

A YEAR IN REVIEW: 2025

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Office of Lawyers Professional Responsibility
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Outline

- Office Statistics
- Discipline Cases from 2025
 - Disbarments
 - Suspensions of Note
 - Other Public Cases of Note
 - Reinstatements
- ABA Opinions from 2025
- Miscellaneous



2025 OLPR Statistics



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Office Statistics

- 2025 Complaints - 1572; 2024 Complaints - 1278
- Active lawyers in MN – 26,312
- 2025 Public Discipline — 18 lawyers (65 files)
 - 6 Disbarred (last year 5)
 - 7 Suspended (last year 14)
 - 4 Publicly Reprimanded/Probation (last year 8)
 - 5 lawyers transferred to disability status in lieu of discipline (last year 3) (37 files)
 - 17 matters under advisement with the Court (68 files)
- 2025 Private Discipline:
 - 1 Private Probation (last year 6)
 - 92 Admonitions (last year 96)



Office Statistics

2025 Dismissals

- 927 Summarily Dismissed (Determination that Discipline is Not Warranted, Without Investigation) (673 last year)
- 254 Determinations that Discipline is Not Warranted (after investigation)
- Generally, 80% of complaints result in no discipline



Details

Who filed complaints?

- Clients (595) (last year 516)
- Adverse Parties (498) (last year 350)
- Other Lay Person (172) (last year 113)
- Opposing Counsel (29)
- Director Initiated (30) —including 18 trust account overdrafts
- Judges, other interested parties
- Not complaints but counted as files:
Reinstatements; Trusteeships; Resignations



Details

- Most Frequent Rules Violated
- Rule 1.4—Communications
- Rule 1.3—Diligence
- Fee related conduct also prevalent (failure to promptly make refunds; fee agreement violations)
- Most Frequent Areas of Law Involved
- Criminal (375)
- Family Law (242)
- General Litigation (211) (number up from 2024)
- Real Estate (155)
- Probate (126)



Disbarments



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Public Discipline Cases

Disbarments

- *McCloud*, 26 N.W.3d 445 (Minn. 2025)
- *McNeilly*, 18 N.W.3d 774 (Minn. 2025)
- *Pena*, 23 N.W.3d 548 (Minn. 2025)
- *Odegaard*, 15 N.W.3d 632 (Minn. 2025)
- *Baird*, 18 N.W.3d 529 (Minn. 2025)
- *Rosenberg*, 18 N.W.3d 71 (Minn. 2025)



Public Discipline Cases (Disbarments Cont.)

In re McCloud

- Extensive disciplinary history.
 - Was suspended from two prior disciplinary cases when this one came along.
 - Represented a client charged with DWI.
 - Director alleged, among other things, McCloud repeatedly neglected the matter, failed to communicate, including failing to communicate plea offers, made false statement to the court, and kept an unearned portion of a flat fee.
- Referee found several aggravating factors, no mitigating factors, recommended 90-day suspension.
- Court held disbarment was appropriate in light of McCloud's lengthy "decades-long" disciplinary history.



Public Discipline Cases (Disbarments Cont.)

In re McNeilly

- Lawyer was convicted of felony theft by swindle.
- Lawyer represented clients in a criminal matter.
- Lawyer told her client that she had met with the lead investigator and prosecuting attorney for the case and told client that he was looking at 15-25 years in federal prison for his drug case if they charged him (client still had yet to be charged with a crime)



Public Discipline Cases (Disbarments Cont.)

In re McNeilly

- Lawyer further advised that if client wished to donate \$35,000 to a police union fund and work as a confidential informant, he would not be federally charged.
- And if client wished to only donate to the police union fund and not work as a confidential informant, he would need to pay \$50,000 to the police union fund.
- Client told respondent that he could only pay \$15,000 then and did so.



Public Discipline Cases (Disbarments Cont.)

In re McNeilly

- Lawyer's representations to client was untruthful.
- The lead investigator or the prosecuting attorney never had a phone conversation or meeting with respondent to discuss the case and there was conversation about charging the client with a federal crime. The case was actually a low-level felony drug offense that resolved with diversion.
- The client later emailed respondent indicating that he no longer wished to move forward as planned and he asked for a refund of his \$15,000.
- Lawyer emailed back that she had fulfilled the terms of the retainer agreement and she would not be providing a refund.



