STATE OF MINNESOTA

IN SUPREME COURT

A21-1666

In re Petition for Disciplinary Action against
Albert Isiaka Usumanu, a Minnesota Attorney,
Registration No. 025180X.

O R D E R

The Director of the Office of Lawyers Professional Responsibility filed a petition for disciplinary action alleging that respondent Albert Isiaka Usumanu committed professional misconduct warranting public discipline. Usumanu and the Director have entered into a stipulation for discipline. In it, Usumanu waives his right to answer and his procedural rights under Rule 14, Rules on Lawyers Professional Responsibility (RLPR), and unconditionally admits the allegations of the petition. The parties jointly recommend that the appropriate discipline is a public reprimand followed by 2 years of supervised probation.

We issued an order to show cause, directing the parties to file memoranda addressing why respondent should not be subject to more severe discipline. The parties have filed their responsive memoranda.

Usumanu admitted to committing misconduct in two immigration matters. In the first, removal proceedings were initiated against J.A.S. J.A.S. initially retained Usumanu to address only custody and bond issues. After the immigration court granted J.A.S.'s request for bond and released him from custody, J.A.S. hired Usumanu in November 2019

to represent him in a possible bond appeal and to raise an asylum claim related to the removal proceedings. Usumanu did not file anything with the immigration court to note his appearance in J.A.S.'s removal proceedings. Usumanu admits that he failed to act with diligence, in violation of Minn. R. Prof. Conduct 1.3, by not filing a notice of appearance in the removal proceedings.

The immigration court served J.A.S. personally with a notice of hearing in the removal proceedings, scheduled for February 6, 2020. J.A.S. sent Usumanu a photo of the removal papers in a text message. The day before the hearing, J.A.S. texted Usumanu and asked if he had to go to the hearing the next day. Usumanu texted J.A.S. that there was no hearing and that he did not need to go. Usumanu admits that he acted incompetently and failed to act with diligence, in violation of Minn. R. Prof. Conduct 1.1 and 1.3, by incorrectly informing J.A.S. that there was no hearing without reviewing the notice of removal or investigating whether there was a hearing date.

J.A.S. did not attend the removal hearing; the immigration court ordered him removed. J.A.S. retained a new lawyer. That lawyer successfully moved to reopen the removal proceedings, which remain pending. Usumanu refunded all the fees J.A.S. had paid him.

In the second matter, R.Z.T. retained Usumanu in 2014 to help her obtain a U-Visa before the United States Citizenship and Immigration Services (USCIS). She paid Usumanu $3,850 in cash as advance fees. Usumanu admits that he violated Minn. R. Prof. Conduct 1.15(h), as interpreted by Appendix 1(II)(2), because the receipts he provided R.Z.T. did not say the payments were made in cash and were not countersigned by R.Z.T.

Usumanu also did not put any of these advance fees into trust, which he admits violated Minn. R. Prof. Conduct 1.15(a) and 1.15(c)(5).

USCIS denied R.Z.T.'s U-Visa application on May 31, 2019. It later initiated removal proceedings and issued a notice to appear. R.Z.T. consulted with a new attorney about the notice to appear. Usumanu admits that he violated Minn. R. Prof. Conduct 1.16(d), by failing to promptly provide R.Z.T.'s new attorney with a copy of her file after it was requested.

The purpose of attorney 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 Klotz*, 909 N.W.2d 327, 335 (Minn. 2018) (quoting *In re Pitera*, 827 N.W.2d 207, 210 (Minn. 2013)). We "consider four factors in determining the appropriate discipline to impose '(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.* (quoting *In re Hansen*, 868 N.W.2d 55, 59 (Minn. 2015)). We "also consider both aggravating and mitigating factors, and look to similar cases when determining the appropriate sanction." *Id.*

After considering these four factors, the aggravating and mitigating factors that are present, and the discipline imposed in similar cases, we agree with the parties' stipulation that a public reprimand, followed by 2 years of supervised probation, is the appropriate discipline in this case.

