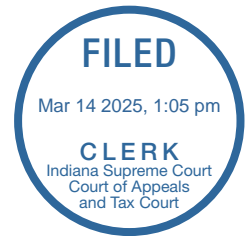


In the Indiana Supreme Court

In the Matter of: Sean Hilgendorf,
Respondent

Supreme Court Case No.
24S-DI-145



Published Order Finding Misconduct and Imposing Discipline

Upon review of the report of the hearing officer, the Honorable Brian R. Gates, who was appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission’s “Disciplinary Complaint,” the Court finds that Respondent engaged in professional misconduct and imposes discipline on Respondent.

Facts: The Commission filed its complaint against Respondent on April 24, 2024. Respondent was served with the complaint and has not appeared, responded, or otherwise participated in these proceedings. Accordingly, the Commission filed a “Motion for Judgment on the Complaint,” and the hearing officer took the facts alleged in the complaint as true. *See* Ind. Admission and Discipline Rule 23(14)(c). Neither party filed a petition for review of the hearing officer’s report, although the Commission has filed a brief on sanction.

“Client,” who initially chose to represent himself, was convicted of two felony counts in an F1 case and was found in indirect contempt of court in a second case. Thereafter, Respondent accepted appointments to represent Client at sentencing in the F1 case and on appeal in the contempt case. Respondent failed to appear for the sentencing hearing, and Client was sentenced after electing to proceed with the hearing without counsel. Respondent later accepted an appointment to represent Client on appeal in the F1 case.

Respondent failed to initiate an appeal in the contempt case. In the ensuing months, Respondent either failed to respond to Client’s requests for information, or else Respondent sent communications to inaccurate addresses despite having consistently been provided notices of Client’s transfers between various correctional facilities. The Court of Appeals affirmed Client’s convictions in the F1 case in September 2022. Respondent mailed a letter in early October 2022 advising Client of the adverse decision and Respondent’s opinion that there was no basis upon which to seek transfer, but Client did not receive this letter because Respondent mailed the letter to the wrong correctional facility.

Respondent has prior discipline for similar misconduct, *see Matter of Hilgendorf*, 956 N.E.2d 1083 (Ind. 2011), and his failure to participate in these disciplinary proceedings is a significant aggravating factor.

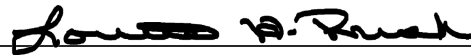
Violations: The Court finds that Respondent violated these Indiana Professional Conduct Rules prohibiting the following misconduct:

- 1.1: Failing to provide competent representation.
- 1.3: Failing to act with reasonable diligence and promptness.
- 1.4(a)(3): Failing to keep a client reasonably informed about the status of a matter.
- 1.4(a)(4): Failing to comply promptly with a client's reasonable requests for information.
- 8.4(d): Engaging in conduct prejudicial to the administration of justice.

Discipline: For Respondent's professional misconduct, the Court **suspends Respondent from the practice of law in this state for a period of not less than 180 days, without automatic reinstatement, beginning April 25, 2025.** Respondent shall not undertake any new legal matters between service of this order and the effective date of the suspension, and Respondent shall fulfill all the duties of a suspended attorney under Admission and Discipline Rule 23(26). At the conclusion of the minimum period of suspension, Respondent may petition this Court for reinstatement to the practice of law in this state, provided Respondent pays the costs of this proceeding, fulfills the duties of a suspended attorney, and satisfies the requirements for reinstatement of Admission and Discipline Rule 23(18). Reinstatement is discretionary and requires clear and convincing evidence of the attorney's remorse, rehabilitation, and fitness to practice law. *See* Admis. Disc. R. 23(18)(b).

The costs of this proceeding are assessed against Respondent. The hearing officer appointed in this case is discharged with the Court's appreciation.

Done at Indianapolis, Indiana, on 3/14/2025.



Loretta H. Rush

Chief Justice of Indiana

All Justices concur, except Slaughter, J., who would suspend Respondent for 60 days with automatic reinstatement as recommended by the Commission.