

SUPREME COURT OF OKLAHOMA

State of Oklahoma, ex rel. Oklahoma Bar Association v. Dochele Burnett

State ex rel. Okla. Bar Ass'n v. Burnett, 91 P.3d 641 (Okla. 2004) · No. SCBD 4715 · Decided May 11, 2004

SUMMARY

The Oklahoma Supreme Court imposed a public reprimand on Dochele Burnett for incompetent and inadequate representation in a Chapter 13 bankruptcy case, unauthorized practice of law and misleading communications concerning her licensure. The court also found that she failed to notify the Oklahoma Bar Association of discipline imposed in Texas and federal courts and ordered her to pay \$774.89 in costs.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Hargrave, J.
JURISDICTION	Oklahoma
DECIDED	May 11, 2004
DOCKET	SCBD 4715
DISPOSITION	other
PROCEDURAL POSTURE	Attorney disciplinary proceeding before the Supreme Court of Oklahoma following the Professional Responsibility Tribunal's adoption of stipulated facts and conclusions of law and recommendation of a private reprimand.
STANDARD OF REVIEW	De novo review of the evidence and the discipline to be imposed; the tribunal's recommendation is given great weight but is not binding.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Oklahoma; precedential.
PARTIES	State of Oklahoma, ex rel. Oklahoma Bar Association v. Dochele Burnett

TOPICS

[bankruptcy](#)[chapter 13](#)[automatic stay](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Burnett violated the Oklahoma Rules of Professional Conduct by providing incompetent representation in a Chapter 13 bankruptcy matter.
2. Whether Burnett violated the duty of diligence by failing to timely amend the client's Chapter 13 plan.
3. Whether Burnett violated the duty of communication by settling the creditor's dispute without the client's consent or knowledge.
4. Whether Burnett made misleading communications by failing to disclose that she was licensed only in Oklahoma.
5. Whether Burnett violated the Rules Governing Disciplinary Proceedings by failing to report discipline and unauthorized-practice conduct occurring in other jurisdictions.
6. What discipline and costs should be imposed.

HOLDINGS

1. Burnett failed to competently represent her client in the Chapter 13 bankruptcy case, violating Rule 1.1 of the Oklahoma Rules of Professional Conduct.
2. Burnett violated Rule 1.3 by failing to timely amend the client's Chapter 13 plan and thereby failing to act with reasonable diligence.
3. Burnett violated Rule 1.4 by failing to obtain her client's consent to the settlement with Mazda American Credit and by failing to inform the client of the settlement.
4. Burnett violated Rules 7.1(a)(1) and 7.5(b) by failing to indicate on her letterhead and petitions that she was licensed only in Oklahoma, thereby misleading the public, clients, and other attorneys.
5. Burnett violated Rule 7.7(a) of the Rules Governing Disciplinary Proceedings by failing to notify the Oklahoma Bar Association of discipline imposed by federal courts and of her acknowledgment of unauthorized practice of law in Texas.
6. The appropriate discipline was a public reprimand, together with payment of \$774.89 in disciplinary proceeding costs within ninety days after the opinion became final.

KEY QUOTATIONS

“Although we give the trial panel's recommendations great weight, we are obligated to consider the evidence de novo and reach our own conclusions as to the discipline to be imposed.” (645)

“RESPONDENT IS PUBLICLY CENSURED AND ORDERED TO PAY THE COSTS OF THIS DISCIPLINARY PROCEEDING IN THE AMOUNT OF \$774.89, WITHIN NINETY (90) DAYS FROM THE DATE THIS OPINION BECOMES FINAL.” (646)

FACTUAL BACKGROUND

Burnett, an Oklahoma-licensed attorney who was not licensed in Texas, represented a Chapter 13 bankruptcy client in the Western District of Texas. She prepared materially inaccurate schedules, failed to amend a plan after agreeing to do so, and settled a creditor's automatic-stay dispute without obtaining the client's consent or informing her of the settlement, resulting in repossession of the client's vehicle. Federal courts later restricted and rescinded her privilege to practice, and she also engaged in or acknowledged unauthorized practice-related conduct in Texas without reporting the discipline and conduct to the Oklahoma Bar Association.

PROCEDURAL HISTORY

The Oklahoma Bar Association charged Burnett with violations of several Oklahoma Rules of Professional Conduct and the Rules Governing Disciplinary Proceedings. The Professional Responsibility Tribunal adopted the parties' stipulations and recommended a private reprimand. The Supreme Court reviewed the record de novo, agreed that the violations were established, and imposed a public reprimand and costs.

DISPOSITION

other

CASES CITED

- State ex rel. Oklahoma Bar Association v. Miskovsky, 1992 OK 40, 832 P.2d 814, 817