

SUPREME COURT OF OKLAHOMA

In the Matter of the Reinstatement of Flores

2020 OK 13 · No. SCBD-6840 · Decided March 3, 2020

SUMMARY

The Supreme Court of Oklahoma considered Marco Dax Flores's petition for reinstatement to membership in the Oklahoma Bar Association after his membership was suspended and his name was later stricken for nonpayment of dues. Applying a de novo standard of review, the court found that Flores established his moral fitness, professional competence, and lack of unauthorized practice of law by clear and convincing evidence. The court granted reinstatement upon payment of \$289.48 in costs and the 2020 Oklahoma Bar Association membership dues.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	All Justices
JURISDICTION	Oklahoma
DECIDED	March 3, 2020
DOCKET	SCBD-6840
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding under Rule 11 of the Rules Governing Disciplinary Proceedings seeking reinstatement to membership in the Oklahoma Bar Association and to the roll of attorneys.
STANDARD OF REVIEW	De novo review consisting of a non-deferential, full-scale examination of all relevant facts. The Professional Responsibility Tribunal's recommendations are entitled to great weight but are advisory, and the ultimate decision rests with the Oklahoma Supreme Court.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; the opinion header states that it had not yet been released for publication and was subject to revision or withdrawal at the time of posting.
PARTIES	Marco Dax Flores v. Oklahoma Bar Association

TOPICS

appellate procedure

standard of review

administrative law

PRACTICE AREAS

legal ethics

bar admission and reinstatement

professional responsibility

appellate procedure

administrative law

QUESTIONS PRESENTED

1. Whether Flores met the Rule 11 requirements for reinstatement to membership in the Oklahoma Bar Association.
2. Whether Flores established by clear and convincing evidence that he presently possessed the requisite moral fitness and legal competence for reinstatement.
3. Whether Flores engaged in the unauthorized practice of law after his Oklahoma suspension or otherwise failed to satisfy the rule-mandated reinstatement requirements.
4. Whether Flores was required to retake the Oklahoma bar examination because of the duration of his suspension.

HOLDINGS

1. Flores met his burden of proving by clear and convincing evidence that he was eligible for reinstatement to the Oklahoma Bar Association.
2. Flores was not required to retake the Oklahoma bar examination because his suspension had lasted less than five years.
3. Flores established by clear and convincing evidence that he did not engage in the unauthorized practice of law in Oklahoma after his suspension.
4. Reinstatement was conditioned on Flores's payment of \$289.48 in proceeding costs and the current year's Oklahoma Bar Association membership dues.

KEY QUOTATIONS

“Our review of the record is made de novo, in which we conduct a non-deferential, full-scale examination of all relevant facts.” (¶2)

“Upon payment of the costs assessed and his 2020 membership dues, Petitioner shall be reinstated to membership in the Oklahoma Bar Association and his name shall be added to the roll of attorneys.” (¶7)

FACTUAL BACKGROUND

Flores was admitted to the Oklahoma Bar Association in 2014 while working for a Texas law firm, but he never resided in Oklahoma. After leaving that firm and moving to Texas, he stopped paying Oklahoma bar dues, resulting in suspension in 2015 and removal from the membership rolls in 2016. He continued practicing law in Texas, remained in good standing there, maintained legal education through Texas continuing-legal-education requirements, and presented evidence of good moral character, competence, and no unauthorized practice of law in Oklahoma.

PROCEDURAL HISTORY

Flores petitioned for reinstatement after his Oklahoma Bar Association membership was suspended for nonpayment of dues in 2015 and his name was stricken from the membership rolls in 2016. The Professional Responsibility Tribunal held a hearing, unanimously recommended reinstatement, and found by clear and convincing evidence that Flores possessed the required moral character and legal competence and had not engaged in the unauthorized practice of law. The Oklahoma Bar Association did not oppose reinstatement, and the Supreme Court of Oklahoma conducted a de novo review.

DISPOSITION

other

CASES CITED

- In re Reinstatement of Kerr, 2015 OK 9, ¶6, 345 P.3d 1118
- State ex rel. Oklahoma Bar Association v. Hulett, 2008 OK 38, ¶4, 183 P.3d 1014
- In re Reinstatement of Christopher, 2014 OK 73, ¶5, 330 P.3d 1221
- In re Reinstatement of Pate, 2008 OK 24, ¶3, 184 P.3d 528
- In re Reinstatement of Floyd, 1989 OK 83, ¶3, 775 P.2d 815
- In re Reinstatement of Farrant, 2004 OK 77, ¶7, 104 P.3d 567
- In re Reinstatement of Kerr, 2015 OK 9, ¶19, 345 P.3d 1118
- In the Matter of the Suspension of Members of the Oklahoma Bar Association, 2015 OK 46
- In the Matter of the Striking of Members of the Oklahoma Bar Association, 2016 OK 76