STATE OF MINNESOTA

IN SUPREME COURT

A21-1532

Original Jurisdiction | Per Curiam
Concurring, Thissen, J.

In re Petition for Disciplinary Action against Larry John Laver, a Minnesota Attorney, Registration No. 0317731.

Filed: January 25, 2023
Office of Appellate Courts

Susan M. Humiston, Director, Karin K. Ciano, Managing Attorney, Office of Lawyers Professional Responsibility, Saint Paul, Minnesota, for petitioner.

Larry John Laver, Woodbury, Minnesota, pro se.

S Y L L A B U S

An indefinite suspension with no right to petition for reinstatement for 8 months is the appropriate discipline for an attorney who committed wide-ranging misconduct, including misrepresentations to clients and courts, client neglect, disobedience of court orders, collection of improper fees, advising a client despite a conflict of interest, engaging in conduct prejudicial to the administration of justice, and failing to cooperate in multiple disciplinary investigations.

Suspended.

O P I N I O N

PER CURIAM.

The sole issue before us is the appropriate discipline to impose on respondent Larry Laver for his wide-ranging misconduct. The Director of the Office of Lawyers Professional Responsibility filed a petition and a supplementary petition for disciplinary action against Laver alleging misconduct in five client matters. Following a hearing, a referee concluded that Laver violated 19 different rules of the Minnesota Rules of Professional Conduct, 9 of them more than once, and 1 rule of the Rules on Lawyers Professional Responsibility (RLPR). Laver's misconduct involved misrepresentations to clients, courts, and disciplinary investigators, client neglect, disobedience of court orders, collection of improper fees, advising a client despite a conflict of interest, engaging in conduct prejudicial to the administration of justice, and failing to cooperate in multiple disciplinary investigations. The referee also found multiple aggravating factors and no mitigating factors. We conclude that the appropriate discipline is an indefinite suspension with no right to petition for reinstatement for 8 months.

FACTS

Larry Laver was admitted to practice law in Minnesota on May 23, 2002. Laver has received three prior admonitions: in 2005 for a violation of Minn. R. Prof. Conduct 4.2 (prohibiting attorney communication with a represented party); in 2006 for a violation of Minn. R. Prof. Conduct 8.4(d) (prohibiting conduct prejudicial to the administration of justice); and in 2015 for a violation of Minn. R. Prof. Conduct 1.1 (competence), 1.4(b)

(communication with clients), and 1.15(c)(1) (requiring attorney to notify a client when the attorney receives a client's property).

The Director's petitions assert that Laver committed misconduct in five client matters over the course of more than 7 years. We summarize the referee's findings and conclusions—which are deemed conclusive[1]—regarding each of these matters in turn.

J.C. Matter

In October 2014, J.C. retained Laver to represent her in a child custody matter. The fee agreement referred to J.C.'s retainer as "non-refundable."

Separate from the child custody matter, J.C. brought a proceeding for an order for protection (OFP) on behalf of her daughter in 2015. A child advocacy organization conducted a video-recorded interview of J.C.'s daughter. J.C. attempted to obtain a tape of the interview but was told that only her attorney could do so.

J.C. retained Laver to represent her in connection with the OFP in the fall of 2015. J.C. directed Laver to obtain the tape of the interview, and Laver told J.C. that he would do so. But despite repeated follow-up from J.C. throughout November and December 2015, Laver did not obtain the tape. Despite not acquiring the tape, Laver listed the video as an exhibit for the OFP trial and identified as potential witnesses the custodian of the taped interview and an expert witness whose testimony would include discussing that interview.

[1] When, as here, "no transcript of an evidentiary hearing is ordered . . . the referee's factual findings and conclusions drawn from those facts are conclusive." *See In re Nathanson*, 812 N.W.2d 70, 78 (Minn. 2012).

