



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

10 CADILLAC DRIVE, SUITE 220  
BRENTWOOD, TENNESSEE 37027  
TELEPHONE: (615) 361-7500  
(800) 486-5714  
FA24: (615) 367-2480  
E-MAIL: [ethics@tbpr.org](mailto:ethics@tbpr.org)  
Website: [www.tbpr.org](http://www.tbpr.org)

**RELEASE OF INFORMATION**  
**RE: MARSHALL SCOTT SMITH, BPR #9257**  
**CONTACT: ALAN D. JOHNSON**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

November 22, 2016

**MADISON COUNTY LAWYER DISBARRED**

On November 18, 2016, the Tennessee Supreme Court disbarred Marshall Scott Smith from the practice of law. In addition, Mr. Smith must make restitution to his former clients. The order is effective November 18, 2016. Mr. Smith must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Smith failed to deposit settlement funds into his trust account, misappropriated funds from his clients, accepted fees for which little or no work was performed, used his trust account for personal expenditures, failed to adequately communicate with his clients, settled one case for a client without authority, borrowed money from a client without advising the client of a conflict of interest and the need to obtain independent legal advice or obtain the clients' written informed consent, and failed to timely respond to complaints filed against him.

Mr. Smith's ethical misconduct violates Rules of Professional Conduct 1.2, Scope of Representation; 1.4, Communication; 1.5, fees; 1.8(a), Conflict of Interest, Current Clients; 1.15, Safekeeping Property; 8.1, Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Mr. Smith must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys. Pursuant to Tennessee Supreme Court Rule 9, Sections 30.2, Mr. Smith is not eligible for reinstatement to the practice of law because he was previously disbarred and reinstated, and this is his second disbarment.