

Complaints, complaints everywhere

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Each year on July 1 the Office of Lawyers Professional Responsibility (OLPR) and the Lawyers Professional Responsibility Board (LPRB) publish and file with the Minnesota Supreme Court an annual report on Minnesota's attorney discipline system. Most of the information in the annual reports, which can be found on our website at www.lprb.mncourts.gov, covers the prior calendar year, but each report also contains some information on how the current year is progressing. Notable this year was the number of complaints the Office is receiving. I recently returned from an annual conference of discipline counsel where I learned we are not alone. What is happening?

Complaint statistics from Minnesota

Through the end of June 2025, the Office received 984 new complaints, compared to 698 through the end of June 2024. This is a 41 percent increase year over year! And 2024 numbers were higher than 2023 numbers; it's a trend we have seen for the last few years. We know that people are upset and times are challenging. Does that

account for the skyrocketing new filings? Is there anything else to be learned as we dig into the complaint statistics?

Not all complaints move forward. Sometimes we have difficulty understanding the concerns raised

and we write to the complainant for more information (usually just a couple of clarifying questions). If we do not receive a response to this request for information, we will close the matter without opening a file. The lawyer who is the subject of the complaint will receive a copy of this closing letter too. (This is without prejudice to a complainant, who may still submit information or a new complaint later.) Of the 984 complaints received, a staggering 204 were closed after the complainant failed to reply to our letter or email request for information. This is almost a 100 percent increase over the same period in 2024, when 109 files were closed for lack of an initial response. This seems telling, although I'm not sure what it tells us. Per-

haps complainants are angry about something that occurred but upon reflection, they are no longer angry. Or perhaps responding to a couple of questions is too hard given everything else that is going on in the complainant's life. It's strange no matter how you parse it, because these individuals have already taken the time to find us, complete a form, and often have already sent in documents as part of the complaint process.

Even with lots of closures due to lack of initial information, there are still plenty of complaints where a file is opened (780 in the first half of 2025, itself a large number). This does not mean, however, that an investigation will take place. We will review the information provided to determine whether there is a reasonable belief that misconduct may have occurred, similar to a Rule 12 dismissal standard. Historically, approximately 40 percent of new files are closed under this review; this decision can be appealed to a LPRB member.

Recently, we have been dismissing without investigation a lot more cases than normal. In 2024, 48 percent of new files were dismissed without investigation. In 2025, through June, that share is 58 percent. I'm comfortable asserting that our standard for dismissal has not changed. The same individuals are doing this work, I review many of the dismissals for consistency, and we have not seen an increase in appeal reversals, meaning of those closures that are appealed, an LPRB member concurs with the decision not to investigate.

One reasonable conclusion to be drawn is that, although more complaints are coming in, the complaints are more about general unhappiness with how a legal matter is progressing than an issue of attorney ethics. This also tells me that times are really challenging for the courts and anyone in litigation or consumer-facing areas of law. A lot of people are frustrated and unhappy and unafraid to share those feelings. Anecdotally, we are also seeing more people who are just incensed and willing to take it out on others—a sad testament to these times.

So even though complaint filings are off the charts, actionable complaints (where an investigation is commenced) have not increased as much as one might expect. But the added burden on the system is nonetheless real. It takes a lot of staff and attorney time to process and fairly evaluate such a large increase in new matters.

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We write each person to explain what we are doing or not doing and why. Receiving more complaints has further meant dealing with more individuals who are challenging and upset with adverse decisions. The Board is busier with appeals as well. During the first half of 2024, 71 appeals were completed by Board members, compared to 117 during the first half of 2025. We have a thorough and deliberative process, with various double checks, to determine whether we will investigate a complaint. This process is feeling the strain (and constraining investigation time on the matters we decide to review) given the sheer volume of new complaints.

Minnesota is not alone

Earlier in the year I informally surveyed my counterparts in other jurisdictions to see if they were seeing an uptick in complaints. A few reported more complaints, but others saw complaints decreasing or remaining the same. This question was posed again at the beginning of August, when more jurisdictions reported significantly higher numbers. For example, California reported a “drastic” increase in complaints and is on track for the most ever received. Similarly, Colorado reported they are trending toward a record number of complaints after several years of steady numbers. Delaware has seen the number of complaints *double* year over year! Georgia has seen a significant increase in complaints, as have D.C., Maryland, Missouri, and Wisconsin. Although more jurisdictions reported increasing complaints, there are still many that are generally seeing business as usual. If the second half of our year is similar to the first, we are also trending toward a record number of complaints—and this after a 2024 total that had only been exceeded four times in our history.

No one had any explanation for the material uptick in complaints in some but not all jurisdictions. D.C. and Maryland make sense given all that is happening within the federal government in 2025 and the number of lawyers in those jurisdictions. But Virginia is reportedly seeing only a 10 percent increase in complaints, and they are similarly situated. Iowa, North Dakota, and Illinois are seeing no material increases, but Minnesota and Wisconsin are. Basically, no one knows what is going on and whether it will continue. We also do not know if more discipline will follow given the increase in investigations. As the year ends, disciplinary results will be an interesting number to watch.

Call for volunteers

Many of our complaints are investigated by district ethics committee (DEC) volunteers, and given the volume of complaints, it is obvious we could not do what we do without the hundreds of lawyer and public members throughout the state who assist us in managing our large case load. Last year and again this year, some of the district ethics committees have needed to decline new investigations due to a lack of capacity. While no one knows what the future will bring, I do not anticipate that complaints will materially drop off, so I would like to encourage you to consider volunteering as an ethics investigator. And, if you know of a nonlawyer who might be a good investigator (paralegals, former law enforcement personnel, and engineers or other retired professionals make excellent investigators), please send them our way as well. The rules require that 20 percent of district ethics committee volunteers be nonlawyers.

I know this is a fabulous volunteer opportunity because I volunteered for the 4th District Ethics Committee when I was in private practice. The benefits are many. You will learn the ethics rules. You will get to know dedicated and conscientious individuals who care about the legal profession and share a desire to maintain its integrity. You will be inspired to be a better lawyer, and you will not be bored. Most cases involve interesting facts and issues. Training and mentorship are provided. You do not need to be a member of the bar association to participate. If you would like to be connected to a local committee, send an email to our volunteer coordinator at deccordinator@courts.state.mn.us. All committees are recruiting.

Conclusion

Thank you to OLPR personnel, LPRB members, and DEC volunteers for your work this year. It's a very busy time but the quality of work remains high. Several years ago we adopted the tagline “Protecting the Public, Strengthening the Profession.” It is important to have a fair and deliberative process by which individuals can raise concerns about lawyers, and to have those concerns thoughtfully considered. For whatever reason, record numbers of people are availing themselves of this process. Because we work from complaints, we cannot protect the public or profession unless matters are brought to our attention. Please consider joining us as a volunteer in this important work! ▲