

No. A26-0503

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**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN SUPREME COURT

In re Petition of Lawrence Justin Mills

for Review of Decision of the Minnesota State Board of Law Examiners

RESPONSE TO PETITION FOR REVIEW

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TO: THE SUPREME COURT OF THE STATE OF MINNESOTA

Respondent Minnesota State Board of Law Examiners (“the Board”) respectfully requests that this Court deny the Petition for Review (“Petition”) filed by Lawrence Justin Mills (“Petitioner”). Petitioner challenges the Board’s decision recommending denial of his admission to the Minnesota Bar. Because Petitioner has not satisfied his burden of demonstrating the current ability to meet essential eligibility requirements and proving by clear and convincing evidence that he possesses good character and fitness to practice law, the Petition should be denied.

ISSUES PRESENTED

- I. Whether the Petitioner satisfied his burden of demonstrating his current ability to meet to meet all of the essential eligibility requirements for admission pursuant to Minnesota Rule for Admission to the Bar 5A.
- II. Whether the Petitioner proved by clear and convincing evidence that he possesses good character and fitness to practice law pursuant to Minnesota Rule for Admission to the Bar 5B.

STATEMENT OF THE CASE AND FACTUAL BACKGROUND

I. PRE-DECISIONAL PROCEDURAL HISTORY

Petitioner graduated from Lincoln Memorial University’s Duncan School of Law in 2022. (Add., Finding 3.)¹ Petitioner applied for admission to the California State Bar in

¹ “Add.” refers to the Board’s Addendum, which is being submitted pursuant to separate motion. The Addendum contains the Board’s final decision, namely its February 26, 2026, Findings of Fact, Conclusions of Law, and Determination. The Board’s Findings are cited to by paragraph number. The Board’s Conclusions of Law and its Determination are cited to by page number.

August 2022. (Add., Finding 5.) Between 2022 and 2024, he twice sat for the California bar exam, and he did not achieve a qualifying score on either examination. (*Id.*)

In October 2024, the State Bar of California issued an adverse moral character determination, finding that Petitioner had not established good moral character under its standards. (*Id.*)

In November 2024, the Board received Petitioner's application to sit for the February 2025 administration of the Minnesota Bar Exam. (Add., Finding 6.) Petitioner's Applicant File, including initial and supplemental submissions, totaled over 5000 pages of material. (Exs. 3, 6, 34.)² Petitioner obtained a total score of 290 on the February 2025 Uniform Bar Examination, which exceeds the Minnesota's minimum qualifying score. (Add., Finding 8.)

In June 2025, the Board informed Petitioner that it had made an adverse character and fitness determination with respect to his application. (Add., Finding 9.) The Board cited a number of concerns, including Petitioner's ability to be honest and candid with the Board, courts, or others (Minnesota Rule for Admission to the Bar 5A(1))³; to conduct himself with respect for and in accordance with the law (Rule 5A(5)); to use good judgment on behalf of clients and in conducting one's professional business (Rule 5A(4)); to avoid

² "Ex." refers to exhibits received by the Board at the December 9, 2025, hearing in this matter. Petitioner has not submitted the exhibits cited in his Petition. The Board has not, in its past practice, submitted exhibits to the Court with its responses to petitions for review, but is prepared to do so if the Court so directs.

³ All references to "Rule" or "the Rules" herein refer to the Minnesota Rules for Admission to the Bar.

acts which exhibit disregard for the rights and welfare of others (Rule 5A(6)); and to provide sufficient evidence of rehabilitation (Rule 5B(5)). (Add., Finding 9.) The Board also noted in its June 2025 notice that following appeal and a hearing, if any, the Board may deny Petitioner’s application if the Board concluded that he failed to demonstrate the ability to meet one or more of the essential eligibility requirements set forth in Rule 5A. (Ex. 1-07.)

Petitioner appealed the Board’s adverse determination and requested a hearing. (Add., Finding 11.) The Board conducted the hearing on December 9, 2025. The Board received from the parties 43 pages of stipulated facts, as well as 46 stipulated exhibits. (Tr. 6-7.)⁴ The Board also received the testimony of two witnesses: Petitioner (Tr. 37-184) and Harris Ammerman, Esq. (Tr. 14-37). Mr. Ammerman was called by Petitioner as a character witness. (Tr. 14-37.)

II. THE BOARD’S DETERMINATION

After the hearing, the Board issued its final decision. (Add., Findings of Fact, Conclusions of Law, and Determination.) After “carefully evaluat[ing] the facts and assessing the credibility” of the Petitioner, the Board concluded that he had not met his burden of demonstrating the current ability to meet the essential eligibility requirements of

⁴ “Tr.” refers to the December 9, 2025, hearing transcript. Petitioner’s then-counsel submitted the hearing transcript to the Court on March 18. The transcript has been sealed pending disposition of Petitioner’s Motion to Restrict Public Access to Confidential Board Materials, and to Strike or Redesignate Those Materials as Non-Public.

Rule 5A and had not demonstrated by clear and convincing evidence that he possessed good character and fitness to practice law. (Add., Conclusions of Law and Determination at pp.54-60.) The Board observed that the record showed a pattern of Petitioner failing to conduct himself with respect for and accordance with the law; failing to be honest and candid with the Board, courts, or others; failing to use good judgment on behalf of clients and in conducting and in conducting professional business and in conducting his affairs; failing to avoid acts which exhibit disregard for the rights or welfare of others; and failing to demonstrate an ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws. (Add., Conclusions of Law at pp.55-57, ¶ 4.) Further, the Board concluded Petitioner had not provided sufficient evidence of rehabilitation. (Add., Conclusions of Law at p.57, ¶¶ 4f, 8-9.)

A. Petitioner's Long Course of Criminal Conduct

Petitioner's course of criminal conduct began in 2010, and he committed the last of the offenses in March 2019 at age 27. (Add., Findings 21-64.) The record reflects that Petitioner was convicted of multiple alcohol-related driving offenses, including driving while impaired by alcohol, driving under the influence of alcohol, and reckless driving-alcohol related. (Add., Findings 21, 26, 31.) The 2019 conviction for alcohol-related reckless driving, which began as a felony DUI charge, included the "willful and wanton disregard for the safety of persons or property and alcohol was a contributing factor." (Finding 22.) In addition to the threat to public safety inherent in his offenses, Petitioner's course of conduct between 2010 and 2019 included leading law enforcement on a vehicle chase, colliding with another vehicle while attempting to pass, and speeding. (Add.,

Findings 22, 27, 34.) Following the vehicle chase, Petitioner made a series of extremely explicit, profane statements while seated in a squad car. (Add., Findings 36, 42; Tr. 116-17.)

