

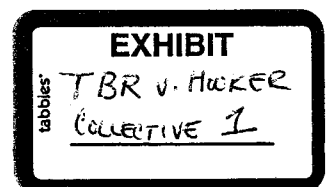
IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: JOHN JAY HOOKER, DOCKET NO. 2005P-1519-5-5G
BPR #5118, Respondent An
Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Davidson County)

PETITION FOR DISCIPLINE

Comes now Disciplinary Counsel for the Board of Professional Responsibility of the Supreme Court of Tennessee (hereinafter referred to as the Board), pursuant to Rule 9, Rules of the Supreme Court of Tennessee and files this Petition for Discipline against the Respondent, John Jay Hooker, and would respectfully show:

1. Respondent is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. His last known address is 222 Polk Avenue, Nashville, Tennessee 37203, and his Board of Professional Responsibility number is 5118.



2. Pursuant to Section 1, of Rule 9, Rules of the Supreme Court of Tennessee, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committees, hereinafter established, and the Circuit and Chancery Courts.

3. Pursuant to Section 3 of Rule 9, Rules of the Supreme Court of Tennessee, the license to practice law in Tennessee is a privilege and it is the duty of every recipient of that privilege to conduct herself/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 Tennessee Rules of Professional Conduct or Tennessee Code Annotated, Section 23-3-201, shall constitute misconduct and shall be grounds for discipline.

4. John Jay Hooker has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violation of the authority cited. Accordingly, the Board of Professional Responsibility authorized the filing of formal charges on June 17, 2005.

FILE NO. 27698-5-sg – COMPLAINT OF JUDGE WALTER C. KURTZ

5. Pursuant to Rule 9, Rules of the Supreme Court of Tennessee, the Respondent was notified of the complaint on November 15, 2004 and asked to respond within ten (10) days. The Respondent's response dated November 19, 2004 was received by the Board via facsimile on that

same day. A copy of the summary of complaint, notice of the complaint, and the Respondent's response are attached to this Petition for Discipline as Collective Exhibit A.

July 23, 04

6. The Respondent filed in the Circuit Court for Davidson County, Tennessee, a complaint and amended complaint styled Hooker v. Crawford. A copy of Respondent's amended complaint is attached to this Petition for Discipline as Exhibit B.

7. The Respondent in Count I of his Amended Complaint in Hooker v. Crawford states in part the following:

"The Defendants/Judges in total disregard of their oaths of office to support the Constitution, have nonetheless declined to acknowledge and adhere to the self-executing mandates contained in the aforesaid provisions of the Constitution."

8. The Respondent further states in his Amended Complaint:

"The Defendants/Judges, in total disregard of their oaths of office to support the Constitution, have nonetheless declined to acknowledge and adhere to the self-executing mandates contained in the aforesaid provisions of the Constitution. The conduct of these Defendants/Judges 'Shocks the conscience' and these Defendants/Judges and all other elected officials have 'No judicial immunity' to protect themselves against this lawsuit because they acted outside the Jurisdiction of the court which is specifically limited under the plain language of Article XI, Section 16 (Pretense/General Powers of Government) (see Appendix). It is alleged that the conduct of the Defendants/Judges is an effort to protect the corrupt system under which they have been and are to be elected and/or re-elected. Consequently, they have fraudulently and maliciously, for self-serving reasons in a matter wherein they have an 'interest' violated Article VI, Section 11 (Judges/Interests) (see Appendix). Likewise, these Defendants/Judges have contemptuously and intentionally violated and dishonored the Constitution and violated the criminal laws, T.C.A. Section 39-17-309 and fraudulently violated 'the liberty' and 'Property rights' of the Plaintiff to an 'open court' Article 1, Section 17 (Open Court) (see Appendix to secure a 'free and equal election' (see Appendix)."

9. The Respondent states in Count II of his Amended Complaint:

"All the allegations regarding the facts and the claim for damages contained in Count I are herein reiterated, therefore the Defendants/Judges have also intentionally violated the criminal laws, Tennessee Code annotated Section 39-17-309 and are subject to civil suit for malicious harassment under T.C.A. Section 4-21-107. ...These Defendants/Judges have heretofore enjoyed the respect of the Bar, have sought, and in the minds of the public, have deserved re-election. However, their conduct in this matter is a disgrace to the judicial system and therefore consequently, these Defendants/Judges who were highly respected by this lawyer prior to the fraudulent conduct, should be severely punished in the form of punitive damages so as to deter others and are hereby sued for Three Million Dollars (\$3,000,000.00) each in punitive damage to be placed in a foundation to 'Preserve, protect and defend' the Constitution and compensatory damages to be determined at the time of trial.

10. The Respondent states in Count III of his Amended Petition:

"The Defendants/Judges' conduct in this regard was intentional and malicious and the actions of the Defendants/Judges were committed in an effort to deprive the Plaintiff of the opportunity as a candidate to participate in a 'free and equal' election, Article I, section 5 and an election free from the use of 'meat and drink' to 'offer' to 'induce' voters to vote.

11. On November 8, 1004, in Hooker v. Crawford, Judge Walter Kurtz entered a Memorandum and Order on November 8, 2004 finding, in part, as follows:

"The five defendant judges, represented by a lawyer from the Attorney General's office, have moved for Rule 11 sanctions. The Plaintiff has sued the five defendant judges for imposing and the affirming Rule 11 sanctions on him for engaging in repetitive and frivolous litigation. The plaintiff's method of procedure is having lost the case, to sue the judges. It is ironic that the Court is asked to impose Rule 11 sanctions on the plaintiff for a lawsuit brought by him complaining about the imposition of Rule 11 sanctions. In addition to the contention that the lawsuit is frivolous, the plaintiff placed in his complaint and amended complaint scandalous, impertinent, improper, and demeaning allegations and invectives against the named defendants."

