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MICHAEL S. RICHIE
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA



ANNUAL REPORT
OF THE
PROFESSIONAL RESPONSIBILITY COMMISSION
AS COMPILED BY THE
OFFICE OF THE GENERAL COUNSEL
OF THE
OKLAHOMA BAR ASSOCIATION

January 1, 2014 through December 31, 2014

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Pursuant to the provisions of Rule 14.1, Rules Governing Disciplinary Proceedings (RGDP), 5 O.S. 2011 ch. 1, app. 1-A, the following is the Annual Report of grievances and complaints received and processed for 2014 by the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.

THE PROFESSIONAL RESPONSIBILITY COMMISSION:

The Commission is composed of seven persons - five lawyer and two non-lawyer members. The attorney members are nominated for rotating three-year terms by the President of the Association subject to the approval of the Board of Governors. The two non-lawyer members are appointed by the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma Senate, respectively. No member can serve more than two consecutive terms. Terms expire on December 31st at the conclusion of the three-year term.

Lawyer members serving on the Professional Responsibility Commission during 2014 were Melissa Griner DeLacerda, Stillwater; Angela Ailles Bahm, Oklahoma City; William R. Grimm, Tulsa; Jon K. Parsley, Guymon; and Stephen D. Beam, Weatherford. F. Douglas Shirley was appointed as a lawyer member to fulfill the unexpired term of Jon K. Parsley.¹ Non-Lawyer members were Tony R. Blasier, Oklahoma City and Burt Holmes, Tulsa. Stephen D. Beam served as Chairperson and Tony R. Blasier served as Vice-Chairperson. Commission members serve without compensation but are reimbursed for actual travel expenses.

¹ Jon Parsley resigned his position on the Professional Responsibility Commission April 4, 2014 upon being appointed District Judge for Texas County.

RESPONSIBILITIES:

The Professional Responsibility Commission considers and investigates any alleged ground for discipline, or alleged incapacity, of any lawyer called to its attention, or upon its own motion, and takes such action as deemed appropriate to effectuate the purposes of the Rules Governing Disciplinary Proceedings. Under the supervision of the Professional Responsibility Commission, the Office of the General Counsel investigates all matters involving alleged misconduct or incapacity of any lawyer called to the attention of the General Counsel by grievance or otherwise, and reports to the Professional Responsibility Commission the results of investigations made by or at the direction of the General Counsel. The Professional Responsibility Commission then determines the disposition of grievances or directs the instituting of a formal complaint for alleged misconduct or personal incapacity of an attorney. The attorneys in the Office of the General Counsel prosecute all proceedings under the Rules Governing Disciplinary Proceedings, supervise the investigative process, and represent the Oklahoma Bar Association at all reinstatement proceedings.

VOLUME OF GRIEVANCES:

During 2014, the Office of the General Counsel received 208 formal grievances involving 155 attorneys and 1116 informal grievances involving 894 attorneys. In total, 1324 grievances were received against 945 attorneys. The total number of attorneys differs because some attorneys received both formal and informal grievances. In addition, the Office handled 342 items of general correspondence, which is mail not considered to be a grievance against an attorney.²

² The initial submission of a trust account overdraft notification is classified as general correspondence. The classification may change to a formal grievance after investigation.

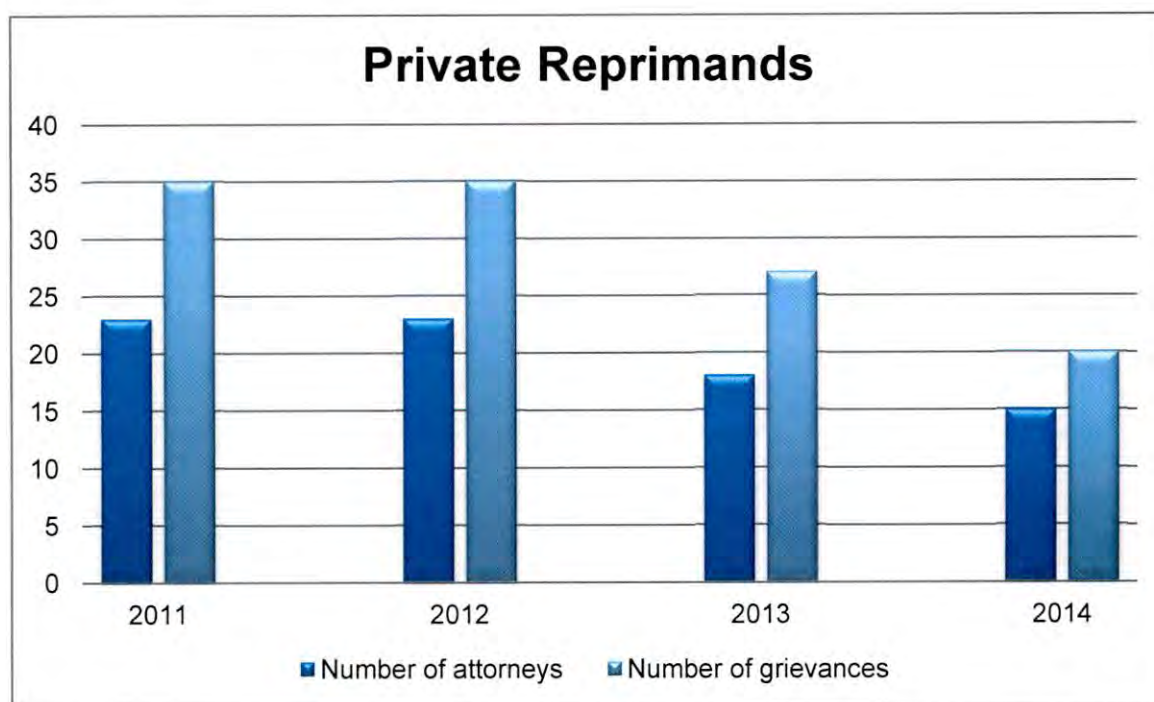
On January 1, 2014, 206 formal grievances were carried over from the previous year. During 2014, 208 new formal grievances were opened for investigation. The carryover accounted for a total caseload of 414 formal investigations pending throughout 2014. Of those grievances, 217 investigations were completed by the Office of the General Counsel and presented for review to the Professional Responsibility Commission. Therefore, 197 investigations were pending on December 31, 2014.

The time required for investigating and concluding each grievance varies depending on the seriousness and complexity of the allegations and the availability of witnesses and documents. The Professional Responsibility Commission requires the Office of the General Counsel to report monthly on all informal and formal grievances received and all investigations completed and ready for disposition by the Commission. In addition, the Commission receives a monthly statistical report on the pending caseload. The Board of Governors is advised statistically each month of the actions taken by the Professional Responsibility Commission.

