

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Ass'n v. Robelen, 2006 OK 13

130 P.3d 260 (Okla. 2006) · Decided February 14, 2006

SUMMARY

The Oklahoma Supreme Court approved Scott Gerald Robelen's resignation from the Oklahoma Bar Association while disciplinary proceedings were pending. The order struck his name 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	Watt, C.J.; Winchester, V.C.J.; Lavender, J.; Hargrave, J.; Opala, J.; Kauger, J.; Edmondson, J.; Taylor, J.
JURISDICTION	Oklahoma
DECIDED	February 14, 2006
DISPOSITION	approved
PROCEDURAL POSTURE	The Oklahoma Bar Association applied for an order approving Scott Gerald Robelen's resignation from the Oklahoma Bar Association pending disciplinary proceedings.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court per curiam disciplinary order
PARTIES	Oklahoma Bar Association v. Scott Gerald Robelen

TOPICS

appellate procedure

civil procedure

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether Robelen's resignation pending disciplinary proceedings complied with Rule 8.1 of the Rules Governing Disciplinary Proceedings and should be approved.
2. What consequences and conditions attach to an approved resignation pending disciplinary proceedings.

HOLDINGS

1. Robelen's resignation pending disciplinary proceedings complied with Rule 8.1 of the Rules Governing Disciplinary Proceedings and was approved.
2. An approved resignation pending disciplinary proceedings is tantamount to disbarment; the attorney's name must be stricken from the roll, and the attorney may not apply for reinstatement for five years from the effective date of the order.
3. Robelen was required to notify clients with pending legal business within twenty days by certified mail, and repayment of amounts paid by the Client Security Fund was made a condition of reinstatement.

KEY QUOTATIONS

“Because resignation pending disciplinary proceedings is tantamount to disbarment, Robelen may not make application for reinstatement prior to the expiration of five years from the effective date of this order.” (262)

“Pursuant to Rule 9.1, Robelen shall notify all of his clients having legal business pending with him of his inability to represent them and of the necessity for promptly retaining new counsel.” (262)

FACTUAL BACKGROUND

A disciplinary complaint had been filed against Scott Gerald Robelen, and he had also been stricken from the practice of law for failing to pay dues and comply with continuing legal education requirements. Robelen submitted an affidavit stating that his resignation was voluntary, free of coercion or duress, and made with full awareness of its consequences. He acknowledged that the allegations, if proven, would violate disciplinary rules and his attorney's oath, and agreed to conditions concerning reinstatement and reimbursement of Client Security Fund claims.

PROCEDURAL HISTORY

A disciplinary complaint was pending against Robelen. He submitted an affidavit voluntarily resigning from the Oklahoma Bar Association, waived the right to contest the allegations, and acknowledged the consequences of resignation. The Supreme Court of Oklahoma approved the resignation, struck his name from the roll of attorneys, and imposed conditions governing client notification and possible reinstatement.

DISPOSITION

approved

OPINION

PER CURIAM.

*261ORDER APPROVING RESIGNATION FROM OKLAHOMA BAR ASSOCIATION PENDING DISCIPLINARY PROCEEDINGS ¶ 1 Upon consideration of the Oklahoma Bar Association's application for an order approving the resignation of Scott Gerald Robelen pending disciplinary proceedings, this Court finds: 1.

On November 8, 2005, Robelen submitted his affidavit of resignation from membership in the Oklahoma Bar Association pending disciplinary proceedings. 2. Robelen's affidavit of resignation reflects that: a) it was freely and voluntarily rendered; b) he was not subject to coercion or duress; and c) he was fully aware of the consequences of submitting his resignation.

3. Robelen states the following in his affidavit of resignation: "I am aware that the following matters are pending against me: On April 18, 2003, a Complaint was filed in the Supreme Court of Oklahoma, styled Oklahoma Bar Association v. Scott Robelen, OBAD # 1574, SCBD # 4807." Additionally, Robelen was stricken from the practice of law on September 12, 2005 for failing to pay dues and failing to comply with MCLE requirements.

4. Robelen is aware that the allegations set forth, if proven, would constitute violations of the Rules Governing Disciplinary Procedures and his oath as an attorney. He waives all right to contest the allegations. 5. Robelen's resignation pending disciplinary proceedings is in compliance with all the requirements set forth in Rule 8.1, Rules Governing Disciplinary Proceedings (RGDP), 5 O.S. ch. 1, app.1-A (2001) and it should be approved.

6. Robelen acknowledges and agrees that he may be reinstated to the practice of law only upon full compliance with the conditions and procedures prescribed by Rule 11, RGDP, and that he may make no application for reinstatement prior to the expiration of five years from the effective date of this Order Approving Resignation Pending Disciplinary Proceedings.

7. Robelen acknowledges that, as a result of his conduct, the Client Security Fund may receive claims from his former clients. Robelen agrees that should the Oklahoma Bar Association approve and pay such Client Security Fund claims, he will reimburse the fund the principal amounts and the applicable statutory interest prior to the filing of any application for reinstatement.

8. The Oklahoma Bar Association has agreed to waive costs in the matter at hand. 9. The official roster address of Robelen as shown by Bar Association records is: Scott G. Robelen, OBA # 014016, 4313 Cedar Springs, Dallas, Texas. ¶ 2 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the name of Scott G. Robelen be stricken from the roll of attorneys.

Because resignation pending disciplinary proceedings is tantamount to disbarment, Robelen may not make application for reinstatement prior to the expiration of five years from the effective date of this order. Pursuant to Rule 9.1, Robelen shall notify all of his clients having legal business pending with him of his inability to represent them and of the necessity for promptly retaining new counsel.

Notification shall be given to these clients within twenty days by certified mail. Repayment to the Client Security Fund for any money expended because of the malfeasance or nonfeasance of the attorney shall be one of the conditions of reinstatement. ¶ 3 DONE BY ORDER OF THE

SUPREME COURT IN CONFERENCE this 13th day of February, 2006. *262CONCUR: WATT, C.J., WINCHESTER, V.C.J., LAVENDER, HARGRAVE, OPALA, KAUGER, EDMONDSON, TAYLOR, JJ. NOT PARTICIPATING: COLBERT, J.

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