

IN THE SUPREME COURT OF FLORIDA

IN RE: Supreme Court Case No.  
SC-  
THE PETITION FOR DISCIPLINARY The Florida Bar File No.  
REVOCATION OF DAVID PHILIPS, 2019-70,305(11K-MDR)  
Petitioner.

**PETITION FOR DISCIPLINARY REVOCATION WITH  
LEAVE TO APPLY FOR READMISSION**

COMES NOW Petitioner, David Philips, and submits this Petition for  
Disciplinary Revocation pursuant to Rule Regulating Fla. Bar 3-7.12 and states:

1. Petitioner knowingly and voluntarily submits this petition with full knowledge of its effect.
2. Petitioner is 49 years old and has been a member of The Florida Bar since January 6, 1999 and is subject to the jurisdiction of the Supreme Court of Florida and the Rules Regulating The Florida Bar.
3. Petitioner has the following discipline and criminal history:
  - A. Petitioner received a thirty-day suspension pursuant to Florida Supreme Court Order dated November 12, 2015, as a result of criminal conduct.
  - B. In Miami-Dade County, Florida, criminal proceedings were initiated in or around August 2014; Case No. F14018459.

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Petitioner was charged with felony charges including cocaine possession and burglary of an unoccupied dwelling, as well as a related misdemeanor charge. The misdemeanor and burglary charges were not actioned. The cocaine charge was nolle prossed.

- C. In Miami Dade County, Florida, criminal proceedings were initiated in or around February 2011; Case No. M11006243. Petitioner was charged with misdemeanor battery. The charge was ultimately not actioned.

4. The following disciplinary charges are currently pending against the Petitioner:

- A. In The Florida Bar File No. 2019-70,061(11K), Petitioner is alleged to have misappropriated \$248,745.00 in client funds.

- B. In The Florida Bar File No. 2019-70,251(11K), Petitioner is alleged to have misappropriated \$165,000.00 in client funds.

5. Petitioner contends that granting this Petition will not adversely affect the public interest, the integrity of the courts, or the confidence of the public in the legal profession. Further, Petitioner contends that granting this Petition will not hinder the administration of justice.

6. Petitioner agrees to reimburse the Client Security Fund (CSF) for any and all funds CSF has paid or may pay out for claims resulting from Petitioner's misconduct.

7. Petitioner agrees to reimburse The Florida Bar for the costs incurred in his disciplinary cases., to wit: \$ 1, 250.00 in administrative costs, \$ 3,038.50 in auditor costs, and \$ 370.76 in investigative costs for a total amount of \$ 4,659.26.

8. Petitioner agrees to submit to a complete audit of any trust account(s) and any other account(s) in which Petitioner has placed client funds, if requested to do so by The Florida Bar.

9. Petitioner further agrees to submit a sworn financial affidavit to The Florida Bar attesting to Petitioner's current personal and professional financial circumstances on a form to be provided by The Florida Bar within thirty (30) days, if requested.

10. Petitioner further agrees to maintain a current mailing address with The Florida Bar for a period of five (5) years after the disciplinary revocation becomes final. Further, Petitioner shall keep the bar advised as to the physical address of Petitioner's home and/or business in the event Petitioner should utilize a post office box or other type of mail drop service during the five (5) year period after the disciplinary revocation becomes final.

11. Petitioner understands and agrees to immediately cease transacting any trust funds and not to accept any new clients. Petitioner further agrees to immediately begin winding down his practice, to give notice to all affected clients, and to cease ALL representations with thirty (30) days of tendering this Petition for Disciplinary Revocation.

12. Petitioner understands that the granting of this petition by the Supreme Court of Florida shall serve to dismiss all pending disciplinary cases.

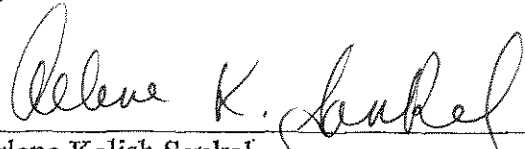
WHEREFORE, Petitioner respectfully requests that this Court grant this Petition and order that Petitioner's membership in The Florida Bar be revoked with leave to seek readmission.

Respectfully submitted,



David Philips  
DKP-Attorneys Counselors at Law  
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Florida Bar ID No.: 160083  
[dphilips@dkplawfirm.com](mailto:dphilips@dkplawfirm.com)

Dated this 27 day of November, 2018.



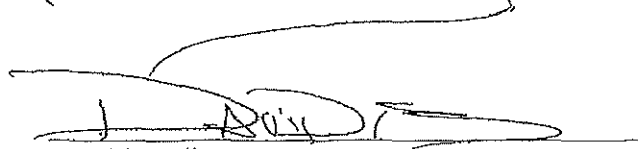
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[ASankel@FloridaBar.org](mailto:ASankel@FloridaBar.org)

Dated this <sup>th</sup> 28 day of November, 2018.

**CERTIFICATE OF SERVICE**

I certify that I have served the original of the foregoing Petition for Disciplinary Revocation with Leave to Apply for Readmission on Arlene Kalish Sankel, Chief Branch Discipline Counsel, The Florida Bar, 444 Brickell Avenue, Suite M-100, Miami, Florida 33131, on this 27 day of November, 2018, for e-filing with the Honorable John A. Tomasino, Clerk of the Supreme Court of Florida using the E-filing Portal.



David Philips  
Petitioner