


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF
REINSTATEMENT OF DAVID LEE
PHILLIPS, BAR NO. 538.

No. 89744

FILED

AUG 07 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation to deny suspended attorney David Lee Phillips' petition for reinstatement.

In 2018, this court entered a disciplinary order imposing a one-year stayed suspension on attorney David Lee Phillips, subject to an equal-length probation period. The conditions of probation included that Phillips must not have any new grievances filed against him alleging violation of the rules of professional conduct for which a disciplinary screening panel recommends a formal hearing. While Phillips was on probation, four grievances were filed against him resulting in a recommendation for a formal hearing. As a result, in May 2020, this court entered an order imposing the previously stayed one-year suspension as well as an additional suspension of three years based on the subsequent misconduct, to run consecutive to the yearlong suspension.

Phillips petitioned for reinstatement in October 2023 in anticipation of the end of his term of suspension. Following a hearing, the disciplinary hearing panel recommended dismissing the petition. The panel found Phillips fell short of establishing compliance with SCR 116(5)

subsections (b), (d), and (e). The Bar filed the record of bar proceedings, and Phillips and the Bar have filed briefs.

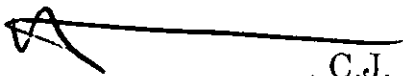
A suspended attorney may petition for reinstatement pursuant to SCR 116(2). To be eligible for reinstatement, the attorney must show by clear and convincing evidence that the attorney meets the seven criteria set forth in SCR 116(5), or, if not, present "good and sufficient reason" for why reinstatement is nevertheless proper. SCR 116(5). Relevant here, these criteria include that the attorney: (1) has not engaged in the unauthorized practice of law while suspended, SCR 116(5)(b), (2) recognizes the seriousness and wrongfulness of his or her misconduct, SCR 116(5)(d), and (3) has not engaged in other misconduct since suspension, SCR 116(5)(e). We have defined "clear and convincing evidence" as evidence that "reveal[s] satisfactory, strong, or cogent proof of tangible facts establishing a legitimate inference or a high probability" that the facts are what the proponent claims. *In re Discipline of Drakulich*, 111 Nev. 1556, 1567, 908 P.2d 709, 715 (1995). Though persuasive, the disciplinary panel's findings and recommendation are reviewed de novo, and we exercise independent review and judgment. *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001).

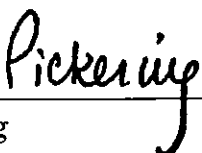
Having reviewed the record, we agree with the panel's recommendation. Both Phillips and the Bar presented evidence at the reinstatement hearing. The evidence viewed as a whole shows that Phillips fell short of establishing by clear and convincing evidence a legitimate inference or high probability that he did not practice law while suspended as required by SCR 116(5)(b). Though Phillips presented testimony that he did not practice law while suspended, the Bar's evidence casts serious doubt on that point, and we are unpersuaded by Phillips' arguments otherwise.

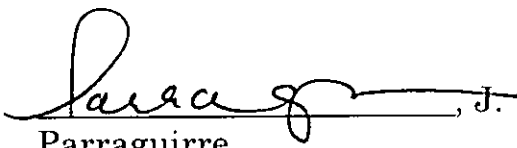
Further, the record does not support that Phillips presented clear and convincing evidence of remorse for his mistakes or acknowledgement of his wrongdoing, as required by SCR 116(5)(d). At the hearing Phillips justified or denied his misconduct, and his later declaration briefly spoke to his remorse only in general terms. In light of Phillips' hearing testimony, we also conclude that Phillips has not presented "good and sufficient reason [why he] should nevertheless be reinstated." SCR 116(5).

We accordingly deny Phillips' petition for reinstatement. Phillips shall pay the costs of the reinstatement hearing, including \$2,500 under SCR 120, within 30 days from the date of this order, if he has not done so already.

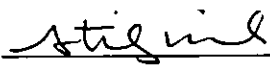
It is so ORDERED.



_____, C.J.
Herndon



_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Lee

cc: Chair, Southern Nevada Disciplinary Board
Guinness Law Firm
Bar Counsel, State Bar of Nevada
Executive Director, State Bar of Nevada