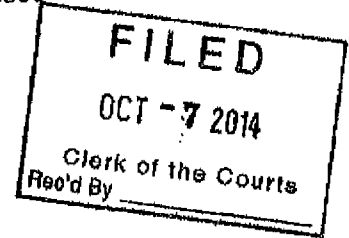


IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: MARSHALL SCOTT SMITH, BPR #9257**  
An Attorney Licensed to Practice Law in Tennessee  
(Madison County)

\_\_\_\_\_  
No. **M2014-01909-SC-BAR-BP**  
BOPR No. ~~2014-2378-7-KH(12.3)~~  
2014-2375-7-KH(27)  
\_\_\_\_\_



**ORDER**

On September 29, 2014, Marshall Scott Smith filed with the Court a Notice of Disability alleging a disability which renders him incapable of practicing law and prevents him from defending himself against a disciplinary complaint, pursuant to Tenn. Sup. Ct. R. 9, § 27.4 (2014). On September 30, 2014, the Board of Professional Responsibility filed a response, asserting that Mr. Smith's Notice of Disability did not adequately support a determination that Mr. Smith is incapable of practicing law or defending himself against a disciplinary complaint and requesting that the Court take such action as it deems necessary to determine Mr. Smith's capacity to continue to practice law and to defend himself. On October 1, 2014, the Board of Professional Responsibility filed a Petition for Temporary Suspension (No. M2014-01915-SC-BAR-BP) ordering Mr. Smith's suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (2014). This Court has also reviewed Mr. Smith's amendment to his Notice of Disability filed October 6, 2014.

Having carefully considered this matter, the Court Orders that Marshall Scott Smith is immediately transferred to disability inactive status for an indefinite period and until further order of this Court and refers this matter to a hearing panel for a formal hearing to determine Mr. Smith's capacity to continue to practice law and to respond to or defend against the complaint, pursuant to Tenn. Sup. Ct. R. 9, § 27.4(a) (2014). In such proceeding, the burden of proof shall rest upon Mr. Smith and shall be by a preponderance of the evidence.

PER CURIAM