

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

2006 SEP 20 AM 9:37

WILLIAM E. GIBSON, BPR #12636
An Attorney Licensed to Practice Law in Tennessee
(Putnam County)

APPELLATE COURT CLERK
NASHVILLE

BOPR NO. 2006-1631-4-5G(4.3)

No. M2006-01956-SC-BPR-BP

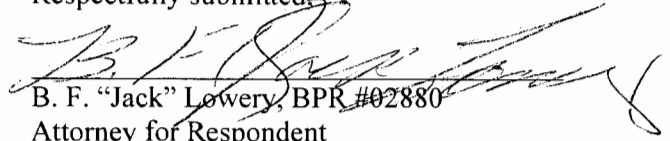
RESPONSE TO PETITION FOR TEMPORARY SUSPENSION

Comes now William E. Gibson, the duly elected District Attorney General for the Thirteenth Judicial District, and files his response to the Petition for Temporary Suspension of his license to practice law in the State of Tennessee. William E Gibson files this response for good cause and to avoid the substantial risk of irreparable harm and injury which may occur to the citizens of the Thirteenth Judicial District if their duly elected District Attorney General were suspended from the practice of law and unable to carry out his duties of office. In support of his claim, William E. Gibson submits the attached affidavits.

William E. Gibson, requests that the Supreme Court deny the Petition for Temporary Suspension of his license to practice law due to the fact that the Petition does not support a risk of substantial harm and injury to the general public. In this Petition the petitioner is relying on the part of Section 4.3 of Rule 9, of the Rules of the Supreme Court of Tennessee, that alleges a threat of substantial harm to the public. The petition and it's supporting affidavits show that the alleged acts of William E. Gibson have already occurred, and there is no showing or allegations that William E. Gibson is engaging in any present acts that would constitute a threat of substantial harm to the public. William E. Gibson is not a threat of substantial harm to the public. A summary suspension of his license is not justified and would result in a irreparable injury to both he and the citizens of Thirteenth Judicial District.

Respondent files the following affidavits marked as Exhibit A in support of this response.

Respectfully submitted,



B. F. "Jack" Lowery, BPR #02880


Attorney for Respondent

150 Public Square

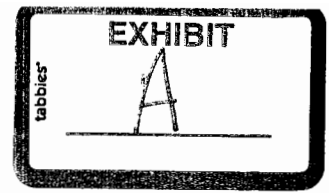
Lebanon, Tennessee 37087

CERTIFICATE OF SERVICE

I certify I have served a copy of this Response to Petition for Temporary Suspension upon Sandy Garrett, Disciplinary Counsel, 1101 Kermit Drive, Suite 730, Nashville, Tennessee, 37217, by certified mail, return receipt requested number _____, on this the 20th day of September, 2006.



B. F. "Jack" Lowery



IN THE SUPREME COURT OF TENNESSEE
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WILLIAM E. GIBSON, BPR #12636
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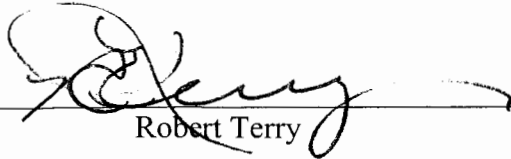
AFFIDAVIT OF ROBERT TERRY

I am Robert Terry. I am the Chief of Police for Cookeville, Tennessee. I have served as Police Chief for the past eight (8) years. I began my career in law enforcement in 1972.

I am personally familiar with District Attorney General William Gibson. I have observed his demeanor and the operation of his office for the past 16 years. I am familiar with and have personally observed General Gibson's interaction with the law enforcement leaders and personnel across this district as well as his courtroom presence.

I am also aware of General Gibson's participation and leadership in many organizations and activities that promote public safety and crime prevention and detection.

I am aware of the current allegations of ethical misconduct. I know of no reason to believe that District Attorney William Gibson poses any risk to the public whatsoever. I further believe that the greater risk of substantial harm to the public would come if the ongoing work of General Gibson and his staff were interrupted.



Robert Terry

STATE OF TENNESSEE
COUNTY OF Putnam

Subscribed and sworn before me, a notary public on this 19 day of September, 2006.





NOTARY PUBLIC

My Commission Expires: 3-18-08



MADD

Activism | Victim Services | Education™

Mothers Against Drunk Driving
PUTNAM COUNTY
P.O. Box 2663
Cookeville, TN 38502
Phone (931)520-MADD (6233)
www.madd.org/tn/putnam

A Partner Agency of United Way of Putnam County

AFFIDAVIT OF NORRIS SKELLEY

My name is Norris Skelley. In the early 1990's I was part of the effort to establish a Mothers Against Drunk Driving Chapter in the Upper Cumberland Region. I first met our District Attorney General, William Gibson, at that time and in that process. I served as President for about 8 years and now serve as Community Action Site Leader and Victim Advocate.