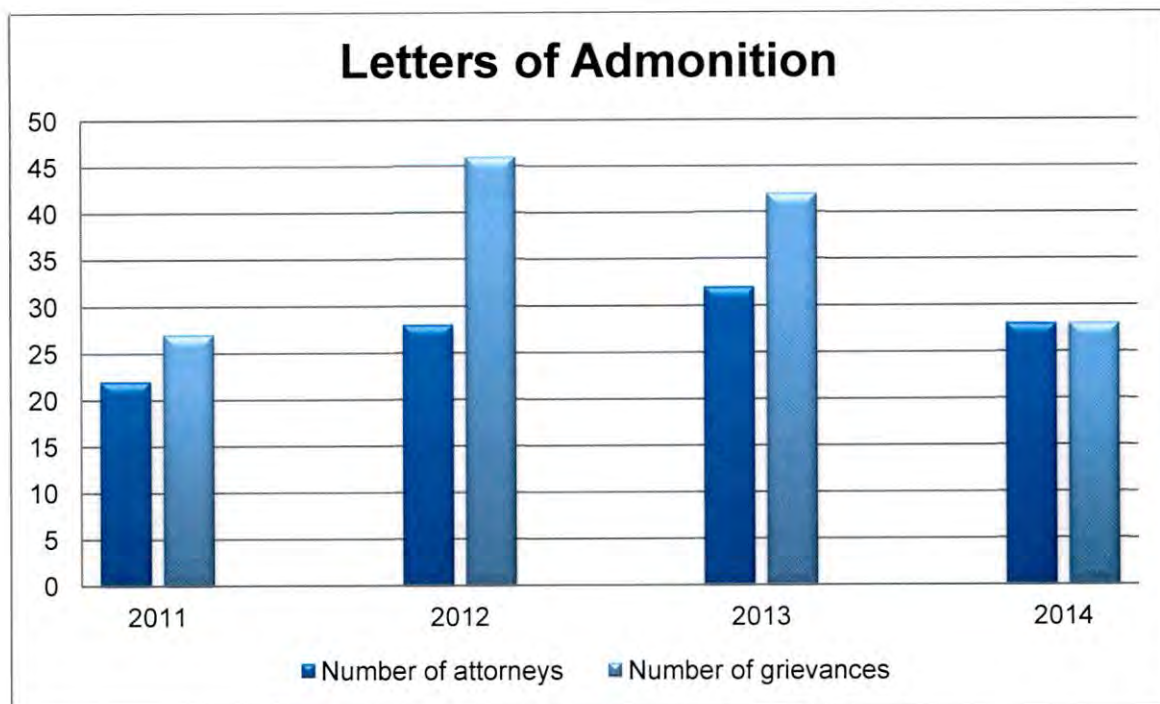


DISCIPLINE IMPOSED BY THE PROFESSIONAL RESPONSIBILITY COMMISSION:

1. **Formal Charges.** During 2014, the Commission voted the filing of formal disciplinary charges against 10 lawyers involving 31 grievances. In addition, the Commission also oversaw the investigation of nine Rule 7, RGDP matters filed with the Chief Justice of the Oklahoma Supreme Court.
2. **Private Reprimands.** Pursuant to Rule 5.3(c), RGDP, the Professional Responsibility Commission has the authority to impose private reprimands, with the consent of the attorney, in matters of less serious misconduct or if mitigating factors reduce the sanction to be imposed. During 2014, the Commission issued private reprimands to 15 attorneys involving 20 grievances.



3. **Letters of Admonition.** During 2014, the Commission issued letters of admonition to 28 attorneys involving 28 grievances cautioning that the conduct of the attorney was dangerously close to a violation of a disciplinary rule wherein the Commission believed warranted a warning rather than discipline.



4. **Dismissals.** The Commission dismissed 17 grievances due to the resignation of the attorney pending disciplinary proceedings, a continuing lengthy suspension or disbarment of the respondent attorney, or due to the attorney being stricken from membership for non-compliance with MCLE requirements or non-payment of membership dues. Furthermore, the Commission dismissed one grievance due to death of an attorney and 13 grievances upon successful completion of a diversion program by the attorney. The remainder were dismissed where the investigation did not substantiate the allegations by clear and convincing evidence.
5. **Diversion Program.** The Commission may also refer respondent attorneys to the Discipline Diversion Program where remedial measures are taken to ensure that any deficiency in the representation of a client does not occur in the future. During 2014, the Commission referred 35 attorneys to be admitted into the Diversion Program for conduct involving 41 grievances.

The Discipline Diversion Program is tailored to the individual circumstances of the participating attorney and the misconduct alleged. Oversight of the program is by the OBA Ethics Counsel with the OBA Management Assistance Program Director involved in programming. Program options include: Trust Account School, Professional Responsibility/Ethics School, Law Office Management Training, Communication and Client Relationship Skills, and Professionalism in the Practice of Law class. In 2014, instructional courses were taught by OBA Ethics Counsel Travis Pickens and OBA Management Assistance Program Director Jim Calloway.

As a result of the Trust Account Overdraft Reporting Notifications, the Office of the General Counsel is now able to monitor when attorneys encounter difficulty with management of their IOLTA accounts. Upon recommendation of the Office of the General Counsel, the Professional Responsibility Commission may place those individuals in a tailored program designed to instruct on basic trust accounting procedures.

2014 Attorney Participation in Diversion Program Curriculum

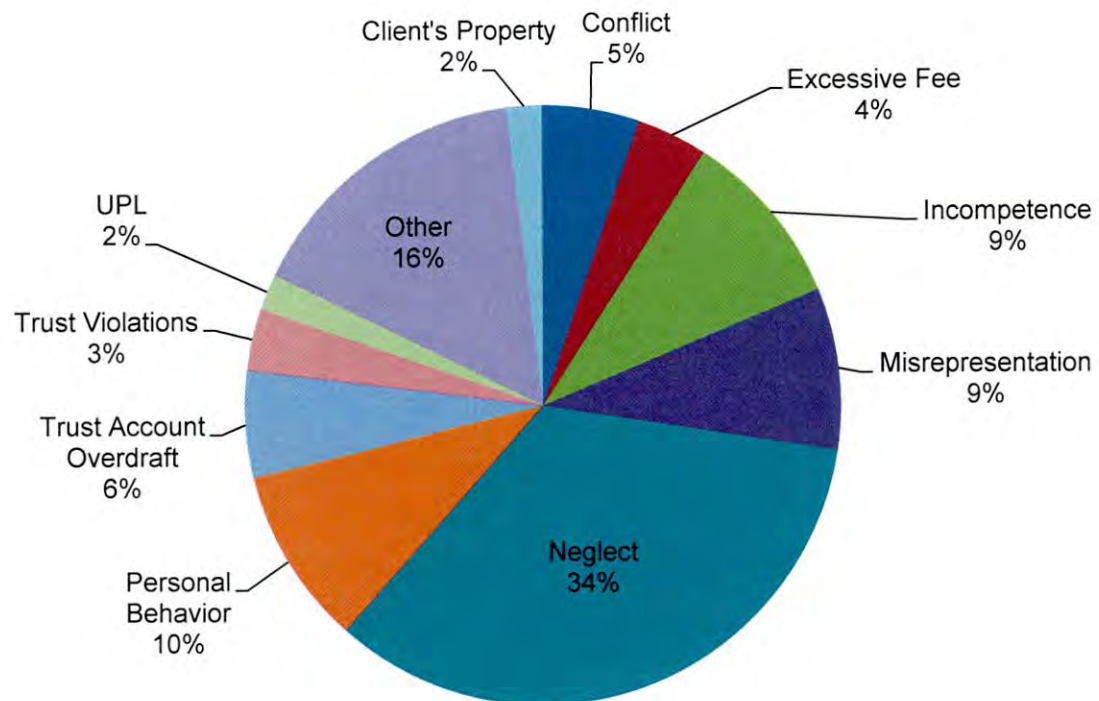
Law Office Management Training:	13 Attorneys
Communication and Client Relationship Skills:	21 Attorneys
Professionalism in the Practice of Law:	18 Attorneys
Professional Responsibility / Ethics School:	21 Attorneys
Client Trust Account School:	21 Attorneys
Law Office Consultations:	18 Attorneys

SURVEY OF GRIEVANCES:

