

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against WILLIE HERMAN DAVIS,
a Minnesota Attorney,
Registration No. 298384.

**PETITION FOR
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 upon the parties' agreement pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility. The Director alleges:

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

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

A. Driving While Impaired Matter

1. On July 22, 2006, respondent was operating a "jet ski" personal watercraft on the St. Croix River near Stillwater, Minnesota. Respondent and a passenger were thrown into the water when the watercraft flipped over. Washington County deputies offered assistance to respondent and observed a strong odor of alcohol about him. According to deputies, respondent was slow to respond to their questions and had bloodshot and watery eyes.

2. The deputies arrested respondent for boating while impaired and administered an Intoxilyzer test to respondent. The test revealed respondent's alcohol concentration to be .12.

3. Respondent was charged with first degree driving while impaired (DWI), a violation of Minn. Stat. §§ 169.20 Subd. 1(5) and Subd. 3; 169A.24, 169A.275, 169A.276, and 169A.277, based on the fact he had been convicted of DWI on three previous occasions, in May 2000, January 2002, and May 2002.

4. On February 28, 2007, respondent entered a guilty plea to first degree DWI, a felony offense. Respondent was sentenced to 36 months in jail, with a stay of execution of the sentence as described below, and was placed on probation for a period of seven (7) years. Respondent's sentence also included the following:

a. Shall maintain total abstinence from alcohol and other mood-altering chemicals, except that respondent may use prescription drugs in accordance with the directions of a prescribing physician who is fully advised of respondent's chemical dependency before issuing the prescription;

b. Shall serve a total of 180 days in jail, staggered to serve 30 days (minus one day already served) beginning on June 10, 2007, plus 30 days in succeeding years beginning on April 1 of each succeeding year (to a total of 180 days) unless respondent moves the court each year to relieve him from the sentence;

c. Shall participate for 30 days each year in alcohol monitoring as directed by his probation officer;

d. Shall follow all recommendations of his November 2006 chemical dependency evaluation as well as aftercare, including Alcoholics Anonymous;

- e. Shall submit biological fluid specimens for toxicology analysis as requested by his probation officer;
- f. Shall pay a fine of \$700;
- g. Shall not commit the same or similar offenses, shall remain law-abiding, and shall follow the conditions of his probation.

5. On March 16, 2007, the Washington County Attorney's Office reported this matter to the Director's Office.

6. Respondent's conduct violated Rule 8.4(b), Minnesota Rules of Professional Conduct.

WHEREFORE, the Director respectfully prays for an order of this Court imposing 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: June 27, 2007.



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