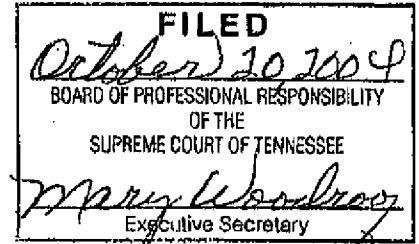


IN THE DISCIPLINARY DISTRICT VII
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: JOHN CARLIN MASK, JR.,
BRP NO. 5497,

*

DOCKET NO. 204-1437-7-LC

*

RESPONDENT.

*

JUDGMENT OF THE HEARING COMMITTEE

This cause came on to be heard by the Hearing Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee on October 18, 2004. The Hearing Committee hereby announces its findings of facts, conclusions of law and judgment as follows:

FINDINGS OF FACTS

On April 13, 2004, the Board of Professional Responsibility of the Supreme Court of Tennessee filed a Petition for Discipline against John Carlin Mask, Jr., BPR No. 5947, an attorney to practicing law in the State of Tennessee. Mr. Mask's license to practice law had been previously temporarily suspended by the Tennessee Supreme Court based upon allegations of his misappropriation of client funds, of posing a threat of irreparable harm to the public and for lack of continuing legal education compliance. In the Petition for Discipline aggravating circumstances were cited which included the fact that Mr. Mask had practiced law for approximately twenty-six (26) years and had a chronic history of ethical misconduct and noncompliance with administrative rules.

Specifically, he had been suspended for thirteen (13) months in February of 1987, had been censured in August of 1995, had been censured in March of 1997 and had received four administrative suspensions. It was further alleged that Mr. Mask failed to acknowledge the wrongful nature of his conduct, had evidenced dishonesty and selfish motives and had evidenced indifference to making restitution.

On July 12, 2004, the Board of Professional Responsibility of the Supreme Court of Tennessee filed a Motion for Default Judgment. On September 27, 2004, an Order Granting Motion for Default Judgment was filed in this cause.

Mr. Mask did not file a responsive pleading to the Petition for Discipline and did not appear at his hearing. Therefore, the allegations contained in the Petition for Discipline filed by the Tennessee Board of Professional Responsibility of the Supreme Court of Tennessee must be accepted as being accurate in their entirety.

CONCLUSIONS OF LAW

The Hearing Committee concludes that Mr. Mask violated the following ethical rules as established by the Tennessee Supreme Court: DR 1-203 (Misconduct); DR 6-101 (Failing to act competently); DR 7-101 (Representing a client zealously); DR 7-102 (Representing a client within the bounds of law); DR 7-106 (Trial conduct); and DR 3-101 (Aiding the unauthorized practice of law).

The Hearing Committee further finds that aggravating circumstances exist because of the length of time Mr. Mask had practiced law, his prior history of unethical conduct, his dishonest and his failure to make restitution. Furthermore, the Hearing Committee finds that there are no mitigating circumstances.

JUDGMENT

IT IS, THEREFORE, ORDERED by the Hearing Committee as follows:

1. That the respondent, John Carlin Mask, Jr., should be disbarred from the practice of law in the State of Tennessee and should not be allowed to apply for reinstatement for a period of five (5) years; and

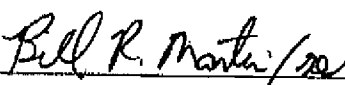
2. That the respondent, John Carlin Mask, Jr., should not be allowed to apply for reinstatement to practice law in the State of Tennessee unless he makes full restitution to Alabama Credit Corporation d/b/a International Teachers and Executives and/or the Tennessee Lawyers Protection Fund and files an affidavit in this cause of action with proper documentary evidence that restitution has been made.

This the 18th day of October, 2004.


