

# Public discipline in 2025

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Annually this column recaps the prior year's public discipline matters. As the Minnesota Supreme Court often notes, the purpose of public discipline is not to punish the lawyer but rather to protect the public and the judicial system, and to deter future misconduct, both individually by the impacted lawyer and generally among the profession. The Court considers several factors when determining the appropriate discipline to be imposed, namely, (1) the nature of the misconduct; (2) the cumulative weight of the disciplinary violations; (3) the harm to the public; and (4) the harm to the legal profession. The Court also considers aggravating and mitigating factors specific to the matter and seeks to impose discipline consistent with similar cases.

Although this formula is straightforward, its application in particular cases is not always easy, and opinions may vary as to the adequacy of the discipline imposed. Most lawyers are unlikely to see themselves in these cases, but there are often lessons to be learned by stepping back and reviewing some of the cases from the prior year.

## The numbers

The Court issued 34 decisions in public matters in 2025, down from 42 decisions in 2024. Six lawyers were disbarred, seven attorneys were suspended, one lawyer was reprimanded and placed on probation, and three lawyers received public reprimands. Additionally, one judge was reprimanded as a lawyer at the time he received judicial discipline and then was subsequently suspended as a lawyer upon his retirement from the bench, five lawyers were placed on disability inactive status in lieu of discipline, two reinstatement petitions were denied, and 10 lawyers were reinstated to the practice of law.

The 2025 numbers are lower than previous years. At the end of the year, though, the Court had under advisement approximately 17 additional public discipline matters covering 68 files, which serves to illustrate the volume of public matters moving through the discipline system. Some additional numbers stood out as well. First is the serious nature of the misconduct we are seeing. Six lawyers were disbarred in 2025; a typical year involves three to five disbarments. Although this variance is small, among the cases under advisement with the Court at year end were

other cases where disbarment was recommended. These numbers show the serious nature of the misconduct that is occurring.

We also continue to see cases involving transfers to disability status in lieu of discipline. (This is a disciplinary status that is distinct from the "disability status" a lawyer may elect under the lawyer registration rules.) Court rules provide that if a lawyer is not competent to practice law and their disability causes them to be unable to assist in the defense or investigation of complaints, the lawyer may raise disability, and where substantiated, be transferred to disability inactive status. This causes discipline investigations or proceedings to be placed on hold until such time as the lawyer is no longer disabled. Five lawyers were transferred to disability inactive status in 2025 in lieu of discipline, up from three the prior year. This number alone is not notable; what is notable is that those five lawyers had a combined 37 complaints, including one lawyer with 18 complaints. Lawyers whose disability impacts their ability to competently practice can cause a lot of havoc before we can suspend their practicing privilege—something I believe the rules should be amended to address.

## Disbarment

Six lawyers were disbarred in 2025: Stephen J. Baird, Samuel A. McCloud, Kristi D. McNeilly, Anders L. Odegaard, Ana L. Pena, and Jay A. Rosenberg. Typically, the most common reason for disbarment is misappropriation of client funds. In 2025, none of the disbarred lawyers misappropriated client funds, although two engaged in financial misconduct related to the practice of law. The 2025 disbarments featured an unusual variety of misconduct.

Kristi McNeilly was disbarred following her conviction for felony theft by swindle. As established in the criminal proceedings, Ms. McNeilly swindled \$15,000 from a client by telling the client that the money was needed to bribe government officials to dismiss pending drug charges. Through lengthy proceedings in the criminal matter, Ms. McNeilly challenged her conviction and matters related to the criminal investigation, such as law enforcement's search of her law office pursuant to a search warrant. After more than five years of proceedings in both the criminal matter and discipline proceedings, Ms. McNeilly was disbarred for violating Rule 8.4(b),

Minnesota Rules of Professional Conduct (MRPC). Rule 8.4(b), MRPC, provides, “It is professional misconduct for a lawyer to... commit a crime that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.”

