

STATE OF MINNESOTA
IN SUPREME COURT
A24-0617

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In re Petition for Reinstatement of
Clayton D. Halunen, a Minnesota Attorney,
Registration No. 219721.

O R D E R

In March 2023, we issued an order indefinitely suspending petitioner Clayton D. Halunen from the practice of law with no right to petition for reinstatement for one year. *In re Halunen*, 987 N.W.2d 585, 587 (Minn. 2023) (order). We suspended Halunen for committing professional misconduct in three ways: (1) Halunen sexually harassed two men employed by Halunen Law, the law firm where he was the sole owner and managing partner; (2) Halunen “threaten[ed] [the employees] with civil action, criminal prosecution, and professional consequences,” in an attempt to prevent the allegations of sexual harassment from being made public; and (3) Halunen improperly provided legal advice to one of the employees. *Id.* at 585.

Halunen applied for reinstatement in April 2024. A panel of the Lawyers Professional Responsibility Board held a two-day hearing in December 2024. Prior to the hearing, and under Rule 18(b)(2) of the Rules on Lawyers Professional Responsibility (RLPR), the Director of the Office of Lawyers Professional Responsibility (Director) submitted to the panel a report of the Director’s investigation regarding the appropriateness of Halunen’s reinstatement and the Director’s conclusions. The Director deferred making

a recommendation as to whether Halunen had met his burden of proving by clear and convincing evidence that he had undergone moral change, one of the requirements for reinstatement, until after Halunen presented his case to the panel. The Director informed the panel that “it will be important for [Halunen] to articulate for the Panel the insights he has gained and his renewed commitment to the ethical practice of law so the Panel can judge for itself.” The Director further advised that it was “up to [Halunen] to address how his misconduct will not recur and how he is a ‘fit person to enjoy the public confidence and trust once forfeited.’ ”

At the hearing before the panel, Halunen testified and called six witnesses: his treating psychologist Dr. B.; a second psychologist G.S.; three lawyers who currently work at Halunen Law, including the firm’s current owner and managing partner; and the manager of Halunen Law’s daily operations. The Director did not call any witnesses. The parties admitted numerous exhibits totaling over 1,400 pages into evidence. At the close of the evidence, the Director did not oppose Halunen’s reinstatement with conditions.

The panel submitted its findings of fact, conclusions, and recommendations. The panel recommended that Halunen be reinstated to the practice of law and placed on probation for three years.

Halunen and the Director waive their procedural rights under Rule 18, RLPR, and ask us to decide—without a referee hearing or briefing and oral argument before us—whether to reinstate Halunen. They jointly recommend that Halunen be reinstated to the practice of law and placed on probation, as recommended by the panel.

We are responsible for deciding whether an attorney will be reinstated. *In re Klotz*, 996 N.W.2d 165, 168 (Minn. 2023). We give no deference to a panel’s recommendation about reinstatement, and instead, “[w]e independently review the entire record to determine whether an attorney should be reinstated.” *In re Dedefo*, 781 N.W.2d 1, 7 (Minn. 2010). At the same time, when, as here, neither party has ordered a transcript, the panel’s findings of fact are conclusive. Rule 18(c), RLPR.

To be reinstated, the attorney must prove by clear and convincing evidence “moral change,” the “competence to practice law,” and “compliance with both the conditions of suspension and the requirements of Rule 18, RLPR.” *In re Selmer*, 19 N.W.3d 457, 468 (Minn. 2025). We also consider four other factors in deciding whether to reinstate an attorney: (1) “the attorney’s recognition that the conduct was wrong”; (2) “the length of time since the misconduct and suspension”; (3) “the seriousness of the misconduct”; and (4) “any physical or mental pressures susceptible to correction.” *In re Mose*, 993 N.W.2d 251, 261 n.5 (Minn. 2023).

We have identified “moral change” as “the most important factor in determining whether to reinstate an attorney.” *Selmer*, 19 N.W.3d at 468 (citation omitted) (internal quotation marks omitted). “In general, to prove moral change a lawyer must show remorse and acceptance of responsibility for the misconduct, a change in the lawyer’s conduct and state of mind that corrects the underlying misconduct that led to the suspension, and a renewed commitment to the ethical practice of law.” *Klotz*, 996 N.W.2d at 169 (citation omitted) (internal quotation marks omitted).

