

COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE

FILED

February 27, 1998

Cecil Crowson, Jr.
Appellate Court Clerk

JOHN WAYNE SLATE, SR.) SEVIER COUNTY
) 03A01-9708-CV-00369
Petitioner-Appellant)
)
v.) HON. CHESTER RAINWATER, JR.,
) CHANCELLOR
)
STATE OF TENNESSEE, et al.)
)
Defendants-Appellees) AFFIRMED AND REMANDED

JOHN WAYNE SLATE, SR., Pro Se

JOHN KNOX WALKUP, Attorney General and Reporter, and DAVID T. WHITEFIELD, Senior Counsel, Civil Rights and Claims Division, Nashville, For Appellees

O P I N I O N

Goddard, P.J.

John Wayne Slate, Sr., who is incarcerated in a penal institution of this State, appearing pro se, appeals a judgment of the Chancery Court for Sevier County, which dismissed his complaint (which is styled a motion) seeking disbarment of Circuit Judge Ben Hooper and Attorney General Al Schmutzer, Jr.

The Chancellor dismissed the complaint on the ground that proceedings to disbar an attorney must be pursuant to Rule 9 of the Supreme Court, rather than T.C.A. 23-3-202,¹ as alleged in the complaint.

Mr. Slate appeals contending that the Trial Court was in error in this regard and was also in error in not granting his motion to strike the date of the hearing because he could not be present.

Our review of the record and the briefs of the parties persuade us this is an appropriate case for affirmance under Rule 10(a) of this Court.

For the foregoing reason the judgment of the Trial Court is affirmed and the cause remanded for collection of costs below. Costs of appeal are adjudged against Mr. Slate.

Houston M. Goddard, P.J.

¹ In Ex parte Chattanooga Bar Association, 566 S.W.2d 880 (Tenn.1978), our Supreme Court held that the provisions of T.C.A. 23-3-202, insofar as they address disciplinary proceedings against attorneys, had been superseded by Rule 42 of the Supreme Court, which is the predecessor to Rule 9.

CONCUR:

Herschel P. Franks, J.

Don T. McMurray, J.