
In the Matter of the Complaint of
JOHN WILLARD HOFF
2226 Bryant Avenue North
Minneapolis, MN 55411
against JILL ELEANOR CLARK,
a Minnesota Attorney,
Registration No. 196988.

DETERMINATION THAT DISCIPLINE IS NOT WARRANTED, WITHOUT INVESTIGATION

TO: JOHN WILLARD HOFF:

After reviewing the documents you submitted, the Director has determined not to investigate your complaint. The reasons for the Director's decision not to investigate this complaint are as follows:

Complaint Summary

You allege that despite the fact that Ms. Clark is "actively suing Donald Allen" she is calling him to testify in the case of *Alfred Flowers v. City of Minneapolis*. Mr. Allen would apparently be called to testify that city council member Donald Samuels did not "have a 'peaceful' reputation in the community." You further allege that this "improper, highly unethical, and dubious behavior directly impacts" your interests.

Reasons for Decision Not to Investigate

In your complaint you wrote that because Ms. Clark is suing Mr. Allen, "she has power over him" and Mr. Allen "might gladly say whatever Ms. Clark wishes him to say in federal court." First, even assuming that because Ms. Clark is suing Mr. Allen he will be more likely to offer favorable testimony, that fact goes to the weight to which the court might give to Mr. Allen's testimony. It does not make Ms. Clark's conduct in calling Mr. Allen as a witness a violation of the Rules of Professional Conduct. Second, even assuming that Ms. Clark's actions negatively "impact" your interests, that fact alone does not make her conduct unprofessional. Unless Ms. Clark is currently representing you, or represented you previously in a related matter, she has no obligation to avoid taking actions that negatively impact your interests. Her duty is to represent her client, Mr. Flowers, regardless of how that representation might impact you.

The Director's Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys. It cannot represent you

in any legal matter or give legal advice. You must retain an attorney if either legal advice or representation is desired.

NOTICE OF RIGHT TO APPEAL

If you are not satisfied with the Director's determination not to investigate this complaint, an appeal may be made by notifying the Director in a letter postmarked no later than fourteen (14) days after the date of this notice. The letter of appeal should state the reason(s) why you believe the matter should be investigated. A Lawyers Professional Responsibility Board member will review the appeal. The Lawyers Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme Court. Appeals are assigned to individual Lawyers Board members in rotation according to when they are received. The Board members' options on appeal are limited to either approving the Director's decision not to investigate the complaint or directing that the complaint or some portion of the complaint be investigated. This determination will generally be based upon the information which is already contained in the file.

Ms. Clark is, by way of a copy of this determination and your complaint, being notified of your complaint and our decision not to investigate.

Dated: December 7, 2010.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102-1218
(651) 296-3952

By 

Patrick R. Burns
First Assistant Director

cc: Jill Eleanor Clark

Receptionist, LPRB

From: MJC ITD SharePoint Team
Sent: Thursday, November 18, 2010 1:40 PM
To: Receptionist, LPRB; hoffjohnw@gmail.com
Subject: New Online Complaint

MINNESOTA
OFFICE OF LAWYERS PROFESSIONAL RESPONSIBILITY
COMPLAINT FORM

Complainant Name, Address and Phone Numbers
Mr. John Willard Hoff
2226 Bryant Ave. N.
Minneapolis, MN 55411

Email: hoffjohnw@gmail.com

Home Phone: 952-465-2857

Respondent Name, Address and Phone Number
Jill Clark
2005 Aquila Ave. N.
Golden Valley, MN 55427

Phone: (763) 417-9102

Additional Information
Relationship to Lawyer: Opposing Party

If you are someone other than the client, what is your connection to the lawyer?

Complaint:
On November 11, 2010, I was acting in the capacity of media/spectator in the United States District Court, watching the case of Alfred Flowers vs. City of Minneapolis, et al,09-402 PJS/JJG, a case I reported on extensively on my blog. On that day, first thing in the morning, Jill Clark made an "offer of proof" outside the hearing of the jury and proceeded to put Donald W. Allen on the stand to make an "offer of proof" that the defendant in that case, Council Member Don Samuels, did not have a "peaceful" reputation in the community. Allen was Clark's witness.

I am shocked that Jill Clark would put my co-defendant Donald Allen on the stand in the Alfred Flowers case, while actively suing Donald Allen. Obviously, Clark has power over Allen because she is suing him. In order to get Clark to stop suing him, Allen might gladly say whatever Clark wishes him to say in federal court. The act of putting Donald Allen on the stand in federal court is a conflict of interest wholly created by Clark, and shows an improper relationship with the defendant Clark is actively suing. This improper, highly unethical, and dubious behavior directly impacts my interests and I am, therefore, making this complaint.

I look forward to hearing back from your office in the near future.

Are you submitting documents with this complaint? No
Documents submitted by mail must be received within 7 days to be considered part of the complaint. If this Office does not receive accompanying documents, your complaint may be considered based solely on the information contained in this complaint form.

Dated: 11/18/2010

Additional information and documents must be mailed to:
Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102
651-296-3952
1-800-657-3601