

**Rules Creating and Controlling the Oklahoma Bar Association
(Okla. Statutes Title 5, Chapter 1, Appendix 1, (2005), as amended.)**

PREAMBLE

In the public interest, for the advancement of the administration of justice according to law, and to aid the courts in carrying on the administration of justice; to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence and public service, and high standards of conduct; to provide a forum for the discussion of subjects pertaining to the practice of law, the science of jurisprudence, and law reform; to carry on a continuing program of legal research in technical fields of substantive law, practice and procedure, and to make reports and recommendations thereto; to prevent the unauthorized practice of law; to encourage the formation and activities of local bar associations; to encourage practices that will advance and improve the honor and dignity of the legal profession; and to the end that the responsibility of the legal profession and the individual members thereof, may be more effectively and efficiently discharged in the public interest, and acting within the police powers vested in it by the Constitution of this State (Okla. Const. (1907), Art. IV, Section 1, Art. VII (1967) Sections 1, 4; In re Integration of State Bar of Oklahoma, 185 Okla. 505, 95 P.2d 113 (1939); In re Bledsoe, 186 Okla. 264, 97 P.2d 556 (1939); Ford v. Board of Tax Roll Corrections of Oklahoma County, 431 P.2d 423 (Okla. 1967)). The Supreme Court of Oklahoma does hereby create and continue an association of the members of the Bar of the State of Oklahoma to be known as the Oklahoma Bar Association, and promulgates the following rules for the government of the Association and the individual members thereof.

ARTICLE I

Section 1. OFFICIAL ARM OF SUPREME COURT. The Oklahoma Bar Association is an official arm of this Court, when acting for and on behalf of this Court in the performance of its governmental powers and functions.

Section 2. ATTORNEYS AS OFFICERS OF COURTS. Attorneys admitted to practice law in Oklahoma are a part of the judicial system of Oklahoma and officers of its courts.

ARTICLE II

Section 1. MEMBERSHIP. The membership of the Association shall consist of those persons who are, and remain, licensed to practice law in this State. All members of the Association shall provide the Association with a current address and shall promptly inform the Association of any changes in address.

Section 1A. LAW STUDENT DIVISION. Law Students who are currently enrolled in a law school accredited by the American Bar Association may affiliate and participate in the Oklahoma Bar Association with limited rights and privileges as provided in the Bylaws of the Association.

Section 2. MEMBERS CLASSIFIED. Members of the Association shall be divided into four classes, namely, (a) Active Member, (b) Senior Member, (c) Associate Member and (d) Retired Member. No other categories of membership may be allowed. The annual dues shall

be paid according to Art. VIII, § 1. *Tweedy v. Oklahoma Bar Assoc.*, 624 P.2d 1049, 1052 (Okla. 1981); *R.J. Edwards, Inc. v. Hert*, 504 P.2d 407, 415 (Okla. 1972); *In re Integration of State Bar*, 185 Okla. 505, 95 P.2d 113 (1939).

(a) **ACTIVE MEMBERS.** Active Members shall be all members not enrolled as Senior Members, Retired, or Associate Members.

(b) **SENIOR MEMBER.** An Active Member in good standing who was seventy (70) years of age as of the first day of January 2018, and previously became a Senior Member by filing with the Executive Director his or her statement, setting forth the month, day and year of birth and requesting Senior Member classification. Thereafter, he or she shall be entitled to all the privileges and advantages of an Active Member in the Association without payment of further dues, with the exception that he or she shall not receive the Bar Journal free of charge. If a Senior Member desires to receive the Bar Journal, he or she shall pay for an annual subscription, the cost of which shall be based upon production and mailing costs. No additional members shall be added to this classification after January 1, 2018. After January 1, 2018, all members who are seventy (70) years of age or older, who are actively engaged in the practice of law, and who are not Senior Members, Associate Members or Retired Members shall pay dues in the amount specified for those in practice for more than three (3) years.

(c) **ASSOCIATE MEMBER.** A member in good standing who files, or on whose behalf there is filed, with the Executive Director, a statement that, by reason of illness, infirmity, or other disability, he or she is unable to engage in the practice of law shall become an Associate Member of the Association for the duration of such illness, infirmity or other disability and until restored to the former classification. An Associate Member shall not engage in the practice of law or be required to pay dues during such period. He or she may, on annual request, receive the Bar Journal during his or her disability. The member, on causing an appropriate showing thereof to be made to the Executive Director, shall be reclassified to an Active Member and shall be required to pay the dues applicable thereto beginning January 2 next following such reclassification and to pay the cost of the Bar Journal during such disability if he or she has elected to receive it.

