

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

MAR 29 2010

IN RE: THOMAS VERNER SMITH, BPR #011686
An Attorney Licensed to Practice Law in Tennessee
(Madison County)

Clerk of the Courts

NO. M2010-00725-3E-BPO-BP
BOPR No. 2009-1844-7-RS

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by Disciplinary Counsel against Respondent, Thomas Verner Smith, on August 31, 2009; upon Answer to the Petition for Discipline filed by Respondent on September 24, 2009; upon the entering of a Conditional Guilty Plea by the Respondent on January 25, 2010; upon the Order Recommending Approval of Conditional Guilty Pleas by a Hearing Panel on January 26, 2010; upon the approval of the Board of Professional Responsibility on March 12, 2010; and upon the entire record in this cause.

From all of which the Court approves the recommendation of the Hearing Panel and accepts the Conditional Guilty Plea.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court,

1. The Respondent, Thomas Verner Smith, shall be and is hereby suspended from the practice of law for one (1) year, pursuant to Supreme Court Rule 9, Section 4.2. However, pursuant to Supreme Court Rule 9, Section 8.5, the imposition of that suspension is suspended, and the Respondent is placed on probation for a period of one (1) year, subject to the provisions set forth below.

a. Respondent shall attend three (3) hours of Continuing Legal Education on the topic of legal ethics. These hours shall be over and above the hours normally required by the Commission on Continuing Legal Education.

b. Respondent shall employ, at his own expense, a Law Practice Monitor. Within fifteen (15) days after the entry of this order, Respondent shall submit the names of up to five candidates for Practice Monitor to Disciplinary Counsel, who will then approve the selection of one candidate. In the first month of the probation period, the Respondent will provide the Law Practice Monitor with all information in any way

related to relationships, personal or business, that the Respondent has with his clients outside of his legal representation of them. The Law Practice Monitor will assist the Respondent in indentifying and resolving real and potential conflicts of interest with his practice, his personal life and his other business ventures.

c. The Law Practice Monitor shall also meet monthly with the Respondent to review and monitor the Respondent's open files to insure (1) that the Respondent is identifying real or potential conflicts and (2) that the Respondent is addressing those conflicts as required by Rules of Professional Conduct 1.7 and 1.8.

d. The Law Practice Monitor shall insure that the Respondent has consulted with all clients and has made appropriate disclosures to clients regarding any actual or potential conflict of interest and obtained informed consent as required by the Rules of Professional Conduct.

e. The Law Practice Monitor shall assist the Respondent in developing a procedure that will assist the Respondent in identifying and disclosing any future conflicts of interest between himself, his business interests and his clients.

f. The Respondent shall not violate any of the Rules of Professional Conduct during the pendency of his probation.

2. Failure to meet any of the above listed conditions or upon report to Disciplinary Counsel from the Law Practice Monitor that the Respondent has failed to meet any of the above listed conditions will result in the revocation of the Respondent's probation. Upon any revocation of his probation, the Respondent will be required to serve the entirety of the one (1) year suspension beginning (10) days from the date of revocation.

3. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$961.67, and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days from the entry of this order, for all of which execution may issue if necessary.

4. The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
JUSTICE