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**NEWS RELEASE**

For immediate release  
November 18, 2025

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**DISCIPLINE OF ATTORNEY SOUGHT**

ST. PAUL -- A petition for disciplinary action seeking appropriate discipline of Gilbert attorney John C. Richards, III was filed in the Minnesota Supreme Court by Susan M. Humiston, Director of the Office of Lawyers Professional Responsibility. The petition was filed after a three-member hearing Panel of the Lawyers Professional Responsibility Board found probable cause to believe that public discipline is warranted. A copy of the petition is attached.

Richards has 20 days to answer the allegations. The Minnesota Supreme Court will make the final decision on the appropriate discipline to be imposed, if any. Final action can include dismissal of the petition or discipline ranging from reprimand to disbarment.

- END -

**FILE NO.**

STATE OF MINNESOTA

IN SUPREME COURT

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In Re Petition for Disciplinary Action  
against JOHN C. RICHARDS, III,  
a Minnesota Attorney,  
Registration No. 0091339.  
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**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 April 22, 1974. Respondent currently practices law in Gilbert, Minnesota.

Respondent has committed the following unprofessional conduct warranting public discipline:

DISCIPLINARY HISTORY

- A. On August 31, 2018, respondent received an admonition for depositing \$3,000 into a non-trust account without a flat fee agreement that complied with Rule 1.5(b)(1), Minnesota Rules of Professional Conduct (MRPC), in violation of Rule 1.15(c)(5), MRPC.
- B. On February 22, 1979, respondent received a private warning for conduct in violation of DR 1-102(A)(5) and DR 1-102(A)(6) of the former Minnesota Code of Professional Responsibility associated with respondent's plea of guilty to a charge of disorderly conduct.

## FIRST COUNT

1. Respondent was retained by A.T. to defend A.T. on two felony charges of alleged criminal sexual conduct. A.T.'s minor stepdaughter K.L. was the alleged victim. K.L. alleged that over a period of years, A.T. had repeatedly abused her in a bedroom of the family home. A.T. paid respondent a flat fee of \$10,000 in advance for the representation, which respondent deposited into his operating account because respondent does not maintain a trust account.

2. The written fee agreement signed by A.T. did not comply with the requirements of Rule 1.5(b)(1)(i)-(v), Minnesota Rules of Professional Conduct (MRPC), because it did not notify A.T. of the nature and scope of services, that the fee would not be held in a trust account until earned, and that the client has the right to terminate the client-lawyer relationship. Respondent was therefore required to place the advanced fee into trust and his failure to do so constituted the failure to safekeep client funds.

3. In addition to representing A.T., respondent also gave legal advice to J.T., K.L.'s mother and A.T.'s wife, regarding K.L.'s participation in interviews about A.T.'s alleged abuse of K.L. As A.T.'s counsel in the criminal matter, however, respondent was materially limited in his ability to advise J.T. on how to act in the best interest of K.L. as that could have negative consequences to A.T.'s criminal matter.

4. Nonetheless, respondent told J.T. that he represented the entire family in connection with K.L.'s allegations against A.T. Despite making this statement to J.T., respondent saw himself as representing only A.T.; respondent did not consider or acknowledge that both J.T. and K.L. had separate interests in ensuring K.L.'s safety and welfare. As described in further detail below, respondent's representation of both A.T. and J.T. in a criminal matter in which A.T.'s alleged victim was K.L., a minor for whose care J.T. was responsible, presented a conflict of interest because the interests of the

alleged perpetrator and the alleged victim were directly adverse, and also because respondent was materially limited in his representation of one client by his obligations to the other. Respondent neither sought nor obtained from any affected client their informed consent to this conflict confirmed in writing.

5. When J.T., as K.L.'s parent and caregiver, was contacted by law enforcement or social services in connection with the investigation into K.L.'s allegations, J.T. contacted respondent and respondent gave J.T. legal advice. Among other things, respondent advised J.T. not to speak to anyone about A.T.'s alleged conduct, and not to allow K.L. to speak to anyone about it, without respondent's approval.

6. In May 2021, the county social services agency scheduled K.L. for a forensic protocol interview, which is a neutral interview by a trained social worker intended to gather information while minimizing interference by others or trauma to the alleged victim. Other interested persons, such as representatives from the county attorney's office or law enforcement may be permitted to observe the interview from a separate room. Parents do not observe but may wait in a waiting room. The facts learned at the interview are used to ascertain what support and services the alleged victim may need, such as a safety plan, and may also become part of the basis for a child in need of protection or services (CHIPS) petition or criminal proceedings.