(d) **RETIRED MEMBER.** An Active Member in good standing who reaches age seventy (70) on, or after January 2nd, 2018 and is no longer engaged in the practice of law may notify the Executive Director, in writing, that he or she wishes to be designated as a "Retired Member." Such request shall include a statement that the member is not engaged in the practice of law in any jurisdiction. Members who request Retired Member classification shall be relieved from paying dues and may purchase the Bar Journal and other member benefits that might be made available at a price equal to the cost to the Oklahoma Bar Association in providing the member benefit. An Active Member requesting Retired Member classification must have reached age seventy (70) prior to January 2nd of the year he or she is requesting to be reclassified to Retired Status and relieved from paying dues. Those members who were previously classified as Senior Members prior to the adoption of this subsection may change their classification to Retired Member if a request in writing is submitted to the Executive Director with a request for the reclassification and a statement that the requesting member is no longer engaged in the practice of law.

(e) **RECLASSIFICATION TO ACTIVE MEMBERSHIP – SHOWING COMPETENCE.** Whenever a member seeks restoration to Active Member classification after the lapse of two (2) years or less, he or she may be reinstated as provided in Rule 11.8 of the Rules Governing

Disciplinary Proceedings. After the lapse of more than two (2) years, Associate Member may be restored to Active Member classification upon compliance with Rule 11.1 through Rule 11.7 of the Rules Governing Disciplinary Proceedings.

(f) VOTING MEMBERS DEFINED. Active and Senior Members shall constitute the voting members of the Association. Associate and Retired Members shall not be Voting Members.

Section 3. RESIGNATION OF MEMBER.

(a) Any member may resign his membership in the Association by filing with the Executive Director a written resignation, whereupon he shall automatically cease to be a member and shall not thereafter be entitled to the privileges and advantages of membership in the Association. The Executive Director shall publicize the fact of resignation and shall cause a record thereof to be made in the records of the Association and of the Clerk of the Supreme Court.

(b)1 Any member who resigns shall remain subject to the Supreme Court's disciplinary jurisdiction and procedures for any misconduct committed while a member of the Oklahoma Bar Association. If, at the time of resignation, disciplinary proceedings or investigations which result in disciplinary proceedings are pending against the resigning member, the files and records thereof together with evidence later obtained, shall be impounded by the Board of Governors and shall be considered in connection with any subsequent application for reinstatement or with subsequent disciplinary action against him.

A member who resigns pending disciplinary proceedings or pending investigation which might result in disciplinary proceedings must do so upon a form prescribed by the General Counsel, approved by the Chief Justice, so drawn as to elicit acknowledgment that the resignation is submitted pending disciplinary proceedings or investigation of charges, specifying particularly the misconduct alleged; that the resignation is voluntary and with knowledge of its consequences; that the member agrees that he may be reinstated only upon full compliance with the condition and procedure prescribed by these rules; and that no application for reinstatement may be filed prior to the lapse of five (5) years from the date of resignation.

1. Subsection (b) of this section is revoked by Rule 15.1 of the Rules Governing Professional Discipline (Appendix 1-A of this title) to the extent it is inconsistent with the provisions of said rules.

Section 4. MOVING TO ANOTHER STATE. A member of the Association who becomes a nonresident of the state may maintain his status as a member, by the payment of the annual dues herein provided.

Section 5. OUT-OF-STATE ATTORNEYS AND ATTORNEYS GRANTED A SPECIAL TEMPORARY PERMIT TO PRACTICE.

A. Definitions - The following definitions govern this Article:

1. Out-of-State Attorney: A person who is not admitted to practice law in the State of Oklahoma, but who is admitted in another state or territory of the United States, the District of Columbia, or a foreign country.

2. Oklahoma Attorney: A person who is (a) licensed to practice law in Oklahoma, as an active or senior member as those categories are defined in Section 2 of this Article; and (b) a member in good standing of the Oklahoma Bar Association.

3. Oklahoma Courts or Tribunals: All trial and appellate courts of the State of Oklahoma, as well as any boards, departments, commissions, administrative tribunals, or other decision-making or recommending bodies created by the State of Oklahoma and functioning under its authority. This term shall include court-annexed mediations and arbitrations. It shall not, however, include federal courts or other federal decision-making or recommending bodies which conduct proceedings in Oklahoma.

4. Proceeding: Any action, case, hearing, or other matter pending before an Oklahoma court or tribunal, including an "individual proceeding" within the meaning of Oklahoma's Administrative Procedures Act (75 O.S. § 250.3).

5. Attorney Granted Special Temporary Permit to Practice: An attorney who is granted a special temporary permit pursuant to Rule Two Sections 5 and 6 of the Rules Governing Admission to the Practice of Law in the State of Oklahoma.

B. An out-of-state attorney may be permitted to practice before Oklahoma courts or tribunals solely for the purpose of participating in a proceeding in which he or she has been employed upon the following express conditions:

1. The out-of-state attorney shall make application with the Oklahoma Bar Association, in such form and according to the procedure approved by the Board of Governors of the Oklahoma Bar Association. Said application shall include an affidavit (or unsworn statement under penalty of perjury pursuant to 12 O.S. § 426) which: (a) lists each state or territory of the United States, the District of Columbia, or foreign country in which the out-of-state attorney is admitted; and (b) states that the out-of-state attorney is currently in good standing in such jurisdictions. If an out-of-state attorney commits actual fraud in representing any material fact in the affidavit or unsworn statement under penalty of perjury provided herein, that attorney shall be permanently ineligible for admission to an Oklahoma court or tribunal pursuant to this Rule, or for admission to the Oklahoma Bar Association. The out-of-state attorney shall file a separate application with respect to each proceeding in which he or she seeks to practice.