Public Discipline Cases (Disbarments Cont.)

In re McNeilly

- Criminal convictions conclusive.
- Felony convictions will generally result in public discipline.
- If the felony was committed in course of representing a client, then more serious.
- If the felony concerns dishonesty, or heinous crime, then more serious.
- Rule 8.4(b), MRPC Misconduct for a lawyer to “commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.”



Public Discipline Cases (Disbarments Cont.)

In re Odeggaard

- Attorney was convicted of second degree murder (felony) for killing his ex-spouse.
- Serious felony – does not involve practice of law but so serious that disbarment the only appropriate level of discipline.
- Odeggaard is the fourth lawyer disbarred for murder in Minnesota, though it had been more than 50 years since it last happened.



Public Discipline Cases (Disbarments Cont.)

In re Pena

- Lawyer was previously disciplined for misappropriating client funds and was suspended.
- She did not tell her firm in Texas that her license was suspended. They only found out when they opened the court's order suspending her. Nonetheless they let her continue to work for the firm.
- While she worked for the law firm, she stole a total \$94,000 from the law firm and one of its partners.



Public Discipline Cases (Disbarments Cont.)

In re Pena

- While overseeing the Firm's pay schedule transition from twice a month (semi-monthly) to every other Friday (biweekly), she deliberately failed to adjust her own compensation schedule, resulting in her receiving 74 overpayments.
- She secretly adjusted her own base wage rate to increase her compensation.



Public Discipline Cases (Disbarments Cont.)

In re Pena

- She received pay advances totaling \$31,200 by falsely representing that she would repay the advances. She did not repay any of this money.
- She asked a firm partner for a pay advance of \$7,200, but he declined because the requested advance exceeded her salary for the pay period. She then represented that, if the partner would personally loan her the money, she would repay him within four weeks upon securing a loan from her retirement account.



Public Discipline Cases (Disbarments Cont.)

In re Pena

- There was a criminal matter pending but we did not wait for the criminal matter to proceed because we had the evidence from the law firm that allowed us to prove our own case.
- While this was not felony theft (yet) and it was not misappropriation of client funds, her disciplinary history, which included misappropriation, put this in disbarment.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- Reciprocal disbarment.
 - Was disbarred three times, and suspended more than six months, by North Dakota.
 - Was also disbarred by DHS, BIA, and the federal immigration courts.
- Underlying issues initially began in early 2020, with three different client matters. Later, more clients came forward with complaints.
- In the first client matter, Baird informed a client he was closing his office because of COVID, but would continue to communicate by text and email.
 - Six months went by with no communication, prompting the client to demand a refund of their retainer and file an ethics complaint against Baird.
 - After the complaint was filed, Baird began responding and filed the client's citizenship application with USCIS. Baird did not inform the client of the filing.
 - Baird's client separately reached out to USCIS to learn his application was accepted.
 - Baird then withdrew but failed to refund the client's fees or return the client file.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- In the second client matter, a similar pattern of non-communication and misrepresentation occurred.
 - Baird told the client he had submitted their asylum application, but never actually did.
 - A number of months followed where Baird failed to communicate or respond to the client's requests for information.
 - Baird lied to the client and said he was still awaiting response from USCIS.
 - The client reached out to USCIS and learned no application was ever submitted.
 - Client again asked Baird to submit the application, but he never did.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- In the third client matter, same pattern of neglect and misrepresentation.
 - Client retained Baird for an adjustment of status with USCIS.
 - Baird told the client that he had submitted their application and then failed to communicate with the client for six months.
 - Baird never provided the client with proof of the filing.
 - Client ultimately submitted the application himself.
 - Baird never returned the client file or refunded the unearned fee.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- North Dakota brought charges after the first client's complaint.
 - Baird did not respond to the initial petition.
 - Panel consolidated the three initial complaints and recommended disbarment. Baird did not object to the report.
- ND disbarred Baird in July 2022 based on the first three complaints.
 - Like MN, disbarment not permanent; ND prohibited him from seeking reinstatement for five years.
 - Baird did not report the first ND disbarment to MN.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- Baird was then reciprocally disbarred in September 2022 by the Board of Immigration Appeals, the immigration courts, and DHS, arising from the July 2022 disbarment.
 - Baird did not report the reciprocal disbarments to MN.
- ND disbarred Baird a second time in December 2022.
 - Similar conduct of non-communication, incompetence (missed filing deadline), and failure to return client file spanning a four-year period.
 - Baird did not report the second disbarment to MN.
- ND suspended Baird in August 2023 for 6 months.
 - Clients hired Baird to assist with their bankruptcy. Baird delegated the file to an associate who failed to act reasonably and diligently.
 - Baird took the file over and also failed to act reasonably and diligently, failed to keep the clients informed, and failed to take remedial action for the associate's transgressions.
 - Baird did not report the suspension to MN.