7. While the forensic protocol interview could further K.L.'s (and therefore J.T.'s as her caregiver) interest in obtaining support services, the interview could also lead to the disclosure of facts damaging to A.T.'s interest in defending against K.L.'s allegations. The interests of alleged victim K.L. (and therefore J.T.) in K.L.'s making full disclosure were potentially adverse to the interests of alleged perpetrator A.T. in preventing K.L.'s full disclosure, and as a result, respondent's ability to represent either

client was also materially limited by his obligations to the other. Respondent advised J.T. not to allow anyone to talk to K.L. unless the person wanting to schedule an interview contacted respondent first. Consistent with his mindset that he was representing only A.T.'s interest, respondent's advice to J.T. was based only on A.T.'s interests and did not consider J.T.'s and K.L.'s separate interests in ensuring K.L.'s safety and welfare.

8. Relying on respondent's advice, J.T. initially refused to allow K.L. to attend the forensic protocol interview. J.T. described respondent to law enforcement and social services as the "family attorney" who was representing the family. Even when informed by the police investigator that respondent could not represent K.L. due to a conflict of interest, J.T. refused to permit K.L. to be interviewed without respondent's consent.

9. After the prosecutor in A.T.'s case contacted respondent about interviewing K.L, J.T. allowed K.L. to be interviewed. Respondent advised J.T. to insist on being present in the room for K.L.'s interview, which was neither required nor permitted by law. In giving this advice, respondent was considering only the interests of A.T. in controlling K.L.'s disclosures and not the interests of J.T. as the caregiver of K.L. who was required to look out for K.L.'s best interests. Ultimately, J.T. was permitted to wait in a waiting room as is typical for parents.

10. On July 20, 2021, social worker G.F. contacted respondent. As a county social worker, G.F. was represented by the county attorney, but it is not uncommon for social workers conducting maltreatment investigations to contact parties or their counsel directly. G.F. explained to respondent that as part of the maltreatment investigation she was required to offer A.T. the opportunity to participate in a recorded interview. Instead of simply declining the offer, respondent repeatedly shouted "are

you kidding me” at G.F. and then hung up. Respondent shouted so loudly over the phone that G.F.’s co-workers in nearby stations were able to hear. Although G.F. has experience working with upset parents who may struggle to regulate their emotions, G.F. felt that such comments from a parent’s lawyer were bullying, harassing, demeaning, unprofessional, and unnecessary.

11. Concerned about respondent’s harassing comments, G.F. sought advice from R.C., an assistant county attorney in the child protective services department. R.C. determined that respondent’s communications with G.F. were not appropriate and that respondent should communicate with G.F. via email with a copy to R.C. R.C. instructed G.F. that if respondent called, G.F. was permitted to answer the phone only in the presence of a supervisor. R.C. then left a voicemail for respondent instructing respondent that the county social workers were represented by counsel, that harassing behavior toward them would not be tolerated, and that respondent was permitted to communicate with G.F. in the future only by email copied to R.C.

12. On September 8, 2021, the prosecution demanded that respondent make all disclosures required by Minnesota Rule of Criminal Procedure 9.02, which includes any documents the defense intended to introduce at trial. *See* Minn. R. Crim. P. 9.02 subdiv. 1(1)(a). Respondent’s disclosure of these documents was required before the Rule 11 omnibus hearing and the duty to disclose was continuing; respondent was required to disclose them “in time to afford counsel the opportunity to make beneficial use” of the information. *See* Minn. R. Crim. P. 9.03 subdiv. 2(a)-(c).

13. Meanwhile, the county social services’ maltreatment investigation concluded with a determination that A.T. had maltreated K.L. The determination was sent to A.T., who did not appeal.

14. On March 15, 2022, respondent directly called social worker G.F. on the phone to ask about the significance of the maltreatment determination against A.T. Respondent called G.F. despite being previously instructed by counsel not to do so because G.F. was represented and because respondent's prior communications had been harassing. Respondent's conduct in calling G.F. (rather than emailing G.F. with a copy to counsel) after being specifically warned not to by counsel, had no purpose other than to harass and burden G.F., a represented party in the matter.

