



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: JOHN E. HERBISON, BPR# 12659
CONTACT: RANDALL J. SPIVEY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 25, 2011

NASHVILLE LAWYER SUSPENDED

On March 14, 2011, John E. Herbison of Nashville, Tennessee, was suspended by the Tennessee Supreme Court for a period of eleven (11) months and twenty-nine (29) days pursuant to Rule 9, Section 4.2, of the Rules of the Supreme Court, the imposition of which is suspended in conjunction with an eleven (11) months and twenty-nine (29) day period of probation. During the probationary period, Mr. Herbison must obtain three (3) hours of continuing legal education over and above the hours normally required and engage the services of a practice monitor.

Mr. Herbison violated disciplinary rules by neglecting a client's file and failing to communicate with the same client with regard to a petition for post-conviction relief. Mr. Herbison's actions violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 3.2 (Expediting Litigation), 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (Misconduct).

Mr. Herbison was further ordered to pay the expenses and costs of the disciplinary proceedings against him, pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court.

Herbison 1931-5.doc

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

2011 MAR 14 PM 2:50

IN RE: JOHN E. HERBISON, BPR #12659
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

APPELLATE COURT CLERK
NASHVILLE

BOPR No. 2010-1931-5-RS

NO. MA2011-00560-SC-BPO-BP

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by Disciplinary Counsel against Respondent, John E. Herbison, on May 14, 2010; upon Answer to the Petition for Discipline filed by Respondent on June 3, 2010; upon the entering of a Conditional Guilty Plea by the Respondent on November 29, 2010; upon the Order Recommending Approval of Conditional Guilty Pleas by a Hearing Panel on December 7, 2010; upon the Board of Professional Responsibility's approval of the Conditional Guilty Plea on January 11, 2011; and upon the entire record in this cause.

From all of which the Court approves the recommendation of the Hearing Panel and accepts the Conditional Guilty Plea.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court,

1. The Respondent, John E. Herbison, shall be suspended for eleven (11) months and twenty-nine (29) days, with all time probated pursuant to Supreme Court Rule 9, Section 8.5, during which time Respondent shall attend three (3) hours of Continuing Legal Education on the topic of legal ethics. These hours shall be over and above the hours normally required by the Commission on Continuing Legal Education.

2. The Respondent shall employ, at his own expense, a Law Practice Monitor. In the first month of the probation period, the Law Practice Monitor will meet with the Respondent to discuss good office management practices and make suggestions on improving the Respondent's management of his law practice.

3. The Law Practice Monitor shall also meet monthly with the Respondent to review and monitor the Respondent's open files to insure (1) that the Respondent is meeting all deadlines in each case and (2) communicating candidly and timely with each of his clients. The Law Practice Monitor shall provide monthly reports to Disciplinary Counsel detailing the Respondent's compliance with these conditions.

4. The Respondent and Tennessee Lawyer's Assistance Program entered into a Monitoring Agreement on November 22, 2010. The Respondent shall comply with all terms of the November 22, 2010 Monitoring Agreement between the Respondent and TLAP.

5. Failure to meet any of the above listed conditions or upon report to Disciplinary Counsel from the Law Practice Monitor that the Respondent has failed to meet any of the above listed conditions will result in the revocation of the Respondent's probation. Upon revocation of his probation, the Respondent will be required to serve the entirety of the eleven (11) months and twenty-nine (29) day suspension beginning (10) days from the date of revocation.

6. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$375.00, and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days from the entry of this order, for all of which execution may issue if necessary.

7. The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark

CORNELIA A. CLARK
CHIEF JUSTICE

I, Michael W. Catalano, Clerk, hereby certify that
this is a true and exact copy of the original

filed in this cause.

This 19 day of December, 2011

By: Michael W. Catalano
CLERK OF COURT