2. An Oklahoma court or tribunal may temporarily admit an out-of-state attorney on a showing of good cause for noncompliance with the other provisions of this Rule. Temporary admission under this Rule may be granted for a period not exceeding 10 days; however, such period may be extended as necessary on clear and convincing proof that the circumstances warranting the extension are beyond the control of the out-of-state attorney.

3. Unless a waiver is granted pursuant to Subsection 4, the out-of-state attorney shall pay the sum of Three Hundred Fifty Dollars (\$350.00) as a non-refundable application fee to the Oklahoma Bar Association. If the proceeding is pending on the anniversary of the application, an annual renewal fee of Three Hundred Fifty Dollars (\$350.00) shall be paid to the Oklahoma Bar Association and such fee shall continue to be paid on each anniversary date until the proceeding is concluded or the out-of-state attorney is permitted to withdraw from the proceeding by the applicable Oklahoma court or tribunal. In the event the annual renewal fee is not timely paid, the Oklahoma Bar Association shall mail a renewal notice to the out-of-state attorney at the address set forth in the attorney's application filed with the Oklahoma Bar Association under this Rule (or at an updated address subsequently furnished by the out-of-state attorney to the Oklahoma Bar Association), apprising the attorney of the failure to timely pay the annual renewal fee of Three Hundred Fifty Dollars (\$350) with an additional

late fee of one hundred dollars (\$100). If the out-of-state attorney fails to timely comply with this renewal notice, the Oklahoma Bar Association shall mail notice of default to the out-of-state attorney, the Oklahoma associated attorney (if applicable), and the Oklahoma court or tribunal conducting the proceeding. The Oklahoma court or tribunal shall file the notice of default in the proceeding, and shall remove the out-of-state attorney as counsel of record unless such attorney shows that the Oklahoma Bar Association's renewal notice was not received or shows excusable neglect for failure to timely pay the annual renewal fee and late fee. In the event of such a showing, the tribunal shall memorialize its findings in an order, and the out-of-state attorney shall within 10 calendar days submit the order to the Oklahoma Bar Association, promptly pay the annual renewal fee and late fee, and file a receipt from the Oklahoma Bar Association showing such payments with the Oklahoma court or tribunal.

4. Out-of-state attorneys appearing pro bono to represent indigent criminal defendants, or on behalf of persons who otherwise would qualify for representation under the guidelines of the Legal Services Corporation due to their incomes and the kinds of legal matters that would be covered by the representation, may request a waiver of the application fee from the Oklahoma Bar Association. Waiver of the application fee shall be within the sole discretion of the Oklahoma Bar Association and its decision shall be nonappealable.

5. The out-of-state attorney shall associate with an Oklahoma attorney. The associated Oklahoma attorney shall enter an appearance in the proceeding and service may be had upon the associated Oklahoma attorney in all matters connected with said proceeding with the same effect as if personally made on the out-of-state attorney. The associated Oklahoma attorney shall sign all pleadings, briefs, and other documents, and be present at all hearings or other events in which personal presence of counsel is required, unless the Oklahoma court or tribunal waives these requirements.

6. An out-of-state attorney shall by written motion request permission to enter an appearance in any proceeding he or she wishes to participate in as legal counsel and shall present to the applicable Oklahoma court or tribunal a copy of the application submitted to the Oklahoma Bar Association pursuant to Subsection B(1) of this Rule and a Certificate of Compliance issued by the Oklahoma Bar Association.

C. Admission of an out-of-state attorney to appear in any proceeding is discretionary for the judge, hearing officer or other decision-making or recommending official presiding over the proceeding.

D. Upon being admitted to practice before an Oklahoma court or tribunal, an out-of-state attorney is subject to the authority of that court or tribunal, and the Oklahoma Supreme Court, with respect to his or her conduct in connection with the proceeding in which the out-of-state attorney has been admitted to practice law. More specifically, the out-of-state attorney is bound by any rules of the Oklahoma court or tribunal granting him or her admission to practice and also rules of more general application, including the Oklahoma Rules of Professional Conduct and the Rules Governing Disciplinary Proceedings. Out-of-state attorneys are subject to discipline under the same conditions and terms as control the discipline of Oklahoma attorneys. Notwithstanding any other provisions of this Article or Subsection, however, out-of-state attorneys shall not be subject to the rules of this Court relating to mandatory continuing legal education.

