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BOARD OF PROFESSIONAL
RESPONSIBILITY

RW EXEC. SECRET.

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

IN RE: RHONDA D. HOOKS, DOCKET NO. 2011-2042-6-SG
 BPR No. 21886, Respondent
 An Attorney Licensed and
 Admitted to the Practice of
 Law in Tennessee
 (Maury County)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BY THE HEARING
PANEL ON THE SUPPLEMENTED PETITION BY THE BOARD FOR
DISCIPLINE**

**I.
STATEMENT OF THE CASE**

The Panel accepts the Statement of the Case submitted by Senior Litigation Counsel on behalf of the Board of Professional Responsibility of the Supreme Court of Tennessee (the Board). On November 17, 2010, the Board filed a Supplemental Petition for Discipline against Ms. Hooks. On December 7, 2010, Ms. Hoods filed an Answer to the Petition for Discipline. On December 16, 2010, Ms. Hooks filed a Motion to Sever which was granted by Order filed April 6, 2011. The charges contained in the Board's Supplemental Petition for Discipline against Ms. Hooks were heard before the Panel on February 28, 2012 at the Nashville School of Law and afterwards the Panel took the matter under advisement for adjudication.

II.

PANEL DECISION

The Panel finds that Ms. Rhonda D. Hooks violated the Rules of Professional Conduct.¹ The punishment imposed is Public Censure pursuant to Rules of Professional Conduct of the Supreme Court of Tennessee, Rule 9, Section 4.4.

III.

FINDINGS OF FACTS

In approximately March, 2009, Reggie Horton, an attorney licensed to practice law in Tennessee, was indicted in Davidson County for delivery of a controlled substance - cocaine; possession of controlled substance with intent - cocaine; possession of a controlled substance with intent - marijuana; conspiracy - drug free school zone; money laundering and theft of property. Attorney Dumaka Shabazz was appointed to represent Mr. Horton, an indigent, in *State v. Horton*. Mr. Shabazz was contacted by Ms. Rhonda Hooks who represented Mr. Horton in Davidson County Juvenile Court on a child support case to assist in the Horton case.

On April 17, 2009, the Tennessee Supreme Court temporarily suspended Mr. Horton license to practice law for offering to provide legal services in exchange for stolen property. Ms. Hooks was aware of Mr. Horton's suspension in April or May, 2009 before October, 2009. Ms. Hooks and Mr. Shabazz had discussion concerning the case in November and December 2009 and on into 2010.

¹ The Tennessee Supreme Court proposed and passed certain amendments to the Rules of Professional Conduct, effective January 1, 2010 certain of Ms. Hooks actions occurred before and certain after this date; the Panel in its Findings of Fact and Conclusions of Law considered the timing of her actions and the applicable rule.

In October, 2009, Ms. Hooks filed a Motion for Bill of Particulars and Motion to Alter Conditions of Bail in State v. Horton as "co-counsel". Mr. Shabazz, Mr. Horton's counsel, did not sign these Motions and denied asking Ms. Hooks to file these Motions. After Ms. Hooks filed the Motions, Mr. Shabazz filed a Motion to Withdraw citing, in part, the following grounds, "Mr. Horton has been in the confidence of another attorney who has in fact filed Motions on Mr. Horton's behalf ... Counsel believes that Mr. Horton's use of another attorney and the break-down in communication has caused a compromise in the attorney-client relationship."

At a hearing on January 5, 2010, Ms. Hooks appeared for Mr. Horton in State v. Horton. At the January 5, 2010, hearing the Court confirmed that Ms. Hooks was representing Mr. Horton and that Mr. Horton's case was set for trial on February 22, 2010.

Shortly after accepting representation of Mr. Horton in State v. Horton, in Davidson County, Ms. Hooks began working in Memphis for the Perkins Law Firm. Ms. Hooks obtained Mr. Horton's file from former counsel, Mr. Shabazz. On February 12, 2010, Ms. Hooks attended a settlement conference with the District Attorney's office regarding Mr. Horton's case. She determined that the Assistant District Attorney and the Judge had committed ethical breaches concerning *ex parte* conversations for which she ultimately filed complaints. On February 16, 2010, six days prior to trial, Mr. Hooks filed a Motion to Continue.

At a hearing on February 17, 2010, Judge Dozier for the Davidson County

Criminal Court denied Ms. Hooks' Motion to Continue. After Ms. Hooks' Motion to Continue was denied, the District Attorney's Office raised concerns to the Court about Ms. Hooks' lack of preparation and understanding of the facts for the February 22, 2010, trial. At the conclusion of this February 17th, hearing, the Court revoked Mr. Horton's Bond. On February 22, 2010, instead of proceeding to trial, the court continued Mr. Horton's case.

