

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

TRACY N. DAVIS,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2022-30,480 (7B)

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Tracy N. Davis, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2022-30,480 (7B).

3. As to The Florida Bar File No. 2022-30,480 (7B), there has been a finding of probable cause by the grievance committee.

4. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is not represented in this matter.

5. The disciplinary measures to be imposed upon respondent are as follows:

A. 91-day suspension from the practice of law requiring proof of rehabilitation before reinstatement.

B. Payment of the bar's disciplinary costs.

6. Respondent is currently suspended; therefore, this suspension will be effective immediately upon entry of the Court's order

7. The following allegations provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Mr. Banta hired respondent to assist him in his previously filed civil case.

B. Prior to the representation, the trial court had granted a partial summary judgment in favor of the opposing party, the defendant.

C. The defendant filed a supplemental motion for summary judgment and/or in the alternative a judgment on the pleadings as to counts two and three.

D. Respondent failed to file a timely response with any evidence to the defendant's supplemental motion for summary judgment.

E. As a result, the trial court granted the supplemental motion for summary judgment stating in its order that respondent failed to respond with admissible evidence as required under Rule 1.510 of the Florida Rules of Civil Procedure.

F. Respondent also failed to ask for an extension of time or continuance in order to file a response on Mr. Banta's behalf.

G. Mr. Banta was ordered to pay attorney's fees in the matter.

8. The following Rules Regulating the Florida Bar provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter: 4-1.1 (Competence); 4-1.3 (Diligence); and 4-8.4(d) (Misconduct).

9. The following aggravation is applicable in this matter: prior disciplinary offenses [Standard 3.2(b)(1)] and substantial experience in the practice of law [Standard 3.2(b)(9)].

10. The following mitigation is applicable in this matter: absence of a dishonest or selfish motive; [Standard 3.3(b)(2)]; personal or emotional

problems as respondent was handling her prior discipline matter at the same time as these events [Standard 3.3(b)(3); full and free disclosure to the bar or cooperative attitude toward the proceedings [Standard 3.3(b)(5)]; and remorse [Standard 3.3(b)(12)].

11. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

12. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

13. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

14. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,395.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any

future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

15. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

16. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 10 day of November, 2022.



TRACY N. DAVIS

Respondent

3601 S.W. Foremost Drive

Port St. Lucie, FL 34953-5259

(772) 834-6355

Florida Bar ID No.: 134510

lawfirmtracy@aol.com

Dated this 14th day of November, 2022.

A handwritten signature in cursive script that reads "Carrie C. Lee".

CARRIE CONSTANCE LEE

Bar Counsel

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