E. The requirements set forth below shall apply to all attorneys granted a special temporary permit to practice:

1. An attorney granted a special temporary permit to practice shall pay an administrative fee to the Oklahoma Bar Association of \$350.00 regardless of the duration of the permit. An annual fee in the amount of \$350.00 shall be collected on or before the anniversary of the permit. A late fee of \$100.00 shall be collected in the event the fee is paid within 30 days of the due date. In the event that the fee is not paid within 30 days of the due date, the special temporary permit shall be deemed cancelled and can only be renewed upon making application to the Board of Bar Examiners and the payment of a new application fee. The annual permit shall only be renewed upon affirmation that the conditions for which the special temporary permit was issued still exist. An attorney granted a special temporary permit to practice shall not appear on the roll of attorneys and shall not be considered a member of the Oklahoma Bar Association. However, an attorney granted a special temporary permit shall be subject to the jurisdiction of the Oklahoma Supreme Court for purposes of attorney discipline and other orders revoking, suspending or modifying the special permit to practice law.

2. Attorneys granted a special temporary permit to practice prior to the promulgation of this rule shall be deemed to have a renewal date of January 2, 2010.

3. All attorneys granted a special temporary permit to practice shall comply with the requirements of the Rules for Mandatory Continuing Legal Education with the exception that the annual reporting period shall be the anniversary date of the issuance of the special temporary permit to practice.

Section 6. SMALL CLAIMS PROCEDURE. In action filed and tried under the Small Claims Procedure Act (12 O.S.Supp. 1969, Section 1751 et seq.) the word “person” and “claimant” as therein used shall include corporations, partnerships, trusts and other legal entities, so that corporations, partnerships, trusts and other legal entities may, by and through a corporate officer or regular full-time employee, execute the statutory affidavits and proceed as any other person or claimant is authorized to proceed under the act.

Section 7. WHO MAY PRACTICE LAW.

(a) No person, corporation, partnership, or any other entity (hereinafter collectively referred to as “person”), shall practice law in the State of Oklahoma who is not an active member of the Association, except as herein provided.

(b) Any member of the Association who shall have been adjudged to be insane, mentally incompetent, or mentally ill shall not practice law, and shall not be required to pay dues during the continuation of such adjudication.

(c) It shall be the duty and responsibility of this Association, acting through the Professional Responsibility Commission, to investigate and to seek judicial action to prevent the unauthorized practice of law by any person, and to take appropriate action to enforce any lawful orders issued in such proceedings.

ARTICLE III

Section 1. HOUSE OF DELEGATES. The policy-making powers of the Association are vested in a House of Delegates, subject to its authority to delegate, during its adjournment, specific powers to the Board of Governors. Such policy-making power, shall, however, be subordinate to these rules and any orders that may be issued by this Court.

Section 2. BYLAWS TO GOVERN. Until the Association, through its Bylaws, otherwise provides, the composition, selection, powers and duties of the House of Delegates shall be as now provided in the Association's Bylaws, and as amended by these Rules.

ARTICLE IV

Section 1. BOARD OF GOVERNORS. The governing body of this Association shall consist of seventeen (17) active members of this Association, designated as the Board of Governors. The authority of the Board of Governors shall be subordinate to these Rules and direction of the House of Delegates. Said Board shall be selected as follows:

(a) Three (3) members elected At Large, by a majority vote of the House of Delegates or by a plurality of the voting members of the Association, in such manner as may be prescribed by the Bylaws, for a term of three (3) years, one of whom shall be elected annually.

(b) Nine (9) members, one from each Supreme Court Judicial District, elected by a majority vote of the House of Delegates or by a plurality of the voting members of the Association in such manner as may be prescribed by the Bylaws, for a term of three (3) years; three (3) of such members shall be elected at the annual election next prior to the expiration of the term of office of the respective predecessor members.

(c) The President and Vice-President of the Association during their terms of office.

(d) The President-Elect of the Association.

(e) The Immediate Past-President of the Association during the year immediately following his term as President.

(f) The Chairman of the Young Lawyers Division of the Association duly elected in accordance with the provisions of that organization's Bylaws. The Chairman of the YLD shall serve on the Board of Governors during his term of office as Chairman of the YLD.

(g) A quorum of the Board of Governors shall consist of nine (9) members. A majority of a quorum shall suffice to carry any action of the Board of Governors, unless otherwise provided by the Bylaws of the Association and except that recommendations for any amendment to these rules must receive the affirmative vote of a majority of all members of the Board of Governors.

(h) The President of the Association and the Executive Director of the Association shall act, respectively, as Chairman and Recording Secretary of the Board of Governors.

Section 2. MEETINGS OF BOARD OF GOVERNORS. The Board of Governors shall meet at the Oklahoma Bar Center, or in such other place as it may elect, once each month at a time fixed by it and at such other times as it shall determine. Special meetings of the Board of Governors shall be held at other times, either upon the call of the Chairman or upon the call of three (3) members. Notices of special meetings shall be mailed by the Executive

Director to each member, at least five days in advance of the day of meeting, unless waived in writing by a majority of the Board.

Section 3. FILLING VACANCIES. In case of a vacancy on the Board of Governors, the Board, by a majority vote, may appoint a successor who shall serve the remainder of the term, but the Association, in its Bylaws, may provide another method of filling vacancies.