Public Discipline Cases (Disbarments Cont.)

In re Baird

- ND disbarred Baird for a third time in September 2023.
 - Similar conduct of non-communication, misrepresentation, failed to respond to USCIS requests for evidence related to client's green card petition, and failed to notify client that the petition was denied.
 - Baird did not report the third disbarment to MN.
- Director sought reciprocal discipline under Rule 12(d), RLPR, to disbar Baird in MN.
- Court determined ND's proceedings were fair (due process requirements were met) and that imposing the same discipline would not be unjust or substantially different from the discipline warranted in MN.



Public Discipline Cases (Disbarments Cont.)

In re Rosenberg

- Reciprocal disbarment.
- Rosenberg had been admitted to practice in a number of jurisdictions for nearly 60 years without any disciplinary issues.
 - Admitted in MN in 2016.
 - Also admitted in GA, IA, KY, MI, NC, OH, OR, PA, SD, TN, TX, WA, WI, and D.C.
- Rosenberg opened a law practice in VA in 2014 specializing in high-volume, low-cost real estate deeds. He was never admitted to practice in VA.



Public Discipline Cases (Disbarments Cont.)

In re Rosenberg

- Rosenberg prepared over 14,000 deeds for real property in Virginia between 2014 and 2021.
 - Rosenberg confederated with another attorney BWB, who was not affiliated with Rosenberg’s firm, to use BWB’s name on the prepared deeds in exchange for a monthly retainer fee of \$300.
 - BWB rarely reviewed any of the deeds that Rosenberg prepared.
- Rosenberg was caught when another Virginia attorney noticed a deed that Rosenberg purportedly prepared had contained several errors, was the wrong kind of deed, and had not been reviewed by a Virginia-licensed attorney.



Public Discipline Cases (Disbarments Cont.)

In re Rosenberg

- VA launched investigation, including sending subpoenas to Rosenberg.
 - Rosenberg failed to comply with the subpoenas, but provided a written proffer and agreed to an interview but refused to provide client names or the scope of his representation of those clients (non-cooperation).
 - Bar counsel reviewed a sample set of Rosenberg's deeds; all had grammatical errors, and some had substantive errors.
 - Rosenberg later disclosed that his deeds were drafted by a separate law firm in India.
- Rosenberg ultimately admitted to the misconduct, but believed "that involvement of a Virginia based/licensed lawyer" was all that was required to practice in Virginia under its Rule 5.5(d).



Public Discipline Cases (Disbarments Cont.)

In re Rosenberg

- Rosenberg consented to revocation in, and bar counsel excluded him from ever seeking admission, or exercising any privilege, to practice law in VA.
- The Director sought reciprocal discipline and requested briefing whether discipline was warranted.
- Rosenberg did not respond, but informed the Director he no longer wished to practice law and was not going to participate in MN's disciplinary proceeding.
- The Court determined that VA's proceeding was fair, and that nothing in the record demonstrated that imposing reciprocal discipline would be unjust.
- The Court reasoned that Rosenberg's 8 years of UPL in VA, providing legal services to thousands of clients, and doing so poorly, was grounds for disbarment.



