

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

**FILED UNDER SEAL**

In re:  
HERBERT S. MONCIER  
BPR NO. 1910

**Respondent's Demand For Jury Trial**

Respondent demands a jury trial pursuant to the Seventh Amendment to the United States Constitution and Fed. R. Civ. P. 38, or, in the alternative pursuant to the Sixth Amendment of the United States Constitution.

**Memorandum**

The Seventh Amendment to the United States Constitution provides:

**[Trial by jury in civil cases.]** In suits at common law, where the values' in controversy shall exceed twenty dollars [\$20.00], the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, that according to the rules of the common law.

The value in controversy of Respondent's current contracts of employment to clients to provide legal representation in federal cases exceeds one million dollars.

In the alternative, Respondent asserts his right to a jury trial pursuant to the Sixth Amendment to the United States Constitution, because the subject of the show cause order is discipline, and over 1 million dollars of Respondents' current contracts will be interfered with by any discipline that includes Respondent being unable to fulfill those current contracts.


Respondent does not have a case holding there is a right to a jury trial on a Court Show Cause Order that could result in the loss of current contracts exceeding one million dollars or discipline of the loss of over one million dollars of current employment agreements to provide legal representation in federal courts.

Suits at common law mean all suits not of equity or admiralty jurisdiction. *Parsons v. Bedford*, 28 U.S. 433 (1830). Respondent asserts that those cases dealing with state professional boards licensing are not on point because those are administrative proceedings and are not instituted by a Court or tried by a federal judge.

Federal Courts and the rules of the Eastern District of Tennessee, have a full and complete remedy pertaining to attorneys under licensing rules of the state courts. It is Respondent's position that if, the federal courts institute proceedings in the federal courts

bypassing the state licensing boards, the rights to a jury trial attach to the federal suit.

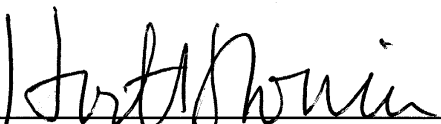
This 24th day of February 2008.

  
HERBERT S. MONCIER  
Respondent

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BPR # 1910

**Certificate**

The undersigned certifies that on February 24, 2008, pursuant to the Court's directive, the foregoing Motion for Relief has been served only upon Geneva Ashby, Division Manager, 209 Joel. W. Solomon Federal Building and United States Courthouse, 900 Georgia Avenue, Chattanooga, TN 37402, by United States Mail, with proper postage thereon, to e filed under seal.

  
HERBERT S. MONCIER  
Respondent