

SUPREME COURT OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association v. Michael David McBride

McBride, 2021 OK 13 (Okla. 2021) · No. SCBD-7034 · Decided March 29, 2021

SUMMARY

The Oklahoma Supreme Court immediately suspended Michael David McBride from practicing law under the Rules Governing Disciplinary Proceedings after receiving certified records of his guilty pleas to misdemeanor driving under the influence and driving with a suspended license. The Court cited McBride's prior alcohol-related disciplinary history and established deadlines for him to show cause against the interim suspension and proposed final discipline.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Darby; Vice Chief Justice Kane; Justice Kauger; Justice Winchester; Justice Edmondson; Justice Combs; Justice Gurich; Justice Rowe
JURISDICTION	Oklahoma
DECIDED	March 29, 2021
DOCKET	SCBD-7034
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding in which the Oklahoma Bar Association forwarded certified criminal-case records to the Supreme Court of Oklahoma and sought immediate interim suspension under the Rules Governing Disciplinary Proceedings.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; the document is designated for publication but marked not for official publication.
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. Michael David McBride

TOPICS

[remedies](#)[criminal procedure](#)[appellate procedure](#)

PRACTICE AREAS

attorney discipline

legal ethics

criminal procedure

QUESTIONS PRESENTED

1. Whether the certified criminal-case records and McBride's prior discipline authorized the Supreme Court of Oklahoma to immediately suspend him from the practice of law under Rule 7.3 of the Rules Governing Disciplinary Proceedings.
2. Whether the certified guilty pleas and deferred judgment constituted a sufficient and conclusive basis for further attorney discipline under Rule 7.2.

HOLDINGS

1. Upon receipt of certified copies of an order deferring judgment and sentence and related charging documents, the Supreme Court of Oklahoma may immediately suspend the lawyer from practicing law until further order of the Court.
2. A certified copy of a guilty plea, order deferring judgment and sentence, or information and judgment and sentence of conviction constitutes the charge and is conclusive evidence of the commission of the underlying crime for purposes of discipline under the Rules Governing Disciplinary Proceedings.

KEY QUOTATIONS

"Upon receipt of the certified copies of Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and the judgment and sentence, the Supreme Court may by order immediately suspend the lawyer from the practice of law until further order of the Court." (§13)

"shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment and sentence is based and shall suffice as the basis for discipline in accordance with these rules." (§14)

FACTUAL BACKGROUND

McBride pleaded guilty on July 24, 2020, to misdemeanor driving under the influence and driving with a suspended license in Muskogee County District Court. The criminal court deferred judgment and sentence on both offenses for one year and placed him on probation. McBride had previously received a public reprimand and a two-year-and-one-day deferred suspension for repeated alcohol-related offenses.

PROCEDURAL HISTORY

The Oklahoma Bar Association forwarded certified copies of charging documents, guilty pleas, and a deferred judgment and sentence from Muskogee County criminal cases. McBride pleaded guilty to misdemeanor driving under the influence and driving with a suspended license, and the criminal court deferred judgment and sentence for one year. Based on the certified records and McBride's prior discipline, the Oklahoma Supreme Court immediately suspended him from practicing law and established deadlines for showing cause, requesting a hearing, and responding to the proposed final discipline.

DISPOSITION

other

CASES CITED

- State ex rel. Oklahoma Bar Association v. McBride, 2007 OK 91, 175 P.3d 379

OPINION

PER CURIAM.

STATE ex rel. OKLAHOMA BAR ASSOCIATION v. McBRIDE Skip to Main Content Accessibility Statement Help Contact Us e-payments Careers Home Courts Decisions Programs News Legal Research Court Records Quick Links OSCN Found Document:STATE ex rel. OKLAHOMA BAR ASSOCIATION v. McBRIDE Previous Case Top Of Index This Point in Index Citationize Next Case Print Only STATE ex rel.

OKLAHOMA BAR ASSOCIATION v. McBRIDE2021 OK 13Case Number: SCBD-7034Decided: 03/29/2021THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2021 OK 13, __ P.3d __ FOR PUBLICATION OBA NETWORK ONLY. NOT FOR OFFICIAL PUBLICATION. State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. Michael David McBride, Respondent. ORDER OF IMMEDIATE INTERIM SUSPENSION ¶1 The Oklahoma Bar Association (OBA), in compliance with Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings (RGDP), forwarded to this Court certified copies of the Information, Supplemental Information, Probable Cause Affidavit, and Motion to Dismiss in the matter of State of Oklahoma v. Michael David McBride, CF-2020-141, in Muskogee County, Oklahoma.

This felony case was dismissed and the case was refiled as Muskogee County District Court Case No. CM-2020-560. The OBA also forwarded to this Court certified copies of the Information, Probable Cause Affidavit, Acknowledgment and Waiver of Rights, and Deferment in CM-2020-560.

On July 24, 2020, Respondent entered pleas of Guilty to the misdemeanor crime of Driving Under the Influence in violation of 47 O.S.2011, § 11-902(A)(2), and the misdemeanor crime of Driving with a Suspended License in violation of 47 O.S.2011, § 6-303(B).

The Court deferred judgment and sentence on both matters for one year until July 24, 2021, with the counts to run concurrent to each other, during which time the Respondent was placed on probation. ¶2 In addition, the OBA provided the following notice of enhancement pursuant to RGDP 6.2: Respondent was publicly reprimanded and this Court imposed a deferred suspension of two years and one day in State of Oklahoma ex rel., Oklahoma Bar Association v. McBride, 2007 OK 91, 175 P.3d 379.

The discipline was imposed following Respondent's repeated alcohol-related offenses over a period of time, evidencing Respondent's indifference to legal obligations and engaging in conduct that reflects adversely on the legal profession. ¶3 RGDP 7.3 provides: "Upon receipt of the certified copies of Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and the judgment and sentence, the Supreme Court may by order immediately suspend the lawyer from the practice of law until further order of the Court."

Having received certified copies of these papers and orders, and in view of the prior conduct resulting in discipline, this Court orders that Michael David McBride is immediately suspended from the practice of law. Michael David McBride is directed to show cause, if any, no later than April 13, 2021, why this order of interim suspension should be set aside.

See RGDP Rule 7.3. The OBA has until April 28, 2021, to respond. ¶4 Rule 7.2 of the RGDP provides that a certified copy of a plea of guilty, an order deferring judgment and sentence, or information and judgment and sentence of conviction "shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment and sentence is based and shall suffice as the basis for discipline in accordance with these rules."

Pursuant to Rule 7.4, Michael David McBride has until May 13, 2021, to show cause in writing why a final order of discipline should not be imposed, to request a hearing, or to file a brief and any evidence tending to mitigate the severity of discipline.

The OBA has until May 28, 2021, to respond. ¶5 DONE BY ORDER OF THE SUPREME COURT in conference on March 29, 2021. /S/CHIEF JUSTICE Darby, C.J., Kane, V.C.J., Kauger, Winchester, Edmondson, Combs, Gurich and Rowe, JJ., concur. Citationizer© Summary of Documents Citing This Document Cite Name Level None Found. Citationizer: Table of Authority Cite Name Level Oklahoma Supreme Court Cases CiteNameLevel 2007 OK 91, 175 P.3d 379, STATE ex rel.

OKLAHOMA BAR ASSOCIATION v. MCBRIDEDiscussed Title 47. Motor Vehicles CiteNameLevel 47 O.S. 11-902, Persons Under the Influence of Alcohol or Other Intoxicating Substance or Combination ThereofCited 47 O.S. 6-303, Driving While License Under Suspension or Revocation - Penalties - MotorcyclesCited oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd.

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