

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
17G0597

IN THE MATTER OF)	
)	
SEAN T. DILLENBECK,)	REPRIMAND
Attorney At Law)	
)	

On April 19, 2018 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by C. K. and K. L., Jr.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as “reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action.”

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

While you were of member of Karrenstein, Love & Dillenbeck, PLLC (“firm”) you were counsel for a home owners association (“HOA”) in a district court civil case in Mecklenburg County. Counsel for Defendant in that case on March 30, 2017 sent you an email stating that you were late in submitting prehearing disclosures for an arbitration in HOA’s case. Counsel for Defendant also reminded you that the arbitration was scheduled to take place on April 6, 2017.

Notwithstanding the reminder of the arbitration hearing date, on April 4, 2017 you took a trip to New York without advising your law partners that you were doing so. When you were contacted by your law partners on April 4, 2017 as you were traveling to New York, you misrepresented to both partners that you were working from home. You also admitted to one of them that you had misrepresented your schedule to a client in order to push the client off while you worked on the legal matter of another client. Your misrepresentations violated Rule 8.4(c).

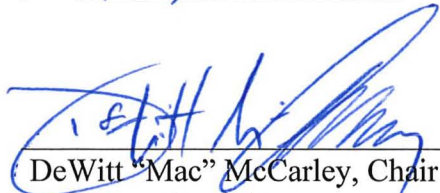
You failed to appear at the arbitration on April 6, 2017, you did not notify the representatives of HOA of the arbitration date, and you had not entered HOA's arbitration on the firm's calendar so your partners did not know it was scheduled. Accordingly, no legal representative of HOA or any of the client's representatives appeared at the arbitration. While waiting for anyone on behalf of HOA to show up at the arbitration, opposing counsel sent you an email asking whether you were going to appear but you did not respond. Your lack of diligence regarding your obligation to attend the arbitration violated Rule 1.3, and your failure to attend was prejudicial to the administration of justice in violation of Rule 8.4(d). Your failure to communicate the hearing date to your client violated Rule 1.4(a)(4).

The arbitration resulted in a judgment against HOA in excess of \$7,000. Though you were notified of your former law partners' efforts to set aside the award, you took no part in attempts to remediate the judgment against HOA essentially abandoning HOA in violation of Rule 1.16(d). In response to the State Bar's investigation of your conduct, you stated that you had notified HOA of the arbitration date which was not true and violated Rule 8.1(a) and 8.4(c).

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 14th day of May, 2018.


DeWitt "Mac" McCarley, Chair
Grievance Committee