

**RULES GOVERNING
DISCIPLINARY PROCEEDINGS**

(Oklahoma Statutes Title 5, chapter 1, appendix 1-A (2007), as amended)

**RULE 1 - JURISDICTION OF THE COURT
IN THE DISCIPLINE OF LAWYERS
AND THE UNAUTHORIZED PRACTICE OF LAW.**

RULE 1.1. DECLARATION OF JURISDICTION.

This Court declares that it possesses original and exclusive jurisdiction in all matters involving admission of persons to practice law in this State, and to discipline for cause, any and all persons licensed to practice law in Oklahoma, hereafter referred to as lawyers, and any other persons, corporations, partnerships, or any other entities (hereinafter collectively referred to as "persons") engaged in the unauthorized practice of law. This Court further declares that a member of the Bar of this State may not take unto himself any office or position or shroud himself in any official title which will place him beyond the power of this Court to keep its roster of attorneys clean. In the exercise of the foregoing jurisdiction, this Court adopts and promulgates the following rules which shall govern disciplinary and unauthorized practice of law proceedings.

RULE 1.2. IMPLIED EXCEPTIONS NEGATED.

The enumeration herein of certain categories of misconduct as grounds for discipline shall not be all-inclusive nor shall the failure to specify any particular act of misconduct be a tolerance thereof by this Court.

**RULE 1.3. DISCIPLINE FOR ACTS
CONTRARY TO PRESCRIBED STANDARDS OF CONDUCT.**

The commission by any lawyer of any act contrary to prescribed standards of conduct, whether in the course of his professional capacity, or otherwise, which act would reasonably be found to bring discredit upon the legal profession, shall be grounds for disciplinary action, whether or not the act is a felony or misdemeanor, or a crime at all. Conviction in a criminal proceeding is not a condition precedent to the imposition of discipline.

RULE 1.4. CONTROVERSIES REGARDING FEES.

(a) All members of the Bar who are required under the Oklahoma Rules of Professional Conduct, Rule 1.15, to maintain a trust account for the deposit of clients' funds entrusted to said attorney, shall do so and furnish evidence thereof as provided for in Rule 1.15. Information received by the Association as a result of such inquiry shall remain confidential unless a grievance is filed against a lawyer which, in the opinion of the Professional Responsibility Commission, may warrant disciplinary action in regard to the handling of said trust account. Failure of any lawyer to respond giving the information requested will be grounds for appropriate discipline.

(b) Controversies as to the amount of fees shall not be considered a basis for charges in a disciplinary proceeding unless it is made to appear that the amount demanded is extortionate or fraudulent. (amended 10/02/08)

RULE 1.5. OKLAHOMA RULES OF PROFESSIONAL CONDUCT.

This Court has adopted the Oklahoma Rules of Professional Conduct, adopted by American Bar Association, acting through its House of Delegates on August 2, 1983, and adopted by the House of Delegates of the Oklahoma Bar Association on November 21, 1986, as subsequently modified by this Court, and as it may hereafter be modified by this Court, as the standard of professional conduct of all lawyers. Any lawyer violating these Rules of Professional Conduct shall be subject to discipline, as herein provided.

RULE 1.6. CODE OF JUDICIAL CONDUCT.

This Court has adopted the Code of Judicial Conduct, as modified by this Court, as a proper guide and reminder for judges and announced candidates for judicial office, and as indicating what the people have a right to expect from them. Complaints against any judge for violating any of the Canons of such Code shall be referred directly to the Chief Justice of this Court for such action as the Court may consider appropriate. Complaints against a judge for misconduct unrelated to the performance of his judicial duties may be referred to the Professional Responsibility Commission for investigation and disciplinary proceedings as herein provided for other lawyers. Nothing herein shall affect proceedings which may be brought against the judge in the Court on the Judiciary. If appropriate, the Supreme Court may suspend proceedings under this Rule, pending conclusion of proceedings in the Court on the Judiciary.

RULE 1.7. DISCIPLINE.

Discipline by the Court shall be disbarment, suspension of a respondent from the practice of law for a definite term or until the further order of the Court, public censure or private reprimand; the Court may, in its discretion, suspend or defer the imposition of discipline subject to the fulfillment of specified conditions by the respondent. This does not preclude the Professional Responsibility Commission from administering a private reprimand to a respondent as provided elsewhere. In fashioning the degree of discipline to be imposed for misconduct, the Professional Responsibility Tribunal and the Court shall consider prior misconduct where the facts are charged in the complaint and proved and the accused has been afforded an opportunity to rebut such charges.

RULE 2 - PROFESSIONAL RESPONSIBILITY COMMISSION.

RULE 2.1. COMPOSITION AND APPOINTMENT.

The Professional Responsibility Commission of the Oklahoma Bar Association shall consist of seven members, five of whom shall be lawyers who are Active Members in good standing of the Association, appointed by the President of the Association subject to the approval of the Board of Governors, and two of whom shall be non-lawyers who reside in different Congressional Districts, one to be appointed by the Speaker of the Oklahoma House of Representatives, and the other to be appointed by the President Pro Tempore of the Oklahoma State Senate; for the purposes hereof, a non-lawyer is defined as a person who neither holds a law degree nor is licensed to practice law in any state. The terms of all members shall be for three years, and no member shall serve for more than two full terms. Vacancies shall be filled as provided above. When a member of the Commission is disqualified in a particular proceeding, the appointing authority for such member shall appoint a member pro tempore to act in such matter.

RULE 2.2. ORGANIZATION.

The Commission shall organize annually and shall elect from among their number a chairman and a vice-chairman, to serve for a one-year term, and such other officers for such terms as the Commission deems necessary or appropriate.

RULE 2.3. COMPENSATION AND REIMBURSEMENT OF EXPENSES.

Commissioners shall receive no compensation for their services, but shall be reimbursed for their travel and other reasonable expenses incidental to the performance of their duties.

RULE 2.4. MEETINGS.

The Commission shall meet regularly at such places and times as it may elect. Special meetings of the Commission may be held at other times, either upon the call of the chairman, or upon the call of three members. Notice of special meetings shall be given at least two days in advance of the day of the meeting, unless waived in writing by a majority of the Commission.

RULE 2.5. REMOVAL.

A member of the Commission who misses three consecutive regular meetings of the Commission, for whatever reason, shall automatically vacate the office and the vacancy shall be filled as provided in Rule 2.1. The appropriate appointing authority may remove any member for cause. The removal may be the subject of review in this Court in a proceeding brought as a civil appeal.

RULE 2.6. QUORUM.

Four Commissioners shall constitute a quorum of the Commission. Provided that a quorum is present, the affirmative vote of a majority of those present shall suffice to carry any action of the Commission.

RULE 2.7. FINANCING.

Funds shall be provided on an annual basis in the budget of the Oklahoma Bar Association approved by the Supreme Court, and appropriated from the revenues of the Association by the Board of Governors, to be used by the Commission and the Professional Responsibility Tribunal in the discharge of their responsibilities imposed herein.

RULE 2.8. DUTIES AND POWERS.

The Commission shall exercise the powers and perform the duties conferred and imposed upon it by these Rules, specifically including the following:

(a) To consider and investigate any alleged ground for discipline, or alleged incapacity, of any lawyer or any instance of the unauthorized practice of law called to its attention, or upon its own motion, and to take such action with respect thereto as shall be appropriate to effectuate the purposes of these Rules.

(b) In its investigations, to hold hearings, and to administer oaths or affirmations, receive testimony and other evidence, and issue and serve or cause to be served subpoenas requiring testimony or the production of

books, records, papers, documents or other tangible evidence. Oaths or affirmations may be administered by the chairman or vice-chairman of the Commission, or by any officer authorized by law to administer oaths. Subpoenas shall be issued by the chairman or vice-chairman of the Commission upon his/her approval; witnesses shall be paid, upon demand, mileage and witness fees as provided by the law in civil cases.

(c) Whenever any person (except the respondent in a case where his answer may not be compelled under Rule 2.8(d) below) subpoenaed or ordered to appear by the Commission to give testimony, or to produce books, records, papers, documents or other tangible evidence, fails to comply, or whenever any person (except the respondent pursuant to Rule 2.8(d) below), present at a hearing, refuses to testify or to answer any proper question or to obey any proper order, the Commission may enforce compliance with its directions or orders as hereinafter provided. It may take such steps as are necessary to maintain order in its sessions. In the event of contemptuous refusal to obey its lawful orders, it shall certify the matter to the Chief Justice of the Supreme Court, who shall assign the case for trial and appropriate disposition to a judge of a district court. In such proceeding, the General Counsel shall act as prosecutor against the alleged contemnor.

(d) To require lawyers and other persons to respond or give testimony in connection with Commission investigations. When a lawyer-respondent is called upon to answer or give testimony, the respondent shall make specific and complete disclosure as to all material matters unless the respondent shall personally state that he declines to answer any particular question on the grounds that his answer might disclose matters that are privileged or that would tend to incriminate him or show him guilty of an act or an offense that would be grounds for discipline.

(e) To adopt appropriate procedural rules governing the manner in which it discharges its responsibilities hereunder. Amended by orders April 6, 1992; July 13, 1992.

(f) Canon Five (E) of the Code of Judicial Conduct provides:

"Canon 5 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct."

The Board of Governors of the Oklahoma Bar Association is therefore directed to forthwith establish a Professional Responsibility Panel on Judicial Elections composed of three (3) members whose responsibility shall be to deal expeditiously with allegations of ethical misconduct in campaigns for judicial office. The membership of the Panel shall consist of a member of the Oklahoma Bar Association, in good standing who shall have been a member of that Association for at least twenty-five (25) years;

a member of the Judicial Ethics Advisory Panel; and one lay person. The objective of such Panel shall be to alleviate unethical campaign practices; and to that end, the Panel shall have the following authority:

1. To receive written complaints, which must be signed and verified, or otherwise receive information facially indicating a violation of any provision of Canon 5 during the course of a campaign for judicial office;
2. Conduct such additional investigation as the Panel may deem necessary with the assistance of General Counsel;
3. Determine whether the allegations of the complaint warrant speedy intervention, and after notice to the person or persons complained against and hearing, issue a confidential cease-and-desist request to the candidate or organization believed to be engaging in unethical behavior and/or campaign practices in violation of Canon 5; and if not, to dismiss the complaint and so notify the complaining party;
4. If a cease-and-desist request is disregarded or if the unethical or unfair campaign practices otherwise continue, the Panel is authorized to refer the matter to the General Counsel of the Oklahoma Bar Association or the Council on Judicial Complaints for such action as may be appropriate under the applicable rules.

All proceedings under this Rule shall be informal and non-adversarial, and the Panel shall act on all complaints as expeditiously as possible either in person, by facsimile, by U.S. Mail, or by tele-conference.

The proceedings of this Panel shall remain confidential, and in no event, shall the Panel have the authority to institute disciplinary proceedings against any candidate for judicial office, which power is specifically reserved to the Council on Judicial Complaints or the Oklahoma Bar Association, as the facts may indicate. Amended by order of October 5, 1998.

RULE 2.9. TRANSITIONAL PROVISIONS.

(a) The members of the Commission serving as such at the time of the adoption of these Rules shall continue to so serve until the expiration of their respective terms or their earlier death or resignation. However, when a vacancy occurs for any reason, the new member appointed shall be a non-lawyer appointed by the President Pro Tempore of the Oklahoma State Senate, and the next vacancy which occurs for a term expiring in a different year from that of the initial non-lawyer member shall be filled by a non-lawyer appointed by the Speaker of the Oklahoma House of Representatives.

(b) The adoption of these Rules shall not affect any matters pending, rules and procedures adopted, or actions heretofore taken by the presently existing Professional

Responsibility Commission, which shall continue to function, subject to the provisions of these Rules.

RULE 2.10. CONFLICT OF INTEREST.

No Commissioner, partner, or associate of the Commissioner shall personally represent a lawyer in any proceeding as provided in these rules during the term of service of the Commissioner on the Commission.

No Commissioner, partner, or associate of the Commissioner shall personally represent a lawyer in any proceeding as provided in these rules if the matter commenced during the term of service of the Commissioner on the Commission. (Added 09-26-2016)

RULE 3 - GENERAL COUNSEL.

RULE 3.1. EMPLOYMENT.

The Board of Governors with the concurrence of the Professional Responsibility Commission shall employ and discharge the General Counsel of the Oklahoma Bar Association.

RULE 3.2. DUTIES.

The General Counsel of the Oklahoma Bar Association shall have the following powers and duties in the area of discipline under these Rules:

(a) With the approval of the Commission, to employ and supervise staff needed for the performance of the duties of the office;

(b) To investigate all matters involving possible misconduct or alleged incapacity of any lawyer, or the unauthorized practice of law, called to the General Counsel's attention by complaint or otherwise;

(c) To report to the Commission the results of investigations made by or at the direction of the General Counsel, and to make recommendations to the Commission concerning the institution of formal complaints for alleged misconduct or personal incapacity of lawyers;

(d) To prosecute all proceedings under these Rules;

(e) To appear at hearings conducted with respect to petitions for reinstatement of suspended or disbarred lawyers or lawyers suspended for incapacity to practice law, to cross-examine witnesses testifying in support of such petitions, and to marshal and present available evidence, if any, in opposition thereto;

(f) To file with the Supreme Court certificates of conviction of lawyers for crimes;

(g) To maintain permanent records of all active and inactive discipline and disability matters, subject to the expungement requirements of Rule 3.2(h), as follows:

(1) All inactive disciplinary matters where a formal complaint has been filed with the Supreme Court, shall be maintained indefinitely;

(2) All inactive disciplinary matters where a member has resigned pending disciplinary proceedings or pending investigation which might result in disciplinary proceedings, shall be maintained indefinitely;

(3) All inactive disciplinary matters where a private reprimand has been issued by the Professional Responsibility Commission shall be maintained indefinitely;

(4) All inactive disciplinary matters where the General Counsel's Office has investigated a grievance and reported the grievance to the Professional Responsibility Commission or its predecessor for action, shall be maintained for a period of three (3) years from the date the grievance is made inactive;

(5) All inactive disciplinary matters where the General Counsel has disposed of the grievance by informal procedures, shall be maintained for a period of three (3) years from the date the grievance is made inactive.

(h) To expunge after three (3) years all records of the Commission relating to grievances terminated by dismissal, except that the General Counsel shall retain a docket showing the names of each respondent and complainant, the final disposition, and the date all records relating to the matter were expunged, except that the General Counsel may, prior to the expiration of the three (3) years, apply to the Commission for an additional three (3) years which application shall be granted upon a showing of good cause and with notice to respondent; expunge other grievances as directed by the Commission pursuant to Rule 5.3(b).

(i) To use the services of other members of the Oklahoma Bar Association (including, but not limited to, any state or county Bar grievance committee) in carrying out the duties imposed upon the General Counsel concerning the general supervision of all disciplinary matters affecting lawyers. Amended by orders of April 6, 1992; July 13, 1992.

RULE 3.3. GRIEVANCES AGAINST THE GENERAL COUNSEL OF THE ASSOCIATION STAFF, PROFESSIONAL RESPONSIBILITY COMMISSION, PROFESSIONAL RESPONSIBILITY TRIBUNAL AND SUPREME COURT.

(a) Whenever a grievance or information is received by the Commission which could lead to the filing of a formal complaint against the General Counsel of the Association, the members of the Commission, and the President and the Executive Director of the Association shall immediately be notified. (amended 09-19-2016)

(b) If a disciplinary grievance is made against:

(1) The General Counsel or member of General Counsel's staff alleging grounds for the imposition of discipline pursuant to these Rules, the Professional Responsibility Commission (PRC) shall consider the matter on the basis of the grievance. After review and consideration, the PRC may take any of the following actions or any combination

thereof: (1) Require the General Counsel to make a response; (2) Appoint an Investigator; (3) Appoint a special counsel to investigate and present the case; or (4) Take such other steps as are necessary to facilitate the prompt resolution of the grievance. (amended 09-19-2016)

(2) A member of the Professional Responsibility Commission, the President of the Oklahoma Bar Association with concurrence of the Board of Governors, shall appoint a special three (3) member Commission to act on the grievance in conformance with these Rules;

(3) A member of the Professional Responsibility Tribunal, all procedures mandated by these Rules shall be followed, except the Supreme Court shall appoint a special Tribunal Panel to hear the case in the event formal charges are filed;

(4) A member of the Supreme Court, the matter shall be referred to the Oklahoma Council on Judicial Complaints.

(c) The President and the Executive Director of the Association shall be kept fully informed of all action taken by the Commission in the matter. Amended by order of April 6, 1992.

RULE 3.4. DISQUALIFICATION OF THE GENERAL COUNSEL.

(a) Voluntary Disqualification. Whenever the General Counsel of the Association for any reason feels that it would be inappropriate for the General Counsel to participate in the investigation and determination of a matter, the General Counsel shall notify the chairman of the Commission, and the procedure described in Rule 3.3(b) shall be followed.

(b) Disqualification Upon Request. Whenever any lawyer subject to investigation on disciplinary grounds, or counsel for such a lawyer, shall seek the disqualification of the General Counsel in any matter, the lawyer seeking such disqualification shall submit, in writing, the basis for the request. If the General Counsel thereafter continues to refuse to disqualify himself voluntarily, then the Commission shall determine whether or not disqualification will be required. If the Commission requires the disqualification of the General Counsel, the procedure described in Rule 3.3(b) shall be followed.

(c) If during the prosecution of a formal complaint, a motion to disqualify the General Counsel is filed, the Professional Responsibility Tribunal shall hear the matter. Disqualification shall be ordered only if sufficient evidence is presented that the General Counsel should be disqualified. Amended by order of April 6, 1992.

RULE 3.5 SPECIAL TRIAL ATTORNEYS.

At the request of the General Counsel, the Professional Responsibility Commission may retain one or more members of the Association to serve as prosecutor(s) in a particular proceeding.

RULE 4 - PROFESSIONAL RESPONSIBILITY TRIBUNAL.

RULE 4.1. COMPOSITION AND APPOINTMENT.

There is hereby established a panel of Masters to be known as the Professional Responsibility Tribunal, which shall consist of twenty-one members, fourteen of whom shall be lawyers who are Active Members in good standing of the Oklahoma Bar Association, and seven shall be non-lawyers. Provided, however, that said Professional Responsibility Tribunal may be increased in size by the Chief Master with the concurrence of the Board of Governors to a level adequate to effectively provide the trial panels necessary to prosecute all proceedings under these rules. That the additional panel(s) of Masters shall be appointed pursuant to the same conditions and restrictions as hereinafter set forth. For the purposes hereof, a non-lawyer is defined as a person who neither holds a law degree nor is licensed to practice law in any state, and no more than two of the non-lawyer members may reside in the same Congressional District. The lawyer members shall be appointed by the President subject to the approval of the Board of Governors. The non-lawyer members shall be appointed by the Governor of the State of Oklahoma. The members of the Tribunal shall have staggered terms, with five lawyer and two non-lawyer members appointed for initial terms of three years, five lawyer and two non-lawyer members appointed for initial terms of two years, and four lawyer and three non-lawyer members appointed for initial terms of one year. No member shall serve for more than two full terms. Vacancies shall be filled as provided above. If because of disqualifications in a particular proceeding, a hearing panel cannot be constituted, the Chief Master or Vice-Chief Master may request the appropriate appointing authority to appoint a member or members pro tempore to act in such matter. Amended by order of April 6, 1992.

RULE 4.2. ORGANIZATION.

The Professional Responsibility Tribunal shall organize annually and shall elect from among their number a Chief Master and a Vice-Chief Master, to serve for a one-year term, and such other officers for such terms as the Tribunal deems necessary or appropriate.

RULE 4.3. REMOVAL.

A member of the Tribunal may be removed for cause by the appointing authority, and the resulting vacancy shall be filled by the authority who originally appointed such member. The removal may be the subject of review in this Court in a proceeding brought as a civil appeal.

RULE 4.4. COMPENSATION AND REIMBURSEMENT OF EXPENSES.

The members of the Tribunal shall receive no compensation for their services, but shall be reimbursed for their travel and other reasonable expenses incidental to the performance of their duties.

RULE 4.5. DUTIES AND POWERS.

(a) The function of the Tribunal shall be to conduct hearings on formal complaints filed against lawyers, and on applications for reinstatement to the practice of law.

(b) The Tribunal may adopt appropriate procedural rules governing the conduct of proceedings before it, which shall include provisions for requests for disqualification of members of the Tribunal assigned to hear proceedings.

RULE 4.6. CONFLICT OF INTEREST.

No Tribunal member, partner, or associate of the Tribunal member shall personally represent a lawyer in any proceeding as provided in these Rules during the term of service of the Tribunal member on the Tribunal.

Tribunal members shall not personally represent a lawyer in any proceeding as provided in these Rules for a period of one year following completion of service of the Tribunal member on the Tribunal. (Added 09-26-2016)

**RULE 5 - FILING AND PROCESSING
OF GRIEVANCES AND REQUESTS FOR INVESTIGATION.**

**RULE 5.1. FORM OF GRIEVANCES, REQUESTS FOR INVESTIGATIONS AND
REFERRAL INTO DIVERSION PROGRAM.**

(a) Each grievance or request for investigation (grievances and requests for investigation both being hereinafter referred to as a "grievance") involving a lawyer or involving the unauthorized practice of law, shall be in writing and signed by the person filing the same, except that the General Counsel or the Commission may, in their discretion, institute an investigation on the basis of facts or allegations involving a lawyer or the unauthorized practice of law brought to their attention in any manner whatsoever. A lawyer or any other person will be immediately notified of the receipt of a grievance and furnished a copy thereof.

(b) In matters involving allegations of the unauthorized practice of law, the General Counsel shall make such investigation as is otherwise provided herein, and may request any involved person who is not a lawyer to make a voluntary response to the allegations of the unauthorized practice of law. The provisions of this Rule requiring a mandatory response to the General Counsel shall not be applicable to non-lawyers. Amended by order of July 13, 1992.

(c) In a matter involving lesser misconduct, as defined in Rule 5.1(d), prior to the filing of formal charges, the Office of General Counsel may refer the respondent to the diversionary program. Such program may include, but is not limited to, law office management assistance, Lawyers Helping Lawyers, psychological counseling, continuing legal education programs, and professional responsibility classes. Before referring the respondent to the diversionary program, the Office of General Counsel shall consider the following criteria:

- (1) the nature of the misconduct alleged,
- (2) whether the misconduct alleged appears to be an isolated event,
- (3) whether participation in the diversionary program could benefit the respondent, and
- (4) whether participation in the diversionary program might jeopardize protection of the public.

(d) Lesser misconduct is misconduct that does not warrant a sanction restricting the respondent's license to practice law. The misconduct alleged shall not be considered lesser misconduct if any of the following considerations apply:

- (1) the misconduct involved the misappropriation of funds;
- (2) the misconduct resulted in or is likely to result in substantial prejudice to a client or other person;
- (3) the respondent has been publicly disciplined in the last three years;
- (4) the misconduct is of the same nature as misconduct for which the respondent has been disciplined in the last five years;
- (5) the misconduct involved dishonesty, deceit, fraud or misrepresentation by the respondent; or
- (6) the misconduct constitutes a serious crime (any felony or lesser crime that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

(e) The Office of General Counsel and the respondent shall negotiate a contract, the terms of which shall be tailored to the individual circumstances of the respondent and the misconduct alleged. In each case, the contract shall be signed by the respondent and the General Counsel, or the General Counsel's representative. The contract shall provide for oversight of all conditions attached to the diversion, and that the respondent shall pay all costs incurred by virtue of the diversion. The contract may be amended upon agreement of the parties.

(f) The contract shall include a specific acknowledgment that a material violation of a term of the contract renders voidable the respondent's participation in the program, and that an investigation of the misconduct alleged may then proceed or that the matter may then be forwarded to the Professional Responsibility Commission for its consideration, as provided in Rule 5.3, RGDP. A material violation of the contract shall be admissible as evidence in a subsequent disciplinary proceeding.

(g) If the contract requires a monitor, the respondent waives confidentiality to the extent that the monitor is required to make disclosures or reports to the office of General Counsel.

(h) The respondent has the right to not participate in the diversionary program. In that event, the matter shall proceed as though no offer of referral was extended.

(i) The complaining party will be advised that the respondent has been referred to a diversionary program.

(j) After the parties enter into the contract, the disciplinary matter shall be held in abeyance pending the respondent's successful completion of the terms of the contract. Successful completion of all terms of the contract shall result in the disposition negotiated in the contract.

RULE 5.2. INVESTIGATIONS.

After making such preliminary investigation as the General Counsel may deem appropriate, the General Counsel shall either (1) notify the person filing the grievance and the lawyer that the allegations of the grievance are inadequate, incomplete, or insufficient to warrant the further attention of the Commission, provided that such action shall be reported to the Commission at its next meeting, or (2) file and serve a copy of the grievance (or, in the case of an investigation instituted on the part of the General Counsel or the Commission without the filing of a signed grievance, a recital of the relevant facts or allegations) upon the lawyer, who shall thereafter make a written response which contains a full and fair disclosure of all the facts and circumstances pertaining to the respondent lawyer's alleged misconduct unless the respondent's refusal to do so is predicated upon expressed constitutional grounds. Deliberate misrepresentation in such response shall itself be grounds for discipline. The failure of a lawyer to answer within twenty (20) days after service of the grievance (or recital of facts or allegations), or such further time as may be granted by the General Counsel, shall be grounds for discipline. The General Counsel shall make such further investigation of the grievance and response as the General Counsel may deem appropriate before taking any action.

RULE 5.3. ACTION BY COMMISSION.

Upon the completion of the investigation, the General Counsel shall make a report and recommendation to the Commission on each grievance. The Commission, upon consideration of the report and recommendation of the General Counsel, and further investigation if deemed advisable, shall either:

(a) Direct that no formal disciplinary proceedings be commenced, in which event the General Counsel shall advise the person filing the grievance that the factual circumstances do not warrant further investigation or disciplinary action;

(b) If, after a disciplinary action has been commenced, the Commission finds the grievance is wholly frivolous or without merit, it shall direct the immediate expungement of any grievance, and upon such expungement, respondent against whom such frivolous grievance has been filed and expungement has been ordered by the Commission, may treat the grievance as if it was never asserted. Provided, however, that said expungement shall not occur until sixty (60) days after the date of notification to the complainant of that decision;

(c) Direct that a letter of admonishment be written to the respondent by the General Counsel;

(d) Direct that no formal proceedings be instituted against the respondent, conditioned upon the respondent's acceptance of a private reprimand before the Commission, and in such event, the respondent shall be notified to appear before the Commission at a time and place to be fixed in the notice for the purpose of receiving a private reprimand. If the respondent does not appear at the time and place so fixed in such notice, the Commission may give further consideration to the advisability of filing a formal complaint;

(e) Direct the filing of a formal written complaint with the Supreme Court by the General Counsel within thirty (30) days of the vote of the Commission, unless the Commission grants an extension of time for reasonable cause; or

(f) In matters involving the unauthorized practice of law, the Professional Responsibility Commission shall either dismiss the grievance or direct the General Counsel to initiate any action permitted by law through the appropriate court.

In addition to, or in lieu of, one of the foregoing actions, the Professional Responsibility Commission may direct the General Counsel to refer the name of the respondent to the Lawyers Helping Lawyers Committee of the Oklahoma Bar Association, and such referral shall not be deemed to be a violation of Rule 5.7. The referral will be made to the Lawyers Helping Lawyers Committee for possible assistance to the member without reference to the source or subject matter of the complaint, provided that such referral will not delay the disposition of the complaint under these rules, unless for good cause shown. Amended by orders of October 29, 1987; April 6, 1992; July 13, 1992.

RULE 5.4. GRIEVANCES PRIVILEGED.

Matters contained in grievances submitted to the Association, the Commission or the General Counsel, and statements, oral or written, with respect thereto, shall be privileged. Litigation or the threat of litigation by a respondent lawyer against a person filing a grievance by reason of such filing may be grounds in itself for discipline.

RULE 5.5. CONTINUATION OF PROCEEDING NOTWITHSTANDING FAILURE TO PROSECUTE, WITHDRAWAL OR SETTLEMENT OF GRIEVANCE.

Neither unwillingness nor neglect of the person filing the grievance to sign a grievance, or to prosecute a charge, nor the settlement or compromise of the dispute between the person filing the grievance and the lawyer, or restitution by the lawyer, shall of itself require abatement of the processing of any grievance, and the termination of such processing shall be at the sole discretion of the Commission.

RULE 5.6. PENDING LITIGATION.

Processing of grievances shall not be deferred or abated because of substantial similarity to the material allegations of pending criminal or civil litigation, or administrative proceedings, unless authorized by the Commission in its discretion, for good cause shown.

RULE 5.7. CONFIDENTIALITY OF DISCIPLINARY INVESTIGATIONS AND RESULTS.

Investigations by the General Counsel and the Commission shall be confidential and the results thereof shall not be made public until authorized by the Supreme Court or as provided in Rule 6.1. However, when no formal complaint is filed in the Supreme Court, at the option of the respondent, the final disposition of a grievance by the Professional Responsibility Commission may be made public. In all cases the person who filed a grievance and the respondent shall be notified of the final disposition thereof.

RULE 5.8. CONFIDENTIALITY OF DISCIPLINARY RECORDS.

The files and records in disciplinary investigations shall be kept private and confidential except that the Commission, the Professional Responsibility Tribunal or the

General Counsel shall be permitted to provide relevant information contained in such files and records to the following:

(a) Any court or bar association or committee thereof, either State or Federal, of any jurisdiction which exercises disciplinary authority over attorneys.

(b) Any grievance committee of the Association or any grievance committee of any state or county bar association (whether in or outside Oklahoma) which is investigating or has investigated a complaint against the lawyer, or whose investigation of another lawyer necessitates such information.

(c) To the Client Security Fund Committee of the Association when necessary for the Committee's determination of a pending claim.

(d) Any law enforcement agency which makes a proper showing that such information is necessary to the conduct of a pending investigation, with notice to the lawyer.

RULE 5.9. PROCEEDINGS WHICH ARE TO BE A MATTER OF PUBLIC RECORD.

All proceedings brought under the provisions of Rules 6, 7, 8 and 11 of these Rules shall be filed with the Clerk of the Supreme Court and be a matter of public record at all times, except as limited by Rule 5.7.

RULE 6 - FORMAL PROCEEDINGS BEFORE SUPREME COURT AND PROFESSIONAL RESPONSIBILITY TRIBUNAL.

RULE 6.1. MANNER OF INSTITUTING.

Formal proceedings in matters involving misconduct by lawyers shall be brought by direction of the Professional Responsibility Commission. The proceeding shall be initiated by a formal complaint prepared by the General Counsel, approved by the Commission, signed by the chairman or vice-chairman of the Commission, and filed with the Chief Justice of the Supreme Court. Upon the expiration of the respondent's time to answer, the complaint and the answer, if any, shall thereupon be lodged with the Clerk of the Supreme Court and the complaint, as well as all further filings and proceedings with respect thereto, shall be a matter of public record. Nine copies shall be filed with each original instrument.

RULE 6.2. CONTENTS OF FORMAL COMPLAINT.

The complaint shall set forth the specific facts constituting the alleged misconduct, and if prior conduct resulting in discipline, or evidence from prior investigations, is relied upon to enhance discipline, the prior acts or conduct relied upon shall be set forth.

RULE 6.2A. EMERGENCY INTERIM SUSPENSION ORDERS AND RELATED RELIEF.

(1) Verified Complaint and Service. The General Counsel, with the concurrence of the chairperson or vice-chairperson of the Professional Responsibility Commission, upon receipt of sufficient evidence demonstrating that a lawyer subject to these Rules has committed conduct in violation of the Oklahoma Rules of Professional Conduct, or is personally incapable of practicing law as set forth in Rule 10 hereof, and where such

conduct poses an immediate threat of substantial and irreparable public harm, may file a verified complaint in accordance with Rule 6 hereof requesting interim suspension and other appropriate relief. A copy of the complaint shall be served personally or by certified mail, return receipt requested, upon the respondent by General Counsel; provided that, if a respondent refuses to sign for, or otherwise does not claim the certified mail, then the General Counsel may serve the complaint and any further papers, notices and orders in accordance with Rule 13.1 hereof.

(2) Immediate Interim Suspension.

(a) Upon filing of the verified complaint, the Court may issue an order directing the respondent to object and show cause within ten (10) days why such order of interim suspension should not be entered.

(b) In the event such an objection is timely filed, the matter shall be set for hearing at the earliest possible time. Such hearing may be before the Court, any Justice thereof, or the Court may refer the matter to the Professional Responsibility Tribunal for hearing and recommendations.

(3) Related Relief.

(a) Any order of interim suspension may include such other orders to the respondent as may be necessary to preserve and recover funds and other property of respondent's clients or other persons, and the Court may, upon its own motion or upon application of the General Counsel, issue an order authorizing the General Counsel to initiate civil proceedings in the appropriate court to obtain an order to preserve any such funds maintained in a financial institution or elsewhere.

(b) In the event that the respondent does not file an objection to the order as set forth in Rule 6.2A(b) above, or in the event that such an objection is timely filed, but, after hearing on the matter, the order is entered, and the Court may, upon its own motion or upon application of the General Counsel:

(i) require the respondent to give written notices to affected clients and otherwise comply with Rule 9.1 hereof within ten (10) days of the hearing or, where no timely objection to the order was filed, within ten (10) days of the expiration of the time for filing such an objection; and/or

(ii) issue an order requiring the appointment of an attorney(s) to wind up the respondent's business in accordance with Rule 9.3 hereof.

(4) Further Proceedings Accelerated. Disposition. In addition to the above, the respondent shall file an answer to the complaint with the Chief Justice pursuant to Rule 6.4, and, except as provided above, all proceedings thereafter shall be conducted in accordance with the Rules Governing Disciplinary Proceedings where no interim suspension is sought; provided that, the respondent may include in his/her answer a

request for accelerated disposition, and, thereafter, the entire proceedings shall be concluded by the Professional Responsibility Tribunal and the Court without appreciable delay. Added by order of April 6, 1992.

RULE 6.3. NOTIFICATION OF FILING OF COMPLAINT.

At the direction of the Chief Justice, the Clerk shall immediately notify the Chief Master of the Professional Responsibility Tribunal, the President of the Oklahoma Bar Association and the respondent of the filing of a formal complaint. Such notification shall include a copy of the complaint and shall be by regular mail, except that the notice to the respondent shall be sent by certified mail to the respondent's last known address.

RULE 6.4. RESPONSE TO COMPLAINT.

The respondent shall within twenty (20) days after the mailing of the complaint file an answer with the Chief Justice. The respondent may not challenge the complaint by demurrer or motion. In the event the respondent fails to answer, the charges shall be deemed admitted, except that evidence shall be submitted for the purpose of determining the discipline to be imposed.

RULE 6.5. AMENDMENT OF COMPLAINT.

After the complaint has been filed, the General Counsel may amend the complaint to add or delete allegations as permitted under the general rules of civil procedure, subject to the respondent's right to file an answer within twenty (20) days after such amendment.

RULE 6.6. TRIAL PANEL.

Within ten (10) days after receiving notice of the filing of a complaint, the Chief Master (or Vice-Chief Master if the Chief Master is absent or otherwise fails to act within such period) of the Professional Responsibility Tribunal shall select three members thereof to serve as a trial panel of Masters (hereinafter referred to as "Trial Panel"), two of whom shall be lawyers and one shall be a non-lawyer, to hear the complaint. The Chief Master (or Vice-Chief Master) shall further designate one of the two lawyer-members of the Trial Panel to serve as Presiding Master. Two of the three Masters shall constitute a quorum for the purposes of conducting hearings, ruling on and receiving evidence, and rendering Findings of Fact and Conclusions of Law.

RULE 6.7. SETTING AND NOTIFICATION OF HEARING.

The Chief Master or Vice-Chief Master of the Professional Responsibility Tribunal shall notify the respondent and the General Counsel of the appointment and membership of the Trial Panel and of the time and place for hearing, which shall not be less than thirty (30) nor more than sixty (60) days from the date of appointment of the Trial Panel. Extensions of this period may be granted by the Chief Master (or the Vice-Chief Master, in case of the unavailability of the Chief Master) for good cause shown.

RULE 6.8. DEPOSITIONS AND DISCOVERY.

(a) Depositions may be taken and read, and documents and things may be required to be produced for inspection and/or copying, in the same manner as in civil cases;

(b) Upon written request made fifteen (15) days before the trial of the cause, the respondent or his attorney shall be given the names and addresses of witnesses to be used by the prosecution; and

(c) The General Counsel, with the approval of the Professional Responsibility Commission, shall have the authority to enter into stipulations of fact and law concerning a formal complaint against a respondent lawyer, and a recommendation as to discipline to be imposed. Amended by order of April 6, 1992.

RULE 6.9. HEARING OPEN TO PUBLIC.

Hearings before the Trial Panel and the Supreme Court in disciplinary proceedings shall be open to the public.

RULE 6.10. RECORD OF PROCEEDINGS.

Proceedings before the Trial Panel shall be stenographically recorded and transcribed unless the facts are stipulated.

RULE 6.11. POWERS OF TRIAL PANEL IN CONDUCT OF PROCEEDING.

(a) The Trial Panel shall have the power and authority to: Administer oaths and affirmations and hear evidence, and compel, by subpoena, the attendance of witnesses and the production of books, records, papers, documents or other tangible evidence, either for deposition or for trial; witnesses shall be paid, upon demand, mileage and witness fees as provided by the law in civil cases.

(b) 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.

(c) Whenever any person (except the respondent in a case where his answer may not be compelled under Rule 6.11(d) below) subpoenaed or ordered to appear by the Trial Panel to give testimony, or to produce books, records, papers, documents or other tangible evidence, fails to comply, or whenever any person (except the respondent pursuant to Rule 6.11(d) below), present at a hearing, refuses to testify or to answer any proper question or to obey any proper order, the Trial Panel may enforce compliance with its directions or orders as hereinafter provided. It may take such steps as are necessary to maintain order in its sessions. In the event of contemptuous refusal to obey its lawful orders, it shall certify the matter to the Chief Justice of the Supreme Court, who shall assign the case for trial and appropriate disposition to a judge of a district court. In such proceeding, the General Counsel shall act as prosecutor against the alleged contemnor.

(d) The respondent may be called as a witness either by the prosecution or on his own behalf, and when called upon to give testimony, the respondent may not decline to answer any relevant question unless he personally states that his answer thereto might disclose matters that are privileged or that would tend to incriminate him or show him to be guilty of any act or offense that would be grounds for discipline.

RULE 6.12. EVIDENCE, PROCEDURE AND STANDARD OF PROOF.

(a) So far as practicable, the disciplinary proceedings and the reception of evidence shall be governed generally by the rules in civil proceedings, except as otherwise herein provided; the respondent shall be entitled to be represented by counsel.

(b) On a charge of solicitation of professional employment through a lay person or agency, it shall not be necessary to prove that such lay person or agency received compensation.

(c) To warrant a finding against the respondent in a contested case, the charge or charges must be established by clear and convincing evidence, and at least two of the members of the Trial Panel must concur in the findings.

RULE 6.13. REPORT BY TRIAL PANEL.

Within thirty (30) days after the conclusion of the hearing, the Trial Panel shall file with the Clerk of the Supreme Court a written report which shall contain the Trial Panel's findings of fact on all pertinent issues and conclusions of law (including a recommendation as to discipline, if such is found to be indicated, and a recommendation as to whether the costs of the investigation, record and proceedings should be imposed on the respondent), and shall be accompanied by all pleadings, a transcript of the proceeding, and all exhibits offered thereat. A copy of the Report is concurrently to be served on the General Counsel, the respondent and his attorneys (if any). The thirty (30) day period referred to above may be extended only by the Chief Justice, for good cause shown.

RULE 6.14. BRIEFING AFTER REPORT BY TRIAL PANEL.

Upon receipt of the Report of the Trial Panel, the Chief Justice of the Supreme Court shall set dates for submission of briefs. The total amount of time allocated for submission of briefs will not exceed sixty (60) days after receipt of the report of the Trial Panel. The Supreme Court will consider these matters on an accelerated basis.

RULE 6.15. DECISION BY SUPREME COURT.

(a) The Supreme Court may approve the Trial Panel's findings of fact or make its own independent findings, impose discipline, dismiss the proceedings or take such other action as it deems appropriate.

(b) Notice of the action or decision of the Supreme Court shall be given by the Clerk to the respondent, the Professional Responsibility Tribunal, the General Counsel and the Professional Responsibility Commission.

(c) Petitions for rehearing on behalf of the respondent or the Association shall be filed with the Clerk of the Supreme Court within twenty (20) days from the date of mailing of the action or decision of the Supreme Court.

RULE 6.16. COST OF INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS WHERE DISCIPLINE RESULTS.

The costs of investigation, the record, and disciplinary proceedings shall be advanced by the Oklahoma Bar Association (or the Professional Responsibility Commission, if provision therefor has been made in its budget). Where discipline results, the cost of the investigation, the record, and disciplinary proceedings shall be surcharged against the disciplined lawyer unless remitted in whole or in part by the Supreme Court for good cause shown. Failure of the disciplined lawyer to pay such costs within ninety (90) days after the Supreme Court's order becomes effective shall result in automatic suspension from the practice of law until further order of the Court.

**RULE 7 - SUMMARY DISCIPLINARY
PROCEEDINGS BEFORE SUPREME COURT.**

RULE 7.1. CRIMINAL CONVICTION OF LAWYER.

A lawyer who has been convicted or has tendered a plea of guilty or nolo contendere pursuant to a deferred sentence plea agreement in any jurisdiction of a crime which demonstrates such lawyer's unfitness to practice law, regardless of whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial, shall be subject to discipline as herein provided, regardless of the pendency of an appeal.

RULE 7.2. TRANSMITTAL OF RECORD RELATING TO CONVICTION.

The clerk of any court within this State in which a lawyer is convicted or as to whom proceedings are deferred shall transmit certified copies of the Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and judgment and sentence of conviction to the Chief Justice of the Supreme Court and to the General Counsel of the Oklahoma Bar Association within five (5) days after said conviction. The documents may also be furnished to the Chief Justice by the General Counsel. Such documents, whether from this jurisdiction or any other jurisdiction, shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment and sentence is based and shall suffice as the basis for discipline in accordance with these rules.

RULE 7.3. INTERIM SUSPENSION FROM PRACTICE.

Upon receipt of the certified copies of Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and the judgment and sentence, the Supreme Court shall by order immediately suspend the lawyer from the practice of law until further order of the Court. In its order of suspension the Court shall direct the lawyer to appear at a time certain, to show cause, if any he has, why the order of suspension should be set aside. Upon good cause shown, the Court may set aside its order of suspension when it appears to be in the interest of justice to do so, due regard being had to maintaining the integrity of and confidence in the profession.

RULE 7.4. CONVICTION BECOMING FINAL WITHOUT APPEAL.

If the conviction becomes final without appeal, the General Counsel of the Oklahoma Bar Association shall inform the Chief Justice and the Court shall order the lawyer, within such time as the Court shall fix in the order, to show cause in writing why a final order of discipline should not be made. The written return of the lawyer shall be verified and expressly state whether a hearing is desired. The lawyer may in the interest of explaining his conduct or by way of mitigating the discipline to be imposed upon him, submit a brief and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting his recommendation of discipline.

RULE 7.5. APPEAL OF CONVICTION.

If an appeal is perfected from the judgment of conviction and such judgment is reversed, the disciplinary proceedings based upon such conviction shall be dismissed immediately. If the judgment of conviction is affirmed on appeal, or the judgment is affirmed as modified and the lawyer remains convicted of a crime which demonstrates a lawyer's unfitness to practice law, the same procedure for making final disposition of the matter shall apply as provided in Rule 7.4.

**RULE 7.6. DISCIPLINARY PROCEEDINGS BASED UPON
SAME FACTS AS CRIMINAL PROCEEDING.**

Nothing contained herein shall prevent the Professional Responsibility Commission from initiating and conducting disciplinary proceedings upon charges identical to those set forth in a criminal complaint, indictment, or information, notwithstanding the pendency or final disposition of the criminal action. In such event, certified or authenticated copies of the record and transcripts of testimony and evidence from the criminal action will be admissible in the disciplinary proceeding whether for or against the lawyer.

**RULE 7.7. DISCIPLINARY ACTION IN OTHER JURISDICTIONS,
AS BASIS FOR DISCIPLINE.**

(a) It is the duty of a lawyer licensed in Oklahoma to notify the General Counsel whenever discipline for lawyer misconduct has been imposed upon him/her in another jurisdiction, within twenty (20) days of the final order of discipline, and failure to report shall itself be grounds for discipline.

(b) When a lawyer has been adjudged guilty of misconduct in a disciplinary proceeding, except contempt proceedings, by the highest court of another State or by a Federal Court, the General Counsel of the Oklahoma Bar Association may cause to be transmitted to the Chief Justice a certified copy of such adjudication and the Chief Justice shall direct the lawyer to appear before the Supreme Court at a time certain, not less than ten (10) days after mailing of notice, and show cause, if any he/she has, why he/she should not be disciplined. The documents shall constitute the charge and shall be prima facie evidence the lawyer committed the acts therein described. The lawyer may submit a certified copy of the transcript of the evidence taken in the trial tribunal of the other jurisdiction to support his/her claim that the finding therein was not supported by the evidence or that it does not furnish sufficient grounds for discipline in Oklahoma. The lawyer may also submit, in the interest of explaining his/her conduct or by way of mitigating the discipline which may be imposed upon him/her, a brief and/or any evidence tending to mitigate the severity of discipline. The General Counsel may respond by submission of a brief and/or any evidence supporting a recommendation of discipline. Amended by order of April 6, 1992.

RULE 7.8. NONCOMPLIANCE WITH AN ORDER OF SUPPORT.

A lawyer who has been determined by a judicial finding to be in willful noncompliance with an order of support, pursuant to 43 O.S. §139.1 and which finding has been reported to the Oklahoma Bar Association by a Judge of the District Court in accordance with the provisions of 43 O.S. §139.1(B)(2), may be subject to discipline as herein provided.

**RULE 7.9. TRANSMITTAL OF RECORD RELATING TO FINDING OF
NONCOMPLIANCE WITH AN ORDER OF SUPPORT.**

If a Judge makes a finding of willful noncompliance with an order of support, pursuant to 43 O.S. §139.1, the Judge shall direct that a certified copy of the order or judgment containing a finding of such noncompliance be mailed to the General Counsel of the Oklahoma Bar Association within five (5) days after the entry of such order or judgment.

**RULE 7.10. NONCOMPLIANCE WITH AN ORDER FOR SUPPORT,
AS BASIS FOR DISCIPLINE.**

The General Counsel of the Oklahoma Bar Association upon receiving the certified copy of such order or judgment shall commence his investigation and proceed subject to the Rules Governing Disciplinary Proceedings.

RULE 8 - RESIGNATION PENDING DISCIPLINARY PROCEEDINGS.

RULE 8.1. PREREQUISITES FOR RESIGNATION.

A lawyer who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may resign membership in the Oklahoma Bar Association, and thereby relinquish the right to practice law, only by delivering to the Commission an affidavit stating that the lawyer desires to resign and that:

(a) The resignation is freely and voluntarily rendered, the lawyer is not being subjected to coercion or duress, and the lawyer is fully aware of the consequences of submitting the resignation;

(b) The lawyer is aware that there is presently pending an investigation into, or proceedings involving, allegations that there exist grounds for discipline, specifying particularly the misconduct alleged;

(c) The lawyer agrees that he may be reinstated only upon full compliance with the conditions and procedures prescribed by these Rules, and no application for reinstatement may be filed prior to the lapse of five years from the effective date of the resignation.

RULE 8.2. ORDER APPROVING; REINSTATEMENT.

Upon receipt of the required affidavit, the Commission shall file it with the Clerk of the Supreme Court and the Supreme Court may enter an order approving the resignation pending disciplinary proceedings. A lawyer who so resigns shall only be permitted to apply for reinstatement after the lapse of five (5) years and under the provisions of Rule 11.

**RULE 9 - PROCEDURE FOLLOWING DISCIPLINARY ACTION BY COURT
AND NOTICE THEREOF; WINDING UP OF BUSINESS OF DECEASED,
DISCIPLINED OR MISSING LAWYER.**

RULE 9.1. NOTICE TO CLIENTS; LIST OF OTHER BARS TO WHICH ADMITTED.

When the action of the Supreme Court becomes final, a lawyer who is disbarred or suspended, or who has resigned membership pending disciplinary proceedings, must notify all of the lawyer's clients having legal business then pending within twenty (20) days, by certified mail, of the lawyer's inability to represent them and the necessity for promptly retaining new counsel. If such lawyer is a member of, or associated with, a law firm or professional corporation, such notice shall be given to all clients of the firm or professional corporation, which have legal business then pending with respect to which the disbarred, suspended or resigned lawyer had substantial responsibility. The lawyer shall also file a formal withdrawal as counsel in all cases pending in any tribunal. The lawyer must file, within twenty (20) days, an affidavit with the Commission and with the Clerk of the

Supreme Court stating that the lawyer has complied with the provisions of this Rule, together with a list of the clients so notified and a list of all other State and Federal courts and administrative agencies before which the lawyer is admitted to practice. Proof of substantial compliance by the lawyer with this Rule 9.1 shall be a condition precedent to any petition for reinstatement.

RULE 9.2. NOTICE TO OTHER JURISDICTIONS.

The General Counsel shall thereafter cause notice of discipline to be given to all Federal courts in Oklahoma; to the United States Court of Appeals for the Tenth Circuit; to the American Bar Association; to the National Conference of Bar Examiners and the National Discipline Data Bank; and to any other State or Federal court of administrative agency before which the lawyer is admitted to practice.

RULE 9.3. APPOINTMENT OF ATTORNEYS TO WIND UP LAWYER'S BUSINESS.

Whenever a lawyer disappears or dies while his professional conduct is under investigation by the Commission, or it appears that a disbarred or suspended lawyer is unable or unwilling to arrange for the winding up of his legal business, the Commission shall determine whether a partner, executor or other appropriate representative of the lawyer is available to notify and protect the interests of the lawyer's clients, and, if none is available, the Commission shall petition the Supreme Court to appoint one or more members of the bar to inventory the files of the lawyer and propose to the Court necessary or appropriate action to protect the interests of the clients of the lawyer and the lawyer himself, and to take such action in that regard as the Court shall direct. The attorney-client relationship shall be deemed to extend to all such attorneys so appointed. Said attorneys may take physical possession of the lawyer's files and may turn them over to the clients, subject to the Court's approval. A record shall be maintained of all facts in said files pertaining to the lawyer's right to fees. While carrying out the functions herein above described, the attorneys shall be considered as agents of the Court, and shall not be liable to any person for their actions taken in good faith.

RULE 10 - SUSPENSION FOR PERSONAL INCAPACITY TO PRACTICE LAW.

RULE 10.1. DEFINITION.

The term "personally incapable of practicing law" shall include:

(a) Suffering from mental or physical illness of such character as to render the person afflicted incapable of managing himself, his affairs or the affairs of others with the integrity and competence requisite for the proper practice of law;

(b) Active misfeasance or repeated neglect of duty in respect to the affairs of a client, whether in matters pending before a tribunal or in other matters constituting the practice of law; or

(c) Habitual use of alcoholic beverages or liquids of any alcoholic content, hallucinogens, sedatives, drugs, or other mentally or physically disabling substances of any character whatsoever to any extent which impairs or tends to impair ability to conduct efficiently and properly the affairs undertaken for a client in the practice of law.

RULE 10.2. SUSPENSION.

Whenever it has been determined that a lawyer is personally incapable of practicing law, his license to practice shall be suspended until reinstated by order of this Court.

RULE 10.3. PROCEDURE IN GENERAL.

(a) Proceedings to determine whether a lawyer is personally incapable of practicing law shall be instituted and conducted in the same manner and upon the same procedure as disciplinary proceedings, except as otherwise set out in these Rules.

(b) In addition to, and without exclusion of, any other circumstances, cause to believe that a lawyer may be personally incapable of practicing law, justifying referral to the General Counsel, shall exist whenever information is received that such lawyer (1) has interposed successfully a defense of mental incompetence to secure abatement of, or to defeat an adverse determination in, disciplinary proceedings brought against him in any tribunal in any jurisdiction, (2) has defended, upon like grounds, a suit brought against him in any tribunal in any jurisdiction, (3) has been judicially declared incompetent, or (4) has been legally committed, otherwise than voluntarily, to an institution for the treatment of mental illness.

RULE 10.4. INQUIRY AS TO PERSONAL INCAPACITY TO PRACTICE LAW, INCIDENTAL TO DISCIPLINARY PROCEEDINGS.

Whenever in a disciplinary proceeding brought under these rules, the respondent interposes present mental incompetence as a ground for abating the proceeding, the Trial Panel of the Professional Responsibility Tribunal shall determine whether the respondent is mentally incapable to defend or to assist his counsel in defending against the charges. If it finds that the respondent is mentally incapable so to defend or to assist in defending, but that the condition is temporary, the Trial Panel may recommend that the disciplinary proceeding be continued until the condition is terminated, and that, until such termination, the lawyer be suspended from the practice of law on the ground of such personal incapacity. When the cessation of such condition is made known to the Professional Responsibility Commission, it shall call it to the attention of the Professional Responsibility Tribunal with a request to proceed with the disciplinary proceeding. If the Trial Panel finds that the respondent's mental incapability is permanent or probably permanent, it shall proceed as if the respondent specifically had been alleged to be personally incapable of practicing law.

RULE 10.5. JOINDER OF DISCIPLINARY CHARGES WITH CHARGES OF PERSONAL INCAPACITY TO PRACTICE LAW.

Whenever a proceeding charging that a lawyer is personally incapable of practicing law is based upon conduct or neglect of duty in respect to the affairs of a client, the complaint must also allege specifically any such conduct which would justify the imposition of discipline, so that the Professional Responsibility Tribunal may hear evidence thereon, and in its report shall make findings and a recommendation as to whether the lawyer should be disciplined or whether he should be found personally incapable of practicing law.

RULE 10.6. REPRESENTATION BY COUNSEL.

In proceedings under this Rule, respondents shall be entitled to representation by counsel. A respondent who has been judicially declared mentally incompetent, or who has

been judicially committed to an institution for the treatment of the mentally ill, shall be defended by his legally appointed guardian or guardian ad litem, if any; in default thereof, the Chief Justice, on certification by the Professional Responsibility Tribunal, shall appoint a guardian ad litem. The same procedure shall apply to a respondent who has asserted his incompetence or whose incompetence to defend becomes apparent during the proceedings. In all cases, counsel previously selected by the respondent will be appointed guardian ad litem, absent clear and compelling reasons.

RULE 10.7. SERVICE OF PROCESS OR NOTICE.

Service of process on or notices to a respondent who has been committed or declared incompetent shall be accomplished as required by civil procedure or by rule of the Professional Responsibility Tribunal. After appointment of a guardian ad litem, notices will be served upon him.

RULE 10.8. PROOF BY CERTIFIED COPIES.

A certified copy of a court order declaring a respondent mentally incompetent, or an order of commitment, if he has been committed to an institution for the care of the mentally incompetent, shall constitute sufficient evidence that he is personally incapable of practicing law, if not successfully rebutted.

RULE 10.9. EXAMINATION BY PHYSICIANS.

In any proceeding where mental incompetency is an issue, the respondent may be required to submit to a mental examination by one or more physicians selected by the Professional Responsibility Commission or by the Trial Panel of the Professional Responsibility Tribunal after its appointment. Reports of physicians regarding the mental condition of a respondent may be received as probative evidence, if the physicians are available for cross-examination or if cross-examination is waived.

RULE 10.10. PROCEEDINGS IN SUPREME COURT.

The report of the Trial Panel of the Professional Responsibility Tribunal shall be made to the Chief Justice for proceedings in the Supreme Court as in disciplinary actions. If the Court finds the respondent personally incapable of practicing law, he shall be formally suspended from the practice of law until the further order of the Court.

RULE 10.11. APPLICATION FOR REINSTATEMENT.

(a) Procedures for reinstatement of a lawyer suspended because of personal incapacity to practice law shall be, insofar as applicable, the same as the procedures of reinstatement provided in Rule 11 following suspension upon disciplinary grounds. The petition shall be filed with the Clerk of the Supreme Court and the petitioner will be required to supply such supporting proof of personal capacity as may be necessary. In addition, the petitioner may be required to submit to examinations by physicians selected by the Professional Responsibility Tribunal. After the matter is submitted to the Professional Responsibility Tribunal, the Trial Panel may require such additional testimony and proof as may be helpful in determining whether the petitioner should be reinstated.

(b) After the hearing has been completed, the record and the report shall be forwarded to the Supreme Court for its consideration as a part of the record in the proceeding.

(c) The actual cost of the proceedings for suspension and for reinstatement shall be assessed against the respondent or petitioner unless remitted by the Supreme Court on the ground of hardship.

RULE 10.12. CONFIDENTIALITY.

Except where disciplinary proceedings are involved (Rule 10.4), all proceedings under this Rule 10 shall remain confidential and shall not be a matter of public record, unless otherwise ordered by the Supreme Court. A separate, non-public docket and files shall be maintained for this purpose, under the supervision of the Chief Justice.

RULE 11 - REINSTATEMENT.

RULE 11.1. PETITION FOR REINSTATEMENT.

A person whose name has been stricken from the Roll of Attorneys for non-payment of dues, or who has been suspended from the practice of law for a period of longer than two (2) years or disbarred, or who has resigned membership in the Association, may be readmitted to the practice of law only through the following procedures:

(a) The applicant shall file, an original and ten copies of, a petition for reinstatement with the Clerk of the Supreme Court, and attach thereto (1) an affidavit showing all of the applicant's activities since the termination or suspension of his right to practice law and the applicant's place or places of residence since that date; and (2) the applicant's affidavit and the affidavits of the court clerks in the several counties in which he has resided, establishing that the applicant has not practiced law in their respective courts since the termination or suspension of his right to practice law. The applicant shall concurrently furnish a copy of said petition and all other documents filed with the Clerk of the Supreme Court to the General Counsel of the Oklahoma Bar Association.

(b) If any funds of the Client's Security Fund of the Oklahoma Bar Association have been expended on behalf of the applicant, the applicant must show the amount paid and that the same has been repaid to the Oklahoma Bar Association to reimburse such Fund.

(c) The applicant shall pay a fee to cover the expenses of investigating and processing the application as determined by the Professional Responsibility Tribunal. In addition, the applicant shall pay the cost of the original and one copy of the transcript of any hearings held in connection with the application.

(d) The applicant shall, if required by the Professional Responsibility Tribunal, procure at the applicant's expense and cause to be filed any report required by the Professional Responsibility Tribunal of the applicant's activities during any time after termination or suspension that the applicant has resided outside the State.

(e) The applicant shall not be permitted to file an application for reinstatement, after disbarment or resignation pending investigation or disciplinary proceedings, within five (5) years of the effective date of the order of the Court disbarring the applicant or accepting the resignation, nor shall any applicant be permitted to file an

application for reinstatement within one (1) year after the Supreme Court has denied an earlier application.

RULE 11.2. INVESTIGATION BY PROFESSIONAL RESPONSIBILITY COMMISSION.

The Professional Responsibility Commission shall conduct an investigation on all applications for reinstatement.

RULE 11.3. HEARING BEFORE PROFESSIONAL RESPONSIBILITY TRIBUNAL.

The application for reinstatement shall be referred to the Professional Responsibility Tribunal, which shall designate a three-member Trial Panel composed of two lawyers and one non-lawyer to hold a hearing on said application. One of the lawyer-members shall be designated as Presiding Master.

(a) The hearing shall be held not less than sixty (60) days nor more than ninety (90) days after the petition has been filed.

(b) The Trial Panel shall cause notice of the hearing to be given to the applicant, the Professional Responsibility Commission and the General Counsel and to be published in the Oklahoma Bar Journal and in a newspaper of general circulation in the county of the residence of the applicant and, if it be different, also in the county of the applicant's residence at the time of the applicant's suspension, disbarment or resignation. The notice shall advise interested persons when and where the hearing will be conducted.

(c) At least ten (10) days before the hearing, the Applicant shall furnish to the General Counsel the names and addresses of all witnesses who will be called to testify before the Trial Panel as to his good moral character. Affidavits will not be considered.

(d) Discovery may be had, and the procedure, authority and powers of the Trial Panel shall be the same as those provided in Rule 6.

(e) The hearing shall be conducted as an adversary proceeding and the General Counsel shall be responsible for cross-examination of the applicant's witnesses and presenting, where deemed advisable, testimony of witnesses in opposition to the applicant's reinstatement.

RULE 11.4. STANDARD OF PROOF FOR PETITIONS FOR REINSTATEMENT.

An applicant for reinstatement must establish affirmatively that, if readmitted or if the suspension from practice is removed, the applicant's conduct will conform to the high standards required of a member of the Bar. The severity of the original offense and the circumstances surrounding it shall be considered in evaluating an application for reinstatement. The burden of proof, by clear and convincing evidence, in all such reinstatement proceedings shall be on the applicant. An applicant seeking such reinstatement will be required to present stronger proof of qualifications than one seeking admission for the first time. The proof presented must be sufficient to overcome the Supreme Court's former judgment adverse to the applicant. Feelings of sympathy toward the applicant must be disregarded. If applicable, restitution, or the lack thereof, by the applicant to an injured party will be taken into consideration by the Trial Panel on an

application for reinstatement. Further, if applicable, the Trial Panel shall satisfy itself that the applicant complied with Rule 9.1 of these Rules.

RULE 11.5. FINDINGS PREREQUISITE TO REINSTATEMENT.

At the conclusion of the hearing held on the petition for reinstatement, the Trial Panel of the Professional Responsibility Tribunal shall file a report with the Supreme Court, together with the transcript of the hearing. Said report shall contain specific findings upon each of the following:

(a) Whether or not the applicant possesses the good moral character which would entitle him to be admitted to the Oklahoma Bar Association;

(b) Whether or not the applicant has engaged in any unauthorized practice of law during the period of suspension, disbarment or resignation;

(c) Whether or not the applicant possesses the competency and learning in the law required for admission to practice law in the State of Oklahoma, except that any applicant whose membership in the Association has been suspended or terminated for a period of five (5) years or longer, or who has been disbarred, shall be required to take and successfully pass the regular examination given by the Board of Bar Examiners of the Oklahoma Bar Association. Provided, however, before the applicant shall be required to take and pass the bar examination, he shall have a reasonable opportunity to show by clear and convincing evidence that, notwithstanding his long absence from the practice of law, he has continued to study and thus has kept himself informed as to current developments in the law sufficient to maintain his competency. If the Trial Panel finds that such evidence is insufficient to establish the applicant's competency and learning in the law, it must require the applicant to take and pass the regular bar examination before a finding as to his qualifications shall be made in his favor.

RULE 11.6. REVIEW BY SUPREME COURT.

After the filing of the Trial Panel's report, together with the petition for reinstatement, the transcript of the hearing and all exhibits offered thereat, with the Supreme Court, the Court may request that briefs be filed. Thereafter, the Court will take such action as it deems appropriate on the petition, based upon the record and the Trial Panel's report, or if it deems that the ends of justice require, the Court may remand the matter to the Professional Responsibility Tribunal for additional proceedings.

RULE 11.7. NOTICE OF DECISION AND PETITION FOR REHEARING.

Notice of the action taken by the Supreme Court on the petition shall be given to the applicant and the General Counsel. Either party may file with the Clerk of the Supreme Court a petition for rehearing within twenty (20) days after the Court issues its decision.

**RULE 11.8. REINSTATEMENT WITHOUT ORDER AFTER
SUSPENSIONS OF TWO (2) YEARS OR LESS.**

A lawyer who has been suspended for two (2) years or less upon disciplinary charges may resume practice upon the expiration of the period of suspension by filing with the Clerk of the Supreme Court an original and two (2) copies of an affidavit affirming that affiant has not engaged in the unauthorized practice of law or otherwise violated the rules of the Association or the terms of the affiant's order of suspension. The affidavit shall also describe all business or professional activities of the affiant and places of residence during

the term of the suspension. No order of Court is necessary; however, material deletions or misrepresentations in the affidavit shall be grounds for subsequent discipline.

A copy of the affidavit shall be served on the General Counsel by the lawyer at the time of its filing, who may within sixty (60) days file a separate disciplinary complaint with the Professional Responsibility Commission stating the lawyer during the suspension engaged in the unauthorized practice of law or other actions which would render the lawyer subject to discipline. Amended by order of January 12, 1989.

**RULE 12. - WINDING UP BUSINESS OF LAWYER WHO IS DECEASED,
INCAPACITATED OR MISSING NOT PENDING
DISCIPLINARY PROCEEDINGS.**

RULE 12.1. NOTICE TO GENERAL COUNSEL.

Upon the death, incapacity (as defined in Rule 10.1) or apparent disappearance of a lawyer, any lawyer or law firm with which the lawyer was professionally associated, including officing arrangements, or any lawyer consulted in connection with a deceased lawyer's estate or a lawyer's disappearance, shall give notice thereof to the General Counsel. Any other lawyer (including, but not limited to, lawyers involved in litigation or transactional activities with the deceased, incapacitated or disappeared lawyer) who becomes aware of a lawyer's death, incapacity or disappearance and who believes that such notice has not been given should do so. If a lawyer's personal incapacity to practice law is in dispute, Rule 6.2A shall be applicable in lieu of this Rule.

**RULE 12.2. ACTION BY GENERAL COUNSEL TO ENSURE PROTECTION OF
CLIENTS UPON THE RECEIPT OF NOTICE PURSUANT TO RULE.**

(a) Upon the receipt of notice pursuant to Rule 12.1, or in any other case where the General Counsel becomes aware of the death, incapacity or apparent disappearance of a lawyer, the General Counsel shall determine whether the lawyer's law firm or partner, or other appropriate representative of the lawyer, is available to notify and protect the interests of the lawyer's clients. The notification and protection responsibility to be discharged with respect to the clients of a deceased, incapacitated or disappeared lawyer is (1) to address matters requiring immediate attention, and (2) to notify all clients of the lawyer's death, incapacity or apparent disappearance so that the clients may direct the disposition to be made of their files. If the deceased, incapacitated or disappeared lawyer is associated with a law firm, the members of such firm shall be responsible for undertaking and carrying out appropriate client notification and protection activities. If the lawyer's practice is being sold pursuant to Rule 1.17 of the Rules of Professional Conduct, the provisions of such Rule shall be applicable.

(b) The General Counsel shall require the lawyer or lawyers performing, advising or otherwise involved in client notification and protection activities with respect to the clients of a deceased, incapacitated or disappeared lawyer to furnish such reports to the General Counsel as are reasonably necessary to assure that such clients' interests are in fact being protected.

**RULE 12.3. APPOINTMENT OF COUNSEL TO PROTECT
INTERESTS OF CLIENTS OF DECEASED, INCAPACITATED
OR DISAPPEARED LAWYER.**

(a) If it appears to the General Counsel that there is no law firm or partner, personal representative or other appropriate representative of a deceased, incapacitated or disappeared lawyer who will assume the responsibility, as described in Rule 12.2(a), of protecting the interests of the clients of the deceased, incapacitated or disappeared lawyer, or if it subsequently appears that the measures being taken are not adequate to so protect the interests of the lawyer's clients, the General Counsel shall file a petition with the chief judge of the district court of the county of such lawyer's last known residence, requesting that one or more lawyers be appointed to inventory the files of the lawyer and propose to the court the necessary or appropriate action as described in Rule 12.2(a), to protect the interests of the clients and the lawyer, and to take such action in that regard as the court shall direct.

(b) The attorney-client relationship shall be deemed to extend to all lawyers appointed pursuant to Rule 12.3. The lawyer or lawyers so appointed may take physical possession of the lawyer's files, address any matters requiring immediate attention and turn such files over to the clients or the clients' designees, subject to the court's approval. A record shall be maintained of all facts in said files pertaining to the lawyer's right to fees. While carrying out the foregoing functions, the attorneys so appointed shall be considered as agents of the court, and shall not be liable to any person for their actions taken in good faith. The lawyers so appointed may be compensated for their services, as determined by the court, from any fees owing to the lawyer, and if the amount of such lawyer's fees is insufficient for that purpose, application may be made to the Supreme Court for payment from any available undesignated Bar Association funds.

(c) The General Counsel shall continue as a party to all proceedings commenced pursuant to Rule 12.3 until their conclusion and shall be served with all filings and reports.

12.4 RULES AND FORMS TO EFFECTUATE RULE.

The General Counsel is authorized and directed to prepare proposed rules to be applicable and forms to be employed in the enforcement of Rule 12, and cause the same to be published in the Oklahoma Bar Journal for comment. Such rules and forms shall thereafter be submitted to the Supreme Court, and shall be effective upon their promulgation by the Court.

COMMENTS

INTRODUCTION.

Rules 9.1 and 9.3 of the Oklahoma Rules Governing Disciplinary Proceedings provide procedures to protect the interests of clients of lawyers who are disbarred or suspended, or die or disappear while their professional conduct is under investigation. However, no rule presently exists to provide comparable protection for clients of a lawyer not subject to disciplinary proceedings who dies, becomes incapacitated or disappears. Although Rule 1.17 of the Oklahoma Rules of Professional Conduct provides protection to the clients of a sole practitioner whose practice is being sold because the lawyer has ceased to practice in Oklahoma, its provisions only become applicable if and when steps

are taken to sell the lawyer's practice. Therefore, no specific Rule presently applies except where a deceased, incapacitated or disappeared lawyer either is subject to disciplinary proceedings, or is a sole practitioner whose practice is proposed to be sold. Problems in this regard have arisen in the past which the General Counsel's office has been required to address with ad hoc, informal measures. This Rule is intended to fill this gap and provide guidance for lawyers, the Office of the General Counsel and the courts.

GENERAL.

In the discharge of a lawyer's general ethical obligations to the lawyer's clients, a lawyer should have in place a plan providing for the protection of the interests of the lawyer's clients in the event of the lawyer's death or incapacity. This should include, at a minimum, the designation of another lawyer of the law firm which would have the authority to review client files and make determinations as to which files need immediate attention, and who would notify clients of their lawyer's death or incapacity, so that such files can be turned over to the clients or their designees. See ABA Formal Ethics Opinion 92-369 (December 7, 1992). Where a lawyer is associated with a law firm, it is the duty of the members of the law firm to ensure that appropriate action is taken, in the absence of such a designation. However, in the event this is not done, or the lawyer or law firm so designated is unable or unwilling to accept, or does not in fact assume, this responsibility, the Bar Association, through the Office of the General Counsel, should assume the responsibility of protecting the interests of the clients of the deceased or incapacitated lawyer. This would also be the case in the infrequent instances when a lawyer disappears. The effectuation of such client protection measures is provided for in this Rule. The reviewing attorney should perform the review of client files contemplated by this Rule with due regard for potential conflicts of interest, and must take appropriate action (e.g., assigning the file to another lawyer) in cases where a conflict might exist.

NOTIFICATION OF THE GENERAL COUNSEL.

The basic principle underlying the Rule is that the Office of the General Counsel is to be notified whenever any lawyer dies, becomes incapacitated or apparently disappears, and thereafter the General Counsel is to exercise oversight appropriate in the circumstances over the disposition of the matters being handled by the lawyer to insure that the interests of the lawyer's clients are protected. Pursuant to this principle, Rule 12.1 imposes an obligation upon certain lawyers who may reasonably be assumed to have knowledge of a lawyer's death, incapacity or disappearance to provide such notice, and strongly suggests that other lawyers in a position to have such knowledge confirm that this has been done.

OVERVIEW BY GENERAL COUNSEL OF CLIENT PROTECTION ACTIONS.

Rule 12.2 provides for the General Counsel to determine whether appropriate steps are being taken to protect client interests, including obtaining such reports from the lawyer or lawyers who have assumed that responsibility as may reasonably be required. It is contemplated that minimal supervision by, and reporting to, the General Counsel's office will be necessary or appropriate where a partner or law firm is available to protect client interests, or where the practice is being sold pursuant to Rule 1.17 of the Rules of Professional Conduct.

COURT PROCEEDINGS TO ENFORCE RULE.

In circumstances when it appears to the General Counsel either that no measures are being taken to ensure that the clients' interests are protected or that the measures being taken are inadequate for that purpose, Paragraph 12.3 authorizes the General Counsel to commence a proceeding in the district court to appoint a lawyer or lawyers to carry out such measures.

RULES AND FORMS.

Since the discharge of the client protection functions of the General Counsel under the Rule could be facilitated by establishing standard procedures and forms, the General Counsel is directed to prepare proposed rules and forms for that purpose, to be effective upon their promulgation by the Supreme Court. Amended by Order of December 6, 1996.

RULE 13 - SERVICE.

RULE 13.1. MANNER OF SERVICE.

Service of any and all correspondence, notices, and any formal complaint, in connection with proceedings under these Rules, whether before or after the filing of a formal complaint, may be made upon the respondent lawyer or applicant for reinstatement in person or by mail directed to the respondent or applicant at the last address shown on the official roster of the Oklahoma Bar Association, unless and until the respondent or applicant, or counsel for the respondent or applicant, shall cause to be delivered to the General Counsel a notice reflecting a different address. Oklahoma Bar Association members are required to provide a current address to the Association and to inform the Association of any changes in address in accordance with the requirements of the *Rules Creating and Controlling the Oklahoma Bar Association*. Proof of mailing to the respondent or applicant at such address shall be sufficient to prove service. Except as otherwise specifically provided in these Rules, service may be made by regular mail. (Amended 09-14-2009)

RULE 14 - ANNUAL REPORTS.

RULE 14.1.

No later than the first Friday in February of each year, the Professional Responsibility Commission and the Professional Responsibility Tribunal shall file a written report with the Clerk of the Supreme Court reporting the activities of those bodies for the preceding year. Said report shall immediately be published in the Oklahoma Bar Journal. These reports shall contain statistical information showing, but not limited to, the following:

- (a) The total number of complaints received and processed by each body during the preceding year.
- (b) The nature and disposition of said complaints.
- (c) The number of complaints pending at the close of the year.

RULE 15 - IMMUNITY FOR OFFICIAL ACTS.

Rule 15.1.

The members of the Professional Responsibility Commission, the Board of Governors of the Association, the Professional Responsibility Tribunal, the Officers of the Association, the General Counsel of the Association, the staff employed by the Association and the General Counsel of the Association, in acting in connection with the enforcement of these Rules, and all others (whether or not members of the Association) whose assistance is requested by any of the foregoing in connection with the enforcement of these Rules, shall be considered as acting officially on behalf of the Supreme Court of the State of Oklahoma, and shall enjoy immunity from civil liability to the fullest extent recognized by Federal and State law.

**RULE 16 - REVOCATION OF PRIOR RULES, EFFECTIVE DATE,
TRANSITIONAL PROVISIONS.**

RULE 16.1.

Articles IV-A, IX, X and XI of the Revised Rules Creating and Controlling The Oklahoma Bar Association are hereby revoked effective July 1, 1982, and these Rules shall concurrently become effective; provided, however, that such revocation shall not affect any disciplinary matters pending at that time in the Oklahoma Supreme Court in which a trial authority has been appointed, but as to all other disciplinary matters, whether pending in the Supreme Court, before the Board of Governors of the Oklahoma Bar Association or in the Professional Responsibility Commission, to the extent feasible these Rules shall govern further proceedings after their effective date, except where manifest injustice would result. Article II, Section 3(b), and Article VI, Section 1, are revoked to the extent inconsistent with any of the provisions of these Rules, as of the effective date of these Rules.