



**IN DISCIPLINARY DISTRICT V  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

**IN RE:           DAVID H. HORNIK, BPR #1264  
                  An Attorney Licensed to Practice  
                  Law in Tennessee  
                  (Davidson County)**

**FILE NO. 29934c-5-SG**

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**PUBLIC CENSURE**

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The Respondent represented the Complainant in a worker's compensation case which was dismissed for the Respondent's failure to prosecute. After the Complainant filed her complaint with the Consumer Assistance Program, the Respondent responded acknowledging his malpractice and advising that he had notified his professional liability carrier of the probable claim. The Complainant complained that in addition to neglecting her case, the Respondent failed to keep the Complainant informed. The Complainant requested the Respondent's malpractice carrier's name, address and telephone number since the Complainant had not heard from any claim representative. By letter dated March 9, 2007, Disciplinary Counsel asked the Respondent to provide copies of any phone logs, correspondence or other documentation reflecting the Respondent's communications with the Complainant. By letter dated March 19, 2007, Disciplinary Counsel forwarded to the Respondent the Complainant's request for the

Respondent's malpractice carrier's name, address and telephone number. The Respondent failed to respond to Disciplinary Counsel's requests for information and Disciplinary Counsel's additional letters requesting information dated April 9, 2007; April 24, 2007; May 8, 2007 and May 24, 2007.

The Respondent's neglect and failure to communicate with his client violates Rules 1.3 and 1.4 of the Tennessee Rules of Professional Conduct. The Respondent's failure to respond to the Board's requests for information regarding this complaint violates Rules 8.1(b) and 8.4 for the Tennessee Rules of Professional Conduct. For these violations, the Board of Professional Responsibility **publicly censures** the Respondent.

For the Board of Professional Responsibility  
Of the Supreme Court of Tennessee



Thomas Stratton Scott, Jr., Chairman

DATED: 2/15/08