

**OFFICE OF
LAWYERS PROFESSIONAL RESPONSIBILITY**

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MEMORANDUM

TO: News Release Distribution List

FROM: Susan M. Humiston
Director

Susan M. Humiston

Humiston, Susan
2026.02.06 15:51:38
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RE: News Release for Immediate Release -
In Re Petition for Disciplinary Action
against DAVID L. LUDESCHER, a Minnesota Attorney,
Registration No. 0194347.

Pursuant to your standing request for news releases concerning petitions filed by this Office seeking suspension or disbarment of Minnesota lawyers, a copy of the February 6, 2026, news release concerning the above matter is attached. Attached to the news release is a copy of the petition filed with the Minnesota Supreme Court.

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Enclosure

cc: David L. Ludescher (via email only)

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NEWS RELEASE

For immediate release
February 6, 2026

Contact: Susan M. Humiston, Director
(651) 296-3952

DISCIPLINE OF ATTORNEY SOUGHT

ST. PAUL -- A petition for disciplinary action seeking appropriate discipline of Northfield attorney David L Ludescher was filed in the Minnesota Supreme Court by Susan M. Humiston, Director of the Office of Lawyers Professional Responsibility. The petition was filed seeking revocation of respondent's public probation based upon the Court's February 18, 2024, order pursuant to Rule 12(a), Rules on Lawyers Professional Responsibility. A copy of the petition is attached.

Ludescher 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

In Re Petition for Disciplinary Action
against DAVID L. LUDESCHER,
a Minnesota Attorney,
Registration No. 0194347.

**PETITION FOR REVOCATION OF
PROBATION AND FOR FURTHER
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility (Director) files this petition pursuant to Rule 12(a), Rules on Lawyers Professional Responsibility (RLPR), and pursuant to this Court's February 9, 2024, order placing respondent on probation.

The above-named attorney (respondent) was admitted to practice law in Minnesota on October 28, 1988. Respondent currently practices law in Northfield, Minnesota.

INTRODUCTION

On February 9, 2024, this Court reinstated respondent and ordered respondent placed on probation for two years, effective February 18, 2024. Among the conditions of respondent's probation was that respondent shall abide by the Minnesota Rules of Professional Conduct (MRPC) and shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent has breached the conditions of his probation by committing the alleged unprofessional conduct.

DISCIPLINARY HISTORY

Respondent's history of prior discipline is as follows:

- A. On April 26, 2024, respondent received a private admonition for assisting a party adverse to his client in drafting a guardianship against his client, then representing the client in violation of Rule 1.7(a)(1), MRPC.

- B. On December 6, 2023, respondent was suspended for a minimum of 60 days for repeatedly raising frivolous arguments, providing incompetent representation, charging unreasonable fees, failing to withdraw from a representation, threatening and harassing opposing counsel, and acting in a way that prejudiced the administration of justice in violation of Rules 1.1, 1.5(a), 1.16(a)(3), 1.16(d), 3.1, 4.1, 4.4(a), and 8.4(d), MRPC.
- C. On October 22, 2013, respondent received a private admonition for representing a client with a concurrent conflict of interest without obtaining the client's informed consent, failing to forward to opposing counsel authorizations, and failing to inform his client of communications from opposing counsel in violation of Rules 1.3, 1.4(a)(1), 1.4(a)(3), 1.4(b), 1.7(a)(2) and 1.7(b), MRPC.
- D. On October 23, 2012, respondent received a private admonition for entering into a business transaction with a client, representing a client with a concurrent conflict of interest, and failing to obtain the client's informed consent to the representation in violation of Rules 1.7(a), 1.7(b), and 1.8(a), MRPC.

FIRST COUNT

1. On March 1, 2024, W.K. entered into a residential lease agreement with two tenants (tenants) for a period of March 1, 2024, to March 31, 2025, for a residential home in Faribault, Minnesota (the property).
2. In May 2024, W.K. transferred ownership of the property to his daughter-in-law, A.A.
3. After the property was transferred to her, A.A. became concerned that there were violations of code provisions and that the tenants were causing damage to the property.

