

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.

OPINION

PER CURIAM.

OSCN Found Document:STATE ex rel. OKLAHOMA BAR ASSOCIATION v. FARBER OSCN navigation Home Courts Court Dockets Legal Research Calendar Help Previous Case Top Of Index This Point in Index Citationize Next Case Print Only STATE ex rel. OKLAHOMA BAR ASSOCIATION v. FARBER2015 OK 66Case Number: SCBD-6300Decided: 10/19/2015THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2015 OK 66, __ P.3d __ FOR PUBLICATION IN OBJ ONLY.

NOT RELEASED FOR PUBLICATION. STATE OF OKLAHOMA ex rel. OKLAHOMA BAR ASSOCIATION, Complainant, v. S. RICHARD FARBER, 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), has forwarded to this Court certified copies of the Information (with Supplemental Information for Second and Subsequent), and Deferment, in which S. Richard Farber entered pleas of No Contest to one count of Driving a Motor Vehicle While Under the Influence of Alcohol, a misdemeanor, in violation of Okla. Stat. Tit.

47, § 11-902(A)(2), and to one count of Unlawful Possession of Drug Paraphernalia, in violation of Title Okla. Stat. Tit. 63, § 2-405, a misdemeanor. ¶2 Rule 7.3 of the RGDP 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 shall by order immediately suspend the lawyer from the practice of law until further order of the Court." ¶3 On September 14, 2015, this Court issued a Show Cause Order directing Respondent to show cause, no later than September 25, 2015, why an order of interim suspension from the practice of law should not be entered.

Respondent failed to respond and provided no cause why an order of interim suspension should not be entered. The OBA then requested an order of immediate suspension pending a hearing on the imposition of a final order of discipline.

Having received certified copies of the papers and orders under Rule 7.3, and in view of Respondent's failure to respond to this Court's Show Cause Order, this Court orders that S. Richard Farber is immediately suspended from the practice of law. ¶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 of the RGDP, S. Richard Farber has until November 4, 2015, 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 November 20, 2015, to respond. ¶5 DONE BY ORDER OF THE SUPREME COURT this 19th day of October, 2015. /S/CHIEF JUSTICE ALL JUSTICES CONCUR.
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