Petitioner's course of criminal conduct evinced disrespect for the law and court orders in other ways. For example, he committed one DUI offense while still on court-ordered probation for a prior DUI, drove with a suspended license in violation of a court order, possessed fictitious forms of identification on multiple occasions, and sought to evade speeding and red-light enforcement by covering his rear license plate. (Add., Findings 31, 35, 37, 38, 42, 51-61, 64.)

B. Petitioner's Failure to Disclose Required Litigation and Arrest History in His Law School Application

In September 2018, Petitioner applied for admission to Lincoln Memorial University's Duncan School of Law. (Add., Finding 66; Ex. 16 (law school application).) As part of the law school admissions process, Petitioner was required to fully disclose requested information bearing on "character and fitness." (Tr. 145-47; Ex. 16-08.) His law school was explicit about the importance of fully, completely, and honestly responding to each of its character and fitness questions. (Tr. 145-47; Ex. 16-08.) It advised Petitioner that "every American jurisdiction in which you may practice law after graduation from law school requires each applicant for admission to the bar to meet character and fitness requirements as a condition of eligibility for admission." (Tr. 145; Ex. 16-08.) "A character and fitness review," the school further advised, "would require truthful, accurate, and complete reporting of all requested information." (Tr. 145-46, Ex. 16-08.) The school

specifically identified “involvement as a party to civil litigation” and “criminal arrests, charges, plea agreements, convictions, or instances of being taken into custody” as among the inquiries commonly deemed relevant to character and fitness determinations. (Tr. 146; Ex. 16-08.) The school emphasized that “[b]ecause of the stringent character and fitness qualifications for admission to the bar, the [law school] requires full disclosure in response to all questions.” (Tr. 146-47; Ex. 16-08.) Finally, immediately above the first character and fitness question, the law school reiterated, again, that, “candor and full disclosure is essential.” (Tr. 145-47; Ex. 16-08.)

At the hearing, Petitioner acknowledged having those explicit advisories before responding to the school’s character and fitness questions. (Tr. 145, 147.) He did not fully disclose required character and fitness information. (Add., Findings 69-75.) One of the character and fitness questions asked if he had “ever been a party to a legal proceeding.” (Add., Finding 69; Tr. 143; Ex. 16-09, Question 8.) In response, Petitioner disclosed only one prior proceeding, namely a civil matter in which he had received a large settlement in connection with a theft-by-deception arrest. (Add., Finding 70; Tr. 143, 147-48; Ex. 16-09.) He did not disclose eleven additional civil matters in which he had been a plaintiff. (Add., Findings 71, 74; Tr. 144.)

Petitioner suggested to the Board that his failure to disclose eleven civil matters was an “oversight” and that he “intended to look them up and made sure that I included – listed all of them and I forgot to do that.” (Add., Findings 73-74; Tr. 52, 144-45.) However, Petitioner’s non-disclosed litigation activity was substantial, recent, and ongoing. (Add., Findings 71, 74.) Between 2014 and 2018, he was a plaintiff, often pro se, in seven lawsuits

and four petitions for writs of mandamus. (Add., Finding 71; Tr. 143-44.) All of that litigation had been initiated before he submitted his law school application in September 2018. (Tr. 144.) Three of the seven lawsuits had been filed in 2018, the same year he submitted his application. (Add., Finding 71; Tr. 144.) All four of the mandamus actions had been dismissed by trial courts and/or reviewed by appellate courts between December 2017 and April 2018, within a year of his application. (Add., Finding 74; Tr. 148-49.) One of the mandamus actions was still pending on appeal at the time of his application. (Add., Finding 74; Tr. 149.)

In addition to being asked if he had ever been party to a legal proceeding, he was also asked if he had ever been arrested. (Tr. 52-53, 165-67; Ex. 16-08, Question 1.) He did not disclose any of his prior criminal cases or arrests, save for his arrest and prosecution for theft-by deception, which had resulted in a dismissal of criminal charges and the civil settlement noted above. (Tr. 165-67; Ex. 16-08 – 16-09, Questions 1, 8.) Only after he was admitted, and after the law school dean emphasized to admitted students their obligation to disclose criminal matters, did Petitioner amend his application to disclose his criminal history. (Add., Finding 74; Tr. 165-67.) He maintained non-disclosure of eleven of his twelve civil matters, however. (Add., Finding 75; Tr. 167.)

C. Petitioner’s Violation of His Law School’s Code of Academic Integrity

After being admitted to the Duncan School of Law, Petitioner violated its Code of Academic Integrity (“Code”) (Add., Findings 87-103; Tr. 53-59, 156-64; Ex. 33.) Petitioner violated the Code at age 30 in spring 2022, during his last year of law school. (Add., Findings 88-103; Tr. 53-54, 156-57.) Specifically, Petitioner “recklessly violated

the Code by acting dishonestly in an academic pursuit.” (Add., Finding 97; Tr. 157.) Petitioner’s dishonesty involved a grievance he filed against his Professional Responsibility professor. (Add., Findings 88-100.) The professor required students to register and take the MPRE as a grading requirement. (Add., Finding 88.) Petitioner did not fully follow the test registration directions provided to him by the MPRE testing company and, as a result, was unable to satisfy the grading requirement. (Add., Finding 89.) When he sought to explain the situation to his professor, he forwarded to the professor only the portion of the test-registration email that reflected registration requirements with which he had complied. (Add., Finding 90.) He did not forward the portion of the test-registration email that included requirements he had failed to satisfy. (*Id.*) The professor declined to make a special accommodation for the MPRE test requirement. (Add., Finding 91.) Petitioner then filed an academic grievance accusing the professor of “arbitrary and capricious grading.” (*Id.*) In making the accusation, he again forwarded only the portion of the test-registration email that reflected registration requirements with which he had complied. (Add., Finding 92.)

In responding to the grievance, the professor discovered the portion of the test-registration email that Petitioner had not forwarded. (Add., Finding 93.) The professor alleged that Petitioner’s partial disclosure violated the law school’s Code of Academic Integrity. (*Id.*) Petitioner first “vehemently denied” the allegation before subsequently withdrawing his grievance against the professor. (Add., Findings 94-96; Tr. 160-61.) Petitioner entered into a plea agreement in which he admitted to violating the law school’s Code. (Add., Finding 97-99; Ex. 33-03 – Ex. 33-05 (plea agreement).) In his bar

application, he told the Board that he had “wrongly filed an academic grievance against [the professor],” and “first wrongly blamed the [testing company] then wrongly blamed the professor when all along it was [his] mistake.” (Add., Finding 100; Tr. 161.) As a result of the violation, Petitioner received a written reprimand and a five-month suspension to be served on probation, a term he successfully completed. (Add., Finding 98; Tr. 163.)

