

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Ass'n v. Faulk

37 P.3d 809 (Okla. 2001) · Decided October 8, 2001

SUMMARY

The Oklahoma Supreme Court approved Karen E. Faulk's resignation from the Oklahoma Bar Association while disciplinary proceedings were pending. The order struck her name from the roll of attorneys, barred reinstatement applications for five years, required compliance with post-resignation rules, required reimbursement of potential Client Security Fund payments, and assessed \$674.11 in investigation costs.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Hargrave, C.J.; Watt, V.C.J.; Hodges, J.; Lavender, J.; Opala, J.; Kauger, J.; Boudreau, J.; Winchester, J.
JURISDICTION	Oklahoma
DECIDED	October 8, 2001
DISPOSITION	approved
PROCEDURAL POSTURE	The Oklahoma Bar Association applied for an order approving Karen E. Faulk's resignation from the Oklahoma Bar Association while disciplinary proceedings and investigations were pending.
STANDARD OF REVIEW	The approval of a resignation under Rule 8 is within the discretion of the Supreme Court of Oklahoma.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court per curiam disciplinary order
PARTIES	State ex rel. Oklahoma Bar Association v. Karen E. Faulk

TOPICS

- remedies
- appellate procedure
- civil procedure

PRACTICE AREAS

- legal ethics and attorney discipline

QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should approve an attorney's voluntary resignation from the Oklahoma Bar Association while disciplinary proceedings are pending.
2. What consequences and conditions attach to approval of the resignation under Rule 8 of the Rules Governing Disciplinary Proceedings.

HOLDINGS

1. A lawyer under investigation for alleged misconduct may resign from Oklahoma Bar Association membership by satisfying the prerequisites in Rule 8.1, and the court approved Faulk's voluntary resignation because the prerequisites were satisfied and the resignation was freely and voluntarily tendered.
2. A resignation approved under Rule 8 is the equivalent of disbarment and relinquishes the respondent's right to practice law.
3. Following approval, Faulk was required to comply with Rule 9.1, could not seek reinstatement for five years, was required to reimburse the Client Security Fund for covered claims with statutory interest, and was required to pay \$674.11 in investigation costs.

KEY QUOTATIONS

“A resignation under Rule 8 is the equivalent of disbarment.” (810)

FACTUAL BACKGROUND

Karen E. Faulk tendered her resignation from the Oklahoma Bar Association on September 19, 2001, while six grievances were under investigation. She acknowledged the allegations, waived the right to contest them, and understood that the alleged conduct, if proven, would violate specified disciplinary rules and her attorney's oath. She also acknowledged potential Client Security Fund claims and \$674.11 in investigation costs.

PROCEDURAL HISTORY

The Oklahoma Bar Association submitted an application under Rules 8.1 and 8.2 of the Rules Governing Disciplinary Proceedings, together with Faulk's affidavit tendering her resignation. The Supreme Court of Oklahoma approved the application, accepted the resignation, struck Faulk's name from the Roll of Attorneys, and imposed conditions concerning compliance, reinstatement, the Client Security Fund, and investigation costs.

DISPOSITION

approved