



**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.

FILED

10/05/2018

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: CLAY M. McCORMACK, BPR #015559

An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2017-02457-SC-BAR-BP
BOPR No. 2017-2685-9-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Clay M. McCormack on February 17, 2017; upon Answer to Petition for Discipline filed by Mr. McCormack on April 3, 2017; upon entry of a Conditional Guilty Plea filed by Mr. McCormack on August 14, 2018; upon an Order Recommending Approval of Conditional Guilty Plea entered on August 27, 2018; upon consideration and approval by the Board on September 14, 2018; and upon the entire record in this cause.¹

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's 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) Clay M. McCormack is suspended for five (5) years with one (1) year to be served as active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 4.2, and the remaining four (4) years to be served on probation, pursuant to Tenn. Sup. Ct. R. 9, § 8.5, subject to the following conditions:

- (a) Mr. McCormack, at his cost, 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) (2014). The Practice Monitor shall meet with Mr. McCormack quarterly during the first two years of probation to supervise Mr. McCormack's compliance with trust account rules and accounting procedures and provide a written report to Disciplinary Counsel each quarter.

¹Because this matter was initiated prior to January 1, 2014, it is governed Tenn. Sup. Ct. R. 9 (2006) except as otherwise noted.

(b) Mr. McCormack shall not, during the period of probation, incur any new complaints of misconduct that relate to conduct occurring during the period of probation and result in a recommendation by the Board that discipline be imposed. In the event that Mr. McCormack violates or otherwise fails to meet said condition of probation, Disciplinary Counsel shall be authorized to file a petition to revoke Mr. McCormack's probation, and upon a finding that revocation is warranted, Mr. McCormack shall serve the previously deferred period of suspension.

(2) In the event Mr. McCormack fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2 (2014).

(3) Prior to seeking reinstatement, Mr. McCormack 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.

(4) Additionally, Mr. McCormack shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 18 (2006), and 30.4 (2014), regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5, this Order shall be effective ten (10) days after the date of entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. McCormack shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$2,471.98, and shall pay to the Clerk of this Court the costs incurred herein, prior to filing a petition for reinstatement or within ninety (90) days from the entry of this order, whichever is earliest, for all of which execution may issue if necessary.

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

PER CURIAM

ROGER A. PAGE, J., not participating.