Public Discipline: Suspensions of Note



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Suspensions

In re Dean (60 days, stip)

- Reciprocal suspension.
- Arizona suspended Dean for 60 days for sending numerous demeaning and unprofessional text messages to a client, disclosing protected client information to the opposing party, and listing non-harassing actions in an application for an HRO against her client.
- Colorado and Utah imposed reciprocal discipline based on AZ's suspension.



Suspensions

In re Dean (60 days, stip)

- Dean employed her fiancé as a paralegal.
- Dean's client retained her to draft divorce papers. Dean's fiancé drafted the divorce papers.
- The next day, the client's husband dropped an HRO against Dean's client.
- The following day Dean's office filed the divorce papers.
- One day later, Dean terminated her fiancé paralegal.
- The day after Dean terminated her fiancé, the now former fiancé contacted Dean's client.
- Several days later, Dean's client invited Dean's former fiancé to her home, which he accepted.



Suspensions

In re Dean (60 days, stip)

- When Dean's now former fiancé arrived at the home of Dean's client, he used Dean's DoorDash account to place a food delivery order.
- Dean noticed the order and recognized the address as her client's address.
- Over the span of approx. 1 hour, Dean sent approximately 70 text messages to her client, many of which were demeaning and unprofessional.
- While Dean was texting her client, she also texted her client's husband, the opposing party in the divorce, and informed him that she wanted to speak with him because her client was involved with her former fiancé.
- Dean then sent a text message to another attorney representing her client's husband in a pending, but unrelated criminal matter, informing the attorney that her client was having an affair with Dean's former fiancé.
- The following day, Dean's client called out the voluminous text messages, instructed Dean not to contact her again, and filed a police report for harassment.



Suspensions

In re Peters (30 day suspension)

- Lawyer and his associate (only a year out) took on a guardian/conservator matter.
- Client was a child of the subject of the guardian/conservatorship and sibling was the one seeking the guardian/conservatorship because parent's dementia and fear that client was taking advantage.



Suspensions

In re Peters (30 day suspension)

- Before sibling was appointed conservator, client withdrew over \$190,000 from parent's account and deposited into her own account.
- As conservator, needed to locate all funds belonging to ward, when asked about it, would not reveal where the funds were.
- As part of the legal discovery, opposing side asked for all accounts and funds. Included obligations to supplement.
- Claimed did not know where they were and responded with account info that did not include the funds.



Suspensions

In re Peters (30 day suspension)

- During the course of the rep, the client then revealed that there was a cashiers check for the amount in question issued from the client's bank account.
- The funds were obviously the funds in question and subject of litigation and discovery.
- Rather than supplement discovery as required and disclose, had the check re-issued to be placed in firm trust account.



Suspensions

In re Peters (30 day suspension)

- The opposing side had been and continued to ask about these funds and lawyer knew where they were and failed to disclose and had no excuse to withhold information.
- Funds discovered only when county doing a separate investigation into the parent's maltreatment subpoenaed client's bank account and followed the funds and discovered a check was issued and deposited into the firm's trust account.
- Violations of Rules 3.4(d), 5.1, 8.4(c) and (d), MRPC.
- Stipulated after probable cause found.



Suspensions

In re Ernston (30 days)

- Lawyer represented client in matter against her employer.
- One issue in the underlying case was the content of oral conversations between or among defendant and the client. Lawyer learned that client had made audio recordings of her conversations with opposing party.
- In the complaint lawyer filed on behalf of client, quoted from the recording.



Suspensions

In re Ernston (30 days)

- Opposing party served discovery asking for all relevant recordings.
- In response, client brought over hundreds of recordings. Lawyer told client to review them and ID all the relevant ones. Lawyer did not review them herself, though they were in her possession.
- Produced what the client had ID'd as responsive. It did not include all that was responsive. But lawyer kept on representing that all responsive recordings in her possession were produced.



Suspensions

In re Ernston (30 days)

- Throughout litigation, when asked, lawyer kept insisting that she had produced all relevant recordings when she had not reviewed everything and had recordings in her possession that were relevant, but she had not reviewed.
- Much later in the process respondent finally acknowledged that she had additional recordings that she had not reviewed. Suggested to opposing counsel that she just got them, when that was not true – she had them all along.
- After review of the recordings there were additional 200 recordings that needed to be produced but were withheld.



