



FILED

MAY 10 2018

STATE BAR OF NEVADA

SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA
BY: *[Signature]*
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA,

Complainant,

vs.

MICHAEL HARKER, ESQ.,

Nevada Bar No.5353,

Respondent

PUBLIC REPRIMAND

TO: Michael Harker, Esq.
c/o Michael Warhola
625 S. 6th,
Las Vegas, NV 89101

Grievance File OBC17-1440

On Thursday, March 18, 2018, a Hearing Panel of the Southern Nevada Disciplinary Panel convened to determine whether you violated the Rules of Professional Conduct. After considering all the evidence presented the Panel found that you in fact did violate Rule of Professional Conduct 1.4(Communication) in the following manner.

Your client originally retained attorney you in 2013 to file a Chapter 7 bankruptcy. In his March 31, 2017, grievance to the State Bar, your client complained that you did not include certain liens in the bankruptcy, and as such he had to re-hire you in or about June 2016 for \$1,200 to get the liens "stripped."

Your client claimed that as a result of the liens, he was now unable to refinance his family home in Hawai'i that he was trying to keep from foreclosure. Your client also claimed that his job was in jeopardy as he needed to renew his security clearance which could be denied due to his financial situation.

1 Your client complained that it had been almost a year since he had retained you to strip the
2 liens, but nothing had been done, and you had not responded to many emails and phone messages.
3 A copy of the emails between you and your client from June 1, 2016, to August 8, 2016, was
4 provided to the State Bar. During that timeframe you only responded to your client on July 13,
5 2016, at which time he acknowledged that your client had been "calling like crazy."

6 You also told your client that you thought there was a hearing set for July 28th, but it took
7 time to re-open a case and file a new motion. There was no hearing on July 28, 2016, because
8 according to the docket in the bankruptcy case you had yet to re-open the case.

9 Thereafter, on September 1, 2016, your client sent you a letter expressing his frustration
10 with your lack of communication. You responded to your client via email on September 9, 2016,
11 claiming that a status hearing was set for September 22, 2016. Again, no such hearing was
12 scheduled as you had yet to re-open the case.

13 Your client eventually hired another attorney to communicate with you and find out the
14 status of his case. On October 21, 2016, this second attorney told your client that you had not
15 filed anything on his case since September 2013, and suggested that your client send you another
16 letter. Your client sent another letter to you the same day.

17 On October 27, 2016, the second attorney sent a letter to you on your client's behalf.
18 According to your client, you and your client's subsequent attorney spoke in November 2016 at
19 which time you stated that you were still working on the matter. Between November 2016 and
20 January 2017, most of the follow up was with your client's subsequent attorney to see if he had
21 heard further from you. Your position was that you were communicating with your client through
22 his parents. Apparently, they did not pass on the information to him.

23 At some point in March 2017, you told your client that there was a hearing in his case on
24 March 30, 2017. Your client's parents went to Court to observe the hearing, but you were not
25

1 there and there was nothing on the docket for the case. Ultimately, however, you were able to
2 strip about \$1,000,000.00 in liens for your client.

3 Rule of Professional Conduct 1.4 provides in part that an attorney shall "[k]eep the client
4 reasonable informed about the status of the matter." In this matter you failed to keep you client
5 informed on the status of his case. Your conduct reflects adversely on your fitness as a lawyer
6 and as such you are In light of the foregoing, you are hereby **PUBLICLY REPRIMANDED**.

7 DATED this 8th day of March, 2018.

8 
9

10 Shann Winesett Esq.,
11 Chair Formal Hearing Panel
12 Southern Nevada Disciplinary Board
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF SERVICE


2 The undersigned hereby certifies a true and correct copy of the foregoing **PUBLIC**
3 **REPIMAND** was deposited via electronic mail to:

- 4
5 1. Shann Winesett, Esq. (Panel Chair): Shann@pecoslawgroup.com; Allan:
6 allan@pecoslawgroup.com (COURTESY COPY)
7 2. Michael Warhola, Esq. (Counsel for Respondent Michael Harker, Esq.):
8 warholalaw@yahoo.com
9 3. Jason Dworin, Esq. (Assistant Bar Counsel): jasond@nvbar.org

10 And was deposited in the United States Mail at Las Vegas, Nevada, postage fully pre-
11 paid thereon for first-class regular mail addressed to:

12 Michael J. Harker, Esq.
13 c/o Michael Warhola, Esq.
14 625 S. 6th Street
15 Las Vegas, NV 89101

16 DATED this 10th day of May, 2018.

17 By: 
18 Jana L. Chaffee, an employee of
19 the State Bar of Nevada.
20
21
22
23
24
25