

STATE OF MINNESOTA
IN SUPREME COURT
A22-0693



In re Petition for Disciplinary Action against
Daniel B. McGuire, a Minnesota Attorney,
Registration No. 0400904.

O R D E R

The Director of the Office of Lawyers Professional Responsibility has filed a petition for disciplinary action alleging that respondent Daniel B. McGuire has committed professional misconduct warranting public discipline—namely, affixing a client’s electronic signature to two sworn declarations the client had neither approved, authorized, nor reviewed, but which declarations were otherwise truthful, and filing the same with a court. *See* Minn. R. Prof. Conduct 3.3(a)(1), 4.1, 8.4(c), and 8.4(d).

Respondent and the Director have entered into a stipulation for discipline. In it, respondent waives his procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR) and unconditionally admits the allegations of the petition. In the stipulation, the Director acknowledges evidence of mitigating factors in this case. The parties jointly recommend that the appropriate discipline is a public reprimand.

Respondent’s misconduct amounts to making false statements to a court. We have suspended attorneys for misrepresentations to our judicial officers. *In re Jensen*, 542 N.W.2d 627, 634 (Minn. 1996); *see also, e.g., In re Ask*, 899 N.W.2d 182, 182–83 (Minn. 2017) (order) (30-day suspension for making false statements to a court when pleading

guilty to a crime, making a false statement in a plea petition, and making a false statement to a police officer); *In re Sannes*, 832 N.W.2d 446, 446 (Minn. 2013) (order) (30-day suspension for failing to inform the court that attorney's client had made a false statement to the court and failing to correct that false statement).

But we have imposed a public reprimand in cases involving misstatements to a court when there was evidence of mitigating factors. *See In re Hoeschler*, 872 N.W.2d 261, 261–62 (Minn. 2015) (order) (public reprimand for filing and settling property tax appeals without the permission of the property owners, in light of evidence of mitigating factors); *In re Amundson*, 869 N.W.2d 671, 671 (Minn. 2014) (order) (public reprimand for making knowingly false statements to a court and opposing counsel, in light of evidence of mitigating factors); *In re Novak*, 856 N.W.2d 97, 97 (Minn. 2014) (order) (public reprimand for making knowingly false statements to a court and opposing counsel, in light of evidence of mitigating factors); *In re Dinneen*, 849 N.W.2d 69, 69–70 (Minn. 2014) (order) (public reprimand for representing a client with interests directly adverse to lawyer's current clients, filing an unsigned affidavit with a court without having communicated with the affiant about the topics addressed in the affidavit or the affidavit itself, and making a knowingly false statement to a court, in light of evidence of mitigating factors).

This court has independently reviewed the file and, in light of the evidence of mitigating factors, approves the jointly recommended disposition.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED THAT:

1. Respondent Daniel B. McGuire is publicly reprimanded.
2. Respondent shall pay \$900 in costs pursuant to Rule 24, RLPR.

Dated: December 19, 2022

BY THE COURT:

A handwritten signature in black ink that reads "Natalie E. Hudson". The signature is written in a cursive style with a prominent initial "N".

Natalie E. Hudson
Associate Justice