



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

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RELEASE OF INFORMATION
RE: MARVIN D. HIMMELBERG, BPR# 15199
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BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 27, 2011

DAVIDSON COUNTY LAWYER CENSURED

On October 27, 2011, Marvin D. Himmelberg an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Himmelberg was hired to perfect the appeal to the Civil Service Commission of his client's suspension at her place of employment within 15 calendar days of the date of notification. Through a series of events, Mr. Himmelberg learned that the appeal was not perfected on March 8, 2010.

Without explaining to his client, Mr. Himmelberg submitted an undated letter requesting an appeal which was received by the Civil Service Commission ninety-nine (99) days after the notification of his client's suspension and almost two months after discovering the appeal had not been perfected. The Administrative Law Judge dismissed his client's appeal as time-barred. His client called Mr. Himmelberg's office and was told that Mr. Himmelberg's former paralegal had failed to file the appeal.

By the aforementioned acts, Marvin D. Himmelberg has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), and 5.3 (responsibilities regarding nonlawyer assistants), and is hereby Publicly Censured for these violations.

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

Himmelberg 33727-5 rel.doc

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