D. Petitioner’s Litigation History

Before, during, and after law school, Petitioner has been plaintiff in more than thirty legal proceedings. (Tr. 123-24; Ex. 3--0010.) He proceeded pro se in 26 of the 34 proceedings, which spanned from 2014 to the present. (Tr. 123-24.) Petitioner and his counsel recognized that his litigation history “perhaps suggests litigiousness” and that “[s]ome might look at the list and think vexatious.” (Add., Finding 120; Tr. 11 (vexatious); Ex. 3-0256 (litigiousness).) Petitioner stated he “initiated all of [the civil] claims only in the interest of justice.” (Add., Finding 120; Tr. 156; Ex. 3-0256.) At the hearing, he discussed various of the lawsuits during direct examination conducted by his counsel, as well as under cross-examination. (Tr. 65-89, 126-42, 150-56.)

The Board received extensive evidence and undertook careful review of Petitioner’s litigation history and his representations surrounding that history. (Add., Findings 65-85, 118-20; Tr. 65-90, 124-42, 150-56.) For example, the Board reviewed the seven mandamus petitions filed by Petitioner in Maryland courts between 2014 and 2022. (Add., Findings 77-83; Tr. 65-84, 124-42.)

In the first mandamus petition, filed in 2014, Petitioner challenged the decision of a state court prosecutor’s office not to pursue criminal charges against a casino’s security

shift manager involved with the detention of Petitioner at a casino. (Add., Finding 78; Tr. 65-70, 126-33.) Two different prosecutors concluded that criminal charges were not warranted. (Tr. 130-33.) The court dismissed the mandamus petition, writing that a decision not to prosecute is “generally within the sole discretion of the prosecuting attorney, free from judicial control and not dependent upon the defendant's consent.” (Add., Finding 78; Tr. 129-30.) The court also concluded that the prosecutors had not grossly abused their discretion in the matter. (Add., Finding 78.) In his submissions to the Board, Petitioner alleged that one of the prosecutors “feigned” her insufficient-evidence assessment, then claimed under cross-examination at the hearing that he had not questioned the prosecutor’s veracity. (Add., Finding 78; Tr. 132-33.)

In addition to the 2014 mandamus petition, the Board also examined the six mandamus petitions filed by Petitioner in connection with his 2015 arrest and prosecution for driving under the influence, negligent driving, and unsafe lane change. (Add., Finding 83; Tr. 65-84, 124-42.) In the underlying criminal matter, a jury acquitted him of the DUI and convicted him of negligent driving and unsafe lane change. (Add., Finding 85.) Following the jury’s verdicts, Petitioner, alleging that the arresting state trooper perjured himself during court testimony, sought to have the trooper terminated from his employment through his Internal Affairs Department (“IAD”). (Add., Finding 81; Tr. 138.) The IAD concluded that Petitioner’s perjury allegation was “unfounded.” (Add., Finding 81.) Petitioner then filed a mandamus petition seeking to have the court “modify” the IAD’s determination from unfounded to “sustained” and compel the state police to fire the trooper. (Add., Finding 83a; Tr. 137-39.) The petition was dismissed, with the appeals court

noting that administrative mandamus was not available as to the IAD's determination and, even if it were, Petitioner lacked standing. (Add., Finding 83a; Tr. 138-39.)

Petitioner then made serial requests in three different jurisdictions for criminal prosecution of the trooper. (Add., Findings 81, 83; Tr. 126.) Each jurisdiction declined to prosecute the trooper. (Add., Findings 81, 83b, 83c, 83d; Tr. 126.) After each prosecuting authority made its decision, Petitioner filed separate mandamus petitions seeking to compel each of the prosecutors to charge the trooper. (Add., Findings 83b, 83c, 83d; Tr. 134-37.) The first mandamus petition was dismissed, with the appellate court writing upon review that "[t]he exercise of prosecutorial discretion is not appropriately overruled by a writ of mandamus." (Add., Finding 83b; Tr. 134.) The second mandamus petition was also dismissed, with the appellate court noting upon review that the decision whether to bring charges was discretionary and the prosecutor had not committed a gross abuse of that discretion. (Add., Finding 83c; Tr. 134.) After the third separate prosecuting authority declined to charge the trooper, Petitioner filed another mandamus petition seeking to compel prosecution, alleging that the prosecutor had "avoided his responsibility to prosecute" and acted in a way that was "patently arbitrary and capricious." (Add., Finding 83d; Tr. 135.) That mandamus petition was also dismissed, as was Petitioner's appeal of that decision. (Add., Finding 83d; Tr. 136-37.) Petitioner testified that all of the dismissals of the mandamus cases were with prejudice. (Tr. 181-82.)

Petitioner also filed an ethics complaint against a Maryland state prosecutor. (Add., Finding 8e.) Petitioner asserted that the lawyer had committed misconduct by, he alleged, falsely representing to the IAD that the trooper had not perjured himself and inaccurately

stating that Applicant had been found guilty of DUI charges in the Circuit Court. (*Id.*) The Maryland Office of Bar Counsel concluded that there was not sufficient evidence to support a finding of an ethics violation. (*Id.*) Applicant then filed a petition for mandamus asking a Maryland court to compel the Office of Bar Counsel to reinstate and pursue an ethics investigation. The Maryland state court dismissed the petition for lack of standing. (*Id.*)

In November 2022, Petitioner sought his sixth writ of mandamus in connection with the 2015 matter in tandem with a \$150,000 civil lawsuit against one of the Maryland county prosecutors. (Add., Finding 8f.) Petitioner alleged that the prosecutor had denied Petitioner the right to appear in front of a grand jury to present evidence of alleged perjury by the trooper. (Add., Finding 8f.) Following adverse summary judgment rulings on some claims and a bench trial on others, the court denied the mandamus petition. (Add., Finding 83f; Ex. 6-0201.)

Petitioner has sued the trooper twice. In 2018, Petitioner sued the trooper in federal court for \$2 million in compensatory damages and \$2 million in punitive damages. (Add., Finding 84.) The lawsuit was dismissed by the federal district court in 2019, and the Fourth Circuit affirmed the dismissal in 2020. (*Id.*; Ex. 25.) In 2024, Petitioner sued the trooper for \$4 million in Maryland state court. (Add., Finding 118b.) Petitioner sued in the same lawsuit the state court prosecutor against whom he had lodged the unsuccessful ethics complaint in 2018. (*Id.*) The state district court dismissed the matter with prejudice. (*Id.*; Ex. 6-0977 – 6-0978.) Petitioner testified at the hearing that the matter is currently pending on appeal. (Add., Finding 118b.)

The Board reviewed other legal actions in making its determinations. (Add., Finding 76, 118-20.) For example, Petitioner, then represented by counsel, sued SunTrust Bank in 2015 for \$1,776 that was being held in Petitioner's account. (Add., Finding 76; Tr. 150-51.) SunTrust agreed to a consent judgment for the damages sought, paid the amount due, and the matter was closed. (Add., Finding 76; Tr. 150.) Three years later, now proceeding pro se, Petitioner sued the bank again over the now-retained funds, seeking \$20,000 in compensatory damages and \$500,000 in punitive damages. (Add., Finding 76; Tr. 150-51.) Petitioner brought the second suit after deciding his attorney should have sued for more in the first suit. (Add., Finding 76; Tr. 151.) The matter was dismissed by a federal district court on res judicata grounds, and the Fourth Circuit summarily affirmed on the same ground. (Add., Finding 76; Tr. 151.)

In January 2023, Petitioner, proceeding pro se, took Airbnb to arbitration in connection with a unit he rented in California during a bar exam administration. (Add., Finding 119; Tr. 152-53.) Petitioner alleged that Airbnb had, among other things, engaged in "tortious misconduct" by installing an air freshener and using Tide scented detergent to wash the bedding. (Add., Finding 119; Tr. 153-54; Ex. 3-1603 – 3-1606.) Petitioner stated he had a heightened sensitivity to the scents, alleged that the air freshener and detergent had caused him to lose sleep and thus fail the bar exam, and sought \$700,000 in damages. (Add., Finding 119; Tr. 152-55.) The Arbitrator dismissed the claims, concluding on the merits that Petitioner had an obligation during the booking process to inform the hosts of his heightened sensitivity, did not do so, and had, in fact, texted the hosts during the stay

that he “should’ve mentioned those chemical air freshener things make me nauseous.” (Add., Finding 119; Tr. 152-55; Ex. 3-1614 – 3-1616.)

E. The California Bar’s Adverse Character and Fitness Determination

Shortly before applying to the Minnesota Bar, the California Bar made an adverse admissions determination based upon Petitioner’s lack of candor, insight, and rehabilitation. (Add., Findings 104-117.) Petitioner blamed the decision on reliance by the California Board on an alleged “misapprehension.” (Add., Findings 110, 116.) Specifically, he asserted to the Board that California based its negative character determination on its “misapprehension of felony theft by deception arrest as misconduct” and its “misapprehension of lawful conduct” (Tr. 48-49, 86, 170-179; Ex. 6-2446 – 6-2449.) The record demonstrated that the felony theft by deception arrest was one of eleven arrests or convictions that the California Bar sought to discuss with Petitioner, and that the California Bar fully understood that Petitioner was arrested for theft-by-deception, but not convicted. (Add., Findings 116-17; Tr. 170-179; Ex. 24-1425.) Petitioner admitted during cross-examination that the California Bar listed multiple reasons other than arrests and convictions in denying his application, that the Bar did not specify the theft-by-deception arrest in its final determination; that he does not know what circumstances the Bar considered with respect to his arrests and prosecutions in making its final determination; and that the California Bar may have credited his representations to that Bar, both in writing and during an interview, that he had done nothing wrong in connection with the theft-by-deception arrest. (Add., Findings 116-17; Tr. 167-79.)

F. Final Recommendation

Based upon comprehensive review of the entire record, the Board determined that Petitioner would not be recommended to this Court for admission to the Minnesota Bar at this time. (Add., Determination at p.60.) Considering the full course of conduct evident here, the Board concluded in its 60-page determination that Petitioner had not satisfied his burdens with respect to essential eligibility requirements and his character and fitness to practice law. (Add., Conclusions of Law and Determination at pp.54-60.) The Board further concluded that Petitioner had not provided sufficient credible evidence of rehabilitation. (*Id.*)

On those same grounds, the Board declined to recommend conditional admission under Rule 16. (*Id.*) Conditional admission requires a current record of conduct that “evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law.” (Rule 16B.) The Board concluded that Petitioner’s current record of conduct did not satisfy those conditions. (Add., Conclusions of Law and Determination at pp.54-60.)

The Board allowed Petitioner to reapply for admission on or after February 26, 2029, consistent with Rule 18. (Add., Determination at p.60.)

STANDARD OF REVIEW

The Board is charged with the responsibility of screening applicants for admission to the Minnesota Bar and reports examination results, together with a recommendation, to this Court. *In re Zbiegien*, 433 N.W.2d 871, 874 (Minn. 1988); Minn. Stat. § 481.01 (2025). The Board must “ensure that those who are admitted to the bar have the necessary

competence and character to justify the trust and confidence that clients, the public, the legal system, and the legal profession place in lawyers.” Minnesota Rule for Admission to the Bar 1.

When an applicant appeals an adverse decision of the Board, this Court “review[s] the record and the Board’s findings independently.” *In re Zbiegien*, 433 N.W.2d at 874. “[T]he ultimate determination of admission to the Bar is reserved to this [C]ourt alone.” *Id.* This Court has emphasized, however, that it “give[s] great weight to the Board’s findings in reaching its independent conclusion.” *Id.* The Court relies on “the conscientious, informed, and unstinting efforts of the members of the Board and on their opportunity to observe the witnesses.” *Id.* With respect to witness testimony, the Court “recognize[s] the Board sees and hears the witnesses and is in a better position to decide credibility.” *In re Brown*, 467 N.W.2d 622, 624 (Minn. 1991). Accordingly, it is “only with great reluctance that [the Court] come[s] to a conclusion other than that which the Board recommends.” *In re Zbiegien*, 433 N.W.2d at 874; *see also In re Brown*, 467 N.W.2d at 624 (quoting *In re Zbiegien*).

ARGUMENT

I. PETITIONER DID NOT SATISFY HIS BURDEN OF DEMONSTRATING ALL ESSENTIAL ELIGIBILITY REQUIREMENTS.

A. Essential Eligibility Requirements

The applicant has the burden of demonstrating essential eligibility requirements for the practice of law. Rule 5A. Pertinent here, the applicant must be able to demonstrate the following essential eligibility requirements:

- (1) The ability to be honest and candid with clients, lawyers, courts, the Board, and others (Rule 5A(1));
- (2) The ability to use good judgment on behalf of clients and in conducting one's professional business (Rule 5A(4));
- (3) The ability to conduct oneself with respect for and in accordance with the law (Rule 5A(5));
- (4) The ability to avoid acts which exhibit disregard for the rights or welfare of others (Rule 5A(6)); and
- (5) The ability to comply with the requirements of the Rules of Professional Conduct, applicable state, local, and federal laws, regulations, statutes, and any applicable order of a court or tribunal (Rule 5A(7)).

