

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Janzen

2020 OK 19 (Okla. 2020) · No. SCBD-6903 · Decided March 27, 2020

SUMMARY

The Oklahoma Supreme Court ordered the immediate interim suspension of Carolyn Janzen from the practice of law after receiving certified records of her no-contest felony plea and sentence for false pretenses/con game. The court retained jurisdiction despite her prior administrative removal from the bar rolls and established deadlines for showing cause regarding the interim suspension and final discipline.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Gurich, C.J.; Kauger, J.; Winchester, J.; Edmondson, J.; Colbert, J.; Combs, J.; Kane, J.; Rowe, J.
JURISDICTION	Oklahoma
DECIDED	March 27, 2020
DOCKET	SCBD-6903
DISPOSITION	other
PROCEDURAL POSTURE	The Oklahoma Bar Association forwarded certified copies of a felony information, no-contest plea, judgment, sentence, and related records to the Supreme Court of Oklahoma under the Rules Governing Disciplinary Proceedings. The court entered an order immediately suspending Janzen from practicing law and directed her to show cause why the interim suspension should be set aside and why final discipline should not be imposed.
PRECEDENTIAL VALUE	Published in the Oklahoma opinion database but marked in the source as not for official publication; its precedential status is not otherwise stated in the opinion.
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. Carolyn Janzen

TOPICS

administrative law

criminal procedure

sentencing

restitution criminal

remedies

PRACTICE AREAS

attorney discipline

professional responsibility

administrative law

criminal procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma retained disciplinary jurisdiction over Janzen despite her prior administrative suspension for nonpayment of bar dues.
2. Whether certified copies of the criminal judgment and sentence required the Supreme Court to immediately suspend Janzen from the practice of law under Rule 7.3 of the Rules Governing Disciplinary Proceedings.
3. Whether the certified criminal records constituted conclusive evidence of the commission of the crime and a sufficient basis for disciplinary proceedings under Rule 7.2.

HOLDINGS

1. The Supreme Court retained jurisdiction to impose discipline on Janzen even though her name had previously been stricken from the rolls for failure to pay dues.
2. Upon receipt of certified copies of the specified criminal proceedings and judgment and sentence, the Supreme Court must immediately suspend the lawyer from the practice of law until further order of the court.
3. A certified copy of a guilty plea or the specified criminal charging and judgment documents constitutes the charge and conclusive evidence of the commission of the crime on which the judgment and sentence are based, and suffices as the basis for discipline under the disciplinary rules.

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.” (¶3)

“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.” (¶4)

FACTUAL BACKGROUND

On February 20, 2020, Carolyn Janzen pleaded no contest to felony false pretenses/con game, based on conduct occurring in July 2010. The Greer County District Court sentenced her to eight years in the custody of the Department of Corrections, all suspended, and ordered her to pay \$7,100 in restitution, a \$1,000 fine, and costs and fees. Janzen's name had previously been removed from the Oklahoma Bar Association membership rolls for failure to pay dues, and she was not then licensed to practice law in Oklahoma.

PROCEDURAL HISTORY

Janzen pleaded no contest in the Greer County District Court to felony false pretenses/con game under 21 O.S. § 1541.2 and received an eight-year suspended sentence, restitution, a fine, and costs. The Oklahoma Bar Association transmitted certified copies of the criminal records to the Oklahoma Supreme Court. Although Janzen's name had previously been stricken from the bar rolls for nonpayment of dues, the Supreme Court concluded that it retained disciplinary jurisdiction and imposed an immediate interim suspension.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Janzen was directed to show cause by May 18, 2020, why the interim suspension should be set aside, and by June 17, 2020, why a final disciplinary order should not be imposed or to request a hearing or submit mitigating evidence. The Oklahoma Bar Association was given corresponding response deadlines.

OPINION

PER CURIAM.

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OKLAHOMA BAR ASSOCIATION v JANZEN2020 OK 19Case Number: SCBD-6903Decided: 03/27/2020THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2020 OK 19, __ P.3d __ FOR PUBLICATION IN OBJ ONLY. NOT FOR OFFICIAL PUBLICATION State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. Carolyn Janzen, Respondent. ORDER OF IMMEDIATE INTERIM SUSPENSION ¶1 The Oklahoma Bar Association (OBA), in compliance with Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings (RGDP), has forwarded to this Court certified copies of the Information, Affidavits, Plea of No Contest, Judgment, Sentence, and Record of Proceedings, felony, in the matter of State of Oklahoma v. Carolyn Janzen, CF-2012-30, in Greer County, Oklahoma.

On February 20, 2020, Respondent pled no contest to the following crime, occurring sometime in July 2010: False Pretenses/Con Game in violation of 21 O.S. § 1541.2, Felony. On February 20, 2020, the Court sentenced Respondent to 8 years in the custody of the Department of Corrections, with all suspended. Respondent was ordered to pay restitution of \$7,100, a fine of \$1,000, costs and fees. ¶2 The Court notes that Carolyn Janzen's name was stricken from the membership rolls

of the Oklahoma Bar Association for failure to pay dues, effective September 20, 2004, and that Janzen is presently not licensed to practice law in the State of Oklahoma.

Pursuant to Rule 1.1, RGDP, this Court retains jurisdiction to impose discipline for cause on a lawyer whose name has been stricken from the Roll of Attorneys for non-payment of dues or for failure to complete mandatory continuing legal education. ¶3 Rule 7.3 of the RGDP provides: "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."

Having received certified copies of these papers and orders, this Court orders that Carolyn Janzen is immediately suspended from the practice of law. This disciplinary interim suspension pursuant to Rule 7.3 will remain effective regardless of any remedy of the prior administrative suspension. Carolyn Janzen is directed to show cause, if any, no later than May 18, 2020, why this order of interim suspension should be set aside.

See RGDP Rule 7.3. The OBA has until June 2, 2020, to respond. ¶4 Rule 7.2 of the RGDP provides that a certified copy of a plea of guilty, an order deferring judgment and sentence, or information and judgment and sentence of conviction "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."

Pursuant to Rule 7.4 of the RGDP, Carolyn Janzen has until June 17, 2020, to show cause in writing why a final order of discipline should not be imposed, to request a hearing, or to file a brief and any evidence tending to mitigate the severity of discipline.

The OBA has until July 2, 2020, to respond. ¶5 DONE BY ORDER OF THE SUPREME COURT in conference on March 27, 2020. /S/CHIEF JUSTICE Gurich, C.J., Kauger, Winchester, Edmondson, Colbert, Combs, Kane and Rowe, JJ, concur; Darby, V.C.J., not participating
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Citationizer: Table of Authority Cite Name Level Title 21.

Crimes and Punishments CiteNameLevel 21 O.S. 1541.2, Penalty - Value of Property, Money, or Valuable ThingCited oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd. Oklahoma City, OK 73105 courts Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals District Courts decisions New Decisions Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals programs The Sovereignty Symposium Alternative Dispute Resolution Early Settlement Mediation Children's Court Improvement Program (CIP) Judicial Nominating Commission Certified Courtroom Interpreters Certified Shorthand Reporters Accessibility ADA Contact Us Careers Accessibility ADA

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