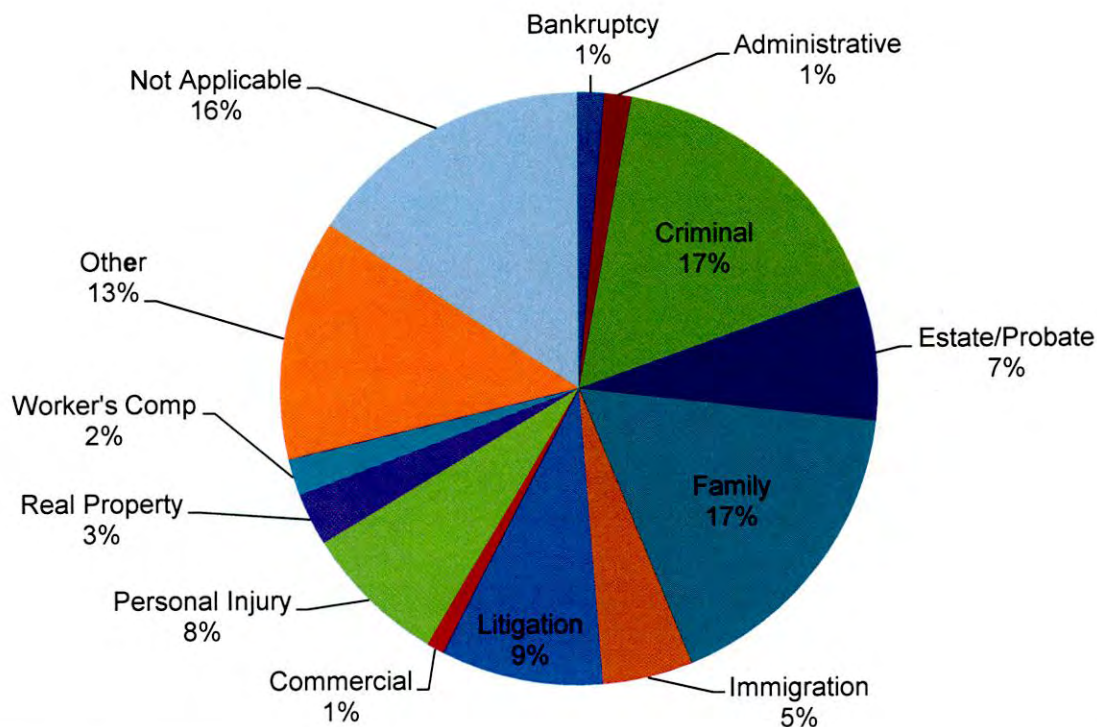
In order to better inform the Oklahoma Supreme Court, the bar and the public of the nature of the grievances received, the numbers of attorneys complained against, and the areas of attorney misconduct involved, the following information is presented.

Total membership of the Oklahoma Bar Association as of December 31, 2014 was 17,649 attorneys. The total number of members include 11,982 males and 5,667 females. Formal and informal grievances were submitted against 945 attorneys. Therefore, approximately five percent of the attorneys licensed to practice law in Oklahoma received a grievance in 2014.

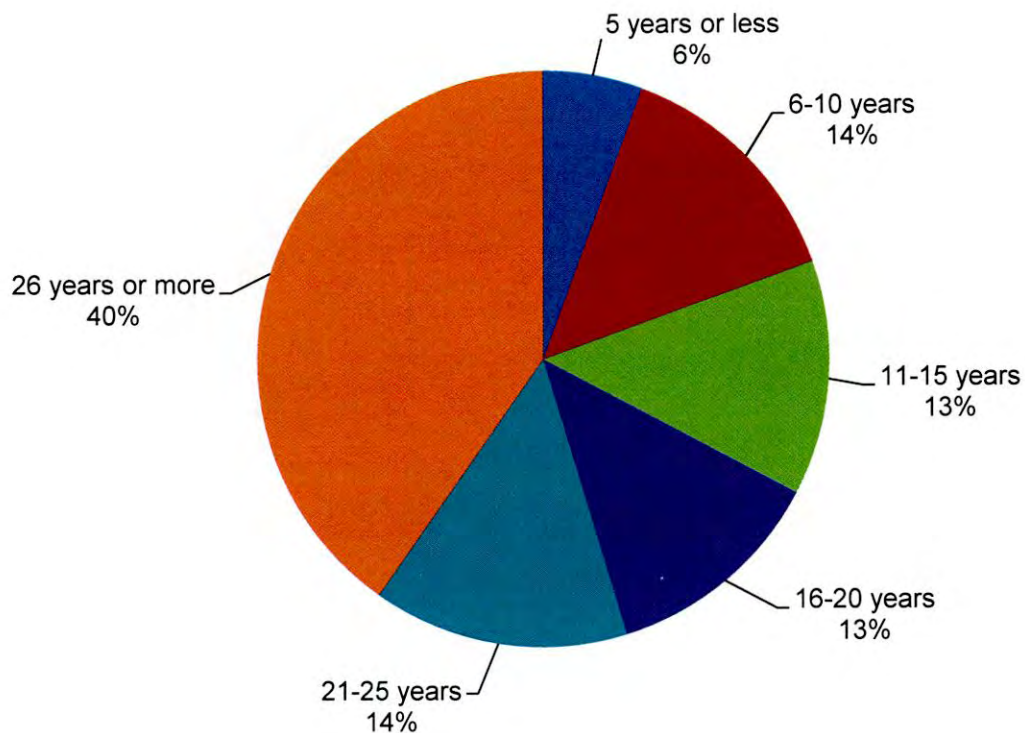
A breakdown of the type of attorney misconduct alleged in the 208 formal grievances received by the Office of the General Counsel in 2014 is as follows:



Of the 208 formal grievances, the area of practice is as follows:



The number of years in practice of the 155 attorneys receiving formal grievances is as follows:



The largest number of grievances received were against attorneys who have been in practice for 26 years or more.

DISCIPLINE IMPOSED BY THE OKLAHOMA SUPREME COURT:

In 2014, 21 disciplinary cases were acted upon by the Oklahoma Supreme Court. The public sanctions are as follows:

1. Disbarment:

<u>Respondent</u>	<u>S. Ct. Order Date</u>
Tom J. Wilcox (Rule 6 & Rule 7)	01/14/14
Phillip Offill Jr.	04/15/14

2. Resignations Pending Disciplinary Proceedings Approved by Court: (Tantamount to Disbarment)

<u>Respondent</u>	<u>S. Ct. Order Date</u>
Grant Cheadle	02/10/14
Joel Edward Scott	03/05/14
William Mark Blasdel	05/27/14
Frank Kirk Jr.	07/15/14
M. Clyde Faulkner	07/15/14
Keaton Oberst	09/22/14
Sam George Caporal	11/24/14

3. Disciplinary Suspensions:

<u>Respondent</u>	<u>Length</u>	<u>S. Ct. Order Date</u>
John Weigel	2 years	02/04/14
William Bernhardt	Deferred 2 years + 1 day	03/25/14
Mark Zannotti	2 years	04/08/14

David W. Knight	1 year	07/16/14
Clayton Ijams	385 days	11/13/14
Steven A. Hart	2 years + 1 day	11/18/14
Will Douglas Bradley	18 months	11/24/14

4. Public Censure:

<u>Respondent</u>	<u>S. Ct. Order Date</u>
None	

5. Dismissals:

<u>Respondent</u>	<u>S. Ct. Order Date</u>
Jennifer Layton	03/25/14
Jason Roselius	06/30/14
Susan Byrd	11/10/14

In addition to the public discipline imposed in 2014, the Court also issued the following non-public sanctions:

6. Disciplinary Suspensions:

<u>Respondent</u>	<u>Length</u>	<u>S. Ct. Order Date</u>
Rule 10 Confidential	Indefinite	09/29/14

