



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

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**RELEASE OF INFORMATION**  
**RE: MARSHALL SCOTT SMITH, BPR #9257**  
**CONTACT: KRISANN HODGES**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

April 15, 2015

**MADISON COUNTY LAWYER REMOVED FROM  
DISABILITY INACTIVE STATUS AND TEMPORARILY SUSPENDED**

On April 14, 2015, the Tennessee Supreme Court entered an Order summarily and temporarily suspending Marshall Scott Smith from the practice of law upon finding that Mr. Smith misappropriated funds and that he poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases where an attorney poses a threat of substantial harm to the public. In addition, the Tennessee Supreme Court entered a separate Order on April 14, 2015, finding that Mr. Smith should be removed from disability inactive status.

Mr. Smith's law license was placed on disability inactive status on October 7, 2014. Since that time, he has been precluded from practicing law. Upon entry of the Order of Temporary Suspension on April 14, 2015, Mr. Smith must comply with Tennessee Supreme Court Rule 9, Sections 12.3 and 28 regarding the responsibilities of suspended attorneys and the procedure for reinstatement.

Smith 2378-7 rel.doc

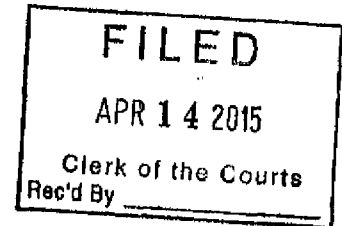
IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

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

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No. M2014-01909-SC-BAR-BP  
BOPR No. 2014-2375-7-KH(27)

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**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 which 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, contending that Mr. Smith's notice of disability did not adequately support a determination that Mr. Smith should be transferred to disability inactive status. The Board also filed a Petition for Temporary Suspension (No. M2014-01915-SC-BAR-BP) pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (2014) on October 1, 2014.

This Court entered an Order on October 7, 2014, transferring Mr. Smith to disability inactive status pending a determination of a hearing panel following a formal hearing to determine Mr. Smith's capacity to practice law or defend himself against a disciplinary complaint. The Court also entered an Order on October 14, 2014, holding the Board's Petition for Temporary Suspension (No. M2014-01915-SC-BAR-BP) in abeyance pending the outcome of the disability proceeding.

On March 25, 2015, a hearing panel entered its Order recommending dismissal of Mr. Smith's petition pursuant to its finding that Mr. Smith voluntarily rescinded his request to be placed on disability inactive status. The hearing panel also recommended that Mr. Smith be required to reimburse the Board for payment of costs related to the cancellation of two (2) appointments for an evaluation.

From all of which the Court approves and adopts the Order of the Hearing Panel as the Court's Order. A copy of the Hearing Panel's Order is attached as Exhibit A.

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

1. The law license of Marshall Scott Smith shall be removed from disability inactive status. Accordingly, the Board's Petition for Temporary in No. M2014-01915-SC-BAR-BP is no longer held in abeyance and shall be addressed by separate Order of this Court.

2. Mr. Smith shall be required to reimburse the Board for costs, including costs for evaluation appointments, in the amount of \$1,255.00 prior to any reinstatement to the active practice of law. Mr. Smith 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.

3. Pursuant to Tenn. Sup. Ct. R. 9, § 32.4, documents other than this Order relating to Mr. Smith's disability proceeding shall not be public records and shall be kept confidential.

PER CURIAM

FILED  
March 25, 2015  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE  
*Ceta Welch*  
Executive Secretary

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

IN RE: MARSHALL SCOTT SMITH,  
Petitioner

DOCKET NO. 2014-2375-7-KH(27)

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ORDER RECOMMENDING DISMISSAL

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This matter comes before the Hearing Panel upon Motion to Dismiss filed by Marshall Scott Smith, upon Response by the Board of Professional Responsibility, and upon the entire record in this cause. Based upon Mr. Smith's request to dismiss the petition for disability status, the Hearing Panel finds that he has voluntarily rescinded his request to be transferred to disability inactive status and it is appropriate to dismiss this cause.

Further, while this matter has been before the Hearing Panel, Mr. Smith consented to an evaluation and the Board agreed to pay the costs, subject to reimbursement by Mr. Smith in the event it was determined that he should not remain on disability inactive status. Mr. Smith made and cancelled two (2) appointments, resulting in \$1,200.00 in cancellation fees. The Hearing Panel finds that Mr. Smith shall be required to reimburse the Board for these fees prior to any reinstatement.

ENTERED ON THIS THE 20<sup>th</sup> day of March, 2015.

For the Hearing Panel:

*Teresa Marshall*  
Teresa Marshall, Panel Chair

RECEIVED

MAR 25 2015

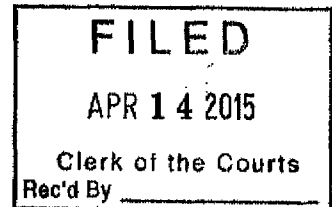
BOARD OF PROFESSIONAL  
RESPONSIBILITY

EXHIBIT  
A

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. M2014-01915-SC-BAR-BP**  
BOPR No. 2014-2378-7-KH(12.3)  
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**ORDER OF TEMPORARY SUSPENSION**

This matter is before the Court on a Petition of the Board of Professional Responsibility of the Supreme Court of Tennessee, by and through Disciplinary Counsel, for the temporary suspension of Marshall Scott Smith from the practice of law, pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (2014). The Petition has been authorized by the Chair of the Board of Professional Responsibility and is supported by the Affidavit of Eileen Burkhalter Smith, Disciplinary Counsel.

Based upon the Petition and the supporting Affidavit, the Court finds that Marshall Scott Smith, Respondent, has misappropriated funds and poses a threat of substantial harm to the public as detailed by the Affidavit of Disciplinary Counsel.

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

1. Marshall Scott Smith is hereby temporarily suspended from the practice of law as provided in Tenn. Sup. Ct. R. 9, § 12.3 (2014).
2. Marshall Scott Smith shall comply with Tenn. Sup. Ct. R. 9 in all respects and particularly as provided in Tenn. Sup. Ct. R. 9, § 30 (2014).
3. Marshall Scott Smith may make application for dissolution or modification of this Order as provided in Tenn. Sup. Ct. R. 9, § 12.3 (2014).
4. The Board of Professional Responsibility shall cause notice of this suspension of Marshall Scott Smith to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM