



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

LANCE B. BRACY
CHIEF DISCIPLINARY COUNSEL

LAURA L. CHASTAIN
DEPUTY CHIEF DISCIPLINARY COUNSEL

BEVERLY P. SHARPE
CONSUMER COUNSEL DIRECTOR

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org

WILLIAM W. HUNT, III
CHARLES A. HIGH
SANDY GARRETT
JESSE D. JOSEPH
JAMES A. VICK
THERESA M. COSTONIS
DISCIPLINARY COUNSEL

RELEASE OF INFORMATION
IN RE: ROBERT LEE MARTIN, BPR # 18106
CONTACT: JESSE D. JOSEPH
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 28, 2005

NASHVILLE LAWYER CENSURED

Robert Lee Martin, of Nashville, was publicly censured by the Board of Professional Responsibility on February 22, 2005. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Martin did not request a hearing on the matter.

The Board opened its own disciplinary investigation in August of 2004 regarding Martin's targeted direct mail advertising to prospective clients in the area of DUI defense. Martin's advertising letter did not include the required wording "THIS IS AN ADVERTISEMENT" in a conspicuous print size in relation to the boldness of other print used in the ad, and Martin did not provide the Board with a sample copy of an outside mailing envelope enclosing the targeted letter which indicated inclusion of this same required wording in a conspicuous print size on the mailing envelopes sent to prospective clients. Moreover, Martin did not deliver to the Board one copy of both the targeted solicitation letter and the mailing list of individuals with addresses to whom the targeted letter was sent, within 3 days after his distribution of the letter.

Martin's characterization of his own DUI report enclosed within his targeted advertising letter as "THIS SHOCKING FREE REPORT", his exhortation that potential clients read such report before calling other lawyers and his use of the word "WARNING" prefacing the report – all included in bold type – were found by the Board to constitute language which is likely to create in the minds of potential clients an unjustified expectation about results Martin could achieve, as were Martin's references to himself within the report as "DUI TOP GUN" . . . "a true DUI pro" . . . and his "guarantee" to clients of a "First Offender Satisfaction Package." These claims, in addition to the comparisons of his services and abilities to those of other lawyers who Martin alleged were "incompetent", and who according to Martin "rip off the public" and only "dabble" in the DUI area - - were found to be false and misleading given Martin's inability to factually substantiate such claims and comparisons.

Further, Martin inappropriately claimed within the subject advertising materials to be “specializing” in the area of DUI defense, since he has not been certified as a specialist by the Tennessee Commission on CLE & Specialization or by any other organization accredited or recognized by the CLE & Specialization Commission. Finally, the Board considered Martin’s claims within the subject advertising materials that his “clients are not criminals,” but instead are “merely the products of overzealous police and bad public policy decisions” by the executive and legislative branches of State government, to contain clear material misrepresentations of fact and law.

JDJ:mw

Martin 27525-5 rel.doc