

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

IN THE MATTER OF	§	
TODD R. PHILLIPPI	§	CAUSE NO. 48193
STATE BAR CARD NO. 00790178	§	

INTERLOCUTORY ORDER OF SUSPENSION

On the 8th day of April 2011, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by disciplinary counsel from the Office of the Chief Disciplinary Counsel of the State Bar of Texas and announced ready. Respondent, Todd R. Phillippi appeared by counsel and reurged a motion for continuance to which the Commission objected. The Board did not find good cause and denied the continuance, and the parties proceeded to a hearing on the merits of the petition for compulsory discipline.

All issues of fact as well as all questions of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Todd R. Phillippi, whose State Bar Card number is 00790178, is licensed by the Supreme Court of Texas to practice law but is not currently authorized to practice law in the State of Texas due to a prior disciplinary judgment of suspension.

- (2) On or about March 18, 2010, Todd R. Phillippi was charged by Indictment with Fraudulent Use of Identifying Information in Cause No. 34713CR, styled *The State of Texas v. Todd Rowland Phillippi*, in the 40th Judicial District Court of Ellis County, Texas.
- (3) On or about January 13, 2011, a Judgment Jury Verdict Punishment Fixed by Court or Jury – Probation Granted was entered in Cause No. 34713CR, styled *The State of Texas v. Todd Rowland Phillippi*, in the 40th Judicial District Court of Ellis County, Texas, wherein Phillippi was found guilty of Fraudulent Use of Identifying Information. Phillippi was sentenced to seven hundred thirty (730) days in State Jail, ordered to pay a \$10,000 fine and costs of \$1,634. The imposition of the sentence of confinement was suspended, and Phillippi was placed on community supervision for two (2) years.
- (4) Respondent, Todd R. Phillippi, is the same person as the Todd Rowland Phillippi, who is the subject of the Phillippi criminal indictment and judgment described above.
- (5) Respondent's criminal sentence is fully probated.
- (6) Respondent has appealed the criminal conviction.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure 7.08G ("TRDP");
- (2) Respondent, Todd R. Phillippi, having been convicted of Fraudulent Use of Identifying Information, has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (4) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Todd R. Phillippi, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.

- (5) The Board retains jurisdiction to enter a final judgment in this matter when the appeal of the criminal conviction is final.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Todd R. Phillippi, State Bar Card No. 00790178, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Todd R. Phillippi, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not completed before the date of this order, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further ORDERED that Respondent, Todd R. Phillippi, shall notify in writing, no later than thirty (30) days from the date of this Order, each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Todd R. Phillippi, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Todd R. Phillippi, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date of this Order. Respondent is further ORDERED to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent is unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of all notification letters to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Todd R. Phillippi, immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. TRDP 8.05; *In re Mercier*, 242 S.W.3d 46 (Tex. 2007).

It is further ORDERED that the Board retains jurisdiction to terminate this suspension in the event that the criminal conviction is reversed or vacated on appeal and the judgment becomes final. TRDP 8.04.

It is further ORDERED that Respondent shall promptly notify the Board and the State Bar of Texas Chief Disciplinary Counsel when the appeal of the criminal conviction is final.

It is further ORDERED that the Chief Disciplinary Counsel of the State Bar of Texas shall monitor the status of the appeal of the criminal conviction on at least a quarterly basis and promptly file an appropriate motion for entry of final judgment with the Board when the appeal of the criminal conviction is final or file a motion to terminate the suspension in the event the conviction is reversed on appeal and the judgment becomes final.

Signed this 11th day of April 2011.



CHAIR PRESIDING