

PETITIONER

NATHANIEL H. HERDT

Notice is given that **Nathaniel H. Herdt**, P68144, has filed a petition with the Michigan Supreme Court, the Attorney Discipline Board, and the Attorney Grievance Commission seeking reinstatement as a member of the State Bar and restoration of his license to practice law in accordance with MCR 9.124(A). *In the Matter of the Reinstatement Petition of Nathaniel H. Herdt (P68144)*, ADB Case No. 21-37-RP.

The petitioner and the grievance administrator filed a stipulation for a consent order of discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based on the petitioner's admissions, plea of no contest, and the stipulation for the parties, the panel found that the petitioner committed professional misconduct in his representation of six separate clients when, in each of their matters, he communicated with the clients for only a short time; he filed some of their cases and others he completely failed to file; then he

abandoned the client matters and discontinued communications with the clients; commingled client funds with his own; and failed to return unearned fees.

Specifically, the panel found that the petitioner neglected legal matters, in violation of MRPC 1.1(c); failed to act with reasonable diligence and promptness in the representation of his clients, in violation of MRPC 1.3; failed to keep his clients reasonably informed regarding the status of their legal matters and respond promptly to reasonable requests for information, in violation of MRPC 1.4(a); failed to explain matters to the extent necessary for the clients to remain reasonably informed regarding the status of their matters, in violation of MRPC 1.4(b); failed to hold property or funds of a client in connection with a representation separate from the lawyer's own funds, in violation of MRPC 1.15(d); failed to deposit legal fees and expenses paid in advance into a client trust account until they have been earned, in violation of MRPC 1.15(g); failed to refund unearned attorney fees paid in advance, in violation of MRPC 1.16(d); and entered into an agreement with a client in which the client agreed not to report the lawyer's misconduct to the grievance administrator in violation of MCR 9.104(10). Petitioner was also found to have violated MCR 9.104(1)–(3).

In accordance with the stipulation of the parties, the panel ordered that the petitioner's license to practice law in Michigan be suspended for a period of 18 months and he be required to pay restitution in the total amount of \$9,420.

The Attorney Discipline Board has assigned the reinstatement petition to Tri-County Hearing Panel #2. A virtual hearing is scheduled for Wednesday, September 22, 2021, commencing at 9:30 a.m. via Zoom video conferencing. Any interested person may participate in the hearing and request to be heard in support of or in opposition to the petition for reinstatement.

In the interest of maintaining the high standards imposed upon the legal profession as conditions for the privilege to practice law in this state, and of protecting the public, the judiciary, and the legal profession against conduct contrary to such standards, the petitioner will be required to es-

tablish his eligibility for reinstatement by clear and convincing evidence.

Any person having information bearing on the petitioner's eligibility for reinstatement should contact:

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REQUIREMENTS OF THE PETITIONER

The petitioner is required to establish by clear and convincing evidence the following:

1. He desires in good faith to be restored to the privilege to practice law in this state;
2. The term of the suspension ordered has elapsed or five years have elapsed since the disbarment, whichever is applicable;
3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or disbarment;
4. He has complied fully with the terms of the order of discipline;
5. His conduct since the order of discipline has been exemplary and above reproach;
6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will conduct himself in conformity with those standards;
7. He can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court;
8. That if he has been out of the practice of law for three years or more, he has been recertified by the Board of Law Examiners; and,
9. He has reimbursed or has agreed to reimburse the Client Protection Fund any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for vacating an order of reinstatement.

MEMBER ANNOUNCEMENTS

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- Announce an office opening, relocation, or acquisition
- Welcome new hires or recognize a promotion
- Celebrate a firm award or anniversary
- Congratulate and thank a retiring colleague



Contact Stacy Ozanich for details
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