

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