Turning to the nature of the misconduct, Usumanu did not diligently and competently represent a client in an immigration matter, and in a separate matter, he failed

to deposit another immigration client's advance fees into trust, give her countersigned receipts for cash payments, and provide her with a copy of her file in a timely manner. We have publicly reprimanded attorneys for this type of misconduct when it involved a small number of immigration clients. *In re Robinson*, 874 N.W.2d 438, 438–39 (Minn. 2016) (order) (publicly reprimanding an attorney for "failing to competently and diligently represent and communicate with a client in a criminal matter" and "failing to diligently represent and communicate with a client in an immigration matter"); *In re Swaray*, 867 N.W.2d 925, 925–26 (Minn. 2015) (order) (publicly reprimanding an attorney for commingling personal and client funds in a trust account, creating shortages in his trust account, paying personal expenses out of his trust account, failing to maintain required trust account books and records, and failing to follow orders of an immigration court and communicate with his client); *In re Akong*, 621 N.W.2d 725, 725–26 (Minn. 2001) (order) (publicly reprimanding an attorney for making false statements to the Board of Immigration Appeals, failing to prepare for or appear at a client's asylum interview, and failing to communicate with a client and return her file).

We acknowledge that Usumanu's misconduct harmed J.A.S., who was threatened with removal because of Usumanu's misconduct.[1] *See In re Kaszynski*, 620 N.W.2d 708,

[1] Contrary to the dissent's claim, Usumanu's misconduct did not result in R.Z.T. being threatened with removal or delay her citizenship timeline. Usumanu's misconduct related to R.Z.T.'s advanced fee payments and had no impact on her removal proceedings or legal status. In addition, the petition did not allege that Usumanu's failure to provide R.Z.T.'s new lawyer with a copy of the file had any impact on that lawyer's representation of R.Z.T., her removal proceedings, or her citizenship timeline. The dissent assumes that R.Z.T. was harmed, but it relies only on a previous dissent to support its claim that such an assumption is permissible. *See In re Siders*, 903 N.W.2d 218, 221 (Minn. 2017)

711 (Minn. 2001) (recognizing the harm to clients who were put "in jeopardy of being deported" because of the attorney's misconduct). We have, however, publicly reprimanded an attorney when their misconduct caused similar harm to a single immigration client. *See Swaray*, 867 N.W.2d at 925.[2] And in nonimmigration cases where a lawyer's neglect of a single client caused that client harm, we have also imposed a public reprimand. *See In re Biersdorf*, 955 N.W.2d 611, 611 (Minn. 2021) (order) (publicly reprimanding a lawyer for failing to file a lawsuit within 1 year of serving the defendant with the complaint, resulting in a dismissal under applicable rules, and failing to deposit client fees into trust); *In re Smith*, 867 N.W.2d 924, 924 (Minn. 2015) (order) (publicly reprimanding an attorney for neglecting a client matter, resulting in loss of claim, failing to communicate with that client, and failing to cooperate with the Director); *In re Applebaum*, 803 N.W.2d 914, 914 (Minn. 2011) (order) (publicly reprimanding an attorney for failing to diligently pursue a client matter, resulting in loss of claim, failing to communicate with that client, failing to maintain and return a client's file, and making a series of misrepresentations to the client); *In re Letourneau*, 712 N.W.2d 183, 185–86 (Minn. 2006) (publicly reprimanding a lawyer for failing to commence an action before expiration of the statute of limitations).

(McKeig, J., dissenting) (order). In the case the dissent cites, we rejected the idea that we may assume harm not alleged in the petition when we impose discipline based on a stipulation for discipline. *Id.* at 220 (rejecting the dissent's claim that the court should determine discipline based on allegations beyond those made in the petition).

[2] Although our order in *Swaray* does not refer to the harm the attorney's misconduct caused his immigration client, *see* 867 N.W.2d at 925, the petition for disciplinary action filed in that case does identify this harm. And just like this case, the attorney in *Swaray* unconditionally admitted the allegations in the petition for disciplinary action. *Id.*

The dissent contends that a public reprimand will not adequately protect the public because aggravating factors are present. We agree that aggravating factors are present. Usumanu's clients were vulnerable. *See Kaszynski*, 620 N.W.2d at 712 (recognizing the vulnerability of immigration clients as an aggravating factor). Usumanu also has a significant disciplinary history. He was admonished five times: in 2001, 2002, twice in 2007, and in 2011. We suspended him for 30 days in 2009. In his most recent discipline in 2017, we publicly reprimanded him but did not place him on probation. His prior discipline involved the same type of misconduct he committed in this case. *See In re MacDonald*, 962 N.W.2d 451, 467 (Minn. 2021) (stating that we "give serious weight" to the aggravating factor of the lawyer's disciplinary history because it "involved the same type of misconduct"). But we disagree that these aggravating factors render a public reprimand insufficient to adequately protect the public.