The day before the OFP trial, J.C. called the child advocacy organization and learned that Laver still had not requested the video. That evening, after a disagreement about whether to proceed to trial, Laver and J.C. agreed to end the representation. After the representation ended, J.C. asked Laver for her complete file. Laver provided J.C. with an incomplete file, which was notably missing the expert witness's report.[2]

In May 2019, Laver sued J.C. for unpaid legal fees. While the case was pending in district court, Laver offered to settle his claim against J.C. if she withdrew her ethics complaint against him and did not make any future ethics complaints against him. J.C. refused.

J.C.'s ethics complaint was investigated by a District Ethics Committee (DEC). In his written response to the DEC, Laver claimed that he "never promised [he] would obtain this video" and that he was "not even aware of this video until after [he] was terminated from the case," despite having listed the video as a trial exhibit.

The referee concluded that Laver's misconduct in the J.C. matter violated Minn. R. Prof. Conduct 1.3 (diligence), 1.5(b)(3) (prohibiting fee arrangements described as "nonrefundable"), 1.15(c)(4) (requiring that when a client is entitled to receive property, that the attorney, upon request, deliver that client property), 1.16(d) (requiring attorney to

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[2] The referee's unchallenged finding that Laver failed to return expert reports to the client is a plain violation of Minn. R. Prof. Conduct 1.16(e)(2), which states that a client in a litigation matter is entitled to "expert opinions," among other items. The referee also found that Laver violated Minn. R. Prof. Conduct 1.16(e)(2) by failing to return "attorney notes." Here, because no transcript was ordered, we cannot review what was included in the "attorney notes." We express no opinion here on the circumstances under which lawyers are professionally obligated to return personal notes to the client.

return client papers and property upon termination of representation), 1.16(e)(2) (describing client papers and property to include "expert opinions" and "other materials that may have evidentiary value"), 4.1 (prohibiting knowingly false statements when representing a client), 8.1(a) (prohibiting knowingly false statements of material fact in connection with a disciplinary matter), 8.4(c) (prohibiting conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d).

E.B. Matter

In 2018, Laver represented E.B., the father, in a child support matter. E.B.'s income was disputed by the parties, and thus evidence of his income was necessary to the determination of child support. A hearing to determine child support was set for December 12, 2018.

In November 2018, mother's attorney e-mailed Laver and asked him for proof of E.B.'s income to discuss a potential settlement. Laver responded that E.B. was in the process of applying for public assistance. Mother's attorney asked Laver for E.B.'s application for public assistance, which Laver refused to provide. Mother's attorney then served Laver with a formal discovery request for the application.

When the case was called on December 12, 2018, E.B. was in the courtroom, but Laver was not. Laver did not tell E.B. that he was not going to appear. The court read an e-mail that Laver had sent earlier that same day in which he stated that he did not believe the hearing was necessary because the parties were working toward a settlement. However, no work toward settlement had occurred because Laver had not provided E.B.'s income

information to mother's attorney. When questioned by the court, E.B. became emotional and told the court that he had provided his income information to Laver.

The court recessed the case after receiving a call from Laver stating that he was 45 minutes away. When Laver arrived, he did not have a computer with him or any documentation of E.B.'s income, but E.B. claimed that he had the information on his cell phone. Therefore, the court recessed again to allow E.B. to share the income information on his phone with all counsel.

When the case was recalled 3½ hours after it was first called, the court imputed income to E.B. that exceeded the income documented, which the referee found "eliminated the possibility of a better outcome for [E.B.]." Mother's attorney later moved for attorney fees for the delay in the hearing, and the court awarded mother $600 in attorney fees, which Laver paid in 2021.

The referee concluded that Laver's misconduct in the E.B. matter violated Minn. R. Prof. Conduct 1.3, 1.4(a)(3) (requiring attorney to keep client informed about the status of a case), 3.2 (requiring reasonable efforts to expedite litigation), 3.3(a)(1) (prohibiting knowingly false statements to tribunals), 3.4(c) (prohibiting knowing disobedience of an obligation under the rules of a tribunal), 4.1, and 8.4(c).

