



FILED

DEC 07 2017

STATE BAR OF NEVADA  
BY:   
OFFICE OF BAR COUNSEL

Case No.: OBC16-1262

STATE BAR OF NEVADA  
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

ANDREW D. TAYLOR, ESQ.,

Nevada Bar No. 8688,

Respondent.

PUBLIC REPRIMAND

**TO: Andrew D. Taylor, Esq.**  
**c/o Michael J. Warhola, Esq.**  
**Law Office of Michael J. Warhola, LLC**  
**625 South 6<sup>th</sup> Street**  
**Las Vegas, NV 89101**

STATEMENT OF FACTS

In June 2013, Loretha Jordan (“Jordan”) suffered injury following alleged improper placement of a bile duct drainage tube. Jordan retained Respondent to represent her in October 2013. On July 16, 2014, you filed a protective complaint, which was filed in Eighth Judicial District Court against the doctor and hospital in question.

On November 19, 2014, the defendant doctor filed a motion to dismiss the complaint. The motion was joined by the other defendants. The motion was based on whether the expert affidavit attached to the complaint met the requirements of NRS 41A.071. The other part of the motion was to dismiss causes of action relating to the negligent hiring and training and infliction of emotional distress. You opposed this on November 26, 2014.

On December 31, 2014, a hearing on the Motion to Dismiss was held. The court found that the affidavit filed in support of the litigation met the requirements of NRS 41A.071 and *Zohar v.*

1 *Zbiegien*, and denied the motion to dismiss. However, the court found that Jordan failed to plead the  
2 cause of action regarding the negligent hiring and training of staff at the surgical center in a proper  
3 manner. As such, the motion to dismiss this cause of action without prejudice was granted.

4 On January 9, 2015, an Order Setting Medical/Dental Malpractice Status Check and Trial  
5 setting conference was entered. The parties were to appear on February 3, 2015 to set a firm trial  
6 date. On January 27, 2015, a discovery conference was held before Judicial Officer Bonnie Bulla at  
7 which you were present. Commissioner Bulla granted additional discovery if there was  
8 Medicare/Medicaid, and set the discovery cutoff date for November 23, 2015. Commissioner Bulla  
9 ordered that additional parties, amended pleadings, and initial expert disclosures were due July 23,  
10 2015, with rebuttal disclosures due on September 23, 2015. Any and all dispositive motions were  
11 due December 23, 2015.

12 On June 1, 2015, you sent a letter to Jordan advising that her deposition would be taken on  
13 July 2, 2015. On June 30, 2015, a Stipulation for Extension of time to Complete Discovery (First  
14 Request) was filed. It was noted that there was discovery remaining, including expert disclosures  
15 and depositions, and supplemental medical records. The final date for initial expert disclosure was  
16 extended until October 5, 2015. Respondent signed this stipulation.

17 On October 12, 2015, a Stipulation for Extension of time to Complete Discovery (Second  
18 Request) was filed. It was noted that there was discovery remaining, including expert disclosures  
19 and depositions, and supplemental medical records. The final date for initial expert disclosure was  
20 extended until December 23, 2015. You signed this stipulation as well.

21 On December 23, 2015, Initial expert disclosures were to be filed. Each defendant filed an  
22 expert disclosure on time; however, you did not file Jordan's disclosures. Also on December 23,  
23 2015, the Supreme Court entered its Order Approving Conditional Guilty Plea Agreement  
24 suspending you on an unrelated matter for 18 months, stayed, with 120 days actual suspension.

1 Pursuant to the Order, you had to cease practicing law within 15 days, and thereafter you would be  
2 eligible to resume the practice of law on April 23, 2016.

3 On January 15, 2016, you sent a letter to Jordan advising you would not be able to represent  
4 her and she would have to find another attorney to represent her. You provided a copy of the letter  
5 and a post office receipt that a letter was mailed to 89102.

6 Jordan stated she did not receive the January 15<sup>th</sup> letter but she received other  
7 correspondence from you. You also stated that you spoke with Jordan on the phone about how you  
8 could no longer represent her.

9 Jordan said she was notified of your license being suspended but indicated she did not want  
10 you to withdraw from the case, as it was so close to trial. On January 21, 2016, you sent a letter to  
11 Judge Vega and defense counsel advising that you were suspended for 120 days and would not be  
12 able to act as the attorney in the Jordan case.

13 On January 28, 2016, you filed a Notice of Withdrawal of Counsel. The document that was  
14 file-stamped with the court showed that the certificate of mailing was signed on January 27, 2016,  
15 certifying that the pleading was mailed to defense counsel. Ms. Jordan was not included in that  
16 certificate of service.

17 In your response to the State Bar's investigation, you provided a copy of the docket noticing  
18 that the withdrawal was filed and an unsigned copy of the Notice of Withdrawal of Counsel that is  
19 identical to the one filed with the court.

20 Jordan provided the State Bar with a copy of the Notice of Withdrawal of Attorney that she  
21 received. According to the certificate of mailing signed January 27, 2016, you sent the notice to the  
22 three defendants and Jordan on that date.

23 On February 1, 2016, a Status Check was held before a district court judge. Neither you nor  
24 Jordan were present. As a result of this hearing, on February 2, 2016, an Amended Order Setting  
25 FIRM Civil Jury Trial and Scheduling pretrial Conference, Calendar Call and Status Check dates

1 was filed. The trial was scheduled for June 6, 2016, at 10:00 a.m. This notice was served on Jordan  
2 in proper person.

3 On February 17, 2016, a status check was held before another district court judge. Jordan  
4 appeared and stated that her attorney was not present "due to a personal problem." Opposing  
5 counsel noted that you were suspended. The court stated that he did not wish for plaintiff to be  
6 harmed through no fault of her own. A status check was set for March 16, 2016. Jordan was to  
7 return with written confirmation from you whether you would be able to continue representing her  
8 and whether you would be ready for trial or if she would have new counsel.

9 On March 16, 2016, Jordan appeared and stated that she had attempted to retain new counsel,  
10 but was in the hospital and all the attorneys that she spoke with said it was too late in the  
11 proceedings to step in. Jordan would represent herself. The court ordered that the matter must  
12 proceed.

13 On March 25, 2016, the doctor in question filed a motion for summary judgment on an order  
14 shortening time and argued that plaintiff failed to serve her initial expert disclosures by December  
15 23, 2015. Nevada law mandates that medical malpractice actions be established by a competent  
16 expert, and if this is not done, summary judgment is appropriate. The other defendants joined in the  
17 motion, and Jordan failed to file an opposition.

18 At the hearing for the Motion to Dismiss scheduled for April 20, 2016, Jordan did not  
19 appear. The minutes noted that Plaintiff's attorney was suspended for 120 days but that suspension  
20 should have expired by the hearing date. However, in fact, you were still suspended and the minutes  
21 were not correct. It was further noted that Jordan did not ask for a stay of proceedings. Since there  
22 was no opposition and all parties were served, the Court granted the motions. The trial date was  
23 vacated.


24 On October 18, 2016, an Amended Judgment was entered in favor of the defendant doctor in  
25 the amount of \$7,645.24.

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Based upon the foregoing, you violated RPC 1.16 (Declining or Terminating Representation) for failing to file a Motion withdrawing you from your client's case in a timely fashion and are hereby **PUBLICLY REPRIMANDED**.

Dated this 10<sup>th</sup> day of December, 2017.

SOUTHERN NEVADA DISCIPLINARY BOARD

By:   
Joshua M. Dickey, Esq.  
FORMAL HEARING PANEL CHAIR