Suspensions

In re Ernston (30 days)

- Opposing party moved for sanctions and it was granted – over \$35,000.
- Violations of Rules 1.3, 4.1, 8.4(c), MRPC.
- Stipulated after referee trial.



Suspensions

In re Smith (6 months)

- Smith's discipline is the result of her representation of a client that sought to challenge the 2020 election results.
- Smith drafted an affidavit template that her client submitted to an email list, soliciting recipients to contest the 2020 election. Several individuals returned the affidavits.
- A day after the emails were sent, Smith filed five election contests in Ramsey County, challenging the election results for five different offices in the name of 14 individual plaintiffs that Smith had obtained their consent to do so.



Suspensions

In re Smith (6 months)

- Eventually each of the matters were dismissed and the defendants taxed costs and disbursements, totaling approx. \$18,000.00.
- The Court, in imposing the 6-month suspension, reasoned that filing an unsuccessful election challenge was not attorney misconduct; however, Smith's treatment of the plaintiffs in the lawsuit was.
 - Smith never sought, or obtained, the plaintiffs' permission to commence the lawsuits.
 - Smith never informed the plaintiffs that she had commenced the lawsuits.
 - None of the plaintiffs even knew who Smith was.
 - After one plaintiff complained, Smith was sanctioned \$25,000.00.
- Smith also failed to cooperate with the Director's investigation.



Suspensions

In re Chmielewski (60 days, stip)

- Chmielewski was retained by a client in a divorce case. A few months after the representation began, Chmielewski gave his personal cell phone number to the client, for ease of communication.
- Within a few weeks, Chmielewski's text messages with the client turned personal in nature.
 - They admitted they found each other attractive, and Chmielewski informed his client he also had been struggling in his marriage. He mentioned that his client's advances toward him were a welcome change of pace.
- The text messages escalated and became sexually charged, even though Chmielewski knew that the MRPC prohibited sexual relations with clients. He even informed his client of the prohibition.



Suspensions

In re Chmielewski (60 days, stip)

- Chmielewski and his client's texts continued to escalate and the two began sexting.
- Despite the sexting, Chmielewski continued to represent his client in her divorce.
- Approximately two weeks later, the sexting escalated into Chmielewski and his client engaging in sexual relations, while he was still representing her.
- Approximately one month later, the relationship ended and Chmielewski transitioned his client's matter to another attorney.



Suspensions

In re Laver (90 days)

- Lawyer was suspended from the practice of law and still suspended.
- While suspended, engaged in UPL
 - Used e-filing account to file things on behalf of client – held self out as atty in the documents and in the filing. Using letterhead that said “Laver Law Office”
 - Documents filed were on behalf of company lawyer repped in past and the work was the same and sought to protect their legal interests.
 - Some documents made legal arguments



Suspensions

In re Laver (90 days)

- UPL by preparing and electronically filing legal documents that seek to protect or defend the rights of another which are customarily performed by lawyers, and attempting to appear in district court on behalf of a business or LLC.
- UPL by holding himself out as a lawyer by electronically filing documents from his firm account and by also electronically filing documents titled “Laver Law Office”
- Violated Rules 5.5(a), 5.5(b)(2), and 3.4(c) MRPC (stipulated)



Suspensions

In re Laver (90 days)

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- UPL by holding himself out as a lawyer by electronically filing documents from his firm account and by also electronically filing documents titled “Laver Law Office”
- Violated Rules 5.5(a), 5.5(b)(2), and 3.4(c) MRPC (stipulated)



Other Public Discipline of Note



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Public Discipline of Note

- Ryan (in-house UPL)
- Dehen (judge)
- Martins (reciprocal)
- Disability in lieu of discipline



Public Discipline

In re Ryan

- Wisconsin attorney who was general counsel for a Minnesota corporation headquartered in Minnesota with extensive healthcare facilities in Minnesota.
- Never became licensed to practice law in Minnesota, even though he lived and worked in Minnesota for years.
- Stipulated public reprimand.



Public Discipline

In re Ryan

- Note about UPL:
 - No knowing requirement. You're required to know. So may be difference between fee and CLE suspended and unknowingly UPL-ing vs knowing violations.
 - Length of time of UPL-ing also relevant as private dispositions are for "isolated and nonserious"
 - As we saw in Rosenberg, depending on the UPL-ing can range from Admonition, Reprimand, Suspension, to Disbarment



Public Discipline

In re Dehen

- Judge Dehen was found by a Panel of Board of Judicial Standards appointed by the Court to have:
 - Improperly issued two writs of mandamus compelling a district court administrator to increase his court reporter's compensation, despite Judge Dehen having a conflict of interest, and without giving the district court administrator a meaningful opportunity to respond.
 - In five cases where Judge Dehen was requested to appoint guardians for at-risk juveniles under Minnesota Statutes section 257D.08 (2024), he failed to follow the statutory requirements and showed bias against non-citizen juveniles seeking special immigration status.
 - Improperly presided over a remote juvenile court calendar while riding in a moving vehicle.
 - The panel concluded that based on these three instances of misconduct, Judge Dehen violated Rules 1.1, 1.2, 2.1, 2.2, 2.3(A), 2.4, 2.5, 2.6(A), 2.8, and 2.11 of the Code of Judicial Conduct.
 - The panel recommended that Judge Dehen be censured and suspended from judicial office without pay for six months.



Public Discipline

In re Dehen

- The judge appealed.
- Rule 14(f), RBJS, provides that “[w]hen the panel recommends the suspension or removal of a judge, the Court shall promptly notify the judge and the Office of Lawyers Professional Responsibility and give them an opportunity to be heard in the Court on the issue of lawyer discipline.”



Public Discipline

- Judge misconduct can be complicated because judges are also lawyers, but obligations are a bit different and judge rules are different.
- Violations of rules governing judges in their capacity as judges can also violate Rules of Professional Conduct - Rule 8.4(d), MRPC, that prohibits conduct prejudicial to the administration of justice.
- Sometimes can have conduct that violates other rules because not all MRPC relate to conduct as a lawyer. (e.g. criminal conduct, harassment, -- all the subdivision under Rule 8.4, MRPC.)



Public Discipline

In re Dehen

- Court found:
 - the Board proved Judge Dehen committed judicial misconduct in his actions with respect to the court reporter compensation dispute.
 - That Judge Dehen committed judicial misconduct in his actions with respect to the remote calendar.
 - But found the Board has not proven by clear and convincing evidence that Judge Dehen's actions with respect to the at-risk juvenile guardianship matters.
 - Judge Dehen's actions that violated the Code of Judicial Conduct constitute conduct prejudicial to the administration of justice, in violation of Minn. R. Prof. Conduct 8.4(d).



Public Discipline

In re Dehen

- Court found:
 - The appropriate judicial discipline for the proven misconduct is public censure and suspension from judicial duties for nine months without pay.
 - If Judge Dehen ceases to be a judge before his term of judicial suspension ends, then he will be suspended from the practice of law for a term equal to the balance of his judicial suspension.
 - Based on the judicial sanction given— which will carry over to a suspension from the practice of law in the event of Judge Dehen leaving the bench— and because the standard of conduct imposed on a judge is higher than the standard imposed on lawyers, held that the appropriate lawyer discipline is a public reprimand.



Public Discipline

In re Martins

- Reciprocal discipline, sort of.
- In August 2023, courts of the Mille Lacs Band of Ojibwe determined Martins engaged in misconduct and suspended him from the practice of law for one year, issued a public reprimand, and required Martins to make a public apology to the presiding judge in the matter where the misconduct occurred.
 - Martins had arrived late to a scheduled hearing, informed the court he was not ready to proceed, and the court continued the matter.
 - At the later court date, Martins arrived late again, and asked for the court to place him in a virtual breakout room with his client. While in the breakout room, Martins left to join another remote hearing in an unrelated matter.
 - Martins returned to the original breakout room, but the court had already adjourned due to his absence.



