



**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

October 10, 2014

MADISON COUNTY LAWYER PLACED ON DISABILITY INACTIVE STATUS

On October 7, 2014, the Tennessee Supreme Court entered an Order transferring the law license of Marshall Scott Smith to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9. The Court moved Mr. Smith's license to disability inactive status after Mr. Smith filed a notice with the Court alleging that he suffers from a disability that renders him incapable of practicing law and prevents him from defending himself against a disciplinary complaint pursuant to Tennessee Supreme Court Rule 9, Section 27.4 (2014). By the Court's October 7, 2014 Order, the matter of Mr. Smith's disability has been referred to a hearing panel of the Board of Professional Responsibility to determine Mr. Smith's capacity to continue to practice law and to respond to or defend against disciplinary matters pending before the Board.

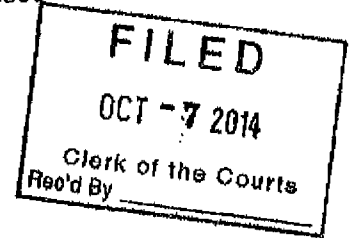
Mr. Smith cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Smith 2375-7 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)

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