The panel made eight pages of factual findings related to moral change. Key portions of those findings include that Halunen credibly testified that he was remorseful, had accepted responsibility for his misconduct, and recognized the wrongfulness of his misconduct. Crediting the testimony of three lawyers who work at Halunen Law and the firm's manager of daily operations, the panel found that Halunen had gained insight into what caused his misconduct and that changes were made to the firm's policies and procedures after Halunen's misconduct emerged, including establishing a hotline to report complaints and the use of a management committee for decision making. Halunen also testified that he was removed from some hiring practices and has stopped having social relationships with firm employees.

Some of the panel's findings about moral change relate to Halunen's mental health and its relationship to his misconduct. The panel credited the testimony of Halunen's treating psychologist, Dr. B., who began working with Halunen in 2019, after Halunen committed his misconduct, and has continued to meet regularly with Halunen. Dr. B. said that Halunen's boundary problems were a secondary result of an untreated mental health condition. Other findings show that Halunen treated this condition. According to Dr. B., Halunen benefited from the therapeutic process by moving beyond denial and gaining a moral understanding of the wrongfulness of his misconduct. Halunen also learned tools and skills for how to avoid future, similar misconduct. And Halunen began regularly taking medication for his mental health condition and learned that he could control his impulsivity and be more thoughtful in his actions by consistently taking his medication.

Based on our independent review of the record, we conclude that Halunen has proven moral change.

We are not persuaded by the dissent’s contention that Halunen has failed to demonstrate moral change. The reasons set forth in the dissent are either unsupported by the record, based on outdated evidence, or do not alter our conclusion that Halunen has proven moral change when the record is considered as a whole.

The dissent claims that Halunen has not proven moral change because he did not “complete a professional boundaries training course, despite a psychologist recommendation to do so, or meet with a boundaries specialist.” It is true that—during the Director’s investigation of Halunen’s petition for reinstatement—a third psychologist, Dr. R., recommended to the Director that Halunen complete a professional boundaries course and that Halunen did not complete such a course.¹ In addition, after we suspended Halunen, his lawyer initially recommended that Halunen meet with a boundaries specialist,

¹ This issue was raised by the Director in the pre-hearing report to the panel. As part of her investigation of Halunen’s petition for reinstatement, the Director interviewed Dr. R. and obtained records from him because Dr. R. had evaluated Halunen in 2022 while his disciplinary case was pending. Dr. R. did not testify at the panel hearing, but Dr. R.’s 2022 report about his evaluation and his records related to that evaluation were admitted into evidence. Dr. R.’s 2022 report and the records related to his evaluation of Halunen do not mention a professional boundaries course. In a paragraph in the pre-hearing report summarizing what Dr. R. said during his interview with the Director in 2024, the Director wrote that Dr. R. “explained that he recommended that [Halunen] complete a professional boundaries training course in the form of a comprehensive 9-week course, two hours a session, with a reading component and discussing examples with a boundary expert with a period of supervision and consultation to ensure compliance.” The reference to the boundaries course came after Dr. R. “was informed that [Halunen] had been suspended for one year” and during a discussion of Dr. R.’s recommendations and opinions about Halunen’s reinstatement.

but Halunen did not do so after his lawyer said it was not necessary. But contrary to the dissent's claims, Halunen's failure to take such a course or meet with the specialist does not show that Halunen did not take his boundary issues seriously. The panel's factual findings identify several ways Halunen addressed his boundary issues. He learned behavior modifications and tools and gained moral insight into his misconduct during his sessions with his treating psychologist; he consistently took medication for his mental health condition, and doing so helped control his impulsivity and allowed him to act more thoughtfully; and he implemented changes at Halunen Law.² This, along with other evidence in the record, establishes that Halunen has proven "a change in [his] conduct and state of mind that corrects the underlying misconduct that led to the suspension." *Klotz*, 996 N.W.2d at 169.

