



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

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RELEASE OF INFORMATION
RE: SHERRY MARIE PERCIVAL, BPR #018840
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

May 27, 2021

MADISON COUNTY LAWYER SUSPENDED

Effective May 27, 2021, the Supreme Court of Tennessee suspended Sherry Marie Percival from the practice of law for five years, with six (6) months as an active suspension and the remainder on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and conditioned upon referral to TLAP, engagement of a practice monitor, engagement of an accountant to reconcile her trust account, attendance at the Board's Trust Account Workshop and the payment of fees to the Board.

Ms. Percival executed a conditional guilty plea acknowledging she failed to reconcile her trust account; mismanaged her trust account and settlement funds therein and executed a release on behalf of her client and endorsed client's name on settlement check without permission of her client in violation of Tennessee Rules of Professional Conduct (RPC) 1.4 (communication); 1.15 (safekeeping property and funds); 4.1(a) (truthfulness in statements to others) and 8.4(a) (misconduct).

Ms. Percival must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

Percival 3073-7 rel.doc

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED 05/27/2021 Clerk of the Appellate Courts
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In Re: SHERRY MARIE PERCIVAL, BPR No. 018840
An Attorney Licensed to Practice Law in Tennessee
(Madison County)

No. M2021-00571-SC-BAR-BP
BOPR No. 2020-3073-7-JM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Sherry Marie Percival on February 24, 2020; upon the filing of Ms. Percival's Answer on April 29, 2020; upon the filing of Ms. Percival's Conditional Guilty Plea on March 5, 2021; upon the Hearing Panel entering its Order Recommending Conditional Guilty Plea on March 9, 2021; upon the Executive Secretary of the Board forwarding a copy of the Order Recommending Approval of Conditional Guilty Plea to Ms. Percival on March 9, 2021; and upon the Board of Professional Responsibility's consideration and approval of the Order of the Hearing Panel on April 9, 2021; 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 Recommending Approval of Conditional Guilty Plea.

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

- (1) Ms. Percival is suspended from the practice of law for five (5) years with six (6) months served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder shall be served on probation, the grant of which is conditioned upon the following:
 - (i) Ms. Percival shall contact the Tennessee Lawyers Assistance Program (TLAP) within 10 days of the entry of the Order of Enforcement for an evaluation and shall comply with the terms and conditions of any monitoring agreement recommended by TLAP. In the event a monitoring agreement is recommended, Ms. Percival shall execute an appropriate waiver providing TLAP permission to communicate with the Board as needed.

(ii) Ms. Percival, at her cost, if any, 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). The Practice Monitor shall meet face to face (remotely) with Ms. Percival at least once per month and by phone at least once per week during the first year of probation. Thereafter, Ms. Percival shall meet with the Practice Monitor by phone at least once per month and otherwise as the Practice Monitor requires. The Practice monitor shall review Ms. Percival's trust account and assess her compliance with best practices for reconciliation and balancing her clients' individual accounts. The Practice Monitor shall also review and assess Ms. Percival's case load, case management, timeliness of professional obligations, adequacy of communication with clients and general office procedures and management practices to ensure compliance with ethical obligations. The Practice Monitor shall provide a monthly written report of Ms. Percival's progress to Disciplinary Counsel.

(iii) Ms. Percival shall engage the services of a Certified Public Accountant to reconcile her trust account at least quarterly during her period of probation.

(iv) Ms. Percival shall attend one of the next two (2) Trust Account Workshops scheduled by the Board.

(v) Ms. Percival shall pay the Board costs and the Court costs to be eligible for probation.

- (3) Prior to seeking reinstatement, Ms. Percival 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) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Ms. Percival shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$558.00 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. Ms. Percival shall pay the Board costs and the Court costs to be eligible for probation.

- (5) During the period of active suspension and probation, Ms. Percival shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation that results in a recommendation by the Board that discipline be imposed.
- (6) Additionally, Ms. Percival 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.
- (7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

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