

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: REINSTATEMENT OF J.  
MICHAEL SCHAEFER.

No. 49601

FILED

MAR 05 2008

TRACIE A. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER DENYING REINSTATEMENT

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that disbarred attorney J. Michael Schaefer's petition for reinstatement be denied. Having reviewed the record and the submitted briefs, we conclude that the panel correctly found that Schaefer has failed to meet his burden of showing by clear and convincing evidence that he should be reinstated.

While a disciplinary panel's recommendation is persuasive, we review a petition for reinstatement de novo.<sup>1</sup> The person seeking reinstatement bears the burden of proof, and must show by clear and convincing evidence that he "has the moral qualifications, competency, and learning in law required for admission to practice law in this state,

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<sup>1</sup>In Re Nubar Wright, 75 Nev. 111, 335 P.2d 609 (1959) (noting that consideration of the record is made without deference to the hearing panel's findings).

and that his . . . resumption of the practice of law will not be detrimental to the integrity and standing of the bar, to the administration of justice, or to the public interest.”<sup>2</sup>

Based on the record and briefs before this court, we conclude that Schaefer has failed to meet his burden under SCR 116 to show that he is entitled to reinstatement. Schaefer’s proper person filings in the short time frame between his first petition for reinstatement and this petition illustrate Schaefer’s continued failure to comply with many of the professional conduct rules, his violation of which led to his disbarment.<sup>3</sup>

Accordingly, we approve the panel’s recommendation and deny the petition for reinstatement.<sup>4</sup> Additionally, the panel’s recommendation

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<sup>2</sup>SCR 116(2).

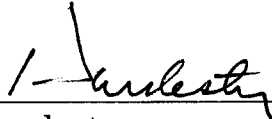
<sup>3</sup>Schaefer argues that considering his proper person court filings as part of his reinstatement petition is improper because it interferes with his right of access to the courts. As Schaefer has failed to cite any legal authority to support his argument, we decline to address it. See SIIS v. Buckley, 100 Nev. 376, 382, 682 P.2d 1387, 1390 (1984).

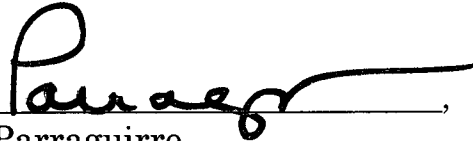
<sup>4</sup>We note that neither Schaefer nor the state bar mentioned Schaefer’s financial and gambling issues, which were raised in his first reinstatement proceedings. These are both matters of concern that Schaefer should address in any subsequent petition for reinstatement.

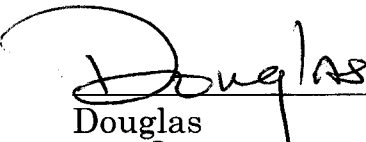
that Schaefer not be required to pay the costs of the reinstatement hearing beyond the deposit already paid is approved.


It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Jeffrey D. Albregts, Chair, Southern Nevada Disciplinary Board  
Rob W. Bare, Bar Counsel  
Kimberly K. Farmer, Executive Director  
Robert E. Glennen III

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<sup>5</sup>The Honorable Mark Gibbons, Chief Justice, and the Honorable Michael Cherry, Justice, voluntarily recused themselves from participation in the decision of this matter.