7. Private Reprimands:

<u>Respondent</u>
None

There were 12 attorney discipline cases pending with the Supreme Court of Oklahoma as of January 1, 2014. During 2014, 12 new formal complaints, nine Rule 7 Notices, and two Resignations Pending Disciplinary Proceedings were filed for a total of

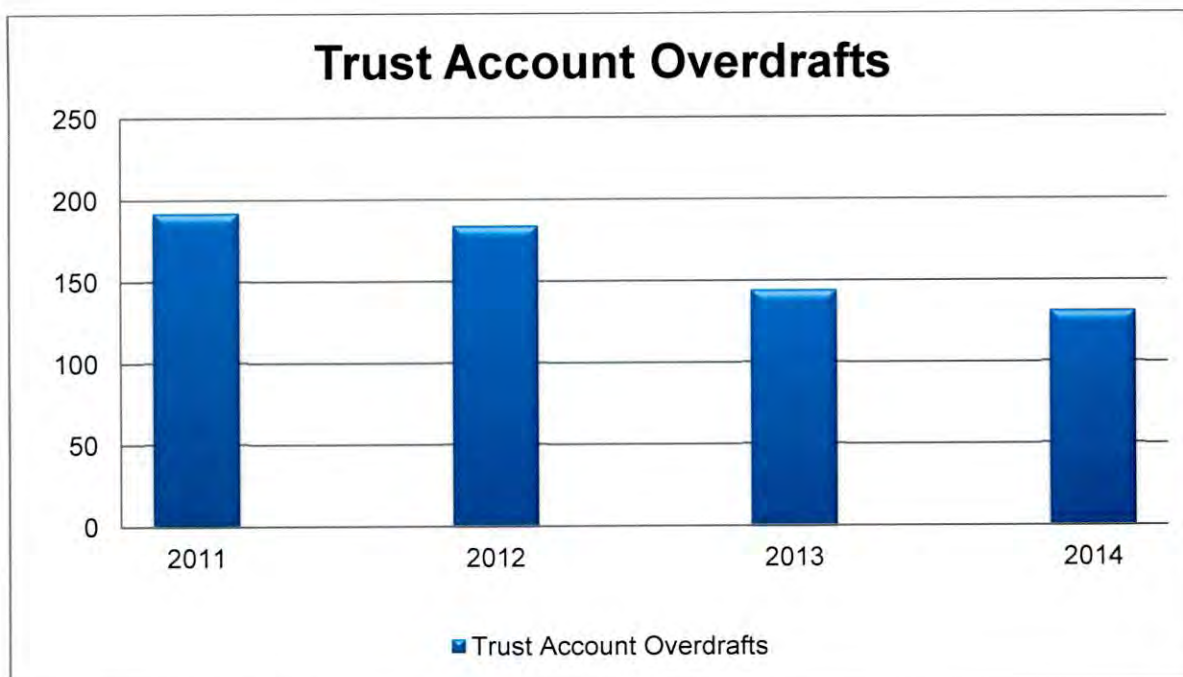
35 cases filed and/or pending during the year. On December 31, 2014, 14 cases remained pending before the Oklahoma Supreme Court.

REINSTATEMENTS:

There were six reinstatement cases filed with the Oklahoma Supreme Court and pending before the Professional Responsibility Tribunal as of January 1, 2014. There were six new petitions for reinstatement filed in 2014. In 2014, the Oklahoma Supreme Court approved four reinstatements and one application for reinstatement was withdrawn. On December 31, 2014, there were six petitions for reinstatement pending before the Professional Responsibility Tribunal and one petition for reinstatement pending before with the Supreme Court.

TRUST ACCOUNT OVERDRAFT REPORTING:

The Office of the General Counsel, under the supervision of the Professional Responsibility Commission has implemented the Trust Account Overdraft Reporting requirements of Rule 1.15(j), Oklahoma Rules of Professional Conduct, 5 O.S. 2011, ch. 1, app. 3-A. Trust Account Overdraft Reporting Agreements are submitted by depository institutions. In 2014, 131 notices of overdraft of a client trust account were received by the Office of the General Counsel. Notification triggers a general inquiry to the attorney requesting an explanation for the deficient account. Based upon the response, an investigation may be commenced. Repeated overdrafts due to negligent accounting practices have resulted in referral to the Discipline Diversion Program for instruction in proper trust accounting procedures.



UNAUTHORIZED PRACTICE OF LAW:

Rule 5.1(b), RGDP, authorizes the Office of the General Counsel to investigate allegations of the unauthorized practice of law (UPL) by non-lawyers.

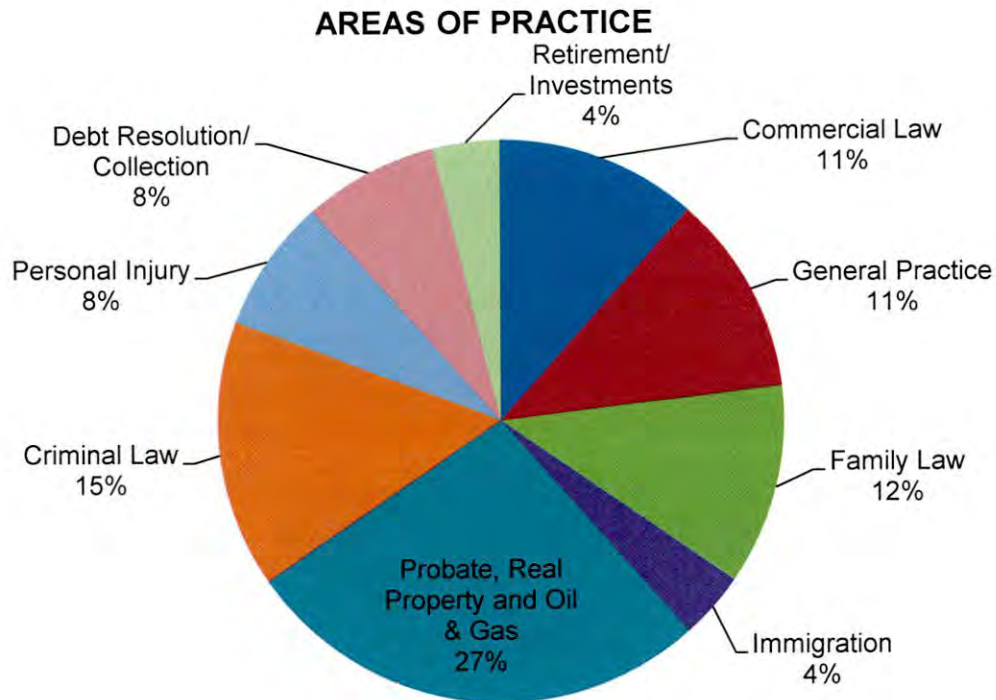
1. Requests for Investigation.

In 2014, the Office of the General Counsel received 26 complaints for investigation of the unauthorized practice of law. The Office of the General Counsel fielded many additional inquiries regarding the unauthorized practice of law that are not reflected in this summary.

