FILE NO. A07-1855

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action against WILLIE HERMAN DAVIS, JR., a Minnesota Attorney, Registration No. 298384.	**PETITION FOR REVOCATION OF PROBATION AND FOR FURTHER DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rule 12(a), Rules on Lawyers Professional Responsibility (RLPR), and pursuant to this Court's October 17, 2007, order in the matter.

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on December 16, 1999.

INTRODUCTION

By October 17, 2007, order, this Court suspended respondent from the practice of law for six months with the suspension stayed subject to a seven-year term of probation. A copy of the Court's order is attached as Exhibit 1.

Respondent's discipline was based upon respondent's conviction of felony driving while impaired in violation of Rule 8.4(b), Minnesota Rules of Professional Conduct (MRPC).

Among the terms and conditions of respondent's probation was the following:

a. Respondent shall abide by the Minnesota Rules of Professional Conduct.

b. Respondent shall comply with the terms of his criminal probation [which required, among other things, total abstinence from alcohol and other mood-altering chemicals].

c. Any positive read for ingested alcohol or mood-altering chemicals that are not prescribed by a physician or dentist will be grounds for revoking the stay of respondent's suspension from the practice of law.

Respondent has committed the following unprofessional conduct warranting revocation of probation and further public discipline:

FIRST COUNT

1. On January 4, 2010, respondent was convicted in Wisconsin Circuit Court of felony operating under the influence.

2. Rule 19(a), RLPR, provides, in relevant part:

> **Criminal Conviction.** A lawyer's criminal conviction in any American jurisdiction, even if upon a plea of nolo contendere or subject to appellate review, is, in proceedings under these Rules, conclusive evidence that the lawyer committed the conduct for which the lawyer was convicted.

3. On September 17, 2010, the Washington County District Court found respondent guilty of knowingly and/or intentionally violating the terms of his criminal probation.

4. On November 3, 2010, the Washington County District Court reinstated the prior criminal probation with the additional condition that respondent serve 365 days on work release.

5. Respondent's conduct violated Rule 8.4(b), MRPC, and the Court's October 17, 2007, order.

WHEREFORE, the Director respectfully prays for an order of this Court revoking respondent's probation, suspending respondent's license to practice law or imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the

Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: March 31, 2011.

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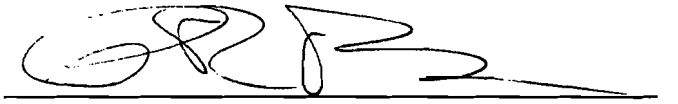

PATRICK R. BURNS
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