Section 4. VOTING STATUS OF THE MEMBERS OF THE BOARD OF GOVERNORS AND OFFICERS OF THE ASSOCIATION. Members of the Board of Governors and the officers of the Association shall be non-voting ex officio members of the House of Delegates. Ex officio members shall have the right to speak on the floor of the House of Delegates, but shall be precluded from introducing resolutions, legislative proposals or motions or the casting of any ballot on any matter unless they are also certified as duly chosen members of the House of Delegates by their respective County Bar Associations.

Section 5. DUTIES OF BOARD OF GOVERNORS. The Board of Governors may perform duties not specifically enumerated herein and shall make or cause to be made, such investigations, not inconsistent with these rules, as reasonably should be made or as are directed by the Supreme Court.

Section 6. LENGTH OF SERVICE. No member of the Board of Governors, having served three (3) consecutive years as a member of the governing body (exclusive of service on the Board of Governors by reason of having received appointment to a vacancy as hereinbefore provided in these rules), shall be eligible to succeed himself on the Board of Governors, except as provided in the Bylaws of the Association.

Section 7. ATTENDANCE. A member of the Board of Governors who misses three (3) consecutive regular meetings of such Board, for whatever reason, shall automatically vacate his office and the vacancy shall be filled as provided in Section 3 above.

Section 8. CONFLICT OF INTEREST. No current member of the Board of Governors, partner, or associate of the Governor shall personally represent a lawyer in any proceeding as provided for in the Rules Governing Disciplinary Proceedings during the term of service of the member on the Board of Governors.

ARTICLE IV-A

(Revoked effective July 1, 1981. See, now, Rules Governing Professional Discipline, Appendix 1-A of this title.)

ARTICLE V

Section 1. OFFICERS OF THE ASSOCIATION. The officers of this Association shall be a President, a Vice-President and a President-Elect, elected each year in the manner prescribed by its Bylaws, and an Executive Director, selected as provided in Article VI of these Rules.

ARTICLE VI

Section 1. EXECUTIVE DIRECTOR, TREASURER, AND GENERAL COUNSEL. The Board of Governors shall select some suitable person, who need not be an attorney, as Executive Director of the Association and as its Treasurer. The Board of Governors shall also select some suitable and qualified person as General Counsel of the Association. This

section is revoked by Rule 15.1 of the Rules Governing Professional Discipline (Appendix 1-A of this title) to the extent it is inconsistent with the provisions of said rules.

Section 2. OTHER EMPLOYEES. The Board of Governors may employ such other persons as it deems advisable.

Section 3. EMPLOYEE BONDS. The Executive Director and his assistants and other employees shall execute surety bonds to the Association, in such sums as the Board of Governors shall fix, for their faithful performance of their duties and for the safekeeping of the funds coming into their hands. The premiums on said bonds shall be paid by the Association.

Section 4. EXECUTIVE DIRECTOR, DUTIES. The Executive Director shall perform such duties and services as may be required by these Rules or the Bylaws and as may be directed by the Board of Governors or the President of the Association. He shall also keep a complete and accurate list of the members of the Association; notify delinquent members and certify the names of delinquent members to the Supreme Court as required by these Rules; certify to the Supreme Court records and other matters as provided by these rules.

Section 5. REPORT OF EXECUTIVE DIRECTOR. On or before the tenth day of each month the Executive Director shall mail to each member of the Board of Governors and the Chief Justice of the Supreme Court a detailed account showing the receipts and disbursements of the preceding month; such statement shall contain any additional information requested by the Board of Governors. On or before the 21st day of January of each year an annual financial report shall be prepared by the Executive Director. It shall be submitted to the Board of Governors no later than the regular February meeting of the Board. After approval thereof by the Board of Governors, the same shall be published promptly in the Bar Journal.

ARTICLE VII

Section 1. BUDGET COMMITTEE. There shall be a Budget Committee, composed of the President-Elect, who shall be Chairman, the Executive Director of the Association, as a member ex officio, at least five (5) members, chosen from the House of Delegates and at least three (3) members chosen from the Board of Governors. The President-Elect, subject to the approval of the Board of Governors, shall select the appointive members for the Committee not later than August 1 in each year. The Budget Committee shall prepare a proposed annual budget of the financial needs of the Association for the following year. On or before October 20th the proposed budget shall be published in one issue of the Bar Journal, together with a notice that a public hearing thereon will be held by the Budget Committee at the Oklahoma Bar Center on a date and at a time fixed in the notice, but not later than November 15. The budget shall be approved by the Board of Governors prior to being submitted to the Supreme Court.

Members of the Association may appear to protest any items included or excluded from the proposed budget. On or before December 10, the finalized budget shall be submitted by the Budget Committee, with its recommendation, to the Supreme Court. The Committee in making its report shall take into consideration any action taken by the House of Delegates which affects the Association's financial requirements. The Supreme Court shall review said proposed budget to determine if the proposed items of expenditure are within the Court's police powers and necessary in the administration of justice, and will act on said budget prior to December 25 of each year.