2. Practice Areas.

Allegations of the unauthorized practice of law encompass various areas of law. In previous years, most unauthorized practice of law complaints involved non-lawyers or paralegals handling divorce and foreclosure matters, but those complaints have steadily declined over the last few years. In 2014, the complaints received reflect a continued increase in specialized areas of practice by non-lawyers. Examples of such

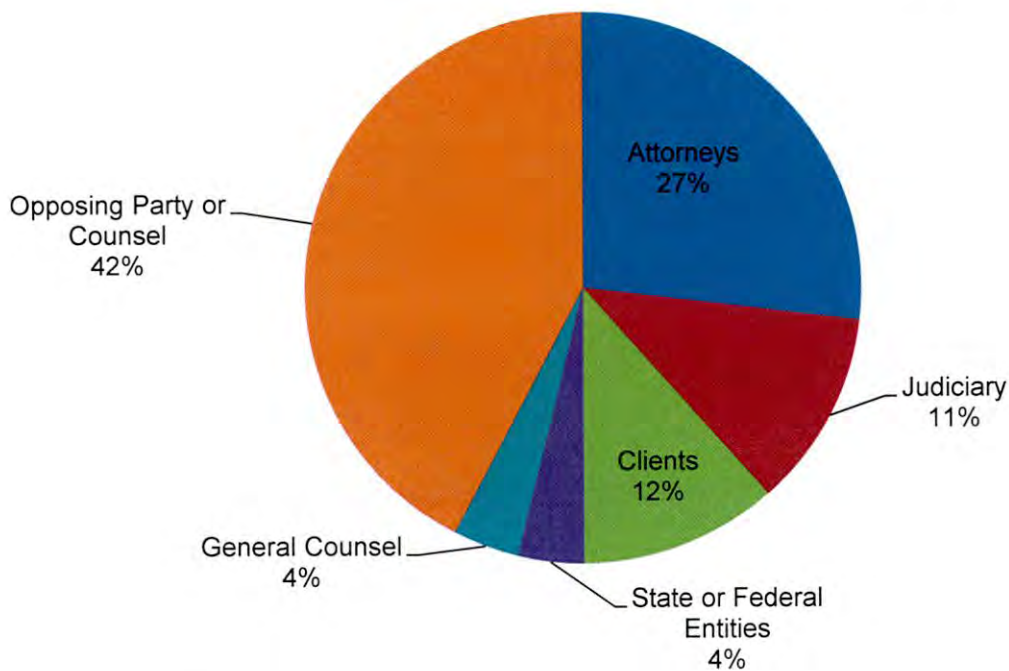
areas of practice investigated in 2014 include immigration, oil & gas, water rights litigation, personal injury and debt resolution. General practice denotes non-lawyers that offer legal services in more than one practice area.



3. Referral Sources.

Requests for investigations of the unauthorized practice of law stem from multiple sources. In 2014, the Office of the General Counsel received the most complaints from the opposing party or opposing counsel to the action in which the non-lawyer was participating. A significant number of referrals also come from Oklahoma or out of state attorneys that are not opposing counsel to the involved action. Judicial referrals, requests from State and Federal agencies and harmed members of the public also report alleged instances of individuals engaging in the unauthorized practice of law.

REQUESTS TO INVESTIGATE: REFERRAL SOURCES

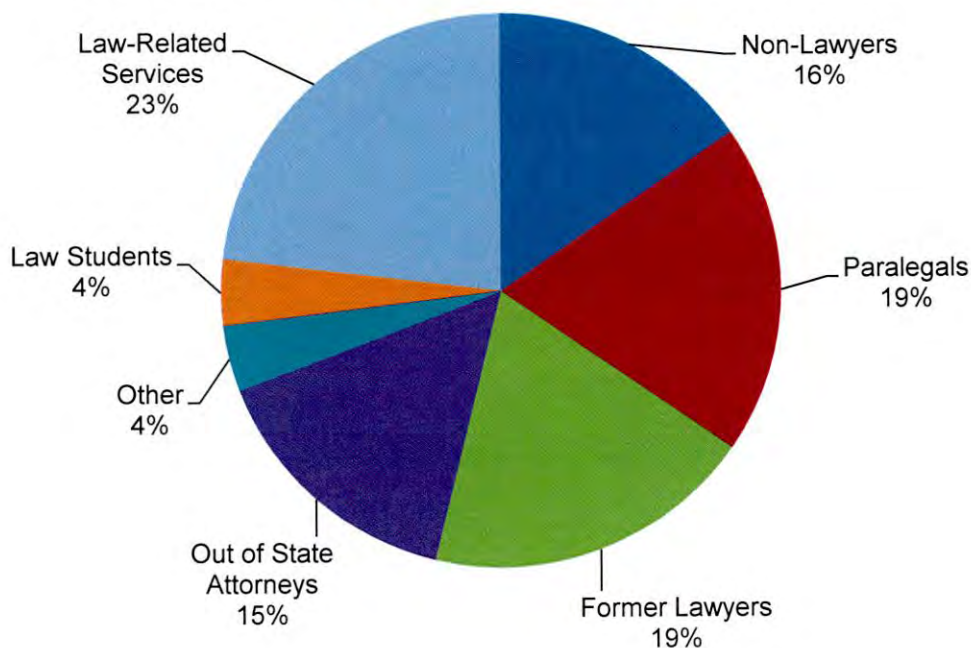


4. Respondents.

For 2014, most requests for investigation into allegations of the unauthorized practice of law concern law-related services. Examples of law-related services include process service, oil& gas, real estate, debt collection and tort claim evaluation.

For purposes of this summary, the category “paralegal” refers to an individual who advertise as a paralegal and performs various legal tasks for their customers, including legal document preparation. The category “non-lawyers” are individuals that do not perform a law-related service or operate as a paralegal. The “Former Lawyers” category includes lawyers who have been disbarred, stricken, resigned their law license pending disciplinary proceedings, or otherwise voluntarily surrendered their license to practice law in the State of Oklahoma.

RESPONDENTS ALLEGEDLY PARTICIPATING IN UPL



5. Enforcement.

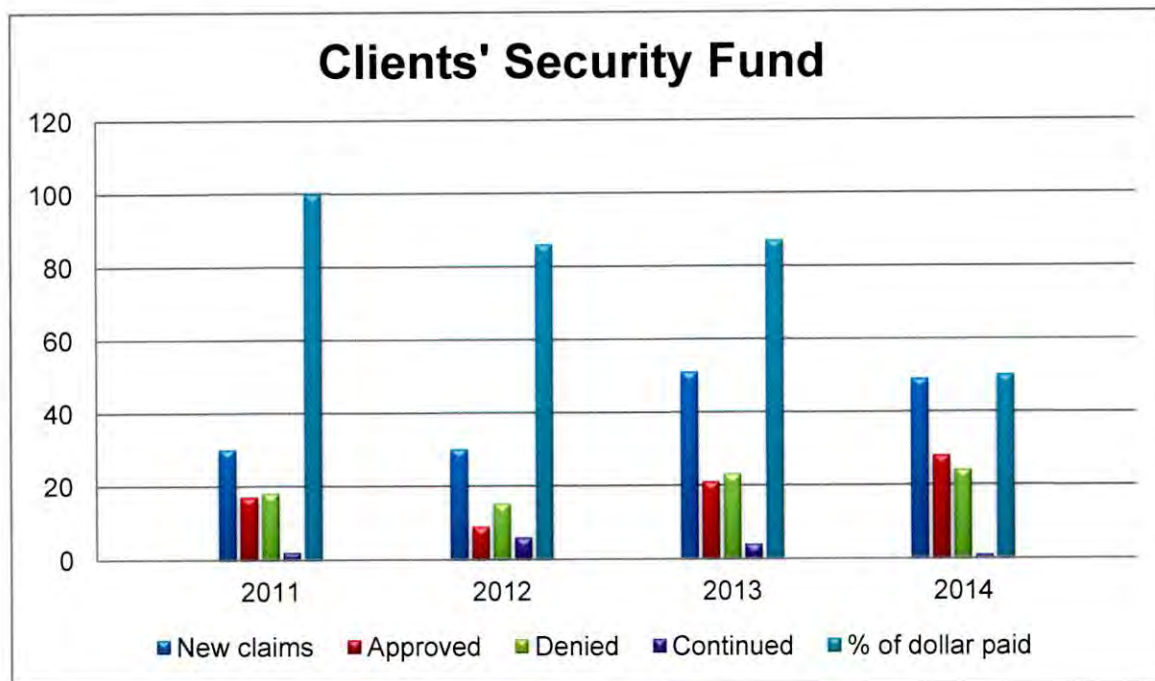
In 2014, of the 26 cases opened, the Office of the General Counsel took formal action in 10 matters. Formal action includes issuing cease and desist letters, initiating formal investigations through the attorney discipline process, referring a case to an appropriate state and/or federal enforcement agency or filing the appropriate district court action. Eight cases were closed for no finding of unauthorized practice of law. The remainder of the cases is still pending.

