

OKLAHOMA STATUTES
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§5-1. Persons disqualified to practice law - Alien eligibility.

No person shall practice as an attorney and counselor at law in any court of this state who is not a citizen of the United States, or who holds a commission as judge of any court of record, or who is a sheriff or coroner; nor shall the clerk of the Supreme Court, or the clerk of the district court, or probate court, or the deputy of either, practice in the particular court of which he is clerk or deputy clerk; but nothing herein contained shall prevent any judge

of any of the courts of this state from finishing any business by him undertaken in the district, circuit, or Supreme Court of the United States, prior to his election or appointment as judge; and an alien who has declared his intention to become a citizen of the United States may practice as if he were a citizen.

R.L.1910, § 240. Amended by Laws 2009, c. 29, § 1, eff. Nov. 1, 2009.

§5-1.1. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

§5-1.2. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

§5-1.3. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

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§5-1.17. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

§5-1.18. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

§5-1.19. Repealed by Laws 2005, c. 28, § 1, emerg. eff. April 6, 2005.

§5-2. Oath.

Upon being permitted to practice as attorneys and counselors at law, they shall, in open court, take the following oath: You do solemnly swear that you will support, protect and defend the Constitution of the United States, and the Constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in this court according to your best learning and discretion, with all good fidelity as well to the court as to your client, so help you God.

R.L.1910, § 242.

§5-3. Duties of attorney and counselor.

It is the duty of an attorney and counselor:

First. To maintain, while in the presence of the courts of justice, or in the presence of judicial officers engaged in the discharge of judicial duties, the respect due to the said courts and judicial officers, and at all times to obey all lawful orders and writs of the court.

Second. To counsel and maintain no actions, proceedings or defenses, except those which appear to him legal and just, except the defense of a person charged with a public offense.

Third. To employ for the purpose of maintaining the causes confided to him such means only as are consistent with truth, and

never to seek to mislead the judges by any artifice or false statements of facts or law.

Fourth. To maintain inviolate the confidence, and, at any peril to himself, to preserve the secrets of his client.

Fifth. To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which he is charged.

Sixth. Not to encourage either the commencement or continuance of an action or proceeding from motive of passion or interest.

Seventh. Never to reject for any consideration personal to himself the cause of the defenseless or the oppressed.

R.L.1910, § 244.

§5-4. Receipt of money for client - Discharge of claim - Acknowledging satisfaction of judgment.

An attorney and counselor has power to receive money claimed by his client in an action or proceeding during the pendency thereof, or afterwards, unless he has been previously discharged by his client, and, upon payment thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment.

R.L.1910, § 245.

§5-5. Proof of authority - Stay of proceedings.

The court, on motion of either party and on the showing of reasonable grounds therefor, may require the attorney for the adverse party or for any one of the several adverse parties to produce or prove by oath, or otherwise, the authority under which the attorney appears and, until the attorney does so, may stay proceedings by the attorney on behalf of the parties for whom the attorney assumes to appear.

R.L. 1910, § 246. Amended by Laws 1965, c. 483, § 1, emerg. eff. July 14, 1965; Laws 2006, c. 30, § 1, emerg. eff. April 11, 2006.

§5-6. Attorneys' lien - When attaching - Extent - Effect of settlement on lien - Notice of lien - Filing - Endorsement.

A. From the commencement of an action, or from the filing of an answer containing a counterclaim, the attorney who represents the party in whose behalf such pleading is filed shall, to the extent hereinafter specified, have a lien upon his client's cause of action or counterclaim, and same shall attach to any verdict, report, decision, finding or judgment in his or her client's favor; and the proceeds thereof, wherever found, shall be subject to such lien, and no settlement between the parties without the approval of the attorney shall affect or destroy such lien, provided such attorney serves notice upon the defendant or defendants, or proposed

defendant or defendants, in which he or she shall set forth the nature of the lien he or she claims and the extent thereof; and the lien shall take effect from and after the service of such notice, but such notice shall not be necessary provided such attorney has filed such pleading in a court of record, and endorsed thereon his or her name, together with the words "Lien claimed."

B. In order to claim an attorney's lien on real property, the attorney shall file a Notice of Attorney's Lien in the office of the county clerk of the county where the real estate is situated and shall refile the Notice of Attorney's Lien every five (5) years before the expiration of the date previously filed. The Notice of Attorney's lien shall contain the style of the case, the court where pending, the case number, the attorney's name, address and phone number and a complete legal description of the property subject to the lien.

C. Any attorney claiming an attorney's lien prior to the effective date of this act shall have a period of one (1) year from such date to file a Notice of Attorney's Lien in accordance with subsection B of this section.

D. An action to enforce an attorney's lien against real property shall be commenced in the county where the real property is situated within ten (10) years of recordation of the Notice of Attorney's Lien with the county clerk. The ten-year period for an attorney's lien claimed prior to the effective date of this act shall run from the effective date regardless of when the Notice of Attorney's Lien is recorded.

R.L.1910, § 247; Laws 2014, c. 246, § 1.

§5-7. Contingent fee - Limitation on amount - Compromise or settlement - Effect on lien - Certain contracts void.

It shall be lawful for an attorney to contract for a percentage or portion of the proceeds of a client's cause of action or claim not to exceed fifty percent (50%) of the net amount of such judgment as may be recovered, or such compromise as may be made, whether the same arises ex contractu or ex delicto, and no compromise or settlement entered into by a client without such attorney's consent shall affect or abrogate the lien provided for in this chapter. Provided that all such contracts in personal injury or wrongful death cases including, but not restricted to, cases in which jurisdiction is in the Industrial Commission, shall be void and unenforceable (1) if secured as a result of the intervention of any laymen, association, or corporation for compensation, or promise of compensation, or anticipation of gift, compensation or hope of reward, or (2) where any laymen, association or corporation has a direct or indirect interest in, or growing out of, any judgment arising out of such claim recovery or compensation from, or settlement of any such claim.

R.L.1910, § 248; Laws 1953, p. 15, § 1.

§5-7.1. Repealed by Laws 2013, 1st Ex.Sess., c. 23, § 4, emerg. eff. Sept. 10, 2013.

NOTE: Laws 2009, c. 228, § 86, which originally repealed this section, was held unconstitutional by the Oklahoma Supreme Court in the case of Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.2d 789 (Okla. 2013).

§5-8. Adverse party - Liability on settlement or compromise of claim involving lien - Lien as against judgment debtor - Enforcement of lien.

Should the party to any action or proposed action whose interest is adverse to the client contracting with an attorney settle or compromise a cause of action, claim or judgment wherein any lien perfected under Sections 6 and 7 of this title is involved and such settlement or compromise is made without the consent of the attorney holding such lien, such adverse party shall thereupon become liable to such attorney for the fee that was due or would have become due under a contract of employment but for the settlement. After judgment in any court of record, the attorney's lien provided for herein may also be effective against the judgment debtor upon endorsement of the words "subject to the attorney's lien in favor of [insert name]" on the judgment. An attorney may enforce any lien provided for by this act in any court of competent jurisdiction by action filed within one (1) year after the attorney becomes aware of such compromise or payment of such judgment, or judgment may be rendered on motion in the case in the court in which the suit was brought.

R.L.1910, § 249. Amended by Laws 1919, c. 22, p. 38, § 1; Laws 1997, c. 23, § 1, eff. Nov. 1, 1997.

§5-9. Adverse party - Amount of liability on settlement or compromise.

Should the amount of the attorney's fees be agreed upon in the contract of employment, then such attorney's lien and cause of action against such adverse party shall be for the amount or portion of the property so agreed upon. If the fee be not fixed by contract the lien and cause of action, as aforesaid, shall be for a reasonable amount for not only the services actually rendered by such attorney, but for a sum, which it might be reasonably supposed, would have been earned by him, had he been permitted to complete his contract, and been successful in the action, and such attorney in order to recover need not establish that his client, if the case has gone to trial, would have been successful in the action, but the fact of settlement shall be sufficient without other proof to establish that the party making the settlement was liable in the

action. Should the contract be for a contingent fee and specify the amount for which action is to be filed, then the lien and cause of action, as aforesaid shall be for the amount contracted for if fixed at a definite sum of money or for the percentage of the amount or property sued for as mentioned in said contract where the fee is fixed on a percentage basis, not exceeding thirty-three and one-third percent (33 1/3%) of the amount sued on where the settlement is before a verdict or judgment and if made after verdict or judgment then the full contract price.

Laws 1919, c. 22, p. 39, § 2.

§5-10. Bond to dissolve lien.

Any person interested may release said lien by executing a bond in the sum double the amount claimed, or in such sum as may be fixed by a judge of the court in which the action or judgment is or has been pending, payable to the attorney, with security to be approved by the clerk of the court, conditioned to pay the amount finally due the attorney for his services, which amount may be ascertained by suit on the bond.

R.L.1910, § 250.

§5-11. Licensed attorneys and their spouses - Prohibition on becoming sureties - Effect of unauthorized bond.

Licensed attorneys of this state, their spouses or anyone to whom said attorneys have conveyed property for the purpose of signing bonds for said attorneys, are prohibited from signing any bonds as surety in any civil or criminal action, pending or about to be commenced in any of the courts of this state, or before any justice of the peace. No court clerk or judicial officer of this state shall accept any bonds signed by licensed attorneys, their spouses or anyone to whom said attorneys have conveyed property for the purpose of signing bonds for said attorneys. All such bonds, signed by an attorney or his or her spouse, shall be absolutely void, and no penalty can be recovered of the attorney or his or her spouse signing the same.

R.L.1910, § 256; Laws 1965, c. 440, § 1, emerg. eff. July 12, 1965.

§5-12. Qualifications and fitness for admission to practice law.

The Supreme Court of the State of Oklahoma shall have exclusive power and authority to pass upon qualifications and fitness of all applicants for admission to practice law in the State of Oklahoma, and the qualifications of such applicants shall be those which are now or may be hereafter prescribed by the statutes of Oklahoma and the rules of the Supreme Court including, but not limited to, requiring a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes on applicants.

Added by Laws 1939, p. 68, § 1. Amended by Laws 2003, c. 204, § 3, eff. Nov. 1, 2003.

§5-13. Disciplinary power and revocation of permit.

The Supreme Court of the State of Oklahoma shall have the exclusive power and authority to discipline attorneys and counselors at law or revoke the permit to practice law granted to attorneys and counselors at law and the rules of conduct of attorneys and counselors at law in this state shall be such as are now or may hereafter be prescribed by the statutes of Oklahoma and the rules of the Supreme Court.

Laws 1939, p. 68, § 2.

§5-14. Examination of applicants - Admission - Oath - Order - Examining commission.

When a person applies to the Supreme Court for admission to the bar, he shall be examined by the Court, or by a commission appointed by the Court, under such rules and regulations as the Court may provide, touching his fitness and qualifications; and if, on such examination the Court is satisfied that he is of good moral character, and has a competent knowledge of the law, and sufficient general learning, an oath of office shall be administered to him, and an order shall be made on the journal that the applicant be admitted to practice as an attorney and counselor at law in all courts of record of this state; provided, that said Court may appoint, to serve for one or more years, a commission composed of not less than five (5) persons learned in the law to assist in such examination. The Court Clerk of the Supreme Court shall be ex officio secretary of any commission appointed by the Supreme Court to assist in the examination of applicants. The members of said commission and all other expenses of said examination shall be paid out of funds collected from applicants for admission to the bar, said fees to be fixed by the Supreme Court in a sum of not more than \$_____.

Laws 1939, p. 69, § 3.

§5-15. Unconstitutional.

§5-16. Examinations for applicants.

Within thirty (30) days after this act takes effect, the Supreme Court shall examine applicants for admission to the bar and all applicants who have heretofore been passed upon and allowed to take the examination of the Committee of State Bar Examiners shall be eligible for examination by the Supreme Court at its first examination, and thereafter the Supreme Court shall hold examinations for applicants at least twice each year and at such other times as the Supreme Court may prescribe.

Laws 1939, p. 69, § 5.

§5-17. Repealed by Laws 1996, c. 61, § 9, eff. Nov. 1, 1996.

§5-17.1. Repealed by Laws 1996, c. 61, § 9, eff. Nov. 1, 1996.

§5-17.2. Repealed by Laws 1996, c. 61, § 9, eff. Nov. 1, 1996.

§5-18. Inactive status - Application - Reactivation.

A. Any person who has been admitted to practice as an attorney in this state, who is a member in good standing of the bar of this state, and who meets all requirements for licensure in this state may apply for status as an inactive member of the bar.

B. The application for such status shall contain:

1. The person's name, bar number, residence address, telephone number or numbers where he can be reached;

2. The reason or reasons he desires such status;

3. A statement that he understands that, while on such status, he may not do anything which constitutes the practice of law while in this state;

4. A statement that he has notified all of his clients in this state that he is no longer practicing in this state; and

5. An affidavit that the information given is true and correct.

C. Immediately upon receipt of the application, the Supreme Court or its designee shall acknowledge the application and enter the person's name on a roll of inactive attorneys.

D. While on inactive status, an attorney shall not be required to complete any continuing legal education requirements and shall be required to pay only twenty percent (20%) of the annual dues of an active member.

E. While on inactive status, an attorney shall not receive the Oklahoma Bar Journal or any other services from the Oklahoma Bar Association except upon such terms and conditions, including payment of charges and fees, as shall be established by the Association.

F. Once on inactive status, an attorney may reactivate his license to practice upon payment of the equivalent of one year's annual dues to the Association and upon successful completion of one year's mandatory continuing legal education requirement.

Added by Laws 1990, c. 264, § 108, operative July 1, 1990.

§5-21. Repealed by Laws 1939, p. 70, § 6.

§5-22. Repealed by Laws 1939, p. 70, § 6.

§5-23. Repealed by Laws 1939, p. 70, § 6.

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