We have publicly reprimanded attorneys who had a similar or more substantial disciplinary history than Usumanu for comparable misconduct.[3] *See Biersdorf*, 955 N.W.2d at 611 (publicly reprimanding a lawyer for neglect of a matter, resulting in dismissal under applicable rules, and failing to deposit client funds in trust when the lawyer had five admonitions and a private probation); *In re McCormick*, 951 N.W.2d 742, 742–43 (Minn. 2020) (order) (publicly reprimanding an attorney for failing to diligently pursue

[3] Although our orders in these cases make no reference to the attorneys' disciplinary histories, *see Biersdorf*, 955 N.W.2d at 611; *In re McCormick*, 951 N.W.2d 742, 742–43 (Minn. 2020) (order), the petitions for disciplinary action filed in those cases recite the attorneys' disciplinary history. And like Usumanu, the attorneys in those cases admitted to the allegations in the petitions for disciplinary action. *Biersdorf*, 955 N.W.2d at 611; *McCormick*, 951 N.W.2d at 743.

a matter, failing to communicate with that client, failing to place advance fees into trust, and failing to appear for a pretrial conference when the attorney had seven admonitions, a 90-day suspension, a 60-day suspension, and a 30-day suspension).

In addition, several mitigating factors appear to be present in this case. In their responses to the order to show cause, the parties identified three mitigating factors. Usumanu is remorseful. *See In re Eskola*, 891 N.W.2d 294, 301 (Minn. 2017) (recognizing remorse as a mitigating factor). He was experiencing extreme stress due to a serious medical condition, a mitigating factor the dissent does not acknowledge. *See Klotz*, 909 N.W.2d at 338–39 (recognizing extreme stress as a mitigating factor). Finally, Usumanu has provided substantial pro bono representation. *See Eskola*, 891 N.W.2d at 301 (recognizing an attorney's pro bono work as a mitigating factor). The dissent does not adequately account for these mitigating factors when it claims a public reprimand will not protect the public.

The parties recommended discipline is consistent with discipline we have imposed on lawyers who committed the same type of misconduct. While there are aggravating factors in this case, there are also mitigating factors. And we "give some deference to the Director's decision to enter into a stipulation for discipline." *In re Riehm*, 883 N.W.2d 223, 233 (Minn. 2016) (citation omitted) (internal quotation marks omitted). Considering the specific facts of this case, we believe a public reprimand, followed by 2 years of supervised probation, will adequately protect the public.

We have independently reviewed the file and approve the jointly recommended disposition.

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

IT IS HEREBY ORDERED THAT:

1. Respondent Albert Isiaka Usumanu is publicly reprimanded.

2. Respondent shall pay $900 in costs pursuant to Rule 24, RLPR.

3. Respondent is placed on supervised probation for 2 years, subject to the following terms and conditions:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Respondent shall promptly respond to the Director's correspondence by its due date. Respondent shall provide to the Director a current mailing address and shall immediately notify the Director of any change of address. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall be supervised by a licensed Minnesota attorney, appointed by the Director, to monitor compliance with the terms of this probation. Respondent shall provide to the Director the names of four attorneys who have agreed to be nominated as respondent's supervisor within 2 weeks from the date of this order. If, after diligent effort, respondent is unable to locate a supervisor acceptable to the Director, the Director will seek to appoint a supervisor. Until a supervisor has signed a consent to supervise, respondent shall on the first day of each month provide the Director with an inventory of active client files described in paragraph d. below. Respondent shall make active client files available to the Director on request.

d. Respondent shall cooperate fully with their supervisor in the supervisor's efforts to monitor compliance with this probation. Respondent shall contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Respondent shall submit to the supervisor an inventory of all active client files by the first day of each month during the probation. With respect to each active file, the inventory shall disclose the

client name, type of representation, date opened, most recent activity, next anticipated action, and anticipated closing date. Respondent's supervisor shall file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

e. Respondent shall initiate and maintain office procedures which ensure that there are prompt responses to correspondence, telephone calls, and other important communications from clients, courts, and other persons interested in matters that respondent is handling, and which will ensure that respondent regularly reviews each and every file and completes legal matters on a timely basis.

f. Within 30 days from the date of this order, respondent shall provide to the Director and to the probation supervisor, if any, a written plan outlining office procedures designed to ensure that respondent is in compliance with probation requirements. Respondent shall provide progress reports as requested.

Dated: September 14, 2022

BY THE COURT:

/s/
Natalie E. Hudson
Associate Justice

D I S S E N T

MOORE, III., Justice (dissenting).