V.C. Matter

Laver represented V.C., the father, in a series of disputes with the mother of V.C.'s children. On two occasions, Laver submitted an affidavit supporting motions for attorney fees. In both affidavits, Laver stated that he had reviewed the "original time records" and verified the work "performed for the benefit of the client." However, for the first motion,

Laver significantly inflated the number of hours worked due to clerical errors in the attached time spreadsheet. Opposing counsel contacted Laver to point out the errors; Laver acknowledged the errors but refused to correct them. For the second motion, Laver included a time entry for 2 hours of work for a pretrial hearing, even though that hearing had not yet occurred.

Additionally, for both motions, Laver billed 0.3 hours (18 minutes) on each of the e-mails relating to the matter, even though many of those e-mails would not have required 18 minutes of time. Laver admitted before the referee that he did not track time spent on each e-mail but attributed 18 minutes to each e-mail because a study done by Boeing in the 1990s found that most e-mails take 21 minutes of time.

Thus, because there were no original time records regarding the e-mails, and because Laver's submissions contained inaccurate charges for time not actually performing work for the client, the referee found that the statements in the affidavits were knowingly false.

Laver also committed withdrawal-related misconduct in the V.C. matter. Laver initially withdrew from V.C.'s case on December 4, 2019, but his notice of withdrawal to the court did not list V.C.'s phone number as required by Minn. Gen. R. Prac. 105. Laver agreed to continue the representation in January 2020 but withdrew again in September 2020 after the court denied Laver's second motion for attorney fees. Laver did not promptly file a notice of withdrawal with the court. Instead, opposing counsel contacted Laver in July 2021 when V.C. attempted to file a pro se motion. Laver told opposing counsel that he was no longer representing V.C., but when opposing counsel

noted that Laver was still listed as V.C.'s counsel of record in the district court's case information system, Laver threatened to file a harassment proceeding against opposing counsel. Laver eventually filed a notice of withdrawal 6 weeks later.

The referee concluded that Laver's misconduct in the V.C. matter violated Minn. R. Prof. Conduct 1.5(a) (prohibiting collection of unreasonable fees), 1.16(c) (compliance with court rules upon termination of representation), 3.3(a)(1), 4.1, and 8.4(d).

T.D. Matter

In 2014, Laver represented T.D. in a divorce matter. The parties' settlement, later incorporated into a judgment and decree, granted T.D. the marital home in Woodbury, but required her to attempt to refinance the existing mortgage in her own name, as the existing mortgage was in both T.D.'s and her ex-husband's name. The settlement also prohibited T.D. from further encumbering the Woodbury home. Laver helped negotiate and signed the settlement containing these conditions, and therefore knew of these conditions.

In July 2020, T.D. contacted Laver to inform him that her new husband had been arrested. Laver advised T.D. to contact a criminal defense attorney and the owner of a bail bonds company. Laver was a licensed bond agent approved to write bail bonds for the company to which he referred T.D. and was compensated by the owner of the company for his work. The owner drafted a bail bond mortgage agreement for T.D. that encumbered the Woodbury home in the amount of $150,000, and asked Laver to obtain and notarize T.D.'s signature.

Laver orally advised T.D. that she would violate the judgment and decree in the divorce matter if she signed the bail bond agreement. T.D. signed the bail bond mortgage

agreement on August 1, 2020, in Laver's presence. Laver witnessed and notarized T.D.'s signature. The referee concluded that Laver and T.D. had an attorney-client relationship as of August 1, 2020.

Soon after, T.D.'s ex-husband moved to force the sale of the Woodbury home, as permitted under the judgment and decree. On August 4, 2020, Laver wrote an e-mail to counsel for T.D.'s ex-husband, stating that he would "again" be representing T.D. In his e-mail, Laver stated that T.D's ex-husband's name was the only one on the mortgage, which Laver knew to be a false statement from his previous representation of T.D.

