

SUPREME COURT OF OKLAHOMA

STATE *ex rel.* OKLAHOMA BAR ASSOCIATION v. DARLEY

2019 OK 42 (Okla. 2019) · No. SCBD-6802 · Decided June 10, 2019

SUMMARY

The Supreme Court of Oklahoma approved Lon Jackson Darley III's resignation from the Oklahoma Bar Association while disciplinary proceedings were pending. The order requires compliance with client-protection and file-transfer obligations, prohibits reinstatement applications for five years, and assesses \$1,317.26 in costs.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Gurich, C.J.; Darby, V.C.J.; Kauger, J.; Winchester, J.; Edmondson, J.; Colbert, J.; Combs, J.
JURISDICTION	Oklahoma
DECIDED	June 10, 2019
DOCKET	SCBD-6802
DISPOSITION	approved
PROCEDURAL POSTURE	Attorney disciplinary proceeding in which the respondent sought approval of his resignation from the Oklahoma Bar Association while disciplinary proceedings were pending.
PRECEDENTIAL VALUE	Unpublished disciplinary order; the opinion states that it had not been released for publication and was subject to revision or withdrawal.
PARTIES	Oklahoma Bar Association v. Lon Jackson Darley III

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

professional responsibility

QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should approve respondent's resignation from the Oklahoma Bar Association during pending disciplinary proceedings under Rule 8.1 of the Rules Governing Disciplinary Proceedings.
2. Whether the Oklahoma Bar Association was entitled to reimbursement of its investigation and prosecution costs.

HOLDINGS

1. A respondent's resignation from the Oklahoma Bar Association during pending disciplinary proceedings may be approved when the resignation complies with Rule 8.1 of the Rules Governing Disciplinary Proceedings, including a voluntary affidavit acknowledging the allegations and their legal consequences. Darley's resignation complied with Rule 8.1 and was approved.
2. Upon approval of the resignation, respondent's name must be stricken from the Roll of Attorneys, he may not seek reinstatement for five years from the effective date, and future reinstatement is conditioned on compliance with the applicable disciplinary rules and payment of assessed costs.

FACTUAL BACKGROUND

During pending disciplinary proceedings, Lon Jackson Darley III offered to surrender his Oklahoma law license and resign from the Oklahoma Bar Association. His affidavit stated that the resignation was voluntary, free of coercion or duress, and made with knowledge of its legal consequences. The underlying grievances alleged mishandling and commingling of approximately \$75,611.55 in client funds and failure to competently and diligently represent a client in a foreclosure case that ended in summary judgment.

PROCEDURAL HISTORY

The Oklahoma Bar Association investigated grievances concerning respondent's handling of client funds and representation of a client in a foreclosure action. During the pendency of disciplinary proceedings, respondent submitted an affidavit and offered to resign from the Bar; the Bar applied for an order approving the resignation and reimbursement of investigative and prosecution costs.

DISPOSITION

approved