

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: DISCIPLINE OF PHILIP
SINGER, ESQ., STATE BAR NO. 7914.

No. 57548

FILED

DEC 21 2011

TRACY K. LINDSEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER APPROVING REVISED CONDITIONAL GUILTY PLEA
AGREEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that we approve attorney Philip Singer's revised conditional guilty plea in exchange for a stated form of discipline.¹ See SCR 113(1), (3). Under the revised

¹We previously rejected Singer's conditional guilty plea "on grounds that the conditions imposed on Singer's disbarment [were] inadequate to protect the public." In re: Discipline of Philip Singer, Docket No. 53909 (Order Rejecting Conditional Guilty Plea and Remanding for Further Disciplinary Proceedings, March 17, 2010). We noted that we would be "inclined to approve" a conditional plea agreement with the following terms: "[D]isbarment 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

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Effective Date: December 21, 2011
*Disbarred from the practice of law for at least 5 years
from this date.
Bar No. 7914

agreement, Singer pleaded guilty to 14 counts against him and admitted to 59 SCR and RPC violations, including misappropriation, failure to communicate with clients, and lack of competence, diligence, and candor. In exchange, the State Bar agreed to dismiss two additional counts against Singer.

The agreed-upon discipline provides that: (1) Singer be disbarred for at least 5 years from the date of his initial November 24, 2008, suspension; (2) Singer's reinstatement is conditioned upon Singer proving successful completion and/or passage of (a) the bar examination, (b) the Multistate Professional Responsibility Examination, and (c) 15 hours of continuing legal education in the areas of ethics, professional conduct, and/or law office management; (3) should Singer work in the legal community during the time of his disbarment, he must notify the State Bar of his employment status; (4) Singer shall pay restitution totaling \$67,334.42 to 8 specified individuals/entities; (5) Singer shall submit to binding arbitration with the State Bar Fee Dispute Arbitration Committee on matters totaling \$32,200; and (6) Singer shall pay the costs of the disciplinary proceeding.²

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and/or law office management, and provide proof of completion to bar counsel." Id. We later clarified that Singer's reinstatement was also conditioned on Singer passing the Nevada bar. In re: Discipline of Philip Singer, Docket No. 53909 (Order Granting Motion for Clarification, May 18, 2010).

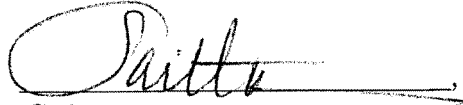
²The panel agreed that Singer would be subject to the disciplinary rules in effect at the time the first complaint was filed in April 2006, under which he would be eligible to apply for reinstatement after waiting at least
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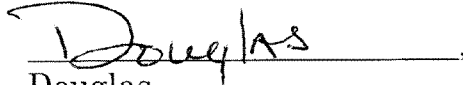
Having reviewed the record, we approve the revised conditional plea agreement, with one exception. Based on the egregiousness and frequency of Singer's misconduct, we disbar Singer from the practice of law for a period of at least 5 years from this date forward, rather than from his November 24, 2008, suspension. See Matter of Discipline of Droz, 123 Nev. 163, 168, 160 P.3d 881, 884-85 (2007) (“[T]hough persuasive, the [panel’s] findings and recommendations are not binding on this court. This court must review the record de novo and exercise its independent judgment to determine whether and what type of discipline is warranted.” (second alteration in original) (quoting In re Stuhff, 108 Nev. 629, 633, 837 P.2d 853, 855 (1992))). Singer shall comply with all of the other conditions in the agreement.

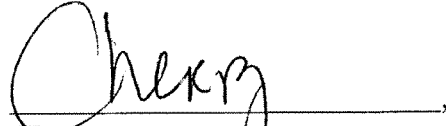
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three years from the effective date of disbarment. Under the current rules, disbarment is irrevocable. See In the Matter of Amendments to Procedural Rules Governing Professional Misconduct, ADKT No. 392 (Order Amending Nevada Supreme Court Rules 98-123, Amending Rules 212-213 and Adopting Rule 102.5, December 29, 2006) (amending SCR 102(1) and SCR 116, effective March 1, 2007, to make disbarment irrevocable).

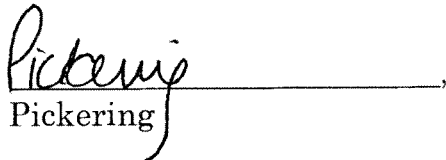
It is so ORDERED.

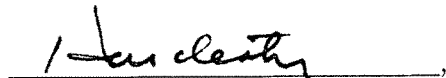
 _____, C.J.
Saitta

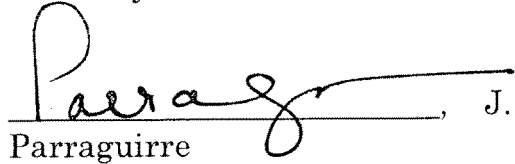
 _____, J.
Douglas

 _____, J.
Cherry

 _____, J.
Gibbons

 _____, J.
Pickering

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Panel
David Clark, Bar Counsel
William B. Terry, Chartered
Kimberly Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, U.S. Supreme Court