



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

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RELEASE OF INFORMATION
RE: HAROLD FAY SMITH, BPR# 9650
CONTACT: SANDY GARRETT
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 11, 2011

MEMPHIS LAWYER SUSPENDED

On March 3, 2011, Harold Fay Smith of Memphis, Tennessee, was suspended by the Tennessee Supreme Court pursuant to a Conditional Guilty Plea, for a period of two (2) years, ordered to provide an accounting of the client's settlement proceeds, and ordered to pay full restitution to his client within two (2) years.

Mr. Smith violated disciplinary rules by misappropriating the client's settlement proceeds. Mr. Smith's actions violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.15 (safeguarding property).

Mr. Smith was ordered to pay the expenses and costs of the disciplinary proceedings against him, pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court, and fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18.1 of the Rules of the Supreme Court.

Smith 1899-9 rel.doc

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: HAROLD FAY SMITH, JR., BPR #009650
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

FILED

MAR 03 2011

Clerk of the Courts

NO. M2011-00478-SC-BPR-RP
BOPR NO. 2010-1899-9-CM

ORDER OF ENFORCEMENT

This matter is before the Court upon the Petition for Discipline filed February 23, 2010; upon a Conditional Plea filed July 30, 2010; upon an Order Recommending Approval of Conditional Guilty Plea filed August 16, 2010; upon the Board's consideration of this matter on September 10, 2010; and upon the entire record in the cause.

From all of which the Court accepts the Order of the Hearing Panel and adopts the Order of the Hearing Panel as the Court's Order.

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

1. The Respondent, Harold Fay Smith, Jr. shall be suspended for two (2) years, pursuant to Supreme Court Rule 9, Section 4.1.
2. The Respondent is ordered to provide an accounting of the client's settlement proceeds to the Board within thirty (30) days of the effective date of the Order. Full compliance with this obligation shall be a condition precedent to any request for reinstatement.
3. The Respondent is ordered to pay full restitution to his client within two (2) years of the date of this suspension;
4. The Respondent shall comply in all aspects with Supreme Court Rule 9, Section 18, regarding the obligations and responsibilities of suspended attorneys.
5. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Supreme Court Rule 9, Section 18.10.

6. 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 \$836.50, and in addition, shall pay to the Clerk of this Court the costs incurred herein, within (90) days of the entry of this Order, for all of which execution may issue if necessary.

7. Pursuant to Supreme Court Rule 9, Rules of the Supreme Court, Section 18.5, this Order shall be effective ten (10) days after the date of entry.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
CHIEF JUSTICE

Michael W. Catalano, Clerk, hereby certify that
this is a true and exact copy of the original

filed in the case.

This 3 day of Mar, 2011

James J. [Signature]
CLERK OF COURT