

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

JAN 07 2010

Clerk of the Courts

IN RE: JOHN JAY HOOKER, BPR # 05118
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2009-01498-SC-OT-CV – Filed: January 7, 2010

BOPR DOCKET NO. 2005P-1519-5-SG

ORDER OF ENFORCEMENT

This matter is before the Court upon the Petition for Discipline filed on June 23, 2005; upon the Answer to the Petition for Discipline filed by Respondent; upon a Hearing Panel's Judgment filed December 17, 2007; upon Chancery Court Orders entered October 21, 2008, and April 13, 2009; and upon the entire record in this cause. On May 12, 2009, Respondent filed a Notice of Appeal with the trial court clerk. By order entered December 10, 2009, this Court recalled the mandate that had mistakenly been issued in this case and permitted Respondent to proceed with his appeal, conditioned upon his filing, within fifteen (15) days of the date of the Order, an appeal bond with the trial court clerk and litigation tax of \$13.75.

Since the entry of the December 10 order, Respondent has neither filed an appeal bond nor paid the litigation tax of \$13.75. Instead, on December 28, 2009, Respondent filed a "Motion in Response to the Per Curiam Order of December 10, 2009", requesting that the case be dismissed based on his claim that all the members of this Court are unconstitutionally seated and therefore do not have jurisdiction to decide his disciplinary case. This request is identical in substance with the "Motion to Recuse, Affidavit with Notice of Appeal Attached Hereto" filed by Respondent on July 17, 2009, and denied by this Court on August 5, 2009. In the alternative, in this pleading Respondent asks us to enter the Order of Enforcement previously submitted by the BPR.

Based on Respondent's failure to file an appeal bond or pay litigation tax within the extended time period allowed him, no appeal has been perfected in this case. Thus, the matter is before the Court under the provisions of Supreme Court Rule 9, Section 8.4, for enforcement.

From all of which the Court accepts the recommendation of the Hearing Panel and Chancery Court, and concludes that the imposition of a thirty (30) day suspension is appropriate.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that:

1. The Respondent, John Jay Hooker, is hereby suspended from the practice of law for thirty (30) days pursuant to Supreme Court Rule 9, Section 4.2.

2. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$174.00, and in addition, shall pay to the Clerk of this Court the costs incurred herein, for all of which execution may issue if necessary.

3. The Board of Professional Responsibility shall cause notice of this suspension to be published as required by Supreme Court Rule 9, Section 18.10.

4. Respondent shall comply in all respects with Supreme Court Rule 9, Section 18, regarding the obligations and responsibilities of suspended lawyers.

5. Pursuant to Supreme Court Rule 9, Section 18.5, this order and the suspension imposed shall be effective ten (10) days after the date of its entry.

6. The Motion in Response is denied.

PER CURIAM