



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: ASHLEY DENISE PRESTON, BPR #25642
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 20, 2017

FORMER DAVIDSON COUNTY LAWYER SUSPENDED

On October 20, 2017, Ashley Denise Preston was suspended from the practice of law by the Tennessee Supreme Court. Ms. Preston is suspended from the practice of law for four (4) years retroactive to the date of her transfer from Disability Inactive Status to Active Status, February 23, 2016, with two (2) years to be served as an active suspension and the remaining time to be served on probation. As conditions of her probation, Ms. Preston must engage a practice monitor, make restitution to one client, and satisfy the judgment in *Daffin v. Preston* as appropriate. Ms. Preston must pay the Board costs in this matter within 90 days.

The Board filed a Petition for Discipline and two Supplemental Petitions for Discipline arising from four (4) complaints of ethical misconduct. In one matter, Ms. Preston failed to respond to an Order of the Court of Appeals on behalf of a client. In another matter, Ms. Preston failed to appear in court due to a conflict and the client's case was dismissed. Ms. Preston attempted to alert the court to her conflict, but her communication did not reach the judge and opposing counsel successfully moved for dismissal of the case. In a third case, Ms. Preston accepted a fee to represent a client in a child support matter; however, Ms. Preston failed to do any work on the case. In the last matter, Ms. Preston became sole trustee of her family's trust and began making payments to herself and other beneficiaries that were disputed by one of the beneficiaries. A lawsuit was filed against Ms. Preston for these payments, and a default judgment was taken. Ms. Preston entered into a Conditional Guilty Plea admitting that she violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation), 3.2 (expediting litigation), and 8.4 (a) and (d) (misconduct).

Ms. Preston must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

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