B. Petitioner Failed To Conducted Himself With Respect For The Law And To Comply With The Law and Applicable Court Orders (Rules 5A(5) and 5A(7)).

Petitioner has a significant record of criminal conduct, disrespect for the law, and failure to comply with court orders. Between 2010 and 2019, he was convicted of multiple alcohol-related driving offenses, demonstrated willful and wanton disregard for the safety of persons or property, and repeatedly, through both words and actions, evinced disrespect for the law and court orders. Some of his unlawful conduct was committed while under the influence of alcohol, while other offenses were not. Taken together, Petitioner demonstrated a decade-long pattern of breaking the law and then shirking probationary obligations imposed upon him by courts to ensure public safety.

Petitioner asserts that his criminal history does not warrant denial of licensure, citing a lack of recency and evidence of rehabilitation (which is discussed in a separate argument section below). Pet. 9-10. As a threshold matter, the Board did not deny licensure based solely on Petitioner's criminal conduct (or any other single consideration). Although a

single incident can form the basis for denial of admission to the Bar, the Board generally “looks for a pattern of conduct that reflects on an applicant’s moral character.” *In re Zbiegien*, 433 N.W.2d at 875. The Board made its recommendation here based upon a totality of overlapping conduct that implicated multiple eligibility and character and fitness requirements.

With respect to the recency of Petitioner’s criminal conduct, the Board acknowledged that it was not recent, but remained concerned about its severity. Add., Conclusions at p.55, ¶ 4a. The pattern of underlying conduct not only raised substantial public safety concerns, but also demonstrated a disrespect for the law and court orders that went beyond alcohol-related driving offenses. Although Petitioner largely cabins his misconduct within the pre-2012 period, his failure to comply with the law and court orders continued from 2012 to 2019. Add., Findings 55 – 64. The last of his offenses, the March 2019 alcohol-related driving offense, was part of that course of conduct. He committed that offense at age 27, well into his adulthood and just a few months after he submitted his application to the Duncan School of Law.

C. Petitioner Failed To Be Honest And Candid With The Board Or Others, Failed To Use Good Judgment In Conducting Professional Business And His Affairs, And Has Not Avoided Acts Which Exhibited Disregard For The Rights Or Welfare Of Others (Rules 5A(1), 5A(4), and 5A(6)).

Petitioner has a demonstrated pattern of a lack of honesty, failures of candor, and disregard for the welfare of others. Add., Conclusions of Law at pp.55-56, ¶¶ 4b, 4c, 4d. It began with the course of criminal conduct outlined above. It then extended to the period before, during, and after law school.

Shortly before committing the March 2019 criminal offense, Petitioner submitted a law school application that failed to satisfy any reasonable threshold of honesty, candor, and good judgment. There is no question that the law school required full, complete, and honest disclosure of his history of civil litigation and criminal arrests. The advisories provided to Petitioner were clear and stark. Petitioner nonetheless withheld eleven of his twelve civil litigation matters, as well as all but one of his arrests. The withheld matters were significant, recent, and, in at least one instance, actively pending at the time of his application. The one civil litigation matter and single arrest he did disclose were both in connection with a matter in which he received a substantial monetary settlement. Upon belatedly supplementing his arrest disclosures after the law school's Dean exhortation, he maintained non-disclosure of the civil matters.

His representations to the Board about those non-disclosures reinforced the Board's concerns. Add., Conclusions of Law at pp.55-56, ¶ 4b. Although he asserted that the non-disclosures were "oversights" and that he "forgot" to include them, the application admitted no ambiguity about what was required. Nor did the undisclosed litigation lend itself to a failure of recollection. With respect to the undisclosed matters, he was a plaintiff, often pro se, in seven lawsuits and four petitions for writs of mandamus. Of those eleven matters, six had been filed or decided within a year of his application, and one was still pending on appeal at the time he applied. On this record, and with the opportunity to observe and assess Petitioner's credibility as a testifying witness, the Board had well-founded concerns about

the lack of honesty, candor, and good judgment surrounding Petitioner's prior non-disclosures and ongoing excuses. Add., Conclusions of Law at p.55, ¶ 4b.⁵

The honesty and candor concerns evident upon law school admission manifested again in Petitioner's third year of law school. In the spring of 2022, now aged 30, Petitioner violated the school's Code of Academic Integrity by acting dishonestly in an academic pursuit. He accused a professor of "arbitrary and capricious" conduct and, in support, forwarded only the portion of an email that was favorable to his claim, while withholding the portion that demonstrated his own negligence. When the professor pointed out the selective disclosure, Petitioner at first denied the professor's allegation that his partial disclosure violated the law school's Code of Academic Integrity. He later admitted that he wrongly filed the academic grievance and blamed others for his own errant conduct.

The Board's review of the record also included careful consideration of the civil actions brought by Petitioner over the past twelve years. Plaintiff acknowledged that his litigation history, mostly as a pro se plaintiff, could give rise to concerns of "vexatiousness" or "litigiousness." Petitioner, then, sought to assure the Board that all of his litigation activity was undertaken in the "interests of justice."

⁵ Petitioner observes that the omitted civil matters were not uniformly adverse and that the omissions were not repeated in the admissions process. Pet. 18. However, the required disclosure of civil lawsuits and criminal arrests was not results dependent, Petitioner's course of conduct in both respects was substantial and recent at the time of his application, he disclosed no adverse outcomes, and the \$215,000 civil settlement he did disclose far outstripped any other result. *See* Add., Finding 76 (noting four other settlements as of the time of his application in the amounts of \$1892, \$3500, \$3000, and \$83). That he made the required disclosures in connection with his Bar application did not extinguish the Board's honesty and candor concerns around the prior nondisclosures and his current explanations for them, particularly given similar concerns evident elsewhere in the record.

