

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

SONYA CHARMAINE DAVIS,
Respondent.

Supreme Court Case
No. SC21-437

The Florida Bar File Nos.
2020-30,732(10A), and
2021-30,063(10A)

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 March 23, 2021, The Florida Bar filed its Complaint against respondent in these proceedings. 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.

1. On or about October 30, 2019, Ms. Williams hired respondent to pursue modifications of child support and child custody. Shortly thereafter, Ms. Williams began providing respondent with some, but not all, required financial documents and information. Although Ms. Williams asked respondent to effect service upon Ms. Williams' former husband by the end of 2019, respondent was unable to do so. On or about February 6, 2020, respondent filed documents on Ms. Williams' behalf that included a Uniform Child Custody Jurisdiction Affidavit, Former Wife's Verified Petition for Modification of Final Judgment of Dissolution of Marriage, and Notice of Related Cases. On or about February 7, 2020, Ms. Williams terminated respondent and hired new counsel. During the three months that respondent represented Ms. Williams, respondent failed to timely respond to some client communications.

2. In a second matter, respondent failed to diligently proceed or effectively communicate with her client regarding a pending modification of child custody brought against him. The only document that respondent filed on the client's behalf was a notice of appearance. Despite the client's

termination of respondent, she failed to promptly withdraw from his case. Ultimately, the client matter was resolved when the opposing party voluntarily dismissed the action. Respondent's client was not prejudiced.

III. RECOMMENDATIONS AS TO GUILT

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; 4-1.4(a) Informing Client of Status of Representation; and, 4-8.4(d) Misconduct.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

3.2(b) Aggravating Factors

- (1) prior disciplinary offenses;
- (4) multiple offenses; and,
- (9) substantial experience in the practice of law.

3.3(b) Mitigating Factors

- (2) absence of a dishonest or selfish motive;
- (5) full and free to the bar or cooperative attitude toward the proceeding;

(7) good character or reputation (Respondent provides pro bono representation or representation at a greatly reduced rate in the Tenth Judicial Circuit to those who would otherwise be unable to afford an attorney. Respondent is active in the bar associations in her circuit. Respondent has provided legal services through Heart of Florida Legal Aid Society and Florida Rural Legal Services.); and,

(12) remorse.

4.4 Lack of Diligence

(c) Public Reprimand. Public reprimand is appropriate when a lawyer is negligent, does not act with reasonable diligence in representing a client, and causes injury or potential injury to a client.

8.1 Violation of Court Order or Engaging in Subsequent Same or Similar Misconduct

(c)(2) Public Reprimand. Public reprimand is appropriate when a lawyer: has received an admonishment for the same or similar misconduct and engages in further similar acts of misconduct.

V. CASE LAW

I considered the following case law prior to recommending discipline:

In The Florida Bar v. Saracco, 2018 WL 5734278 (Fla. Nov. 1, 2018) (Fla. Nov. 1, 2018), Saracco received a public reprimand and was directed

to complete Ethics School. Saracco neglected three matters during his association with a company that cancels timeshare contracts. Saracco and the company did not perform the work promised, failed to return calls, and failed to promptly refund fees when they were unsuccessful in terminating timeshare contracts.

In The Florida Bar v. Wilkins, 2018 WL 4513240 (Fla. Sept. 20, 2018), Wilkins received a public reprimand. After Wilkins filed a complaint in a civil case, he took no further action and allowed the case to languish in the court system for approximately two years. He did not communicate with his client for months at a time and failed to have vital discussions with his client which were necessary to advance his case.

In The Florida Bar v. Rosenblum, 2018 WL 4340076 (Fla. Sept. 6, 2018), Rosenblum received a public reprimand for neglect and inadequate communication. Rosenblum was paid \$500.00 and hired to draw up paperwork for a client regarding child support, but he neither prepared nor filed the documents. Rosenblum eventually returned the money 23 months after being hired.

In The Florida Bar v. Kozlowski, 2018 WL 6818978 (Fla. Dec. 27, 2018), Kozlowski was suspended for ten days. Kozlowski neglected two separate client matters and failed to timely respond to the bar's inquiries.

Kozlowski was experiencing personal problems during the time that the misconduct occurred. He had no prior discipline.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

A. Public reprimand by publication;

B. Respondent will attend Ethics School within 6 months of the date of the Supreme Court of Florida's order; and.

C. Payment of the disciplinary costs.

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: 61

Date admitted to the Bar: April 20, 2001

Prior Discipline: The Florida Bar v. Davis, SC19-1447 – By Court order dated February 13, 2020, respondent was admonished for minor misconduct that was administered within the Report of Referee. Davis was hired to replace the counsel of record in a pending dissolution of marriage. Davis sent a Joint Motion for Substitution of Counsel to the counsel of

record who declined to sign the motion without a hearing. Davis did not pursue the hearing for three months. Davis failed to timely respond to the bar's written inquiries.

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

I find the following costs were reasonably incurred by The Florida

Bar:

Investigative Costs	\$974.40
Court Reporters' Fees	\$870.50
Administrative Fee	\$1,250.00
TOTAL	\$3,094.90

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 30 days of the 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 21st day of June 2021.

/s/ 
HEATHER LYNN HIGBEE
Referee

Original To:

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

Conformed Copies (via email) to:

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