



FILED

JUL 21 2020

STATE BAR OF NEVADA  
BY: B. Felix  
OFFICE OF BAR COUNSEL

Case No.: OBC19-0713; OBC19-1061; OBC20-0558

**STATE BAR OF NEVADA**

**SOUTHERN NEVADA DISCIPLINARY BOARD**

STATE BAR OF NEVADA, )  
)  
Complainant, )  
)  
vs. )  
)  
MICHAEL HARKER, ESQ., )  
Nevada Bar No. 5353, )  
)  
Respondent. )

**PUBLIC REPRIMAND**

TO: MICHAEL HARKER, Esq.  
2901 El Camino Ave., #200  
Las Vegas, NV 89102  
(702) 248-3000  
mharker@harkerlawfirm.com

**FINDINGS OF FACT**

**Louis Monteleone/Equuas**

Louis Monteleone hired you, Mr. Harker, to file a Chapter 11 bankruptcy for his company, Equuas LLC. Monteleone paid you a \$5,000 retainer before you filed the petition and \$4,275 after you filed the petition. You failed to file a motion to be approved as Chapter 11 Debtor-in-Possession counsel for Equuas. You failed to inform Mr. Monteleone of the basis or rate of the fee and expenses in his case. Although you earned the fees in the matter, your vague invoices caused Mr. Monteleone needless worry, frustration, and anxiety.

1 **Michael Bash**

2 On August 23, 2017, a lawsuit was filed against Michael Bash ("Bash") *el al.* Case No.  
3 A-17-760382-C (the "Lawsuit")

4 After hiring two other attorneys to represent him, Bash hired you to defend him in the  
5 lawsuit. Bash paid you a \$750 flat fee.

6 On May 16, 2019, you filed a Motion to set aside all previous orders and judgments  
7 entered. But you failed to file a notice of appearance, so the Court did not consider your Motion.  
8 You failed to check the status of the filed motion.

9 Ultimately, Bash had to hire a fourth attorney to represent him.

10 **RULE**

11 **Rule 1.3. Diligence.**

12 A lawyer shall act with reasonable diligence and promptness in representing a client.

13 You failed to act in a reasonably diligent and prompt manner when he failed to file the  
14 necessary motion to be approved as Chapter 11 Debtor-in-Possession counsel for Eqquas.

15 You failed to act in a reasonably diligent and prompt manner when you failed to file the  
16 necessary motions to be paid for post-petition work as counsel for Eqquas.

17 You failed to act in a reasonably diligent and prompt manner when he failed to file a notice  
18 of appearance or motion for substitution of counsel in the Lawsuit against Bash.

19 **RPC 1.5. Fees.**

20 A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an  
21 unreasonable amount for expenses ...

22 The scope of the representation and the basis or rate of the fee and expenses for which the  
23 client will be responsible shall be communicated to the client.

1 Pursuant to applicable bankruptcy rules and case law, the fees you collected for  
2 Monteleone's Chapter 11 Debtor-in-Possession case were unreasonable *per se* because the Court  
3 did not approve them and your representation.

4 The fee you charged Bash was unreasonable because you failed to follow through with your  
5 work, which forced Bash to hire a new attorney to perform the same work.

6 **ABA STANDARD FOR BASELINE DISCIPLINE**

7 ABA Standard 4.43 states that:

8 Reprimand is generally appropriate when a lawyer is negligent and does not act  
9 with reasonable diligence in representing a client and causes injury or potential  
10 injury to a client.

11 ABA Standard 7.3 states that:

12 Reprimand is generally appropriate when a lawyer negligently engages in conduct  
13 that is a violation of a duty owed as a professional and causes injury or potential  
14 injury to a client.

15  
16 You have the following aggravating circumstances that may justify an increase in the degree  
17 of discipline to be imposed (SCR 102.5(1)): prior disciplinary offenses; multiple offenses; and  
18 substantial experience in the practice of law.

19 You have the following mitigating circumstances that may justify a reduction in the degree  
20 of discipline to be imposed (SCR 102.5(2)): absence of a dishonest or selfish motive; full and free  
21 disclosure to disciplinary authority or cooperative attitude toward proceeding; and remorse.  
22  
23  
24


1 **DISCIPLINE IMPOSED**

2       Therefore, you have violated Rules 1.3 (Diligence) and 1.5 (Fees) and are hereby  
3 **PUBLICLY REPRIMANDED.**

4       Pursuant to SCR 120 (Costs), you shall pay the costs of the disciplinary proceeding of  
5 \$1,500 within thirty (30) days of receipt of a billing from the State Bar.

6       DATED this 21 day of July 2020.

7       STATE BAR OF NEVADA

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9       \_\_\_\_\_  
10       Marc Cook (Jul 21, 2020 10:15 PDT)

11       **MARC COOK, ESQ.**  
12       Formal Hearing Panel Chair  
13       Southern Nevada Disciplinary Board  
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