

STATE OF MICHIGAN

FILED
ATTORNEY DISCIPLINE BOARD

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Attorney Discipline Board

GRIEVANCE ADMINISTRATOR,
Attorney Grievance Commission,

Petitioner,

v

Case Nos. 06-76-JC; 06-77-GA

MURDOCH HERTZOG, P 14913,

Respondent.

ORDER INCREASING DISCIPLINE FROM A 120 DAY SUSPENSION TO A 180 DAY SUSPENSION

Issued by the Attorney Discipline Board
211 W. Fort St., Ste. 1410, Detroit, MI

On July 21, 2008, Tri-County Hearing Panel #105 of the Attorney Discipline Board issued an order suspending respondent's license to practice law in Michigan for a period of 120 days commencing August 12, 2008. The Grievance Administrator filed a petition for review on July 30, 2008 and respondent filed a cross-petition for review, along with a request for a stay of discipline, which was granted. The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118. For the reasons discussed in the attached opinion, the Board has concluded that a suspension of 180 days is appropriate in this case and that certain conditions related to the established misconduct should be imposed

NOW THEREFORE,

IT IS ORDERED that the discipline ordered by the hearing panel is **INCREASED** from a suspension of 120 days to a suspension of 180 days commencing December 22, 2009 and until the entry of an order of reinstatement by a hearing panel, the Attorney Discipline Board or the Supreme Court in accordance with MCR 9.123(B) and MCR 9.124.

IT IS FURTHER ORDERED that the effective date of this order is December 22, 2009.

IT IS FURTHER ORDERED that from the effective date of this order and until reinstatement in accordance with the applicable provisions of MCR 9.123, respondent is forbidden from practicing law in any form; appearing as an attorney before any court, judge, justice, board, commission or other public authority; or holding himself out as an attorney by any means.

IT IS FURTHER ORDERED that respondent shall, in accordance with MCR 9.119(A), within seven days after the effective date of this order, notify all of his active clients, in writing, by registered or certified mail, return receipt requested, of the following:

1. the nature and duration of the discipline imposed;
2. the effective date of such discipline;
3. respondent's inability to act as an attorney after the effective date of such discipline;
4. the location and identity of the custodian of the clients' files and records which will be made available to them or to substitute counsel;
5. that the clients may wish to seek legal advice and counsel elsewhere; provided that if respondent is a member of a law firm, the firm may continue to represent each client with the client's express written consent;
6. the address to which all correspondence to respondent may be addressed.

IT IS FURTHER ORDERED that in accordance with MCR 9.119(B), respondent must, on or before the effective date of the order, in every matter in which respondent is representing a client in litigation, file with the tribunal and all parties a notice of respondent's disqualification from the practice of law.

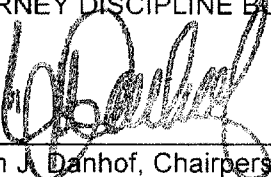
IT IS FURTHER ORDERED that respondent shall, within 14 days after the effective date of the order, file with the Grievance Administrator and the Attorney Discipline Board an affidavit of compliance as required by MCR 9.119(C).

IT IS FURTHER ORDERED that respondent's conduct after the entry of this order but prior to its effective date, shall be subject to the restrictions set forth in MCR 9.119(D); and respondent's compensation for legal services shall be subject to the restrictions described in MCR 9.119(F).

IT IS FURTHER ORDERED that respondent shall, on or before **December 22, 2009**, pay costs incurred by the Attorney Discipline Board for the transcript of review proceedings conducted on October 15, 2008 in the amount of **\$127.00**. Check or money order shall be made payable to the State Bar of Michigan, but submitted to the Attorney Discipline Board [211 West Fort St., Ste. 1410, Detroit, MI 48226] for proper crediting. (See attached instruction sheet).

ATTORNEY DISCIPLINE BOARD

By:



William J. Danhof, Chairperson

DATED: November 23, 2009

Board members William J. Danhof, Thomas G. Kienbaum, William L. Matthews, C.P.A., Andrea L. Solak, Rosalind E. Griffin, M.D., Carl E. Ver Beek and Craig H. Lubben concur in this decision.

Board members James M. Cameron, Jr. and Sylvia P. Whitmer, Ph.D. did not participate.