

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE
AT FRANKLIN

WARNER HODGES III,)
)
 PETITIONER,)
)
 VS.)
)
 BOARD OF PROFESSIONAL)
 RESPONSIBILITY OF THE SUPREME)
 COURT OF TENNESSEE,)
)
 DEFENDANT.)

FILED 2/25/11
ENTERED 2/25/11
BOOK _____ PAGE _____
ELAINE B. BEELER, Clerk & Master

CASE NO. 39410

ORDER

The Petitioner, Warner Hodges III, filed this Petition for Writ of Certiorari seeking review of a judgment of a hearing panel of the Board of Professional Responsibility of the Supreme Court of Tennessee ("Board"). Tennessee Supreme Court Rule 9, section 1.3 provides that parties dissatisfied with the decision of a hearing panel may obtain judicial review by filing a petition for a writ of certiorari in accordance with Tennessee Code Annotated sections 27-9-101 through -144 (2000 & Supp. 2010). Tennessee Code Annotated section 27-8-106 requires that a petition for a writ of certiorari be "sworn to" and state that "it is the first application for the writ." The Tennessee Supreme Court recently has held that the failure to satisfy these requirements deprives trial courts of jurisdiction to review a hearing panel's decision. Nebel v. Board of Professional Responsibility, 2011 WL 197866 (Tenn., Jan. 21, 2011); Board of Professional Responsibility v. Cawood, 2010 WL 5141785 (Tenn., Dec. 20, 2010).

In this action, the Petition filed by Mr. Hodges fails to satisfy the requirements of Tennessee Code Annotated section 27-8-106. The Petition is not "sworn to," and the

Petition fails to recite that this is the first application for the writ. Therefore, this Court lacks subject matter jurisdiction to hear this appeal. Accordingly, the Petition for Writ of Certiorari is hereby **DENIED**. This matter is **DISMISSED**, with costs taxed to the Petitioner.

ENTERED this 25th day of February, 2011.



Jeffrey S. Bivins
Circuit Court Judge, Sitting as Chancellor

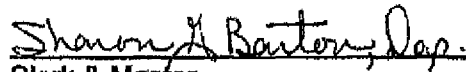
CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order was mailed, postage prepaid, and/or faxed, and/or emailed to:

Warner Hodges III, Esq.
418 Pirkle Ferry Road, Ste 111
Cumming, GA 30040

Nancy Jones, Esq.
Chief Disciplinary Counsel
Board of Professional Responsibility
20 Cadillac Drive, Ste 220
Brentwood, TN 37027

This the 28 day of February, 2011.



Sharon A. Barton, Dep.
Clerk & Master