



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

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RELEASE OF INFORMATION
RE: MARK WESLEY HENDERSON, BPR# 11525
CONTACT: KRISANN HODGES
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 18, 2011

WILSON COUNTY LAWYER SUSPENDED

On January 12, 2011, Mark Wesley Henderson of Mount Juliet, Tennessee, was suspended from the practice of law for six (6) months by the Tennessee Supreme Court and ordered to pay restitution to two (2) former clients. The suspension shall begin on January 24, 2011. In order to be reinstated after the six (6) month period has elapsed, Mr. Henderson must pay restitution and return the appellate file to the Clerk of the Supreme Court.

On April 11, 2007, a Petition for Discipline was filed against Mr. Henderson containing two (2) complaints of disciplinary misconduct. A hearing was held on September 25, 2008. A Hearing Panel determined that Mr. Henderson failed to adequately communicate with both complainants about their cases. In a complaint filed by a former client, Mr. Henderson charged a retainer of \$10,000.00. When the client became dissatisfied with Mr. Henderson's services and terminated the relationship, Mr. Henderson failed to refund unearned fees or to provide a billing statement despite numerous requests by the client for the information. In another complaint filed by a client, Mr. Henderson failed to honor his agreement to refund half of the legal fees if the matter went uncontested. After the matter was resolved without contest from the opposing party, Mr. Henderson did not refund the fee as promised.

Mr. Henderson's actions violate the following Rules of Professional Conduct: 1.2(a), Scope of Representation; 1.4, Communication; 1.5, Fees; 1.16, Declining and Terminating Representation; and 8.4, Misconduct.

Mr. Henderson must comply with Section 18 of Rule 9, Rules of the Supreme Court, regarding the obligations and responsibilities of suspended attorneys. He must pay restitution and return the appellate record to the Clerk of the Supreme Court as a condition of reinstatement.

Henderson 1666-4 rel.doc.

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