

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
PHILIP SINGER, ESQ.

No. 52779

FILED

NOV 24 2008

TRACEY ANDERMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF TEMPORARY SUSPENSION

This is a petition by the Southern Nevada Disciplinary Board Chair for an order temporarily suspending attorney Philip Singer from the practice of law, pending the resolution of formal disciplinary proceedings against him. The petition and supporting documentation demonstrate that Singer appears to have misappropriated funds from clients and third-party lienholders, accepted and cashed retainer checks without performing any services, and commingled client and personal funds.

SCR 102(4)(a) provides, in pertinent part:

On the petition of a disciplinary board, signed by its chair or vice chair, supported by an affidavit alleging facts personally known to the affiant, which shows that an attorney appears to be posing a substantial threat of serious harm to the public, the supreme court may order, with notice as the court may prescribe, the attorney's immediate temporary suspension or may impose other conditions upon the attorney's practice.

In addition, SCR 102(4)(b) provides that we may place restrictions on an attorney's handling of funds.

Effective Date: November 24, 2008
Bar Number: 7914

We conclude that the documentation before us demonstrates that Singer poses a substantial threat of serious harm to the public, and that his immediate temporary suspension is warranted.¹ We further conclude that Singer's handling of funds should be restricted.²

Accordingly, Singer is temporarily suspended from the practice of law, pending the resolution of formal disciplinary proceedings against him.³ In addition, Singer is prohibited from withdrawing any funds from his client trust account, or from any other account containing funds belonging to third parties, except upon written approval of bar counsel or by order of a court of competent jurisdiction.⁴ The state bar shall immediately serve Singer with a copy of this order. Such service may be accomplished by personal service, certified mail, delivery to a person of suitable age at Singer's law office or residence, or by publication. When served on either Singer or a depository in which he maintains an account, this order shall constitute an injunction against withdrawal of the proceeds except in accordance with the terms of this order.⁵

¹See SCR 102(4)(a).

²See SCR 102(4)(b).

³Under SCR 102(4)(c), Singer is immediately prohibited from accepting new clients. He may continue to represent existing clients for fifteen days. Any fees or other funds received from or on behalf of clients during this fifteen-day period shall be deposited in a trust account, from which no withdrawals may be made except upon written approval of bar counsel or by order of a court of competent jurisdiction. Id.

⁴See SCR 102(4)(b).

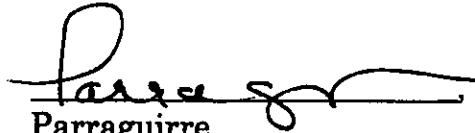
⁵See id.

It is so ORDERED.⁶



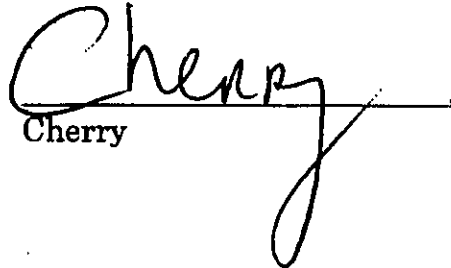
J.

Maupin



J.

Parraguirre



J.

Cherry

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K. Farmer, Executive Director
William B. Terry, Chartered
Perry Thompson, Admission Office, U.S. Supreme Court

⁶Singer shall comply with SCR 115.

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
PHILIP SINGER, BAR NO. 7914.

No. 53909

FILED

MAR 17 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER REJECTING CONDITIONAL GUILTY PLEA AND
REMANDING FOR FURTHER DISCIPLINARY PROCEEDINGS

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve, pursuant to SCR 113, a conditional guilty plea in exchange for a stated form of discipline for attorney Philip Singer. Under the agreement, Singer pleaded guilty to fourteen counts arising from five formal complaints against him, and admitted to fifty-nine violations of the SCRs and RPCs involving numerous instances of misappropriation of funds, failure to communicate with clients, lack of competence, lack of diligence, and lack of candor and cooperation with the state bar. In exchange for Singer's guilty pleas and admissions, the state bar agreed to dismiss two additional counts.

The recommendation is that Singer be disbarred pursuant to former SCR 102 and that the three-year waiting period to petition for

Effective Date: March 17, 2010
Bar Number: 7914

reinstatement¹ be calculated from November 24, 2008, the date of Singer's temporary suspension, subject to the following:

- Should Singer work in the legal community during the time of his disbarment², he must notify the state bar of the attorney he is working for and the scope of the employment so that the state bar can ensure that he is receiving adequate supervision.
- As a precondition to applying for reinstatement, Singer shall pay, or show satisfactory proof of prior payment of, a total of \$67,334.42 in restitution to eight specified individuals/entities.
- As a precondition to applying for reinstatement, Singer agrees to submit three matters totaling \$32,200.00 to binding arbitration with the state bar fee dispute arbitration committee.
- Singer shall pay the actual costs of the disciplinary proceedings, including bar counsel and staff salaries, within thirty days of receipt of a billing from the state bar.

Having reviewed the record, we reject the conditional guilty plea agreement on grounds that the conditions imposed on Singer's disbarment are inadequate to protect the public. Accordingly, we remand


¹Pursuant to former SCR 116(2), a person who has been disbarred "may not apply for reinstatement until the expiration of at least 3 years from the effective date of disbarment." (Emphasis added.)

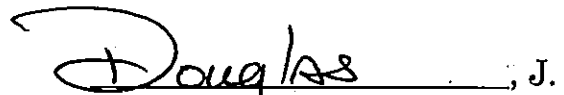
²We note that the panel's recommendation erroneously refers to Singer's "suspension" rather than his disbarment.


this matter to the Southern Nevada Disciplinary Board for further proceedings.³

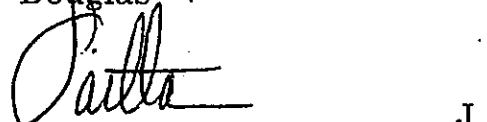
It is so ORDERED.⁴



Parraguirre, C.J.

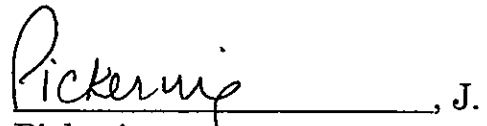

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

³This court would be inclined to approve a revised conditional guilty plea agreement where, in exchange for Singer's guilty plea and admissions as referenced above, Singer agrees to disbarment under former SCR 102 and 116 for a period of at least five years, subject to the above-stated conditions, as well as additional conditions, including but not limited to the following preconditions to applying for reinstatement: (1) within twelve months preceding his petition for reinstatement, Singer must pass the Multistate Professional Responsibility Examination and provide proof of passage to bar counsel; (2) within twelve months preceding his petition for reinstatement, Singer must complete a minimum of fifteen hours of continuing legal education in the areas of ethics, professional conduct and/or law office management, and provide proof of completion to bar counsel.

⁴This order constitutes our final disposition of this matter. Any further proceedings concerning Singer shall be docketed as a new matter.

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Rob W. Bare, Bar Counsel
Kimberly K Farmer, Executive Director, State Bar of Nevada
William B. Terry, Chartered