

PROCEDURAL RULES
OF THE
PROFESSIONAL RESPONSIBILITY TRIBUNAL

Adopted pursuant to Rule 4.5(b), Rules Governing Disciplinary Proceedings,
5 O.S. 2001, Ch.1, App. I-A, by the Professional Responsibility Tribunal

Effective June 28, 2011

The *Procedural Rules*, as hereby adopted by the Professional Responsibility Tribunal (PRT), shall supplement the governance of proceedings brought pursuant to the Rules Governing Disciplinary Proceedings. The *Procedural Rules* shall be published and made available to members of the Bar and all other persons with matters that come before the PRT.

The following members were serving on the Professional Responsibility Tribunal at the time these *Procedural Rules* were considered and adopted:

Lawyer Members:

Jeremy J. Beaver, McAlester
Dietmar K. Caudle, Lawton
Lorenzo Thurmond Collins, Ardmore
Patrick T. Cornell, Clinton
Luke Gaither, Henryetta
Robert H. Gilliland, Jr., Oklahoma City
Diane S. Goldschmidt, Oklahoma City
Cody B. Hodgden, Woodward
Andrew E. Karim, *Chief Master*, Oklahoma City
William G. LaSorsa, Tulsa
Kieran D. Maye, Jr., *Vice-Chief Master*, Oklahoma City
Stephen R. McNamara, Tulsa
F. Douglas Shirley, Watonga
James M. Sturdivant, Tulsa

Non-Lawyer Members:

Norman Cooper, Norman
Bill Pyeatt, Norman
Jason Redd, Elk City
Susan Savage, Oklahoma City
John Thompson, Nichols Hills
Mary Lee Townsend, Tulsa

Attest: June 28, 2011

PROFESSIONAL RESPONSIBILITY TRIBUNAL



Andrew E. Karim, *Chief Master*

**PROCEDURAL RULES (PR)
OF THE PROFESSIONAL RESPONSIBILITY TRIBUNAL (PRT)**

PR 1. Disqualification

(a) If a Trial Panel member is unable to serve in an unbiased and impartial manner, then that member shall voluntarily disqualify himself or herself from serving on the designated Trial Panel. The Trial Panel member who disqualifies from an assignment shall promptly notify the Chief Master, who will then withdraw the assignment and appoint a substitute Trial Panel member.

(b) A party in any proceeding before the PRT may request the disqualification of a Trial Panel member upon sufficient cause shown. A request under this subsection shall be made by written motion marked "confidential," but shall not be filed in the proceeding. The motion must include a statement of the grounds, with any supporting authority, for disqualification and a certificate that the motion is not presented for an improper purpose, such as delay. The motion shall be served on the parties and the Trial Panel members. A motion raising fact issues shall be verified by a person having personal knowledge of the facts. A request under this subsection must be made not less than twenty (20) days before the proceeding is scheduled for hearing. A request under this subsection is to be considered and decided by the Trial Panel member to whom the motion is addressed. The Trial Panel member shall have five (5) days from receipt of the motion to decide whether to disqualify from the proceeding. If for any reason a decision is not made within that time, then the request shall be deemed denied.

(c) If, upon request made under subsection (b), the Trial Panel member declines to disqualify, then the party requesting disqualification may re-urge the same motion to the Chief Master for consideration. Movant shall attach the original motion to a separate motion marked "confidential," but not file it. The new motion, which shall be submitted to the Chief Master and served on the parties and Trial Panel members within five (5) days from the date of the denial to disqualify, shall state that the Trial Panel member denied the initial request to disqualify and that the request for disqualification is being presented to the Chief Master for consideration. The Chief Master shall have seven (7) days from the date of receipt to rule on the motion. If the Chief Master grants the motion, then an order of substitution will be entered and the matter of disqualification shall be deemed concluded. If the motion is denied, then the request for disqualification may be made to the Supreme Court by written motion in the same proceeding. A motion to the Supreme Court shall be filed as soon as practicable in the Office of the Chief Justice and marked "confidential." The Presiding Master may postpone the hearing in the proceeding as needed until the Court has ruled on the disqualification motion.

PR 2. Extensions Under Rule 6.7, RGDP

A request to extend the 60-day period within which to hold a hearing, as specified under Rule 6.7, RGDP, shall be made by motion to the Chief Master (or Vice-Chief Master in the event the Chief Master is unavailable). The motion shall specify (1) the grounds for the request, (2) a proposed date for the extension, and (3) whether the non-moving party opposes the motion. The request may be granted for good cause shown.

PR 3. Continuances and Extensions of Time

(a) A request to continue a hearing or for extensions of time shall be made by motion to the Presiding Master. Every motion shall specify (1) the grounds for the request, (2) whether the non-moving party opposes the request, (3) whether any previous continuances or extensions have been granted, and (4) the proposed date for the continuance or extension. The Presiding Master may request the moving party to prepare a proposed order disposing of the motion.

(b) Presiding Masters may, *sua sponte* and for good cause, continue a hearing or extend a deadline, and shall notify all parties and Trial Panel members of such action.

(c) Upon the granting of a continuance, for good cause shown, the order granting the same shall state a new hearing date and time and be filed of record. A copy of the order shall be served on all parties and the Chief Master.

PR 4. Entry of Appearance and Withdrawal of Counsel

(a) Each party to a proceeding before the PRT shall file an entry of appearance by counsel or personally (as an unrepresented party) contemporaneously with the first filing of any pleading or other paper in the case, or not later than ten (10) days thereafter. In the event a party changes, adds, or substitutes counsel, new counsel shall immediately file an entry of appearance as set forth herein. The entry of appearance shall include the name and signature of counsel or the unrepresented party, mailing address, telephone number, fax number, email address, Oklahoma Bar Association number, and name of law firm, if applicable. A copy of each such appearance shall be served on all other parties and members of the Trial Panel.

(b) A motion to withdraw from representation may be filed at any time. All motions to withdraw shall be accompanied by a proposed order. No counsel may withdraw from a pending case without leave of the Presiding Master. Counsel filing a motion to withdraw shall serve a copy of the motion on the client and all attorneys of record. All motions shall be signed by the party on whose behalf counsel has previously appeared or contain a certificate that (1) the client has knowledge of counsel's intent to withdraw, or (2) counsel has made a good faith effort to notify the client and the client cannot be located. The order allowing withdrawal shall notify the unrepresented party that an entry of appearance must be filed either by the party *pro se* or by substitute counsel, within twenty (20) days from the date of the order permitting the withdrawal. If no entry of appearance is filed within such time, then the unrepresented party will be deemed *pro se*.

PR 5. Certificate of Compliance with Rule 6.8(c), RGDP

Within five days after receipt of approval from the Professional Responsibility Commission (PRC) to enter into stipulations of fact and law concerning a formal complaint against a respondent lawyer, and/or to make a recommendation as to discipline to be imposed, as provided under Rule 6.8(c), RGDP, the General Counsel shall prepare and file a "Certificate of Compliance." The General Counsel shall then serve filed-stamped copies of the Certificate on the respondent lawyer and each member of the Trial Panel.

PR 6. Exhibits

Exhibits expected to be introduced at a hearing should be marked in advance of the hearing. A list of exhibits indicating their number and description shall be provided to the Trial Panel at any time prior to the start of a hearing.

PR 7. Notice of Contestation

As soon as practicable, the General Counsel shall notify the Presiding Master whether a petition for reinstatement will be contested.

PR 8. Notice of Witnesses and Hearing Time

In all proceedings, unless a scheduling order provides otherwise, the parties shall notify the Presiding Master at least seven days before a scheduled hearing of the number of witnesses to be called to testify and the length of time the hearing is expected to last.

PR 9. Use of Cameras, Television or Other Recording or Broadcasting Equipment

(a) The official recording of any proceeding before the Professional Responsibility Tribunal shall be derived and produced from either a transcription of an in person stenographic composition with the aid of normal and customary recording devices used by the Official Court Reporter. Except as permitted upon motion and approval by the Chief Master, the use of cameras, television, or other recording or broadcasting equipment is prohibited in a hearing room and in the immediate vicinity of a hearing room. Said recording equipment may be used under the following conditions:

1. Before cameras, television, or other recordings or broadcasting equipment are used, express permission of the Chief Master must be obtained. Said permission must be sought by written motion to the Chief Master.
2. The Chief Master shall prescribe the conditions and specific rules under which such equipment may be used.
3. Media personnel shall not distract participants or impair the dignity of the proceedings.

4. No witness, attorney, panel member, or party who expresses any objection to the Chief Master or Presiding Master shall be photographed nor shall the testimony of such a witness, attorney, panel member, or party be broadcast or telecast.
5. There shall be no photographing or broadcasting of any proceeding which under the Rules Governing Disciplinary Proceedings and/or laws of this State is required to be held in private.
6. Representatives of the media shall always conduct themselves in a professional manner consistent with the spirit and intent of this rule.

(b) When brought to the attention of the Chief Master or Presiding Master that a violation of this rule has occurred, the Chief Master or Presiding Master shall notify the offending person to immediately cease and desist such activity and order the delivery of the recording to the Professional Responsibility Tribunal. If the offending party refuses to comply with the order, the Chief Master or Presiding Master may act to end such activity, including the cessation of the proceeding and refer the offender to the Oklahoma Supreme Court.