15. During the telephone conversation, respondent acknowledged that A.T.'s time to appeal the maltreatment determination had expired, and proposed to appeal the matter by belatedly sending an email to G.F. to request an appeal. G.F. did not have the power to extend the appeal deadline and felt that respondent's call was an effort to pressure her into taking steps that might have the effect of extending the appeal deadline.

16. On March 24, 2022, the prosecutor in A.T.'s case notified respondent of the state's intention to offer at trial evidence of aggravating factors that might increase A.T.'s sentence (called a *Blakely* notice after the case of *Blakely v. Washington*, 542 U.S. 296 (2004)). The aggravating factors had the potential of doubling the presumptive sentence of 144 months' incarceration to a sentence of 288 months' incarceration.

17. In about August 2022, respondent prepared authorizations for the release of K.L.'s private medical and mental health records for use as evidence at trial. Respondent did not subpoena the records. Instead, because K.L. was a minor, respondent asked J.T., as K.L.'s caregiver, to sign authorizations on K.L.'s behalf. In seeking to obtain K.L.'s medical records for use at trial, respondent considered only the interests of A.T., and not the interests of K.L. nor of J.T., K.L.'s caregiver, who was required to act in K.L.'s best interests. Specifically, respondent did not consider that

J.T.'s agreement to release K.L.'s private medical and mental health records for use at a public trial might violate J.T.'s duty to act in K.L.'s best interests and to protect K.L.'s privacy. Respondent did not advise J.T. of any risks to J.T. or K.L. of introducing K.L.'s private medical and mental health information at a public trial. J.T. signed the authorizations on K.L.'s behalf and respondent used them to obtain K.L.'s medical records without giving the prosecution notice or an opportunity to object.

18. In about September 2022, respondent obtained K.L.'s private medical and mental health records which respondent intended to use at trial. These records were subject to disclosure under Rule 9.02, Minn. R. Crim. P., but respondent failed to disclose them to the prosecution as demanded back in September 2021.

19. The criminal case against A.T. was set to begin trial on Monday, September 18, 2023. Both sides' motions *in limine* were to be heard the preceding Friday, September 15, 2023.

20. The prosecution filed its motions *in limine* on August 18, 2023. Because respondent had not disclosed that he was in possession of K.L.'s private medical and mental health records and intended to introduce them at trial, the prosecution did not seek a motion *in limine* to preclude those records from being introduced. Had respondent timely disclosed the private medical and mental health records he had obtained, the prosecution would have made a motion *in limine* to exclude them.

21. Respondent filed his motions *in limine* on September 8, 2023, and his witness list on September 12, 2023. Respondent still did not disclose that he was in possession of K.L.'s private medical and mental health records and intended to introduce them at trial, nor did he make a motion *in limine* asking the court to admit them. Respondent also failed to disclose any witness through whose testimony K.L.'s

private medical and mental health records might be introduced consistent with the Minnesota Rules of Evidence.

22. One of respondent's motions *in limine* sought to admit testimony from witnesses who would allegedly testify that K.L. had a sexual encounter with D.H., a relative of one of K.L.'s friends. Respondent had previously reported the alleged sexual encounter to the prosecution.

23. A defendant has a constitutionally protected right to be present at every critical stage in criminal proceedings, including hearings on the admissibility of evidence at trial. *State v. Grey*, 256 N.W.2d 74, 76 (Minn. 1977). However, a defendant charged with a felony, as A.T. was, may in some circumstances be absent with the permission of the court, as set forth in Rule of Criminal Procedure 26.03, subdiv. 1(3)(2) (Rule 26.03), which provides: "In felony cases, the court may, on the defendant's motion, excuse the defendant's presence except at arraignment, plea, trial, and sentencing."

24. Respondent knew that the motion *in limine* hearing (pretrial) scheduled for September 15, 2023, was a critical stage of the criminal proceedings that could not go forward without A.T.'s presence. Respondent knew that at the hearing, the court would decide whether to admit evidence about the alleged sexual encounter with D.H., which respondent considered critical to A.T.'s defense. Respondent knew that A.T. had been offered the opportunity to plead to the presumptive sentence of 144 months' incarceration, and that if A.T. were to be convicted after trial, A.T. might face a sentence of up to 288 months' incarceration.

25. Shortly before the motion *in limine* hearing, A.T. informed respondent that A.T. did not intend to be present at the hearing because A.T. planned to drive a family member to a medical appointment. Although aware that the motion *in limine* hearing

was a critical stage of the criminal proceedings, respondent did not consider the hearing to be important.

