

RECEIVED APR 22 1983

IN THE SUPREME COURT OF THE STATE OF NEVADA

IRVING RUSSELL PHILLIPS,

Appellant,

vs.

STATE BAR OF NEVADA,

Respondent.

No. 13782

FILED
APR 21 1983
 C. R. DAVENPORT
 CLERK OF SUPREME COURT
 BY *[Signature]*
 DEPUTY CLERK

ORDER OF SUSPENSION

On March 21, 1983, this court ordered appellant Phillips to show cause why we should not enter an order approving the disciplinary recommendation of the State Bar of Nevada. Appellant has not responded to our order. Therefore, cause appearing, we hereby approve the recommendation of the State Bar of Nevada. Irving Russell Phillips is hereby suspended from the practice of law for a period of two years, said suspension to run consecutive to the five-year suspension which was imposed on Phillips by this court on February 1, 1982. Furthermore, the State Bar is awarded the costs of this disciplinary proceeding.

It is so ORDERED.

[Signature], C. J.
 Manookian
[Signature], J.
 Springer
[Signature], J.
 Newbray
[Signature], J.
 Steffen
[Signature], J.
 Gunderson

cc: Paul R. Hejmanowski, Chairman, Southern Nevada Disciplinary Board
 Ann Bersi, State Bar Executive Director
 Kathy A. Teague, Bar Counsel
 Irving Russell Phillips
 All State and Federal District Court Judges
 All Justices of the Peace
 All Municipal Court Judges

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE BAR OF NEVADA,

No. 13782

Petitioner,

vs.

IRVING RUSSELL PHILLIPS,

Respondent.

FILED
FEB 1 1982
 C. R. DAVENPORT
 CLERK OF SUPREME COURT
 BY *[Signature]*
 DEPUTY CLERK

ORDER GRANTING PETITION

The State Bar of Nevada petitions this court to impose the stated form of discipline contained in the conditional plea of guilty tendered by Irving Russell Phillips, Attorney at Law. The conditional plea has been approved by five members of the Southern Disciplinary Board. SCR 113(1).

Good cause appearing, the conditional plea is approved and the petition is granted. Accordingly, we

ORDER that Irving Russell Phillips, Attorney at Law, be suspended from the practice of law for a period of five years, and that at the conclusion of the five year period Irving Russell Phillips may petition this court for reinstatement. It is further

ORDERED that Irving Russell Phillips make restitution to the State Bar of Nevada, for distribution to the individuals named in the conditional plea of guilty, in the amount of \$5,139.25.

[Signature] _____, C. J.
 Gundersen
[Signature] _____, J.
 Manoukian
[Signature] _____, J.
 Springer
[Signature] _____, J.
 Mowbray

cc: J. Roger Detweiler, Executive Director, State Bar
 Kathy A. Teague, State Bar Counsel
 Irving Russell Phillips
 All State and Federal District Court Judges
 All Justices of the Peace
 All Municipal Court Judges

RECEIVED FEB 2 1982

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,)
Complainant,)
vs.)
IRVING RUSSELL PHILLIPS,)
Respondent.)

CONDITIONAL PLEA

Pursuant to Supreme Court Rule (SCR) 113, Respondent, Irving Russell Phillips, enters a plea of guilty to the substance of the charges on file herein in exchange for the form of discipline stated below:

1. Respondent shall be suspended from the practice of law for a period of five (5) years; provided restitution is made prior to December 18, 1981 as herein-after more fully described.
2. Respondent shall make restitution prior to December 18, 1981 through the State Bar of Nevada to the persons and in the amounts shown in exhibit "A" attached here-to and incorporated by reference. Said restitution shall be paid prior to December 18, 1981, in a lump sum to the State Bar of Nevada who shall make the payments on behalf of Respondent to the persons entitled thereto.
3. In the event that Respondent fails to make full restitution prior to December 18, 1981, the term of his suspension shall be seven (7) years rather than five (5) years. Failure of Respondent to make full restitution shall be made known to the Nevada Supreme Court by affidavit of the State Bar of Nevada.


State Bar - EXHIBIT B
FOR IDENTIFICATION
OSLAND L. WALKER, Notary Public
11-19-81 *zw*

4. In no event shall Respondent be entitled to petition for reinstatement pursuant to SCR 116 except after the expiration of his full term of suspension and after full restitution has been made to the persons and in the amounts designated in exhibit "A".

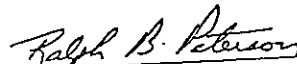
5. Respondent will not undertake the representation of any new cases or new clients from the date hereof until the Nevada Supreme Court acts upon this conditional plea.

6. Should the Nevada Supreme Court accept this conditional plea, Respondent specifically agrees to comply with all of the requirements of SCR 115 relating to suspended attorneys.

Dated this 18th day of November 1981.