No funds of the Association shall be used or expended for any items not included in the annual budget as approved by the Supreme Court, or as subsequently amended by order of the Supreme Court.

Section 2. USE AND DISBURSEMENTS OF FUNDS. No funds shall be withdrawn except in the manner approved by the Board of Governors. The funds of the Association shall be used and expended for any expense of the Association provided for by the budget.

(a) With the exception of the Clients' Security Fund on expenditures of the Association, checks for taxes, health insurance and checks not exceeding \$5,000, checks shall be signed by any two of the following staff members of the Association:

Executive Director
General Counsel
Director of Continuing Legal Education
Director of Public Information

On expenditures exceeding \$5,000, except for taxes, health insurance and utilities, checks shall be signed by the Executive Director, or a member of his staff designated by him, and countersigned by the President or Vice-President of the Association or by a member of the Board of Governors designated by the Board.

(b) On expenditures of the Client Security Fund, checks shall be signed by the Chairman of the Client Security Fund Committee and countersigned by the President of the Association.

ARTICLE VIII

Section 1. ANNUAL DUES. The annual dues for each member of the Association shall be based upon the financial requirements of the Association including maintenance of an adequate reserve fund for contingencies and emergencies.

Until otherwise provided the annual dues for each active member shall be \$275.00 per year; except that dues for active members who have been admitted to practice in any State less than three (3) years, as of the first day of January of the dues paying year, shall be \$137.50 for each year. All dues shall be due and payable, on or before January 2 of each year, to the Executive Director of the Association. Persons admitted to the Bar of this State after January 2 of any year shall not be liable for dues until January 2 of the following year. Nothing in these rules shall prevent the establishment of Sections with the approval of the Board of Governors, nor the charging of voluntary dues to members of any such Section.

Active OBA Members who are in an active duty and deployed status serving outside of the United States or one of its territories with the Armed Forces of the United States in a combat zone or receiving "Imminent Danger Pay" (Combat Pay) or "hardship duty pay" in any given year may request that dues be waived for that year. A request for a waiver of dues, along with sufficient supporting documentation of service, shall be submitted to the Executive Director of the Oklahoma Bar Association as soon as reasonably practical. Members requesting such dues waiver shall have the right to appeal any administrative decisions made by the Executive Director to the Board of Governors of the Oklahoma Bar Association and ultimately to the Oklahoma Supreme Court. In the event the member is not able to submit the request personally, such request can be made by a family member, law partner or other such person having authority to act on behalf of the member.

Section 2. SUSPENSION FOR NONPAYMENT. If a member's dues to the Association remain unpaid after February 15 in any calendar year, there shall be added thereto an expense charge of \$100. As soon as possible after February 15 in any calendar year, the Executive Director shall send by registered or certified mail, with return receipt requested, written notice to each member of the Association whose dues remain unpaid for that year, stating the amount due, with the expense charge, and demanding payment by a date specified therein, which shall be not less than thirty (30) days after mailing of the notice. The notice shall be addressed to the member at his last address shown on the records of the Association. If payment of dues and expense charge is not received from a member within the time specified in the notice sent him, the Board of Governors shall file application with the Supreme Court recommending suspension of the delinquent's membership and, upon order of the Court, he shall be so suspended, and shall not thereafter practice law in this state until reinstated as provided herein.

Section 3. PENALTY. If a member's dues to the Association remain unpaid after July 1 in any calendar year, there shall be added thereto an amount equal to the annual dues.

Section 4. REINSTATEMENT OF ATTORNEYS. A member suspended for nonpayment of dues may, at any time before his name is stricken from the rolls, file with the Executive Director a written application for reinstatement. He shall be required to pay with the application all delinquent dues, penalties, and expense charges, including dues for the current year and a reinstatement fee of \$250. When his dues, penalties, expense charges and reinstatement fee have been paid in full, the member will be restored to membership and the Executive Director will notify the Clerk and the Chief Justice of the Supreme Court and cause notice of reinstatement to be published in the Oklahoma Bar Journal.

Section 5. NAME STRICKEN FROM ROLLS. A suspended member who does not file an application for reinstatement within one year from the date he is suspended by the Supreme Court for nonpayment of dues shall cease automatically to be a member of the Association and the Board of Governors shall cause his name to be stricken from the membership rolls. Thereafter, if he desires to become a member of the Association, he will be required to make application for reinstatement, as provided in Rule 11 of the Rules Governing Disciplinary Proceedings.

ARTICLE IX

(Revoked effective July 1, 1981. See, now, Rules Governing Professional Discipline, Appendix 1-A of this title.)

ARTICLE X

(Revoked effective July 1, 1981. See, now, Rules Governing Professional Discipline, Appendix 1-A of this title.)

ARTICLE XI

(Revoked effective July 1, 1981. See, now, Rules Governing Professional Discipline, Appendix 1-A of this title.)

ARTICLE XII

Section 1. GENERAL DUTIES OF ATTORNEYS. It shall be the duty of all attorneys to perform any services required of them under these Rules without compensation, provided, upon approval of the Board of Governors, the Association may pay their reasonable expenses incurred in the performance of any such duties. Nothing herein shall prevent the Supreme Court from ordering the payment of a per diem for extraordinary services.

