

IN RE: APPLICATION OF GUNTER

2010 OK 68

Case Number: SCBD-5650

Decided: 09/20/2010

THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2010 OK 68, __ P.3d __

FOR PUBLICATION IN OBJ ONLY. NOT RELEASED FOR OFFICIAL PUBLICATION.

IN RE: APPLICATION OF TEENA GAYLE GUNTER, 3244 NW 22nd ST., OKLAHOMA CITY, OKLAHOMA 73107 FOR
ADMISSION TO THE PRACTICE OF LAW ON MOTION PURSUANT TO RULE TWO OF THE *RULES GOVERNING
ADMISSION TO THE PRACTICE OF LAW IN THE STATE OF OKLAHOMA*

ORDER

The Board of Bar Examiners of the State of Oklahoma filed its Report and Recommendation that TEENA GAYLE GUNTER be admitted to the practice of law in all Courts of the State of Oklahoma.

From the Court's review of the Report and Recommendation, it appears that the applicant, TEENA GAYLE GUNTER, has met all the requirements for admission on motion pursuant to Rule Two of the *Rules Governing Admission to the Practice of Law in the State of Oklahoma*.

It is therefore ORDERED that TEENA GAYLE GUNTER be admitted to the practice of law in all Oklahoma courts upon taking the oath of an Oklahoma attorney and signing the Roll of Attorneys in the office of the Clerk of this Court.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 20th day of September, 2010.

/s/Chief Justice

EDMONDSON, C.J., TAYLOR, V.C.J., HARGRAVE, OPALA, KAUGER, WINCHESTER, REIF, JJ. – Concur

WATT, COLBERT, JJ. - Dissent

WATT, J., Dissenting:

¶1 I respectfully dissent to the Court's order granting the Petitioner an Oklahoma license to practice law under the provisions of Rule 2 of the Rules Governing Admission to the Practice of Law in the State of Oklahoma (Admission Rules), 5 O.S. 2001, Ch. 1, App. 5. Ms. Gunter does not qualify as a Rule 2 applicant, and in fact, does not possess a valid Special Temporary Permit under this Court's latest amendment to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Supp. 2009, Ch. 1, App. 1, Article II, Section 5.

¶2 Ms. Gunter's Special Temporary Permit was granted to her on November 12, 1997, for the purpose of obtaining employment with the Oklahoma Department of Agriculture. See Rule 2, Section 5, Admission Rules. We assume that she has remained in the same employment under the same permit since that time.¹ At the time Ms. Gunter applied for her special temporary permit, she was a licensed attorney in good standing in the state of Arkansas. She was admitted to the Arkansas Bar in 1992.

¶3 In her current application for membership in the Oklahoma Bar Association pursuant to Rule 2, Ms. Gunter has provided evidence of her good standing as a member of the Arkansas State Bar. However, she has failed to provide evidence that she has been "engaged in the actual and continuous practice of law for at least five of the seven years immediately preceding application for admission under this Rule" in a reciprocal state which is a requirement for admission upon motion. See Rule 2, Section 1.² Her experience in Oklahoma will not fulfill this requirement. See Rule 2 of the Admission Rules, Section 4.³

¶4 On July 2, 2009, this Court amended Article II, Section 5 of the Rules Creating and Controlling the Oklahoma Bar Association. Section 5(E) was added and provides for an annual renewal of special temporary permits issued under Rule 2, Sections 5 and 6 of the Admission Rules. See section 5(E)(1).⁴ Section 5(E)(2) provides that special temporary permits granted prior to the promulgation of this rule shall be deemed to have a renewal date of January 2, 2010. This Court has been advised

by the Board of Bar Examiners that Ms. Gunter has had a special temporary permit with the Oklahoma Bar since 1997, but it is unclear whether it was renewed. Unless a renewal fee was paid within the time limits of Section 5(E)(1), the permit should have been cancelled.

¶5 For decades, our rules have clearly stated that the only means available to attain full membership in the Oklahoma Bar Association is taking the bar examination. The only exception is the reciprocity provision under Rule 2. She should be required to register for the February, 2011 bar examination, pursuant to Rule 4 [Admission by examination]. The reciprocity provisions of Rule 2, Section 1, are not available to her. Otherwise, she will have become an active member of the Bar by using her special temporary permit to obtain legal experience in Oklahoma to avoid the requirement which we expect from all Oklahoma lawyers, i.e., taking the bar examination. The special temporary permit is not transformed into a license to practice law in Oklahoma merely because the permit holder has practiced many years in this state. This was not the intended purpose of Rule 2.

¶6 The materials presented to us also indicates this petitioner was issued a Bar card with an OBA number in 1997 which contravenes the rules in effect then and which continue in effect to this day. See Art. II, Section 5(E)(2), Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Supp. 2009, Ch. 1, App. 1.⁵ I would therefore require the petitioner to surrender her Bar card and order her name stricken from the roll of attorneys until she has successfully passed the Oklahoma Bar Examination and the MPRE. I therefore respectfully dissent.

FOOTNOTES

1 The documents provided by the Board of Bar Examiners in support of her Rule 2 admission request do not indicate otherwise.

2 The Report and Recommendation submitted by the Board of Bar Examiners also fails to indicate that she has ever practiced law in a reciprocal state.

3 Section 4. It is the purpose of this rule to grant reciprocity to qualified judges and lawyers from other jurisdictions and to secure for Oklahoma judges and lawyers like privileges. If the former jurisdiction of the applicant does not grant to Oklahoma judges and lawyers the right of admission on motion, then this Rule shall not apply and the applicant must, before being admitted to practice in Oklahoma, comply with the provisions of Rule Four [Admission by examination]. If the former jurisdiction of the applicant permits the admission of Oklahoma judges and lawyers upon motion but the Rules are more stringent and exacting and contain other limitations, restrictions or conditions of admission and the fees required to be paid are higher, the admission of applicant shall be governed by the same Rules and shall pay the same fees which would apply to an applicant from Oklahoma seeking admission to the bar in the applicant's former jurisdiction.

4 E. The requirements set forth shall apply to all attorneys granted a special temporary permit to practice:

1. An attorney granted a special temporary permit to practice shall pay an administrative fee to the Oklahoma Bar Association of \$350.00 regardless of the duration of the permit. An annual fee in the amount of \$350.00 shall be collected on or before the anniversary of the permit. A late fee of \$100.00 shall be collected in the event the fee is paid within 30 days of the due date. In the event that the fee is not paid within 30 days of the due date, the special temporary permit shall be deemed cancelled and can only be renewed upon making application to the Board of Bar Examiners and the payment of a new application fee. The annual permit shall only be renewed upon affirmation that the conditions for which the special temporary permit was issued still exist. An attorney granted a special temporary permit to practice shall not appear on the roll of attorneys and shall not be considered a member of the Oklahoma Bar Association. However, an attorney granted a special temporary permit shall be subject to the jurisdiction of the Oklahoma Supreme Court for purposes of attorney discipline and other orders revoking, suspending or modifying the special permit to practice law.

⁵ See note 3, supra.