

A REVIEW OF RECENT OKLAHOMA ETHICS CASES

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1-hour Ethics

For Vision Bank's 2024 CLE/CPE Seminar for Attorneys and Accountants/CPAs

In this ethics presentation we will explore recent Supreme Court disciplinary cases involving a variety of misconduct. Some of the misconduct we'll consider include professional neglect, indirect contempt of court, domestic violence, and DUI. We will also look at the procedures for and the implications of resignation pending disciplinary action and immediate interim suspensions.

Topics and Cases for Consideration

PROFESSIONAL NEGLECT

State ex rel. OBA v. Messerli, 2024 OK 56 (involves significant pattern of neglect of client cases including violations of [Rules 1.1](#) (competence), [1.3](#) (diligence), [1.4](#) (communication), and others)

State ex rel. OBA v. Abdoveis, 2024 OK 55 (companion case to *Messerli*—Messerli was Abdoveis' direct supervisor—involving similar issues of client neglect)

INDIRECT CONTEMPT

State ex rel. OBA v. Jackson, 2024 OK 15 (involves discipline for conviction on multiple counts of indirect contempt of court for continuous, contemptuous refusal to obey multiple court orders)

DOMESTIC VIOLENCE

State ex rel. OBA v. Kalka, 2024 OK 29 (involves discipline for conviction of felony domestic abuse by attempted strangulation and misdemeanor domestic abuse; violation of [Rule 8.4](#))

DRIVING UNDER THE INFLUENCE

State ex rel. OBA v. Bethea, 2024 OK 33 (involves discipline following a guilty plea to a first time non-repetitive misdemeanor DUI which came out of a serious case in which the Respondent had collided with two different vehicles, significantly injuring six people, including three children; this case drew a concurrence from one justice and a concur in part/dissent in part from two justices.)

FEE SHARING

One case, *State ex rel. OBA v. Smith*, 2024 OK 64, addresses the matter of fee sharing, particularly the provision of a “referral fee” to an attorney with whom the case lawyer is not associated and of whom the client was not made aware in writing. I found this an interesting tidbit that I thought I'd pass along. [Rule 1.5\(e\)](#) governs fee sharing.

RESIGNATION PENDING DISCIPLINARY PROCEEDINGS

There have been many orders approving resignation pending disciplinary procedures recently. We'll review some of the types of behavior leading to such resignations as well as the procedures for and implications of such resignations. Particularly we will look at [RGDP 8.1](#).

IMMEDIATE INTERIM SUSPENSIONS

Several orders of immediate interim suspension have been issued recently. Here we'll review some of the types of behavior leading to such suspensions as well as the procedures related to and implications of such suspensions. We'll look at [RGDP 7.3](#) in particular.