



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

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RELEASE OF INFORMATION
RE: HOWARD ROBERT CLYDE ORFIELD, BPR #010567
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 19, 2019

SULLIVAN COUNTY LAWYER DISBARRED

On February 19, 2019, Howard Robert Clyde Orfield was disbarred by the Tennessee Supreme Court pursuant to Tennessee Supreme Court Rule 9, Section 12.1. Mr. Orfield must pay restitution to one client and consult with the Tennessee Lawyers Assistance Program. Prior to his disbarment, Mr. Orfield was suspended by order of the Tennessee Supreme Court entered October 6, 2017, and had not been reinstated from this suspension. Mr. Orfield shall pay the costs of the disciplinary proceeding.

After accepting fee payments for representation in a Chapter 7 Bankruptcy case, Mr. Orfield ceased communicating with his client and failed to perform the services for which he was paid. Mr. Orfield later offered to refund the full balance of the fee paid by the client, but has not done so.

Mr. Orfield's ethical misconduct violates Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (termination of representation), 3.2 (expediting litigation), 8.1 (disciplinary matters), 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 disbarred attorneys and the procedures for reinstatement.

Orfield 2851-1 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

02/19/2019

Clerk of the
Appellate Courts

IN RE: HOWARD ROBERT CLYDE ORFIELD, BPR #010567

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

No. M2019-00278-SC-BAR-BP
BOPR No. 2018-2851-1-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Howard Robert Clyde Orfield on April 18, 2018; upon a Motion for Default Judgment and that Charges in Petition for Discipline Be Deemed Admitted filed on July 9, 2018; upon an Order for Default Judgment entered August 2, 2018; upon a hearing on September 6, 2018; upon the Findings of Fact and Conclusions of Law of the Hearing Panel entered September 17, 2018; upon service of the Findings of Fact and Conclusions of Law of the Hearing Panel on Mr. Orfield by the Executive Secretary of the Board on September 17, 2018; upon the Board's Application for Assessment of Costs filed September 24, 2018; upon the Hearing Panel's Findings and Judgment for Assessment of Costs entered October 10, 2018; upon service of the Hearing Panel's Findings and Judgment for Assessment of Costs upon Mr. Orfield on October 10, 2018; upon consideration and approval by the Board on December 6, 2018; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

From all of which the Court approves and adopts the Hearing Panel's Findings of Fact and Conclusions of Law as the Court's Order.

On October 6, 2017, Mr. Orfield was suspended from the practice of law for three (3) years with ninety (90) days to be served as an active suspension (Case No. M2017-01992-SC-BAR-BP). To date, Mr. Orfield has not been reinstated from this suspension.

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

(1) Howard Robert Clyde Orfield is disbarred from the practice of law pursuant to Ct. R. 9, § 12.1.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Orfield shall make restitution to Judy Fern in the amount of \$1,000.00 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. Orfield shall reimburse TLFCP in the same amount.

(3) As a condition for filing a petition for reinstatement to the practice of law, Mr. Orfield shall contact the Tennessee Lawyers Assistance Program ("TLAP") for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Orfield shall comply with the terms and conditions of the TLAP monitoring agreement.

(4) Additionally, Mr. Orfield 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 disbarment until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(5) Mr. Orfield shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4(d) regarding the obligations and responsibilities of disbarred attorneys and the procedure for reinstatement.

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

(7) 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 \$1,101.23 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.

(8) 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