



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

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RELEASE OF INFORMATION
RE: MARK CHRISTOPHER SCRUGGS, BPR #010103
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BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

May 25, 2021

DAVIDSON COUNTY LAWYER CENSURED

On May 25, 2021, Mark Christopher Scruggs, an attorney licensed to practice law in Tennessee, received a Public Censure from Supreme Court of Tennessee conditioned upon payment of fees to the Board of Professional Responsibility.

Mr. Scruggs was retained by the stepfather of an 11-year-old girl to represent him against criminal charges alleging rape of the child. The child was the subject of a pending dependency and neglect action arising from the same events, and the Juvenile Court had removed the child from the home and removed the mother's custodial rights. After being informed by the mother that her daughter had recanted statements she previously made against the stepfather, Mr. Scruggs, without seeking or obtaining permission from the custodian of the minor child, arranged with the mother for her daughter to be interviewed by a private investigator at his law office to confirm the recantation. Thereafter, Mr. Scruggs provided the audio recording of the interview to the Assistant District Attorney and the Guardian Ad Litem who had been appointed by the Juvenile Court. Tennessee recognizes a witness, under ordinary circumstances, may alone decide by whom to be interviewed. However, Tennessee also recognizes that the legal custodian of a minor victim has an absolute right to refuse defense counsel's request to interview the minor victim.

The interview in this matter was not under ordinary circumstances and required Mr. Scruggs to seek and obtain permission of the court-appointed custodian prior to interviewing the eleven-year-old victim. By conducting the interview at issue without providing the court-appointed custodian of the child an opportunity to exercise her legal right to refuse the interview, Mark Christopher Scruggs violated Rules of Professional Conduct 4.4(a)(1) (respect for the rights of third persons) and 8.4(a) (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.

Scruggs 3121-5 rel.doc