those Rules;

c. forwarded to Respondent Form DB-23(i), Nonlitigation Notice of Transfer to Inactive Status;

d. forwarded to Respondent Form DB -24(i), Litigation Notice of Transfer to Inactive Status;

e. forwarded to Respondent Form DB 25-(i), Statement of Compliance; and

f. informed Respondent that in order to resume active status, he would be required to comply with the Pennsylvania Rules for Continuing Legal Education before a request for reinstatement to the Disciplinary Board would be considered.

26. On August 7, 2003, an immediate family member of Respondent signed for Ms. Bixler's letter.

27. Respondent received Ms. Bixler's August 4, 2003 correspondence.

28. In and under cover of letter dated August 4, 2003, addressed to Respondent at his home address, the CLE Board:

a. forwarded to Respondent an invoice for "Reinstatement Processing Fee Invoice" in the amount of \$100;

b. forwarded to Respondent another "Non-Resident Active Status Compliance Year Ending in 2002" Form;

c. represented that "Respondent will be transferred to inactive status for failure to comply with the Pennsylvania Rules for Continuing Legal Education; and

d. represented that to be eligible for reinstatement, a lawyer must complete the then current year's CLE requirements and any unfulfilled requirements from the preceding two compliance years, based upon the date of written application for reinstatement and pay any outstanding fees.

29. Respondent received the CLE Board's August 4, 2003 correspondence.

30. After receiving Ms. Bixler's August 4, 2003 letter, Respondent failed to comply with the Supreme Court's Order and Pa.R.D.E. 217 in that Respondent failed to:

a. discontinue practicing law, as required by Pa.R.D.E. 217(j);

b. wind down his Pennsylvania law practice as required by Pa.R.D.E. 217(d);

c. complete and file with the Board Secretary Form DB 25(i) within ten days after the effective date of his transfer to inactive status, as required by Pa.R.D.E. 217(e), or at any time thereafter;

d. promptly notify the plaintiff in the Yoon matter of his transfer to inactive status and consequent inability to act as an attorney after the effective date of the transfer to inactive status as required by Pa.R.D.E. 217(b);

e. promptly notify the attorney for the defendant in the Yoon matter of his transfer to inactive status and inability to act as an attorney after the effective date of the transfer to inactive status, as required by Pa.R.D.E. 217(b); and

f. promptly notify the court and court officials of his transfer to inactive status, as required by Pa.R.D.E. 217(c)(2).

31. On August 11, 2003, Respondent took action prior to the effective date of the transfer to inactive status Order, thereby attempting to avoid his transfer to inactive status. Respondent:

a. signed and filed with the CLE Board a Non –Resident Active Status Compliance Year Ending in 2002 Form endorsed by Respondent on August 11, 2003, thereby falsely affirming that Respondent

“did not practice law in Pennsylvania” and did not “represent any Pennsylvania clients/residents in Pennsylvania state courts during the CLE compliance period in which this Form is to be applied”; the form contained a verification that Respondent’s statements were made subject to the penalties of 18 Pa.C.S.A. Section 4904; and

b. submitted a payment to the CLE Board in the amount of \$300 for late fees for non-compliance with his non-resident active status.

32. On August 20, 2003, Respondent continued to engage in the practice of law in Pennsylvania in that he filed a response to defendants’ Motion for Summary Judgment in the Yoon matter.

33. Subsequent to the filing of the above pleading, Respondent failed to comply with CLE Board Regulations Section 6(e)(1) and (2) in that he:

a. failed to cease practicing law in Pennsylvania after he signed and filed a Non-Resident Active Status for Year Ending 2002 with the CLE Board;

b. failed to honor his agreement with the CLE Board to not practice law in Pennsylvania while on non-resident active status;

c. failed to immediately notify the CLE Board that he no longer met the requirements of a non-resident active status attorney; and

d. failed to satisfy the CLE requirements for his current compliance period by attendance at approved CLE courses.

