

SUPREME COURT OF OKLAHOMA

In the Matter of the Reinstatement of Elaine Ann Meek

130 P.3d 255 (Okla. 2006) · No. SCBD No. 4844 · Decided February 14, 2006

SUMMARY

The Supreme Court of Oklahoma denied Elaine Ann Meek’s petition for reinstatement to the Oklahoma Bar Association following her 1996 disbarment. Applying a de novo standard and the clear-and-convincing-evidence burden under the Oklahoma disciplinary rules, the court found that Meek failed to establish the qualifications required for reinstatement. The court also imposed proceeding costs of \$1,174.07.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Edmondson, J.; Watt, C.J.; Winchester, V.C.J.; Lavender, J.; Hargrave, J.; Opala, J.; Kauger, J.; Taylor, J.
JURISDICTION	Oklahoma
DECIDED	February 14, 2006
DOCKET	SCBD No. 4844
DISPOSITION	other
PROCEDURAL POSTURE	Petition for reinstatement to the Oklahoma Bar Association following disbarment was denied by a Professional Responsibility Tribunal panel. The Oklahoma Supreme Court exercised its exclusive original jurisdiction and conducted a de novo review.
STANDARD OF REVIEW	De novo review under the Oklahoma Supreme Court's exclusive original jurisdiction; the tribunal's findings and recommendations are advisory and receive no presumption of correctness.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential.
PARTIES	Elaine Ann Meek v. Oklahoma Bar Association

TOPICS

- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Meek established by clear and convincing evidence that she satisfied the requirements for reinstatement to the Oklahoma Bar Association.
2. Whether the Professional Responsibility Tribunal's recommendation should be adopted after the Supreme Court's de novo review.
3. Whether costs of the reinstatement proceeding should be assessed against Meek.

HOLDINGS

1. A disbarred attorney seeking reinstatement must present clear and convincing evidence that, if readmitted, the attorney's conduct will conform to the high standards required of a member of the Oklahoma Bar, and must satisfy the specific requirements governing moral character, absence of unauthorized practice, and legal competency. Meek failed to meet that burden.
2. The Oklahoma Supreme Court does not sit merely in review of the tribunal's recommendation in a reinstatement proceeding; it exercises exclusive original jurisdiction and independently decides the matter de novo.
3. The court assessed \$1,174.07 in costs against Meek and ordered payment within ninety days after the opinion became final.

KEY QUOTATIONS

"The burden of proof, by clear and convincing evidence, in all such reinstatement proceedings shall be on the applicant." (257)

"An applicant seeking such reinstatement will be required to present stronger proof of qualifications than one seeking admission for the first time." (257)

"It is therefore the order of the Court that the petition for reinstatement is DENIED." (260)

FACTUAL BACKGROUND

Elaine Meek was admitted to the Oklahoma Bar in 1983, suspended in 1994 for commingling and converting client funds and misrepresenting facts during the grievance process, and disbarred in 1996 after additional misconduct involving neglect, failure to communicate, misrepresentation, and noncooperation with disciplinary proceedings. After disbarment, she failed to pay certain costs and dues, did not comply with Rule 9.1, and completed only six hours of continuing legal education. At the reinstatement hearing, she presented only her own testimony and did not provide persuasive evidence demonstrating rehabilitation, moral fitness, competency, or that her future conduct would conform to the standards required of Oklahoma attorneys.

PROCEDURAL HISTORY

Meek was disbarred by the Oklahoma Supreme Court in 1996. She filed a petition for reinstatement in 2003, and after a June 2005 hearing, the Professional Responsibility Tribunal unanimously recommended denial. The

Supreme Court independently reviewed the record, denied reinstatement, and assessed \$1,174.07 in costs payable within ninety days after the opinion became final.

DISPOSITION

other

CASES CITED

- Matter of the Reinstatement of Kamins, 1988 OK 32, 752 P.2d 1125
- Matter of the Reinstatement of Pierce, 1996 OK 65, 919 P.2d 422
- Matter of Reinstatement of Page, 1993 OK 165, 866 P.2d 1207
- Matter of Reinstatement of Wright, 1995 OK 128, 907 P.2d 1060
- Matter of Reinstatement of Clifton, 1990 OK 15, 787 P.2d 862
- State of Oklahoma ex rel. Oklahoma Bar Association v. Meek, 1994 OK 118, 895 P.2d 692
- State of Oklahoma ex rel. Oklahoma Bar Association v. Meek, 1996 OK 119, 927 P.2d 553