



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

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RELEASE OF INFORMATION
RE: CLAY M. MCCORMACK, BPR #015559
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 8, 2018

SHELBY COUNTY LAWYER SUSPENDED

On October 5, 2018, Mr. McCormack was suspended from the practice of law by Order of the Tennessee Supreme Court for five (5) years, with one (1) year of active suspension and the remainder to be served on probation, effective ten (10) days from entry of the Order. As conditions of his probation, Mr. McCormack must engage a practice monitor and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. McCormack must pay the Board's costs and expenses and the court costs before petitioning for reinstatement, or within ninety days of the entry of the Order of Enforcement, whichever occurs first.

Mr. McCormack closed numerous real estate transactions involving Lee Bishop as the seller in which Mr. McCormack prepared settlement statements showing Mr. Bishop's mortgage being paid off from the purchase money. Mr. McCormack prepared checks payable to Mr. Bishop's lenders in order to pay off those mortgages. Following the closings, Mr. McCormack voided the payoff checks and wrote new ones to Mr. Bishop. Mr. McCormack wrote letters to the buyers' lenders stating that the sellers' mortgages had been paid off when they had not. Mr. McCormack incorrectly believed that Mr. Bishop was going to obtain a release of the liens on the property he was selling by substituting other pieces of property he owned as collateral for the loans. In many such transactions, Mr. Bishop failed to obtain a substitution of collateral. When his lenders foreclosed on those loans, the buyers' lenders did not have first liens.

Mr. McCormack's ethical misconduct violates Rules of Professional Conduct 1.1, Competence; 4.1(a), Truthfulness in Statements to Others; and 8.4(a) and (c), Misconduct.

Mr. McCormack must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.

McCormack 2685-9 rel.doc