



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

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RELEASE OF INFORMATION
RE: MARSHALL SCOTT SMITH, BPR #9257
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

November 22, 2016

MADISON COUNTY LAWYER DISBARRED

On November 18, 2016, the Tennessee Supreme Court disbarred Marshall Scott Smith from the practice of law. In addition, Mr. Smith must make restitution to his former clients. The order is effective November 18, 2016. Mr. Smith must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Smith failed to deposit settlement funds into his trust account, misappropriated funds from his clients, accepted fees for which little or no work was performed, used his trust account for personal expenditures, failed to adequately communicate with his clients, settled one case for a client without authority, borrowed money from a client without advising the client of a conflict of interest and the need to obtain independent legal advice or obtain the clients' written informed consent, and failed to timely respond to complaints filed against him.

Mr. Smith's ethical misconduct violates Rules of Professional Conduct 1.2, Scope of Representation; 1.4, Communication; 1.5, fees; 1.8(a), Conflict of Interest, Current Clients; 1.15, Safekeeping Property; 8.1, Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Mr. Smith must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys. Pursuant to Tennessee Supreme Court Rule 9, Sections 30.2, Mr. Smith is not eligible for reinstatement to the practice of law because he was previously disbarred and reinstated, and this is his second disbarment.

FILED

11/18/2016

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: MARSHALL SCOTT SMITH, BPR # 9257

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

No. M2016-02294-SC-BAR-BP
BOPR No. 2015-2459-7-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Marshall Scott Smith on May 29, 2015; upon Answer to Petition for Discipline filed on July 2, 2015; upon a Supplemental Petition for Discipline filed against Marshall Scott Smith on November 3, 2015; upon Answer to Supplemental Petition for Discipline filed on December 28, 2015; upon the Judgment of the Hearing Panel entered on September 6, 2016; upon service of the Judgment on Mr. Smith by the Executive Secretary of the Board on September 6, 2016; upon the Order Assessing of Costs entered October 5, 2016; upon service of the Order assessing costs on Mr. Smith by the Executive Secretary of the Board on October 5, 2016; upon consideration and approval by the Board on November 3, 2016; upon agreement by the parties that they will not seek appeal; 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 Findings of Fact and Conclusions of Law as the Court's Order.

On April 14, 2015, Mr. Smith was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2014-01915-SC-BAR-BP). To date, Mr. Smith has not requested, nor been granted reinstatement.

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

- (1) Mr. Smith be disbarred from the practice of law and must pay restitution as a condition of reinstatement.
- (2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Smith shall make restitution to the following individuals and shall

furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Smith shall reimburse TLFCP in the same amount:

- Vernetha Morrow - \$4,536.83
- Teresa Williams - \$11,500.00
- Niki McLemore - \$4,854.24
- Holly Rice - \$1,860.00

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

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Smith shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$802.15 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.

(5) Further, the Order of Temporary Suspension entered on April 14, 2015, in Case No. M2014-01915-SC-BAR-BP is hereby dissolved.

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

PER CURIAM