

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Brooking

2018 OK 8, 411 P.3d 377 · No. SCBD-6496 · Decided January 30, 2018

SUMMARY

The Oklahoma Supreme Court reviewed a disciplinary proceeding against attorney Meagan Elaine Brooking for altering a court clerk's filing stamp to make a late pleading appear timely. The Court found violations involving competence, diligence, candor toward the tribunal, and dishonesty, and imposed a sixty-day suspension from the practice of law, together with costs. The Court considered several mitigating circumstances, while one justice would have imposed a six-month suspension.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Reif, J.; Combs, C.J.; Gurich, V.C.J.; Winchester, J.; Edmondson, J.; Colbert, J.; Wyrick, J.; Kauger, J.
JURISDICTION	Oklahoma
DECIDED	January 30, 2018
DOCKET	SCBD-6496
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding under Rule 6 of the Rules Governing Disciplinary Proceedings. Following a hearing, a Professional Responsibility Tribunal recommended suspension for up to six months. The Supreme Court conducted de novo review and imposed a sixty-day suspension.
STANDARD OF REVIEW	De novo review of the record to determine whether attorney misconduct occurred and to assess the appropriate discipline.
PRECEDENTIAL VALUE	published and precedential
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. Meagan Elaine Brooking

TOPICS

appellate procedure

standard of review

remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Brooking committed professional misconduct by altering a court clerk's filing stamp to make a late pleading appear timely.
2. Whether the misconduct violated Rules 1.1, 1.3, 3.3, and 8.4 of the Oklahoma Rules of Professional Conduct.
3. What discipline was appropriate for the misconduct, considering the seriousness of the offense and mitigating circumstances.

HOLDINGS

1. Brooking committed professional misconduct by turning back the date on the court clerk's filing stamp to make a pleading submitted on April 19, 2017, appear to have been filed on April 15, 2017.
2. Intentional backdating of an official court document to deceive the court and another party constitutes a serious offense warranting suspension from the practice of law.
3. Considering the mitigating circumstances, a sixty-day suspension from the practice of law and an award of proceeding costs was appropriate.
4. The Supreme Court of Oklahoma has exclusive, nondelegable constitutional responsibility to regulate the licensure, ethics, and discipline of legal practitioners and must independently determine appropriate discipline.

KEY QUOTATIONS

“Even though the recommendation of the trial panel is always helpful, this Court must independently determine appropriate discipline.” (¶ 4)

“Additionally, Respondent acted intentionally and with the purpose to deceive the court and the other party when she turned back the court clerk's filing stamp.” (¶ 6)

“We further find, as did the trial panel, that these violations constitute a "serious offense.”” (¶ 7)

FACTUAL BACKGROUND

Brooking submitted a pleading for filing on April 19, 2017, but turned back the date on the court clerk's filing stamp to make the pleading appear filed on April 15, 2017. She admitted the conduct and helped identify three other possible instances, although misconduct was not established by clear and convincing evidence as to those instances. The court found that she acted intentionally and with the purpose of deceiving the court and the opposing party.

PROCEDURAL HISTORY

The Oklahoma Bar Association initiated disciplinary proceedings after a grievance alleged that Brooking altered the date on a court clerk's filing stamp to make a late pleading appear timely. Brooking admitted the April 19, 2017 incident and identified three other possible incidents, but the trial panel found clear and convincing evidence only as to the admitted incident. The trial panel recommended suspension for up to six months, and the Supreme Court independently determined the misconduct and appropriate discipline.

DISPOSITION

other

CASES CITED

- State ex rel. Oklahoma Bar Ass'n v. Taylor, 2000 OK 35, 4 P.3d 1242
- State ex rel. Oklahoma Bar Ass'n v. Garrett, 2005 OK 91, 127 P.3d 600