CLIENTS' SECURITY FUND:

The Clients' Security Fund was established in 1965 by Court Rules of the Oklahoma Supreme Court. The Fund is administered by the Clients' Security Fund Committee which is comprised of 17 members, 14 lawyer members and 3 non-lawyers, who are appointed in staggered three-year terms by the OBA President with approval from the Board of Governors. In 2014, the Committee was chaired by lawyer member Micheal Salem, Norman. Chairman Salem has served as Chair for the Clients' Security Fund Committee since 2006. The Fund furnishes a means of reimbursement to clients for financial losses occasioned by dishonest acts of lawyers. It is also intended to protect the reputation of lawyers in general from the consequences of dishonest acts of a very few. The Board of Governors budgets and appropriates \$100,000.00 each year to the Clients' Security Fund for payment of approved claims. In years when the approved amount exceeds the amount available, the amount approved for each claimant will be reduced in proportion on a prorata basis until the total amount paid for all claims in that year is \$100,000.00.

In 2014, due to the high volume of claims received and processed by the Committee, the Board of Governors sought and gained approval from the Supreme Court to increase the payout amount from \$102,847.34 to \$257,118.35. This permitted approved claims in 2014 to be paid at 50% of the approved amount rather than the approximate 20% if the amount had not been increased. The Office of the General Counsel provides staff services for the Committee. In 2014, the Office of the General Counsel investigated and presented to the Committee 53 new claims. The Committee

approved 28 claims, denied 24 claims and continued 1 claim into the following year for further investigation.



CIVIL ACTIONS (NON-DISCIPLINE) INVOLVING THE OBA:

The Office of the General Counsel has represented the Oklahoma Bar Association in the following civil (non-discipline) matters during 2014:

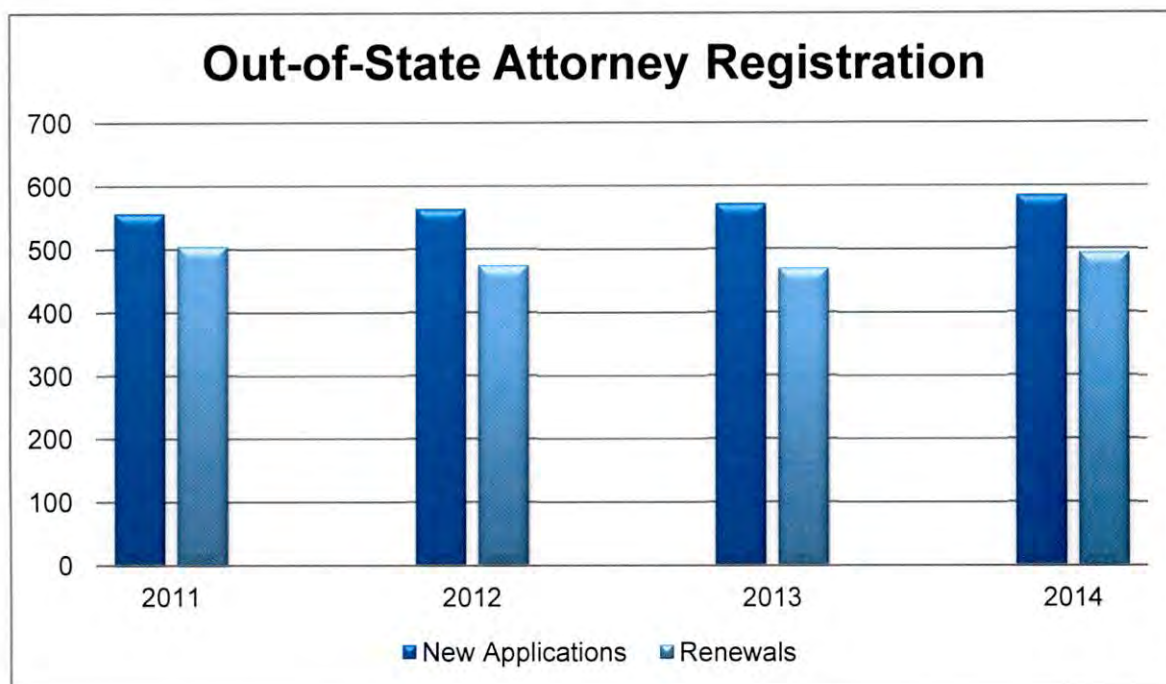
1. *State of Oklahoma ex rel. Oklahoma Bar Association v. Mothershed*, Oklahoma Supreme Court, SCBD 4687.
 - *Mothershed v. Justices of the Supreme Court of Oklahoma*, et al. U.S. District Court for the Western District of Oklahoma, Case No. CIV-13-435. Mothershed filed a Complaint and Motion on April 29, 2013. The OBA filed a Motion to Dismiss on May 24, 2013. The District Court dismissed the Complaint with prejudice and entered an order of sanctions (pre-filing restrictions) against Mothershed on December 20, 2013. Mothershed filed motions to reconsider which were all denied by the District Court on February 7, 2014.
 - *Mothershed v. Justices of the Supreme Court of Oklahoma*, et al., Tenth Circuit Court of Appeals, Case No. 14-6044, docketed March 3, 2014. Mothershed appealed the dismissal of his Complaint to the Tenth Circuit. The OBA filed a joint answer brief and multiple motions in this matter. On July 1, 2014, the Tenth Circuit entered an Order and Judgment affirming the dismissal and imposition of sanctions.

- *Mothershed v. Justices of the Supreme Court of Oklahoma*, et al., United States Supreme Court, Case No. 14-5926. Mothershed filed a Petition for Writ of Certiorari and Motion to Leave to Proceed in Forma Pauperis on August 19, 2014. The OBA filed a Waiver of Response on September 10, 2014. The United States Supreme Court denied Mothershed's Petition on November 3, 2014.
2. *Pemberton v. Melisa DeLacerda*, Oklahoma County Case No. CV-2012-158, filed January 1, 2012. Dismissed February 6, 2012.
 - *Pemberton v. DeLacerda*, Oklahoma Supreme Court Case No. MA-110441, filed March 2, 2012. Pemberton filed a Writ of Mandamus and Application to Assume Original Jurisdiction. The Oklahoma Supreme Court denied Pemberton's Application to Assume Original Jurisdiction on April 23, 2012. The OBA filed its response to Petition in Error on May 14, 2012. The case was consolidated with Case Nos. 110,169 and 110,968 and assigned to the Court of Appeals when at issue on August 22, 2012. The dismissal was affirmed on November 21, 2013. Pemberton filed a Petition for Rehearing on December 5, 2013. The Petition for Rehearing was denied on December 18, 2014.
 - *Pemberton v. DeLacerda*, Oklahoma Supreme Court Case No. MA-110441, filed March January 6, 2014. Mr. Pemberton filed a Petition for Writ of Certiorari. The OBA filed its Response on January 21, 2014. The Oklahoma Supreme Court denied the Petition on March 24, 2014.
 3. *Amber Dawn Malcom v. Oklahoma Bar Association*, Oklahoma Supreme Court Case No. 112621, filed March 6, 2014. Ms. Malcom filed a Petition for Writ of Mandamus and Application to Assume Original Jurisdiction. The OBA filed its response on March 26, 2014. Malcom filed replies on April 7, 2014 and April 22, 2014. The Oklahoma Supreme Court denied Malcom's Application to Assume Original Jurisdiction on May 12, 2014.
 4. *State v. Moore*, Oklahoma County District Court Case No. CF-2004-351. The OBA was served with a *subpoena duces tecum* for attorney disciplinary records. The OBA filed its Motion to Quash on April 11, 2014. The motion was heard and the subpoena was quashed May 23, 2014.
 5. *Anagnost v. Oklahoma Spine Institute, et al.*, Oklahoma County District Court Case No. CJ-2013-6140. The OBA was served with a *subpoena duces tecum* for records obtained by OBA from third party for purposes of an attorney discipline investigation. The OBA objected to the production of documents pursuant to the Rules Governing Disciplinary Proceedings. Plaintiff filed a motion to compel performance on April 21, 2014. Plaintiff's Motion was denied on May 30, 2014.