Ana Pena was disbarred for misappropriating more than \$94,000 from her employer. This occurred, shockingly, while she was suspended from the practice of law for having previously misappropriated client funds. While misappropriation of client funds is the most common reason for disbarment, not all misappropriation cases result in disbarment. Under the Court’s case law, certain mitigating circumstances can lead to a lengthy suspension rather than disbarment in some misappropriation cases. In 2020, Ms. Pena was suspended for misconduct that included misappropriation of client funds. The law firm where she worked in Texas chose to keep Ms. Pena on in a nonlawyer capacity while she was suspended from the practice of law, believing that her misconduct was unlikely to recur. The firm, in fact, allowed Ms. Pena to manage the firm’s payroll. She abused that position in several ways. They included failing to adjust her pay schedule, which led to salary overpayments; secretly increasing her own compensation; taking pay advances she did not intend to repay; and borrowing money from one of the partners with no intent to repay the money. The seriousness of the new misconduct, coupled with Ms. Pena’s prior misconduct for similar behavior, led to her disbarment.

Anders Odegaard was disbarred following his conviction for second-degree felony murder—murdering his ex-wife in front of their minor child. Mr. Odegaard is the fourth lawyer disbarred for murder in Minnesota, though it had been more than 50 years since it last happened.

The remaining disbarment cases from 2025 are also unusual. Stephen J. Baird was disbarred on reciprocal discipline from North Dakota, where Mr. Baird was disbarred three times and suspended for six months for a variety of client-related misconduct, including lack of diligence, communication, failing to refund unearned fees and to return client files, failing to supervise staff, providing misinformation to clients regarding their matters, and failing to take steps to protect client interests upon withdrawal in a number of cases. Here, the Court considered Mr. Baird’s cumulative misconduct in North Dakota and agreed that disbarment in Minnesota was the appropriate reciprocal discipline. Jay Rosenberg’s disbarment was another reciprocal discipline matter. Mr. Rosenberg’s willful eight-year unauthorized practice of law in Virginia in thousands of matters led to his disbarment in several jurisdictions, including Minnesota.

Sam McCloud’s disbarment is also unique and worth discussing. Prior to his disbarment, Mr. McCloud had a long (almost 50-year) career representing clients in criminal matters, primarily DWI cases. Along the way he had also

accumulated a lengthy discipline history. He has been privately disciplined eight times, and had been publicly disciplined four times, including one public reprimand and three suspensions. The matter that led to Mr. McCloud’s disbarment included his neglect, lack of communication, misrepresentations, and failure to make a refund in one client matter where he was representing an elderly individual in a DWI matter. The referee recommended and the Director concurred that Mr. McCloud’s additional misconduct warranted at least another 90-day suspension. (Mr. McCloud was already suspended for prior misconduct and needed to petition for reinstatement before he could be readmitted to the practice of law.) The Court, however, decided that enough was enough! Considering Mr. McCloud’s substantial experience in the law, prior discipline—including prior discipline for similar misconduct—and lack of remorse, more severe discipline was warranted, causing the Court to depart significantly from the referee’s recommendation (which is accorded great deference) to impose disbarment. For most readers, this may seem obvious, but previous cases had generally not placed such significant weight on aggravating factors. Mr. McCloud’s case is without doubt unique to the aggravating factors present, but it also is a reminder that deterrence is an important aspect of attorney discipline, and McCloud’s is a cautionary tale for lawyers with significant prior discipline who find themselves before the Court again.

### Other cases

Wisconsin attorney John Ryan was publicly reprimanded for his unauthorized practice of law in Minnesota. Mr. Ryan was general counsel for a Minnesota corporation headquartered in Minnesota with extensive healthcare facilities in Minnesota. But Mr. Ryan never became licensed to practice law in Minnesota, even though he lived and worked in Minnesota for years. Lee Hacklander was publicly reprimanded for signing opposing counsel’s name to a document without approval. Mr. Hacklander’s misconduct normally would have resulted in a suspension, but he had mitigating factors. We continue to see cases where lawyers sign other people’s names to documents without permission and file them with the Court. Even if the content of the document is accurate, you are making a knowing false statement to the Court by that act of signing without approval, which is serious misconduct.

### Conclusion

Thankfully, public discipline is rare given the high number of complaints that we receive, but serves an important function. Thanks to the thousands of lawyers in Minnesota who engage in law practice without incident. If you need assistance in understanding your ethical obligations, please do not hesitate to call our Office. Every day a lawyer is available free of charge to answer your ethics questions. ▲