



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

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RELEASE OF INFORMATION
RE: MARTIN L. HOWIE, BPR# 014120
CONTACT: KRISANN HODGES
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

April 9, 2013

DYERSBURG LAWYER SUSPENDED

On April 5, 2013, Martin L. Howie, of Dyersburg, Tennessee, was suspended by Order of the Tennessee Supreme Court for a total period of three (3) years with one (1) year served as an active suspension, retroactive to February 8, 2011. The remaining two (2) years of the suspension shall be probated subject to several conditions. The conditions include restitution to former clients, participation with the Tennessee Lawyer's Assistance Program, and a practice monitor.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Howie based upon eleven (11) client complaints alleging that Mr. Howie accepted fees and then neglected clients' cases and that he failed to communicate with clients and the Board. In addition to the client complaints, another complaint was filed for his failure to provide the Court with advance notice before the day of trial in a criminal case of his suspension for noncompliance with continuing legal education requirements.

Mr. Howie's actions violate the following Rule(s) of Professional Conduct: 1.1, Competence; 1.3, Diligence; 1.4 Communication; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1, Bar Admission and Disciplinary Matters; and 8.4, Misconduct.

Mr. Howie must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 19, should he seek reinstatement of his Tennessee law license and he may not resume practice until reinstated by further order of this Court.

Howie 1970-8 rel.doc

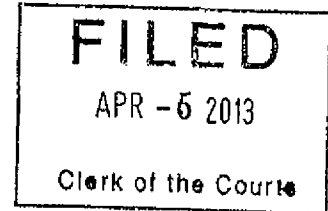
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE MARTIN L. HOWIE, BPR #14120
An Attorney Licensed to Practice Law in Tennessee
(Dyer County)

No. M2013-00806-SC-BPR-BP
BOPR No. 2010-1970-8-CM



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Martin L. Howie on September 7, 2010; upon the Board's Motion for Default Judgment and that Allegations Contained in the Petition for Discipline be Deemed Admitted filed on November 19, 2010; upon the Order for Default Judgment entered by the Hearing Panel on January 6, 2011; upon Mr. Howie's Motion to Set Aside Judgment Pursuant to Rule 60 filed on March 16, 2011; upon final hearing held on March 16, 2011; upon the Hearing Panel's Judgment entered March 29, 2011; upon Mr. Howie's Petition for Review filed on May 27, 2011; upon Response to Petition for Review filed by the Board on June 10, 2011; upon the Judgment of the Dyer County Chancery Court entered March 27, 2012; upon the Board's Motion to Alter or Amend the Chancery Court's Order filed on April 24, 2012; upon the Amended Consent Order entered on January 30, 2013; upon consideration and approval by the Board on April 14, 2011 and April 17, 2012; upon expiration of the appeal period with no appeal filed; and from the entire record in this cause.

From all of which the Court approves the Judgment of the Chancery Court of Dyer County, Tennessee, and the Amended Consent Order, as the Court's Order.

On February 8, 2011, Mr. Howie was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3 (Case No. M2011-00239-SC-BPR-BP). To date, Mr. Howie has not filed a petition for dissolution.

It is, therefore, ordered, adjudged and decreed by the Court that:

1. Pursuant to Tenn. Sup. Ct. R. 9, § 4.2, Martin L. Howie is suspended from the practice of law for a period of three (3) years with one (1) year served as an active suspension, retroactive to February 8, 2011. Pursuant to Tenn. Sup. Ct. R. 9, § 8.5, the

remaining two (2) years of the suspension shall be probated subject to the following conditions.

2. Pursuant to Tenn. Sup. Ct. R. 9, § 4.7, Mr. Howie shall be required to make restitution to the following individuals. Payment of restitution is a condition precedent to reinstatement. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Mr. Howie will be responsible for reimbursement to the TLFCP of the same amount:

- a) Tanya Hall in the amount of \$558.50
- b) Rhonda Lumley in the amount of \$698.50
- c) Christopher Clemmons in the amount of \$500.00
- d) Janet Jones in the amount of \$710.50
- e) Willette Moses in the amount of \$785.50
- f) Lisa Bryant in the amount of \$440.00
- g) James Osborne in the amount of \$1,500.00
- h) Matt Borden in the amount of \$550.00

3. As a prerequisite to reinstatement, Mr. Howie shall present himself to the Tennessee Lawyers Assistance Program (TLAP) for assessment and, if recommended by TLAP, enter into a peer assistance contract and remain in compliance with said program's requirements.

4. As a prerequisite to reinstatement, Mr. Howie shall have the approval of TLAP to re-enter the practice of law.

5. As a condition of probation, Mr. Howie shall maintain a practice monitor for not less than (1) year following reinstatement.

6. Mr. Howie shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 18 and 19 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Further, the temporary suspension Order entered on February 8, 2011 in Case No. M2011-00239-SC-BPR-BP is hereby dissolved.

7. Pursuant to Tenn. Sup. Ct. R. 9 § 18.5, this Order shall be effective ten (10) days after the date of entry.

8. Pursuant to Tenn. Sup. Ct. R. 9 § 24.3, Mr. Howie shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,461.04 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 § 18.10.

FOR THE COURT

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE