

SUPREME COURT OF OKLAHOMA

Michael Steven Morgan v. State of Oklahoma ex rel. Oklahoma Bar Association

2022 OK 8 (Okla. 2022) · No. SCBD-6981 · Decided January 24, 2022

SUMMARY

The Oklahoma Supreme Court granted Michael Steven Morgan's petition for reinstatement to membership in the Oklahoma Bar Association. The Court found that he satisfied the procedural requirements and established by clear and convincing evidence that he had not practiced law without authorization, possessed the required legal competence, and demonstrated the moral character and fitness necessary for reinstatement; two justices dissented.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Yvonne Kauger; Tom Colbert; Noma D. Gurich; John F. Reif; M. John Kane IV; Richard W. Darby; James R. Winchester; Douglas L. Combs; Rowe
JURISDICTION	Oklahoma
DECIDED	January 24, 2022
DOCKET	SCBD-6981
DISPOSITION	approved
PROCEDURAL POSTURE	Michael Steven Morgan petitioned the Supreme Court of Oklahoma for reinstatement to membership in the Oklahoma Bar Association after resigning pending disciplinary proceedings. The Professional Responsibility Tribunal unanimously recommended reinstatement, but the Oklahoma Bar Association opposed the application.
STANDARD OF REVIEW	De novo review of the record.
PRECEDENTIAL VALUE	precedential
PARTIES	Michael Steven Morgan v. State of Oklahoma ex rel. Oklahoma Bar Association

TOPICS

- appellate procedure
- remedies
- standard of review

PRACTICE AREAS

legal ethics and attorney discipline

professional responsibility

attorney reinstatement

appellate procedure

QUESTIONS PRESENTED

1. Whether Morgan satisfied the procedural and substantive requirements for reinstatement to membership in the Oklahoma Bar Association.
2. Whether Morgan established by clear and convincing evidence that he had not engaged in the unauthorized practice of law, possessed the competency and learning required for reinstatement without re-examination, and possessed the good moral character and fitness necessary for reinstatement.
3. Whether Morgan's federal bribery conviction barred reinstatement despite his rehabilitation and evidence mitigating the seriousness of the misconduct.

HOLDINGS

1. Morgan complied with the procedural requirements necessary for reinstatement, including the applicable waiting period, tribunal proceedings, and payment of costs.
2. Morgan established by clear and convincing evidence that he had not engaged in unauthorized practice of law, possessed the competency and learning required for reinstatement without re-examination, and possessed the good moral character and fitness necessary for reinstatement.
3. Morgan's conviction for accepting a bribe, although serious, did not categorically bar reinstatement because the record demonstrated rehabilitation and contained mitigating circumstances reducing the seriousness of the misconduct for reinstatement purposes.

KEY QUOTATIONS

"Petitioner's conviction for accepting a bribe--although serious--should be no bar to his reinstatement."
(2022 OK 8)

"The petition of Michael Steven Morgan for reinstatement to the Oklahoma Bar Association is therefore GRANTED, and his membership shall be reinstated." (2022 OK 8)

FACTUAL BACKGROUND

Morgan was convicted in federal court of one count of theft or bribery in programs receiving federal funds under 18 U.S.C. § 666(a)(1)(B), arising from conduct while he was a prominent Oklahoma public official and attorney. He received an interim suspension in 2013 and later resigned pending disciplinary proceedings, with eligibility to seek reinstatement beginning in 2018. In support of reinstatement, Morgan presented evidence that he had not practiced law while suspended, completed nearly 150 hours of continuing legal education including ethics coursework, maintained good moral character, contributed to the community, and complied with the reinstatement requirements.

PROCEDURAL HISTORY

Morgan received an immediate interim suspension in 2013 following his federal conviction for theft or bribery involving federal funds. After the Tenth Circuit affirmed his conviction, he resigned pending disciplinary proceedings, with the resignation deemed effective as of February 7, 2013. He applied for reinstatement in 2020; following a 2021 Professional Responsibility Tribunal hearing, the tribunal recommended reinstatement after finding that he satisfied the applicable requirements. The Oklahoma Supreme Court conducted de novo review and granted the petition.

DISPOSITION

approved

CASES CITED

- State ex rel. Okla. Bar Ass'n v. Morgan, 2013 OK 10
- State ex rel. Okla. Bar Ass'n v. Morgan, 2016 OK 85, 377 P.3d 1250
- In re Reinstatement of Cantrell, 1989 OK 165, 785 P.2d 312
- In re Alger Hiss, 333 N.E.2d 429 (Mass. 1975)
- State ex rel. Okla. Bar Ass'n v. Giger, 2001 OK 96, 37 P.3d 856
- State ex rel. Okla. Bar Ass'n v. Kinsey, 2009 OK 31, 212 P.3d 1186
- In re Reinstatement of Blake, 2016 OK 33, 371 P.3d 465
- In re Reinstatement of Conrady, 2017 OK 29, 394 P.3d 219
- United States v. Morgan, No. 5:11-cr-00108-C (W.D. Okla. filed Mar. 30, 2011)