



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

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RELEASE OF INFORMATION
RE: JAMES RADFORD SMITH, BPR #21017
CONTACT: STEVEN J. CHRISTOPHER
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

July 2, 2019

RUTHERFORD COUNTY LAWYER CENSURED

On July 1, 2019, James Radford Smith, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Smith agreed to represent a client in a pending petition for post-conviction relief. Mr. Smith failed to obtain consent from his client before accepting fees from a third party and did not maintain good communication with his client throughout the representation. After entering appearance in the action, Mr. Smith failed to file an amended petition by the deadline prescribed by the Court and filed an untimely appeal after the petition was denied. After completing the representation but still in possession of the client file, Mr. Smith decided to close his law office. The client file was inadvertently destroyed by the moving company hired by Mr. Smith in connection with the closure of his law office due to Mr. Smith's failure to specify the client files and other office documents that needed to be preserved.

By these acts, James Radford Smith has violated Rules of Professional Conduct 1.1 (competence); 1.3 (diligence); 1.4(a) (communication); 1.8(f) (payment of fees by a third party without client consent); 1.15 (safekeeping client property); and 3.2 (expediting litigation) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Smith 41990c-4 rel.doc

IN DISCIPLINARY DISTRICT IV
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: JAMES RADFORD SMITH, BPR NO. 21017
Respondent, an attorney licensed
to practice law in Tennessee
(Rutherford County)

FILE NO. 41990c-4-SC

PUBLIC CENSURE

The above complaint was filed against James Radford Smith, #21017, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered these matters at its meeting on June 14, 2019.

Mr. Smith agreed to represent a client in a pending petition for post-conviction relief. Mr. Smith failed to obtain consent from his client before accepting fees from a third party and did not maintain good communication with his client throughout the representation. After entering appearance in the action, Mr. Smith failed to file an amended petition by the deadline prescribed by the Court and filed an untimely appeal after the petition was denied. After completing the representation but still in possession of the client file, Mr. Smith decided to close his law office. The client file was inadvertently destroyed by the moving company hired by Mr. Smith in connection with the closure of his law office, due to Mr. Smith's failure to specify the client files and other office documents that needed to be preserved.

By these acts, James Radford Smith has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 1.8(f) (payment of fees by a third party without client consent), 1.15 (safeguarding client property), and 3.2 (expediting litigation), and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Floyd S. Flippin

Floyd S. Flippin, Chair

7-1-19

Date