34. On August 27, 2003, Ricki Lynn Emery, Compliance Specialist, CLE Board, left a voice-message for Respondent stating that he failed to send the \$25 filing fee with his Non-Resident Active Form and late fee payments and to call the CLE Board.

35. Respondent failed to make the delinquent \$25 filing fee payment, and therefor was not placed on NRA status for year ended 2002.

36. The effective date of the Order of the Supreme Court of Pennsylvania transferring Respondent to inactive status was September 3, 2003.

37. Between September 17 and October 10, 2003, Respondent:

a. appeared as counsel for plaintiff in two arbitration hearings in the Yoon matter;

b. filed a Notice of Appeal from Award of Board of Arbitrators; and

c. had contact with the plaintiff in the Yoon matter in person, by telephone and/or in writing, and rendered legal consultation and advice to the plaintiff in the Yoon matter.

38. By letter dated October 3, 2003, addressed to Respondent at his home address, the CLE Board represented that the PACLE records indicated that Respondent's status for the compliance year was inactive.

39. On November 24, 2003, Respondent failed to appear at a Status/Trial Scheduling conference in the Yoon matter.

40. By Order dated January 14, 2004, the Honorable Norman Ackerman

ordered that “Plaintiff [sic] counsel having failed to appear at Status/Trial Scheduling Conference and sufficient notice being made upon said counsel, Sanctions are imposed upon Nathaniel Davis, Esquire, in the amount of \$650 to be paid within ten days of the Order.”

41. On January 15, 2003, Respondent was served with the January 14, 2004 Order.

42. By Order dated February 2, 2004, in the Yoon matter, Judge Ackerman ordered that “Nathaniel Davis, Esquire, having failed to comply with the Court’s Order dated 1-14-04 imposing sanctions, a Rule Returnable is hereby entered to show cause why Nathaniel Davis, Esquire, should not be held in contempt.”

43. On March 3, 2004, Respondent complied with the Court’s January 14, 2004 Order by satisfying the sanctions imposed upon him.

44. Between May 19, 2004 and July 1, 2004, Respondent:

a. under cover of letter dated May 19, 2004, to Michael K. Twersky, Esquire, counsel for defendants, forwarded to Mr. Twersky Plaintiff’s Memorandum of Law in Opposition to the Motion in Limine to Preclude Introduction of Evidence Contrary to the Pennsylvania Superior Court’s Opinion in Faith Theological Seminary, Inc,

b. under cover of a second letter dated May 19, 2004 to Mr. Twersky, forwarded Plaintiff’s Memorandum of Law in opposition of the Motion in Limine to Preclude Plaintiff From Introducing Evidence Concerning

his Alleged Damages;

- c. on May 21, 2004 filed a Response in the Yoon matter;
- d. On May 21, 2004, filed a second pleading captioned Response in the Yoon matter; and
- e. until July 1, 2004 failed to withdraw his representation of the plaintiff in the Yoon matter.

45. On June 1, 2004, Respondent had a conversation with Mr. Twersky, during which:

- a. Mr. Twersky told Respondent that Respondent was on inactive status;
- b. Mr. Twersky told Respondent that pursuant to the Rules of Professional Conduct, he had an obligation to inform the court and the Disciplinary Board that Respondent was engaging in the unauthorized practice of law;
- c. Respondent told Mr. Twersky that he was unaware of his inactive status; and
- d. Respondent told Mr. Twersky that he never intended to represent plaintiff at trial and another attorney would do so.

46. By letter dated June 2, 2004, from Mr. Twersky to Judge Ackerman and copy sent to Respondent, Mr. Twersky:

- a. represented that Respondent was actively involved in

the Yoon matter since September 17, 2003, filed several pleadings with the Court, represented plaintiff during the September 17, 2003 arbitration, and filed an appeal of the arbitration decision;

b. represented that he contacted Respondent by telephone and informed him that he was obligated to inform the Pennsylvania Disciplinary Board that Respondent was arguably engaged in the unauthorized practice of law;

c. represented that Respondent informed him that Respondent was unaware of his inactive status; and

d. represented that Respondent informed him that Respondent never intended to represent plaintiff at trial.

