



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

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RELEASE OF INFORMATION
RE: MARK W. HENDERSON, BPR# 11525
CONTACT: KEVIN BALKWILL
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

April 28, 2011

WILSON COUNTY LAWYER CENSURED

On April 27, 2011, Mark W. Henderson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Henderson represented a client in a divorce action. He recognized that the client had become dissatisfied with his work and agreed in writing to refund \$2,000.00 to the client if the client was not satisfied with his work in an upcoming deposition. After the deposition, the client expressed dissatisfaction with Mr. Henderson's work and requested the agreed refund. Mr. Henderson failed to abide by his agreement. He later agreed to participate in a fee dispute process at the request of Disciplinary Counsel. Mr. Henderson failed to cooperate in the fee dispute process or respond to correspondence from Disciplinary Counsel. Mr. Henderson has prior public discipline of a similar nature.

By the aforementioned acts, Mark W. Henderson has violated Rule of Professional Conduct 4.4 (respect for the rights of a third person), 8.1(b) (failure to respond to Disciplinary Counsel), and 8.4(a) and (d) (misconduct) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Henderson 33147c-4 rel.doc

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BOARD OF PROFESSIONAL
RESPONSIBILITY

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IN DISCIPLINARY DISTRICT IV
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: MARK W. HENDERSON, BPR NO. 11525
Respondent, an attorney licensed
to practice law in Tennessee
(Wilson County)

FILE NO. 33147c-4-KB

PUBLIC CENSURE

The above complaint was filed against Mark W. Henderson, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on March 11, 2010.

Respondent received a \$3,000.00 retainer fee to represent Complainant in a divorce action. Complainant became dissatisfied with Respondent's representation and Respondent subsequently executed an agreement which stated that if Complainant was not satisfied with the deposition Respondent takes of Complainant's wife, Respondent would refund \$2,000.00 of the \$3,000.00 retainer fee and withdraw from the case. Shortly after Respondent participated in the deposition, Complainant sent Respondent an e-mail demanding that Respondent refund \$2,000.00 of his attorney fee. Respondent failed to refund any fees and instead withdrew from representation on February 23, 2010. During the disciplinary investigation, Respondent agreed to mediate the fee dispute before a neutral mediator. The mediator made several attempts to contact Respondent and schedule a time for the mediation, but Respondent failed to communicate with the mediator. The mediator referred the matter back to Disciplinary Counsel

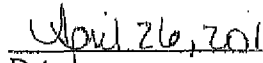
and attempts were made to contact Respondent, but he has failed to respond. Respondent has prior public discipline of a similar nature.

By the aforementioned acts, Mark W. Henderson, has violated Rules of Professional Conduct 4.4 (using means that have no substantial purpose other than to delay a third person), 8.1(b) (failure to respond to a demand for information by Disciplinary Counsel), and 8.4(a) (violation of Rules of Professional Conduct) and (d) (engaging in conduct prejudicial to administration of justice) and is hereby Publicly Censured for this violation.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Lela Hollabaugh, Chair



Date