



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

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RELEASE OF INFORMATION
RE: ARTHUR WAYNE HENRY, BPR #009484
CONTACT: TRAVIS LAMPLEY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

July 24, 2019

LOUDON COUNTY LAWYER DISBARRED

On July 24, 2019, Arthur Wayne Henry of Loudon, Tennessee, was disbarred from the practice of law, effective immediately, by Order of the Tennessee Supreme Court. In addition, as a condition of reinstatement, Mr. Henry must make restitution to six clients. 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 the handling of an estate, when an heir of the decedent attempted to purchase the decedent's real estate, Mr. Henry misappropriated the purchase money. When the heir of the decedent attempted to purchase the real estate a second time, Mr. Henry misappropriated the purchase money again and forged a deed in an effort to hide his actions. In the representation of a number of other clients, Mr. Henry failed to act diligently, failed to adequately communicate with his clients, failed to place unearned fees in his trust account, made misrepresentations to the clients to make them think their cases were progressing normally, and failed to advise his clients that he had been suspended. When terminated, Mr. Henry failed to refund the unearned fees and return his clients' files. Mr. Henry also failed to respond to the Board's requests for information. Mr. Henry's ethical misconduct violates Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.15(b) and (d), Safekeeping Property and Funds; 1.16(d), Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a), (b), (c) and (g), Misconduct.

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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

07/24/2019

Clerk of the
Appellate Courts

IN RE: ARTHUR WAYNE HENRY, BPR #009484
An Attorney Licensed to Practice Law in Tennessee
(Loudon County)

No. M2019-01253-SC-BAR-BP
BOPR No. 2018-2943-2-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Arthur Wayne Henry on November 29, 2018; upon a Motion for Default Judgment and that Charges in Petition for Discipline Be Deemed Admitted filed by the Board on January 11, 2019; upon entry of an Order for Default Judgment on February 14, 2019; upon a Supplemental Petition for Discipline filed on January 23, 2019; upon a Motion for Default Judgment and that Charges in Supplemental Petition for Discipline Be Deemed Admitted filed by the Board on February 14, 2019; upon entry of an Order for Default Judgment on February 25, 2019; upon a Second Supplemental Petition for Discipline filed on February 26, 2019; upon a hearing on April 15, 2019; upon the Findings of Fact, Conclusions of Law and Judgment entered on April 18, 2019; upon service of the Findings of Fact, Conclusions of Law and Judgment upon Mr. Henry by the Executive Secretary of the Board on April 18, 2019; upon the Board of Professional Responsibility's Application for Assessment of Costs filed on April 22, 2019; upon the Findings and Judgment for Assessment of Costs entered on May 9, 2019; upon service of the Findings and Judgment for Assessment of Costs upon Mr. Henry by the Executive Secretary of the Board on May 9, 2019; upon consideration and approval by the Board on June 14, 2019; 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 disbarment.

On April 26, 2018, Mr. Henry was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2018-00757-SC-BAR-BP). On April 30, 2018, Mr. Henry was suspended by this Court for one year and one day pursuant to Tenn. Sup. Ct. R. 9, § 12.2 (Case No. M2018-00764-SC-BAR-BP). To date, Mr. Henry has not requested, nor been granted, reinstatement from either suspension.

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

(1) Mr. Henry is disbarred, pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Henry shall make restitution to the following individuals and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Henry shall reimburse TLFCP in the same amount:

- (a) Brandon Noe - \$2,000.00
- (b) Danny Leonard - \$46,663.00
- (c) Patricia Wilson - \$1,000.00
- (d) Susie Moss-Adkins - \$1,625.00
- (e) Michael Thompson - \$2,000.00
- (f) Robert Morris - \$2,000.00

(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 disbarment 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, regarding the obligations and responsibilities of disbarred attorneys.

(5) Mr. Henry shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 30.4(d), regarding the procedure for reinstatement.

(6) Further, the Order of Temporary Suspension entered on April 26, 2018, in Case No. M2018-00757-SC-BAR-BP, is hereby dissolved.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(8) 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 \$1,188.67 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.

(9) 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