

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
12/05/2022
Clerk of the
Appellate Courts

IN RE: A. SAIS PHILLIPS FINNEY, BPR #028845
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2022-01639-SC-BAR-BP
BOPR No. 2021-3172-9-DB

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against A. Sais Phillips Finney on May 26, 2021; upon a Motion to Enlarge Time to File a Response filed on July 1, 2021; upon an Order Granting Extension to File Response entered July 6, 2021; upon Motion for Default Judgment and that Charges in Petition for Discipline be Deemed Admitted filed August 12, 2021; upon a Motion to Compel filed on August 30, 2021; upon Answer to Petition for Discipline filed by Ms. Finney on December 3, 2021; upon an Order Granting Motion to Compel entered December 8, 2021; upon an Order Denying Default Judgment entered December 8, 2021; upon Motion to Alter or Amend Decision of Hearing Panel on Default Judgment filed December 10, 2021; upon Amended Order on the Board of Professional Responsibility's Motion for Default entered January 6, 2022; upon Motion for Sanctions filed January 10, 2022; upon Order prohibiting Respondent from introducing evidence or testimony entered March 7, 2022; upon Motion to Alter or Amend filed March 10, 2022; upon an Order striking Respondent's Answer entered March 31, 2022; upon submission of the Board of Professional Responsibility's Proposed Findings of Fact and Conclusions of Law on June 13, 2022; upon entry of Judgment of the Hearing Panel on July 19, 2022; upon service of the Judgment of the Hearing Panel on Respondent by the Executive Secretary of the Board on July 19, 2022; upon consideration and approval by the Board on September 9, 2022; upon expiration of the appeal period with no appeal taken; 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 of active suspension.

On March 14, 2022, Ms. Finney was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2022-00313-SC-BAR-BP). To date, Ms. Finney has not requested nor been granted reinstatement.

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

(1) Ms. Finney is suspended from the practice of law for four (4) years, with three (3) years active suspension and the remaining one (1) year served on probation, pursuant to Tenn. Sup. Ct. R. 9, § 12.2. The four (4) year suspension shall begin upon the expiration of any currently pending suspension being served by Ms. Finney. During the one (1) year probationary period, Ms. Finney shall employ and utilize, at her own costs, a practice monitor in accordance with all requirements of Tenn. Sup. Ct. R. 9, § 12.9. The grant of probation is subject to the following conditions:

- (a) During the period of suspension and probation, Ms. Finney 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) Ms. Finney shall, at her own costs, engage a practice monitor for the entire period of probation. Ms. Finney shall provide a list of potential practice monitors for selection by the Board within thirty (30) days of this Order of entry. The practice monitor shall submit monthly reports to the Board addressing the following areas: assessment of caseload, timeliness of tasks, and adequacy of communication between Ms. Finney and her clients.
- (c) In the event Ms. Finney fails to meet or maintain any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2 (2014).

(2) Prior to seeking reinstatement, Ms. Finney 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, Ms. Finney shall be in substantial compliance with the terms and conditions of this Order.

(3) Ms. Finney 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.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Ms. Finney shall pay the Board of Professional Responsibility the expenses and costs incurred to date by the Board in this matter in the amount of \$2,400.00. Ms. Finney shall be assessed \$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.

(5) The Order of Temporary Suspension entered March 14, 2022 (Case No. M2022-00313-SC-BAR-BP) shall remain in effect until further order of this Court as it is unrelated to the conclusion of this matter.

(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