IN RE: NATHANIEL D. PITNOF

NO. BD-2014-093

S.J.C. Judgment Accepting Affidavit of Resignation As A Disciplinary Sanction entered by Justice Hines on October 23, 2014, with an effective date of November 22, 2014.[1]

SUMMARY[2]

This matter arises from misconduct by the respondent in two cases. In one case, the respondent failed to represent a client competently and diligently in a civil action with resulting loss of the client's claims. He also misrepresented the status of the claims to the client. The client was subsequently compensated for the loss through the respondent's malpractice insurer. The respondent's misconduct in that case violated Mass. R. Prof. C. 1.1, 1.3, 1.4(a) and (b), and 8.4(c) and (h).

In another case, the respondent violated Mass. R. Prof. C. 1.15(b) and (d) and 8.4(c) and (h) by intentionally misusing a client's retainer and failing to account adequately for the retainer. The client was not deprived of his retainer funds.

The respondent had been publicly reprimanded previously for failing to commence an action for a client before the statute of limitations expired and failing to disclose to the client that her claims were time barred. *Matter of Pitnof*, 27 Mass. Att'y Disc. R. 709 (2011).

In August 2014, the respondent submitted an affidavit of resignation as a disciplinary sanction to the Board of Bar Overseers under S.J.C. Rule 4:01, § 15. The respondent acknowledged in his affidavit that there was a pending investigation into allegations of misconduct; that the material facts on which the allegations were based could be proved by a preponderance of the evidence; and that a hearing committee, the board and the Court would conclude that he had engaged in the cited rule violations. The respondent agreed not to contest the alleged facts and rule violations in any bar discipline or reinstatement proceeding.

The board voted in October 2014 to recommend the respondent's resignation as a disciplinary sanction. On October 23, 2014, the Court entered a judgment accepting the affidavit of resignation as a disciplinary sanction effective in thirty days.

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[1] The complete Order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

[2] Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.