

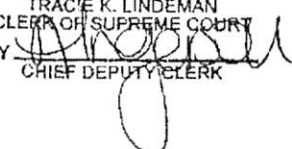
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF
C. ANDREW WARINER, ESQ., BAR NO.
3228.

No. 64531

FILED

MAY 09 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF DISBARMENT

This is an automatic review, pursuant to SCR 105(3)(b), of a Southern Nevada Disciplinary Board hearing panel's findings that attorney C. Andrew Wariner violated multiple Rules of Professional Conduct and its recommendation that he be disbarred and ordered to pay restitution in the amount of \$119,420.72.

Wariner is the subject of 18 grievance files.¹ Seventeen of the 18 files involve mishandled bankruptcy proceedings, and one is a personal injury matter. The alleged misconduct includes failure to diligently pursue clients' cases, failure to communicate with clients and the State Bar, mishandling of client funds, and failure to supervise nonlawyer assistants. Wariner did not participate in the disciplinary proceedings against him. He did not file any response to the State Bar's complaint, did not appear at the formal hearing, and filed no briefs on appeal.

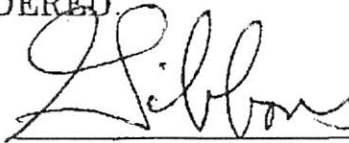
¹Wariner was previously disciplined by this court for misconduct committed in Utah. See *In re Discipline of Wariner*, Docket No. 51085 (Order Imposing Reciprocal Discipline, April 10, 2008).

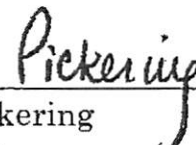
The hearing panel, proceeding on a default basis, determined that Wariner had committed all 114 alleged violations of the Rules of Professional Conduct, specifically: 18 violations of RPC 1.3 (diligence) and RPC 1.4 (communication), 16 violations of RPC 1.5 (fees), 17 violations of RPC 1.15 (safekeeping property), 5 violations of RPC 5.3 (responsibilities regarding nonlawyer assistants) and RPC 5.5 (unauthorized practice of law), 18 violations of RPC 8.1 (bar admission and disciplinary matters), and 17 violations of RPC 8.4 (misconduct). The panel found several aggravating circumstances: Wariner's prior discipline, dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary process by his intentional failure to comply with the rules, refusal to acknowledge the wrongful nature of his conduct, the vulnerability of his victims, his substantial experience in the practice of law, and his indifference to making restitution. The panel found no mitigating circumstances and recommended that Wariner be disbarred and ordered to pay restitution.

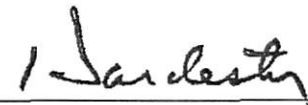
Having reviewed the record of the disciplinary proceedings in this matter, we conclude that clear and convincing evidence supports the panel's findings that Wariner committed the offenses charged. *See* SCR 105(2)(f). We further conclude that the panel's recommended discipline is appropriately tailored to Wariner's misconduct. Despite Wariner's failure to participate in the disciplinary proceedings, clear and convincing evidence supports a finding that Wariner was properly put on notice of the charges and proceedings against him. Wariner was aware of the charges and chose not to defend them. We therefore approve the panel's recommendation that Wariner be disbarred.

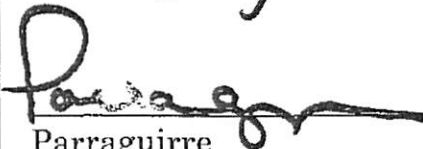
Accordingly, C. Andrew Wariner is hereby irrevocably disbarred from the practice of law in Nevada. SCR 102(1). Wariner is also ordered to pay restitution in the amount of \$119,420.72² and to pay the costs of the disciplinary proceedings. SCR 120. Wariner shall comply with SCR 115. The State Bar shall comply with SCR 121.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Saitta

²The restitution shall be paid to the following clients in the indicated amount: Kevin Smith, \$22,840; Jose Monzon, \$7,136; David Langlais, \$7,500; David Baudoin, \$7,500; Amber Sena, \$1,500; Mark Heimlich, \$900; John H. Stout, \$10,000; Carlos Ramos Guizar, \$11,280; Ruben Martinez, \$5,352.69; Daniel Dhondt, \$13,830.50; Peggy Charles, \$10,500; Jean Pierre Giron, \$7,000; Mary Lou Henric, \$1,800; Patrice & Regina Caillot, \$2,081.53; Domingo Carrasco & Liliana Angulo, \$1,200; Armi Cana, \$500; Minnie F. Bernardino, \$7,500; Chava Peebles, \$1,000.

cc: David A. Clark, Bar Counsel
C. Andrew Wariner
Jeffrey R. Albregts, Chair, Southern Nevada Disciplinary Board
Kimberly K. Farmer, Executive Director, State Bar of Nevada
Perry Thompson, Admissions Office, United States Supreme Court