Today the court ratifies a stipulation for disciplinary action against Albert Isiaka Usumanu, publicly reprimands him, and places him on supervised probation for 2 years for admitted misconduct in two immigration matters. While Usumanu's willingness to take responsibility for and unconditionally admit his misconduct is noteworthy, the substantial harm suffered by Usumanu's immigrant clients, the vulnerability of those clients, and Usumanu's prior discipline for similar conduct are factors that warrant more severe discipline than a public reprimand. For that reason, I respectfully dissent.

I.

Attorney discipline serves the purpose of protecting the public, protecting the judicial system, and deterring future misconduct. *In re Pitera*, 827 N.W.2d 207, 210 (Minn. 2013). We look to the following four factors when determining the appropriate discipline to impose: "(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." *In re Nelson*, 733 N.W.2d 458, 463 (Minn. 2007). We also consider aggravating and mitigating factors, as well as similar cases to inform our decision of what sanction to impose. *In re Rooney*, 709 N.W.2d 263, 268 (Minn. 2006). Although we "give some deference to the Director's decision to enter into a stipulation for discipline," we can depart from the stipulation if "the parties' recommended disposition is insufficient to protect the public and the judicial system and to deter future misconduct." *In re Olson*, 872 N.W.2d 862, 864 (Minn. 2015) (order).

II.

We have emphasized that misconduct in representation of clients in immigration matters has "potentially grave consequences." *In re Fru*, 829 N.W.2d 379, 388-89 (Minn. 2013). And our caselaw has recognized the significant harm to immigration clients even if an attorney's misconduct has not resulted in removal, but rather the threat of removal or delay in acquiring legal status. *See In re Kaszynski*, 620 N.W.2d 708, 711–12 (Minn. 2001) (recognizing the harm to clients who were put "in jeopardy of being deported" and whose ability to obtain legal status was threatened because of the attorney's misconduct); *Fru*, 829 N.W.2d at 388 (stating that the attorney's actions putting his clients "at risk for deportation or removal" caused significant harm); *In re Udeani*, 945 N.W.2d 389, 398 (Minn. 2020) (recognizing that the attorney's misconduct caused harm including putting "clients at risk for removal proceedings," delaying a family's citizenship timeline, and causing other complications related to the prolonged lack of legal status). Additionally, we have not held that this harm has been any less when "only through the intervention of others" did a client escape removal. *In re Muenchrath*, 588 N.W.2d 497, 501 (Minn. 1999).

The Director and Usumanu underplay the harm to his clients because of his misconduct, which resulted in the threat of removal and delay in acquiring legal status. In one matter, Usumanu agreed to represent J.A.S. in his immigration removal proceedings after representing him in a bond hearing. Despite his retention as J.A.S.'s attorney, Usumanu failed to file a notice of appearance on behalf of J.A.S. in the removal proceedings, instructed J.A.S. that he did not have a hearing despite Usumanu having

notice that there was a hearing scheduled,[1] and failed to appear on behalf of J.A.S. at the removal hearing. Usumanu's failure to file a notice of appearance, instruction to J.A.S. that there was no hearing, and failure to appear directly resulted in J.A.S. being ordered removed. In the second matter, Usumanu failed to comply with the rules governing proper books and records and did not safekeep the funds of R.Z.T., a client for whom he submitted a U-Visa application to United States Citizenship and Immigration Services (USCIS).[2] Years later, USCIS denied R.Z.T.'s U-Visa application for failure to respond to a request for evidence, and she was placed in removal proceedings.[3] Usumanu failed to return R.Z.T.'s file upon termination of representation and for approximately 2 months after she requested it, knowing she had an active immigration removal case.

In response to our Order of February 18, 2022, directing the parties to show cause why Usumanu should not be subject to more severe discipline, the Director stated that Usumanu's misconduct caused no serious harm or no harm at all. Yet in both cases Usumanu's clients were under the threat of removal, and Usumanu's lack of diligence either caused this threat or caused delay. Although the petition does not include details

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[1] The Director maintains that Usumanu did not have notice of the removal hearing. Although Usumanu did not receive notice from the court, Usumanu admitted that J.A.S. had sent him a picture of the hearing notice. Thus, Usumanu was or should have been aware that J.A.S. had a removal hearing on that date.

[2] The U-Visa is an immigration benefit for people who have been victims of serious, violent crimes. *See* 8 USC § 1101(a)(15)(U).

[3] The petition does not allege misconduct on Usumanu's part related to the failure to respond to the request for evidence. It explains that Usumanu never received the request for evidence because of an error in updating his office address with USCIS, and that R.Z.T. had no personal address on file with USCIS.

about R.Z.T.'s pending removal case, I am skeptical of assuming that the lack of detail means R.Z.T. suffered no harm because of Usumanu's misconduct. *See In re Siders*, 903 N.W.2d 218, 222 n.1 (Minn. 2017) (order) (McKeig, J., dissenting) (disagreeing that in a stipulated discipline case, "the absence of evidence [in the record] is evidence of absence").

Even if Usumanu's misconduct did not cause harm in R.Z.T.'s case, his misconduct in J.A.S.'s case caused serious harm. Usumanu's lack of diligence and incorrect advice resulted in J.A.S. actually being ordered removed. Although J.A.S. subsequently hired a new attorney who reopened the case and prevented removal, J.A.S. still suffered harm by being ordered removed in the first place. *See Fru*, 829 N.W.2d at 388 (recognizing the harm caused by misconduct that "threaten[s] the immigration status[]" of a lawyer's clients)*; Kazsyinski*, 620 N.W.2d at 714 (describing immigration-related misconduct as having "a significant adverse impact" on the lives of clients). The risk of removal in J.A.S.'s case was not attenuated or a distant possibility; having an order of removal entered in his case made the risk an eventuality that J.A.S. was able to escape only through the intervention of another attorney. The magnitude of that harm cannot and should not be understated because a different attorney was able to save J.A.S. from the "most perilous fate" of being removed from the United States. *Muenchrath*, 588 N.W.2d at 501.

III.

Although the Director and Usumanu acknowledge the vulnerability of his immigration clients, this factor should be given more weight. In cases of more frequent and serious misconduct, we have severely punished attorneys who display a "callous

disregard for the physical and financial well-being of vulnerable, dependent persons." *In re Franke*, 345 N.W.2d 224, 228 (Minn. 1984). We have recognized that immigrants are vulnerable for various reasons. "Immigrants face substantial obstacles in seeking adequate legal representation, including communication barriers, financial burdens, and limited opportunities for self-protection." *Udeani*, 945 N.W.2d at 400 (McKeig, J., dissenting); *see also Kaszynski*, 620 N.W.2d at 712 (concluding that immigration clients who did not understand English, who "were unfamiliar with immigration procedures, and [who] were extremely dependent on [the attorney] in their legal proceedings" were vulnerable). Navigating the "complex—and often punitive—maze of federal immigration law" is extremely difficult for people, especially those who may not be familiar with the language or legal system in this country. *Fru*, 829 N.W.2d at 391.

Usumanu's clients were vulnerable for some of these same reasons. Both clients lacked immigration status and relied on Usumanu to navigate them through the process of trying to obtain legal status. J.A.S. spoke Spanish and had been in the United States for less than a year at the time of the misconduct. R.Z.T. was applying for legal status based on having been a victim of a serious crime. All communications related to R.Z.T.'s U-Visa application went only to Usumanu because of her vulnerability as a crime victim, which enhanced her reliance on Usumanu. Thus, J.A.S. and R.Z.T. were each vulnerable, and as such this aggravating factor should be given significant weight.

IV.

Usumanu continued to engage in misconduct for which he had been repeatedly disciplined. "Prior disciplinary history is an aggravating factor . . . ." *In re Quinn*,

946 N.W.2d 583, 592 (Minn. 2020). We expect an attorney to show a renewed dedication to professional conduct after discipline. *See In re Iliff*, 487 N.W.2d 234, 236 (Minn. 1992). Therefore, the seriousness of misconduct is heightened when lawyers repeat misconduct for which they were previously disciplined. *See In re Rhodes*, 740 N.W.2d 574, 580 (Minn. 2007) ("We generally impose 'more severe sanctions when the current misconduct is similar to misconduct for which the attorney has already been disciplined.' " (quoting *In re Brooks*, 696 N.W.2d 84, 88 (Minn. 2005))); *In re Getty*, 452 N.W.2d 694, 698 (Minn. 1990) ("We have held in the past that suspension followed by probation . . . is an appropriate sanction for situations where the misconduct in the second proceeding is a repeat of the earlier misconduct.").

Usumanu's disciplinary history is significant, which is an aggravating factor. Usumanu was admonished five times—in 2001, 2002, twice in 2007, and in 2011—for various instances of misconduct, including failing to follow up with the court to verify a client's hearing day, failing to appear before the immigration court, and failing to attend a hearing on behalf of his client. In 2009, we suspended Usumanu for 30 days for failing to comply with the rules governing proper books and records and failing to cooperate with the resulting disciplinary investigation. *In re Usumanu*, 771 N.W.2d 495, 495 (Minn. 2009) (order). Most recently, in 2017, we publicly reprimanded Usumanu for failing to diligently represent a client, communicate with a client, deposit advance fees into trust, and provide an accounting of funds in his trust account. *In re Usumanu*, 903 N.W.2d 218, 218 (Minn. 2017) (order). Usumanu's conduct here mirrors his previous discipline. That

Usumanu committed similar misconduct as several of his previous instances of discipline increases the severity of this aggravating factor because it enhances his culpability.

There are mitigating factors in this case, but they are insufficient to warrant less discipline than a brief suspension. Usumanu is remorseful and taking responsibility for his actions. *In re Eskola*, 891 N.W.2d 294, 301 (Minn. 2017) (recognizing remorse as a mitigating factor). Additionally, at the time of the misconduct, Usumanu was suffering from a serious medical condition that caused extreme stress. *In re Lieber*, 939 N.W.2d 284, 297 (Minn. 2020) (concluding that extreme stress from family health issues "is a substantial mitigating circumstance").[4]

Although mitigating factors are present, Usumanu's prior disciplinary history for similar misconduct, in addition to the vulnerability of his clients and the significant harm caused, nevertheless warrant imposing more severe discipline. The majority notes that we have imposed public reprimands in some cases in which similar harm was caused to a small number of immigration clients, but those cases involved attorneys with more limited prior discipline than Usumanu. *In re Robinson*, 874 N.W.2d 438, 438–39 (Minn. 2016) (order)

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[4] The Director cites an additional mitigating factor: that Usumanu had taken on the workload of a suspended attorney at the time of the misconduct. Usumanu states in his affidavit, however that the attorney in question was not suspended until after Usumanu committed the misconduct in this case. For that reason, Usumanu's alleged added workload is not a mitigating factor. Usumanu also states that he took on this additional workload mostly pro bono, which the majority considers as a mitigating factor. We have considered pro bono work as a mitigating factor, often in misappropriation cases. *In re Rooney*, 709 N.W.2d 263, 271 (Minn. 2006). Although Usumanu's pro bono work is commendable, "[b]ased on the record, [I] cannot say that [his] contributions to the legal community are so far above and beyond what is expected of an attorney in [his] position" that it should mitigate against the imposition of a brief suspension. *In re Fairbairn*, 802 N.W.2d 734, 746 (Minn. 2011).

(disciplining attorney with two prior admonitions for failure to comply with the rules governing proper books and records); *In re Swaray*, 867 N.W.2d 925, 925–26 (Minn. 2015) (order) (disciplining attorney with one prior admonition for failure to timely file an appeal); *In re Akong*, 621 N.W.2d 725, 725–26 (Minn. 2001) (order) (disciplining attorney with one prior administrative suspension).[5] Additionally, we imposed a short 60-day suspension in a case involving a lack of diligence in two immigration matters and a misrepresentation to a client, when the attorney had no prior discipline. *In re Mohammad-Zadeh*, 549 N.W.2d 625, 625 (Minn. 1996) (order).

The majority also notes that we have imposed a public reprimand in nonimmigration cases in which an attorney's neglect of a client's case caused that client to lose a claim. *See In re Biersdorf*, 955 N.W.2d 611, 611 (Minn. 2021) (order); *In re Smith*, 867 N.W.2d 924, 924 (Minn. 2015) (order); *In re Applebaum*, 803 N.W.2d 914, 914 (Minn. 2011) (order); *In re Letourneau*, 712 N.W.2d 183, 185 (Minn. 2006). But the harm of losing a claim, while significant, is qualitatively different than the harm of being deported, or the threat of deportation, which may uproot a person's entire life and potentially separate them from family and community. *See Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922) ("[Deportation] may result also in loss of both property and life, or of all that makes life worth living.").

[5] Our orders in these cases do not recite the attorney's disciplinary history. As the court does, I rely on the disciplinary history recounted in the disciplinary petitions underlying each case.

Considering all circumstances in this case, a public reprimand, even with added probation, is not sufficient to serve the purposes of deterring future misconduct on Usumanu's part and protecting the public, especially those who are vulnerable. Usumanu should be suspended for at least 30 days, followed by probation, consistent with our prior cases imposing more severe discipline for repeated violations. Accordingly, I respectfully dissent.

MCKEIG, Justice (dissenting).

I join in the dissent of Justice Moore, III.