



**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.

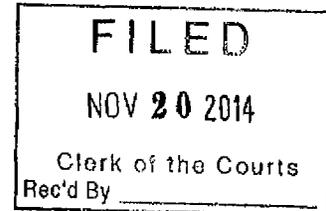
Mr. Herbison admitted violating Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (declining or terminating representation), 3.2 (expediting litigation), and 8.4 (misconduct).

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.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

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

No. M2014-02193-SC-BAR-BP
BOPR No. 2013-2186-6-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against John Edward Herbison on February 11, 2013; upon Respondent's Answer to Petition for Discipline filed by Mr. Herbison on April 1, 2013; upon Supplemental Petition for Discipline filed December 2, 2013; upon Respondent's Answer to Supplemental Petition for Discipline filed January 21, 2014; upon Offer of Discipline by Consent filed by Mr. Herbison on July 14, 2014; upon an Order Recommending Approval of Offer of Discipline by Consent entered on July 17, 2014; upon consideration and approval by the Board on September 19, 2014; and upon the entire record in this cause.¹

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Offer of Discipline by Consent as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006), John Edward Herbison is suspended from the practice of law for eighteen (18) months. Pursuant to Tenn. Sup. Ct. R. 9, § 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 the condition that he shall not, during the period of probation, incur any new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and result in a recommendation by the Board that discipline be imposed. In the event Mr. Herbison violates or otherwise fails to meet said condition of probation, Disciplinary Counsel shall be authorized to file a petition to revoke Mr. Herbison's probation, and upon a finding

¹This case was initiated prior to January 1, 2014, and is governed by Tenn. Sup. Ct. R. 9 (2006) except as otherwise noted.

that revocation is warranted, Mr. Herbison shall serve the full deferred period of suspension.

(2) Mr. Herbison shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 (2006) and § 30.4(c) (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(3) Mr. Herbison must meet all CLE requirements and all registration requirements prior to reinstatement.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5 (2006), this Order shall be effective ten (10) days after the date of entry.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3 (2006), Mr. Herbison shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,880.18 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(6) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006).

PER CURIAM