

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

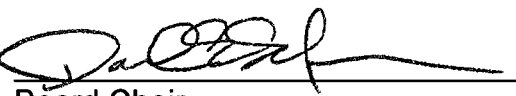
OFFICE OF DISCIPLINARY COUNSEL,	:	No. 153 DB 2017
Petitioner	:	
	:	File No. C2-14-490 & C2-15-221
v.	:	
	:	Attorney Registration No. 72270
CAROL TATEM HERRING	:	
Respondent	:	(Delaware County)

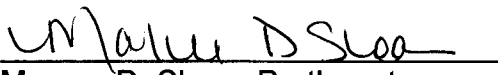
ORDER

AND NOW, this 16th day of October, 2017, in accordance with Rule 208(a)(5), Pa.R.D.E., the determination by a Review Panel of the Disciplinary Board of the above captioned matter is accepted; and it is

ORDERED that the said CAROL TATEM HERRING be subjected to a **PUBLIC REPRIMAND** by the Disciplinary Board of the Supreme Court of Pennsylvania as provided in Rule 204(a)(5) and Rule 205(c)(8) of the Pennsylvania Rules of Disciplinary Enforcement.

Costs shall be paid by the Respondent.

BY THE BOARD:

Board Chair

TRUE COPY FROM RECORD
Attest:

Marcee D. Sloan, Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

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PUBLIC REPRIMAND

Carol Tatem Herring, you stand before the Disciplinary Board, your professional peers and members of the public for the imposition of a Public Reprimand. It is an unpleasant task to publicly reprimand one who has been granted the privilege of membership in the bar of this Commonwealth. Yet as repugnant as this task may be, it has been deemed necessary that you receive this public discipline.

Ms. Herring, you are being reprimanded today for your misconduct in two consolidated matters concerning your representation in connection with the removal of four juveniles from the care of their adoptive parents in Lancaster County ("County").

The County sought removal of the juveniles as a result of repeated sexual abuse of the two youngest children by the two older children. You represented the parents, and rather than devising a defense based in the juvenile code, or negotiating with the County, you took aim at the Court and the County. Your defense consisted of ill-advised and unsupported claims that the County was engaged in a "kids for cash scheme," that the County targeted the older children based on race and that the Court was biased against you and your clients.

Taken as a whole, the record of the juvenile proceedings demonstrated that you failed to act competently in that you repeatedly failed to follow Court orders and directives; demonstrated a lack of understanding of the rules of court and rules of evidence; and failed to timely appeal the correct adjudication. You failed to act with diligence in that you repeatedly sought continuances and raised irrelevant arguments and issues that significantly delayed adjudication. You failed to recognize or appreciate conflicts of interest, in that you repeatedly sought to represent your clients' two older children despite the fact that the simultaneous representation of your clients and their older children involved a conflict. On at least two occasions, you attempted to speak with the judge about the litigation outside the presence of opposing counsel. You raised frivolous claims against the court, opposing counsel and other parties to the case. For example, you claimed bias on the part of the County because the two older children were African American and were held in the County Juvenile Center, while the two younger children who were Caucasian were placed in foster care. You repeatedly accused the judge of bias and raised the false claim that the court refused to grant you a pretrial conference, when in fact a pretrial conference had been held and the court invited you to file a motion to request another conference, which you failed to do.

In addition, your representation of your clients lacked professionalism. You sought to charge your clients excessive fees of more than \$300,000 for your incompetent representation. You failed to promptly enter into a written fee agreement with your clients until fourteen months after representation had commenced. Most seriously, you failed to inform your clients of the proper order to appeal, resulting in their inability to appeal the removal of their children and the finding that they were abusers by omission.

Your conduct in this matter has violated the following Rules of Professional

Conduct:

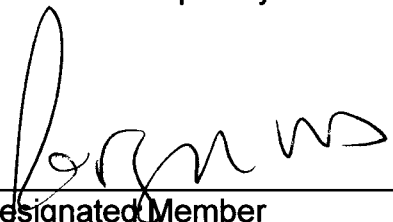
1. RPC 1.1 – Failing to provide competent representation to your clients.
2. RPC 1.3 – Failing to act with reasonable diligence and promptness in representing your clients.
3. RPC 1.4(a)(2) – Failing to reasonably consult with your clients about the means by which the clients' objectives were to be accomplished.
4. RPC 1.5(a) – Charging a clearly excessive fee.
5. RPC 1.5(b) – Failing to provide a written fee agreement at or shortly after the time you entered into the representation.
6. RPC 1.7(a)(1) – Seeking to represent clients when their representation involved a concurrent conflict of interest.
7. RPC 3.1 – Asserting issues where there was no basis in law or fact to do so.
8. RPC 3.5(b) – Communicating ex parte with a judge about the subject litigation.
9. RPC 3.5(d) – Engaging in conduct intended to disrupt a tribunal.
10. RPC 8.2(a) – Making statements that you knew to be false or with reckless disregard as to the truth concerning the qualifications and integrity of a judge.

We note that you have been admitted to practice law in the Commonwealth since 1994 and have never been the subject of professional discipline in any other matters.

Ms. Herring, your conduct in this matter is now fully public. This Public Reprimand is a matter of public record.

As you stand before the Board today, we remind you that you have a continuing obligation to abide by the Rules of Professional Conduct and Rules of Disciplinary Enforcement. This Public Reprimand is proof that Pennsylvania lawyers will not be permitted to engage in conduct that falls below professional standards. Be mindful that any future dereliction will subject you to disciplinary action.

This Public Reprimand shall be posted on the Disciplinary Board's website at www.padisciplinaryboard.org.

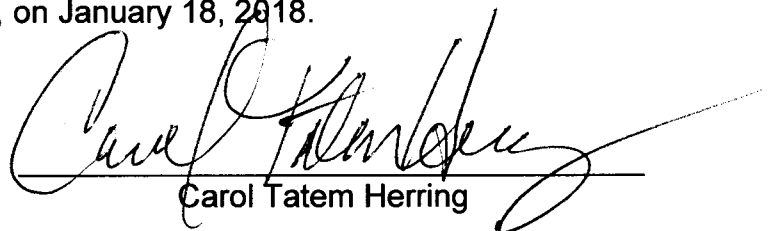


Designated Member
The Disciplinary Board of the
Supreme Court of Pennsylvania

Administered by a designated panel of three Members of The Disciplinary Board of the Supreme Court of Pennsylvania, at Philadelphia, Pennsylvania, on January 18, 2018.

ACKNOWLEDGMENT

The undersigned, Respondent in the above proceeding, herewith acknowledges that the above Public Reprimand was administered in her presence and in the presence of the designated panel of The Disciplinary Board at 1601 Market Street, Suite 3320, Philadelphia, Pennsylvania, on January 18, 2018.



Carol Tatem Herring