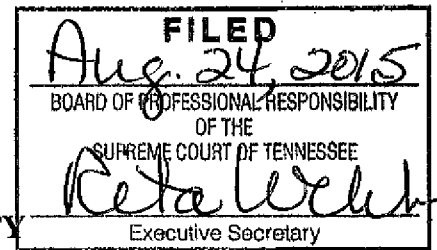


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AUG 24 2015

BOARD OF PROFESSIONAL
RESPONSIBILITY

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



IN RE: WILLIAM DOUGLAS HOOPER,
BPR No. 29825, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Summer County)

DOCKET NO. 2015-2435-6-AJ

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came to be heard on August 13, 2015, at 1:00 p. m., for final hearing on the Board's Petition for Discipline before Jeffery Keith Walker, Panel Chair; Robert T. Bateman, Panel Member; and, Ryan Perry Durham, Panel Member. Krisann Hodges, Deputy Chief Disciplinary Counsel, appeared for the Board. Mr. Hooper did not appear; however, he sent an email to members of the Hearing Panel and Disciplinary Counsel that was received at 12:16 p.m. on August 13, 2015. In his email, Mr. Hooper stated that he would not be able to attend the hearing, but did not ask for a continuance.

FINDINGS OF FACT

1. A Petition for Discipline, Docket No. 2014-2386-2-AJ, was filed on March 26, 2015.
2. Mr. Hooper did not file a response or otherwise answer the Petition, and a Default Judgment was entered against him on July 17, 2015.
3. Pursuant to the Default Judgment, all allegations contained in the Petition for Discipline are deemed admitted.
4. On December 17, 2014, the Tennessee Supreme Court temporarily suspended the

Respondent from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.3 for failing to respond to the Board. He has taken no action to dissolve the temporary suspension.

5. In February 2012, Clay King hired Mr. Hooper to represent him in what he believed would be an uncontested divorce.

6. Over the course of the representation, Mr. King paid Mr. Hooper \$1,200.00 for the representation.

7. Mr. Hooper drafted a Marital Dissolution Agreement but Mr. King's wife would not sign it, and she filed for divorce in July 2012.

8. Mr. King's wife filed several motions and pleadings which he did not inform Mr. King about.

9. Mr. Hooper did not file a response to the divorce action or any other motions filed on behalf of Mr. King's wife. In addition, Mr. Hooper failed to appear in court on behalf of Mr. King.

10. Mr. King had difficulty communicating with Mr. Hooper despite sending him texts, emails and placing phone calls to him.

11. Mr. King's last communication with Mr. Hooper was in December 2012.

12. In February 2013, Mr. King retained another lawyer and the divorce action was resolved shortly thereafter.

13. Despite repeated efforts to reach Mr. Hooper regarding Mr. King's complaint, Mr. Hooper never responded to Disciplinary Counsel.

CONCLUSIONS OF LAW

14. Pursuant to Tenn. S. Ct. R. 9, § 1, the license to practice law in this state is a privilege and it is the duty of every recipient of that privilege to conduct himself at all times in

conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct (hereinafter "RPC") of the State of Tennessee shall constitute misconduct and be grounds for discipline.

15. Based upon the admitted facts, the Exhibits introduced at trial, and the entire record of this case, the Hearing Panel finds that the Board has established by a preponderance of the evidence that Mr. Hooper violated Tennessee Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), 8.1 (disciplinary matters) and 8.4 (a) and (d) (misconduct).

16. When disciplinary violations are established by a preponderance of the evidence, the appropriate discipline must be based upon application of the *ABA Standards for Imposing Lawyer Sanctions*, ("ABA Standards") pursuant to Section 8.4, Rule 9 of the Rules of the Supreme Court. The following ABA Standards apply in this matter:

4.42 Suspension is generally appropriate when:

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system.

Aggravating Factors


Pursuant to ABA Standard 9.22, the following aggravating factors are present in this case:

- (b) dishonest or selfish motive;
- (c) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency (the admitted facts establish the Respondent failed to respond to the Board); and
- (h) vulnerability of victim.

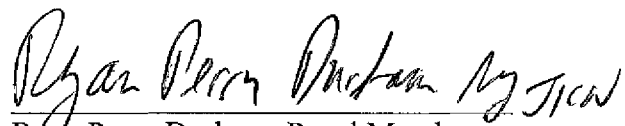
CONCLUSION

Based upon the admitted facts and existing aggravating factors, it is the judgment of the Hearing Panel that Mr. Hooper shall be suspended from the practice of law for one (1) year, retroactive to the date of his temporary suspension, December 17, 2014. Further, Mr. Hooper is ordered to pay restitution to Mr. King in the amount of \$1,200.00.

IT IS SO ORDERED:


Jeffery Keith Walker, Panel Chair


Robert T. Bateman, Panel Member


Ryan Perry Durham, Panel Member

NOTICE: This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33.1.