The Board had reason for concern. Petitioner, for example, filed unfounded complaints with professional disciplinary bodies against law enforcement and prosecutors, repeatedly litigated essentially the same claim, and blamed others, even when the fault was his own. The concerns are not limited to the series of legal actions arising out of his 2015 arrest and prosecution for DUI, negligent driving, and unsafe lane change, although they are evident in those matters. Petitioner, for example, filed an unfounded disciplinary complaint in another, entirely separate action (Add., Finding 24); wrongfully accused his law school professor of arbitrary and capricious behavior; serially sued a bank with the second matter dismissed on res judicata grounds; and accused Airbnb of tortious misconduct in a matter where he bore responsibility for his failure to advise the hosts of his condition.⁶

Petitioner's attempted deflection of the California's Bar's adverse determination further deepened the Board concerns. Add., Conclusions of Law at pp.55-56, ¶ 4b; Memorandum at p.59. The California Bar identified a range of conduct that reflected negatively on Petitioner's candor, insight, and rehabilitation. Petitioner, however, alleged that the adverse determination was principally explained by the California Bar's "misapprehension of felony theft by deception arrest as misconduct." Petitioner's allegation was not credible in light of the record before the California authorities (which

⁶ Petitioner reviews court discussion of one claim within two of his mandamus petitions, namely a private citizen's right to make a grand jury presentation. Pet. 15-16 (summarizing discussion of "murky" law around grand jury presentment by a citizen). The Board reviewed the record with respect to that portion of his litigation history. Add., Findings 83c, 83f; Tr. 97. That review did not negate the Board's consideration of, or concerns about, patterns evident across the mandamus petitions and other litigation matters.

contained much of the same misconduct reviewed here), the written communication provided Petitioner in connection with his admissions interview, the content of California's adverse decision, and the Board's assessment of Petitioner's explanations at the hearing.

II. PETITIONER DID NOT SATISFY HIS BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT HE POSSESSES GOOD CHARACTER AND FITNESS TO PRACTICE LAW.

A. The Good Character and Fitness Requirement

The applicant has the burden of proving by clear and convincing evidence that the applicant possesses good character and fitness to practice law. Rule 15D. The purpose of the character and fitness requirement is to "protect the public and safeguard the justice system." Rule 5B(1). "Good character and fitness" means "traits, including honesty, trustworthiness, diligence and reliability, that are relevant to and have a rational connection with the applicant's present fitness to practice law." Rule 2A(9). Conduct relevant to the character and fitness inquiry, pertinent to this matter, includes:

- (1) Unlawful conduct (Rule 5B(3)(a));
- (2) Academic misconduct (Rule 5B(3)(b));
- (3) Acts involving dishonesty, fraud, deceit, or misrepresentation (Rule 5B(3)(d));
- (4) Acts which demonstrate disregard for the rights or welfare of others (Rule 5B(3)(e));
- (5) Abuse of legal process, including the filing of vexatious or frivolous lawsuits (Rule 5B(3)(f));
- (6) Violation of an order of a court (Rule 5B(3)(i));
- (7) Denial of admission to the bar in another jurisdiction on character and fitness grounds (Rule 5B(3)(l)); and
- (8) The making of false statements, including omissions, on bar applications in this state or any other jurisdiction (Rule 5B(3)(n)).

Under Rule 5B(4), the following factors are considered in assigning weight and significance to prior conduct:

- (1) The applicant's age at the time of the conduct;
- (2) The recency of the conduct;
- (3) The reliability of the information concerning the conduct;
- (4) The seriousness of the conduct;
- (5) The factors underlying the conduct;
- (6) The cumulative effect of the conduct or information;
- (7) The evidence of rehabilitation as defined in Rule 5B(5);
- (8) The applicant's candor in the admissions process; and
- (9) The materiality of any omissions or misrepresentations.

Finally, under Rule 5B(5), an applicant who affirmatively asserts rehabilitation from past conduct may submit evidence of one or more of the following:

- (1) Evidence that the applicant has acknowledged the conduct was wrong and has accepted responsibility for the conduct;
- (2) Evidence of strict compliance with the conditions of any disciplinary, judicial, administrative, or other order, where applicable;
- (3) Evidence of lack of malice toward those whose duty compelled bringing disciplinary, judicial, administrative, or other proceedings against applicant;
- (4) Evidence of cooperation with the Board's investigation;
- (5) Evidence that the applicant intends to conform future conduct to standards of good character and fitness for legal practice;
- (6) Evidence of restitution of funds or property, where applicable;
- (7) Evidence of positive social contributions through employment, community service, or civic service;

- (8) Evidence that the applicant is not currently engaged in misconduct;
- (9) Evidence of a record of recent conduct that demonstrates that the applicant meets the essential eligibility requirements for the practice of law and justifies the trust of clients, adversaries, courts, and the public;
- (10) Evidence that the applicant has changed in ways that will reduce the likelihood of recurrence of misconduct; or
- (11) Other evidence that supports an assertion of rehabilitation.

B. Petitioner Did Not Prove, By Clear And Convincing Evidence, Good Character And Fitness To Practice Law.

Petitioner did not provide clear and convincing evidence of good character and fitness to practice law. Add., Conclusions of Law at pp.57-58, at ¶ 10. Petitioner has demonstrated a course of conduct that implicates many of the categories of conduct relevant to the character and fitness determination: academic misconduct; acts involving dishonesty, fraud, deceit, or misrepresentation; acts which demonstrate disregard for the rights or welfare of others; abuse of legal process, including the filing of vexatious or frivolous lawsuits; violation of an order of a court; and denial of admission to the bar in another jurisdiction on character and fitness grounds. Those categories of conduct, and the record evidence and credibility assessments that support the Board's character and fitness determination, have been discussed above in connection with the factual background and essential eligibility requirements.

Petitioner's primary focus is on the Board's assessment of his litigation history. Pet. 11-17. Petitioner alleges that the Board impermissibly treated the mere fact that he pursued and persisted in civil litigation as misconduct, and he focuses particularly on the Board's review of his mandamus litigation. Pet. 15-17. As is noted above, Petitioner's litigation

history was only one of several grounds for the Board's adverse determination, which rested on comprehensive review and a holistic assessment of an overall course of conduct that included several different categories of concern.

With respect to Petitioner's pursuit of civil litigation, the Board did not rely on mere volume or persistence as the basis for its adverse recommendation.⁷ Nor did the Board treat the lawful exercise of a legal right as itself evidence of unfitness. Pet. 11. Rather, the Board concluded that Petitioner's activity included underlying failures to use good judgment and to act with regard to the rights or welfare of others. Add., Conclusions of Law at pp.56-58. As is summarized herein and reflected in the record, those conclusions are amply supported.

