

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JOHN LYNDON LOWERY, BPR #16195

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

No. M2016-02492-SC-BAR-BP
BOPR No. 2016-2596-5-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against John Lyndon Lowery on June 17, 2016; upon entry of a Conditional Guilty Plea filed by Mr. Lowery on October 19, 2016; upon an Order Recommending Approval of Conditional Guilty Plea entered on November 1, 2016; upon consideration and approval by the Board on December 9, 2016; 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.

On September 29, 2015, Mr. Lowery was administratively suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 26 (ADM2015-00008). On June 24, 2016, Mr. Lowery was disbarred pursuant to Tenn. Sup. Ct. R. 9, § 12.1 (Case No. M2016-01241-SC-BAR-BP). To date, Mr. Lowery has not requested, nor been granted, reinstatement.

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

(1) Mr. Lowery is disbarred, pursuant to Tenn. Sup. Ct. R. 9, § 12.1, retroactive to June 24, 2016.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Lowery shall make restitution to Brenda and Ted Acker in the amount of \$97,500.00 and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Lowery shall reimburse TLFCP in the same amount.

(3) Prior to seeking reinstatement, Mr. Lowery must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this disbarment until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Mr. Lowery shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4(d) regarding the obligations and responsibilities of disbarred attorneys.

(5) The Order of Administrative Suspension entered on September 29, 2015, in Case No. ADM2015-00008, and the Order of Enforcement on June 24, 2016, disbarring Mr. Lowery in Case No. M2016-01241-SC-BAR-BP, shall remain in effect.

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

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Lowery shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$27.61 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.

(8) 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