

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
NATHAN V. HOFFMAN,
STATE BAR CARD NO. 09785490**

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CAUSE NO. 67182

AGREED JUDGMENT OF PARTIALLY PROBATED SUSPENSION

On this day the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. Respondent waives any and all defenses that could be asserted under Rule 9.04 of the Texas Rules of Disciplinary Procedure. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Nathan V. Hoffman, Bar Card No. is 09785490, is an attorney licensed but not currently authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about January 15, 2020, a Decision was filed in the State Bar Court of California Hearing Department – Los Angeles, in Case Nos. 12-C-16181; 18-O-15019-CV (Consolidated), styled, *In the matter of Nathan V. Hoffman, State Bar No. 135155*, which states in pertinent part as follows:

. . . This contested matter involves two cases that were consolidated – a conviction referral matter and an original disciplinary proceeding. The conviction referral matter is based on Respondent Nathan V. Hoffman's (Respondent) felony conviction of manufacturing at least 50 marijuana plants, in violation of Title 21 United States Code section 841(a)(1). (Cal. Rules of Court, rule 9.10(a); Rules Proc. of State Bar, rule 5.340 et seq.) And, in the disciplinary matter, Respondent is charged with failing to obey a court order.

The Court concludes that Respondent is not culpable of failing to obey a court order. However, based on clear and convincing evidence, this court finds that the facts and circumstances surrounding Respondent's federal felony conviction involved moral turpitude. Given the serious nature of Respondent's conviction, and the mitigating and aggravating factors, the court recommends, among other things, that Respondent be suspended from the practice of law for four years, that execution of that suspension be stayed, and that Respondent be placed on probation for four years with conditions . . .

- (3) On or about May 13, 2020, an Order was issued in Case Nos. S261244 (State Bar Court Nos. 12-C-16181; 18-O-15019), styled *In the Supreme Court of California En Banc, In re Nathan V. Hoffman on Discipline*, that states in pertinent part as follows:

...The court orders that Nathan V. Hoffman (Respondent), State Bar Number 135155, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and Respondent is placed on probation for four years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first three years of probation (with credit for the period of interim suspension beginning May 14, 2018), and Respondent will remain suspended until providing proof to the State Bar of Court of rehabilitation, fitness to practice and present learning and ability in the general law, (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)

2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 15, 2020.

3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

- (4) On or about January 22, 2022, an Order was issued in Case No. 21-BG-703, *In Re Nathan V. Hoffman, An Administratively Suspended Member of the Bar of the District of Columbia Court of Appeals, Bar Registration No. 420588, 2021 DDN 65*; In the District of Columbia Court of Appeals, that states in pertinent part as follows:

On consideration of the certified order from the state of California suspending respondent from the practice of law in that jurisdiction for a

period of four years, stayed in favor of a three-year suspension with reinstatement contingent on satisfying the conditions imposed and establishing fitness; this court's October 29, 2021, order suspending respondent pending resolution of this matter and directing him to show cause why reciprocal discipline should not be imposed; the statement of Disciplinary Counsel wherein he requests this court impose reciprocal discipline with an additional condition that reinstatement also be conditioned on respondent first being reinstated by the state of California; and it appearing that respondent has not filed any responses or his D.C. Bar R. XI, §14(g) affidavit, it is

ORDERED that Nathan V. Hoffman is hereby suspended from the practice of law in this jurisdiction for a period of four years, stayed in favor of a three-year suspension with reinstatement contingent on his reinstatement to practice law by the state of California and a showing of fitness.

