



Response: Mr. Herring's crimes were not directly or indirectly related to his practice of law.

*2. The conduct of the attorney during the compulsory proceeding*

Response: Mr. Herring's criminal defense attorney has strongly recommended that Mr. Herring not testify in this matter and Mr. Herring is reluctantly following this advice.

*3. Whether the attorney has complied with the terms and conditions of his probation*

Response: Mr. Herring has fully complied and will continue to comply with the terms and conditions of his probation. Mr. Herring has paid all fines and fees due, has attended every meeting on time, successfully passed every drug and alcohol test, has successfully completed all assessments, and has successfully completed all required classes. *See Exhibit A - Declaration of Mason Herring.*

*4. The attorney's efforts at rehabilitation*

Response: Mr. Herring has enlisted a professional counselor, Lori Lombardi, and is undergoing counseling treatment. Further, he communicates with his son's counselor, Stephen Rossi, on an ongoing basis to assist and answer any questions related to his son's treatment. Mr. Herring successfully completed the BIPP (Battering Intervention Prevention Program) class before his sentencing and has been using the skills and lessons he learned there in his life. The course entails eighteen weekly intensive two-hour sessions along with an assessment and graduation essay. *See Exhibit A.*

*5. The attorney's credibility under oath*

Response: Mr. Herring's criminal defense attorney has strongly recommended that Mr. Herring not testify in this matter and Mr. Herring is reluctantly following this advice.

*6. Whether the attorney accepts responsibility for his past actions*

Response: Mr. Herring has accepted responsibility for his actions as evidenced by his guilty plea and has shown by continuing compliance with the terms of his probation and by seeking outside rehabilitation help. *See Exhibit A.*

*7. Any prior discipline imposed on the attorney*

Response: Mr. Herring has never been disciplined.

*8. Seriousness of and circumstances surrounding the attorney's conduct*

Response: While the most serious of the charges were dropped during his prosecution, Mr. Herring acknowledges that any felony, including the charges to which he plead guilty, are a serious matter. As for the circumstances surrounding the charges, they arose in the middle of a separation from his ex-wife which turned in to a two and a half year very contentious divorce.

*9. The loss or damage to clients*

Response: Mr. Herring's conduct was not related to his practice of law, so it did not directly damage his clients. Before accepting a plea deal, Mr. Herring met with each of his clients, informed them of the pending charges, informed them of the potential that he may take a plea deal, gave them copies of their complete file and allowed them to seek other representation well before his plea to mitigate any potential damages to clients. Mr. Herring has never had a complaint or claim filed against him by any previous client. *See Exhibit A.*

*10. Damage to the profession*

Response: While any crime committed by a lawyer has the potential to damage the profession, Mr. Herring's conduct was not related to the practice of law.

*11. Assurance that those seeking legal services in the future will be insulated from this type of misconduct*

Response: Mr. Herring's crime did not involve the practice of law, and he has never had a claim or lawsuit filed against him for the practice of law. Furthermore, Mr. Herring has never been disciplined. *See Exhibit A.*

*12. Profit to the attorney*

Response: None.

*13. Avoidance of repetition*

Response: Mr. Herring had never been charged with a crime until this incident and has maintained a clean record since this incident. The criminal convictions serve as the primary deterrence to repetition. *See Exhibit A.*

*14. The deterrent effect on others*

Response: While any sanction against a lawyer has the potential to have a deterrent effect on others, Mr. Herring's conduct was not related to the practice of law and the criminal sanctions serve as an adequate deterrent to others.

*15. The maintenance of respect for the legal profession*

Response: During his career Mr. Herring won numerous awards for his work on behalf of his clients. He was appointed to various boards and committees and has shown the highest level of respect for the legal profession. He was named a Super Lawyer Rising Star every year from 2014-2022. He was on the South Texas College of Law Young Lawyer Advisory Board after graduation from law school. Mr. Herring was named top 40 under 40 for five years straight. He has served on the board of the Houston Trial Lawyers Associate and Texas Trial Lawyers

Association. He served as CLE chair of HTLA during the pandemic and successfully implemented an online CLE program watched by hundreds of lawyers all over the State of Texas. *See* Exhibit A.

### III. CONCLUSION

While Respondent plead guilty to Injury to a Child and Assault of a Pregnant Person, the underlying criminal statutes allow conviction for these offenses without a finding of an Intentional Crime as noted in Respondent's August 29<sup>th</sup> briefing on compulsory discipline. Further, the Judgments of Conviction do not establish that Respondent was convicted of an Intentional Crime. Because Compulsory Discipline requires conviction of an Intentional Crime, it is not available under these facts.