4. One of the tenants retained attorney C.W. to represent her in the ensuing dispute with A.A.

5. In June 2024, A.A. discovered W.K. did not have a rental license when he rented the property to the tenants. Local law, Faribault Ordinance No. 2022-18 Sec. 7-38(a)(1), requires a landlord to have a rental license to rent property. The ordinance does not state what happens to the lease if there is no rental license.

6. In early July 2024, A.A. retained respondent to evict the tenants from the property. Upon respondent's advice, A.A. called the city of Faribault to inquire about obtaining a rental license.

7. A.A. was granted a six-month "provisional license" by the city of Faribault. Respondent did not follow up with his client regarding her receipt of a rental license. Faribault Ordinance, No. 2022-18 Sec. 7-39, states a provisional license "authorizes the continued occupancy of the rental dwelling unit(s) in actual existence, pending issuance of a rental license."

8. Around this same time, respondent called C.W. and informed her that A.A. would be seeking to evict the tenants because A.A. did not have a rental license. Respondent made no inquiry of his client as to whether this remained factually true.

9. In response, C.W. stated that there was no legal basis for an eviction of the tenants based on the landlord's lack of a rental license. C.W. also stated that evictions are only allowed as specified under Minnesota Statutes Chapter 504B, and lack of a rental license is not mentioned. C.W. informed respondent that trying to evict the tenants for the landlord's lack of a rental license would be frivolous and, if respondent pursued an eviction on that basis, she would seek attorney's fees. C.W. also requested that respondent send her legal support for his position if he disagreed with her.

10. Respondent and C.W. exchanged further emails that day. In those emails, C.W. continued to inform respondent that there was no legal basis to evict the tenants due to the failure of the landlord to obtain a rental license and reiterated that an eviction brought on this basis was frivolous.

11. Without reviewing relevant statutes or case law, respondent reasserted his position.

12. Over the next week, respondent and C.W. continued to exchange further emails. At the end of this series of exchanges, C.W. replied that she had notified respondent, in writing, at least five times that the attempt to evict the tenants was a violation of the law. She also noted that she had explained this same information to respondent in telephone calls. C.W. stated that she had repeatedly asked respondent for any legal support for his position, but he had not provided any. C.W. stated she had provided him with the case law and statutory citations and notified him that this was a matter of basic legal research. C.W. reminded respondent that he was obligated under the rules of professional responsibility to review the law.

13. Respondent replied that the parties would present their arguments to the court.

14. Frustrated, C.W. responded, “an eviction contrary to Minnesota Chapter 504B is illegal and is not ‘within the law.’” (Emphasis in original.)

15. Respondent replied, stating there was no action pending, but he would “consult the appropriate laws before filing an action, if I need to.”

16. A few days later, respondent sent C.W. an email asking C.W. for support for the position that W.K. could rent the property without a rental license and that the tenants could not be evicted on that basis.

17. The same day, C.W. responded, cataloging the numerous times she had told respondent that the tenants could not be evicted because there was not a valid license to rent. C.W. stated, “**Once again, review Minnesota Chapter 504B. Review the City of Faribault Code of Ordinances. Review *Wajda v. Schmeichel*.** It is not my job to do your legal research. But for your benefit, I add the following legal support: *Fisher v. Heller*, 219 N.W. 79 (Minn. 1928), *Mac-Du Props v. LaBresh*, 392 N.W.2d 315 (Minn. App. 1986) rev. den. (Minn. Oct. 29, 1986); *2913 29th Avenue South LLC v. Martin*, A22-1388, 2023 WL 4307716 *1 (Minn. App. July 3, 2023); and *Beaumia v.*

*Eisenbraun, A06-1482, 2007 WL 2472298 *1 (Minn. App. Sept. 4, 2007).*” (Emphasis in original.) These authorities show the responsibilities of landlords to tenants and the exclusive basis for evictions and that, while a violation of a city ordinance by a landlord may void a written lease, the voidance prohibited a landlord from asserting a violation of the lease as a basis for eviction but did not otherwise expand the reasons a tenant could be evicted.

