



**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
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: MARK STEVEN GRAHAM, BPR #011505
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 11, 2021

KNOX COUNTY LAWYER SUSPENDED

On February 11, 2021, the Tennessee Supreme Court suspended Mark Steven Graham from the practice of law for three (3) years, retroactive to March 11, 2020, the date of his temporary suspension from the practice of law. One (1) year shall be served as an active suspension and the remainder on probation. Mr. Graham must obtain an evaluation with the Tennessee Lawyers Assistance Program, engage a Practice Monitor, pay restitution, and pay the Board of Professional Responsibility's costs and expenses and court costs.

On May 8, 2020, a Petition for Discipline was filed against Mr. Graham that included one complaint of misconduct. Mr. Graham represented a foreign company involved in intellectual property litigation in the United States. The company retained an expert witness, and the client sent funds to Mr. Graham for payment of the expert witness fees. Mr. Graham failed to pay the expert as agreed and used a portion of the funds to pay his outstanding attorney fees.

Mr. Graham executed a Conditional Guilty Plea admitting his conduct violated Tennessee Rules of Professional Conduct 1.15(a), (b) and (d) (safekeeping property and funds) and 8.4(a), and (c) (misconduct).

Mr. Graham shall comply in all aspects with Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

Graham 3093-2 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

02/11/2021

Clerk of the
Appellate Courts

IN RE: MARK STEVEN GRAHAM, BPR #011505

An Attorney Licensed to Practice Law in Tennessee
(Knox County)

No. M2021-00148-SC-BAR-BP
BOPR No. 2020-3093-2-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Mark Steven Graham on May 8, 2020; upon Answer to Petition for Discipline filed by Mr. Graham on June 10, 2020; upon the filing of a Conditional Guilty Plea by Mr. Graham on November 20, 2020; upon an Order Recommending Approval of Conditional Guilty Plea entered on December 7, 2020; upon service of the Order Recommending Approval of Conditional Guilty Plea by the Executive Secretary of the Board dated December 7, 2020; upon consideration and approval by the Board on December 11, 2020; 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 March 11, 2020, Mr. Graham was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2020-000398-SC-BAR-BP). Mr. Graham requested dissolution of the temporary suspension, and it was denied by this Court on October 2, 2020.

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

(1) Mark Steven Graham is suspended from the practice of law for three (3) years, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, retroactive to the date of his temporary suspension on March 11, 2020, pursuant to Tenn. Sup. Ct. R. 9, §12.2(b). One (1) year shall be served as an active suspension and the remainder on probation, subject to the following conditions of probation:

- (a) Mark Steven Graham shall obtain an evaluation with the Tennessee Lawyers Assistance Program (TLAP) and follow any and all recommendations of TLAP. Further, Mr. Graham shall give TLAP

permission to communicate with the Board regarding any monitoring agreement.

- (b) Mr. Graham, at his cost, shall engage a Practice Monitor who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The Practice Monitor shall submit monthly reports to the Board addressing the following areas: compliance with the conditions of discipline, probation, or reinstatement in addition to his compliance with trust account rules, accounting procedures, and office management procedures. This Practice Monitor shall monitor the practice from such a time as Mr. Graham is reinstated from the active suspension and shall remain throughout the entirety of Mr. Graham's probation.
- (c) During the period of active suspension and probation, Mr. Graham shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which result in the recommendation by the Board that discipline be imposed.

(2) In the event Mr. Graham fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.

(3) Prior to seeking reinstatement, Mr. Graham must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Mr. Graham shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Further, the Order of Temporary Suspension entered on March 11, 2020, Case No. M2020-000398-SC-BAR-BP, is hereby dissolved.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Graham shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$306.00 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.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, Mr. Graham shall be required to make restitution to Dr. Jerry Atwood in the amount of \$37,728.00. Payment of restitution is a condition precedent to reinstatement and the grant of probation. In the event restitution is

made by the Tennessee Lawyers' Fund for Client Protection ("TLFCP"), Mr. Graham will be responsible for reimbursement to the TLFCP in the same amount:

(8) The Board of Professional Responsibility shall cause notice of this suspension of Mark Steven Graham to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM