

STATE OF MINNESOTA
IN SUPREME COURT
A23-1890



In re Petition for Disciplinary Action against
Susan S. Smith, a Minnesota Attorney,
Registration No. 0340467.

O R D E R

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Susan S. Smith committed professional misconduct warranting public discipline—failing to conduct adequate pre-suit inquiry into her clients’ wishes to be represented by respondent or to be in a lawsuit, failing to consult her clients regarding their individual objectives and how those objectives could be pursued, failing to communicate with her clients regarding the risks and advantages relating to being a party in a lawsuit, failing to keep her clients reasonably informed as to the progress of the litigation, failing to ensure that her clients wished to be represented by respondent and to be parties in a lawsuit, failure to pay a law-related debt of \$25,000 in court-ordered sanctions imposed against her, and noncooperation with the Director’s investigation. *See* Minn. R. Prof. Conduct 1.1, 1.2(a), 1.4(a)(3), 1.4(b), 8.1(b), 8.4(c), 8.4(d); Rule 25(a), Rules on Lawyers Professional Responsibility (RLPR).

After respondent filed an answer, we referred the matter to a referee, who conducted a hearing and subsequently submitted proposed findings of fact, conclusions of law, and a recommendation for discipline. The referee concluded that respondent committed the

alleged rule violations and made findings about aggravating and mitigating factors. The referee recommended a minimum three-month suspension, with respondent permitted to be reinstated by affidavit, but with reinstatement conditioned upon payment of previous court-ordered monetary sanctions imposed against respondent or entry into a satisfactory payment plan, and with one year of probation following any reinstatement.

Because no party ordered a transcript of the proceedings before the referee, the referee's findings and conclusions are conclusive. *See* Rule 14(e), RLPR. We issued an order setting a briefing schedule. In her brief, the Director recommended that the court impose a minimum six-month suspension. Like the referee, the Director recommended that respondent be permitted to be reinstated by affidavit, but with reinstatement conditioned upon payment of the monetary sanctions or entry into a satisfactory payment plan. The Director recommended that upon reinstatement, respondent be placed on probation until the monetary sanctions imposed against her are fully satisfied. Respondent did not file a brief.

Although we give “significant weight” to a referee’s recommendation for a sanction, we bear the “final responsibility” for imposing discipline on Minnesota attorneys, *In re Riehm*, 883 N.W.2d 223, 233 (Minn. 2016) (quoting *In re Singer*, 541 N.W.2d 313, 315 (Minn. 1996)), and we serve as “the sole arbiter of the discipline to be imposed.” *Id.* (quoting *Singer*, 541 N.W.2d at 315). We consider four factors when determining appropriate discipline: the nature of the misconduct, the cumulative weight of the violations of the rules of professional conduct, the harm to the public, and the harm to the legal profession. *Id.* (citing *In re Nelson*, 733 N.W.2d 458, 463 (Minn. 2007)). We also

“consider aggravating and mitigating circumstances” and “look to similar cases for guidance” and to ensure consistent discipline. *In re Capistrant*, 905 N.W.2d 617, 620 (Minn. 2018).

Respondent’s misconduct centers on her representation of the Minnesota Election Integrity Team (MNEIT), a group founded after the 2020 election, that sought to challenge the results of the 2020 Minnesota elections. MNEIT distributed an affidavit, drafted by respondent, to an email list, soliciting recipients to “join[] with other voters across MN to contest Minnesota election results.” Several individuals returned the affidavits. The day after the email was sent, in early December 2020, respondent filed five election contests in Ramsey County District Court. These five lawsuits challenged election results for five different offices and were brought by respondent in the names of 14 individual plaintiffs whom respondent had selected from the individuals who had returned the affidavits, without obtaining their consent to do so. Four of the five election matters were assigned to a judge of the Ramsey County District Court, and the fifth matter (challenging a United States Senate election) was assigned to a three-judge panel. Eventually all the matters were dismissed, and the defendants moved for taxation of costs and disbursements, totaling approximately \$18,000 across the five matters. The motions were granted, and monetary judgments were entered against the 14 plaintiffs.

Filing an unsuccessful election challenge is, of course, not attorney misconduct—but respondent’s treatment of the plaintiffs in these lawsuits was. She neither sought their permission prior to making them plaintiffs in a lawsuit nor informed them that she had done so. Indeed, at no time either prior to or during the litigation did respondent have any

conversations or communications, of any kind, with any of the 14 plaintiffs, none of whom even knew respondent's name. Only in late February 2021, after respondent was contacted by one of the 14 plaintiffs who had fortuitously discovered through other means that she had been made a party in a lawsuit and that a monetary judgment had been entered against her, did respondent communicate with any of the 14 plaintiffs. Later, that plaintiff reported to both local law enforcement and to the district court judge that her name had been improperly used in the election contest lawsuits. The judge conducted a hearing and concluded that respondent perpetrated a fraud on the court and the named plaintiffs by filing the lawsuits without confirming that the plaintiffs were knowingly seeking relief from the courts. The district court judge sanctioned respondent \$10,000 for this conduct. Similarly, the three-judge panel concluded that respondent had committed a fraud on the court and sanctioned respondent an additional \$15,000. Respondent did not pay the sanctions. Ultimately, 9 of the 14 plaintiffs asked to be removed from the proceedings. Respondent also failed to cooperate with the investigations by the Director of this misconduct.

Respondent's misconduct is serious. Her misconduct involved not just lack of competence and failure to communicate with clients, but dishonesty to the courts and disregard for the discipline process. The cumulative weight of her violations is substantial: respondent's misconduct was not a brief lapse in judgment but occurred throughout the litigation matters; over a year of non-cooperation with the Director's investigations; and over multiple years, continuing to date, with respect to her failure to pay the sanctions judgments. Respondent caused harm to the individual plaintiffs, by filing a lawsuit in their

name without their knowledge or consent which resulted in judgments being entered against them; to the courts; and to the reputation of the legal profession.

The referee opined that the monetary sanctions already imposed against respondent “should be considered,” possibly in mitigation of her misconduct. But the Director argues that the amount of those monetary sanctions reflects the seriousness of respondent’s misconduct, and that the imposition of those sanctions supports more, rather than less discipline. We agree with the Director that the monetary sanctions imposed against respondent are not a mitigating factor. The referee also concluded that respondent “has accepted responsibility that an attorney client relationship exists and that she is bound by the Minnesota Rules of Professional conduct,” and he stated that “the referee believes [respondent] has learned her lesson.” But the referee also concluded that respondent “has not exhibited true remorse.” Lack of remorse is an aggravating factor. *In re Igbanugo*, 989 N.W.2d 310, 331 (Minn. 2023). Accordingly, these findings by the referee do not diminish the seriousness of the offense or mitigate the appropriate discipline to impose.

Both the referee and the Director agree that the most relevant prior case law is *In re Greenman*, 860 N.W.2d 368 (Minn. 2015). We also agree. In *Greenman*, we suspended a lawyer for six months, and required the lawyer to petition for reinstatement, for making misrepresentations during an arbitration proceeding, engaging in client neglect and incompetence, failing to attend court hearings and conferences, failing to pay court-ordered sanctions and a law-related debt, pursuing frivolous claims, failing to timely return a client file, and failing to cooperate in the disciplinary process. *Id.* at 371. Although we recognize that there are distinctions between this case and *Greenman*, we agree that *Greenman* is

relevant. We conclude that the sanction imposed in that matter—including the requirement that the lawyer must petition for reinstatement, and that they make full payment of court-ordered sanctions before being allowed to do so, *see id.* at 379—is an important guideline for the appropriate sanction to impose on respondent.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Susan S. Smith is indefinitely suspended from the practice of law, effective 14 days from the date of the filing of this order, with no right to petition for reinstatement for 180 days from the effective date of the suspension.

2. Respondent must comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and must pay \$900 in costs pursuant to Rule 24, RLPR.

3. Prior to seeking reinstatement, respondent must pay the \$10,000 in court-ordered sanctions imposed in the Ramsey County District Court's April 9, 2021 order in *Smith v. Simon*, No. 62-CV-20-5602, and the \$15,000 in court-ordered sanctions imposed in that court's June 22, 2021 order in *Quist v. Smith*, No. 62-CV-20-5598.

4. Respondent may petition for reinstatement pursuant to Rule 18(a)–(d), RLPR. Reinstatement is conditioned on successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility, *see* Rule 18(e)(2), RLPR; *see also* Rule 4.A.(5), Rules for Admission to the Bar (requiring evidence that an applicant has successfully

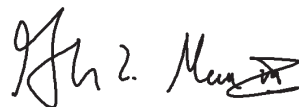
completed the Multistate Professional Responsibility Examination); and satisfaction of continuing legal education requirements, *see* Rule 18(e)(4), RLPR.

5. Upon reinstatement to the practice of law, respondent will be placed on probation for a period of two years, subject to terms and conditions that will include the following:

- a. Respondent must abide by the Minnesota Rules of Professional Conduct.
- b. Respondent must cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent must promptly respond to the Director's correspondence by its due date. Respondent must provide to the Director a current mailing address and must immediately notify the Director of any change of address. Respondent must cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent must provide authorization for release of information and documentation to verify compliance with the terms of this probation.

Dated: June 5, 2025

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gordon L. Moore, III", with a stylized flourish at the end.

Gordon L. Moore, III
Associate Justice

PETITION

FILED

December 12, 2023

**OFFICE OF
APPELLATE COURTS**

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against SUSAN S. SMITH,
a Minnesota Attorney,
Registration No. 0340467.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

At the direction of a Lawyers Professional Responsibility Board Panel, the Director of the Office of Lawyers Professional Responsibility (Director) files this petition.

The above-named attorney (respondent) was admitted to practice law in Minnesota on October 29, 2004. Respondent currently practices law in Brooklyn Center, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Election Contest Matters

1. Following the November 2020 election, respondent volunteered her legal services to a new but unofficially formed “ad hoc volunteer organization” called the Minnesota Election Integrity Team (MNEIT). The alleged purpose of MNEIT was to facilitate communications between concerned citizens and to allegedly help file election contests in Minnesota.

2. On or around November 30, 2020, MNEIT created and sent an email solicitation which read:

Subject: IMPORTANT: Calling all MN Voters

THE TIME HAS COME! It is time for your voice to be heard! Anyone who supports the challenge of these elections to stop the election fraud happening in Minnesota, and wants to be listed as a: **VOTER CONTESTING THE ELECTIONS.**

Attached please find a form-fillable PDF: [Affidavit for Eligible MN Voter](#)

In the coming days/weeks, we are planning on filing a Voter contest to each of the following races:

- Jason Lewis
- Tyler Kistner
- Kendall Qualls

Please complete this affidavit and return to the email address
ASAP:mnelectionintegrity@gmail.com

*You can sign it online or type out your full name with a /s/ before the name.
If you can fill out electronically - please print, sign, and scan or take a picture
and email it back.*

3. The email was sent to various individuals known to be politically active, and was shared across group lists.

4. The email solicitation did not provide any additional context to those receiving the email or completing the fillable .pdf.

5. Specifically, neither the email nor attached fillable .pdf explained that those completing the form were agreeing to be named plaintiffs in an election contest proceeding. Nothing in the email indicated it was being sent by a lawyer soliciting clients or was being sent for purposes of offering legal representation to particular individuals for a particular matter; to the contrary, the email implied you were signing up to be listed as a "VOTER CONTESTING THE ELECTIONS." Nothing in the .pdf indicated it would be used to select plaintiffs for an election contest.

6. Further, nothing in the email explained what an election contest was as a legal matter. Nothing in the email explained that there were potential financial costs to filing an election contest, including express cost shifting provisions in Minn. Stat.

§ 209.07, subdiv. 3, which can be substantial if there are ballot counting or other logistical costs involved in an election contest or recount.

7. The affidavits themselves were very generic. The affidavit did not solicit any specific information from individuals regarding the basis for any election contest or the personal knowledge of the affiant. Instead, the affidavit included the following general language that simply recited the general grounds set forth in statute:

5. I contest the aforementioned election(s) for the following reasons:
 - a. I believe there were irregularities in the conduct of the election;
 - b. I believe there were irregularities in the canvass of votes;
 - c. I believe there is a question of who received the largest number of votes legally cast in each contested election;
 - d. I believe there are grounds to assert deliberate, serious, and material violations of the Minnesota Election Law.
6. I understand I will be joining with other voters across MN to contest Minnesota election results.

8. On December 1, 2020, respondent filed five notices of election contests in Ramsey County in the names of 14 separate voters pursuant to Minnesota Chapter 209, challenging the successful candidates in Minnesota's Second, Third, Fourth and Fifth Congressional Districts, and the successful candidate for Minnesota's U.S. Senate seat. The Ramsey County court file nos. relating to these actions were: 62-CV-20-5598 (against Tina Smith relating to the U.S. Senate race); 62-CV-20-5599 (against Angie Craig relating to her U.S. Congressional seat); 62-CV-20-5600 (against Dean Phillips relating to his U.S. Congressional seat); 62-CV-20-5601 (against Betty McCollum relating to her Congressional seat); and 62-CV-20-5602 (against Ilhan Omar relating to her Congressional seat). The congressional election contests were assigned to Judge Leonardo Castro. The senate election contest was assigned to a three-judge panel comprised of Judge Jennifer Frisch, Judge Denise Reilly and Judge Renee Worke.

9. Section 209.02, Minn. Stat., authorizes any eligible voter to contest an election on the grounds of (1) an irregularity in the conduct of an election or canvass of votes, (2) over who received the largest number of votes legally cast, (3) over the number of votes legally cast in favor of or against a question, or (4) on the grounds of deliberate, serious, and material violations of the Minnesota Election Law. The statute has straight-forward requirements regarding the manner, timing and content of the notice of contest.

10. Prior to filing the notice of contest in the names of the specific individuals, respondent did not have any conversations with any of the individuals regarding the objectives of her representation of them, the terms under which she was undertaking that engagement, the means by which she would seek to pursue her client's objectives, the risks involved in any planned course of actions, or the likelihood of success of any proposed course of action. Respondent also did not direct anyone at MNEIT to engage in such conversations, nor did she take any steps to ensure that such pre-suit filing conversations occurred.

11. After she had filed the election contests, respondent provided copies of what she had already filed to MNEIT personnel in the days following December 1, 2020, and asked that they forward to the named contestants the filings that she had made; respondent herself did not have any contact information for any of the individuals on whose behalf she had commenced election contests so she was unable to do this herself. MNEIT personnel did not do so, nor did respondent take any steps to ensure the filings and case information were provided to the named contestants. Respondent also undertook no steps to ensure that the named contestants received notice of the hearings or briefing schedules issued.

12. On December 18, 2020, Judge Castro held a hearing on the consolidated election contests relating to the congressional seats. Following that hearing and on the same day, Judge Castro granted the contestees' motions to dismiss the proceedings.

The court dismissed the contests for a number of reasons as set forth in a memorandum dated December 28, 2020, including: (1) timely service had not been perfected upon any of the named parties except Minnesota's Secretary of State; (2) Minnesota's Secretary of State was not a proper party to the contest as the contests related to particular elections where the Secretary of State was not a candidate and the elections did not involve a constitutional amendment; (3) three of the actions were brought in the wrong counties and should have instead been brought in Dakota County for Contestee Craig, and in Hennepin County for contestees Phillips and Omar; and (4) the factual allegations were facially inadequate to state a claim given the wide margins of victory for each successful candidate.

13. On December 29, 2020, and following briefing, the three-judge panel in Court File No. 62-CV-20-5598, granted contestees' motions to dismiss and dismissed the contest on the grounds that: (1) the Secretary of State was not a proper party; (2) failure to perfect service on necessary parties; and (3) failure to state a cognizable claim in light of the wide margins of victory of the prevailing candidate.

14. Respondent did not provide to any of the named contestants notice of the hearing that Judge Castro held, did not provide copies of any briefs submitted by any parties to her clients that had been filed in any of the five Ramsey County actions, and did not provide to the named contestants the December orders of the courts dismissing the election contests she had filed in their names, nor did she request anyone at MNEIT to do so.

15. Thereafter, contestees, through counsel, sought and were allowed taxation of costs and disbursements incurred in defending the election contests. Collectively, approximately \$18,000 in costs and disbursements were taxed across the five court matters and assessed against the 14 named individuals.

16. Respondent did not provide notice to any of the contestants that an award of costs and disbursements had been sought, nor did she request that MNEIT provide

notice to any of the contestants. Respondent did not provide notice to any of the contestants that judgments had been entered against them, the nature of those judgments, or discuss with them how those judgments could be satisfied, nor did she request that MNEIT provide such notice to any of the contestants.

17. In fact, respondent had no contact with any contestant until late February 2021, when she was contacted by one of the named contestants concerned that a judgment had been entered against her and that she had somehow become involved in a lawsuit against Secretary of State Simon and Representative Omar.

18. At this point, respondent, working with MNEIT, caused an email to be sent to the named contestants providing them with general and conclusory information on the unsuccessful nature of the contests, and advising them that MNEIT would satisfy all costs and disbursements that had been assessed, without providing any specifics about those assessed costs, without disclosing the amount of costs already issued or that judgments had been entered against the named contestants.

19. Following the closure of these files and the entry of judgments, Judge Castro received a communication from one of the named contestants who asserted they had not authorized a lawsuit in their name and learned of the action when they saw a judgment against them in the court record for the assessed costs. Additional contestants came forward as well, ultimately seeking to have the judgments against them vacated and their names removed from the court files. Specifically, three named contestants in the congressional contests requested their names be removed and one contestant in the senate contest requested their name be removed.

20. Following additional motion practice and a hearing, Judge Castro granted the request to remove certain individuals as contestants by order dated April 9, 2021, with a memorandum dated June 14, 2021, finding that respondent had committed “fraud on the court” such that the court had the inherent authority to reopen and amend the previously entered judgment, and sanctioned respondent \$10,000 for her

failure to engage in basic pre-and-post-suit required communications with her punitive clients, and for misleading the court into believing that all of the named contestants were seeking specific relief through the court action.

21. Similarly, in the U.S. Senate contest, the district court panel issued an order dated April 14, 2021, to show cause why sanctions should not be issued upon receipt of a request by a named contestant for their name to be removed and judgment against them be set aside.

22. After briefing, and by order of the district court panel dated June 22, 2021, the panel granted the request to remove one of the contestants, sanctioned respondent \$15,000, found that respondent committed fraud on the court by presenting a claim to the court on behalf of a client without that client's knowledge or consent, and failed in her basic ethical duties to communicate with that purported client.

23. MNEIT ultimately paid the assessed costs on behalf of the 14 named individuals. Respondent has not paid the sanctions against her.

24. Respondent's conduct in failing to conduct adequate pre-suit inquiry into the facts and circumstances surrounding the individual affiant's wish to be represented by her or to be named contestants in an election contest, or to take any steps to ensure others performed the required inquiry, violated Rule 1.1, Minnesota Rules of Professional Conduct (MRPC).

25. Respondent's conduct in failing to consult with several individual affiants regarding their individual objectives and the means by which those objectives could be pursued, including failing to obtain their consent to representation prior to filing an election contest in their name, or to take steps to ensure others engaged in such consultation, violated Rule 1.2(a), MRPC.

26. Respondent's conduct in failing to communicate with several individual affiants regarding the risks and advantages relating to being a named contestant in the proposed election contests, including the potential for assessment of costs and

disbursements and the cost shifting provisions contained in Minnesota law, or to take steps to ensure others provided such communication, violated Rule 1.4(b), MRPC.

27. Respondent's conduct in failing to keep her clients reasonably informed as to the progress of the election contests, the dismissal of the contests, the assessment of costs in the contests and the entry of judgment against the named individuals, or to take steps to ensure others kept those clients reasonably informed regarding this information, violated Rule 1.4(a)(3), MRPC.

28. Respondent's conduct in failing to ensure that each of the individuals in whose name she initiated an election contest wished to engage her services as counsel, to be represented by her, to be a named contestant in a specific proceeding and was specifically seeking relief from the court in the contestant's name, or to take steps to ensure others obtained specific agreement, constituted fraud on the court and conduct interfering in the administration of justice, in violation of Rule 8.4(c) and 8.4(d), MRPC.

29. Respondent's conduct in failing to pay a law-related debt, namely the sanctions issued against her, violated Rule 8.4(d), MRPC.

SECOND COUNT

Non-Cooperation

30. At all times relevant, respondent maintained 600 – 62nd Avenue North, Brooklyn Center, MN 55430, as her physical address in the Minnesota Attorney Registration System (MARS). All correspondence from the Director to respondent sent by U.S. mail was sent to this address and none was returned as undeliverable.

Additionally, at all times relevant, respondent's email address was shogrensmithlaw@protonmail.com. This was a valid email address which respondent identified and used to communicate with the Director. The Director also sent correspondence to respondent at the following email addresses:

(1) shogrensus@yahoo.com, which is the email address respondent maintains in MARS; and (2) pictureahero@gmail.com, which is an address respondent used on district court

filings as recently as June 2022. Correspondence sent to both of these additional email addresses was not returned as undeliverable.

31. On January 15, 2021, the Director mailed to respondent a notice of investigation regarding a complaint by a concerned citizen about statements made by respondent regarding the impartiality (or lack thereof) of a judicial official presiding over certain pre-election legal proceedings. The notice directed respondent to submit a response to the assigned district ethics committee (DEC) investigator within 14 days.

32. Respondent initially cooperated with the DEC investigator. However, she later failed to respond to communications from the investigator who was seeking additional information and attempting to schedule a meeting with respondent. Specifically, on March 31, 2021, respondent told the investigator she needed time to evaluate how to proceed but would get back to her. Having heard nothing, the investigator emailed respondent on April 5, 2021, to follow-up. Respondent failed to respond. The investigator emailed respondent again on April 11, 2021, and requested a response by April 14. Respondent failed to respond. In May 2021, the investigator completed her investigation and report without the benefit of a full and complete response from respondent.

33. By letter dated June 4, 2021, the Director notified respondent that the DEC had completed its investigation and the Director enclosed a copy of the DEC report. Additionally, the Director outlined several follow-up questions for respondent regarding the complaint and requested respondent to provide a response within 14 days.

34. On June 16, 2021, the Director mailed to respondent a notice of investigation regarding a judge complaint received relating to respondent's representation of several individuals in election contests post-election. Respondent was requested to provide a response within 14 days.

35. By letter dated June 22, 2021, sent to respondent by email, the Director provided a copy of a second complaint received relating to respondent's representation of several individuals in election contests post-election, and notified respondent that because the issues identified in the new complaint were substantially similar to those in the newly-received judge complaint, the two complaints would be consolidated. The Director reiterated that she would await respondent's response.

36. By email dated June 24, 2021, sent to the Director's Office, respondent acknowledged receipt of the Director's June 4 letter regarding the first complaint and stated she had received, but not yet opened, other mail from the Director's Office. Respondent further stated she felt the timing of the Director's letters was suspicious and she had other deadlines and priorities but would respond by July 2. The next day, June 25, the Director replied to respondent by email and explained that the timing of the Director's letters was merely due to the DEC completing its investigation, and the receipt of new complaints relating to sanctions imposed by the district court. The Director noted the other letters sent to respondent were regarding the new complaints and stated she would await respondent's response.

37. On June 30, 2021, the Director mailed to respondent a notice of investigation regarding another complaint received on behalf of additional judges. Respondent was requested to provide a response within 14 days.

38. On July 6, 2021, the Director received, by U.S. mail, respondent's response to the first complaints. Respondent's response was voluminous, but largely non-responsive to the specific ethics issues identified by the Director. Respondent raised concerns that the initial complaint was in some unspecified way related to her daughter's murder in November 2013, stated her belief that the courts were corrupt, and advised that she would be bringing forth additional information to show fraud on the court by others.

39. Respondent further stated that she was not in a position at that time to provide such information, but would do so when the timing was right. As to the substance of the complaints, respondent stated she did nothing wrong, and that the election contestants complaining to the district courts about their inclusion in the contests were simply “weak-kneed” following the events of January 6, 2021, and alleged national efforts by the media and others to silence the voices of concerned individuals convinced fraud occurred in the November 2020 election.

40. Respondent did not provide a response to the additional judges’ complaints received. Respondent did not supplement her prior submission as indicated.

41. By letter dated February 16, 2022, sent to respondent by email, the Director requested a meeting to discuss all complaints against respondent. The Director asked respondent to provide dates for when she would be available to meet in late February or early March. Respondent failed to respond.

42. On April 19, 2022, the Director emailed respondent, attached a copy of her February 16 letter, and again requested a meeting with respondent to discuss all complaints. The Director reminded respondent of her duty to cooperate with the investigations. Respondent failed to respond.

43. On June 8, 2022, a representative of the Director’s Office attempted to telephone respondent at her office number. The voicemail picked up and the outgoing message to callers identified the office as respondent’s law office. The Director’s representative was unable to leave a voicemail because the mailbox was full and could not accept messages.

44. By letter also dated June 8, 2022, sent to respondent by U.S. mail and email, the Director outlined her prior attempts to reach respondent and reiterated the need for a meeting to discuss all complaints. The Director requested a response within

one week and again reminded respondent of her duty to cooperate with the investigations. Respondent failed to respond.

45. Instead of responding to the Director and participating in the complaint investigations, respondent filed a motion in Court File No. 62-CV-20-5602, seeking to set aside the court's order and judgment involving her. Respondent filed voluminous materials, purporting to blame one of her alleged former clients as the real perpetrator of fraud. Respondent never requested a hearing on her motion nor took any additional actions to have her motion properly placed on the court's calendar. Respondent also failed to provide any information to the Director, even though she had stated she planned to provide information to the Director regarding the fraud of others at the "appropriate time."

46. By letter dated March 29, 2023, sent to respondent by U.S. mail and email, the Director notified respondent that she intended to seek public discipline, which would include respondent's failure to cooperate with the investigations. The Director enclosed a copy of her June 8, 2022, letter, and again requested a meeting with respondent to discuss all complaints. Respondent failed to respond.

47. By letter dated April 25, 2023, sent to respondent by U.S. mail and email, the Director again notified respondent of the serious consequences that could result from lack of attention to the complaint investigations, which would include respondent's failure to cooperate with the investigations. The Director enclosed a copy of her March 29, 2023, letter and requested a response if respondent wished to participate in the proceedings. Respondent failed to respond.

48. To date, respondent has not responded to multiple requests made by the Director for a meeting to discuss the complaints, nor has she provided any of the information she claimed would be forthcoming at the appropriate time to demonstrate her claims that others were to blame.

49. Respondent's failure to cooperate across three separate disciplinary investigations violated Rule 8.1(b), MRPC, and Rule 25, Rules on Lawyers Professional Responsibility.

WHEREFORE, the Director respectfully prays for an order of this Court imposing appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.



Humiston, Susan
Nov 21 2023 1:55 PM

SUSAN M. HUMISTON
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
Attorney No. 0254289
445 Minnesota Street, Suite 2400
St. Paul, MN 55101-2139
(651) 296-3952
Susan.Humiston@courts.state.mn.us