



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

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RELEASE OF INFORMATION
RE: JOHN MARTIN DRAKE, BPR #30532
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

May 1, 2017

DAVIDSON COUNTY LAWYER SUSPENDED

Effective April 28, 2017, the Supreme Court of Tennessee suspended John Martin Drake from the practice of law for two (2) years pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and referred Mr. Drake to Tennessee Lawyers Assistance Program (TLAP).

Mr. Drake, while suspended from the practice of law, knowingly and intentionally made a series of telephone calls to the Bledsoe County Correctional Complex identifying himself as an attorney and representing himself as the attorney for an inmate at the facility. By these acts, Mr. Drake violated Rules of Professional Conduct 5.5 (unauthorized practice of law), 8.1(b) (bar admissions and disciplinary matters) and 8.4(b) and (c) (misconduct).

On August 19, 2015, Mr. Drake was summarily suspended from the practice of law (Case No. ADM2015-00050) for failure to comply with Continuing Legal Education requirements and that suspension remains in effect.

Prior to seeking reinstatement, Mr. Drake must comply in all aspects with Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

Drake 2587-5 rel.doc

FILED

04/28/2017

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JOHN MARTIN DRAKE, BPR No. 30532
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2017-00816-SC-BAR-BP
BOPR No. 2016-2587-5-AW

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against John Martin Drake on May 25, 2016; upon the Order Granting Motion for Default entered November 3, 2016; upon the Findings of Fact, Conclusions of Law and Judgment of the Hearing Panel entered January 9, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Drake by the Executive Secretary of the Board on January 10, 2017; upon the Board's Application for Assessment of Costs filed January 11, 2017; upon the Hearing Panel's Findings and Judgment for Assessment of Costs entered February 2, 2017; upon service of the Hearing Panel's Finding and Judgment for Assessment of Costs upon Mr. Drake by the Executive Secretary of the Board on February 3, 2017; upon consideration and approval by the Board on March 10, 2017; 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 Judgment of the Hearing Panel and adopts the Hearing Panel's Findings of Fact, Conclusions of Law and Judgment as the Court's Order.

On August 19, 2015, Mr. Drake was summarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 21, § 7.03 (Case No. ADM2015-00050) for failure to comply with the rule for mandatory continuing legal education. To date, Mr. Drake has neither requested nor been granted reinstatement.

On February 16, 2016, Mr. Drake was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2016-00306-SC-BAR-BP) for failure to respond to the Board concerning a complaint of misconduct. To date, Mr. Drake has neither requested nor been granted reinstatement.

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

(1) John Martin Drake is suspended from the practice of law for two (2) years, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and shall contact the Tennessee Lawyers Assistance Program (TLAP) for evaluation and compliance with any monitoring agreement recommended by TLAP.

(2) Prior to seeking reinstatement, Mr. Drake must have contacted TLAP and successfully complied with any recommended monitoring agreement; met all CLE requirements; 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 remitted all court costs and Board costs in this matter.

(3) Mr. Drake shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) Further, the Order of Temporary Suspension (Case No. M2016-00306-SC-BAR-BP) entered February 16, 2016, is hereby dissolved. The Order of Summary Suspension (Case No. ADM2015-00050) remains in effect pending further order of this Court.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Drake shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$969.46 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.

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

(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