

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
10/13/2023
Clerk of the
Appellate Courts

IN RE: ERIC JOHN MONTIERTH, BPR #031679
An Attorney Licensed to Practice Law in Tennessee
(Roane County)

No. M2023-01423-SC-BAR-BP
BOPR No. 2023-3306-2-AC

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Eric John Montierth on February 2, 2023; upon Motion for Default Judgment filed by the Board of Professional Responsibility (Board and/or Petitioner) on May 2, 2023; upon entry of Order Granting Petitioner’s Motion for Default Judgment and that the Allegations Contained in Petition for Discipline be Deemed Admitted on June 13, 2023; upon service of said Order on Respondent Montierth by the Executive Secretary of the Board on June 13, 2023; upon the acceptance of a referral by the Executive Director of the Tennessee Lawyers Assistance Program (TLAP) on August 23, 2023; upon Respondent filing a Conditional Guilty Plea on August 29, 2023; upon Hearing Panel’s Order Recommending Approval of Conditional Guilty Plea filed on August 31, 2023; upon service of the Order Recommending Approval of Conditional Plea on Mr. Montierth by the Executive Secretary of the Board of Professional Responsibility on August 31, 2023; upon consideration and approval of said Hearing Panel’s Order by the Board on September 8, 2023; 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 September 23, 2022, Mr. Montierth was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2022-01345-SC-BAR-BP). To date, Mr. Montierth has not requested, nor been granted, reinstatement.

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

(1) Mr. Montierth is suspended from the practice of law for two (2) years with eighteen (18) months to be served as an active suspension retroactive to the Order of

Temporary Suspension entered September 23, 2022, in *In Re: Eric John Montierth*, No. M2022-01345-SC-BAR-BP, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, 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. Montierth 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. Montierth 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 shall provide a monthly written report of Respondent's progress to Disciplinary Counsel.
 - (c) Mr. Montierth, within ten (10) days of the entry of this Order of Enforcement, shall contact TLAP for evaluation and cooperate fully with TLAP to complete the evaluation process in a timely manner. In the event TLAP determines a monitoring agreement is appropriate, Mr. Montierth shall immediately execute said monitoring agreement and thereafter comply with the terms and conditions of the TLAP monitoring agreement. Pursuant to Tenn. Sup. Ct. R. 9, § 36.1, TLAP shall timely notify the Board of any failure by Mr. Montierth to establish contact with TLAP, to cooperate with the evaluation process, to execute the recommended monitoring agreement, or to substantially comply with the terms and conditions of the executed monitoring agreement. Mr. Montierth shall execute the appropriate release to allow TLAP to communicate with the Board regarding any monitoring agreement.
- (2) In the event Mr. Montierth 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) Mr. Montierth shall pay restitution to the following complainants/individuals: (i) Julian Ramos - \$1,800.00, (ii) Rosenda and Maria Hernandez - \$6,200.00, (iii) Rowayda El Sayed - \$4,000.00, and (iv) Yewordanos Legesse - \$3,500.00, pursuant to Tenn. Sup. Ct. R. §12.7, and payment of restitution shall be a condition precedent to the filing of any petition for reinstatement. In the event restitution

is made by the Tennessee Lawyers' Fund for Client Protection (TLFCP), Mr. Montierth shall reimburse TLFCP in the same amount.

(4) Prior to seeking reinstatement, Mr. Montierth 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. Montierth shall be in substantial compliance with the terms and conditions of this Order, including the full payment of all restitution.

(5) Mr. Montierth 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.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Montierth 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 \$760.00, 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.

(7) The Order of Temporary Suspension entered September 23, 2023, (Case No. M2022-01345-SC-BAR-BP), is hereby dissolved.

(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.

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

PER CURIAM