47. By letter dated June 2, 2004, to Mary McGovern, Deputy Manager, Complex Litigation Center, Respondent:

a. represented that he was recently informed by Mr. Twersky that he “ha[d] been placed on the inactive list;

b. represented that based upon Respondent’s “inquiry with the Pennsylvania Bar Association” Respondent was “lacking the necessary CLE credits for Pennsylvania”; and

c. represented that Respondent discussed transferring the case to Robert Weatherly, Esquire.

48. Respondent’s letterhead to Mr Twersky and Mary McGovern indicated

that Respondent was “Admitted in N.J. and PA” but failed to indicate that Respondent was not eligible to practice law in Pennsylvania.

49. By Rule dated June 7, 2004, in the Yoon matter, Judge Ackerman ordered:

a. that Respondent show cause “why Plaintiff’s attorney, Nathaniel M. Davis, Esquire, should not be permitted to withdraw as counsel for the Plaintiff in the within matter”;

b. “that Nathaniel M. Davis, Esquire shall appear with his client in order to determine the ultimate status of this matter”, and

c. that the “RULE [be] returnable the 16th day of June , 2004 at 10 A.M.”

50. On June 16, 2004, Respondent failed to appear before Judge Ackerman.

51. By Order dated July 18, 2004, in the Yoon matter, the Honorable Mark I. Bernstein ordered: “AND NOW, this 18th date of June, 2004, no one having appeared at the Rule, Plaintiff’s appeal of arbitrators’ award is stricken.”

52. On July 1, 2004, Respondent withdrew from the Yoon matter by signing and filing a withdrawal of appearance with the Philadelphia Court of Common Pleas and Robert J. Weatherly, Esquire, entered his appearance.

53. Respondent submitted four letters attesting to his character.

III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 1.16(a)(1) - A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the representation will result in violation of the Rules of Professional Conduct or other law.

2. RPC 3.3(a)(1) - A lawyer shall not knowingly make a false statement of material fact or law to a tribunal.

3. RPC 4.1(a) - In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

4. RPC 5.5(a) - A lawyer shall not practice law in a jurisdiction in violation of the legal profession in that jurisdiction.

5. RPC 5.5(b) - A lawyer shall not practice law in a jurisdiction where to do so would be in violation of regulations of the profession in that jurisdiction.

6. RPC 7.1(a) - A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

7. RPC 7.5(a) - A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.

8. RPC 8.4(b) - It is professional misconduct for a lawyer to commit a

criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as lawyer in other respects.

9. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

10. RPC 8.4(d) - It is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

11. Pa.R.D.E. 203(b)(3) - A willful violation of any other provision of the Enforcement Rules shall constitute misconduct and shall be grounds for discipline, via:

a. Pa.R.D.E. 217(b) and 217(c)(2), by failing to notify Mr. Yoon, the court and opposing counsel of Respondent's actual transfer to inactive status;

b. Pa.R.D.E. 217(d) , by failing to properly conclude his Pennsylvania law practice;

c. Pa.R.D.E.217(e), by failing to file a verified statement of compliance (Form DB-25(i)) with the Disciplinary Board within ten days after the effective date of his transfer to inactive status;

d. Pa.R.D.E. 217(j)(1), 217(j)(3), and 217(j)(4)(ii-ix), by failing to cease and desist from engaging in law-related activities during his representation of Mr. Yoon while on inactive status.

IV. DISCUSSION

This matter is before the Board on a Petition for Discipline charging Respondent with numerous violations of the Rules of Professional Conduct and Rules of Disciplinary Enforcement arising out of allegations that he engaged in the unauthorized practice of law while on inactive status. Petitioner bears the burden of proving ethical misconduct by a preponderance of the evidence that is clear and satisfactory. Office of Disciplinary Counsel v. Grigsby, 425 A.2d 730 (Pa. 1981). Petitioner's evidence proved that Respondent violated the rules as set forth in the Petition for Discipline. This evidence consisted of the Joint Stipulation of Fact, Law and Exhibits and Respondent's testimony. The evidence demonstrates that Respondent engaged in the unauthorized practice of law in Pennsylvania for a period of three years and in connection with, and in furtherance of, his unauthorized practice, he engaged in misrepresentations to the court, opposing counsel and the CLE Board.