The dissent also questions our reliance on the panel's factual finding that Halunen's boundary problems were a secondary result of an untreated mental health condition, as well as our reliance on actions Halunen took to treat this condition. The dissent asserts that Halunen had treated this mental health condition before committing the misconduct. We agree that the record indicates that Halunen was prescribed medication for his mental health

² Although we are not denying Halunen's petition for reinstatement because of his failure to complete a professional boundaries course, we agree with the Director that Halunen would benefit from such a course and that requiring him to take one would protect the public. *See In re Severson*, 860 N.W.2d 658, 671 (Minn. 2015) (stating that the purpose of attorney discipline "is not to punish the attorney, but rather to protect the public, safeguard the judicial system, and deter future misconduct by the disciplined attorney and other attorneys"). As a result, we are requiring Halunen to complete a professional boundaries course as a condition of his probation.

condition beginning in 2018, which is before he committed some of the misconduct.³ But Halunen did not successfully treat this condition until he engaged in therapy and began regularly taking his medication, both of which occurred after he committed the misconduct. Halunen’s commitment to therapy and consistent use of medication are evidence of moral change. *See In re Severson*, 923 N.W.2d 23, 31–32 (Minn. 2019) (relying on testimony of the lawyer’s therapist about the changes she had seen in the lawyer’s mindset about the misconduct and his new understanding that what he did was wrong to support the conclusion that the lawyer had proven moral change).

Next, the dissent contends that “Halunen continues to exhibit a lack of control over his behavior.” As support, the dissent relies heavily on a former paralegal’s claim that Halunen crossed the line regarding involvement with cases when Halunen worked as a paralegal at Halunen Law after his suspension. Halunen began working as a paralegal at Halunen Law in August 2023, the same month the former paralegal stopped working there.⁴ The former paralegal’s observations of Halunen’s conduct when he worked as a paralegal are stale, occurring 16 months before the panel hearing. They also occurred over

³ Halunen’s sexual harassment of both employees ended in the summer of 2017, when both employees stopped working at Halunen Law. Halunen made his threats in spring of 2018 and February and March of 2019. Halunen’s first session with Dr. B. was in September 2019. It was during his treatment with Dr. B. that Halunen began regularly taking his medication.

⁴ The former paralegal did not testify at the panel hearing, but the Director interviewed her during the investigation of Halunen’s petition for reinstatement, and the Director’s report distills that interview.

a short period. For these reasons, we give this evidence little weight, especially in light of the significant evidence showing that Halunen has gained control over his behavior.

The dissent further contends Halunen has not proven moral change because of his poor decision making. An example, the dissent contends, is the hotline established by Halunen Law for employees to report complaints of sexual harassment. According to the dissent, Halunen either failed to ensure that all employees were aware of the hotline's existence or "intentionally downplay[ed] the hotline's existence to hinder any reporting of misconduct."

The dissent's conclusions about the hotline are not supported by the record. The hotline is mentioned in the firm's employee manual, and there is evidence in the record indicating the employee manual was sent to all firm employees, who were asked to sign an acknowledgement of receipt of the manual.⁵ There is no evidence that Halunen intentionally hid the hotline to prevent reporting of misconduct. Instead the record shows that steps were taken to ensure employees were aware of the hotline, as well as the other channels the firm implemented to report concerns about Halunen.

The dissent also contends that there are risks related to Halunen's mentoring of young attorneys if he is reinstated, noting that two psychologists, Dr. R. and G.S., stated in

⁵ The dissent notes that only two employees the Director interviewed indicated knowledge of the hotline. In her report, two of the Director's interview summaries of Halunen Law employees expressly state that the interviewee is aware of the hotline. The Director, however, made no reference to the hotline in the majority of her interview summaries, including the summary of her interview with the firm's managing partner. One employee references the hotline in an affidavit even though his interview summary makes no mention of it. We will not assume these interviewees have no knowledge of the hotline simply because the interview summary does not mention the hotline.

their interviews with the Director that they had reservations about Halunen mentoring young lawyers.⁶ But neither of these psychologists recommended against reinstating Halunen. In fact, G.S. testified in support of Halunen’s reinstatement. In addition, the record indicates that Halunen has mentored young attorneys after committing his misconduct and that he did not behave inappropriately when doing so. The fact that Halunen has, or may continue to, mentor young attorneys is not a reason to deny his reinstatement.

