

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Smith

Smith, 2021 OK 8 (Okla. 2021) · No. SCBD-7008 · Decided May 17, 2021

SUMMARY

The Supreme Court of Oklahoma dismissed a Rule 7 disciplinary proceeding against William Donald Smith, finding that his misdemeanor convictions did not demonstrate unfitness to practice law. The Court vacated its February 22, 2021 order of immediate suspension.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Darby; Vice Chief Justice Kane; Justice Kauger; Justice Winchester; Justice Edmondson; Justice Combs; Justice Gurich; Justice Rowe
JURISDICTION	Oklahoma
DECIDED	May 17, 2021
DOCKET	SCBD-7008
DISPOSITION	dismissed
PROCEDURAL POSTURE	Attorney-discipline proceeding under Rule 7 of the Rules Governing Disciplinary Proceedings based on Respondent's guilty pleas to three misdemeanors.
PRECEDENTIAL VALUE	Published for Oklahoma Bar Association network purposes only; not for official publication.
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. William Donald Smith

TOPICS

[appellate procedure](#) [criminal procedure](#) [remedies](#)

PRACTICE AREAS

[legal ethics](#) [attorney discipline](#) [professional responsibility](#)

QUESTIONS PRESENTED

1. Whether the criminal convictions and guilty pleas established sufficient cause to impose a final order of attorney discipline under Rule 7.
2. Whether the February 22, 2021 order of immediate interim suspension should remain in effect.

HOLDINGS

1. The criminal conduct did not demonstrate the lawyer's unfitness to practice law, so there was insufficient cause to proceed with the Rule 7 disciplinary proceeding and no final order of discipline would be issued.
2. The February 22, 2021 Order of Immediate Suspension was vacated.

KEY QUOTATIONS

“This Court finds that there is insufficient cause to proceed with the Rule 7 proceeding because the crime does not demonstrate the lawyer's unfitness to practice law.” (¶ 1)

“This Court further orders that the February 22, 2021 Order of Immediate Suspension is hereby vacated.” (¶ 2)

FACTUAL BACKGROUND

William Donald Smith pleaded guilty to misdemeanor driving under the influence of alcohol, unlawful possession of drug paraphernalia, and transporting an open container of alcohol. The Oklahoma Bar Association forwarded certified copies of the criminal documents to the Oklahoma Supreme Court under Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings. Although the Court initially imposed an immediate interim suspension after Smith failed to respond to a show-cause order, the Court ultimately determined that the crimes did not demonstrate his unfitness to practice law.

PROCEDURAL HISTORY

The Oklahoma Bar Association submitted certified copies of the criminal probable-cause affidavit, information, guilty pleas, and deferred-sentencing journal entry. The Supreme Court previously entered an immediate interim suspension after Smith failed to respond to a show-cause order. In the final order, the Court found insufficient cause to proceed because the crime did not demonstrate Smith's unfitness to practice law, dismissed the matter, and vacated the interim suspension.

DISPOSITION

dismissed

OPINION

PER CURIAM.

STATE ex rel. OKLAHOMA BAR ASSOCIATION v. SMITH [Skip to Main Content](#) [Accessibility Statement](#) [Help](#) [Contact Us](#) [e-payments](#) [Careers](#) [Home](#) [Courts](#) [Decisions](#) [Programs](#) [News](#) [Legal](#)

Research Court Records Quick Links OSCN Found Document:STATE ex rel. OKLAHOMA BAR ASSOCIATION v. SMITH Previous Case Top Of Index This Point in Index Citationize Next Case Print Only STATE ex rel.

OKLAHOMA BAR ASSOCIATION v. SMITH2021 OK 8Case Number: SCBD-7008Decided: 05/17/2021THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2021 OK 8, __ P.3d __ FOR PUBLICATION IN OBJ ONLY.* NOT FOR OFFICIAL PUBLICATION.(*For Publication OBA Network Only) ORDER ¶1 This Court finds that there is insufficient cause to proceed with the Rule 7 proceeding because the crime does not demonstrate the lawyer's unfitness to practice law.

Therefore, no final order of discipline will be issued herein. This matter stands dismissed. ¶2 This Court further orders that the February 22, 2021 Order of Immediate Suspension is hereby vacated. ¶3 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 17th day of May, 2021. /S/CHIEF JUSTICE CONCUR: Kane, V.C.J., Kauger, Winchester, Edmondson, Gurich, and Rowe, JJ. DISSENT: Darby, C.J. and Combs, J. Combs, J., with whom Darby, C.J., joins dissenting:I would suspend for six months.

STATE OF OKLAHOMA ex rel. OKLAHOMA BAR ASSOCIATION, Complainant,v.WILLIAM DONALD SMITH, 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 Probable Cause Affidavit, Information, Plea of Guilty, and Journal Entry of Deferred Sentencing, in which William Donald Smith entered pleas of guilty to one count of Driving a Motor Vehicle While Under the Influence of Alcohol, a misdemeanor, in violation of 47 O.S.

Supp. 2018, § 11-902(A)(2), to one count of Unlawful Possession of Drug Paraphernalia, a misdemeanor, in violation of 63 O.S.2011, § 2-405, and to one count of Transporting Open Container of Alcoholic Beverage, a misdemeanor, in violation of 37A O.S. Supp. 2018, § 6-101(A) (7). ¶2 RGDP 7.3 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 may by order immediately suspend the lawyer from the practice of law until further order of the Court." ¶3 On December 22, 2020, this Court issued a Show Cause Order directing Respondent to show cause, no later than January 7, 2021, why an order of interim suspension from the practice of law should not be entered.

Respondent failed to respond and provided no cause why an order of interim suspension should not be entered. Having received certified copies of the papers and orders under RGDP 7.3, and in view of Respondent's failure to respond to this Court's Show Cause Order, this Court orders that William Donald Smith is immediately suspended from the practice of law. ¶4 RGDP 7.2 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 RGDP 7.4, William Donald Smith has until March 9, 2021, 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 March 24, 2021, to respond. ¶5 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 22nd day of February, 2021. /S/CHIEF JUSTICE Darby, C.J., Kane, V.C.J., Kauger, Winchester, Edmondson, Combs, Gurich, Rowe, JJ. - concur Citationizer© Summary of Documents Citing This Document Cite Name Level None Found. Citationizer: Table of Authority Cite Name Level Title 47.

Motor Vehicles CiteNameLevel 47 O.S. 11-902, Persons Under the Influence of Alcohol or Other Intoxicating Substance or Combination ThereofCited Title 63. Public Health and Safety CiteNameLevel 63 O.S. 2-405, Prohibited Acts E- PenaltiesCited Title 37A. Alcoholic Beverages CiteNameLevel 37A O.S. 6-101, Personal Prohibited Acts - ViolationsCited 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