

SUPREME COURT OF OKLAHOMA

STATE *ex rel.* OKLAHOMA BAR ASSOCIATION v. ELSEY

2017 OK 70 (2017) · No. SCBD-6553 · Decided September 18, 2017

SUMMARY

The Oklahoma Supreme Court immediately suspended Jackie Dale Elsey from the practice of law after receiving certified records showing his nolo contendere pleas to felony driving under the influence and misdemeanor driving with a cancelled, suspended, or revoked license. The order established deadlines for Elsey to show cause regarding the interim suspension and potential final discipline.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice; All Justices
JURISDICTION	Oklahoma
DECIDED	September 18, 2017
DOCKET	SCBD-6553
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding in which the Oklahoma Bar Association submitted certified copies of a criminal information, nolo contendere pleas, and a deferred judgment and sentence, seeking immediate interim suspension.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court order, marked in the source as for publication in the Oklahoma Bar Journal only and not released for publication.
PARTIES	Oklahoma Bar Association v. Jackie Dale Elsey

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

criminal procedure

QUESTIONS PRESENTED

1. Whether the certified criminal records and deferred judgment and sentence required the Oklahoma Supreme Court to immediately suspend Elsey from the practice of law under Rule 7.3 of the Rules Governing Disciplinary Proceedings.
2. Whether Elsey should be given an opportunity to show cause against setting aside the interim suspension and against imposition of final discipline.

HOLDINGS

1. Upon receipt of certified copies of an order deferring judgment and sentence and the related criminal information and pleas, the Oklahoma Supreme Court must immediately suspend the lawyer from the practice of law until further order of the court under Rule 7.3 of the Rules Governing Disciplinary Proceedings.
2. A certified copy of a plea of guilty or nolo contendere, an order deferring judgment and sentence, or the specified information and judgment and sentence constitutes the disciplinary charge and is conclusive evidence of the commission of the underlying crime for purposes of discipline under the Rules Governing Disciplinary Proceedings.

KEY QUOTATIONS

“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.”

“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.”

FACTUAL BACKGROUND

Jackie Dale Elsey entered nolo contendere pleas to felony driving under the influence of alcohol and misdemeanor driving with a cancelled, suspended, or revoked license for offenses committed on August 26, 2015. On August 17, 2017, the criminal court entered a deferred judgment and sentence of five years on both counts. The Oklahoma Bar Association submitted certified copies of the criminal information, pleas, and deferred judgment and sentence to the Oklahoma Supreme Court.

PROCEDURAL HISTORY

The Oklahoma Bar Association forwarded certified criminal records and the deferred judgment and sentence to the Oklahoma Supreme Court under Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings. The court issued an order immediately suspending Elsey from the practice of law and established deadlines for him to show cause against setting aside the interim suspension or imposing final discipline.

DISPOSITION

other

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