- (5) Respondent, Nathan V. Hoffman, is the same person as the Nathan V. Hoffman who is the subject of the Order entered in the Supreme Court of California and the Order entered in the District of Columbia Court of Appeals; and
- (6) The Order entered in the Supreme Court of the State of California and the Order entered in the District of Columbia Court of Appeals are final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H);
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of the State of California and the District of Columbia Court of Appeals is warranted in this case.
- (3) Respondent should be suspended from the practice of law for a period of four years consisting of three years active suspension followed by one year of probation.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation. TEX. RULES DISCIPLINARY P. R. 2.22.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Nathan V. Hoffman, State Bar Card No. 09785490, is hereby suspended from the practice of law for a period of four (4) years. Respondent shall be actively suspended from the practice of law for a period of three (3) years beginning Nov. 2, 2022, and extending through Nov. 1, 2025. The one (1) year period of probated suspension shall begin on Nov. 2, 2025, and shall extend through Nov. 1, 2026, under the following terms and conditions:

Terms of Active Suspension

It is further **ORDERED** that during the term of active suspension ordered herein, or that may be imposed upon Respondent by the Board of Disciplinary Appeals as a result of a probation revocation proceeding, Respondent shall be prohibited from practicing law in Texas; holding himself out as an attorney at law; performing any legal services for others; accepting any fee directly or indirectly for legal services; appearing as counsel or in any representative capacity in any proceeding in any Texas or Federal court or before any administrative body; or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further **ORDERED** that, within thirty (30) days of the signing of this judgment, Respondent shall notify each of Respondent's current clients and opposing counsel in writing of this suspension.

In addition to such notification, it is further **ORDERED** that Respondent shall return any files, papers, unearned monies and other property belonging to current clients in Respondent's possession to the respective clients or to another attorney at the client's request.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St.,

Austin, TX 78701), within thirty (30) days of the signing of this judgment, an affidavit stating all current clients and opposing counsel have been notified of Respondent's suspension and that all files, papers, monies and other property belonging to all current clients have been returned as ordered herein.

It is further **ORDERED** Respondent shall, within thirty (30) days of the signing of this judgment, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing. Respondent is also **ORDERED** to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** Respondent shall file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701), within thirty (30) days of the signing of this judgment, an affidavit stating Respondent has notified in writing each and every justice of the peace, judge, magistrate, administrative judge or officer, and chief justice of each and every court in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address, and telephone number of the client(s) Respondent is representing in court.

It is further **ORDERED** that, within thirty (30) days of the signing of this judgment, Respondent shall surrender his law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box

12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Terms of Probation

It is further **ORDERED** that during all periods of suspension, Respondent shall be under the following terms and conditions:

1. Respondent shall not violate any term of this judgment.
2. Respondent shall not engage in professional misconduct as defined by Rule 1.06(CC) of the Texas Rules of Disciplinary Procedure.
3. Respondent shall not violate any state or federal criminal statutes.
4. Respondent shall keep State Bar of Texas membership department notified of current mailing, residence and business addresses and telephone numbers.
5. Respondent shall comply with Minimum Continuing Legal Education requirements.
6. Respondent shall comply with Interest on Lawyers Trust Account (IOLTA) requirements.
7. Respondent shall promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct.

Probation Revocation

Upon determination that Respondent has violated any term or condition of this judgment, or of the disciplinary order or judgment entered in the Supreme Court of California and in the District of Columbia Court of Appeals, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to Texas Rule of Disciplinary Procedure 2.22 with this Board and serve a copy of the motion on Respondent pursuant to Texas Rule of Civil Procedure 21a.

Should a motion to revoke probation be filed, this Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has violated any term or condition or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent an

active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent, which serves as the basis for a motion to revoke probation, may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and Texas Rules of Disciplinary Procedure.

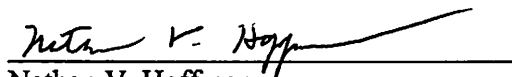
IT is further **ORDERED** that this Judgment of Partially Probated Suspension shall be made a matter of public record and be published in the *Texas Bar Journal*.

Signed this 2nd day of November 2022.



CHAIR PRESIDING
BOARD OF DISCIPLINARY APPEALS

APPROVED AS TO FORM AND CONTENT:



Nathan V. Hoffman
State Bar Card No. 09785490
Respondent



Judith Gres DeBerry
Assistant Disciplinary Counsel
State Bar Card No. 24040780
Attorney for Petitioner