



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

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RELEASE OF INFORMATION
RE: HERBERT S. MONCIER, BPR #001910
CONTACTS: SANDY GARRETT
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 2, 2011

KNOXVILLE LAWYER SUSPENDED

On June 1, 2011, Herbert S. Moncier, of Knoxville, Tennessee, was suspended by the Tennessee Supreme Court for a period of eleven (11) months and twenty-nine (29) days with the first forty-five (45) days being active suspension and the remaining ten and one-half (10 ½) months of probation, pursuant to Rule 9, Section 8.5. The Supreme Court imposed the following conditions upon Ms. Moncier's probation of ten and one-half (10 ½) months: Mr. Moncier shall complete an additional twelve (12) hours of ethics continuing legal education and the Board shall assign Mr. Moncier a practice monitor to monitor Mr. Moncier's practice and court appearances for the duration of his probation.

Mr. Moncier violated the Rules of Professional Conduct in his representation of a criminal client in a federal case by engaging in a conflict of interest in violation of Rule 1.7 and by engaging in conduct intending to disrupt the proceeding in violation of Rules 3.4(e) and 3.5(e). In his representation of a client in state court, Mr. Moncier violated Rules 3.4(c), 3.5(e) and 8.4(a) and (d) by repeatedly interjecting insurance issues into the proceeding during the punitive damages phase of the trial after the Court clearly gave notice to Mr. Moncier that such questions would not be tolerated and by engaging in conduct intending to disrupt the proceeding.

Mr. Moncier was ordered to pay the expenses and costs of the disciplinary proceeding against him, pursuant to Rule 9, Section 4.7 of the Rules of the Supreme Court and was ordered to fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18.1 of the Rules of the Supreme Court.

Moncier 1766-2.doc

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