

August 20, 2018

Ms. Keshini M. Ratnayake
Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102

RE: Complaint of Michael Brodkorb and Allison Mann against
Michelle Lowney MacDonald
Case No.: 44052

Dear Ms. Ratnayake:

We are writing in response to Mr. Engh's July 25, 2018 letter response on behalf of Ms. MacDonald. This complaint was not filed as a "volley" as asserted by Mr. Engh. The complaint is based on a concern that the continued ability of Michelle MacDonald to practice law in the State of Minnesota is a detriment and danger to the public.

The general basis for the complaint is that Ms. MacDonald is not abiding by the terms of her probation as ordered. Specifically, Ms. MacDonald, despite being ordered to practice only under supervision, has ignored the requirements and submitted court pleadings without the knowledge and sign-off of her supervising attorney.

Ms. MacDonald knowingly and intentionally made a false report to the Eagan Police Department regarding Mr. Brodkorb. Documentation was previously provided to the Office of Lawyers Professional Responsibility.

Mr. Engh believes that no actual rules were listed that have been violated. To clarify below is a list of those rules and the specific actions taken by Ms. MacDonald in violation of each:

- **RULE 3.1: MERITORIOUS CLAIMS AND CONTENTIONS**

Ms. MacDonald brought a frivolous lawsuit against Michael Brodkorb and Missing in Minnesota. Ms. MacDonald was acting as her own attorney at the time of drafting and filing the lawsuit and is well aware that there is no good faith argument on the merits of the case.

- **RULE 3.4: FAIRNESS TO OPPOSING PARTY AND COUNSEL**

(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law

Ms. MacDonald falsified evidence when she made a false police report regarding Mr. Brodkorb.

- **RULE 8.4: MISCONDUCT**

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another

As stated, Ms. MacDonald has violated the Rules of Professional Conduct in her actions regarding the filing of a frivolous lawsuit. Her false report to the Eagan Police Department may constitute a separate violation of the Rules.

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation

Ms. MacDonald made false statements to the Eagan Police in an effort to create evidence.

Since the outset of the lawsuit against Mr. Brodkorb and Missing in Minnesota, Ms. MacDonald has skirted responsibility by attempting to forego proper procedure. Rather than deal with what she claimed was an erroneous filing in Dakota County she simply and without the knowledge of her supervising attorney filed the same lawsuit in Ramsey County. When that became problematic, Ms. MacDonald attempted to file a proposed order into the Dakota County file, again without the knowledge of her supervising attorney.

Ms. MacDonald used her former paralegal as a cover-up for either her inadvertent mistake or her lack of judgement regarding the filing of the lawsuit. After her former paralegal sent a letter to the court requesting the "administrative closing" of the Dakota County file, Ms. MacDonald attempted to call the court and persuade court staff to close the file. Ms. MacDonald was going out of her way to attempt to close the Dakota County file, again all without the knowledge of her supervising attorney.

Since the filing of this complaint, Ms. MacDonald has retained counsel to represent her. She did so in Ramsey County immediately however she did not retain counsel in Dakota County until the day before a scheduled motion hearing which she did not believe she should be required to attend.

Also since the filing of this complaint Ms. MacDonald has made obvious changes to her law firm perhaps in an attempt to become compliant with the disciplinary action she previously received and is still subject to. Ms. MacDonald's Law Firm website no longer lists Attorney Scott Klemp as an associate. This seems to demonstrate that first, Mr. Klemp was not an associate of MacDonald's at the time this complaint was filed and that he is not currently. Again, Ms. MacDonald seems to be engaged in the solo practice of law. Ms. MacDonald's long time paralegal Debbie Sampson has left the firm. It is not the position of these complainants to provide any reason or conjecture as to why Ms. Sampson left the firm but the timing of her departure is worth noting.

Finally, Attorney Larry Frost has withdrawn from both the Ramsey County and Dakota County lawsuits filed by Ms. MacDonald. Mr. Frost previously indicated that Ms. MacDonald was

acting without his sign off and his withdrawal seems to indicate his reluctance to stay involved in the case. Frost also publically admitted he had not researched the veracity of the facts set forth in the lawsuit at the time of first filing.

It is not the intention of the complainants to ask the Office of Lawyers Professional Responsibility to act as a finder of fact in the lawsuit filed against them by Ms. MacDonald. The filing of the lawsuit has brought to light Ms. MacDonald's continued refusal to follow the rules of her profession and of the court. The merits of the lawsuit are only one portion of the greater complaint against Ms. MacDonald. The investigation by the Board is not premature, it is necessary.

Please also note that the filing of the complaint as well as this response is done so jointly by myself and Mr. Brodkorb. Objections voiced are by both parties and certainly do not fall to only those of Mr. Brodkorb.

We appreciate the opportunity to provide a response. Should you have any questions or require additional information please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allison Mann".

Allison Mann

A handwritten signature in cursive script, appearing to read "Michael Brodkorb".

Michael Brodkorb