

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
HERMAN G. HERBIG.

No. 45488

FILED

SEP 13 2005

DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic appeal from a Northern Nevada Disciplinary Board hearing panel's recommendation that attorney Herman G. Herbig be disbarred from the practice of law in Nevada.

The record demonstrates that a judgment was entered against Herbig for approximately \$810,000 in misappropriated client funds, plus over \$2 million in punitive damages, attorney fees and costs, and that Herbig has either fled the state or is hiding within the state to avoid service.

Following a formal hearing, which Herbig did not attend, the hearing panel recommended that he be disbarred and ordered to pay all costs of the disciplinary proceedings within thirty days of his receiving the bar's bill of costs. The panel also recommended that as a condition precedent to any future reinstatement, Herbig should be ordered to make satisfactory restitution to Dr. Philip Minton.

Effective Date: September 13, 2005*

Bar Number: 3316

*SCR 102 temporary suspension effective 2/19/05

AW

We agree with the panel's recommendations in full. Accordingly, Herbig is disbarred from the practice of law in this state.¹

It is so ORDERED.²

Becker, C.J.
Becker

Rose, J.
Rose

Maupin, J.
Maupin

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

¹To the extent that the parties have not already done so in connection with Herbig's temporary suspension, Herbig and the state bar shall comply with the provisions of SCR 115.

This is our final disposition of this matter. Any new proceedings concerning Herbig shall be docketed under a new docket number.

²The Honorable Mark Gibbons, Justice, voluntarily recused himself from participation in the decision of this matter.

cc: Patrick V. Fagan, Chair, Northern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Allen W. Kimbrough, Executive Director
Perry Thompson, Admissions Office,
Supreme Court of the United States
Herman G. Herbig