



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

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**RELEASE OF INFORMATION**  
**RE: MARK KELLY BRASWELL, BPR #15787**  
**CONTACT: A. RUSSELL WILLIS**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

January 8, 2014

## **WASHINGTON D.C. LAWYER SUSPENDED**

On December 27, 2013, the law license of Mark Kelley Braswell, of Washington, D.C., was suspended by the Tennessee Supreme Court for a period of six (6) months, pursuant to Tennessee Supreme Court Rule 9, Section 4.2, and thereafter, indefinitely until restitution in the amount of \$40,000.00 is paid to Mr. Braswell's former client. Mr. Braswell's suspension is retroactive to May 22, 2012, when he was temporarily suspended by the Tennessee Supreme Court for failure to respond to the Board of Professional Responsibility concerning this complaint of misconduct. Upon Mr. Braswell's full compliance with the terms and conditions set forth in the Order of Enforcement, he will be reinstated to the practice of law in Tennessee.

Mr. Braswell, along with retained co-counsel in Florida, represented a client in a Securities and Exchange Commission civil matter filed in the Federal District Court in Tampa, Florida. Mr. Braswell did not appear at trial to represent his client, leaving the matter to be handled by co-counsel. A judgment was entered against the client for securities fraud. Following the entry of the judgment, Mr. Braswell accepted \$40,000.00 from the client as a first, partial payment of a fixed fee agreement to represent the client in an appeal of the case. Thereafter, Mr. Braswell failed to timely file a brief, misled his client that the appeal brief had been filed and misled opposing counsel by implying a filed copy of the appeal brief would be delivered by FedEx. Mr. Braswell contended that he did not make any such misleading statements. The client's appeal was dismissed by the Court for Mr. Braswell's failure to file the brief in accordance with the rules of the United States Court of Appeals for the Eleventh Circuit. Mr. Braswell failed to provide the appropriate legal services to his client, was not diligent in handling client matters, and failed to adequately communicate with his client, co-counsel and opposing counsel. In mitigation, Mr. Braswell experienced serious health problems during the representation and had no prior disciplinary record.

Mr. Braswell admits his guilt of violating Florida Rules of Professional Conduct 4-1.1(competence), 4-1.3 (diligence), 4-1.4 (communication), 4-1.5 (fees), 4-1.16 (declining or terminating representation), and 4-8.4(a) (misconduct), and Tennessee Rule of Professional Conduct 8.1(b) (bar admission and disciplinary matters).

Mr. Braswell was further ordered to pay the expenses and costs of the disciplinary proceedings against him pursuant to Rule 9, Section 24.3, of the Rules of the Supreme Court, and fully comply in all respects with the requirements and obligations of suspended attorneys and the procedure for reinstatement as set forth in Rule 9, Sections 18 and 19, of the Rules of the Supreme Court.

Braswell 2179-0 rel2.doc

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