

SUPREME COURT OF OKLAHOMA

State of Oklahoma ex rel. Oklahoma Bar Association v. S. Richard Farber

2015 OK 66 · No. SCBD-6300 · Decided October 19, 2015

SUMMARY

The Oklahoma Supreme Court immediately suspended S. Richard Farber from the practice of law after receiving certified records showing his no-contest pleas to misdemeanor driving under the influence and drug-paraphernalia offenses. The court allowed Farber until November 4, 2015, to show cause, request a hearing, or submit mitigating evidence regarding final discipline.

CASE DETAILS

COURT	Supreme Court of Oklahoma
JURISDICTION	Oklahoma
DECIDED	October 19, 2015
DOCKET	SCBD-6300
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated by the Oklahoma Bar Association under the Rules Governing Disciplinary Proceedings after the respondent entered no-contest pleas to two misdemeanors.
PRECEDENTIAL VALUE	Opinion marked for publication in the Oklahoma Bar Journal only and not released for publication in the official reporter.
PARTIES	State of Oklahoma ex rel. Oklahoma Bar Association v. S. Richard Farber

TOPICS

appellate procedure

remedies

PRACTICE AREAS

legal ethics

attorney discipline

appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma was required to immediately suspend Farber from the practice of law after receiving the certified criminal documents described in Rule 7.3 of the Rules Governing Disciplinary Proceedings.
2. Whether Farber should remain subject to interim suspension pending further proceedings concerning final discipline.

HOLDINGS

1. Upon receipt of the certified copies specified in Rule 7.3 of the Rules Governing Disciplinary Proceedings, the Supreme Court of Oklahoma must immediately suspend the lawyer from the practice of law until further order of the court.
2. A certified copy of a guilty plea, deferred-judgment order, or specified information and judgment and sentence is conclusive evidence of the commission of the crime upon which the judgment and sentence is based and may serve as the basis for discipline under the governing rules.

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 shall by order immediately suspend the lawyer from the practice of law until further order of the Court.” (¶ 2)

“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.” (¶ 4)

FACTUAL BACKGROUND

S. Richard Farber entered no-contest pleas to misdemeanor driving under the influence of alcohol and misdemeanor unlawful possession of drug paraphernalia. The Oklahoma Bar Association forwarded certified copies of the relevant criminal documents to the Supreme Court of Oklahoma. After the court issued a show-cause order, Farber failed to respond or provide cause against interim suspension.

PROCEDURAL HISTORY

The Oklahoma Bar Association forwarded certified copies of the criminal information, supplemental information, and deferred judgment documents to the Supreme Court of Oklahoma. The court issued a show-cause order concerning interim suspension; Farber did not respond. The court then entered an order of immediate interim suspension pending a hearing and determination of final discipline.

DISPOSITION

other

REMAND INSTRUCTIONS

Farber was ordered to remain immediately suspended pending further order. He was given until November 4, 2015, to show cause in writing, request a hearing, or submit mitigating evidence concerning final discipline; the Oklahoma Bar Association was given until November 20, 2015, to respond.

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