ATTORNEY SUPPORT SERVICES:

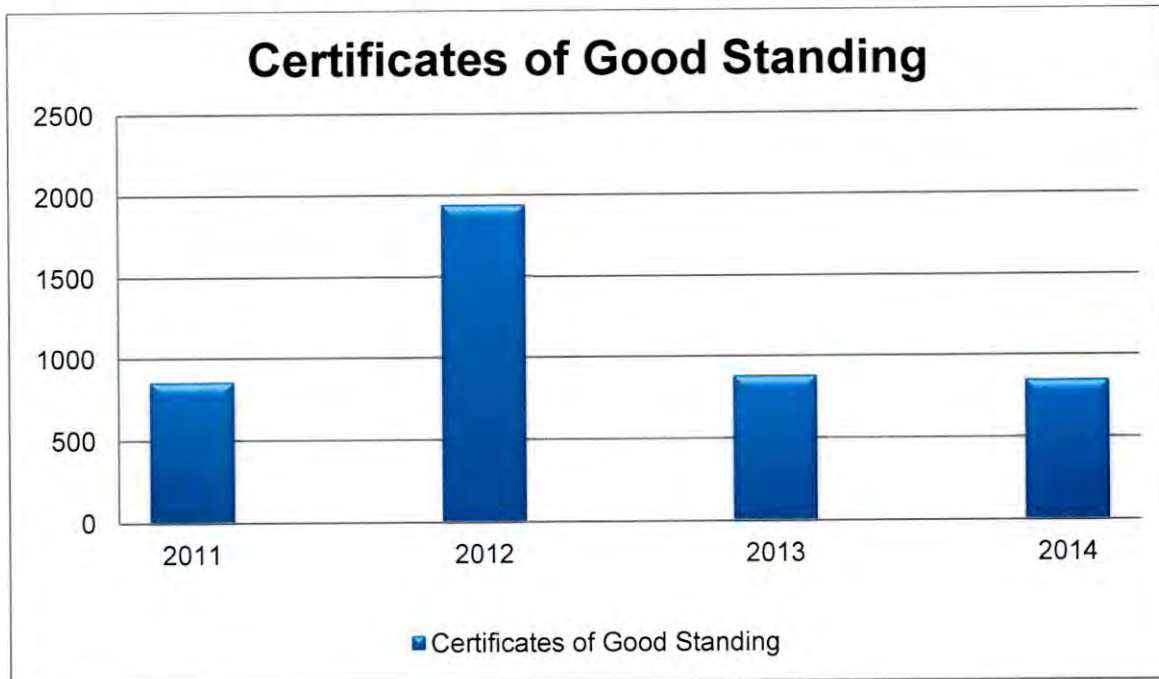
1. Out of State Attorney Registration.

In 2014, the Office of the General Counsel processed 584 new applications, 494 renewal applications and 18 renewal late fees submitted by out-of-state attorneys registering to participate in a proceeding before an Oklahoma Court or Tribunal. Out-of-State attorneys appearing pro bono to represent criminal indigent defendants, or on behalf of persons who otherwise would qualify for representation under the guidelines of the Legal Services Corporation due to their incomes, may request a waiver of the application fee from the Oklahoma Bar Association. Certificates of Compliance are issued after confirmation of the application information, the applicant's good standing in his/her licensing jurisdiction and payment of applicable fees. All obtained and verified information is submitted to the Oklahoma Court or Tribunal as an exhibit to a "Motion to Admit Pro Hac Vice."



Certificates of Good Standing.

In 2014, the Office of the General Counsel prepared 848 Certificates of Good Standing/Disciplinary History at the request of Oklahoma Bar Association members. There is no fee to the attorney for preparation of same.



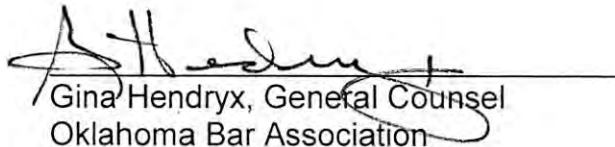
ETHICS AND EDUCATION:

During 2014, the General Counsel, Assistant General Counsels, and the Professional Responsibility Commission members presented more than 75 hours of continuing legal education programs to county bar association meetings, attorney practice groups, OBA programs, law school classes and various legal organizations. In these sessions, disciplinary and investigative procedures, case law, and ethical standards within the profession were discussed. These efforts direct lawyers to a better understanding of their ethical requirements and the disciplinary process, and informs the public of the efforts of the Oklahoma Bar Association to regulate the conduct of its

members. In addition, the General Counsel was a regular contributor to *The Oklahoma Bar Journal*.

The attorneys, investigators, and support staff for the General Counsel's office also attended continuing education programs in an effort to increase their own skills and training in attorney discipline. These included trainings by the Oklahoma Bar Association (OBA), National Organization of Bar Counsel (NOBC), Organization of Bar Investigators (OBI), and the American Bar Association (ABA.)

RESPECTFULLY SUBMITTED this 6th day of February, 2014, on behalf of the Professional Responsibility Commission and the Office of the General Counsel of the Oklahoma Bar Association.


Gina Hendryx, General Counsel
Oklahoma Bar Association

PROFESSIONAL RESPONSIBILITY TRIBUNAL

ANNUAL REPORT

January 1, 2014 – December 31, 2014

FILED
SUPREME COURT BAR DOCKET
STATE OF OKLAHOMA

FEB - 8 2015

MICHAEL S. RICHIE
CLERK

SCBD No. 6231

Introduction.

The Professional Responsibility Tribunal (PRT) was established by order of the Supreme Court of Oklahoma in 1981, under the Rules Governing Disciplinary Proceedings, 5O.S. 2011, ch. 1, app. 1-A (RGDP). The primary function of the PRT is to conduct hearings on complaints filed against lawyers in formal disciplinary and personal incapacity proceedings, and on petitioners for reinstatement to the practice of law. A formal disciplinary proceeding is initiated by written complaint which a specific is pleading filed with the Chief Justice of the Supreme Court. Petitioners for reinstatement are filed with the Clerk of the Supreme Court.

Composition and Appointment.

The PRT is a 21-member panel of Masters, 14 of whom are lawyers and 7 whom are non-lawyers. The lawyers on the PRT are active members in good standing of the OBA. Lawyer members are appointed by the OBA President, with the approval of the Board of Governors. Non-lawyer members are appointed by the Governor of the State of Oklahoma. Each member is appointed to serve a three-year term, and limited to two terms. Terms end on June 30th of the last year of a member's service.