Public Discipline

In re Martins

- The presiding judge ultimately filed two complaints; one for each hearing that Martins was late.
 - Martins argued that the complaints did not show the court was placed at a disadvantage for his tardiness and absence.
 - Martins also argued the presiding judge should have handled the matter privately with Martins first.
- The Mille Lac Band Court of Appeals held an in-person hearing on the ethics complaints, and Martin failed to appear, despite having been mailed notice of the hearing.



Public Discipline

In re Martins

- This was a case of first impression for the Minnesota Supreme Court, having never before considered a reciprocal discipline case originating in tribal court.
 - Tribal courts are jurisdictions within Rule 12(d), RLPR
- The Court found the disciplinary procedures before the Mille Lacs Band were fair.
- Martins argued that the discipline was unjust because the circumstances that caused the misconduct have changed.
- The Court concluded otherwise; there was no evidence to demonstrate a change in circumstances such that Martins' discipline is no longer necessary to protect the public.



Public Discipline

In re Martins

- The Court then had to determine whether the discipline of a one-year suspension, public reprimand, and public apology was substantially different from discipline warranted in Minnesota.
- The Court concluded, after considering aggravating and (lack of) mitigating circumstances, a public reprimand was the appropriate level of discipline.
 - The Court declined to impose the one-year suspension and public apology requirement because that was “substantially different” than discipline warranted in Minnesota.



Public Discipline: Reciprocal

Note on reciprocals

- What is reciprocal discipline?
- Seeing lots of unique ones coming through and lots of questions from the court.
- Standard: would imposing the identical discipline in Minnesota be unjust or substantially different?
- What we do in Minnesota is very different from other jurisdiction in terms of process.



Public Discipline

Disability in Lieu of Discipline

- Five attorneys involving 37 files
- Under Rule 28, RLPR
- Physical or mental impairment that prevents the lawyer from practicing law or defending self in the proceeding
- Matters suspended until lawyer can get reinstated and then have to address
- OLPR will need proof of disability



Reinstatements of Note



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Public Discipline

In re Selmer

- Selmer had a lengthy disciplinary history.
 - WI privately reprimanded Selmer in 1990 for practicing law with a suspended license.
 - MN reprimand Selmer in 1995 for abusing the discovery process and misusing the litigation process to harass his client. WI also reprimanded.
 - MN revoked Selmer's probation in 1997 for asserting frivolous claims of discrimination against his creditors to avoid paying his debts. The Court suspended Selmer for one year and, upon reinstatement, would be on probation for five years.
- Most recently, Selmer was indefinitely suspended in 2015 with no right to petition for a minimum of one year based on his conduct in a number of lawsuits related to an organization where Selmer served as president and CEO from 2008 to 2011.
 - The conduct included a pattern of harassing and frivolous litigation.



Public Discipline

In re Selmer

- Since the 2015 suspension, Selmer has petitioned for reinstatement three times, in 2018, 2019, and 2023.
 - The 2018 petition was dismissed for failing to pay the filing fee and Selmer withdrew the 2019 petition.
- This reinstatement relates to his 2023 petition.
 - He appeared before the LPRB panel and had counsel.
 - His counsel planned to argue that some of the conduct giving rise to the 2015 suspension was not misconduct. The LPRB panel chair explained the purpose of the reinstatement hearing, to prove moral change and competence to practice law. Selmer then requested to continue the hearing because his counsel was unprepared.



Public Discipline

In re Selmer

- Selmer returned in 2024, with new counsel, and testified to his moral change and competence to practice law.
- Selmer's testimony and evidence included, among other things:
 - He did not have any written office procedures to facilitate his return to the ethical practice of law, but he would take more CLEs;
 - He worked as a public defender in WI (after being reinstated there), but resigned in lieu of termination due to a conflict with his supervisor;
 - His progress in therapy helped him with moral change and prepared him for the return to practice, but declined to call his therapist as a witness.



