



**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.

PLEASE NOTE

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

2011 JAN 12 AM 11:40

IN RE: MARK WESLEY HENDERSON, BPR #11525

An Attorney Licensed to Practice Law in Tennessee

(Wilson County)

APPELLATE COURT CLERK
NASHVILLE

NO. M2010-01177-SC-R3-BP

BOPR No. 2007-1666-4-JV

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed on April 11, 2007 by the Board of Professional Responsibility ("Board") against Mark Wesley Henderson ("Respondent"); upon an Answer filed by Respondent on May 14, 2007; upon a hearing held September 25, 2008; upon Findings of Fact and Conclusions of Law and Judgment entered by the Hearing Panel on March 18, 2009; upon a Motion to Alter or Amend filed by the Board on March 26, 2009; upon Order of the Hearing Panel amending its prior Judgment entered on April 20, 2009; upon approval of the Board given on June 12, 2009; upon a Petition for Certiorari filed by Respondent on June 19, 2009; upon Answer to the Petition for Certiorari filed by the Board on July 13, 2009; upon Order entered by the Chancery Court of Wilson County on March 23, 2010; upon Respondent's Motion to Alter or Amend filed on April 22, 2010; upon the Chancery Court's Order denying the Motion to Alter or Amend on April 27, 2010; upon Respondent's Notice of Appeal filed on May 27, 2010; upon this Court's Order dismissing the appeal due to Respondent's failure to file a brief entered on November 17, 2010; upon Respondent's Motion to Vacate the Court's Order of Dismissal filed December 10, 2010; upon the Board's Response to Motion to Vacate filed December 21, 2010; upon this Court's Order denying the Motion to Vacate filed December 23, 2010; and upon the entire record in this cause.

From all of which pursuant to Supreme Court Rule 9, Section 8.4, the Court approves the Findings of Fact and Conclusions of Law and Judgment of the Hearing Panel and adopts the judgment of the Hearing Panel as the Court's Order.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that:

1. Respondent, Mark Wesley Henderson, shall be and is hereby suspended from the practice of law for six (6) months pursuant to Supreme Court Rule 9, Section 4.2.

2. Pursuant to Supreme Court Rule 9, Section 4.7, Respondent shall pay restitution to Buddy Bruner in the amount of \$3,050.00 and to Jimmy and Michelle Raines in the amount of \$1,500.00. Payment of restitution shall be a condition precedent to reinstatement.

3. The records of this court show that the official file in this case was checked out by Respondent on August 25, 2010. That file has not yet been returned. Therefore, Respondent shall return the complete file within ten (10) days of the date of entry of this Order. Return of the intact file is an additional condition precedent to reinstatement.

4. This suspension shall become effective ten (10) days after the filing of this Order.

5. Respondent shall comply in all aspects with Supreme Court Rule 9, Sections 18 regarding the obligations and responsibilities of suspended attorneys.

6. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$6,491.67 and in addition, 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. The Board shall cause notice of this suspension to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
CHIEF JUSTICE

... by the Clerk, hereby certify that
this is a true and exact copy of the original
filed in the case.
This 12 day of August, 2011
by: [Signature]
CLERK OF COURT