From the beginning General Gibson and his staff have been very active with the local MADD chapter and with MADD Tennessee. Along with MADD, General Gibson's office has co-sponsored a Candlelight Vigil of Remembrance and Hope each year. General Gibson has attended and spoken at most of these events. He has taught for several years at our statewide Victim Advocate Training Academy. We have personally watched him prosecute impaired driving cases to conviction and find him to be a caring and competent prosecutor. In 2003 MADD Tennessee awarded General Gibson the Prosecutor Award of Excellence.

On September 12, 2006, at my request, General Gibson participated in and spoke at a community meeting organized to find ways to reduce underage drinking. At this meeting several ideas were shared and General Gibson agreed to participate in the development of the ideas. General Gibson's participation serves the public good in a meaningful way.


The District Attorneys Office and The Upper Cumberland Chapter of MADD enjoy a good and beneficial working relationship. This is largely due to the interest and active participation of General William Gibson.



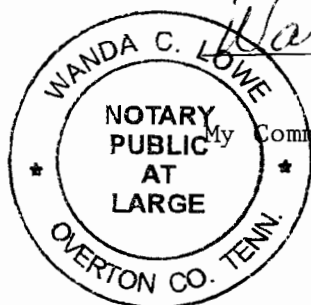
Norris Skelley

STATE OF TENNESSEE
COUNTY OF PUTNAM

Subscribed and sworn before me, a notary public, on this 20th day of September, 2006.



NOTARY PUBLIC
My Commission Expires: 10-22-07



IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

WILLIAM E. GIBSON, BPR #12636
An Attorney Licensed to Practice Law in Tennessee
(Putnam County)

BOPR No. 2006-1631-4-5G(4.3)

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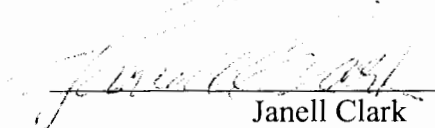
AFFIDAVIT OF JANELL CLARK

I am Janell Clark. I have served as the Executive Director of Genesis House for the past ten (10) years. Genesis House is a full service domestic violence response agency serving most of the 13th Judicial District.

I am personally familiar with District Attorney General William Gibson. I have known him professionally for ten (10) years and worked closely with him often on ongoing programs, projects, cases, and grant proposals. General Gibson was active on our Board of Directors for several years and continues in an ex officio capacity.

I know William Gibson to be a person who is a great benefit to our organization and the community. We are in the process of developing and funding a model facility to serve the victims of this region. General Gibson is a valuable part of that effort.

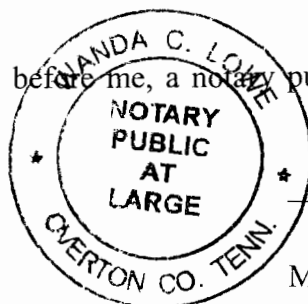
I am familiar with the current allegations concerning General Gibson. I know of no reason to believe that General Gibson would ever be a threat of substantial harm. I personally and professionally know him to be a source of great benefit to my program, many other programs, and the people he serves. I believe that any risk of public harm in this situation would come from an interruption of his ability to lead his office, prosecute criminals, and otherwise perform his duties and volunteer efforts on behalf of his community.



Janell Clark

STATE OF TENNESSEE
COUNTY OF PUTNAM

Subscribed and sworn before me, a notary public on this 19th day of September, 2006.





NOTARY PUBLIC

My Commission Expires: 10-22-07



THE STEPHENS CENTER



PARENT-CHILD CONNECTION

HEALTHY START

FRIENDS FOR FAMILIES

IN THE SUPREME COURT OF TENNESSEE
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AFFADAVIT OF CAROLYN ISBELL

My name is Carolyn Isbell. I am the Executive Director of the Exchange Club/Stephens Center for the Prevention of Child Abuse. We serve several Counties of the 13th Judicial District with various active programs developed to prevent child abuse. I have been the Executive Director since 1992. When I assumed the duties, our agency was in a financial crisis that threatened to shut the program down. I went to see District Attorney William Gibson. General Gibson immediately responded rallying financial support from various agencies, governmental entities, and individuals - support sufficient to get us past the crisis and able to operate uninterrupted until more permanent funding could be put in place.

I personally know General Gibson is a person who is very competent as a criminal prosecutor and administrator. General Gibson has served on our Board of Directors for many years and continues to serve in that capacity. He is especially familiar with and attentive to the ongoing needs of abused children and of the Center in its efforts to protect children. I am aware that he is active in the ongoing development of Children's Advocacy Centers for the district. District Attorney General William Gibson goes above and beyond our expectations as a

prosecutor. He works diligently to make sure our child abuse and other cases are investigated and prosecuted well and that prevention efforts succeed.

