



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

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**RELEASE OF INFORMATION**  
**RE: JOHN EDWARD HERBISON, BPR #12659**  
**CONTACT: A. RUSSELL WILLIS**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

November 20, 2014

**MONTGOMERY COUNTY LAWYER SUSPENDED**

On November 20, 2014, John Edward Herbison, of Clarksville, Tennessee, was suspended from the practice of law for a period of eighteen (18) months. Pursuant to Tennessee Supreme Court Rule 9, Section 8.5 (2006), Mr. Herbison shall serve the first sixty (60) days on active suspension and the remaining sixteen (16) months on probation subject to conditions. Mr. Herbison must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement. The effective date of the order of suspension is November 30, 2014.

On February 11, 2013, a Petition for Discipline was filed against John Edward Herbison. The Petition incorporated three (3) complaints of misconduct. In the first matter, Mr. Herbison failed to communicate with his client and was sanctioned by the Board in March, 2011. Mr. Herbison continued representation of the client but, thereafter, neglected his professional duties and failed to appropriately communicate with his client until at least January 31, 2012. In the second matter, Mr. Herbison failed to file a notice of appeal with the Court of Criminal Appeals and delayed seeking relief from the Court of Criminal Appeals. Mr. Herbison's untimely request for relief was denied by the Court of Criminal Appeals, and the client was unable to seek appellate review of his post-conviction petition. In the third matter, Mr. Herbison failed to reasonably communicate with his client regarding the scope of services to be performed for the client. Mr. Herbison failed to clearly convey to the client that his legal representation had concluded. After receiving Mr. Herbison's legal analysis related to seeking executive clemency, the client attempted to contact Mr. Herbison to correct certain factual errors in the document. The client was unable to contact Mr. Herbison.

Mr. Herbison admitted violating Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (declining or terminating representation), 3.2 (expediting litigation), and 8.4 (misconduct).

Mr. Herbison must comply with the requirements of Tennessee Supreme Court Rule 9, Section 18 (2006) and Tennessee Supreme Court Rule 9, Section 30.4(c) (2014) regarding the obligations and responsibilities of suspended attorneys.