Section 2. NONLIABILITY OF THE ASSOCIATION AND ITS MEMBERS. Neither the Oklahoma Bar Association, the Board of Governors, nor any member thereof, nor any Trial Authority, nor investigator, or informant, or any of them, shall be liable to any member of the Association, or to any other person charged or investigated by the Association, or by its Board of Governors, or any of its committees or such agents, employees and investigators, for any damages incident to such investigation, or any complaint, charge, prosecution, proceeding or trial.

ARTICLE XIII

Section 1. BOARD OF BAR EXAMINERS. There shall be appointed by the Supreme Court a Board of Bar Examiners to consist of nine (9) members, one each from each Supreme Court Judicial District in the state, and such assistants as the Court may deem appropriate. The present members shall serve until their term shall expire and their successors are selected. The Supreme Court shall appoint three (3) members each year for a term of three (3) calendar years beginning the first Monday in January. The Court will, upon request of a member of the Board, appoint four (4) members of the Association to assist the Board member in the performance of his duties.

Section 2. COMPENSATION OF MEMBERS. The Bar Examiners shall receive their reasonable traveling and other expenses, and such compensation for their time and services as shall be fixed by the Supreme Court.

Section 3. RULES OF THE BOARD. The Bar Examiners shall make and provide rules respecting their procedure and respecting all matters pertaining to the examination and admission of applicants for the practice of law, which rules shall be subject to approval of the Supreme Court, and when so approved shall have full force and effect as rules of the Supreme Court.

Section 4. MEMBERS NOT TO HOLD CERTAIN POSITIONS. The election or appointment of any member of the Board of Bar Examiners to a judicial position or to an office in the Oklahoma Bar Association, other than committee membership or as a delegate or alternate to the House of Delegates, shall vacate his membership on said Board. When any vacancy thereby occurs, or for other causes, the Supreme Court shall appoint a member to the vacancy, who shall serve the remainder of the term so vacated.

Section 5. ATTENDANCE. A member of the Board of Bar Examiners who misses three (3) consecutive meetings of such Board, for whatever reason, shall automatically vacate his office and the vacancy shall be filled by the Supreme Court of the State of Oklahoma.

ARTICLE XIV

MEETINGS. There shall be at least one meeting of the membership of the Association each year at which time the House of Delegates shall be convened. The Assembly of the annual meeting shall consist of the members of the Association who have registered at the annual meeting. The time and place shall be designated by the Board of Governors. There shall be

such other meetings of the Association or the House of Delegates as the Board of Governors may designate or as may be called in accordance with the provisions of these Rules or Bylaws.

**ARTICLE XV
BYLAWS ADOPTED BY ASSOCIATION.**

Subject to these rules, the Association may adopt such Bylaws as it may deem necessary for its government and for the implementation of these rules.

ARTICLE XVI

AMENDMENT OF RULES. These rules may be modified or changed by the Supreme Court on its own motion, or upon the recommendation of a majority of the Board of Governors or a majority of the House of Delegates at regular meetings upon certification to and approval by the Supreme Court.

ARTICLE XVII

PRIOR RULES REVOKED. The Revised Rules Creating, Controlling and Regulating the Oklahoma Bar Association (5 O.S.1961, Chapter 1, Appendix 1) and amendments thereto (5 O.S. Chapter 1, Appendix 1) are hereby revoked; provided, however, that this revocation shall not revoke the Code of Professional Responsibility and the Canons of Judicial Ethics (5 O.S.1961, Chapter 1, Appendixes 3 and 4) in effect in this state on the date these Rules are promulgated and subsequent revisions thereof and shall not affect any pending disciplinary matters, the terms of existing officers of the Association, programmed activities of the Association during the calendar year 1971 or prior thereto. Cases pending before the Grievance Committees may be completed by such committees or assigned to the Board of Governors for appropriate action.

ARTICLE XVIII

Section 1. OKLAHOMA ACCESS TO JUSTICE COMMISSION. There shall be created an Oklahoma Access to Justice Commission as set forth in Section 2. The Oklahoma Access to Justice Commission shall evaluate, study, and make recommendations to, and to prepare an annual report for, the Oklahoma Supreme Court, related to the providing of legal services to the citizens of Oklahoma and their access to the Oklahoma justice system, both civil and criminal, together with sources of funding necessary to accomplish the delivery of legal services to those otherwise unable to afford them.

Section 2. TERMS. The Oklahoma Access to Justice Commission shall be comprised of nine (9) duly appointed commissioners with voting privileges. Each commissioner shall serve until his or her successor is appointed. The term of each commissioner shall be for a period of three (3) years, commencing on July 1 of each year, except the initial term set forth below which shall commence on July 1, 2005. The period between the effective date of the order of this Court through July 1, 2005 shall be added to the initial term of each appointed commissioner. The initial term for positions one (1) through three (3) shall be for a period of three (3) years; the initial term for positions four (4) through six (6) shall be for two (2) years; and the initial term for positions seven (7) through nine (9) shall be for a period of one (1) year. The following commissioners are authorized to be appointed and shall have voting privileges.

