



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: DAVID HENRY HORNIK, BPR #001264
CONTACT: SANDY GARRETT
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 12, 2010

NASHVILLE LAWYER SUSPENDED

On January 8, 2010, David Henry Hornik, of Nashville, Tennessee, was suspended by the Tennessee Supreme Court, for a definite period of one (1) year and six (6) months retroactive to Mr. Hornik's temporary suspension on April 10, 2008, and indefinitely until Mr. Hornik complies with Section 18 of Rule 9, Rules of the Supreme Court and was referred to Tennessee Lawyers Assistance Program (TLAP).

A Hearing Panel found Mr. Hornik neglected clients' cases, failed to keep clients informed and failed to advise co-counsel and a client about Mr. Hornik's temporary suspension. Mr. Hornik's actions violated the following Rules of Professional Conduct: 1.16 (terminating representation); 1.3 (diligence) and 1.4 (communication); 1.5 (fees); 3.2 (expediting litigation); 3.4 (fairness to opposing counsel and parties); 8.1 (failure to respond to the Board of Professional Responsibility) and 8.4 (misconduct).

Mr. Hornik was ordered to pay the Board's costs and must comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18.1 of the Rules of the Supreme Court.

Hornik 1760-5 rel.doc

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

JAN 08 2010

Clerk of the Courts

IN RE: DAVID HENRY HORNİK, BPR # 001264

An Attorney Licensed to Practice Law in Tennessee
(Maury County)

NO. M2010-00076-SC-BPO-BP
BPR DOCKET NO. 2008-1760-5-SG

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline and Supplemental Petition for Discipline filed by the Board of Professional Responsibility against David Henry Hornik ("Respondent"); upon an Order granting the Board's Motions for Default; upon the Hearing Panel Judgment filed October 14, 2009; and upon the entire record in this cause. No appeal has been filed, and this matter is before the Court for enforcement pursuant to Tennessee Supreme Court Rule 9, Section 8.4.

From all of which the Court accepts the Judgment of the Hearing Panel and concludes that the Judgment is appropriate. Specifically, Respondent shall be suspended for a definite period of one (1) year and six (6) months to be served retroactive to the Respondent's temporary suspension on April 10, 2008 and suspended indefinitely while the Respondent complies with Section 18 of Rule 9, Rules of the Supreme Court. Pursuant to Section 28.1 of Rule 9, Rules of the Supreme Court, the Hearing Panel referred the Respondent to Tennessee Lawyers Assistance Program (TLAP) and Tennessee Lawyers Assistance Program (TLAP) accepted the referral.

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

1. The Respondent, David Henry Hornik, is suspended from the practice of law for a definite period of one (1) year and six (6) months to be served retroactive to the Respondent's temporary suspension on April 10, 2008 and suspended indefinitely while the Respondent complies with Section 18 of Rule 9, Rules of the Supreme Court. The Respondent is hereby referred to Tennessee Lawyers Assistance Program (TLAP) and must follow any and all recommendations made by TLAP as a condition of seeking reinstatement.

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 \$1,261.77, within ninety (90) days of the date of the entry of this Order, 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 Respondent shall comply in all aspects with Supreme Court Rule 9, Section 18, regarding the obligations and responsibilities of suspended attorneys.

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

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

FOR THE COURT:

Cornelia A. Clark

CORNELIA A. CLARK
JUSTICE

Marcus W. Catalano, Clerk, hereby certify that
this is a true and exact copy of the original
Order of Enforcement
filed in the case.

This 8 day of April, 2010
CLERK OF COURT

By: [Signature] D.C.