

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
10/30/2024
Clerk of the
Appellate Courts

IN RE: JAMES MICHAEL MARSHALL, BPR NO. 018784
An Attorney Licensed to Practice Law in Tennessee
(Maury County)

No. M2024-01286-SC-BAR-BP
BOPR No. 2023-3360-6-DB

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against James Michael Marshall on October 13, 2023; upon Motion for Default Judgement and that Allegations and Exhibits Included in Petition for Discipline be Deemed Admitted filed by the Board of Professional Responsibility (hereinafter the “Board”) on December 6, 2023; upon entry of Order for Default Judgement by the Hearing Panel on January 30, 2024; upon service of the Order for Default Judgment of the Hearing Panel on Mr. Marshall by the Executive Secretary of the Board on January 31, 2024; upon entry of Findings of Fact, Conclusion of Law and Judgment of the Hearing Panel on May 3, 2024; upon service of the Findings of Fact, Conclusion of Law and Judgment of the Hearing Panel on Mr. Marshall by the Executive Secretary of the Board on May 3, 2024; upon consideration and approval by the Board on June 27, 2024; 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 Judgement of the Hearing Panel and adopts the Hearing Panel’s Judgment of active suspension.

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

(1) Mr. Marshall is suspended from the practice of law for five (5) years, with four (4) years to be served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2. Mr. Marshall may apply for reinstatement at the end of the four (4) year active suspension. If granted, he shall serve the remainder of the five (5) year suspension on probation subject to the following conditions:

- (a) During the period of suspension and probation, Mr. Marshall 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) During the period of probation Mr. Marshall shall engage a practice monitor. Mr. Marshall shall provide a list of potential practice monitors for selection by the Board within thirty (30). The practice monitor shall submit monthly reports to the Board addressing the following areas: assessment of caseload, timeliness of tasks, accounting procedures, and adequacy of communication between Mr. Marshall and his clients.

(2) In the event Mr. Marshall 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. Marshall 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. Marshall shall be in substantial compliance with the terms and conditions of this Order.

(4) Mr. Marshall 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. Marshall 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 \$1,970.00, which includes \$100.00 for the cost of filing this matter, 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