

SUPREME COURT OF OKLAHOMA

IN RE: RULES GOVERNING DISCIPLINARY PROCEEDINGS,
2016 Okla. LEXIS 93 (Okla. 2016)

2016 OK 92 · No. SCBD-4216 · Decided September 19, 2016

SUMMARY

The Oklahoma Supreme Court granted the Oklahoma Bar Association Board of Governors' application to amend Rule 3.3 of the Rules Governing Disciplinary Proceedings. The amended rule addresses grievances against the Oklahoma Bar Association's General Counsel, staff, Professional Responsibility Commission members, Professional Responsibility Tribunal members, and Supreme Court members. The amendment was made effective immediately upon the Court's September 19, 2016 order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Reif; Vice Chief Justice Combs; Justice Kauger; Justice Watt; Justice Winchester; Justice Taylor; Justice Colbert; Justice Gurich; Justice Edmondson
JURISDICTION	Oklahoma
DECIDED	September 19, 2016
DOCKET	SCBD-4216
DISPOSITION	approved
PROCEDURAL POSTURE	The Oklahoma Bar Association Board of Governors applied to the Supreme Court of Oklahoma for an order amending Rule 3.3 of the Rules Governing Disciplinary Proceedings.
PRECEDENTIAL VALUE	published

TOPICS

rulemaking administrative law civil procedure

PRACTICE AREAS

legal ethics and professional responsibility administrative law civil procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should grant the Oklahoma Bar Association Board of Governors' application to amend Rule 3.3 of the Rules Governing Disciplinary Proceedings.

HOLDINGS

1. The Supreme Court of Oklahoma has jurisdiction over the application and grants the Oklahoma Bar Association Board of Governors' application to amend Rule 3.3 of the Rules Governing Disciplinary Proceedings; the amended rule is effective immediately.

KEY QUOTATIONS

“Rule 3.3 is hereby amended as shown on the attached Exhibit "A", and is effective immediately.” (¶12)

FACTUAL BACKGROUND

The Oklahoma Bar Association Board of Governors requested amendment of Rule 3.3, which governs grievances against the Association's General Counsel and related disciplinary officials. The proposed amendment addressed notification requirements and the procedures for grievances involving the General Counsel, members of the General Counsel's staff, Professional Responsibility Commission members, Professional Responsibility Tribunal members, and Supreme Court members.

PROCEDURAL HISTORY

The Board of Governors submitted an application proposing amendments to Rule 3.3. The Supreme Court considered the application in conference, found that it had jurisdiction, granted the application, and made the amended rule effective immediately.

DISPOSITION

approved

OPINION

PER CURIAM.

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DISCIPLINARY PROCEEDINGS2016 OK 92Case Number: SCBD-4216Decided:
09/19/2016THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2016 OK 92, __
P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. IN RE: RULES
GOVERNING DISCIPLINARY PROCEEDINGS (5 O.S.2011, ch. 1, app. 1-A, Rule 3.3) ORDER
GRANTING AMENDMENT TO RULE 3.3 OF THE RULES GOVERNING DISCIPLINARY
PROCEEDINGS ¶1 This matter comes on before this Court upon an Application of the Board of

Governors of the Oklahoma Bar Association to amend Rule 3.3 of the Rules Governing Disciplinary Proceedings, 5 O.S.2011, ch. 1, app.1-A as proposed and set out in its entirety in Exhibit "A" attached hereto.

This Court finds that it has jurisdiction over this matter, and that the Application should be granted. ¶2 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Application for an Order to Amend Rule 3.3 of the Rules Governing Disciplinary Proceedings, 5 O.S.2011, ch. 1, app.1-A, is hereby granted. Rule 3.3 is hereby amended as shown on the attached Exhibit "A", and is effective immediately.

Rule 3.3 as amended is also attached. ¶3 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 19th day of September, 2016. /S/VICE CHIEF JUSTICE Reif, C.J., Combs, V.C.J., Kauger, Watt, Winchester, Taylor, Colbert and Gurich, JJ., concur; Edmondson, J., not voting. EXHIBIT "A" Rules Governing Disciplinary Proceedings. Chapter 1, App. 1-A Rule 3. General Counsel. §3.3.

Grievances Against the General Counsel of the Association. (a) Whenever a grievance is filed, or information is received by the Commission which could lead to the filing of a formal complaint against the General Counsel of the Association, the members of the Commission, and the President and the Executive Director of the Association shall immediately be notified. (b) If a disciplinary grievance is made against: (1) The General Counsel or member of General Counsel's staff alleging grounds for the imposition of discipline pursuant to these Rules, the Professional Responsibility Commission (PRC) shall consider the matter on the basis of the grievance.

After review and consideration, the PRC may take any of the following actions or any combination thereof: (1) Require the General Counsel to make a response; (2) Appoint an Investigator; (3) Appoint a special counsel to investigate and present the case; or (4) Take such other steps as are necessary to facilitate the prompt resolution of the grievance. the Professional Responsibility Commission shall appoint a special counsel to investigate and present the case; (2) A member of the Professional Responsibility Commission, the President of the Oklahoma Bar Association with concurrence of the Board of Governors, shall appoint a special three (3) member Commission to act on the grievance in conformance with these Rules; (3) A member of the Professional Responsibility Tribunal, all procedures mandated by these Rules shall be followed, except the Supreme Court shall appoint a special Tribunal Panel to hear the case in the event formal charges are filed.

(4) A member of the Supreme Court, the matter shall be referred to the Oklahoma Council on Judicial Complaints. (c) The President and the Executive Director of the Association shall be kept fully informed of all action taken by the Commission in the matter. Rules Governing Disciplinary Proceedings. Chapter 1, App. 1-A Rule 3. General Counsel. §3.3. Grievances Against the General Counsel of the Association. (a) Whenever a grievance or information is received by the

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