Along with moral change, Halunen is required to prove he is competent to practice law in order to be reinstated. *Selmer*, 19 N.W.3d at 468. Before our decision in *Mose* in 2023, we included “competency to practice law” as one of the factors that we “weighed” when deciding whether to reinstate an attorney. 993 N.W.2d at 260. But in *Mose*, we “clarif[ied]” that “competency to practice law” is not just a “factor to be weighed” and instead was something a lawyer must prove in order to be reinstated. *Id.*

The panel in this case erred because it misstated the standard for reinstatement. Even though the panel cited our decision in *Mose*, it stated that the lawyer’s “competency to practice law” is merely a factor that “the court considers” when deciding whether to

⁶ The dissent takes issue with Dr. B.’s statement that there was “a vanishingly small, virtually no, probability of recurrence of the behavior” that led to Halunen’s suspension. When concluding that Halunen has proven moral change, we do not rely on this statement. And even if the dissent is correct that this statement was an improper opinion based on speculation, the fact that Dr. B., at one point, made this statement is not a reason to disregard his testimony about Halunen’s therapeutic progress, as the dissent suggests. Dr. B.’s testimony about Halunen’s therapeutic progress was not based on speculation and instead was based on what Dr. B. observed. Dr. B.’s testimony about Halunen’s therapeutic progress was credited by the panel and is evidence of moral change.

reinstate a lawyer. The panel also erred by failing to make express findings of fact or conclusions about whether Halunen has the competency to practice law.⁷

Although the panel erred, we can determine whether Halunen is competent to practice law based on the record before us. The factual findings the panel did make, along with undisputed evidence in the record, clearly establish that Halunen is competent to practice law.

Finally, the panel made findings of fact and conclusions that Halunen complied with the conditions of his suspension and complied with the requirements of Rule 18, RLPR. These findings of fact and conclusions are supported by the record.

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

IT IS HEREBY ORDERED THAT:

1. Petitioner Clayton D. Halunen is reinstated to the practice of law, effective upon payment of the required registration fees to the Minnesota Lawyer Registration Office.
2. Petitioner is placed on probation for three years. This three-year period will begin to run when petitioner returns to the active practice of law. The following terms and conditions apply to petitioner's probation:
 - (a) Petitioner must provide written notice to the Director of any plan to return to the active practice of law. Petitioner must provide as much notice as possible, and no less than two weeks advance notice.

⁷ We reiterate that “to be reinstated, an attorney must prove by clear and convincing evidence that the attorney is competent to practice law.” *Selmer*, 987 N.W.3d at 260. In a reinstatement case, a panel of the Lawyers Professional Responsibility Board must make findings of fact and conclusions regarding the lawyer's competence to practice law. *See id.*; Rule 18(c), RLPR.

(b) Petitioner must abide by the Minnesota Rules of Professional Conduct.

(c) Petitioner must cooperate fully with the Director's Office in its efforts to monitor compliance with this probation. Petitioner must promptly respond to the Director's correspondence by the due date. Petitioner must provide the Director with a current mailing address and must immediately notify the Director of any change of address. Petitioner must 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, petitioner must authorize the release of information and documentation to verify compliance with the terms of this probation.

(d) Petitioner must be supervised by a licensed Minnesota attorney, appointed by the Director, to monitor compliance with the terms of this probation. Petitioner's supervisor must not be an attorney at the law firm currently known as Halunen Law, or any subsidiary, successor, or agent of that firm. Petitioner must give the Director the names of four attorneys who have agreed to be nominated as petitioner's supervisor within two weeks from the date that petitioner notifies the Director that he intends to engage in the practice of law. If, after diligent effort, petitioner 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, petitioner must provide the Director with the information he is required to provide his supervisor as described in paragraph (e) below.

(e) Petitioner must cooperate fully with the supervisor's efforts to monitor compliance with his probation. Petitioner must contact the supervisor and schedule a minimum of one in-person meeting per calendar quarter. Petitioner must submit to the supervisor information regarding the management of the law firm currently known as Halunen Law, including the attorneys on the management and hiring committees and any hiring that has occurred, including the name of the person hired, who will be supervising the new hire, and who made the hiring decision. In addition, petitioner must inform the supervisor of any mentoring of attorneys or paralegals that petitioner is involved in and provide the name and contact information for any mentored individual. Petitioner's supervisor must file written reports with the Director at least quarterly, or at such more frequent intervals as may reasonably be requested by the Director.

(f) Petitioner must continue therapy and medication as recommended by any treatment provider.

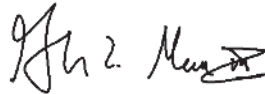
(g) Petitioner must not be involved in any hiring or promotion decisions for any employee or attorney at Halunen Law.

(h) Within 30 days of petitioner's commencement of the practice of law, petitioner must provide the Director and any probation supervisor a written plan outlining policies and procedures focused on hiring, mentoring, and workplace governance designed to ensure that petitioner is in compliance with probation requirements. Petitioner must provide progress reports as requested.

(i) Within six months of being reinstated, petitioner must complete a professional boundaries training course as described and recommended on page 25 of the Director's report (i.e., a professional boundaries training course in the form of a comprehensive nine-week course, two hours a session, with a reading component and discussing examples with a boundaries expert with a period of supervision and consultation to ensure compliance).

Dated: January 27, 2026

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gordon L. Moore, III". The signature is stylized and includes a horizontal line at the end.

Gordon L. Moore, III
Associate Justice

THISSEN, J., took no part in the consideration or decision of this case.

D I S S E N T

McKEIG, Justice (dissenting).

Because Clayton D. Halunen has not proven a moral change by clear and convincing evidence, I respectfully dissent from the court's decision to reinstate him to the practice of law.

Halunen's conduct that led to his suspension was egregious. For 2½ years, Halunen engaged in a pattern of sexual misconduct involving two subordinates who worked at his law firm. In the first instance, Halunen's sexual misconduct included unwanted kissing, aggressive physical touching and groping, soliciting sex through text messages, soliciting explicit photographs, and engaging in unwanted sexual relations with a 19-year-old employee. When the employee left the firm, Halunen threatened him with criminal charges and provided him with unrequested legal advice. In the second instance, Halunen made several unwanted sexual advances toward a second-year law student who externed at the firm. When the extern did not reciprocate Halunen's advances, Halunen seemingly withdrew a tentative job offer from the firm. Based on his conduct, we indefinitely suspended Halunen from the practice of law, with no right to petition for reinstatement for one year. *In re Halunen*, 987 N.W.2d 585 (Minn. 2023).

As part of establishing moral change, Halunen must show a "change in [his] conduct and state of mind that corrects the underlying misconduct that led to the suspension." *In re Mose (Mose V)*, 843 N.W.2d 570, 575 (Minn. 2014). Several facts from the record indicate that Halunen has not met his burden to prove that he has undergone a moral change.

First, Halunen failed to complete a professional boundaries training course, despite a psychologist recommendation to do so, or meet with a boundaries specialist. Dr. R., a forensic clinical psychologist, conducted a comprehensive psychological and psychosexual evaluation of Halunen in 2022 and, at some point, recommended that Halunen enroll in a nine-week professional boundaries course that consisted of two-hour sessions, readings, and discussions with a boundary expert regarding hypothetical circumstances. The recommended course would have included a period of supervision and consultation to ensure compliance. Later, in 2023, Halunen’s treating psychologist, Dr. B., noted that Halunen planned to meet with a boundary specialist and scheduled their next appointment around that meeting. At that next appointment, five weeks later, Halunen told Dr. B. that he “forgot” to meet with the boundary expert. At an appointment in March 2024, Halunen informed Dr. B. that he was not meeting with the boundary expert because his attorney said it was not needed. Instead of meeting with a boundary specialist or enrolling in the professional boundaries course, Halunen completed an online sexual harassment training that lasted only one hour and covered “prevention of workplace harassment, discrimination, and retaliation, as well as workplace civility and bystander intervention.” *The training did not cover professional boundaries.*

Halunen’s failure to complete a professional boundaries course or meet with a boundaries specialist belies Halunen’s contention that he gained skills related to understanding and respecting boundaries. While we did not require Halunen to take the course or meet with a boundary specialist to be reinstated, his decision *not* to do so shows that he did not take seriously the boundary issues that led directly to his misconduct.

Accordingly, he has not changed his “state of mind” to “correct[] the underlying misconduct that led to the suspension.” *Mose V*, 843 N.W.2d at 575. While I am heartened that the court is requiring Halunen to complete a professional boundaries course as a condition of his probation, the fact that Halunen did not take these steps before applying for reinstatement tells me that he has not achieved the necessary moral change.

Second, as the court acknowledges, although Dr. B. “said that Halunen’s boundary problems were a secondary result of an untreated mental health condition,” there are findings showing that Halunen *had* treated this condition before the misconduct driven by those same boundary issues. The mental health condition at issue is attention deficit hyperactivity disorder (ADHD). The findings the court references are that Halunen had already received the diagnosis for ADHD and was already taking medication to treat it. These facts directly conflict with Halunen’s statement to the Office of Lawyers Professional Responsibility Director that he had never been diagnosed with ADHD before his suspension and undermine a finding of moral change based on Halunen’s “new” diagnosis.

Third, Halunen continues to exhibit a lack of control over his behavior, further supporting a conclusion that he has not proven moral change. A former paralegal who worked closely with Halunen during his suspension observed that Halunen’s supervisor had to speak with him constantly “because he was overstepping his involvement on cases.” The former paralegal reported that “even though [Halunen] knew what he should not do, it appeared that he could not control himself or stop himself from doing it.” Based on her

frequent interactions with Halunen, this paralegal stated that she did not observe any change in Halunen's moral character.

During the Director's interview of Halunen, Halunen told the Director that, to his knowledge, his supervisor had not received any reports that Halunen crossed the line regarding involvement with cases. When the Director pointed to reports that the supervisor had to speak with Halunen several times about overstepping his limited role, Halunen first became defensive, then acknowledged that he was spoken to about getting close to the line but denied ever crossing it. Halunen's inability to prevent himself from getting involved in cases, despite knowing that it was wrong, strongly undercuts his ability to exercise control in situations involving the underlying misconduct. This, combined with his initial half-truth to the Director that his supervisor had not received any reports of overstepping and his defensive response when confronted with contrary information, indicate that he has not proven a "change in [his] conduct and state of mind" and therefore failed to demonstrate the requisite moral change. *Mose V*, 843 N.W.2d at 575.

Fourth, Halunen's decision-making continues to reflect an incomplete and insufficient understanding of the consequences of his actions, further reflecting a lack of moral change. Following his suspension, Halunen hired long-time personal friends to help lead the law firm. When the Director suggested to Halunen that those pre-existing friendships may discourage employees from reporting misconduct to the firm's new leaders, Halunen responded that "he really had not considered that." At best, Halunen honestly failed to consider whether his employees would feel comfortable reporting misconduct to his close friends. At worst, Halunen intentionally hired his close friends

into leadership roles at the firm knowing that would discourage reports of misconduct. Both possibilities support a conclusion that Halunen has not proven a moral change.

Another example of Halunen's poor decision making is establishing a hotline for his employees to report complaints, but then failing to ensure that all employees were aware of the hotline's existence. Despite the hotline's inclusion in the employee manual, only two employees that the Director interviewed indicated knowledge of the hotline. One other employee specifically said that she was unaware of the hotline. This indicates that one of two things are true: (1) that Halunen honestly failed to realize that ensuring that all employees knew about the hotline was a crucial part of enabling them to report misconduct; or (2) that Halunen established this hotline to give the illusion that he empowered his employees to report misconduct while intentionally downplaying the hotline's existence to hinder any reporting of misconduct. Again, both possibilities support a conclusion that Halunen has not proven a moral change.

Fifth, I am skeptical that Halunen is truly remorseful about his decision to engage in physical and verbal sexual misconduct and to threaten two of his employees. Dr. B. reported that Halunen "developed an intellectually based regret for [his] actions" through therapy, and that he later only "appear[ed]" to be genuinely remorseful. This word choice indicates that Dr. B. felt confidence in Halunen's intellectually based regret such that Dr. B. said Halunen affirmatively "developed" that regret, but that Dr. B. did not feel the same confidence in Halunen's genuine remorse such that Dr. B. said Halunen "appear[ed]" to reflect genuine remorse." To me, this is telling about Dr. B.'s lack of confidence that Halunen was truly remorseful. Halunen must affirmatively "show remorse" in order to

prove a moral change. *In re Stockman*, 896 N.W.2d 851, 857 (Minn. 2017) (citation omitted) (internal quotation marks omitted). Dr. B. finding that Halunen “appear[ed]” remorseful undercuts a finding that Halunen has shown true remorse, and therefore he has not proven moral change by clear and convincing evidence.

Finally, two psychologists agreed that, given the circumstances, Halunen should not be put in the position of mentoring young attorneys hired by the firm. Dr. R. expressed reservations about Halunen mentoring young attorneys hired by the firm and stated that he would not recommend putting Halunen in a situation where he would have an opportunity to reoffend. Dr. S., who did not evaluate Halunen but instead interviewed him and relied on Dr. R.’s evaluations, concluded that this was not a “classic sexual harassment case” based on a misunderstanding of the facts; he believed that Halunen did not deny the allegations against him, that the misconduct was not repetitive, and that the misconduct did not involve a succession of people over a long period of time. Dr. S. then went on to say that, if this was not the situation, then putting Halunen in a mentoring position would be a serious problem. This was, in fact, not the situation; Halunen *did* initially deny the allegations against him, the misconduct was repetitive, and the misconduct arguably involved a succession of people over time. Therefore, reinstating Halunen to a position to mentor others is indeed a serious problem. It is clear that Halunen intends to continue mentoring young attorneys; the Director’s report describes two individuals that Halunen is currently mentoring at the firm, and the court’s conditions for reinstatement assume that Halunen will continue mentoring others. The court is implicitly approving Halunen

mentoring his employees, despite *two* psychologists cautioning against putting Halunen in the power dynamic that mentorship inherently creates.

This caution expressed by Dr. R. and Dr. S. is at odds with Dr. B.’s conclusion that there is “a vanishingly small, virtually no, probability of recurrence of the behavior” that led to Halunen’s suspension. This statement is an improper, speculative, and misleading opinion—Dr. B. cannot reliably predict Halunen’s future behavior, and certainly not to this degree. *See In re Bosse*, 951 N.W.2d 469, 478 (Minn. 2020) (noting an expert’s opinion must rely on “facts to form a reasonable opinion that is not based on speculation or conjecture” (citation omitted) (internal quotation marks omitted)). This striking statement undercuts the rest of Dr. B.’s report on Halunen’s therapeutic progress.

* * *

Halunen’s sexual harassment was egregious because of the number of incidents—many of which involved intimate, physical sexual contact—and his repeated exploitation of the power imbalance between himself and his employees. His subsequent failure to attend a professional boundaries course, control his behavior, acknowledge his mistakes, and consider the impact of his decisions on others indicates a lack of moral change. That Halunen has made a living representing clients who suffered sexual harassment, and seeks to return to that vocation, further underscores the need for Halunen to prove moral change. I would find that Halunen failed to show a moral change by clear and convincing evidence, a necessary requirement for an attorney to be reinstated to the practice of law.

I acknowledge that Halunen has worked hard towards self-improvement. However, he has not done the most important thing: complete a comprehensive boundaries course.

Because I would deny reinstatement to the practice of law due to Halunen's lack of moral change, I dissent.

HENNESY, Justice (dissenting).

I join the dissent of Justice McKeig.