

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/06/2023
Clerk of the
Appellate Courts

IN RE: MELISSA ANN BAKER, BPR #035018
An Attorney Licensed to Practice Law in Tennessee
(Williamson County)

No. M2022-00159-SC-BAR-BP

BOPR No. 2020-3097-6-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Melissa Ann Baker on May 22, 2020; upon Ms. Baker's Response to Petition for Discipline filed on August 7, 2020; upon a Supplemental Petition for Discipline filed on March 25, 2021; upon a Motion for Default Judgment and that the Allegations Contained in Supplemental Petition for Discipline be Deemed Admitted filed on July 23, 2021; upon Respondent's Motion for Relief From Failure to File a Timely Answer and Respondent's Response in Opposition to Motion for Default Judgment, and Memorandum of Law, filed on August 11, 2021; upon a Response to Supplemental Petition for Discipline and upon an Amended Response to Petition for Discipline filed on August 11, 2021; upon the Board's Motion for Partial Summary Judgment Pursuant to Tenn. R. Civ. P. 56.03 filed on September 9, 2021; upon Board of Professional Responsibility's Memorandum in Support of Motion for Partial Summary Judgment Pursuant to Tenn. R. Civ. P. 56.03 filed on September 9, 2021; upon Board of Professional Responsibility's Statement of Undisputed Material Facts filed on September 9, 2021; upon a Conditional Guilty Plea filed by Ms. Baker on November 18, 2021; upon Order Recommending Approval of Conditional Guilty Plea filed by the Hearing Panel on November 29, 2021; upon service of the Order Recommending Approval of Conditional Guilty Plea upon Ms. Baker by the Executive Secretary of the Board on November 30, 2021; upon consideration and approval by the Board on December 10, 2021; upon the Tennessee Supreme Court Order of Enforcement filed February 15, 2022, rejecting Respondent Baker's Conditional Guilty Plea; upon Order Granting Petitioner's Motion for Partial Summary Judgment and Motion for Default Judgment entered May 12, 2022; upon trial of this matter on September 14, 2022; upon Judgment of the Hearing Panel entered September 19, 2022; and upon the entire record in this cause.

From all of which the Court approves the Judgment of the Hearing Panel and adopts

the Hearing Panel's Judgment as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Melissa Ann Baker is suspended from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.2 for three (3) years, with one (1) year active suspension, and probationary suspension of two (2) additional years following active suspension conditioned upon (a) the engagement of a practice monitor and (b) consultation with the Tennessee Lawyers Assistance Program (TLAP).

(2) The conditions relating to the probationary portion of the suspension shall be satisfied in the following manner:

(a) Ms. Baker, at her cost, if any, and prior to seeking reinstatement, shall engage the services of a practice monitor for the probationary period, who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The practice monitor shall meet with Ms. Baker every two weeks for the first six (6) months and monthly thereafter, and assess Ms. Baker's caseload, case management, timeliness of performing tasks, and adequacy of communication with clients. To the extent the practice monitor has concerns, the practice monitor shall make suggestions or recommendations to Respondent to alleviate such concerns and to help ensure prudent law office management and practice procedures. The practice monitor shall provide a monthly written report of Ms. Baker's progress to Disciplinary Counsel and advise Disciplinary Counsel if he or she believes additional monitoring is needed at the end of Ms. Baker's probation.

(b) Ms. Baker, prior to seeking reinstatement, shall meet with the Tennessee Lawyers Assistance Program (TLAP) and follow any and all recommendations of TLAP. Further, Ms. Baker shall execute an appropriate release to provide TLAP permission to communicate with the Board regarding any monitoring agreement.

(3) In addition, during the period of active suspension and probation, Ms. Baker shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which result in the recommendation by the Board that discipline be imposed.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Ms. Baker shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,755.00 (which includes the \$100.00 Supreme Court filing fee) prior to reinstatement

from the active portion of suspension. All such costs and expenses awarded herein shall be paid within ninety (90) days of the entry of this Order for which execution, if necessary, may issue.

(5) Prior to seeking reinstatement, Ms. Baker must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(6) Additionally, Ms. Baker shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM