

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Howard

2021 OK 44 (Okla. 2021) · No. SCBD-7084 · Decided September 14, 2021

SUMMARY

The Supreme Court of Oklahoma approved Joseph T. Howard's voluntary resignation from the Oklahoma Bar Association while disciplinary proceedings and investigations were pending. The order struck his name from the roll of attorneys, barred reinstatement applications for five years, imposed Rule 9.1 compliance and Client Security Fund repayment conditions, and assessed \$21 in costs.

CASE DETAILS

COURT	Supreme Court of Oklahoma
JURISDICTION	Oklahoma
DECIDED	September 14, 2021
DOCKET	SCBD-7084
DISPOSITION	approved
PROCEDURAL POSTURE	The Oklahoma Bar Association applied for approval of Joseph T. Howard's voluntary resignation from membership in the Bar while disciplinary proceedings and grievance investigations were pending.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential disciplinary order
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. Joseph T. Howard

TOPICS

gambling mineral rights

PRACTICE AREAS

legal ethics attorney discipline professional responsibility gambling mineral rights

QUESTIONS PRESENTED

- Whether the Oklahoma Supreme Court should approve Howard's voluntary resignation from the Oklahoma Bar Association while disciplinary proceedings were pending.

2. What consequences and conditions attach to an approved resignation pending disciplinary proceedings.

HOLDINGS

1. The Oklahoma Supreme Court approved Joseph T. Howard's voluntary resignation from the Oklahoma Bar Association because the application and affidavit established that the resignation was freely and voluntarily made, was not the product of coercion or duress, and was submitted with knowledge of its consequences.
2. An approved resignation pending disciplinary proceedings is tantamount to disbarment; the attorney's name must be stricken from the roll, and the attorney may not seek reinstatement for five years from the effective date of the order.
3. Howard was required to comply with Rule 9.1 by notifying clients, withdrawing from pending matters, filing compliance affidavits and client lists, and identifying other tribunals where he was admitted; repayment of Client Security Fund expenditures was required before any future reinstatement.

KEY QUOTATIONS

“Because resignation pending disciplinary proceedings is tantamount to disbarment, the Respondent may not make application for reinstatement prior to the expiration of five years from the date of this order.” (¶3)

“IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the voluntary resignation of Joseph T. Howard, pending disciplinary proceedings, should be approved and shall be effective upon the filing of this order in the Office of the Clerk of the Oklahoma Supreme Court.” (¶2)

FACTUAL BACKGROUND

Joseph T. Howard sought to resign from the Oklahoma Bar Association while investigations into multiple grievances were pending. The allegations included harm and misappropriation involving the sale of mineral rights, insufficient-funds transactions from his IOLTA account, and deposits of casino winnings and cash withdrawals at casinos. Howard stated that his resignation was voluntary and understood its consequences, acknowledged that the alleged conduct would constitute professional violations if proven, waived the right to contest the allegations, and agreed to comply with reinstatement and client-protection requirements.

PROCEDURAL HISTORY

The Oklahoma Bar Association presented the Oklahoma Supreme Court with Howard's application and affidavit seeking approval of his resignation pending disciplinary proceedings. Howard acknowledged the alleged misconduct, waived his right to contest the allegations, agreed to comply with post-resignation requirements, and accepted the consequences of resignation. The Supreme Court approved the resignation and imposed related conditions, including striking his name from the attorney roll, a five-year bar on seeking reinstatement, compliance with Rule 9.1, reimbursement of Client Security Fund payments, and payment of costs.

DISPOSITION

approved

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