

FILED

2011 MAR 29 AM 10:09

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

BOARD OF PROFESSIONAL  
RESPONSIBILITY

*Rew* EXEC. SEC.

IN RE: MARTIN LYN HOWIE  
BPR #14120, Respondent  
An Attorney Licensed and  
Admitted to the Practice of  
Law in Tennessee  
(Dyer County)

DOCKET NO. 2010-1970-8-CM

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JUDGMENT OF THE HEARING COMMITTEE

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THIS MATTER came on be heard on the 16<sup>th</sup> day of March, 2011, for the purposes of determining discipline pursuant to a Petition for Discipline filed on November 19, 2010 and further on a Order of Default Judgment entered on January 6, 2011 with respect to the Petition filed as a result of which the allegations and facts set forth in the disciplinary petition were deemed admitted and further heard on a Rule 60 motion to set aside said Default Judgment filed by the respondent on March 16, 2011 and therefore in consideration of such facts and the record in this cause.

IT IS THE JUDGMENT OF THIS PANEL that the Rule 60 Motion to set aside the Defendant Judgment is **DENIED**.

IT IS FURTHER THE JUDGMENT OF THIS PANEL of the hearing committee that the Respondent, Martin Lynn Howie, should be suspended from the practice of law in Tennessee for a period of five years retroactive to February 8, 2011 at the time of his current temporary suspension.

IT IS FURTHER THE JUDGMENT OF THIS PANEL that the Respondent, Martin Lynn Howie, make restitution of unearned fees to his former clients:

1. Tanya Hall	\$558.50
2. Rhonda Lumley	\$698.50
3. Christopher Clemmons	\$500.00
4. Janet Jones	\$710.50
5. Willette Moses	\$785.50
6. Lisa Bryant	\$440.00
7. James Osborne	\$1,500.00
8. Matt Borden	\$550.00

**IT IS FURTHER THE JUDGMENT OF THIS PANEL** that the Respondent, Martin Lynn Howie, demonstrate having made such restitution as outlined above, as a prerequisite to any Petition for Reinstatement, which Respondent may file in the future.

**IT IS FURTHER THE JUDGMENT OF THIS PANEL** that the Respondent, Martin Lynn Howie, be required to present himself to the Tennessee Lawyers Assistance Program (TLAP) for assessment and entry into a peer assistance contract with TLAP and in compliance with said program's requirements if recommended by TLAP, and as a prerequisite to any Petition for Reinstatement, which the Respondent may file in the future.


**IT IS FURTHER THE JUDEGMENT OF THIS PANEL** that the Respondent, Martin Lynn Howie, upon reinstatement be ordered, as a condition of probation, to maintain a practice monitor for not less than one year following reinstatement.

**IT IS FURTHER THE JUDGMENT OF THIS PANEL** that the Respondent, Martin Lynn Howie, be taxed with the cost of the board pursuant to Tennessee Rules of the Supreme Court Number 9, Section 24.3.

ENTERED this the 29<sup>th</sup> day of March, 2011.

**THE HEARING COMMITTEE PANEL:**

  
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JEFFREY W. PARHAM  
PANEL CHAIR

*Michael Joseph Banks by permission*  
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MICHAEL JOSEPH BANKS  
PANEL MEMBER 

*Shaun Allen Brown by permission*  
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SHAUN ALLEN BROWN  
PANEL MEMBER 