

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

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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