

FILED

AUG 28 2014

*[Handwritten signature]*

STATE BAR OF NEVADA

1 Case No. SG12-1679

2 STATE BAR OF NEVADA

3 SOUTHERN NEVADA DISCIPLINARY BOARD

4 STATE BAR OF NEVADA, )  
 )  
 5 Complainant, )  
 )  
 6 vs. )  
 )  
 7 RYAN E. ALEXANDER, ESQ. )  
 )  
 8 Respondent. )  
 9 \_\_\_\_\_ )

10 PUBLIC REPRIMAND

11 TO: RYAN E. ALEXANDER, ESQ.

12 You were retained by Sharon Finger ("Finger") on November 9, 2009 to prosecute a  
 13 medical malpractice case against dentist Afshin Arian ("Dr. Arian") for negligent dental  
 14 treatment she received in 2009. Finger's records were examined by Dr. Robert S.  
 15 McNamara, D.D.S. ("Dr. McNamara"), who authored a letter dated July 5, 2010 indicating  
 16 that Dr. Arian's work was negligent. This letter along with Dr. McNamara's contact  
 17 information was received by you on July 19, 2010.

18 You stated that you contacted Dr. McNamara in July stating he would need a formal  
 19 NRS41A.071 affidavit, and that one would be prepared for his signature and notarization.  
 20 You also stated that Dr. McNamara agreed to provide this affidavit.

21 You stated that you attempted to contact Dr. McNamara in late August of 2010 and  
 22 was advised he was on vacation returning the second week in September. You stated that  
 23 Dr. McNamara's office refused to contact him during his vacation.

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1 You filed a Complaint on behalf of Finger against Dr. Arian on September 7, 2010  
2 alleging causes of action for: (1) professional negligence – dental malpractice; (2) negligence  
3 and (3) breach of contract. The September 7, 2010 Complaint did not contain an affidavit of  
4 merit as required pursuant to NRS 41A.071, but did include the July 10, 2010 letter.


5 You did not receive Dr. McNamara's signed and notarized affidavit until November 18,  
6 2010. A Motion to Dismiss was filed by counsel for Dr. Arian on January 13, 2011 based on  
7 your failure to comply with NRS 41A.071. The Court granted Dr. Arian's Motion to Dismiss  
8 and Finger's case was dismissed.

9 On March 29, 2011, you refiled Finger's Complaint alleging causes of action for: (1)  
10 professional negligence – dental malpractice; (2) negligence and (3) breach of contract. You  
11 attempted to file Dr. McNamara's affidavit of merit as required pursuant to NRS 41A.071 with  
12 the Complaint, but the submission was rejected by the court for electronic formatting  
13 reasons. On April 4, 2011, you filed "Exhibits" to the March 29, 2011 Complaint which  
14 consisted of an "Affidavit of Robert S. McNamara, D.D.S." in an electronic format accepted  
15 by the Court.

16 A Motion to Dismiss was filed by counsel for Dr. Arian based on your failure to comply  
17 with NRS 41A.071 and because the claim was barred by the Statute of Limitations pursuant  
18 to NRS 41A.097. The Court granted the Motion to Dismiss on the grounds that Finger's case  
19 was barred by the Statute of Limitations pursuant to NRS 41A.097.

20 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.3  
21 (Diligence) and RPC 1.4 (Communication) and are hereby PUBLICLY REPRIMANDED.  
22

23 Dated this 28<sup>th</sup> day of August, 2014

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GEORGE KELESIS, ESQ.  
Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board

