



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

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RELEASE OF INFORMATION
RE: ARTHUR WAYNE HENRY, BPR #9484
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

April 30, 2018

LOUDON COUNTY LAWYER SUSPENDED

On April 30, 2018, Arthur Wayne Henry, of Loudon, Tennessee, was suspended from the practice of law for one (1) year and one (1) day, effective immediately, by Order of the Tennessee Supreme Court. In addition, as conditions of reinstatement, Mr. Henry must obtain an evaluation by the Tennessee Lawyers Assistance Program, attend six (6) hours of continuing legal education in law practice management, and obtain sufficient professional liability insurance. Mr. Henry must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

In one case, Mr. Henry agreed to accept a settlement offer without advising his clients. He received a \$5,000 settlement check but did not advise his clients. The settlement check was never cashed. Mr. Henry did not respond to a show cause order requiring him to show cause why an order of compromise and settlement had not been entered and the case was dismissed without prejudice. In a second case, Mr. Henry did not diligently pursue a divorce petition or adequately communicate with his client. In a third case, Mr. Henry did not diligently pursue a post-divorce matter or adequately communicate with his client.

Mr. Henry's ethical misconduct violates Rules of Professional Conduct 1.2, Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.15, Safekeeping Property and Funds; 3.2, Expediting Litigation; 8.1, Bar Admission and Disciplinary Matters; and 8.4, Misconduct.

On April 26, 2018, Mr. Henry was temporarily suspended by the Tennessee Supreme Court in an unrelated matter upon finding that Mr. Henry had misappropriated funds and poses a threat of substantial harm to the public. The temporary suspension remains in effect.

Mr. Henry must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/30/2018
Clerk of the
Appellate Courts

IN RE: ARTHUR WAYNE HENRY, BPR #9484
An Attorney Licensed to Practice Law in Tennessee
(Loudon County)

No. M2018-00764-SC-BAR-BP
BOPR No. 2017-2771-2-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Arthur Wayne Henry on October 3, 2017; upon a Motion for Default Judgment and that Charges in Petition Be Deemed Admitted filed on November 17, 2017; upon an Order for Default Judgment entered on December 4, 2017; upon a hearing on December 21, 2017; upon the Findings of Fact, Conclusions of Law and Judgment entered on December 27, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment upon Mr. Henry by the Executive Secretary of the Board on December 27, 2017; upon the Board of Professional Responsibility's Application for Assessment of Costs filed on January 9, 2018; upon the Findings and Judgment for Assessment of Costs entered on January 26, 2018; upon service of the Findings and Judgment for Assessment of Costs upon Mr. Henry by the Executive Secretary of the Board on January 29, 2018; upon the Motion to Alter or Amend filed by the Board on February 12, 2018; upon the Amended Findings of Fact, Conclusions of Law and Judgment entered on February 23, 2018; upon service of the Amended Findings of Fact, Conclusions of Law and Judgment upon Mr. Henry by the Executive Secretary of the Board on February 23, 2018; upon consideration and approval by the Board on March 9, 2018; upon expiration of the appeal period with no appeal taken; 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 Judgment recommending suspension of one (1) year and one (1) day as the Court's Order.

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

(1) Mr. Henry is suspended for one (1) year and one (1) day, pursuant to Tenn. Sup. Ct. R. 9, § 12.2.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.8, and as a condition precedent to any reinstatement, Mr. Henry shall (a) be evaluated by the Tennessee Lawyers Assistance Program to determine whether he may be suffering from an impairment that could be contributing to his lack of diligence and communication with the results of the evaluation being provided to the Board; (b) complete six (6) hours of continuing legal education on law practice management; and, (c) obtain sufficient professional liability insurance. If Mr. Henry provides evidence satisfactory to the Board that he has been unable to obtain sufficient professional liability insurance despite a good faith effort on his part, this condition shall be excused.

(3) Prior to seeking reinstatement, Mr. Henry must meet 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. Henry shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4(d), regarding the obligations and responsibilities of disbarred attorneys.

(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. Henry shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$670.02 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) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM