



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

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RELEASE OF INFORMATION
RE: HOWARD ROBERT CLYDE ORFIELD: BPR #10567
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 9, 2017

SULLIVAN COUNTY LAWYER SUSPENDED

On October 9, 2017, Howard Robert Clyde Orfield of Sullivan County, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court. Mr. Orfield is suspended for a period of three (3) years, consisting of ninety (90) days active suspension and the remainder on probation. Mr. Orfield must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

After accepting payments from two clients to represent them in Bankruptcy proceedings, Mr. Orfield ceased communicating with them and failed to perform the services for which he was paid. Mr. Orfield refunded the fee to one client. Mr. Orfield entered a conditional guilty plea that requires him to have a practice monitor during his probation and make restitution to the other client as a condition of reinstatement to the practice of law.

Mr. Orfield's ethical misconduct violates Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), and 8.4 (a) and (d) (misconduct).

Mr. Orfield 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
10/06/2017
Clerk of the
Appellate Courts

IN RE: HOWARD ROBERT CLYDE ORFIELD: BPR # 010567

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

No. M2017-01992-SC-BAR-BP
BOPR No. 2016-2645-1-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Attorney Howard Robert Clyde Orfield on October 11, 2016; upon a Motion for Default Judgment and that the Charges in the Petition for Discipline be Deemed Admitted filed by the Board on February 27, 2017; upon Default Judgment entered by the Hearing Panel on April 6, 2017; upon service of the Order granting the Motion for Default on Mr. Orfield by the Executive Secretary of the Board on April 6, 2017; upon Conditional Guilty Plea filed by Mr. Orfield on July 20, 2017; upon an Order Recommending Approval of Conditional Guilty Plea entered on July 21, 2017; upon consideration and approval by the Board on June 9, 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, § 12.2, Mr. Orfield is suspended from the practice of law for three (3) years with ninety (90) days to be served as an active suspension. Pursuant to Tenn. Sup. Ct. R. 9, § 14.1, the remaining time to be served on probation, subject to the following conditions:

- (a) Mr. Orfield shall engage a practice monitor for the entire period of probation. Mr. Orfield shall provide a list of potential practice monitors for selection by the Board within fifteen (15) days of the entry of the Order of Enforcement.
- (b) The practice monitor shall submit monthly reports to the Board addressing their review of basic office management

procedures such as the scheduling and maintenance of case deadlines and the use of written communication and fee agreements.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Orfield shall make restitution to Kimberly Strouth in the amount of \$1,360.00. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Orfield shall reimburse TLFCP in the same amount.

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

(4) Additionally, Mr. Orfield shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Prior to seeking reinstatement, Mr. Orfield must meet all CLE requirements and pay any outstanding registration fees including those due from the date of suspension/disbarment until the date of reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective immediately.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Orfield shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$275.73 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.

(7) 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