12. Judge Kurtz further found in his Memorandum and Order:

“The plaintiff alleged in his complaint and amended complaint that the defendant judges have acted ‘in total disregard of their oaths of office’; ‘that they fraudulently and maliciously and for self serving reasons ... contemptuously and intentionally violated and dishonored the Constitution and violated the criminal laws’; that they engaged in ‘malicious harassment’; ‘that their conduct in this matter is a disgrace to the judicial system’; and that they have engaged in ‘fraudulent conduct’.

The above recited language found in the complaint and amended complaint is reprehensible and beyond the pale of proper lawyer conduct. Language of the sort quoted above has been condemned in the strongest language by the Supreme Court of Tennessee in State ex rel. Inman v. Brock, 622 S.W.2d 36 (Tenn. 1981)....”

13. Judge Kurtz’ Memorandum and Order found:

“The lawsuit against the judges filed by Mr. Hooker is frivolous. The filing of a frivolous lawsuit subjects the filing party to Rule 11 sanctions. The situation here is even more egregious as John Jay Hooker has attacked via a frivolous lawsuit the decision imposing Rule 11 sanctions upon him for filing a frivolous lawsuit.

The Court is facing an unrepentant pro se litigant who files frivolous lawsuit on top of frivolous lawsuit using the most baseless invectives in describing the defendants, and no sanctions thus imposed have been able to temper his judgment or awaken his sense of responsibility as a member of the bar.

The Court concludes that the actions of Mr. Hooker described above subject him to sanctions. Given the failure of prior sanctions to deter his conduct, the Court finds that an additional screening mechanism is warranted and that monetary sanctions should also be imposed.”

A copy of Judge Kurtz’ Memorandum and Order is attached to this Petition for

Discipline as Exhibit C.

14. In the Respondent’s response to this complaint, the Respondent stated that he believes the Complainant, Judge Walter Kurtz, is a “dishonest judge and lawyer”.

15. The Respondent further states in his response to the Board "consequently, Judge Kurtz should be 'indicted' for his failure for 'self-serving impartial reasons' to adhere to certain clear mandates of the Constitution."

16. On January 5, 2005, the Respondent filed a Motion in Accordance with Rule 60.02(5) to Recuse So As To Do Justice In Hooker v. Crawford. A copy of Respondent's Motion is attached as Exhibit D.

17. In Respondent's Motion, respondent stated in part:

"Your Honor's dishonest and fraudulent conduct in that regard violates Supreme Court Rule 8.4, and makes Your Honor subject to discipline both by the Court of the Judiciary and the Board of Professional Responsibility, and likewise makes Your Honor subject to indictment by the Grand Jury for Official Misconduct and Official Oppression under T.C.A. 39-16-402 and 403.

This circumstance occasions this lawyer's conviction that Your Honor is 'unfit' to be a lawyer and/or a judge, which requires this lawyer under his sworn duty to report you to the proper authorities, because Your Honor has failed to comply with the law as mandated by Supreme Court Rule 10-1 and 2. Simply put, your conduct, in my sincere judgment, is a discredit to the judiciary and yourself as a lawyer, which violates all of the aforesaid provisions.

It is alleged that Your Honor's deceitful conduct in declining to recuse yourself while a potential candidate, which restrains this lawyer in trying to eliminate the use of food and 'drink' in the political process to 'induce' voters to vote and solicit campaign contributions, was ordered by Your Honor to protect Your Honor as regards any possible violation of the Tennessee Constitution Article X, Section 3 ('meat, drink, money or otherwise'), and Article I, Section 5 ('elections-free and equal') and Article XI, Section 16 ('pretense-no general powers')."

18. The Respondent further states in his Motion:

"This circumstance, which violates Supreme Court Rule 8.4 ('misconduct'), is in my opinion as a citizen and as a member of this Bar, a common disgrace and any

public official, including judges who have used food and 'drink' (Article X, Section 3) to solicit and 'induce' campaign contributions and votes, or who may do so in the future, have 'stolen or will steal' the political freedom of 'the people' to an election 'free' from the use of food and 'drink' in violation of Article X, Section 3. Likewise, any judge guilty of such conduct should be removed from public office under the explicit self-executing and mandatory language of Article X, Section 3."

19. The acts and omissions by the Respondent as set forth in paragraphs 5 through 18 constitute ethical misconduct in violation of the following Tennessee Rules of Professional Conduct: 3.1; 8.2(a) and 8.4(d).

ALLEGED VIOLATIONS

20. It is alleged that the Respondent violated, as set forth, the following authorities:

Rule 3.1

MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend or continue with the prosecution or defense of a proceeding, or assert or controvert or continue to assert or controvert an issue therein, unless after reasonable inquiry the lawyer has a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Rule 8.2

JUDICIAL AND LEGAL OFFICIALS

(a) A lawyer shall not make a statement that the lawyer knows to be false or that is made with reckless disregard as to its truth or falsity concerning the qualifications or integrity of the following persons:

- (1) a judge;
- (2) an adjudicatory officer or public legal officer; or
- (3) a candidate for election or appointment to judicial or legal office.

**Rule 8.4
MISCONDUCT**

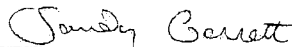
It is professional misconduct for a lawyer to:

- (d) engage in conduct that is prejudicial to the administration of justice;

RELIEF

21. Disciplinary Counsel respectfully requests that a Hearing Panel be appointed from Disciplinary District V to hear testimony, receive evidence and to make such findings as it deems appropriate and impose against the Respondent the discipline deemed appropriate.

Respectfully submitted,



Sandy Garrett, BPR #13863
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