18. In early August 2024, respondent sent C.W. a letter stating his belief that his client would be seeking an eviction against C.W.’s client.

19. C.W. responded that she would request attorney’s fees and sanctions.

20. Approximately one month later, respondent filed a form eviction complaint seeking to evict the tenants.

21. Question 3(c) of the form eviction complaint asks the movant to explain in detail the “specific clause of the agreement that was violated,” the “dates and description of what happened that violated the agreement,” and “[w]hich section of the agreement gives the landlord the right to evict tenant for breaking the terms of the rental agreement.” This question mirrors Minn. Stat. § 504B.321, which requires a person bringing a complaint under that section to attach a lease. The statute also requires that if a complainant alleges a breach of the lease, they must “identify the clause in the lease which is the basis of the allegations, the nature of the conduct constituting the alleged breach of lease, the dates on which the alleged conduct took place, and the clause granting the right to evict based on the alleged conduct.”

22. In response to question 3(c) of the form eviction complaint, respondent listed numerous reasons he believed an eviction should be granted, including the lack of a valid rental license, alleged damage by the tenants, and the condition of the house.

23. Respondent failed to state the specific clause(s) of the rental agreement the tenant violated, and which section(s) of the agreement gives the landlord the right to evict tenant for breaking the terms of the rental agreement. Indeed, there are no clauses in the rental agreement that allow for eviction on the grounds respondent stated.

24. Respondent also failed to provide the dates and description of what happened that violated the agreement.

25. In the eviction complaint, respondent further asserted that the tenants breached the covenants of the lease, “as stated in Minn. Stat. § 504B.171,” because the “house does not have a valid rental license which subjects the Landlord to possible civil and criminal penalties.”

26. Minn. Stat. § 504B.171 states the landlord and tenant covenant that neither will allow three different, specifically stated, crimes on the premises of the rental property. None of these three grounds are that the landlord does not have a valid rental license and respondent did not allege the tenants violated any of the three crimes listed in the statute.

27. A few days later, C.W. sent respondent a letter titled “**RULE 11 SAFE HARBOR NOTICE**” (emphasis in the original). In the letter, C.W. informed respondent that she intended to seek sanctions if respondent did not withdraw his complaint within 21 days. Along with the letter, C.W. sent respondent a motion for sanctions. A hearing on her motion for sanctions was scheduled for October 28, 2024.

28. Respondent did not withdraw his eviction complaint. Approximately one month later, in early October 2024, C.W. filed the motion for sanctions with the court.

29. In mid-October 2024, respondent filed a memorandum in support of his eviction complaint and in opposition to the motion for sanctions. Respondent’s argument emphasized his belief that because a landlord violated a local ordinance, eviction must follow. Respondent argued A.A. had “pled many grounds for the evictions, the first and primary ground for eviction is that the law does not allow her to live there,” and characterized C.W.’s argument regarding the rental license as “absurd” because A.A. was “looking at possible civil sanctions and possibly criminal sanctions by the City of Faribault for allowing [the tenants] to continue to live on the property.” Respondent noted A.A. had asked law enforcement to remove the tenants from the property, but “[c]ivil authorities have not done so and have suggested that the only

means that it can be done is for a court to order it.” Respondent did not cite any legal authority to support his argument that a landlord’s ordinance violation was a basis to evict a tenant.

30. Because respondent had not followed up with his client to learn that she in fact had a provisional rental license, he did not realize Faribault Ordinance, No. 2022-18 Sec. 7-39 allowed A.A. to continue to rent to the tenants at the time.

31. The following day, respondent and C.W. exchanged further emails where respondent continued to insist on his baseless argument and C.W. requested any legal authority respondent had for his position, which respondent had declined to provide previously.