Position 1. Justice of the Oklahoma Supreme Court appointed by the Chief Justice.

Position 2. Judge of the Oklahoma Court of Criminal Appeals appointed by the Presiding Judge.

Position 3. Member of the Oklahoma Bar Association appointed by the President of the Oklahoma Bar Association.

Position 4. Judge of the District Court appointed by the President of the Oklahoma Judicial Conference.

Position 5. Member of the Oklahoma Bar Foundation appointed by the President of the Oklahoma Bar Foundation.

Position 6. Faculty member of an American Bar Association Accredited Law School located in the state of Oklahoma appointed by President of the Oklahoma Bar Association.

Position 7. Member of the Oklahoma House of Representatives appointed by the Speaker of the Oklahoma House of Representatives.

Position 8. Member of the Oklahoma State Senate appointed by the President Pro Tempore of the Oklahoma State Senate.

Position 9. Member of the public that is not licensed to practice law in the state of Oklahoma to be appointed by the Governor of the State of Oklahoma.

Section 3. VACANCY OF POSITION. The President of the Oklahoma Bar Association shall notify each person entitled to select a commissioner within thirty (30) days of the entry of an order establishing the Oklahoma Access to Justice Commission, and at such other times necessary to fill a vacancy. All appointments shall be selected by the appointing official or entity within sixty (60) days of notification of a vacant commissioner's position. In the event for any reason a commissioner's position shall remain vacant after sixty (60) days, the Chief Justice of the Oklahoma Supreme Court shall select a qualified person to serve the remainder of the term, or until a successor is duly appointed.

Section 4. EX-OFFICIO MEMBERS. The Oklahoma Access to Justice Commission shall have such non-voting ex-officio or advisory members as the commissioners may designate, from time to time, including the following: (a) President-Elect of the Oklahoma Bar Association; (b) President-Elect of the Oklahoma Bar Foundation; (c) Representative of Legal Aid Services of Oklahoma, Inc. selected by the Board of Directors; (d) Representative of Oklahoma Indigent Defense System selected by the Board of Directors; (e) Representative of Oklahoma Indian Legal Services selected by the Board of Directors; (f) Chair of OBA Access to Justice Committee; (g) Public Defender of Tulsa County; (h) Public Defender of Oklahoma County.

Section 5. OFFICERS OF THE COMMISSION. The Chair and Vice-Chair of the Oklahoma Access to Justice Commission shall be selected by the commissioners. The commissioners may select such other officers as they deem appropriate.

Section 6. COMPENSATION OF COMMISSIONERS AND MEMBERS. Commissioners and members, who do not otherwise qualify for reimbursement of travel and other reasonable expenses from their appointing authority, may be reimbursed for reasonable travel and other expenses by the Oklahoma Access to Justice Commission at the rate as fixed by the Oklahoma Supreme Court.

Section 7. STAFF. The Oklahoma Access to Justice Commission may be aided by the staff of the Oklahoma Bar Association. Such staff as assigned by the Oklahoma Bar Association shall be employees of the Oklahoma Bar Association and may assist the Oklahoma Access to Justice Commission when requested. The number of staff and the rate of compensation and benefits for such staff shall be determined by the Board of Governors of the Oklahoma Bar Association and be included in the annual budget approved by the Oklahoma Supreme Court. The Oklahoma Access to Justice Commission, from the funds it has available, may

reimburse the Oklahoma Bar Association for staff compensation and benefits and other administrative expenses.

Section 8. ANNUAL BUDGET. All expenses and revenues of the Oklahoma Access to Justice Commission, except for staff and administrative expenses of the Oklahoma Bar Association, shall be used and expended in accordance with an annual budget, submitted to and approved by the Oklahoma Supreme Court.

Section 9. RULES OF THE COMMISSION. The Oklahoma Access to Justice Commission shall make and approve rules respecting its procedure and respecting all matters pertaining to its duties as set forth in Section 1.

(For reference only.)

(Art. II, Sec. 1 – as amended by Supreme Court 9/14/09-members provide address change)

(Art. II, Sec. 2 (b) – amended by Supreme Court 09-19-2016 to change cost of OBJ)

(Art. II, Sec. 2 – no new members added to senior status; added new retired status – Amended by Supreme Court 12-04-2017)

(Art. II, Sec. 5, Title, Para. A. 5. and Para. E. amended by Supreme Court 7/02/09-temporary permit)

(Art. IV, Sec. 8 – amended by Supreme Court 09-26-2013 – new para.-Conflict of Interest)

(Art. VII, Sec. 1 – amended by Supreme Court 6/27/11-provide BOG approval of budget)

(Art. VII, Sec. 2, Para (a) - as amended by Supreme Court 10/2/08)

(Art. VIII, Sec. 1 – amended by Supreme Court 10/27/11-provide waiver for military)