

SUPREME COURT OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association v. Daniel Allen Woolverton

2011 OK 38 (Okla. 2011) · No. Nos. SCBD-5696, OBAD-1843 · Decided May 2, 2011

SUMMARY

The Supreme Court of Oklahoma approved Daniel Allen Woolverton's resignation from the Oklahoma Bar Association pending disciplinary proceedings after his guilty plea to sexual exploitation of a child. The court ordered that his name be stricken from the roll of attorneys, barred reinstatement applications for five years, and imposed client-notification and Client Security Fund repayment conditions.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	All justices
JURISDICTION	Oklahoma
DECIDED	May 2, 2011
DOCKET	Nos. SCBD-5696, OBAD-1843
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney-discipline proceeding concerning the respondent's resignation pending disciplinary proceedings after he pleaded guilty to sexual exploitation of a child in federal court.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court per curiam opinion
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. Daniel Allen Woolverton

TOPICS

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

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether Woolverton's resignation pending disciplinary proceedings complied with the requirements of Rule 8.1 and should be approved.
2. What disciplinary consequences and reinstatement restrictions followed from approval of the resignation.

HOLDINGS

1. The court approved Woolverton's resignation pending discipline because his affidavit demonstrated compliance with the requirements of Rule 8.1, including that the resignation was voluntary, uncoerced, and made with knowledge of its consequences.
2. An approved resignation pending disciplinary proceedings is tantamount to disbarment; therefore, Woolverton's name was stricken from the roll of attorneys and he could not apply for reinstatement for five years from the order's date.
3. The pending referral to the Professional Responsibility Commission was moot because Woolverton's voluntary resignation resolved the disciplinary matter.

KEY QUOTATIONS

“Because resignation pending disciplinary proceedings is tantamount to disbarment, the respondent may not make an application for reinstatement prior to the expiration of 5 years from the date of this order.” (255 P.3d at 420)

FACTUAL BACKGROUND

Daniel Allen Woolverton pleaded guilty in the United States District Court for the Eastern District of Virginia to one count of sexual exploitation of a child. The Oklahoma Bar Association notified the Oklahoma Supreme Court, which suspended Woolverton from practicing law pending further order and disciplinary proceedings. Woolverton later submitted an affidavit resigning from the Oklahoma Bar Association, stating that the resignation was voluntary, free of coercion or duress, and made with knowledge of its consequences.

PROCEDURAL HISTORY

The Oklahoma Bar Association notified the Oklahoma Supreme Court of the respondent's federal criminal plea. The court immediately suspended him under Rule 7.3 and directed him to show cause why the suspension should be set aside. After determining that an earlier attempted resignation was ineffective, the court considered and approved a resignation complying with Rules 8.1 and 8.2, rendered the pending disciplinary referral moot, struck the respondent's name from the roll of attorneys, and imposed conditions governing any future reinstatement.

DISPOSITION

approved

CASES CITED

- In the Matter of Reinstatement of Fraley, 2005 OK 39, ¶ 17, 115 P.3d 842

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