After T.D.'s ex-husband learned of the bail bond mortgage, he brought a second motion to hold T.D. in violation of the judgment and decree and to have the bail bond mortgage removed from the home. T.D. was held in contempt in December 2020 for violating the judgment and decree, although she was given the opportunity to purge the contempt if she removed the bail bond and refinanced the home.

In March 2021, Laver noted in a conversation with counsel for T.D.'s ex-husband that he would have a conflict of interest if he continued to represent both the bail bonds company and T.D. Thus, in April 2021, Laver obtained a signed waiver form from the bail bonds company and T.D. The waiver form did not advise T.D. of the company's interest in preserving the bail bond mortgage to protect its collateral, nor did it advise the company of T.D.'s interest in having the bail bond mortgage removed to purge T.D.'s contempt.

Laver continued to represent T.D. to purge her contempt. However, the bail bonds company refused to remove the bail bond mortgage from the Woodbury home, and the bail bond mortgage prevented T.D. from refinancing her home as she was required to do to

purge her contempt. Therefore, the court appointed a receiver to manage a sale of the Woodbury home. In addition, T.D. was assessed $16,500 in conduct-based attorney fees based on her continuing contempt and violation of the judgment and decree.

The referee concluded that Laver's misconduct in the T.D. matter violated Minn. R. Prof. Conduct 1.7(a)(2) (prohibiting concurrent conflict of interest), 3.4(c), 4.1, 8.4(a), and 8.4(c).

S.L. Matter

In 2020, Laver represented S.L., a Minnesota attorney, in connection with an attorney disciplinary investigation against S.L. On July 14, 2020, both S.L. and Laver advised the Director by e-mail that Laver was representing S.L. After sending this e-mail, Laver effectively abandoned S.L.'s case over the next 5 months, failing to respond to no less than seven letters and e-mails from the Director requesting action by Laver. When Laver did respond, he either questioned the Director's credentials, made false statements that he had indeed responded to the Director, or denied that he was representing S.L.

The Director issued charges of unprofessional conduct against S.L. on November 12, 2020. The charges alleged three counts of misconduct, the most serious of which was noncooperation with the Director. On December 14, 2020, when Laver had still not responded to the charges against S.L., the chair of a panel of the Lawyers Professional Responsibility Board granted the Director's motion to file a public petition for disciplinary action against S.L. based on his "flagrant non-cooperation." The Director e-mailed Laver a copy of the signed petition for disciplinary action. Laver responded to this e-mail within

minutes, stating, "I do not have the authority to accept service for [S.L.]." The Director then personally served S.L. with the petition for disciplinary action.

S.L. testified before the referee that he was unaware that the Director was contemplating charges against him. S.L. explained that he had communicated with Laver about the case many times between July and December 2020, and each time Laver had stated that things were "under control" and that he would inform S.L. of any updates. S.L. also testified that Laver had never forwarded him any of the Director's correspondence.

After being served with the petition for disciplinary action, S.L. contacted Laver, who told S.L. that he needed to find an attorney who specialized in disciplinary cases. S.L. hired a new attorney, and with the assistance of his new counsel, S.L. for the first time obtained copies of the e-mails and letters that the Director had sent to Laver.

When asked by the Director about his conduct in the S.L. matter, Laver stated, "I was never retained by [S.L.]. We did not nor do we have a contract. I was only asked to help write a letter." The referee found this was a false statement because it contradicted Laver's July 14, 2020 e-mail to the Director stating that he was representing S.L.

The referee concluded that Laver's misconduct in the S.L. matter violated Minn. R. Prof. Conduct 1.3, 1.4(a)(3), 1.4(b), 4.1, 8.1(a), 8.1(b) (prohibiting a knowing failure to respond to a disciplinary investigation), and 8.4(c).

