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RICHARD J. HUGHES JUSTICE COMPLEX
P.O. BOX 962
TRENTON, NEW JERSEY 08625-0962
(609) 815-2920

TIMOTHY M. ELLIS
CHIEF COUNSEL
NICOLE M. ACCHIONE
FIRST ASSISTANT COUNSEL
BARRY R. PETERSEN, JR.
DEPUTY COUNSEL
SALIMA ELIZABETH BURKE
ADALINE KASER
ASHLEY KOLATA-GUZZIK
NICHOLAS LOGOTHETIS
ALISA H. THATCHER
ASSISTANT COUNSEL
AMY MELISSA YOUNG
ASSOCIATE COUNSEL

February 25, 2025

VIA CERTIFIED, REGULAR & ELECTRONIC MAIL

Sean M. Mc Donough, Esq.
c/o Philip Nettle, Esq.
Benedict Altman & Nettle, LLC
247 Livingston Avenue
New Brunswick, New Jersey 08901
pnettl@benedictandaltman.com

Re: In the Matter of Sean M. McDonough
Docket No. DRB 24-272
District Docket No. VIII-2021-0018E
LETTER OF ADMONITION

Dear Mr. McDonough:

The Disciplinary Review Board has reviewed the motion for discipline by consent (admonition) filed by the District VIII Ethics Committee (the DEC), pursuant to R. 1:20-10(b). Following a review of the record, the Board granted the motion and determined to impose an admonition for your violation of RPC 1.4(b) (failing to keep a client reasonably informed about the status of the matter) and RPC 8.1(b) (failing to cooperate with disciplinary authorities). The Board determined to dismiss the charged violation of RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

Specifically, according to the stipulation, Beatrice C. Koenneke retained you to represent her in connection with injuries she sustained in a motor vehicle

accident. Although you filed a personal injury complaint on Koenneke's behalf, subsequently it was dismissed, without prejudice, based on your failure to comply with discovery requests. Notwithstanding the dismissal of the complaint, discovery continued, and, on September 20, 2019, the court granted your motion to reinstate the complaint.

However, on November 4, 2019, the defendant filed a motion for summary judgment against your client based upon the lack of objective medical evidence that she suffered a permanent injury, as N.J.S.A. 39:6A-8(a) requires. You did not oppose the motion and, consequently, on December 6, 2019, the court granted the motion and dismissed the complaint. According to the stipulation, you had concluded, following consultation with Koenneke's physician, that there was no meritorious basis to oppose the motion and, thus, had allowed it to proceed without opposition. You admittedly violated RPC 1.4(b) by failing to notify your client that the motion for summary judgment had been granted and the case had been dismissed. Even if you correctly had concluded that there was no meritorious defense to the motion, you were obligated to keep her timely informed about significant developments in her case including the dismissal of her lawsuit.

Next, you admittedly violated RPC 8.1(b) by failing to cooperate fully with the DEC's investigation. Specifically, you failed to comply with the DEC's directive, following its review of your reply to the grievance, that you produce documentation, despite multiple opportunities to do so.

The Board determined to dismiss, however, the charge that you further violated RPC 8.4(d) by failing to fully cooperate with the DEC's investigation. Your conduct did not result in a waste of judicial resources and, in the Board's view, your misconduct in this respect is more appropriately encapsulated by the stipulated RPC 8.1(b) charge.

In imposing only an admonition, the Board accorded mitigating weight to your lack of prior discipline in your twenty years at the bar and your acceptance of responsibility for your wrongdoing via the stipulation, which conserved disciplinary resources. The Board also considered your physical and mental health struggles that coincided with the DEC's investigation.

Your conduct has adversely reflected not only on you as an attorney but also on all members of the bar. Accordingly, the Board has directed the issuance of this admonition to you. R. 1:20-15(f)(4).

A permanent record of this occurrence has been filed with the Clerk of the Supreme Court and the Office of Board Counsel. Should you become the subject of any further discipline, this admonition will be taken into consideration.

The Board also has directed that the costs of the disciplinary proceedings be assessed against you. An invoice of costs will be forwarded to you under separate cover.

Very truly yours,

/s/ Timothy M. Ellis

Timothy M. Ellis
Chief Counsel

TME/akg

c: Chief Justice Stuart Rabner
Associate Justices
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Supreme Court of New Jersey
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.), Chair
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District VIII Ethics Committee (regular mail and e-mail)
Jason J. Krisza, Esq., Presenter (regular mail and e-mail)
Beatrice C. Koenneke, Grievant (regular mail)