Irving Russell Phillips
Respondent

Witnessed


Ralph B. Peterson
Acting Bar Counsel

Approved:

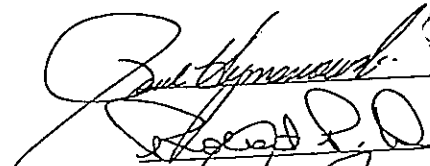
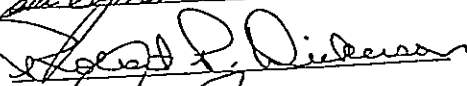
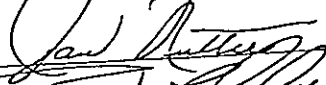
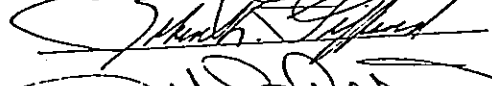







EXHIBIT A

SHEILA A. LA FLAMME	\$1,500.00
JOHN R. FUNK	750.00
HENRY D'AMATO	225.00
VINA GIDGET BONFELS	221.00
IDA M. RUSH	128.00
ASSOCIATED REPORTERS OF NEVADA	125.50
BROWER AND ASSOCIATES, INC.	100.40
FREE LANCE COURT REPORTERS	16.00
GERRI LAPHORNE (Dept. 10)	101.70
LEE BAHR (Dept. 4)	25.00
LAS VEGAS REPORTERS	70.02
LARRY REID	15.00
GARY FRANKLIN (Dept. 6)	48.00
U. S. MARSHALL	9.00
LAS VEGAS SUN	25.00
TAHOE BUREAU OF INVESTIGATION	58.00
DISTRICT ATTORNEY (Discovery)	28.50
CLARK COUNTY LAW LIBRARY	6.90
NEVADA LEGAL NEWS	36.23
NORA CAMERON	200.00
JOHN MROZ	150.00
GUDREN GHARRICH	100.00
MR. PROMPALIN	125.00
BRENDA THOMAS	250.00
JANET DEUS	125.00
ALFRED DEUS	100.00
LINDA ROGERS	120.00
TONY CIMINO	250.00
BO LIPSHIN	<u>130.00</u>
	<u>\$5,039.25</u> RP
PHAN VAN HAI RP	50.00 RP
	<u>5,139.25</u> RP

1 Case No.'s: 81-70
2 82-36

3 STATE BAR OF NEVADA
4 SOUTHERN NEVADA DISCIPLINARY BOARD

5 STATE BAR OF NEVADA,)
6 Complainant,)
7 vs.) COMPLAINT
8 IRVING RUSSELL PHILLIPS,)
9 Respondent.)
10 _____)

11
12 TO: Irving Russell Phillips, Respondent:

13 PLEASE TAKE NOTICE that a copy of the response to this com-
14 plaint must be served on the undersigned Special Prosecutor for
15 the State Bar of Nevada within twenty (20) days of service of this
16 complaint. The original response shall be filed with Patrick
17 Fitzgibbons, Jr., Esq., Chairman of the Southern Nevada Disciplin-
18 ary Board, at 214 South Maryland Parkway, Las Vegas, Nevada, 89101.

19 Complainant, by and through its Special Prosecutor, H. Leon
20 Simon, Esq. alleges as follows:

21 FIRST CAUSE OF ACTION
22 CASE NO. 82-36

23 1.
24 Respondent, Irving Russell Phillips, is a person who prior
25 to February 1, 1982, was licensed to practice law in the State
26 of Nevada and had his principal office for the practice of law
in Las Vegas, Clark County, Nevada.

27 11.

28 On February 1, 1982, the Supreme Court of Nevada filed its
29 order suspending Irving Russell Phillips from the practice of law
30 for a period of five years.

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1.

1 III.

2 Irving Russell Phillips has not filed an affidavit reflecting
3 compliance with Nevada Supreme Court Rule 115 with the Supreme
4 Court of Nevada as required by Nevada Supreme Court Rule 115(4).

5 IV.

6 The foregoing conduct, which violated Nevada Supreme Court
7 Rule 115 constitutes grounds for disciplinary action.

8 SECOND CAUSE OF ACTION
9 CASE NO. 81-70

10 I.

11 Respondent, Irving Russell Phillips, is a person who prior
12 to February 1, 1982, was licensed to practice law in the State
13 of Nevada and had his principal office for the practice of law
14 in Las Vegas, Clark County, Nevada.

15 II.

16 In November, 1979, Nancy Sarna retained Irving Russell Phillip
17 to obtain a divorce for her which he did in that month.

18 III.

19 In February, 1981, Nancy Sarna discovered that Irving Russell
20 Phillips had never caused a quit claim deed that she had been
21 awarded from her former husband pursuant to the above mentioned
22 divorce to be recorded.

23 IV.

24 From February, 1981, until September, 1981, Nancy Sarna made
25 numerous telephone calls to the office of Irving Russell Phillips
26 for the purpose of requesting that the above mentioned quit claim
27 deed be filed.

28 V.

29 Irving Russell Phillips refused to answer or return Nancy
30 Sarna's above mentioned telephone calls.

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VI.

Irving Russell Phillips failed to record the above mentioned quit claim deed until September, 1981, approximately twenty-two (22) months after the divorce.

VII.

By his above-described actions, Respondent violated Nevada Supreme Court Rules 172 and 173; and Disciplinary Rule 6-101(A) (3) of the Code of Professional Responsibility of the American Bar Association.

VIII.

The foregoing conduct, which violated the rules of the Nevada Supreme Court constitutes grounds for disciplinary action.

WHEREFORE, Complainant requests that:

1. A hearing be held pursuant to Nevada Supreme Court Rule 105(2)(C), and
2. Respondent be assessed the costs of the disciplinary proceedings in this matter pursuant to Nevada Supreme Court Rule 120(1), and
3. Such disciplinary action be taken by the Disciplinary Board for the Southern District of Nevada against the Respondent as may seem appropriate under the circumstances.

STATE BAR OF NEVADA

BY: H. Leon Simon
H. Leon Simon, Esq.
Special Prosecutor
300 South Fourth St., #508
Las Vegas, Nevada 89101
Attorney for the Complainant,
State Bar of Nevada