Noncooperation

The referee also found that Laver failed to cooperate with the Director's investigation into Laver's conduct in the T.D. matter. T.D.'s ex-husband filed an ethics complaint against Laver in 2021. The complaint was investigated by a DEC investigator,

who asked Laver to send her a copy of an exhibit submitted by the Director. The investigator testified before the referee that she never received the exhibit, and although Laver claimed before the referee that he sent the exhibit, he provided no evidence to contradict the investigator. Laver also failed to respond to the DEC investigator's request for a list of the months Laver had worked for the bail bonds company, instead telling her to look it up herself on the district court's case information system. Finally, Laver told the DEC investigator that he had not received her correspondence when the correspondence had been sent by e-mail and was not returned as undeliverable. The referee concluded that Laver's noncooperation with the DEC's investigation violated Minn. R. Prof. Conduct 8.1(b) and Rule 25, RLPR (requiring an attorney to cooperate with a disciplinary investigation).

Aggravating Factors, Mitigating Factors, and Referee's Recommendation

The referee identified six factors that aggravated Laver's misconduct: (1) Laver's lengthy experience as an attorney, (2) Laver's pattern of misconduct, (3) Laver's lack of remorse, (4) Laver's prior disciplinary history, (5) Laver's misrepresentations during the disciplinary proceedings, and (6) Laver's factually and legally unsupported assertions during these disciplinary proceedings as made in frivolous motions and unsupported ethics complaints against the Director's staff. The referee found no mitigating factors.

The referee recommended that we indefinitely suspend Laver, with no right to petition for reinstatement for 8 months.

ANALYSIS

Because neither party ordered a transcript of the proceedings before the referee, the referee's findings of fact and conclusions that Laver's conduct violated the Minnesota Rules of Professional Conduct are deemed conclusive. Rule 14(e), RLPR; *see In re Nathanson*, 812 N.W.2d 70, 78 (Minn. 2012). However, even without a transcript, we may review de novo the referee's interpretation of the Rules of Professional Conduct and other conclusions of law that do not rely on the referee's factual findings. *In re Montez*, 812 N.W.2d 58, 66 (Minn. 2012).

Laver does not challenge the referee's interpretation of the Rules of Professional Conduct or any conclusions of law unrelated to the referee's factual findings.[3] Rather, Laver objects to many of the referee's factual findings about Laver's conduct and the referee's conclusions that Laver's conduct violated the Minnesota Rules of Professional Conduct. Because Laver did not order a hearing transcript, he is not entitled to contest those findings and conclusions. *See Nathanson*, 812 N.W.2d at 78. Therefore, the only issue for us is determining the appropriate discipline for Laver.

The goal of discipline is "not to punish the attorney, but rather to protect the public, to protect the judicial system, and to deter future misconduct by the disciplined attorney as well as by other attorneys." *In re Albrecht*, 779 N.W.2d 530, 540 (Minn. 2010) (citation

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[3] Laver makes one objection that is unrelated to the referee's findings and conclusions: that the referee erred in denying several of Laver's pretrial motions. However, Laver's argument is entirely conclusory and made without analysis or citation to legal authority, and as a result, it is forfeited. *See In re McCloud*, 955 N.W.2d 270, 280 n.12 (Minn. 2021).

omitted) (internal quotation marks omitted). We give "great weight" to the referee's recommendation but ultimately retain responsibility for determining the appropriate sanction. *In re Greenman*, 860 N.W.2d 368, 376 (Minn. 2015) (citation omitted) (internal quotation marks omitted). In determining the appropriate sanction, we examine four factors: "(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." *Id.* (citation omitted) (internal quotation marks omitted). We then consider any aggravating or mitigating factors and finally look to similar cases for guidance on the appropriate discipline. *Id.* We begin by examining each of the four factors in turn.

A.

Laver committed wide-ranging, serious misconduct. His "continued pattern of misrepresentations" to clients, courts, and disciplinary investigators is "misconduct of the highest order and warrants severe discipline." *Montez*, 812 N.W.2d at 68–69. Likewise, a pattern of client neglect permeates Laver's misconduct. We have observed that a "continuing pattern of client neglect is serious misconduct often warranting indefinite suspension by itself." *In re Fru*, 829 N.W.2d 379, 388 (Minn. 2013).

Beyond client neglect and misrepresentations, Laver also engaged in a variety of other misconduct, including violating obligations of the court, collecting improper fees, and advising a client despite a conflict of interest. These types of misconduct are considered serious. *See In re Blomquist*, 958 N.W.2d 904, 914 (Minn. 2021) (violating court orders); *In re Geiger*, 621 N.W.2d 16, 23 (Minn. 2001) (collection of improper fees); *In re Swanson,* 967 N.W.2d 644, 654 (Minn. 2021) (conflicts of interest).

Finally, Laver failed to cooperate with disciplinary investigations—not only of him, but also of S.L., a client he represented in the Director's investigation. Failure to cooperate with a disciplinary investigation can "warrant indefinite suspension on its own" and "increase the severity of the disciplinary sanction when connected with other professional misconduct." *In re Rhodes*, 740 N.W.2d 574, 579 (Minn. 2007).

B.

In assessing the cumulative weight of an attorney's disciplinary violations, we distinguish "a brief lapse in judgment or a single, isolated incident of misconduct from multiple instances of misconduct occurring over a substantial amount of time." *Greenman*, 860 N.W.2d at 377 (citation omitted) (internal quotation marks omitted).

Laver's misconduct affected five clients over more than 7 years, resulting in violations of 19 separate rules of the Minnesota Rules of Professional Conduct and 1 rule of the Rules on Lawyers Professional Responsibility. Laver's misconduct plainly involves multiple instances of misconduct over a substantial amount of time.

C.

In considering harm to the public, we evaluate the number of clients harmed and the extent of the clients' injuries. *In re Hulstrand*, 910 N.W.2d 436, 443 (Minn. 2018). Here, four of the five clients identified in the petition were harmed by Laver's actions. J.C.'s case was hindered by Laver's failure to provide her with the interview tape and her entire file. E.B. lost the opportunity to receive a more advantageous child support outcome due to Laver's neglect. Laver's assistance to T.D. led to a contempt order against T.D. and

T.D. being assessed $16,500 in conduct-based attorney fees. And Laver's neglect subjected S.L. to heightened disciplinary charges and a petition for disciplinary action.

Laver claims that there is no harm to the public because the Director waited "over two years to bring the action forward." But Laver fails to explain how any delay lessens the number of clients Laver harmed and the extent of their injuries. *See Hulstrand*, 910 N.W.2d at 443. Regardless, a delay in bringing charges does not affect our analysis unless the respondent is prejudiced by the delay. *See In re MacDonald*, 962 N.W.2d 451, 461 (Minn. 2021). Laver makes no showing of prejudice here.

D.

We measure harm to the legal profession by considering whether an attorney's misconduct "reflects poorly on the entire legal profession and erodes the public's confidence in lawyers." *In re Udeani*, 945 N.W.2d 389, 398 (Minn. 2020) (citation omitted) (internal quotation mark omitted). Laver's pattern of neglect is "destructive of public confidence in the legal profession," as is Laver's misconduct that required "needless expenditure of judicial and opposing counsel resources." *Nathanson*, 812 N.W.2d at 79 (citation omitted) (internal quotation mark omitted). Moreover, Laver's pattern of false statements undermines the public's faith in the legal profession, *In re Klotz*, 909 N.W.2d 327, 337 (Minn. 2018), as does his flouting of court orders, *Blomquist*, 958 N.W.2d at 915, and his misconduct in representing clients with a conflict of interest, *Udeani*, 945 N.W.2d at 398. Finally, Laver's failure to cooperate with disciplinary investigations "weakens the public's perception of the legal profession's ability to self-regulate." *In re Quinn*, 946 N.W.2d 583, 592 (Minn. 2020) (citation omitted) (internal quotation mark omitted).

E.

We next consider any aggravating or mitigating factors. The referee identified multiple aggravating factors, including Laver's lengthy experience as an attorney, his lack of remorse, his prior disciplinary history, and his misrepresentations and frivolous conduct during these disciplinary proceedings.[4] Our case law recognizes each of these aggravating factors. *See In re Sea*, 932 N.W.2d 28, 31, 37 (Minn. 2019) (lengthy experience); *Greenman*, 860 N.W.2d at 378 (lack of remorse); *In re Tigue*, 843 N.W.2d 583, 587 (Minn. 2014) (prior disciplinary history); *In re Colosi*, 977 N.W.2d 802, 815 (Minn. 2022) (misrepresentations during disciplinary proceedings); *In re Ulanowski*, 800 N.W.2d 785, 803 (Minn. 2011) (frivolous conduct during disciplinary proceedings). The referee's findings on these aggravating factors are conclusive. *See* Rule 14(e), RLPR.

The referee identified no mitigating factors. Laver contends that he offered evidence of his COVID-19 diagnosis and alcohol dependency to the referee. But because no transcript was ordered, the referee's conclusion that there are no mitigating factors is conclusive. *See id.*

F.

We finally look to similar cases, although we are mindful that "the discipline is tailored to the specific facts of each case." *MacDonald*, 962 N.W.2d at 466. We discern significant parallels between the misconduct in this case and the misconduct in *Greenman*,

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[4] Because we have already considered Laver's pattern of misconduct in evaluating the cumulative weight of his misconduct, we do not consider Laver's pattern of misconduct as an aggravating factor. *See In re Eskola*, 891 N.W.2d 294, 301 (Minn. 2017).

860 N.W.2d 368. Greenman engaged in much of the same misconduct as Laver: client neglect, withdrawal-related misconduct, violation of court obligations, misrepresentations to a court, and noncooperation with a disciplinary investigation. *See Greenman*, 860 N.W.2d at 376–77. Both the breadth and duration of Greenman's misconduct is like Laver's: Greenman's misconduct occurred in seven client matters over 5 years; Laver's misconduct occurred in five client matters over more than 7 years. *Id.* at 377. And like in Laver's case, we found multiple aggravating factors and no mitigating factors. *Id.* at 378–79. We indefinitely suspended Greenman with no right to petition for reinstatement for 6 months. *Id.* at 379.

However, an important distinction between this case and *Greenman* is that Greenman had no prior disciplinary history. *Id.* at 371. Given Laver's three prior admonitions, his discipline should be greater than that imposed in *Greenman*. We believe the referee's recommendation that we indefinitely suspend Laver with no right to petition for reinstatement for 8 months appropriately tailors the discipline to the specific facts of this case. *See MacDonald*, 962 N.W.2d at 466.

Accordingly, we order that:

1. Respondent Larry John Laver is indefinitely suspended from the practice of law, effective 14 days from the date of this opinion, with no right to petition for reinstatement for 8 months.

2. Respondent shall comply with Rule 26, RLPR (requiring notice of suspension to clients, opposing counsel, and tribunals), and shall pay $900 in costs, *see* Rule 24, RLPR.

3. Respondent may petition for reinstatement pursuant to Rule 18(a)–(d), RLPR. Reinstatement is conditioned on the successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility, *see* Rule 18(e)(2), RLPR; Rule 4.A.(5), Rules for Admission to the Bar (requiring evidence that an applicant has successfully completed the Multistate Professional Responsibility Examination), and satisfaction of continuing legal education requirements, *see* Rule 18(e)(4), RLPR.

Suspended.

C O N C U R R E N C E

THISSEN, Justice (concurring).

I agree that Larry Laver should be suspended for 8 months. I write separately to note my continued concern with the practice of relying on non-cooperation with the disciplinary proceedings (which is an independent rule violation) as an aggravating factor. *See In re Nelson*, 933 N.W.2d 73, 76–77 (Minn. 2019) (Thissen, J., concurring).