In the alternative, because Respondent's incarceration as a condition of probation did not change his sentence from being fully probated, BODA has discretion to suspend Respondent's license for the term of his probation as opposed to disbaring him. Dawn Miller, at the time Chief Disciplinary Counsel for the State Bar of Texas, has stated: If the lawyer receives a fully probated criminal sentence, case law indicates that BODA has the discretion to either suspend the lawyer's law license for the period of criminal probation as originally assessed or to disbar the lawyer. *Disbarment under those circumstances is rare.*<sup>1</sup> (Emphasis added). Mr. Herring respectfully requests that if the Board determines one or more crimes are intentional that it exercise its discretion to impose a ten-year suspension instead of disbaring him.

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<sup>1</sup> *The Criminally Prosecuted Lawyer: The Profession's Dilemma*, 64 Tex. B. J. 74 (Jan. 2001); *see also The Texas Grievance System: Texas Attorney Grievance Process: An Overview of the System*, 65 Tex. B. J. 716 (Sept. 2002).

Respectfully submitted,



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*ATTORNEY FOR RESPONDENT*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing instrument has been sent via electronic service on October 15, 2024 to the following:

Amanda M. Kates  
Assistant Disciplinary Counsel  
[Amanda.kates@texasbar.com](mailto:Amanda.kates@texasbar.com)



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Harry G. Potter III

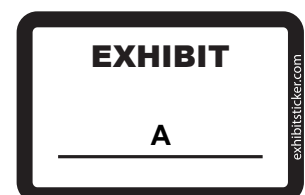
## DECLARATION OF MASON WILLIAM HERRING

My name is Mason William Herring, my date of birth is November 10, 1984, and my business address is 1360 Post Oak Blvd., Suite 2100, Houston, TX 77056.

I am the Respondent in Cause No. 69030, In the Matter of Mason William Herring. The crimes I pled guilty to were not directly related to my practice of law. I have fully complied with the terms and conditions of my probation. I am paid up on all fines and fees due, have attended every meeting on time, successfully passed every drug and alcohol test, have successfully completed all assessments, and have successfully completed all required classes.

I have enlisted a professional counselor, Lori Lombardi, and am undergoing counseling treatment. Further, I communicate with my son's counselor, Stephen Rossi, on an ongoing basis to assist and answer any questions related to my son's treatment. My relationship with my children is the most important thing in my life. I completed the BIPP, Battering Intervention Prevention Program, class prior to my sentencing and have been utilizing the skills and lessons in my life. A true and accurate copy of the certificate of completion is attached. The course entails eighteen weekly two-hour sessions along with an assessment and graduation essay. While the most serious of the charges were dropped in the course of my prosecution, I acknowledge that any felony is a serious matter, including the felonies to which I plead guilty.

I accept responsibility for my actions and have demonstrated that by continuing to abide by the terms of my probation and by seeking outside rehabilitation help. I have never been disciplined by the State Bar. My conduct was not related to my practice of law, so it did not directly damage my clients. Prior to agreeing to accept a plea deal, I met with each of my clients, informed them of my charges, informed them of the potential that I may take a plea deal, gave



them copies of their complete file and allowed them to seek other representation well in advance of me taking my plea to mitigate any potential damages to them. I have not had a single complaint or claim filed against me by any previous client. My crimes did not involve the practice of law, and I have never had a single claim or lawsuit filed against me for the practice of law. Furthermore, I have never been disciplined.

I have been the recipient of numerous awards in the legal community for my dedication and work on behalf of his clients. I had never been charged with a crime until this incident and have maintained a clean record since this incident. Over the course of my career, I won awards for my work on behalf of my clients. I was appointed to various boards and committees and have always demonstrated the highest level of respect for the legal profession. I was named a Super Lawyer Rising Star every year from 2014-2022. I was on the South Texas College of Law Young Lawyer Advisory Board after graduation from law school. I was named top 40 under 40 for five years straight. I have served on the board of the Houston Trial Lawyers Associate and Texas Trial Lawyers Association. I served as CLE chair of HTLA during the pandemic and successfully implemented an online CLE program that was watched by hundreds of lawyers all over the State of Texas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on October 15, 2024.



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Mason William Herring



# AVDA

end abuse/begin again®



## Mason Herring

Has met the minimum participation requirements of the Battering Intervention & Prevention Program of Aid to Victims of Domestic Abuse.

We encourage this individual to continue his work to become another man committed to ending family violence.

7/10/23  
Date

*Roarkella RS*  
Group Facilitator

\_\_\_\_\_  
Facilitator's Assistant