

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Lockard

2023 OK 110 (Okla. 2023) · No. SCBD-7505 · Decided November 14, 2023

SUMMARY

The Oklahoma Supreme Court imposed final discipline on James Harry Lockard after he entered no-contest pleas to misdemeanor domestic assault and battery and public intoxication charges. The Court suspended him from practicing law for six months, measured from the date of his interim suspension, while considering his substance-abuse treatment and other mitigating evidence.

CASE DETAILS

|                       |                                                                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Oklahoma                                                                                                                                                                                  |
| WRITING FOR THE COURT | Kuehn, J.; Rowe, V.C.J.; Kauger, J.; Winchester, J.; Edmondson, J.; Gurich, J.; Kane, C.J.; Combs, J.; Darby, J.                                                                                           |
| JURISDICTION          | Oklahoma                                                                                                                                                                                                   |
| DECIDED               | November 14, 2023                                                                                                                                                                                          |
| DOCKET                | SCBD-7505                                                                                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Original attorney-discipline proceeding under Rule 7 of the Rules Governing Disciplinary Proceedings following Respondent's no-contest pleas to two misdemeanors and the Court's interim suspension.       |
| STANDARD OF REVIEW    | The Supreme Court independently determines whether the conviction or deferred sentence demonstrates unfitness to practice law and, if so, the appropriate discipline based on the facts and circumstances. |
| PRECEDENTIAL VALUE    | published Oklahoma Supreme Court opinion, subject to revision or withdrawal before release for publication                                                                                                 |

TOPICS

- remedies
- appellate procedure
- writ of certiorari

PRACTICE AREAS

- attorney discipline
- legal ethics
- professional misconduct
- domestic violence
- substance-abuse mitigation

## QUESTIONS PRESENTED

1. Whether Lockard's misdemeanor convictions and deferred sentence demonstrated unfitness to practice law under Rule 7 of the Rules Governing Disciplinary Proceedings.
2. What level of attorney discipline was appropriate in light of the domestic-violence offenses, substance-abuse mitigation, rehabilitation efforts, and other circumstances.

## HOLDINGS

1. Lockard's conviction and deferred sentence for domestic assault and battery and public intoxication demonstrated his unfitness to practice law and constituted a sufficient basis for attorney discipline.
2. Lockard was suspended from the practice of law for six months, measured from the date of his interim suspension.

## KEY QUOTATIONS

*“As incidents of domestic and intimate partner abuse rise and become the focus of legislation, ... and public attention, it becomes more incumbent on this Court to protect the public by sending a message to other lawyers that this misconduct is considered a serious breach of a lawyer's ethical duty and will not be tolerated.”* (¶ 17)

## FACTUAL BACKGROUND

James Harry Lockard, an Oklahoma lawyer, pleaded no contest to misdemeanor domestic assault and battery and public intoxication after an incident involving his wife and sixteen-year-old daughter. The incident involved severe intoxication, physical violence toward his wife, and Lockard's subsequent discovery by police in a public area inadequately clothed. Lockard acknowledged his alcohol addiction, accepted responsibility, and completed inpatient and outpatient treatment, but had not yet completed the probationary requirements associated with his deferred criminal disposition.

## PROCEDURAL HISTORY

Lockard entered no-contest pleas in Cleveland County District Court to misdemeanor domestic assault and battery and public intoxication; the felony charge was dismissed and judgment was deferred. The Oklahoma Bar Association filed notice of the criminal disposition, and the Oklahoma Supreme Court entered an interim suspension on August 1, 2023. Lockard submitted mitigating evidence without requesting a Professional Responsibility Tribunal hearing, and the Court imposed final discipline.

## DISPOSITION

other

## CASES CITED

- State ex rel. Oklahoma Bar Association v. McCoy, 2023 OK 79, ¶ 9, 531 P.3d 1276, 1278
- State ex rel. Oklahoma Bar Association v. Dunivan, 2018 OK 101, ¶ 16, 432 P.3d 1056, 1061

- State ex rel. Bar Association v. Cooley, 2013 OK 42, ¶ 12, 304 P.3d 453, 454
- State ex rel. Oklahoma Bar Association v. Conrady, 2012 OK 29, ¶ 16, 275 P.3d 133, 139
- State ex rel. Oklahoma Bar Association v. McArthur, 2013 OK 73, ¶ 6, 318 P.3d 1095, 1098
- State ex rel. Oklahoma Bar Association v. Zannotti, 2014 OK 25, 330 P.3d 11
- State ex rel. Oklahoma Bar Association v. Givens, 2014 OK 103, ¶ 24, 343 P.3d 214, 219
- State ex rel. Oklahoma Bar Association v. Demopolos, 2015 OK 50, ¶ 30, 352 P.3d 1210, 1219
- State ex rel. Oklahoma Bar Association v. Faulk, 2021 OK 46, ¶ 29, 496 P.3d 612, 618
- State ex rel. Oklahoma Bar Association v. Doris, 1999 OK 94, ¶ 39, 991 P.2d 1015, 1025
- State ex rel. Oklahoma Bar Association v. Giger, 2001 OK 96, ¶ 16, 37 P.3d 856, 863
- State ex rel. Oklahoma Bar Association v. Corrales, 2012 OK 64, 280 P.3d 968

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