



**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

February 3, 2016

MONTGOMERY COUNTY LAWYER SUSPENDED

On February 2, 2016, John Edward Herbison, of Clarksville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years, with sixty (60) days to be served as an active suspension and indefinitely thereafter until restitution, in the amount of \$7,500, is paid to his former clients. The suspension order is effective upon entry. As a condition of probation, Mr. Herbison shall engage a practice monitor at his expense. Mr. Herbison must pay the Board's costs and expenses and court costs within ninety days of the entry of the Order of Enforcement.

Mr. Herbison accepted a non-refundable fee of \$7,500 and thereafter failed to prepare an application for clemency and reasonably communicate with his clients. Mr. Herbison misled his clients to believe the application for clemency was being prepared and would be delivered to the clients. Upon learning that the application had not been prepared, the clients terminated Mr. Herbison and requested a refund. Mr. Herbison failed to refund the unearned fee.

Mr. Herbison admitted his conduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (declining or terminating representation) and 8.4(a) (misconduct).

Mr. Herbison must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.