ENTER:



GAYDEN DREW IV
Hearings Officer, Chairman

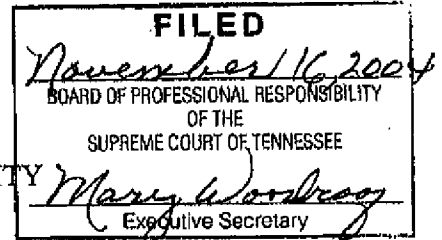


BILL R. MARTIN
Hearings Officer.



STANSWORTH HARRIS
Hearings Officer

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



IN RE: JOHN CARLIN MASK, JR.,
BRP NO. 5497,

*

*

DOCKET NO. 20⁰4-1437-7-LC

RESPONDENT.

*

AMENDED JUDGMENT OF THE HEARING COMMITTEE

This cause came on to be heard by the Hearing Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee on October 18, 2004. The Hearing Committee hereby announces its findings of facts, conclusions of law and judgment as follows:

FINDINGS OF FACTS

On April 13, 2004, the Board of Professional Responsibility of the Supreme Court of Tennessee filed a Petition for Discipline against John Carlin Mask, Jr., BPR No. 5947, an attorney to practicing law in the State of Tennessee. Mr. Mask's license to practice law had been previously temporarily suspended by the Tennessee Supreme Court based upon allegations of his misappropriation of client funds, of posing a threat of irreparable harm to the public and for lack of continuing legal education compliance. In the Petition for Discipline aggravating circumstances were cited which included the fact that Mr. Mask had practiced law for approximately twenty-six (26) years and had a chronic history of ethical misconduct and noncompliance with administrative rules.

Specifically, he had been suspended for thirteen (13) months in February of 1987, had been censured in August of 1995, had been censured in March of 1997 and had received four administrative suspensions. It was further alleged that Mr. Mask failed to acknowledge the wrongful nature of his conduct, had evidenced dishonesty and selfish motives and had evidenced indifference to making restitution.

On July 12, 2004, the Board of Professional Responsibility of the Supreme Court of Tennessee filed a Motion for Default Judgment. On September 27, 2004, an Order Granting Motion for Default Judgment was filed in this cause.

Mr. Mask did not file a responsive pleading to the Petition for Discipline and did not appear at his hearing. Therefore, the allegations contained in the Petition for Discipline filed by the Tennessee Board of Professional Responsibility of the Supreme Court of Tennessee must be accepted as being accurate in their entirety.

CONCLUSIONS OF LAW

The Hearing Committee concludes that Mr. Mask violated the following ethical rules as established by the Tennessee Supreme Court: DR 1-102 (Misconduct); DR 6-101 (Failing to Act Competently); DR 7-101 (Representing a Client Zealously); DR 7-102 (Representing a Client Within the Bounds of Law); DR 7-106 (Trial Conduct); and DR 3-101 (Aiding the Unauthorized Practice of Law).

The Hearing Committee further finds that aggravating circumstances exist because of the length of time Mr. Mask had practiced law, his prior history of unethical conduct, his dishonest and his failure to make restitution. Furthermore, the Hearing Committee finds that there are no mitigating circumstances.

JUDGMENT

IT IS, THEREFORE, ORDERED by the Hearing Committee as follows:

1. That the respondent, John Carlin Mask, Jr., should be disbarred from the practice of law in the State of Tennessee and should not be allowed to apply for reinstatement for a period of five (5) years; and

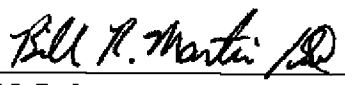
2. That the respondent, John Carlin Mask, Jr., should not be allowed to apply for reinstatement to practice law in the State of Tennessee unless he makes full restitution to Alabama Credit Corporation d/b/a International Teachers and Executives and/or the Tennessee Lawyers Protection Fund and files an affidavit in this cause of action with proper documentary evidence that restitution has been made.

This the 3rd day of November, 2004.

ENTER:



GAYDEN DREW IV
Hearings Officer, Chairman



BILL R. MARTIN
Hearings Officer



STANSWORTH HARRIS
Hearings Officer