



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

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RELEASE OF INFORMATION
RE: JAMES DANIEL MARSHALL, BPR #25541
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 22, 2018

DAVIDSON COUNTY LAWYER SUSPENDED

Effective March 22, 2018, the Supreme Court of Tennessee, pursuant to Tennessee Supreme Court Rule 9, Section 12.4, entered an order suspending James Daniel Marshall from the practice of law for a period of two (2) years, with thirty (30) days to be served as an active suspension, and the remainder served on probation subject to certain conditions including the appointment of a practice monitor and continued contact with Tennessee Lawyers Assistance Program. Mr. Marshall is required to reimburse the Board for all costs in the disciplinary proceeding.

During the representation of three (3) clients, Mr. Marshall failed to produce discovery responses, attend case management conferences and motion hearings, timely serve a summons or issue alias summons, and timely communicate with his clients. In mitigation, Mr. Marshall experienced a significant personal loss followed by depression which largely went untreated until the disciplinary complaints surfaced.

Mr. Marshall's conduct violated Rules of Professional Conduct (RPC) 1.1 (competence); 1.3 (diligence); 1.4 (communication); 3.2 (expediting litigation) and 8.4 (misconduct).

Mr. Marshall must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, 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.

Marshall 2673-5 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/22/2018

Clerk of the
Appellate Courts

IN RE: JAMES DANIEL MARSHALL, BPR #025541
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2018-00504-SC-BAR-BP
BOPR No. 2017-2673-5-AW

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against James Daniel Marshall on January 19, 2017; upon Mr. Marshall's Answer to the Petition for Discipline filed March 17, 2017; upon a Supplemental Petition for Discipline filed on August 17, 2017; upon Mr. Marshall's Answer to the Supplemental Petition for Discipline filed on September 29, 2017; upon the Second Supplemental Petition for Discipline filed on October 23, 2017; upon Mr. Marshall's Answer to the Second Supplemental Petition for Discipline filed on November 20, 2017; upon a Conditional Guilty Plea filed by Mr. Marshall on February 5, 2018; upon an Order Recommending Approval of Conditional Guilty Plea entered February 6, 2018; upon service of the Order Recommending Approval of Conditional Guilty Plea on Mr. Marshall by the Executive Secretary of the Board on February 7, 2018; upon consideration and approval by the Board on March 9, 2018; and upon the entire record in this cause.

From all of which the Court accepts the recommendation of the Hearing Panel and adopts the Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.4, James Daniel Marshall is hereby suspended for two (2) years with thirty (30) days to be served as an active suspension and the remainder served on probation subject to the following conditions:

(a) Mr. Marshall shall continue to receive appropriate counseling as recommended by Tennessee Lawyers Assistance Program;

- (b) Mr. Marshall shall provide his Counselor with a release/waiver to fully discuss the diagnosis, treatment and prognosis with Tennessee Lawyers Assistance Program;
- (c) Mr. Marshall shall not incur any new complaint of misconduct that relates to conduct occurring during the period of suspension and probation which results in a recommendation by the Board that discipline be imposed; and
- (d) A Practice Monitor shall be appointed, pursuant to the procedure set forth in Tenn. Sup. Ct. R. 9, §12.9, who shall meet face to face with Mr. Marshall at least monthly and submit monthly reports to the Board addressing his office management practices and any deficiencies related to reasonable, timely and meaningful communications with clients and the timely preparation and filing of pleadings.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Marshall shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,613.32, 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.

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

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

PER CURIAM