

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
01/18/2024
Clerk of the
Appellate Courts

IN RE: MATTHEW DAVID BAROCAS, BPR #031962
An Attorney Licensed to Practice Law in Tennessee
(Knox County)

No. M2024-00066-SC-BAR-BP
BOPR No. 2022-3240-2-AC

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Matthew David Barocas (Respondent) on April 8, 2022; upon a Response to the Petition filed by Respondent on July 11, 2022; upon Motion for Partial Summary Judgment filed by the Board of Professional Responsibility (Board and/or Petitioner) on July 25, 2023; upon Respondent's Response to the Board's Motion for Partial Summary Judgment filed on August 25, 2023; upon the Board's Reply in Support of its Motion for Partial Summary Judgment filed on September 21, 2023; upon the Order of the Hearing Panel granting, in part, summary judgment to the Board entered on September 29, 2023; upon an Amended Petition for Discipline filed by the Board on October 11, 2023; upon a Motion to Strike Amended Petition for Discipline filed by Respondent on October 27, 2023; upon a Response in Opposition to Respondent's Motion to Strike Amended Petition for Discipline filed by the Board on October 27, 2023; upon a Reply to Petitioner's Opposition to Motion to Strike Amended Petition for Discipline filed by Respondent on November 1, 2023; upon the Order of the Hearing Panel denying Respondent's Motion to Strike Amended Petition for Discipline entered on November 2, 2023; upon the filing of the Conditional Guilty Plea on December 7, 2023; upon the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea entered on December 11, 2023; upon service of the Order Recommending Approval of Conditional Plea on Respondent, via his counsel, by the Executive Secretary of the Board of Professional Responsibility on December 11, 2023; upon consideration and approval of said Hearing Panel's Order by the Board on December 18, 2023; and upon the entire record in this cause.

From all of which, the Court approves the December 11, 2023, Order of the Hearing Panel and approves the Conditional Guilty Plea executed on December 7, 2023.

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

(1) Mr. Barocas is suspended from the practice of law for one (1) year with three (3) months to be served as an active suspension, and the remainder shall be served on probation pursuant to Tenn. Sup. Ct. R. 9, § 14.1. The grant of probation is subject to the following conditions:

- (a) During the period of suspension and probation, Mr. Barocas shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.
- (b) Mr. Barocas at his cost, if any, shall engage the services of a Practice Monitor who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The Respondent shall, in utilizing a Practice Monitor, comply with all requirements as contained in Tenn. Sup. Ct. R. 9, § 12.9(c). The Practice Monitor shall meet with Respondent monthly and assess Respondent's case load, case management, timeliness of performing tasks, adequacy of communication with clients, and accounting procedures. The Practice Monitor also shall be authorized to review Respondent's operating and trust accounts and review the status of any client or third-party monies held by, and/or delivered to, Respondent during his suspension and probationary period. The Practice Monitor shall provide a monthly written report of Respondent's progress to Disciplinary Counsel.
- (c) Prior to returning to practice on a probationary basis and in addition to his regular and required Continuing Legal Education ("CLE") obligations, Mr. Barocas shall attend the Board's 2024 Trust Account Workshop (currently scheduled for March 13, 2024) and shall further complete an additional three (3) hours of CLE relating to the topics of garnishments, levies, and/or attachments.
- (d) Prior to returning to practice on a probationary basis, Mr. Barocas shall comply with paragraph 5 below.

(2) In the event Mr. Barocas fails to meet or maintain any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, §14.2 (2014).

(3) Prior to seeking reinstatement, Mr. Barocas 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. In addition, Mr. Barocas shall be in substantial compliance with the terms and conditions of this Order.

(4) Mr. Barocas 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.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Barocas shall pay to the Board of Professional Responsibility the expenses and costs incurred to date by the Board in this matter in the amount of \$9,415.00, inclusive of \$100.00 for the cost of filing this matter, and pay this filing fee to the Board and shall pay to the Clerk of this Court the court costs incurred herein. All costs, fees and expenses awarded or assessed herein shall be paid within ninety (90) days of the entry of this Order for which execution, if necessary, may issue.

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

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

PER CURIAM