



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

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RELEASE OF INFORMATION
RE: JOHN R. HERSHBERGER, BPR #21519
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 7, 2017

SHELBY COUNTY LAWYER CENSURED

On February 7, 2017, John R. Hershberger of Memphis, Tennessee, was Publicly Censured by order of the Tennessee Supreme Court.

While representing a party in a case pending before the Tennessee Court of Appeals, Mr. Hershberger went to the home of a judge on the Court of Appeals in order to ask her a question pertaining to the case. The judge was not at home and Mr. Hershberger left without speaking with her.

A Hearing Panel found that by attempting to engage in an ex parte communication with the judge, Mr. Hershberger violated Rule of Professional Conduct 8.4(a) (Misconduct) and should be Publicly Censured for this violation. Mr. Hershberger appealed the decision to the Chancery Court for Shelby County, which affirmed the Hearing Panel's decision.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Hershberger 2381-9 rel.doc

FILED

02/07/2017

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JOHN ROBERT HERSHBERGER, BPR #21519

An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2017-00239-SC-BAR-BP

BOPR No. 2014-2381-9-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against John Robert Hershberger on October 9, 2014; upon an Amended Petition for Discipline filed on November 5, 2014; upon an Answer and Affirmative Defenses of Respondent filed by Mr. Hershberger on September 10, 2015; upon a hearing on November 5, 2015; upon the Hearing Panel's Findings of Fact, Conclusions of Law and Judgment entered December 17, 2015; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Hershberger by the Executive Secretary of the Board on December 19, 2015; upon consideration and approval by the Board on January 4, 2016; upon a Petition for Writ of Certiorari filed by Mr. Hershberger on February 16, 2016; upon the Board's Answer to Petition for Writ of Certiorari filed on April 21, 2016; upon the Order of the Chancery Court of Shelby County affirming the Hearing Panel's Findings of Fact, Conclusions of Law and Judgment entered December 20, 2016; and upon the entire record in this cause.¹

From all of which the Court approves the Judgment of the Hearing Panel and adopts the Hearing Panel's Judgment Recommending a Public Censure 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, § 4.4, John Robert Hershberger is publicly censured.

¹Because this matter was initiated before the Board prior to January 1, 2014, it is governed by Tenn. Sup. Ct. R. 9 (2006) except as otherwise noted.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Hershberger shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,923.89 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.

(3) The Board of Professional Responsibility shall cause notice of this discipline to be published.

PER CURIAM

HOLLY KIRBY, J., not participating