

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: REINSTATEMENT OF J.  
MICHAEL SCHAEFER, BAR NO. 2089.

No. 54990

**FILED**

SEP 20 2011

TRACIE K. LINDSEMAN  
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. 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). 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, 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." SCR 116(2).

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 litigation activities in the short time frame between his second petition for reinstatement and this petition

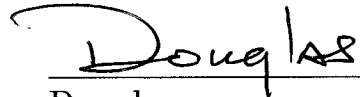
illustrate Schaefer's continued failure to comply with many of the professional conduct rules, his violation of which led to his disbarment. Additionally, Schaefer failed to address his significant financial and gambling issues as we directed him to do in our order denying his second petition for reinstatement.

Accordingly, we approve the panel's recommendation and deny the petition for reinstatement.<sup>1</sup>

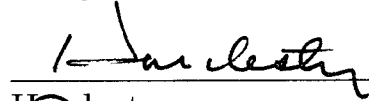
It is so ORDERED.<sup>2</sup>

\_\_\_\_\_, C.J.

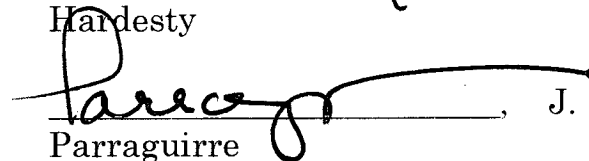
Saitta

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

Douglas

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

Hardesty

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

Parraguirre

cc: Thomas D. Boley  
State Bar of Nevada/Las Vegas  
J. Michael Schaefer

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<sup>1</sup>Schaefer's motions for oral argument are also denied.

<sup>2</sup>The Honorables Michael Cherry, Mark Gibbons, and Kristina Pickering, Justices, voluntarily recused themselves from participation in the decision of this matter.