Public Discipline

In re Selmer

- In opposing Selmer's reinstatement, the Director presented numerous exhibits rebutting Selmer's testimony, including:
 - Selmer recently represented himself in several matters despite his testimony in the WI reinstatement proceeding that he no longer intended to represent himself.
 - The matters included conciliation court actions, a personal injury action, and a defamation action that Selmer brought against others.
 - The Director's exhibits showed that Selmer was still engaging in the same conduct as he did in the litigation that resulted in his 2015 suspension, including failing to appear, failing to comply with court orders and discovery requests, failing to provide required disclosures, failing to provide an itemization of damages, and failing to file affidavits of service.
 - Exhibits also showed that Selmer's professional website was misleading because it suggested to the public that he was admitted to practice in MN.
- Majority of LPRB panel recommended against reinstatement, and the Court denied reinstatement.



Public Discipline

In re Laver

- Lawyer sought reinstatement while there was a public disciplinary matter pending.
- Not recommended – reinstatements require a show of moral change, which includes remorse, acknowledgement of wrongdoing, change in mindset that would ensure no further misconduct, etc.
- How can you do that when you are also subject of more discipline?



Private Discipline



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Private Discipline

- Admonitions: 92 in 2025
 - Rule 1.3 (diligence) – 21 files
 - Rule 1.16(d) (obligations upon termination of representation) – 20 files
 - Rule 1.4(a)(4) (request for info) – 19
 - Rule 1.4(b) (informed decisions) – 19
 - Rule 1.4(a)(3) (status update) – 16
 - Note: communication as a total may be more since we count by the subdivision.



2025 ABA Opinions



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ABA Opinions

- Formal Opinion 514
 - Advising Organizations and Non-Client Constituents of the Organization
- Formal Opinion 515
 - Lawyers Discretion to Report When Client Commits Crime Against Lawyer
- Formal Opinion 516
 - Rule 1.16(b)(1) – Material Adverse Effect With Withdrawal



ABA Opinions

- Formal Opinion 517
 - Discrimination in Jury Selection
- Formal Opinion 518
 - Lawyer duty to avoid misleading comms when acting as 3rd Pty mediator
- Formal Opinion 519
 - Disclosing information related to the representation in a motion to withdraw



ABA Opinions (Cont.)

Formal Opinion 515

Lawyers' discretion to report when client commits crime against lawyer



ABA Opinions (Cont.)

Formal Opinion 517

Discrimination in Jury Selection



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ABA Opinions (Cont.)

Formal Opinion 519

Disclosing information related to the representation in a motion to withdraw



Miscellaneous



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Advisory Opinion Hotline

- Available to licensed MN attorneys
- OLPR attorneys will provide no cost verbal opinion on application of specific facts to rules; every day an attorney is assigned to A/O tasks and spends much of the day returning calls; will receive answer the same day or next day
- Confidential; non-binding on third parties
- No opinion will be offered on (1) conduct of third parties; (2) where conduct has already occurred; and (3) OLPR does not approve lawyer advertising, but will advise rules relating to same
- In 2025, the OLPR provided 1,789 opinions
- Options: Submit a written request online (preferred where facts are complicated or detailed); call 651-296-3952 or toll-free 1-800-657-3601 and ask for the A/O attorney
- Website: <https://olpr.mncourts.gov/>



Additional Resources

- Wealth of Resources on Website, <https://olpr.mncourts.gov/>
- Index and text of Bench and Bar articles and MN Lawyer ethics columns by Office, sorted by Rule, Subject and Year (no precedential value but useful guidance)
- Current Rules (MRPC and RLPR) and Board Opinions
- Suspended and Disbarred Lawyer List
- Attorney Search containing all public discipline, with links to Court opinions and petitions for discipline
- Trust Account Information and Resources, including FAQs
- Professional Firms Filing Requirements
- Cross Border (Multijurisdictional Practice) Information
- Annual Reports of OLPR, including historical reports
- Announcements and News
- Board and Office Directory
- Complaint forms in English, Hmong, Russian, Somali, Spanish, Karen



Miscellaneous

- Consider volunteering!
- **DEC volunteer**
 - 1 or 2 investigations a year (attend screening meetings)
 - Learn the rules
 - Receive training and provide an important
 - Service to the profession
- Probation Supervisor
- Recruit public members as DEC volunteers
 - 20% requirement
- Consider becoming a LPRB or CSB member



Closing

Feedback—how can the OLPR help you in your practice?

Questions?



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Thank You



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