

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
10/20/2017
Clerk of the
Appellate Courts

IN RE: ASHLEY DENISE PRESTON, BPR #25642
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2017-02072-SC-BAR-BP
BOPR No. 2014-2374-5-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Attorney Ashley Denise Preston on September 30, 2014; upon Answer to Petition for Discipline filed by Ms. Preston on November 5, 2014; upon a Supplemental Petition for Discipline filed on January 21, 2015; upon Answer to Supplemental Petition for Discipline filed by Ms. Preston on April 13, 2015; upon a Second Supplemental Petition for Discipline filed on February 16, 2017; upon Answer to Second Supplemental Petition for Discipline filed by Ms. Preston on March 10, 2017; upon Conditional Guilty Plea filed by Ms. Preston on July 31, 2017; upon an Order Recommending Approval of Conditional Guilty Plea entered on August 8, 2017; upon consideration and approval by the Board on September 8, 2017; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order as the Court's Order.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006), and Tenn. Sup. Ct. R. 9, § 12.2 (2014), Ashley Denise Preston is suspended from the practice of law for four (4) years, with two (2) years to be served as an active suspension, retroactive to the date of her removal from Disability Inactive Status, February 23, 2016, and the remaining time to be served on probation pursuant to Tenn. Sup. Ct. R. 9, § 8.5 (2006) and Tenn. Sup. Ct. R. 9, § 14.1 (2014), subject to the following conditions:

- (a) Ms. Preston shall engage a practice monitor at her own expense who shall meet with Ms. Preston on a monthly basis to review basic office procedures such as trust accounting, account management, and office management procedures such as the scheduling and maintenance of case deadlines and the use of written communication and fee agreements.

- (b) The practice monitor shall send monthly reports of these meetings to the Board.
- (c) Ms. Preston shall select three (3) potential practice monitors and submit names to the Board for final approval within fifteen (15) days of the entry of the Order of Enforcement.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 4.7 (2006), and Tenn. Sup. Ct. R. 9, § 12.7 (2014), and as a condition precedent to any reinstatement, Ms. Preston shall make restitution to Michelle Pitts in the amount of \$750.00, and to the extent the default judgment entered against Ms. Preston in the case of *Daffin v. Preston*, Superior Court of Georgia, No. SU13CV613-06, is upheld and enforced, Ms. Preston shall be required to satisfy such judgment. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Ms. Preston shall reimburse TLFCP the same amount.

(3) In the event Ms. Preston fails to meet any condition of probation, probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 8.5 (2006), Tenn. Sup. Ct. R. 9, § 14.2 (2014).

(4) Ms. Preston shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Prior to seeking reinstatement, Ms. Preston must meet 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) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1 (2014), this Order shall be effective immediately.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3 (2006), and Tenn. Sup. Ct. R. 9, § 31.3 (2014), Ms. Preston shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,210.68 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006), and Tenn. Sup. Ct. R. 9, § 28.11 (2014).

PER CURIAM