Our agency has an excellent working relationship with General Gibson that has been forged and developed over many years. We regard him as a leader with special ability to get things accomplished and to pull people together. I have observed William Gibson's conduct, ability, and demeanor for many years and cannot imagine any cause to believe he could present any harm to the public. On the contrary, I have consistently watched him preserve and protect the public well being. Any action that would limit or interrupt District Attorney General William Gibson's ability to serve as chief prosecutor for our judicial district or otherwise limit his ability to proceed in his leadership role would in my opinion be detrimental to our ongoing programs, the overall fight against child abuse in our district, and therefore not in the best interest of the public, especially the children that we work together to protect.

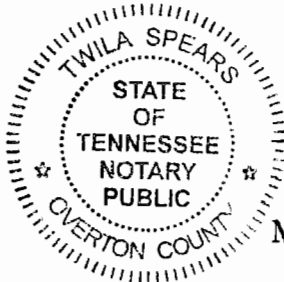
Carolyn Isbell

Carolyn Isbell

STATE OF TENNESSEE

COUNTY OF Overton

Subscribed and sworn before me, a notary public on this 19th day of September, 2006.



Twila Spears
NOTARY PUBLIC

My Commission Expires: 9-14-09

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

WILLIAM E. GIBSON, BPR #12636
An Attorney Licensed to Practice Law in Tennessee
(Putnam County)

BOPR No. 2006-1631-4-5G(4.3)

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AFFIDAVIT OF WILLIAM E. GIBSON

My name is William Edward Gibson. I am the duly elected District Attorney General for the 13th Judicial District. I was first elected to this office in 1990 and have served continuously since then. Previous to that I had served approximately 10 years as a Police Officer for the City of Cookeville and an Emergency Medical Technician for the Putnam County Ambulance Service. I worked my way through law school while serving full time as a police officer. I have been an attorney in good standing since 1987 and with no disciplinary actions to the best of my knowledge and recollection.

During the past 16 years as District Attorney General I have prosecuted numerous cases and coordinated numerous investigations. I have personally prosecuted two death penalty cases, one resulting in a death penalty verdict and the other in a life sentence. I have prosecuted many other homicide cases and every other kind of case. In 2000, I prosecuted and convicted the killer of Senator Tommy Burks in a very complex and high profile case. I have over the years earned a reputation as being a good trial attorney and prosecutor. I was unopposed in the recent election and began my third term on September 1.

My jurisdiction includes 7 counties. The 13th District is the largest and likely most complicated Judicial District in Tennessee. My office is presently in a state of transition and personnel shortage with several assistant District Attorneys General out due to sickness, child birth and new employment. I am working daily to see that cases are prepared and dockets covered. I am scheduled to personally try a jury case this Friday September 22nd. Among other things I am also involved in coordinating several ongoing child abuse investigations, ongoing narcotics investigations, a complicated murder investigation, an upcoming murder trial and two newly charged vehicular homicide cases. These are matters that would present extreme difficulty and hardship if I were unable to proceed in performing my duties of office. It is a critical time wherein the public interest is best served by no reduction in resources or interruption in leadership of this office.

In addition to criminal investigations and prosecutions I have personally initiated and been involved in many prevention and community projects related to the criminal justice system.

In my professional capacity and in conjunction with the duties of my office I am actively involved in the ongoing efforts of the state and local chapters of the Mothers Against Drunk Driving, being awarded their award of excellence in prosecution in 2003, the University of Memphis, DUIITS (Driving Under the Influence Information Tracking System), Genesis House (Domestic Violence Response), The Upper Cumberland Children's Advocacy Center and Cumberland Children's Center-House of Hope, The Stephens Center for the Prevention of Child Abuse, The 13th Judicial District Drug Task Force, The Middle Tennessee Meth Task Force, The Central Tennessee Meth Task Force, The developing Putnam and Dekalb County Drug Courts, The Department of Labor workforce drug prevention effort, local anti drug and violence coalitions, and court security committees.

I acknowledge that I had communication with a represented party. I have acknowledged that fact to the Board and have cooperated fully with each and every inquiry. I have expressed my willingness to participate in any reasonable corrective action they deem appropriate to the situation. The nature of the communication, while clearly a violation, was intended for the benefit and not the detriment of the represented party. I see that it was wrong and an exercise of extremely poor judgment. I will now face a disciplinary proceeding and other ramifications of these actions. I know the law and the rules, the duties of my office, and where I stepped over the line. This is an isolated event, and will never be repeated. I pose no threat of substantial or other harm to the public. It is my belief based on all of the information herein that my temporary suspension would serve no necessary purpose in protecting the public. Based on the information contained herein, I further believe that the disruption of leadership of this office, my duties, and these ongoing activities would be detrimental to the public good.

William E. Gibson
William E. Gibson

STATE OF TENNESSEE
COUNTY OF Putnam

Subscribed and sworn before me, a notary public on this 17 day of September, 2006.

Christie Huddleston
NOTARY PUBLIC

My Commission Expires: 3-18-08