On March 11, 2010, Ms. Hooks filed a Motion to Withdraw from Mr. Horton's case citing "irreconcilable differences." At a hearing on March 12, 2010, when the Court asked Mr. Horton if he wanted Ms. Hooks' continued representation, Mr. Horton responded that he had not spoken to Ms. Hooks since the last time they were in court on February 22, 2010, so that was a problem for Mr. Horton. Mr. Horton testified at the panel hearing that he had hoped that Ms. Hooks would help Mr. Shabazz but if she were to represent him he would "torpedo the case" on the day of trial by asking the Court to go *pro se*.

On March 31, 2010, the Court conducted a hearing on Ms. Hooks' Motion to Withdraw. Mr. Horton's mother, Barbara Horton, testified at this hearing that after Mr. Horton's bond was revoked, Ms. Hooks facilitated putting Ms. Horton in touch with Mr. Perkins, a Memphis lawyer who would represent Reggie for a \$5,000.00 fee for representing Mr. Horton at a bond hearing and a \$25,000.00 fee to continue representation through the trial. Jacinta "Angel" Brown also testified at this March 31, 2010, hearing regarding Ms. Hooks' representation of Ms. Brown's husband, Ricky

Brown. Ms. Brown testified that she met with Ms Hooks and Mr. Horton at Popeye's to discuss Ms. Hooks' representation of her husband, Mr. Brown. Ms. Brown testified that Ms. Hooks and Mr. Horton advised her that Mr. Horton would do the paralegal work while Ms. Hooks appeared in Court. Ms. Brown hired Ms. Hooks and thereafter on two or three occasions paid fees to Mr. Horton, allegedly for Ms. Hooks. All of Ms. Brown's interactions with Ms. Hooks and Mr. Horton occurred while Mr. Horton was suspended from practicing law which Ms. Hooks admitted knowing.

By Order filed April 28, 2010, the Davidson County Criminal Court granted Ms. Hooks' Motion to Withdraw. Thereafter, Judge Dozier, for the Davidson County Criminal Court reported Ms. Hooks to the Board of Professional Responsibility for her actions in Mr. Horton's case.

IV.

CONCLUSIONS OF LAW

1. The Respondent, Rhonda Hooks violated Rule 8.4(d) of the Tennessee Rule of Professional Conduct in her failure to ascertain the status and complexity of Reggie Horton's case prior to representing him.
2. The Respondent, Rhonda Hooks violated Rule 8.4 (c) and (d) of the Tennessee Rule of Professional Conduct in filing a motion in Reggie Horton's case without notifying and receiving permission from Mr. Shabazz, Horton's appointed counsel.
3. The Respondent, Rhonda Hooks violated Rule 5.5 and 8.4 (a), (c) and (d) of the Tennessee Rule of Professional Conduct in assisting Horton in the unauthorized practice of Law.

V.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

The Hearing Panel considered Aggravating and Mitigating circumstances. ABA *Standards for Imposing Lawyer Sanctions*, as approved February, 1986, amended February, 1992.² The Panel found the following Aggravating Circumstances:

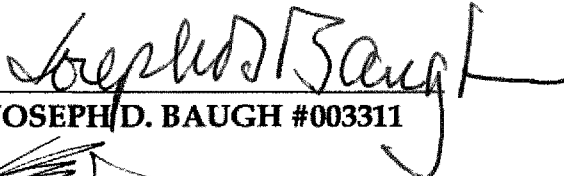
1. Refusal to Acknowledge the Wrongful Nature of Her Conduct. ABA *Standards for Imposing Lawyer Sanctions*, Sec. 9.22(g).³

VI.


COSTS AND OTHER REMEDIAL ACTION

The Panel finds that, if permitted, Ms. Hooks be required to bear the costs of her hearing. ⁴ The Panel also finds that Ms. Hooks be required, if permitted under the Discipline Rule, to attend ten (10) additional hours of ethics each in the years, 2012, 2013 and 2014.

Respectfully submitted, this the 10th day of March, 2012


JOSEPH D. BAUGH #003311


G. BEN BOSTON #011800


KIRK VANDIVORT # 018942

by permission of
Director
BGP

² The Panel notes that the Board set forth in its Brief that Ms. Hooks had had a prior public reprimand; however, at the hearing the Panel did not hear any proof on the nature and substance of this. Therefore, as the prior disciplinary action was not presented or introduced at hearing, the panel did not feel it was appropriate to consider it.

³ The Panel struggled with Secs. (a),(b),(c) and (d) but could not reach a consensus, Hooks did have multiple instances of misconduct in her activities but these were not considered "a pattern of misconduct".

⁴ The Panel did not hear any proof on what the costs were in the matter, but felt that, given the nature of Ms. Hooks' violations of the Rules, she should bear the costs as an additional equitable sanction.