

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

IN RE: HENRY ALLEN NOHSEY, #8756
Respondent, an attorney licensed
to practice law in Tennessee
(Obion County)

FILE NO. 42557-8-ES

PUBLIC CENSURE

The above complaint was filed against Henry Allen Nohsey, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered these matters at its meeting on March 11, 2016.

Mr. Nohsey represented a client who owned real property as a tenant in common with a relative. The client wanted to purchase the relative's interest in the property, but the relative would not sell to the client. The relative was not represented by counsel at any time on this matter.

At the request of the client, Mr. Nohsey engaged in a strategy to convince the relative that Mr. Nohsey represented an unrelated third party who wanted to purchase the property from both the client and the relative, which was false. Mr. Nohsey wrote two letters addressed to the relative and to the client stating that Mr. Nohsey represented a buyer who would purchase the property at a particular price from both the relative and the client. The relative made a counter-offer which was accepted. Mr. Nohsey prepared a warranty deed for execution by the relative and her mother who held a life estate. Mr. Nohsey told the relative that the warranty deed was for the agreed price and would also be executed by the client. The relative and her mother signed the warranty deed.

In reality, Mr. Nohsey's client assigned the relative's interest in the property, and then the client sold the property to a third party for \$26,000 more than the price to which Mr. Nohsey, on behalf of his client, agreed with the relative. The warranty deed transferred the property from the client, relative and her mother to the third party at the higher price, without the knowledge of the relative and her mother. In response to two questions from the relative, Mr. Nohsey stated that a third party would "wind up" with the property; however, he did not inform the relative of the assignment.

By the aforementioned actions, Mr. Nohsey engaged in violations of the Rules of Professional Conduct, including Rule 4.3 (dealing with an unrepresented party) and Rule 8.4(c) (conduct involving misrepresentation). Mr. Nohsey's conduct resulted in harm to an unrepresented party and the public. Mr. Nohsey is hereby Publicly Censured for this violation.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Michael King, Chair

4/21/2016
Date