

SUPREME COURT OF TENNESSEE

Nathan E. Brooks v. Board of Professional Responsibility

No. E2018-00125-SC-R3-BP · No. No. E2018-00125-SC-R3-BP · Decided May 7, 2019

SUMMARY

Justice Sharon G. Lee concurs in the Tennessee Supreme Court's dismissal of Nathan E. Brooks's petition to reinstate his law license because he failed to pay the advance cost deposit required by Tennessee Supreme Court Rule 9, section 30.4(d)(9). She agrees that Brooks's due process claim lacks merit but does not join the Court's extended procedural due process analysis, concluding that Brooks inadequately presented that claim and that the Court should not have developed arguments not raised by the parties.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Sharon G. Lee
JURISDICTION	Tennessee
DECIDED	May 7, 2019
DOCKET	No. E2018-00125-SC-R3-BP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Direct appeal from the Hamilton County Chancery Court's affirmance of a Board of Professional Responsibility hearing panel's dismissal without prejudice of Brooks's petition for reinstatement of his law license.
PARTIES	Nathan E. Brooks v. Board of Professional Responsibility

QUESTIONS PRESENTED

1. Whether Brooks was entitled to proceed as a pauper instead of paying the advance cost deposit required for a law-license reinstatement petition.
2. Whether Brooks adequately presented a due process claim based on the required cost deposit.
3. Whether the Court should address an extensive procedural due process analysis when the appellant failed to identify and adequately brief such a claim.

HOLDINGS

1. Tennessee Supreme Court Rule 9, section 30.4(d)(9) requires an advance cost deposit for a petition to reinstate a law license, and Brooks was not entitled to avoid that requirement by filing a pauper's oath and indigency affidavit.
2. Brooks's due process claim lacked merit and was inadequately presented because he did not specify whether he asserted substantive or procedural due process and offered only a vague and generalized argument.
3. The Court should not fill gaps in a party's inadequate briefing by undertaking a protracted analysis of issues the party failed to identify and support; its discretion under Tennessee Rule of Appellate Procedure 13(b) to consider unpresented issues should be exercised sparingly.

KEY QUOTATIONS

“The premise of our adversarial system is that appellate courts do not sit as self-directed boards of legal inquiry and research, but essentially as arbiters” (2)

FACTUAL BACKGROUND

Nathan E. Brooks sought reinstatement of his law license. Rather than pay the advance cost deposit required for a reinstatement petition, he filed a pauper's oath and indigency affidavit. The Board of Professional Responsibility hearing panel dismissed the petition without prejudice, and the trial court agreed with that disposition.

PROCEDURAL HISTORY

Brooks petitioned for reinstatement of his law license but did not pay the advance cost deposit required by Tennessee Supreme Court Rule 9, section 30.4(d)(9). Instead, he filed a pauper's oath and indigency affidavit. The Board hearing panel dismissed the petition without prejudice, and the Hamilton County Chancery Court affirmed. The Tennessee Supreme Court denied relief and dismissed the petition; Justice Lee concurred in that result but did not join the Court's procedural due process analysis.

DISPOSITION

dismissed