Petitioner heavily relies, as he did at the hearing, on the absence of court sanctions or findings of frivolousness or bad faith. Pet. 10, 12, 13 n.2. The Board acknowledged the absence of such judicial findings. Add., Conclusions of Law at p.56, ¶ 4c. The Rules for Admission to the Bar do not, however, require a court finding as a condition precedent for adverse determinations on, for example, Petitioner's judgment, his regard for the rights or

⁷ A pattern of filing unsuccessful pro se lawsuits or engaging in serial litigation are considerations in state statutes and court rules that address vexatious or frivolous litigants. *See, e.g.*, Cal. Code of Civ. P. § 391(b) (defining "vexatious litigant" as, inter alia, one who commenced at least five unsuccessful, pro se lawsuits in a seven year period and/or repeatedly relitigates or attempts to relitigate the validity of determinations against the same person as to whom litigation was finally determined); Haw. Stat. § 634J (same); N.D. Sup.Ct. Admin. R. 58, sec. 2(d) (similar definition of "vexatious litigant"); *see also, e.g.*, Minn. R. Gen. Practice 9.06(b) (defining frivolous litigants to include those who relitigate or attempt to relitigate the validity of final determinations against the same person).

welfare of others, or vexatiousness. While judicial findings would be relevant evidence, their absence is not dispositive.

Petitioner's accounts of his mandamus litigation involving a Maryland trooper do not quell concern. Pet. 15-17. Petitioner, for example, seems to suggest, as he did at the hearing, that the Howard County Attorney's Office agreed with his perjury accusation because that Office began to prepare a draft indictment for presentation to a grand jury that included perjury charges. Pet. 15, 16; Tr. 81. But the Howard County Attorney's Office had, in fact, already declined to prosecute the trooper. Following that declination, Petitioner and his attorney sought to make their own presentation to a grand jury. *See* Ex. 3-0451, *Mills v. Office of the State Prosecutor*, Opinion of the Court of Special Appeals of Maryland ("The State Prosecutor also declined to prosecute Trooper Hassan. According to Mr. Mills, he then asked the State Prosecutor to allow him to present his evidence to the grand jury, but the State Prosecutor 'refused to convene a Grand Jury.'"). The Howard County Attorney's Office provided some ministerial assistance to Petitioner's counsel in generating counsel's desired form of indictment for Petitioner's grand jury presentation. *See* Ex. 03-1571 – 03-1580. The record reflects that it was Petitioner's counsel, not the county attorney, who selected what charges to include. *Id.*; *cf.* Pet. 15, 16.

Petitioner further alleges that the Board misconstrued his "acknowledgment on cross-examination that no court had formally found the Trooper committed perjury." Pet. 16. The allegation lacks context. Petitioner fails to note that on direct examination, he testified that "my defense attorney was able to prove at trial that the trooper testified falsely and as a result the jury found me not guilty of all the DUI charges." Tr. 71. Petitioner later

admitted on cross-examination, however, that he does not know why the jury acquitted him on the DUI count while convicting him on other counts. Tr. 124-25. He also acknowledged that there was no judicial finding that the trooper testified falsely. Tr. 124-126. It was in that context that the Board questioned the credibility of Petitioner's unequivocal assertion that the jury acquitted him of DUI as a result of a perjury determination. Tr. 124-26; Add., Conclusions of Law at p.56, ¶ 4d.

More broadly, the Board concluded that a lack of good judgment was evident in the course of Petitioner's mandamus litigation. Add., Conclusions of Law at p.56, ¶ 4c. With respect to the Maryland trooper, Petitioner filed a disciplinary complaint, successively sought a perjury prosecution with three different authorities, and filed petitions for writs of mandamus across multiple jurisdictions alleging abuse of prosecutorial discretion. Add., Findings 81-83. The Maryland State Police IAD, the three prosecuting authorities, and trial and appellate courts have concluded that no action against the trooper was warranted, no gross abuse of discretion has been committed, and/or dismissed Petitioner's actions on other grounds. Add., Findings 81, 83. Neither the court records surrounding the matters nor Petitioner's testimony at the hearing convinced the Board that he exercised good judgment over the course of that serial litigation. Add., Conclusions of Law at pp.55-58, at ¶¶ 4-10; Memorandum at pp. 58-59.

III. PETITIONER PRESENTED INSUFFICIENT CREDIBLE EVIDENCE OF REHABILITATION.

The Board reviewed and considered Petitioner's evidence of rehabilitation under Rule 5B(5). In connection with a number of areas of concern, Petitioner stated that he knew his conduct was wrong and accepted responsibility for it; that he has remained law-abiding since 2019 and successfully addressed his alcohol-related driving conduct; that he has made positive social contributions; and that he intends to conform his future conduct to standards of good character and fitness. Add., Findings 23, 24, 40-41, 60, 73, 100, 124; Tr. 50-65, 90-93. The Board also reviewed, in detail, the positive character evidence submitted on Petitioner's behalf. Add., Findings 121-123, 125; Tr. 93-95.

Upon review of the record as a whole, however, including careful consideration of Petitioner's hearing testimony, the Board concluded that "[m]issing from his submissions and his testimony at the hearing was sufficient credible evidence of rehabilitation." Add., Memorandum at p.59. Rather than resolving Board concerns, "[m]any of [Petitioner's] explanations and excuses raised additional questions regarding his veracity, his lack of candor, his lack of insight into his behavior, and his failure to take responsibility for his actions." Add., Memorandum at pp.58-59. Thus, "[w]hile [Petitioner] offered some direct testimony related to rehabilitation," the Board determined that the record "indicate[d] that he will continue the concerning behavior moving forward." Add., Memorandum at p.59.

Petitioner argues that his evidence of rehabilitation was sufficient to meet his burden of proof under Rule 5B(5). Pet. 7-10, 20-22. Petitioner asserts, specifically, that the Board assigned insufficient weight to his rehabilitation evidence. Pet. 7-8. As is discussed above

and reflected in its final decision, the Board assigned weight and significance to Petitioner's course of conduct with careful consideration given to the Rule 5B factors cited by Petitioner: evidence of rehabilitation, remoteness, age, current conduct, and positive social contributions. Pet. 8; Add., Findings 32, 40-41, 60, 73, 100, 102-03, 121-25, 130, 131; Conclusions of Law at p. 55, ¶ 3. Two of the areas focused upon by Petitioner, his course of criminal conduct and his civil litigation history (Pet. 9-17), were the subject of particularly exhaustive consideration of aggravating and mitigating circumstances. In weighing the evidence, moreover, the Board assessed the credibility of Petitioner's written explanations and hearing testimony, concluding that sufficient credible evidence of rehabilitation was lacking. Add., Memorandum at p.59. And rather than treating Petitioner's civil litigation – or any other single consideration – as “disqualifying” (Pet. 7, 13-14), the Board relied upon the entire record in arriving at a balanced evaluation of Petitioner's conduct and credibility.⁸

⁸ Petitioner reads the Board's current rehabilitation concerns too narrowly. Pet. 13-15. The Board's conclusions about contradictory actions and troubling conduct, including vexatious litigation, were generally stated, and its decision did not, as Petitioner contends, center its analysis on *Mills v. Leguen*. Add. Conclusions of Law at p.57, ¶ 8. Rather, the Board's conclusion that Petitioner had not provided sufficient credible evidence of rehabilitation was broadly based “upon the record as constituted, including the application, the various submissions to the Board, and the testimony at the hearing.” Add., Conclusions of Law at p.57, ¶ 9. In its Memorandum, the Board further explained that the sufficient credible evidence of rehabilitation was lacking in light of current concerns about, among other things, denials of responsibility and blaming of others. Add., Memorandum at pp. 58-59. Like with the other Board determinations discussed herein, the rehabilitation assessment was comprehensive and did not rest on any single case or concern.