Respondent was admitted to practice law in Pennsylvania in 1996, but at all relevant times maintained his office for the practice of law in New Jersey, where he is also licensed. Respondent filed with the CLE Board Non-Resident Active Status forms in which he represented that he did not practice law in Pennsylvania nor did he represent any Pennsylvania clients or residents in Pennsylvania state courts. In fact, Respondent engaged in the practice of law in Pennsylvania commencing in July 2001, when he filed a complaint in the Philadelphia Court of Common Pleas on behalf of his client, Richard Yoon.

When Respondent received notice that the Supreme Court of Pennsylvania

was transferring him to inactive status, effective September 3, 2003, for failure to comply with Continuing Legal Education requirements, he attempted to avoid the transfer by fraudulently continuing his Non Resident Active status by making false statements to the CLE Board. Respondent made these statements to the CLE Board subject to the penalties of 18 Pa.C.S.A. §4904(b), relating to unsworn falsification to authorities.

In September 2003, after Respondent was transferred to inactive status, he continued to practice law by representing Mr. Yoon in the Court of Common Pleas and at an arbitration hearing. When opposing counsel confronted Respondent with his inactive status, Respondent denied that he was aware of it, despite the numerous notices to him regarding the inactive status. Respondent also made false statements to the trial court about his inactive status. The trial court issued a rule to show cause why Respondent should not be removed from the case and ordered Respondent and his client to appear before the court to determine the ultimate status of the case. Respondent failed to appear and consequently the court struck the client's appeal of an arbitration award. Respondent eventually withdrew from the case approximately one month after being confronted by opposing counsel.

An examination of disciplinary case law in similar matters shows that attorneys who engage in the unauthorized practice of law generally receive a suspension of at least one year and one day. In a case decided in December of 2004, the Board recognized that the Supreme Court of Pennsylvania has clearly determined that practicing law while on inactive status is a serious disciplinary offense. Office of Disciplinary Counsel

v. Sharon Goldin-Didinsky, 87 DB 2003, 969 Disciplinary Docket No. 3 (Pa. Dec. 4, 2004) (while on inactive status, respondent-attorney communicated with Pennsylvania courts regarding the subject matter of cases pending in those courts, used letterhead with a Pennsylvania office address but in fact did not have a Pennsylvania office; suspended for one year and one day). Other cases have resulted in suspension of one year and one day. Office of Disciplinary Counsel v. Harry Curtis Forrest, Jr., 134 DB 2003, 966 Disciplinary Docket No. 3 (Pa. Mar. 24, 2005); Office of Disciplinary Counsel v. Reginald H. Holder, 131 DB 1999, 660 Disciplinary Docket No. 3 (Pa. Mar. 23, 2001).

While no two cases are alike, taking into consideration the lengthy period of time Respondent engaged in misconduct and the egregiousness of his misrepresentations regarding his inactive status, a suspension of one year and one day is warranted. Respondent, as a licensed attorney, was aware of and understood his obligations to the CLE Board, the Pennsylvania Courts, and to his clients. He did not fulfill these obligations, instead choosing to ignore the many notices he received concerning the administrative details of his license. Respondent's actions demonstrate that he is unfit to practice law in Pennsylvania.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Nathaniel D. Davis, be suspended from the practice of law for a period of one year and one day.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: _____
Smith Barton Gephart, Board Member

Date: May 11, 2006

ORDER

PER CURIAM:

AND NOW, this 22nd day of August, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated May 11, 2006, it is hereby

ORDERED that Nathaniel M. Davis be and he is suspended from the Bar of this Commonwealth for a period of one year and one day, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.