



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

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FA24: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: MARK CHRISTOPHER SCRUGGS, BPR #010103
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

May 25, 2021

DAVIDSON COUNTY LAWYER CENSURED

On May 24, 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

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

05/24/2021

Clerk of the
Appellate Courts

In Re: MARK CHRISTOPHER SCRUGGS, BPR #010103

An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2021-00548-SC-BAR-BP

BOPR No. 2020-3121-5-JM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Mark Christopher Scruggs on September 2, 2020; upon Response to Petition for Discipline filed by Mr. Scruggs on September 29, 2020; upon the Conditional Guilty Plea filed by Mr. Scruggs on March 10, 2021; upon the Hearing Panel entering its Order Recommending Approval of Conditional Guilty Plea on March 16, 2021; upon the Executive Secretary of the Board forwarding a copy of the Order Recommending Approval of Conditional Guilty Plea to Mr. Scruggs on March 16, 2020; and upon the Board of Professional Responsibility considering and approving the Order of the Hearing Panel on March 29, 2020; 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 Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

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

(1) Mark Christopher Scruggs is disciplined by a public censure, pursuant to Tenn. Sup. Ct. R. 9, § 12.4, which is conditioned upon payment of Board costs and court costs.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Scruggs shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$520.00 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.

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

(4) 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