Pursuant to Rule 4.2, RGDP, members are required to meet annually to address organizational and other matters touching upon the PRT's purpose and objective. They also elect a Chief Master and Vice-Chief Master, both of whom serve for a one-year term. PRT members receive no compensation for their services, but they are entitled to be reimbursed for travel and other reasonable expenses incidental to the performance of their duties.

The lawyer members of the PRT who served during all or part of 2014 were: Jeremy J. Beaver, McAlester; M. Joe Crosthwait, Jr., Midwest City; Tom Gruber, Oklahoma City; John B.

Heatly, Oklahoma City; Gerald L. Hilsher, Tulsa; William G. LaSorsa, Tulsa; Charles Laster, Shawnee; Susan B. Loving, Edmond; Kelli M. Masters, Oklahoma City; Mary Quinn-Cooper, Tulsa; Michael E. Smith, Oklahoma City; Louis Don Smitherman, Oklahoma City; Neal E. Stauffer, Tulsa; and Noel K. Tucker, Edmond.

The non-lawyer members who served during all or part of 2014 were: Steven W. Beebe, Duncan; James W. Chappel, Norman; Christian C. Crawford, Stillwater; James Richard Daniel, Oklahoma City; Linda C. Haneborg, Oklahoma City; Kirk V. Pittman, Seiling; and Mary Lee Townsend, Tulsa.

The annual meeting was held on June 19, 2014, at the Oklahoma Bar Association offices. Agenda items included a presentation by Gina Hendryx, General Counsel¹ of the Oklahoma Bar Association, recognition of new members and members whose terms had ended, and discussions concerning the work of the PRT. M. Joe Crosthwait, Jr. was elected Chief Master and Neal Stauffer was elected Vice-Chief Master, each to serve a one-year term.

Governance.

All proceedings that come before the PRT are governed by the RGDP. However, proceedings and the reception of evidence are, by reference, governed generally by the rules in civil proceedings, except as otherwise provided by the RGDP.

The PRT is authorized to adopt appropriate procedural rules which govern the conduct of the proceedings before it. Such rules include, but are not limited to, provisions for requests for disqualification of members of the PRT assigned to hear a particular proceeding.

Action Taken After Notice Received.

After notice of the filing of a disciplinary complaint or reinstatement petition is received, the Chief Master (or Vice-Chief Master if the Chief Master is unavailable) selects three (3) PRT members (two lawyers and one non-lawyer) to serve as a Trial Panel. The Chief Master designates one of the two lawyer-members to serve as Presiding Master. Two of the three Masters constitute a quorum for purposes of conducting hearings, ruling on and receiving evidence, and rendering findings of fact and conclusions of law.

¹ The General Counsel of the Oklahoma Bar Association customarily makes an appearance at the annual meeting for the purpose of welcoming members and to answer any questions of PRT members. Given the independent nature of the PRT, all other business is conducted in the absence of the General Counsel.

In disciplinary proceedings, after the respondent's time to answer expires, the complaint and the answer, if any, are then lodged with the Clerk of the Supreme Court. The complaint and all further filings and proceedings with respect to the case then become a matter of public record.

The Chief Master notifies the respondent or petitioner, as the case may be, and General Counsel of the appointment and membership of a Trial Panel and the time and place for hearing. In disciplinary proceedings, a hearing is to be held not less than 30 days nor more than 60 days from date of appointment of the Trial Panel. Hearings on reinstatement petitioners are to be held not less than 60 days nor more than 90 days after the petition has been filed. Extensions of these periods, however, may be granted by the Presiding Master for good cause shown.

After a proceeding is placed in the hands of a Trial Panel, it exercises general supervisory control over all pre-hearing and hearing issues. Members of a Trial Panel function in the same manner as a court by maintaining their independence and impartiality in all proceedings. Except in purely ministerial, scheduling, or procedural matters, Trial Panel members do not engage in *ex parte* communications with the parties. Depending on the complexity of the proceeding, the Presiding Master may hold status conferences and issue scheduling orders as a means of narrowing the issues and streamlining the case for trial. Parties may conduct discovery in the same manner as in civil cases.

Hearings are open to the public and all proceedings before a Trial Panel are stenographically recorded and transcribed. Oaths or affirmations may be administered, and subpoenas may be issued, by the Presiding Master, or by any officer authorized by law to administer an oath or issue subpoenas. Hearings, which resemble bench trials, are directed by the Presiding Master.

Trial Panel Reports.

After the conclusion of a hearing, the Trial Panel prepares a written report to the Oklahoma Supreme Court. The report includes findings of facts on all pertinent issues, conclusions of law, and a recommendation as to the appropriate measure of discipline to be imposed or, in the case of a reinstatement petitioner, whether it should be granted. In all proceedings, any recommendation is based on a finding that the complainant or petitioner, as the case may be, has or has not satisfied the "clear and convincing" standard of proof. The Trial Panel report further includes a recommendation as to whether costs of investigation, the record,

and proceedings should be imposed on the respondent or petitioner. Also filed in the case are all pleadings, transcript of proceeding, and exhibits offered at the hearing.

Trial Panel reports and recommendations are advisory. The Oklahoma Supreme Court has exclusive jurisdiction over all disciplinary and reinstatement matters. It has the constitutional and non-delegable power to regulate both the practice of law and legal practitioners. Accordingly, the Oklahoma Supreme Court is bound by neither the findings nor the recommendation of action, as its review of each proceeding is *de novo*.

Annual Reports.

Rule 14.1, RGDP, requires the PRT to report annually on its activities for the preceding year. As a function of its organization, the PRT operates from July 1 through June 30. However, annual reports are based on the calendar year. Therefore, this Annual Report covers the activities of the PRT for the preceding year, 2014.

Activity in 2014.

At the beginning of the calendar year, two disciplinary and six reinstatement proceedings were pending before the PRT as carry-over matters from a previous year. Generally, a matter is considered "pending" from the time the PRT *receives notice* of its filing until the Trial Panel report is filed. Certain events reduce or extend the pending status of a proceeding, such as the resignation of a respondent or the remand of a matter for additional hearing. In matters involving alleged personal incapacity, orders by the Supreme Court of interim suspension, or suspension until reinstated, operate to either postpone a hearing on discipline or remove the matter from the PRT docket.

In regard to new matters, the PRT received notice of the filing of thirteen (13) disciplinary complaints and six (6) reinstatement petitions. Trial Panels conducted a total of eighteen (18) hearings; Ten (10) in disciplinary proceedings and eight (8) in reinstatement proceedings.

On December 31, 2014, a total of 15 matters, eight (8) disciplinary and seven (7) reinstatement proceedings, were pending before the PRT.

Proceeding Type	Pending Jan. 1, 2014	New Matters In 2014	Hearings Held 2014	Trial Panel Reports Filed	Pending Dec. 31, 2014
Disciplinary	2	13	10*	7	8
Reinstatement	6	6	8	5	7


*In 2014, ten (10) disciplinary hearings were held over a total of twenty-one (21) days

Conclusion.

Members of the PRT demonstrated continued service to the Bar and the public of this State, as shown by the substantial time dedicated to each assigned proceeding. The members' commitment to the purpose and responsibilities of the PRT is deserving of the appreciation of the Bar and all its members, and certainly is appreciated by this writer.

Dated this 6th day of February, 2015.

PROFESSIONAL RESPONSIBILITY TRIBUNAL

By: 
M. Joe Crosthwait, Jr., Chief Master