

FILED

APR -1 2021

Clerk of the Appellate Courts
Rec'd By _____

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: CHARLES EDWARD WALKER, BPR #021277

No. M2021-00289-SC-BAR-BP
BOPR No. 2018-2907-5-AW

ORDER

On March 12, 2021, the Board of Professional Responsibility (“BPR”) submitted a proposed order of enforcement against Mr. Walker, stating that Mr. Walker had not timely appealed from a December 28, 2020 order of the chancery court, which affirmed the hearing panel’s decision suspending Mr. Walker’s law license for three years, with the final year to be served on probation. Mr. Walker did not respond to the BPR’s submission. On March 25, 2021, this Court entered the order of enforcement suspending Mr. Walker for three years, with the final year to be served on probation.

Four days later, Mr. Walker filed a motion asking this Court to withdraw the March 25, 2021 order of enforcement. Mr. Walker alleged that he had timely appealed the matter to the Court of Appeals on January 27, 2021, and that the case remained pending in the Court of Appeals under case number M2021-00099-COA-R3-CV.

The BPR filed a response in opposition to Mr. Walker’s motion, pointing out that, pursuant to Tenn. Sup. Ct. R. 9, § 33.1 (d), Mr. Walker’s appeal of the decree of the chancery court should have been filed in this Court, not in the Court of Appeals. The BPR asserts that, because Mr. Walker failed to appeal to this Court within thirty days of the chancery court decision, as Tenn. Sup. Ct. R. 9, § 33.1(d) and Tenn. R. App. P. 4 require, his appeal is untimely, and this Court lacks jurisdiction to consider it. Binkley v. Medling, 117 S.W.3d 252, 255 (Tenn. 2003).

The BPR is correct that Mr. Walker appealed to the wrong court. His error is not fatal to our jurisdiction to consider this appeal, however, because Tennessee Rule of Appellate Procedure 17 provides that “[i]f a case is appealed to the Supreme Court, Court of Appeals, or Court of Criminal Appeals that should have been appealed to another court, the case shall be transferred to the proper court.” Tenn. R. App. P. 17. Mr. Walker filed his appeal within thirty days of the chancery court’s decision, albeit in the wrong court. But based on Tenn. R. App. P. 17, his appeal “shall be transferred” to this Court.

For these reasons, the March 25, 2021 order of enforcement is VACATED. The Clerk is directed to transfer to this Court Mr. Walker's appeal, now pending as case number M2021-00099-COA-R3-CV in the Court of Appeals.

IT IS SO ORDERED.

PER CURIAM

Justice Roger A. Page, not participating.