

1 Case Number: OBC17-1053,
2 OBC17-1157, and OBC17-1348



FILED

APR 16 2018

STATE BAR OF NEVADA

BY: 

OFFICE OF BAR COUNSEL

7 **STATE BAR OF NEVADA**

8 **NORTHERN NEVADA DISCIPLINARY BOARD**

11 **LETTER OF REPRIMAND**

12 TO: Sean L. Brohawn, Esq.
13 627 Sadlier Way
14 Reno, Nevada 89512

15 A Screening Panel of the Northern Nevada Disciplinary Board recently reviewed the
16 above-referenced grievance files. The Panel unanimously concluded that a Letter of
17 Reprimand should be issued to you for violation of RPC 1.3 (Diligence), RPC 1.4
18 (Communication), RPC 1.5 (Fees), RPC 1.16 (Declining or Terminating Representation),
19 RPC 8.1(b) (Bar Admissions and Disciplinary Matters) and RPC 8.4 (Misconduct).

19 OBC17-1053

20 A client hired you on July 23, 2016 and paid you a flat fee of \$8,000 in exchange for
21 your assistance with recovering damages due to flooding of her residential property. The
22 client had the expectation that you would obtain a court hearing within a year.

23 The client claims that you were successful in obtaining a letter from a state agency
24 which stated that a demand against the homeowner's association should/could be filed
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1 within one year. The client alleges that your preferred strategy was to hold meetings with
2 the association and Coit Services of Reno (cleaning and restoration services).

3 The client says that you refused to go to court, which she wanted you to do. The
4 Attorney Retainer Agreement that she provided states that “[t]he scope of Attorneys’
5 employment by Clients in this agreement does not include litigation,” but it also states that
6 the matter involves “prosecution and defense of actions to final judgment(s).” The client
7 had increasing difficulty communicating with you as you vacated your office without
8 informing her and would not answer your phone.

9 On September 6, 2017, a grievance file was opened and you were asked to respond
10 to the client’s allegations. No response was received by the State Bar of Nevada.

11 Your failure to perform sufficient services for the client renders the \$8,000 fee
12 unreasonable, and therefore, it is a violation of RPC 1.5 (Fees).

13 The client complained of your lack of diligence and communication, which the panel
14 found credible in light of your failure to provide proof of any work completed on behalf of
15 the client. The panel found that you violated RPC 1.3 (Diligence) and RPC 1.4
16 (Communication) based on the existing account of events.

17 OBC17-1157

18 You entered into an hourly Attorney Retainer Agreement with a client on April 8,
19 2017, and on April 10th, the client paid you a retainer of \$2,500. Shortly after retention,
20 the client lost communication with you. Your failure to communicate with the client is a
21 violation of RPC 1.4 (Communication).

22 The client then hired a second attorney who determined that you never filed an
23 Answer with the court, resulting in a default and assessment of costs which new counsel
24 was able to get overturned. This conduct is a violation of RPC 1.3 (Diligence). Any actual
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1 injury to the client, due to your misconduct, was averted by the client's own actions, but
2 the potential injury to your client was significant.

3 The former client alleges that you finally responded to an attempt at
4 communication, to which you explained that you had been suspended by the bar due to a
5 "mental condition." The former client asked you for a full refund of the retainer and alleges
6 that on August 19, 2017, you told him in an e-mail that a check had been mailed. The former
7 client never received a refund and you, again, ceased all communication. Your failure to
8 return the unearned retainer funds is a violation of RPC 1.16 (Declining or Terminating
9 Representation). Moreover, your failure to perform any services on behalf of the client
10 renders the \$2,500 fee unreasonable, and therefore, a violation of RPC 1.5 (Fees).

11 OBC17-1348

12 In November 2014, a client and his brother entered into a flat fee agreement with
13 you and paid \$1,000 to have you open probate on their deceased mother's estate. The client
14 wished to sell his mother's home and, in December, 2014, met with you to finish up the
15 documents. You had not finished the documents but requested an additional \$1,600 before
16 you would file them. The client paid the additional \$1,600 and claims that you told him
17 that the documents would be ready for signature the following Monday, but they were
18 never finished or filed. The client tried to call you and went by your office to get the
19 documents finalized, but you had moved your office without notifying the client.

20 On November 16, 2017, a grievance file was opened and you were asked to respond
21 to allegations made by the client. On February 14, 2018, you belatedly responded to the
22 State Bar's inquiry, acknowledging that the allegations made against you were true and you
23 believed that a full refund of \$2,600 should be returned to the client.

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1 All Grievances

2 In addition, the Office of Bar Counsel forwarded you a copy of each former client's
3 grievance and requested responses. You failed to respond to the correspondence regarding
4 two of the three grievances, which is a separate violation of RPC 8.1(b) (Bar Admission and
5 Disciplinary Matters). Finally, the panel found that your conduct in handling the clients'
6 matters and these discipline matters violated RPC 8.4(d) (Misconduct- prejudicial to the
7 administration of justice).

8 Discipline

9 The Panel felt that this misconduct warranted suspension. But the Panel considered,
10 as a mitigating factor, that you are already suspended for six-months-and-one-day for
11 similar misconduct during, substantially, the same time period, and therefore, it expects
12 that you will be required to account for this misconduct at any reinstatement hearing held
13 in the future.

14 Accordingly, you are hereby **REPRIMANDED** for violating RPC 1.3 (Diligence),
15 RPC 1.4 (Communication), RPC 1.5 (Fees), RPC 1.16 (Declining or Terminating
16 Representation), RPC 8.1 (Bar Admission and Disciplinary Matters) and RPC 8.4
17 (Misconduct) and are assessed \$1,500, pursuant to SCR 120, which shall be paid to the
18 State Bar of Nevada within 30 days of the formal issuance of this Letter of Reprimand.

19 In addition, you shall return (i) \$8,000 to your former client in IBC17-1053, (ii)
20 \$2,500 to your former client in OBC17-1157, and (iii) \$2,600 to your former client in

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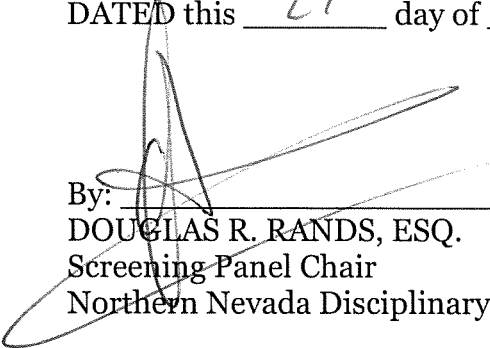
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1 OBC17-1348 within 30 days of the formal issuance of this Letter of Reprimand.

2 I trust that this reprimand will serve as a reminder to you of your ethical obligations,
3 and that no such problems will arise in the future.

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5 DATED this 27th day of Nov, 2018.

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7
8 By: 
9 DOUGLAS R. RANDS, ESQ.
10 Screening Panel Chair
11 Northern Nevada Disciplinary Board
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