

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Nichols

Nichols, 2015 OK 57 (Okla. 2015) · No. SCBD-6293 · Decided July 29, 2015

SUMMARY

The Oklahoma Supreme Court immediately suspended Robert John Nichols from the practice of law under Rule 6.2A of the Rules Governing Disciplinary Proceedings. The suspension followed allegations that Nichols settled matters without client approval and converted client funds, creating an immediate threat of substantial and irreparable public harm. The Court also ordered restrictions on withdrawals from his client trust accounts, directed the Oklahoma Bar Association to seek appointment of a receiver, and required notices to clients and opposing counsel.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Vice Chief Justice Combs; Justice Kauger; Justice Watt; Justice Edmondson; Justice Taylor; Justice Colbert; Justice Gurich; Justice Winchester; Chief Justice Reif
JURISDICTION	Oklahoma
DECIDED	July 29, 2015
DOCKET	SCBD-6293
DISPOSITION	other
PROCEDURAL POSTURE	Original attorney-discipline proceeding on the Oklahoma Bar Association's verified complaint and application for an emergency immediate interim suspension.
PRECEDENTIAL VALUE	Unpublished; designated for publication in OBJ only and not released for publication.

TOPICS

sanctions remedies civil procedure

PRACTICE AREAS

attorney discipline professional responsibility legal ethics receivership

QUESTIONS PRESENTED

1. Whether an immediate interim suspension from the practice of law was warranted under Rule 6.2A of the Rules Governing Disciplinary Proceedings.
2. Whether Nichols should be prohibited from withdrawing funds from his client trust accounts pending an audit.
3. What protective measures were necessary to protect Nichols's clients and implement the interim suspension.

HOLDINGS

1. An immediate interim suspension was warranted because Nichols's conduct posed an immediate threat of substantial and irreparable public harm.
2. Nichols was prohibited from withdrawing funds from his client trust account or accounts until an audit could be performed.
3. The Oklahoma Bar Association was directed to seek appointment of a receiver over Nichols's law practice, assets, and accounts, and Nichols was ordered to notify opposing counsel and clients of the suspension and related protective proceedings.

KEY QUOTATIONS

“the Court finds that Respondent's conduct poses an immediate threat of substantial and irreparable public harm.” (¶ 5)

“Robert John Nichols is immediately suspended from the practice of law, pursuant to Rule 6.2A of the RGDP.” (¶ 6)

“In order to protect the interests of Respondent's clients and to implement the Order of immediate interim suspension, this Court directs the Complainant to seek, in Tulsa County, the appointment of a Receiver over Respondent's law practice, assets, and accounts as soon as practicable.” (Receivership and Notice ¶ 2)

FACTUAL BACKGROUND

The Oklahoma Bar Association alleged that Robert John Nichols settled matters without client knowledge or approval and converted client funds for personal use. The Bar Association also alleged that Nichols continued to handle condemnation matters involving anticipated large awards or settlements. The Professional Responsibility Tribunal found sufficient evidence of violations of the Oklahoma Rules of Professional Conduct and an immediate threat of substantial and irreparable public harm.

PROCEDURAL HISTORY

The Oklahoma Bar Association filed a verified complaint and application for immediate interim suspension under Rules 6 and 6.2A of the Rules Governing Disciplinary Proceedings. After the Supreme Court ordered Nichols to show cause, referred the matter to the Professional Responsibility Tribunal, and received the Tribunal's recommendation that suspension be imposed, Nichols withdrew his objection. The Supreme Court entered an immediate interim suspension, prohibited withdrawals from his client trust accounts pending audit, and ordered steps toward a receivership and client and opposing-counsel notice.

DISPOSITION

other

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