

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
18G0290

IN THE MATTER OF)
)
SEAN T. DILLENBECK,) REPRIMAND
ATTORNEY AT LAW)

On January 17, 2019 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by J. W. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee 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.

You represented J. W. in the default on his student loan. You and the US Government were trying to give Mr. W. time to cure the default or refinance his home to pay off the student loan. You were late filing an answer on behalf of Mr. W. You stated in your response to this grievance that you did not seek an extension of time to file an answer because you didn't think the court would give you more time. Your failure to promptly file an answer in Mr. W.'s case violated Rule 1.3. You also failed to attend an initial attorney's conference, as ordered by the court, in violation of Rule 8.4(d).

Mr. W. claimed that you did not communicate with him from the fall of 2016 to the fall of 2017. You had no substantive proof that you did communicate with him during that time. Your failure to adequately communicate with your client violated Rule 1.4(a)(1)(2) and (3).

This grievance was served on you on July 10, 2018. You were supposed to have responded to the grievance within 15 days of service of the grievance upon you. However, you were late responding to the grievance in violation of Rule 8.4(d).

The Grievance Committee found as an aggravating factor the two admonitions and reprimand issued to you for past misconduct.

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 8th day of February, 2019.



A. Todd Brown, Sr., Chair
Grievance Committee

ATB/lb