32. In late October 2024, the court held a hearing on C.W.’s motion for sanctions. The eviction trial was also scheduled for that day. The court stated at the outset that it viewed C.W.’s motion as a motion to dismiss and would therefore start with her motion.

33. During the hearing, respondent stated there were numerous arguments for eviction, but he wanted to focus on the fact that the property could not be rented because A.A. did not have a rental license. Respondent again stated the civil authorities refused to do an eviction, and insisted he come to court to get an eviction order.

34. The court decided to hear testimony from a witness from the city inspector’s office on C.W.’s motion. The city inspector testified that he had given A.A. a provisional license during their July 2024 telephone call. It appears this is the first time respondent became aware that A.A. had, in fact, been issued a provisional license by the city of Faribault.

35. After learning that A.A. had a provisional rental license, respondent asked the witness from the city inspector’s office if A.A. could withdraw her provisional license. The witness testified that he was not sure, and the hearing continued.

36. Later during the hearing, the court was discussing a date and time for the parties to return, however, before a new date could be given, respondent withdrew his petition for an eviction, ending the matter.

37. The day after the hearing, the court granted C.W.'s motion for sanctions, awarding \$1,500.00 in attorney's fees, a portion of the fees incurred. The court found that respondent had been repeatedly informed of the frivolous nature of his eviction complaint. Specifically, the court found respondent's complaint was frivolous because he "proceeded without any legal support," respondent had "repeatedly been advised to review Chapter 504B, and specifically, sections 504B.285, 291, and 301, which provide the exclusive bases for eviction actions," and respondent did not provide legal support for the "fictitious claim" that tenants should be evicted because W.K. did not have a rental license. Additionally, the court found that "[n]o provision of Minn. Stat. § 504B.171 provides that a Landlord's failure to obtain a rental license is a *breach of covenants by the Tenant*, as alleged in the Complaint." (emphasis in original).

38. On December 18, 2024, approximately six weeks after the hearing and after respondent withdrew his eviction complaint, respondent filed a motion for a new trial.

39. As a basis for his request, in addition to citing an inapplicable court rule, respondent stated he was unaware that a provisional license had been granted to A.A. and that he only learned after the October 2024 hearing that A.A. could have "pulled her request for a rental license any time." Without doing legal research, respondent reiterated his belief that, because W.K. did not have a valid rental license, the lease "was not valid against a new owner without knowledge of a rental lease in violation of Faribault City Code."

40. The next day, C.W. emailed respondent requesting he withdraw his motion for a new trial as baseless.

41. After respondent failed to withdraw his motion, C.W. submitted a letter response arguing against the new trial because any appeal deadline had passed and because no trial occurred (based upon respondent's withdrawal of the eviction complaint), the court could not grant a new trial.

42. C.W. also argued that, even if A.A. withdrew her request for a license, this would not provide a basis for relief from judgment and that the court had already held the attempt to evict tenants because A.A.'s lack of a rental license was frivolous.

43. On December 30, 2024, the court denied respondent's request for a new trial.

44. Unfazed, on January 10, 2025, respondent sent a letter to the court requesting it reverse the denial, continuing to argue the incorrect rules and stating a hearing was required on his motion. The court declined to schedule a hearing on respondent's motion.

45. Respondent's conduct in filing an eviction action that was not supported by statutory law and against precedent and without a good faith argument for extension of existing law, failing to follow up with his client regarding her receipt of a provisional rental license, and ignoring every opportunity to change course, wasting significant time of opposing counsel, her clients and the courts, leading to sanctions, violated Rules 1.1, 3.1, and 8.4(d), MRPC, and the probation order.

46. Respondent's conduct in frivolously requesting a new trial when there had not been a first trial and when he had withdrawn the underlying petition, violated Rules 1.1, 3.1, and 8.4(d), MRPC, and the probation order.

WHEREFORE, the Director respectfully prays for an order of this Court revoking respondent's probation, suspending respondent's license to practice law or imposing otherwise 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.

Susan M. Humiston Humiston, Susan
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