26. After learning that A.T. intended to be absent from the motion *in limine* hearing, respondent failed to make a motion to the court as required by Rule 26.03 to allow A.T. to be absent. Neither did respondent notify the prosecutor on the case that A.T. intended to be absent.

27. Instead, respondent contacted a different prosecutor in the office to ask how that prosecutor interpreted Rule 26.03. Respondent did not disclose to the prosecutor that respondent's question involved an actual case with a scheduled hearing involving another prosecutor, but rather posed the question as a hypothetical question about the meaning of rule 26.03.

28. When A.T.'s case was called for the motion *in limine* hearing on September 15, 2023, A.T. was not present. Respondent argued to the court that A.T. should not be required to be present, stating in relevant part:

I didn't think he was required to be here and furthermore, I called Ms. Scholz's office this morning and asked for her and understandably, she wasn't available. So, I told the clerk I have a generic question that I would like to ask one – one of the prosecutors in the Virginia office and I spoke to a prosecutor in the Virginia office and told him of the situation there and asked him if I was required to have my client present. He said no, not according to the rule. That's why I don't have him present.

Respondent's statement to the court was false and misleading. The real reason A.T. was not present was because A.T. had made other plans. When the court refused to proceed without A.T.'s presence, the matter was delayed until respondent obtained A.T.'s presence by remote teleconference.

29. Once the motion *in limine* hearing was able to proceed, respondent was not prepared either to argue or to agree to the prosecution's motions *in limine*. As a

result, the court was required to read each motion to respondent and prompt respondent for either an argument or an agreement, which delayed the hearing further.

30. Although he had been in possession of K.L.'s private medical and mental health records since September 2022, at no point during the motion *in limine* hearing on September 15, 2023, did respondent disclose that he was in possession of those records or that he intended to introduce them as exhibits at trial the following week.

31. At the start of trial on September 18, 2023, respondent sought to introduce evidence that K.L. had made false statements to her parents and to a medical provider. At that point, respondent revealed that he was in possession of a medical report that he claimed would establish K.L. made a false statement to a doctor. Upon learning about this report that had not been revealed to the prosecutor, the court ordered respondent to turn over the report to the prosecution "asap." Respondent stated, "Why – why do I have to do it. I investigated it." Only when the prosecution insisted, and the court agreed, that disclosure was required by the discovery rules, did respondent agree to provide a copy to the prosecution.

32. As a result of respondent's late disclosures and lack of preparation for trial, the prosecution raised concerns with the court that A.T. might not get a fair trial. Respondent then requested and received a continuance of the trial to speak further with A.T.

33. Respondent's failure to be prepared to argue the prosecution's motions *in limine* and failure to disclose a witness who could introduce the medical and mental health records respondent intended to introduce at trial, violated Rule 1.1, MRPC.

34. Respondent's failure to explain to J.T. the material risks and reasonably available alternatives to J.T.'s signing an authorization for her minor daughter K.L.'s

private medical and mental health records so that respondent could introduce those records as exhibits at a public trial, violated Rule 1.4(b), MRPC.

35. Respondent's concurrent representation of a criminal defendant as well as the caregiver of the alleged minor victim of the crime, where the victim's interests were adverse to the defendant's, and where there was a significant risk that the representation of one client would be materially limited by the lawyer's responsibilities to another client, without the informed consent of each affected client confirmed in writing, violated Rule 1.7(a)(1) and 1.7(a)(2), MRPC.

36. Respondent's placement of A.T.'s advance payment into an operating account without a fee agreement that complied with Rule 1.5(b)(1) violated Rule 1.15(c)(5), MRPC.

37. Respondent's false and misleading statement to the court that a prosecutor had told him his client's presence was not required at the motion *in limine* hearing and that was the reason why his client was not present (instead of the real reason that his client had made other plans) violated Rules 3.3(a)(1), 4.1, and 8.4(c), MRPC.

38. Respondent's failure to timely disclose to the prosecution that he was in possession of K.L.'s private medical and mental health records that he intended to introduce at trial, so that the trial had to be continued, violated Rules 3.4(d), and 8.4(d), MRPC.

39. Respondent's calling social worker G.F. directly on the telephone after being advised by the county attorney that G.F. was represented in the matter, that respondent was permitted to communicate with G.F. only by email copied to counsel, and that telephone calls to G.F. would be considered harassing, violated Rule 4.4(a), MRPC.

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  
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