As to professional character evidence, Petitioner emphasizes, in particular, the favorable character and fitness assessment of his current employer, attorney Harris Ammerman. Pet. 20-21. The Board received and reviewed a letter of support from Mr. Ammerman and observed him testify on Petitioner's behalf at the hearing. Add., Findings 123, 131b; Tr. 14-37. In its Findings, the Board noted Mr. Ammerman's favorable opinion of Petitioner's diligence, judgment, integrity, and quality of work. Add., Findings 123, 131b.

Mr. Ammerman's testimony was qualified in some respects. For example, he volunteered that he has had a "short time" to assess Petitioner. Tr. 22, 27. Petitioner's own litigation activity, past and present, fell outside the scope of Mr. Ammerman's supervision. Tr. 32-33. He also called Petitioner's admitted Code of Academic Integrity violation a "misunderstanding," seemingly blaming the professor. Tr. 23-24; Add., Finding 123.⁹

The Board weighed Mr. Ammerman's submissions along with those of Petitioner's other character references in evaluating all the rehabilitation factors under Rule 5B(5). In considering the scope and weight of rehabilitation evidence bearing on his past violations of the law and court orders, his honesty and candor, his exercise of judgment, and other requirements, the Board concluded that "[t]he common thread running through the

⁹ Petitioner also emphasizes the supportive letter submitted by Dean Lyon of the Duncan School of Law. Pet. 2-3, 21; Ex. 37. Dean Lyon wrote favorably of his interactions with Mr. Mills as a law student and in post-graduation communications. With respect to Petitioner's Code of Academic Integrity violation and non-disclosures on his law school application, Dean Lyon stated that he would "allow those matters to speak for themselves" and that post-graduation conversations have "give[n] [him] hope" that Petitioner understands the importance of candor and honesty in all dealings as an attorney. Ex. 37.

evidence presented at the hearing [was] a pattern of failing to act in a manner expected of members of the Minnesota Bar.” Add., Memorandum at p.59. Where “patterns of misconduct reflect unfavorably on an applicant’s moral character and fitness to practice law,” the applicant must overcome the “presumption that similar conduct will recur in the future.” See *In re Noske*, 470 N.W.2d 116, 118 (Minn. 1991) (internal quotation marks and citation omitted); see also *In re Bellino*, 478 N.W.2d 507, 510 (Minn. 1991) (stating that “[c]haracter and fitness are not established simply by lapse of time”). Here, the Board found that Petitioner failed to carry this burden, and that finding is well supported by the record.

IV. THE PATTERNS OF MISCONDUCT HERE ARE MORE SUBSTANTIAL THAN IN THE OTHER ADMISSIONS DECISIONS RELIED UPON BY PETITIONER.

Other admissions decisions cited by Petitioner do not counsel in favor of admission. Pet. 17-20. As a threshold matter, the Board did not treat any of Petitioner’s single instances or patterns of misconduct as “automatically disqualifying,” “requiring denial,” or “dispositive proof of present unfitness” either under the Rules or case law. Pet. 17, 19, 20. The Board viewed Petitioner’s course of conduct and evidence of rehabilitation comprehensively in making its recommendation.

Petitioner first cites *In re Zbiegen*. Pet. 17-18. There, the adverse admissions recommendation was based upon a single incident of plagiarism, rather than patterns of conduct analogous to those evident here. See *In re Zbiegen*, 433 N.W.2d at 875 -877 (declining to deny admission “for a single incident of plagiarism while in law school”); cf. *In re Petition of Cunningham*, 502 N.W.2d 53 (Minn. 1993) (distinguishing *In re Zbiegen*,

which involved a “single act of student plagiarism,” from Cunningham’s pattern over a period of years of deliberate avoidance of obligations and deceitful behavior); *In Re Haukebo*, 352 N.W.2d 752, 754-56 (Minn. 1984) (declining to deny admission based solely on alcoholism concerns and looking instead to past and present pattern of conduct or behavior). The facts in *Padlock* (Pet. 19-20), a non-precedential Wisconsin opinion, included non-disclosures in the applicant’s law school application and hearing testimony, but again fell well short of the scope of Board concern in this matter. *Matter of Admission of Padlock*, 960 N.W.2d 917, 919-21 (Wis. 2021).

In *Nichols* (Pet. 18-19), another Wisconsin case, the applicant argued that his single instance of academic misconduct (again, plagiarism) and several law school and bar application non-disclosures were not substantial enough to warrant denial of his admission. 375 Wis.2d 439, 453-54 (Wis. 2017). The Wisconsin Supreme Court “opted to afford this applicant the benefit of the doubt” and ordered conditional admission. *Id.* The patterns of misconduct evident here are more varied, more numerous, and longer in duration. And the academic misconduct in *Nichols* differed in material ways, given plagiarism does not include ill-founded accusations of arbitrary and capricious conduct against a professor. Finally, Petitioner’s categorization of his Code violation as “recklessness rather than intentional dishonesty” is of little comfort, given that the manner in which he recklessly violated the Code was by “acting dishonestly in an academic pursuit.” *Compare* Pet. 19 with Add., Finding 97.

CONCLUSION

The record amply supports the Board's determination that Petitioner has not satisfied his burden with respect to demonstrating the current ability to satisfy essential eligibility requirements and his character and fitness to practice law. On this record, regular admission should be denied at this time.

Similarly, the record does not support conditional admission at this time. Under Rule 16B, conditional admission requires a current record of conduct that evidences a commitment to rehabilitation and an ability to meet the essential eligibility requirements of the practice of law. The Board concluded not only that Petitioner's past conduct raised concerns under Rule 5, but that current concerns about his veracity, candor, insight, and willingness to accept responsibility indicated that he would continue concerning behavior moving forward.

For the foregoing reasons, the Board respectfully requests that this Court deny the Petition for Review.

Dated: April 20, 2026

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