



**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

PLEASE NOTE

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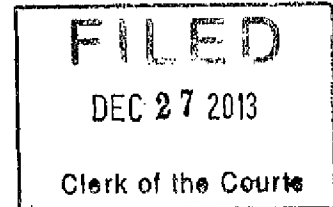
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: MARK KELLEY BRASWELL, BPR# 15787

An Attorney Licensed to Practice Law in Tennessee
(District of Columbia)

No. M2013-02821-SC-BAR-BP
BOPR No. 2013-2179-0-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Mark Kelley Braswell on January 22, 2013; upon Answer of Mark Kelley Braswell to Petition for Discipline filed March 20, 2013; upon entry of a Conditional Guilty Plea filed by Mr. Braswell on November 11, 2013; upon an Order Recommending Approval of Conditional Guilty Plea entered on November 20, 2013; upon consideration and approval by the Board on December 6, 2013; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

On May 22, 2012, Mr. Braswell was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3 (Case No. M2012-00980-SC-BPR-BP). Mr. Braswell has not filed a petition for dissolution, and the Order of Temporary Suspension remains in effect.

It is, therefore, ordered, adjudged and decreed by the Court that:

(1) Mark Kelley Braswell is suspended for six (6) months retroactive to the Temporary Suspension dated May 22, 2012, and continuing thereafter indefinitely until restitution in the amount of \$40,000.00 is paid to Darko Mrakuzic pursuant to Tenn. Sup. Ct. R. 9, §§ 4.2 and 4.7. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Braswell shall reimburse TLFCP in the same amount.

(2) Upon entry of this Order, the Temporary Suspension entered on May 22, 2012, pursuant to Tenn. Sup. Ct. R. 9, § 4.3, shall be dissolved.

(3) Additionally, Mr. Braswell shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 regarding the obligations and responsibilities of suspended attorneys.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5, this Order shall be effective ten (10) days after the date of entry.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Braswell shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$2,191.99 and 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.

(6) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE