



FILED

JUL 21 2023

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Office of the Chief Justice  
Bar Docket

FILED  
SUPREME COURT BAR DOCKET  
STATE OF OKLAHOMA

STATE OF OKLAHOMA *ex rel.* )  
OKLAHOMA BAR ASSOCIATION, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RONALD EDWARD DURBIN, II, )  
 )  
Respondent. )

RULE 6, RGDP

AUG 11 2023

OBAD No. 2437

JOHN D. HADDEN  
CLERK

7528  
SCBD No. \_\_\_\_\_

COMPLAINT

COMES NOW the Complainant, State of Oklahoma *ex rel.* Oklahoma Bar Association ("OBA"), by and through General Counsel Gina L. Hendryx and First Assistant General Counsel Loraine Dillinder Farabow, and for its claim against the Respondent, Ronald Edward Durbin, II, alleges and states:

1. Respondent was admitted to practice law in the state of Oklahoma by the Oklahoma Supreme Court on September 22, 2009. Respondent was so licensed at all times relevant to this complaint.

2. To the best knowledge, information, and belief of Complainant, the Respondent has committed specific acts which constitute professional misconduct in violation of the Oklahoma Rules of Professional Conduct, ("ORPC"), 5 O.S. 2011, ch. 1, app. 3-A (as amended September 19, 2016, 2016 OK 91) and 5 O.S. 2021, ch. 1, app. 3-A, and are cause for professional discipline as provided in the Rules Governing Disciplinary Proceedings, ("RGDP"), 5 O.S. 2011, ch. 1, app. 1-A. These standards of conduct, adopted and enforced by the Supreme Court of Oklahoma, provide guidelines by which all attorneys are to practice law in Oklahoma.

Received 8-11-23  
Marshal JIM  
COA/OKC  
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3. These proceedings are begun pursuant to Rule 6, RGDP.

4. The Oklahoma Bar Association roster address of the Respondent is: Ronald Edward Durbin, II, OBA No. 22550, 116 N. Greenwood Ave., Tulsa, OK 74120.

### COUNT I: THE MALONE GRIEVANCE

5. In or about December of 2019, Danna Malone (“Malone”) and others in the cannabis industry began working on state questions related to the medical marijuana industry. On or about March 4, 2020, the group filed State Initiative Petition 811.

6. Respondent was opposed to the group’s position and on March 8, 2020, posted the following on his law firm’s Facebook page:

To the people behind 811, please exercise a little bit of patience and get input. Rushing to re-file when it’s not ready is a bad idea. I’m out of town this weekend in something long planned, and offering to help for free upon my return, but I don’t work for free on someone else’s timeline. I would note, unlike 807, where I was getting married, I’m in town and can file challenges if need be. Do we really want this going to the Oklahoma Supreme Court? **Can you afford to fight me like the 807 people? None of you struck me as being in any way like them, which is a great thing, but if you rush this back out, it will have to be treated the same in my book.**

(Emphasis added)

7. Respondent’s law firm at that time was known as “Durbin Law Firm, PLLC,” and his firm’s Facebook account was publicly accessible.

8. On April 2, 2020, the OBA received a grievance from Malone alleging Respondent threatened her and members in her group with ‘financial ruin’ and conducted himself in a hostile, unprofessional behavior. Malone further alleged Respondent “... has become a bully w/in the Cannabis industry & expects people w/in the industry to do what he says, when he says & do it how he says. Mr. Durbin claims to be ‘the expert of

cannabis' but in reality he has an over inflated ego that makes him think that everyone should or does worship him.”

9. On April 6, 2020, the OBA mailed Respondent a letter enclosing a copy of Malone’s grievance and advised it was opening the matter for informal investigation. Said letter requested Respondent provide a written response to Malone’s allegations within two weeks.

10. On May 4, 2020, the OBA received a written response from Respondent denying Malone’s allegations and advised that the actions complained of “were an exercise of my rights to voice my political opinion.” He denied that he made a Facebook post that threatened to ruin her and members of her group financially. Respondent also denied making “... any improper threats against [Malone] or anyone else for that matter or in any other way come remotely close to violating any rule of professional conduct.”

11. On May 22, 2020, Respondent engaged in a Facebook Live session on the Durbin Law Firm, LLC’s page wherein he made profanity laced comments and disparaged Malone by calling her and others within her group “... the idiots that are behind 811, 812, and 813.” Respondent also stated, “One of their leaders is an absolutely pathetic human being and I’m going to burn that business – figuratively not literally – to the ground.”

12. During Respondent’s broadcast, Malone was advised by people watching that Respondent was disparaging her on Facebook live. Malone posted a comment on Respondent’s Facebook thread that she heard he was calling her out. Respondent read her comment out loud to his viewers and threatened he was “coming for [her] and [her] business.”

13. Malone then posted a comment stating, "I guess I need to file a complaint with the Bar again," and Respondent stated that he was not allowed to talk about it and called her a "freaking idiot" for revealing it, herself. He told viewers that Malone filed a bar complaint against him because he "fought against 811." Respondent then told his viewers to go to Malone's business page and rate her or review her shop and "show her what we think about her and 811, and 812, and 813." He also "strongly discourage[ed]" people from doing business with her. Respondent called Malone "... a piece of sh\*t" and stated that the people behind 812 and 813 "...are some of the biggest morons we have in the state."

14. Respondent told his audience that when he got that letter from the Bar "... that says I'm 100% exonerated, which I fully expect to be because I did absolutely nothing wrong in attacking 811, 812, and 813, which is my God given constitutional right to free speech ... I'll read you what she wrote, and you guys can judge for yourself ... So, if you want to take a minute, on an aside, and go rate her and her dispensary on Weedmaps and every other site ... and let them know we shouldn't do business with those kind of people ... If you support anything that I'm doing, you should not support people like Danna Malone. So, thank you Danna for that, please by all means share this with the Bar Association ..." Respondent then said, "[Malone was] ... an absolute piece of work and a piece of sh\*t. So, there's my opinion and if the Bar Association has a problem with that, they, too, can go fu\*k themselves." Respondent also said, "People like that idiot deserve to be out of business."

15. Respondent then threatened, "We're going to have some protestors in front of [Malone's] dispensary as soon as I get this letter back from the Bar Association. We're

going to have a lawsuit for libel as soon as I get that letter back. So, thank you, Danna, for bringing this up so I could talk about it a little bit and for you revealing that you filed a complaint with the Bar. I couldn't have talked about it otherwise because there's a rule that says I am utterly prohibited from talking about a complaint until its resolved."

16. Respondent also commented during his Facebook Live session that somebody told him that, "Maybe I should watch my mouth, or I shouldn't say the things I say on Facebook or whatever, that, you know, people aren't going to like that. I've said it before and I'm going to say it again, for anybody else that's a client that's watching this, if they don't like it, they can fire me. Like, and if you don't like it, then fire me as your lawyer. Pick up the phone. Nobody's done it yet. I don't think it's going to happen. But, if they have a problem with it, they probably shouldn't have hired me in the first place."

17. Respondent then stated:

If people like Danna Malone think they can shut me up by filing a bar complaint, a frivolous bar complaint, saying that I wasn't nice to them about 811, which is essentially what it amounts to, then ... they're wrong and I'm going to keep that fight up. And by the way, Danna, you don't have to worry about it. I can promise you I will self-report this message to them tomorrow. So, you can certainly send the Bar Association another letter, but I promise you I'm going to send them a letter ... but you did it, Danna. You opened the door to Pandora's Box so welcome to Hell because I plan on raining it down upon you in every possible way that I can, and you deserve every single bit of it and the happiest day will be the day I put [your shop] out of business. So, you gave me another mission, Danna, I thank you for that ... and by the way, if you support Danna Malone, you can go f\*ck yourself, too ... I don't apologize for anything that I've said. I stand by one hundred percent everything that I've said. I will continue to fight. I'm not going anywhere ...

18. On May 27, 2020, the OBA received another grievance from Malone wherein she advised that Respondent's behavior had "escalated" and provided a flash drive containing a video of Respondent's Facebook Live session on May 22, 2020 during

which he disparaged her, encouraged viewers to leave her and her shop bad ratings and reviews, encouraged them to boycott and picket her dispensary, and threatened to “burn her business down, figuratively.” Malone advised that Respondent’s threat to burn down her business could financially ruin her and that “[b]ad reviews by non-customers will financially ruin me.” She advised that she feared for her safety as well as the safety of others who had worked on SQ 811, 812, and 813 because Respondent “... is going to cause someone to get hurt.”

19. On June 3, 2020, the OBA mailed Respondent a copy of Malone’s second grievance, advised it was opening the matter for formal investigation, and requested Respondent provide a written response within twenty (20) days in compliance with Rule 5.2, RPDP.

20. On June 26, 2020, Respondent provided his written response on his new law firm, Viridian Legal Services’, letterhead. Respondent expressed dismay that the OBA had not closed Malone’s initial “clearly frivolous complaint” because he had not made any threat in violation of his professional duties. Respondent advised that with regard to his Facebook post on March 8, 2020, wherein he asked, “Can you afford to fight me like the 807 people?’ Making clear that litigation is expensive and bringing that to someone’s attention is not a violation of the Rules of Professional Conduct. If it were, every lawyer that has ever sent a pre-litigation filing letter is likely guilty of the same. Litigation and challenges before the Oklahoma Supreme Court are expensive. Asking if they can afford to fight as opposed to waiting to work with people was a reasonable and appropriate question.”

21. In his written response, Respondent expressed that the OBA's failure to dismiss Malone's grievance after his initial response was "overly concerning ... as it seems the Bar Association may be attempting to stifle protected political speech, and if that is the case, it is something that all attorneys in Oklahoma should be concerned about."

22. With regard to his social media comments, Respondent responded that:

Certainly, I may choose to use more colorful language than some lawyers, and I may choose to present myself in a different manner. Being different is not a violation of the Rules of Professional Conduct, and I would venture a guess that even you have heard lawyers use similar language. Some may only choose to do it in private behind closed doors, but I personally operate under a belief that it can be an effective form of communication in the right circumstances and with the right audience. In fact, as of the drafting of this letter, there are 14,488 people that follow my page, and there are 12,670 people that have liked the page ...

23. With regard to Rule 5.4, RGDP, Respondent acknowledged in his response that the rule states, "Matters contained in grievances submitted to the Association ... and statements, oral or written, ... shall be privileged ... Litigation or the threat of litigation by a respondent lawyer against a person filing a grievance by reason of such filing may be grounds in itself for discipline." In addressing his threat to Malone to sue her for filing a grievance against him, Respondent claimed that Malone's filing of the complaint "seems tied to her desire to end my advocacy against Initiative Petition 811 which she is behind and publicly supported. I do not believe that is the intent of Rule 5.2 or that it is covered by Rule 5.4."

24. On July 20, 2020, Respondent met with the OBA to discuss Malone's grievance. Respondent was apologetic and expressed remorse for his actions. He advised the OBA he had been under an unusual amount of stress due to health issues,

financial strain caused by Covid-19 affecting his business investments, and from years of engaging in a protracted and contentious divorce and custody battle.

25. At the OBA's meeting with Respondent, it was explained to Respondent that while he does have the right to free speech, he also has a duty as an attorney to represent the OBA in a professional manner. It was discussed with Respondent that his public comments on his law firm's Facebook page -- wherein he threatened Malone that he was 'coming for her and her business' and that he was going to sue her for filing a bar complaint against him -- may be in violation of his professional duties. It was also discussed that his Facebook live sessions -- wherein he used abusive, threatening, and foul language -- reflected on him as a member of the OBA and the legal profession as a whole.

26. Respondent stated that although he made the statements, he just did not think it through. He took full responsibility for his actions and comments at that time and admitted his statements on his law firm's Facebook page on May 22, 2020, were inappropriate. He stated he should not have made those comments or behaved as he did. Prior to the meeting's conclusion, Respondent, of his own volition, removed the May 22, 2020, video from his Facebook page.

27. Respondent was asked about counseling and agreed to seek anger management sessions with a therapist. He was also open to writing an apology to Malone and promised to refrain from acting in an unprofessional manner on social media. Respondent seemed genuinely remorseful and willing to enter the attorney diversion program and undergo counseling and attend the professionalism class.



28. Respondent's misconduct violates the mandatory provisions of Rules 4.4(a), 8.4(a), ORPC, and Rules 1.3 and 5.4, RGDP, and warrants the imposition of professional discipline.

### **COUNT II: THE MILSTEAD GRIEVANCE**

29. On or about August 24, 2015, Stephanie Milstead ("Milstead") and her minor son were injured in a car accident.

30. In or about 2016 or 2017, Milstead hired Respondent to handle the personal injury matter on her and her son's behalf.

31. On August 7, 2017, Respondent filed a petition in *Stephanie Milstead and MM Jr., a minor, v. Samuel Pillsbury and Rachel Wallace*, Tulsa County District Court, CJ-2017-3092. He thereafter ceased communicating with Milstead.

32. In or about the spring of 2019, the Milstead family learned by searching OSCN online that their case had been dismissed without prejudice on February 25, 2019. Milstead's husband contacted Respondent after learning the case had been dismissed and Respondent promised he would refile the lawsuit within a week.

33. After months passed without the case being refiled, the Milsteads visited Respondent's office unannounced on August 14, 2019, and confronted him about his lack of communication and failure to refile the case. Respondent apologized and assured them he was working on the case.

34. On September 5, 2019, Respondent refiled the case in Tulsa County District Court, CJ-2019-3438, but thereafter ceased communicating with the Milsteads again.

35. On August 14, 2020, Attorney Mitchell Garrett ("Garrett") filed an entry of appearance on behalf of Milstead and her son.

36. On August 25, 2020, Respondent filed a motion to withdraw from the case citing health issues and falsely claiming that Milstead had been notified of his intent to withdraw.

37. The Milsteads learned of Garrett's involvement in the case and Respondent's withdrawal from the case by searching OSCN.

38. On September 14, 2020, the OBA received a grievance from Milstead alleging that in the five years Respondent represented her and her minor child, she had only met with him twice. The first time was at the initial meeting in 2016 or 2017 and the second time was on August 14, 2019 - the day she and her husband unexpectedly stopped by Respondent's office.

39. Milstead alleged in her grievance that Respondent never advised her of his intent to withdraw or that he had given her case to Attorney Garrett. She noted that Respondent's Motion to Withdraw as Counsel of Record filed on August 25, 2020, falsely claimed she had been notified and that his certificate of mailing listed a physical address that had not been valid for her family since August of 2017. She advised that at no time had her family received mail at that address.

40. In her grievance, Milstead also advised that although Respondent's assistant had called her on previous occasions, neither Respondent nor anyone in his office had called her or her husband regarding the new proceedings filed in 2019.

41. Milstead's grievance stated that as of September 9, 2020, she had not been contacted by Respondent or Garrett regarding the substitution in representation.

42. In his written response to the grievance dated October 6, 2020, Respondent claimed he provided competent legal representation in this matter given the complexities

of the medical billing and treatment issues in this matter. He stated he understood Milstead's frustration regarding the lack of communication, but advised it was due to his suffering two cardiac events requiring hospitalization and heart catheterizations. Respondent stated that following his procedures, he was off work for several weeks recuperating and that following his second cardiac event, he was advised to cease engaging in things which cause high levels of stress. As a result, Respondent elected to end his involvement in all litigation matters.

43. Respondent claimed that his office attempted to contact each client by phone, and all clients were mailed a letter regarding his decision to withdraw from their litigation. Respondent claimed that his office attempted to reach the Complainant by letter and telephone but was unsuccessful.

44. Respondent also claimed there were disagreements with the Complainant and her husband regarding the medical treatment and how much of her injury could be proven to have resulted from the motor vehicle accident that was the basis for the lawsuit. Respondent claimed there was significant delay in the case due to difficulty locating the opposing party, who lived out of state. Respondent said that he worked to facilitate the transition of the case to another attorney, Mitchell Garrett, who assumed handling the matter for the Complainant.

45. After reviewing Respondent's written response to her grievance, Milstead and her husband advised the OBA that they never received a letter from Respondent or Attorney Garrett about the change in representation. They advised they were not unhappy with Garrett taking over the case other than with the initial lack of communication.

46. Milstead took issue with Respondent's response in that he made it sound like she had been difficult to communicate with which was not the case. She advised the OBA that at her initial meeting with Respondent, she provided him with a post office box address which her family used as their permanent mailing address. She also gave Respondent her and her husband's mobile telephone numbers which had not changed since their initial meeting and which the Milsteads advised they promptly answer.

47. The Milsteads described Respondent's office as being very unprofessional and felt the case should have been settled long ago. They expressed concern as to whether Respondent's five-year delay, spanning two lawsuits, would have a negative impact on their case financially. They also expressed concern about whether they would be charged additional attorney fees due to Garrett taking over their case since that had never been discussed with them.

48. When interviewed by the OBA, Garrett acknowledged Respondent's delays in the Milstead case but advised that in his opinion, he did not believe there was any uncorrectable damage that resulted from Respondent's handling of the matter. Garrett advised that when he took over the refiled case, there was concern about Respondent's failure to serve the defendant in the matter. Garrett, however, filed for an extension and the court granted his request. He stated that part of the delay in the case was due to the Defendant moving to Colorado and attempting to duck service.

49. Garrett advised the OBA that Respondent had contacted him about taking over the case since personal injury is the focus of much of his practice. Garrett provided letters he and Respondent sent to Milstead about him taking over the case in Respondent's stead as well as an email indicating he had attempted to contact her. The

letters apparently were mailed to Milstead's former address. Garrett also stated that when he took over the case, it appeared it had been in negotiations but had then stalled during Respondent's protracted medical issues.

50. Garrett was able to serve the defendant in the case and on December 3, 2023, the defendant filed an Answer. The matter was set for jury trial but settled on or about January 31, 2023.

51. Respondent's misconduct violates the mandatory provisions of Rules 1.1, 1.3, 1.4, 1.16(d), 8.4(a) and (d), ORPC, and Rule 1.3, RGDP, and warrants the imposition of professional discipline.

### **COUNT III: THE JELSING GRIEVANCE**

52. On January 4, 2021, the OBA received a grievance from Michael Jelsing ("Jelsing") alleging Respondent was abusing his law license by filing a frivolous lawsuit to run up legal fees for him, his family, and Respondent's former neighbors, Leann and Richard Crain, as a personal vendetta.

53. Jelsing's sister, Christine Jelsing, had been involved in a bitter divorce and custody case with Respondent in Tulsa County, Case No. FD-2016-1745, which remained ongoing. In support of his grievance, Jelsing provided text messages Respondent exchanged with a friend on July 8, 2016, as follows:

Respondent: This woman gets my child out of state on an agreement that we would work together and handle this like adults. Then she pulls this f\*cking sh\*t!!!!

Friend: So [now] it is going to be World War III, right?

Respondent: Yes, F\*ck her b\*tch a\*s

Friend: Her mom is going to have to open up her wallet big time for this.

Respondent: Her brother, but you damn sure better f\*cking believe it.

Friend: He is going to be footing one hell of an expensive bill. You're free!

Respondent: Yes, yes I f\*cking am.

54. Jelsing included a text message Respondent sent to his former wife about the Crains, wherein he threatened to sue them for "intentional interference with contractual relations" and "intentional infliction of emotional distress." Respondent texted, "Hell I will make up some sh\*t. They will regret the f\*cking day they got involved in this sh\*t." Jelsing advised that Respondent repeatedly bragged that his goal was to simply cost the Jelsing family a large amount of money in court costs.

55. Christine Jelsing and Respondent's divorce was granted on November 21, 2017, with the parties being awarded joint custody of the child. The parties continued, however, to litigate issues involving visitation, child support, alimony, and custody.

56. Respondent threatened to take Christine Jelsing back to court and seek full custody of their child any time she did something with which Respondent disagreed. Respondent repeatedly threatened Christine Jelsing that she did not want to go to court against him because he, being an attorney, could ruin her financially.

57. On October 23, 2019, Respondent filed for emergency custody of the minor child in FD-2016-1745.

58. On November 13, 2019, Respondent filed a lawsuit in Tulsa County District Court, Case No. CJ-2019-4456, against Christine Jelsing, Cindy Jelsing (his former mother-in-law), the Crains, Michael Jelsing (his former brother-in-law) and Priscilla Jelsing (his former sister-in-law).

59. In the lawsuit, Respondent alleged, in part, that the defendants acted in concert to "further the illegal and tortious objectives of Defendant Christine Jelsing Durbin" and "engaged in a pattern of conduct whereby they engaged in a pattern of surveillance

of Plaintiff.” Respondent alleged the defendants’ conspiracy caused him severe emotional distress and harm.

60. Some of Respondent’s allegations in the lawsuit against his ex-wife were salacious and designed to embarrass and harass her. He also alleged his ex-wife lied about her mother being ill to get Respondent to agree to allow her and their child to move to North Dakota, then Minnesota, in order to care for her mother, Cindy Jelsing.

61. Respondent alleged his former spouse breached their agreement to facilitate his visitation with their child and caused him severe emotional distress and harm. Respondent alleged all of the defendants acted in concert to “further the illegal and tortious objectives of Defendant Christine Jelsing Durbin” and “... engaged in a pattern of conduct whereby they engaged in a pattern of surveillance of Plaintiff.”

62. Respondent further alleged his former spouse breached their agreement “not to subject their minor child to religious indoctrination” and claimed she fraudulently entered into that agreement with no intention of keeping her promise.

63. With regard to the Crains, Respondent alleged they engaged in “tracking” his movements as well as visitors to his residence. He claimed the Crains “photographed [him] coming and going from his residence and sent such photographs to Defendant Christine Jelsing Durbin.” Respondent also alleged the Crains photographed people coming and going from his residence and sent the photos to his ex-wife.

64. Respondent further alleged Leann Crain trespassed onto his property using a key she had been given and, at Christine Jelsing Durbin’s instruction, removed Christine’s wedding ring and jewelry. Respondent falsely alleged this occurred during the

period when the couple had separated. Respondent alleged Leann Crain and his former spouse's actions caused him damages in excess of \$75,000.00.

65. With regard to Jelsing and his wife, Priscilla, Respondent alleged that they "follow[ed] the movements of Plaintiff and conduct[ed] surveillance on his residence" after being solicited to do so by Christine Jelsing Durbin. Respondent claimed this "surveillance" included them driving "slowly by his residence" and causing him to "feel severely uncomfortable in his own residence" which allegedly forced him to sell his residence and suffer economic damages in excess of \$75,000.00.

66. Respondent's lawsuit included allegations of libel, slander, negligence, gross negligence, negligence per se, intentional infliction of emotional distress, civil conspiracy, trespassing, and fraud. Respondent sought punitive damages, injunctive relief, special damages in excess of \$75,000.00, pre and post judgment interest, costs, and attorney fees.

67. On December 23, 2019, Christine Jelsing Durbin and the Jelsing family filed a Motion to Dismiss and Brief in Support on the premise that the majority of the claims involving the divorce, visitation, religious indoctrination, and property division were within the jurisdiction of the divorce action where those matters were still being litigated.

68. On December 27, 2019, the Crains filed a Special Appearance and Motion to Dismiss in the case.

69. On January 16, 2020, the Crains filed an Application to Set Hearing Pursuant to the Oklahoma Citizens Participation Act ("OCPA") which was granted and initially set for hearing on February 18, 2020 by the court. The OCPA hearing was then rescheduled and set for February 26, 2020.



70. On January 30, 2020, Respondent filed an Amended Petition adding minor claims and alleged Jelsing threatened to strike him. Respondent also alleged the defendants made written and oral statements to third parties about his character and fitness to practice law that they knew were not true and were designed to cause damage to his professional reputation.

71. Jelsing and the other defendants were required to file additional answers and incurred additional attorney fees.

72. On February 26, 2020, all parties appeared at the scheduled hearing on the Crains' motion to dismiss pursuant to the OCPA. Respondent was not prepared, resulting in the Court continuing the OCPA hearing and consolidating hearings on all pending motions.

73. On or about March 20, 2020, during a meeting to discuss custody issues, Respondent told Christine Jelsing Durbin that with regard to the civil lawsuit against her, her family, and the Crains, "I know those lawyers are gonna be charging the sh\*t out of you when they start hitting you with a lot of that stuff. I'd rather not run you through that if I don't have to ... Look, there's a reason why I named the Crains, too. F\*ck those people ... I'd like to cost them 30- or \$40,000.00 too. I mean, so they can spend 30 or \$40,000 fighting me, at a minimum. And that's if they're lucky they're only gonna spend that damn much. So if this goes to jury trial, you're looking at \$100,000.00."

74. On May 6, 2020, Judge Jefferson Seller granted Christine Jelsing Durbin and the Jelsing family's Motion to Dismiss in part "as to all claims concerning visitation, religious indoctrination and fraud in obtaining the divorce and other issues related to

custody, visitation and removal of the child from Oklahoma. Such matters are properly brought before the divorce court.”

75. On June 9, 2020, the OCPA hearing was held. Respondent provided no additional witnesses or evidence supporting his allegations – despite the continuance from February 26, 2020 – and per the Crains, made the hearing “virtually unnecessary.” The Court dismissed the libel and slander causes of action against the Crains and ordered that the request for sanctions and attorney fees against Respondent were to be considered at the conclusion of the case. The Court also dismissed the fraud claim.

76. On June 10, 2020, the Crains filed their Answer to the Amended Petition and filed a Counterclaim for Abuse of Process and Malicious Prosecution. They argued that at the June 9, 2020, hearing, Respondent “could not provide facts or circumstances that a reasonable person would believe justified a claim of slander against the Crains.” They also alleged that Respondent’s “primary purpose of including the Crains in this Petition was to inflict financial stress upon them by incurring legal fees defending his action” based on Respondent having made “both written and oral statements indicating this intent.”

77. The Crains also alleged abuse of process based on Respondent’s bad intentions in seeking a continuance of the hearing, his delay in requesting discovery, and his attempts to drag out the litigation for the sole purpose of inflicting “financial stress upon them by incurring legal fees defending his action.” The Crains requested actual and punitive damages including attorney fees, costs, and other relief deemed appropriate.

78. On June 10, 2020, Respondent filed a Dismissal Without Prejudice of Richard Crain, Priscilla Jelsing, and Cindy Jelsing.

79. On June 11, 2020, Respondent filed an Amended Dismissal Without Prejudice of Richard Crain, Priscilla Jelsing, and Cindy Jelsing.

80. On June 22, 2020, Jelsing and Christine Jelsing Durbin filed their Answer to the Amended Petition and Counterclaims against Respondent for malicious prosecution and abuse of process due. They claimed malicious prosecution based on Respondent intentionally filing claims for relief that should have been raised in the divorce and custody case. They alleged that Respondent's purpose for filing the civil case was "unjustified, vexatious and lacked probable cause in that, as a licensed attorney, he knew that the Court in the Divorce Case retained jurisdiction..." over issues concerning the child and that Respondent's intention and action in filing the civil case was "... to force Defendants to incur needless litigation expenses and costs." They further alleged that Respondent's malice in bringing the fraud claim against Christine and his other claims for relief were evidenced by his statements set forth in his text on July 8, 2016, with his friend (see paragraph 53, *supra*) which Respondent admitted to making while testifying under oath at the June 9, 2020 OCPA hearing.

81. With regard to Jelsing and Christine Jelsing Durbin's counterclaim for abuse of process, they alleged Respondent filed an Amended Petition (which did not substantively alter the allegations contained in the Petition) after they filed Defendant's Motion to Dismiss and Brief in Support. Respondent's Amended Petition forced them to incur additional and unnecessary attorneys' fees, costs, and expenses by having to file a second Defendants' Motion to Dismiss and Brief in Support on February 21, 2020.

82. Based on their counterclaims of malicious prosecution and abuse of process, Jelsing and Christine Jelsing Durbin sought judgment against Respondent for

actual damages as well as punitive damages against Respondent "... to punish his malicious behavior and to deter him from any such future conduct" and judgment awarding them costs, attorneys' fees, litigation expenses, pre-judgment and post-judgment interest, and all other relief which they may be entitled to in law and/or in equity.

83. On June 30, 2020, Respondent moved to dismiss the Crain's counterclaims.

84. On July 15, 2020, Respondent moved to dismiss Jelsing and Christine Jelsing Durbin's counterclaims.

85. On August 6, 2020, Judge Jefferson Sellers entered an Order On Motion to Dismiss and denied Respondent's motion to dismiss Christine Jelsing and Michael Jelsing's counterclaims pursuant to Rule 4(h) of the Rules for District Courts.

86. On August 7, 2020, Respondent moved to strike Jelsing and Christine Jelsing Durbin's motion for sanctions against him and his attorneys.

87. On August 18, 2020, the Crains filed an Application for Fees, Costs, and Expenses Pursuant to the Oklahoma Citizens Participation Act requesting approval of fees of at least \$8,478.50 and costs of at least \$295.85 as of that date. Said application specifically noted it did not include or address the issues of sanctions under §1438 which the Court expressly reserved for consideration at a later date.

88. On or about August 25, 2020, pursuant to Rule 4(h) of the Rules for District Courts, Judge Sellers entered an Order and denied Respondent's motion to dismiss the counterclaims filed by the Crains.

89. On September 23, 2020, Judge Sellers entered an Order wherein he deferred the Crains' "... application for fees, costs, and expenses ... until the ... pretrial conference or conclusion of the case, whichever is first." Judge Sellers' Order specified

that, "The court specifically retains jurisdiction over this motion even should the case be voluntarily dismissed."

90. Litigation and any substantive activity in CJ-2019-4456 thereafter ceased.

91. In or about the summer of 2021, during mediation in his divorce case, Respondent offered to drop the remaining civil suit against the Jelsing in an attempt to gain leverage over visitation issues with Christine Jelsing Durbin.

92. In or about October of 2021, Respondent told Christine Jelsing Durbin that he would not cooperate with anything having to do with visitation unless Michael Jelsing dropped the bar complaint against him.

93. On March 1, 2021, the OBA received Respondent's written response to Jelsing's grievance. Respondent claimed his actions were valid attempts made "... to protect and ensure the health, welfare, and safety of my daughter ..." and that the legal action he filed was against those who acted in a manner "... designed clearly for the purpose of causing me emotional distress and pain." Respondent spent the majority of the response disparaging his former spouse and alleging that Michael Jelsing filed the grievance in retaliation for Respondent seeking a protective order against him for "stalking" him in a Walmart located near Respondent's new home (the protective order was denied).

94. Respondent admitted in his response to "repeatedly" threatening court action and stated that, "In this country and in the State of Oklahoma, courts are the proper forum to seek redress for grievances and issues for which they have jurisdiction." He advised, I have availed myself of those courts to seek such relief, and I have the absolute right to do so." Respondent did not address the allegation that his civil lawsuit was filed

maliciously with the intent to cause financial harm to the Jelsing family and the Crains by causing them to incur legal fees.

95. During the OBA's investigation of this grievance, it obtained a copy of a text message from Respondent to his ex-wife that was sent on June 6, 2017. The message was in reference to the Crains filing a complaint with the city over Respondent parking a boat in his driveway. Respondent texted:

Do you still talk to Leann? They have apparently b\*tched to the city about the boat in the driveway. I got a letter from the city. I'm going to have to sue them for something to teach them a lesson to stop messing with me. You may want to advise them I don't play around, and what's free for me to do will cost them tens of thousands if they keep f\*cking with me. I may not win, but it won't cost me anything to try. And I'm not being negative or mean towards you. I know you know them, and they need to leave me alone or learn a lesson. I would be happier with the first, but don't mind doing the second as I think they deserve the lesson.

96. At the time Jelsing filed his grievance against Respondent with the OBA, his family had incurred approximately \$30,000.00 in legal fees.

97. As of the date of this filing, there are no hearings scheduled in CJ-2019-4456. The remaining causes of action against Jelsing, Christine Jelsing Durbin, and Leann Crain as well as the counterclaims filed against Respondent remain pending.

98. The current attorney for the Crains advised the OBA that repeated attempts to communicate with Respondent, who is now *pro se*, to discuss possible resolution of the remaining causes of action have been unsuccessful.

99. Respondent's misconduct violates the mandatory provisions of Rules 1.1, 3.1, 3.3, 4.4(a), 8.4(a), (c), and (d), ORPC, and Rule 1.3, RGDP, and warrants the imposition of professional discipline.

#### **COUNT IV: THE HOLMES AND WILLIAMS GRIEVANCES**

100. Tulsa County District Court Local Rules 11.1(b) and 11.3 prohibit the use of cameras, television and other recording or broadcasting equipment “[i]n the immediate vicinity of a courtroom, including the hallways...” to ensure courtroom proceedings are conducted at all times with the dignity and in a manner calculated to avoid the disruption of order and decorum which the judicial process demands.

101. On November 22, 2022, Morgan Williams and a court deputy approached two news reporters who were conducting an interview with Respondent in the hallway between courtrooms 501 and 506 at the Tulsa County Courthouse.

102. Williams, who is a bailiff for Tulsa County District Court Judge Sharon Holmes (“Judge Holmes”), advised the reporters that there is a specifically designated area of the courthouse where media are permitted to conduct interviews so as not to distract or interrupt courts that may be in session.

103. Respondent began yelling at Williams demanding to know where this policy was and what the policy was.

104. Williams advised Respondent he could get a copy of the rule from the court administrator, but Respondent continued to demand information on the policy in a loud voice.

105. Williams repeated that Respondent could get a copy of the policy from the court administrator and when Respondent continued to act belligerently, she told him, she could have her judge tell him the media policy. Respondent yelled, “Go get your judge!”

105. Williams went to the courtroom and advised Judge Holmes of the situation. When Judge Holmes came out to the hallway where Respondent and the media were congregated, Respondent pulled out his cellphone and told her she was being recorded.

107. Judge Holmes attempted to advise Respondent about the media rule, but he interrupted and yelled, "I wasn't talking to you" and called her "Sharon." Judge Holmes told Respondent he could not speak to her bailiff that way and that he could address her as "Judge." Respondent repeated that he wasn't talking to her.

108. Judge Holmes told Respondent again that he was not to talk to her bailiff that way and as she began walking back to her courtroom, Respondent yelled, "Why don't you go to the bar and get drunk?! That's what you do, Sharon!" and continued to harass Judge Holmes.

109. Respondent continued to engage and harass Judge Holmes in the hallway and call her "Sharon." Tulsa County District Judge Douglas Drummond ("Judge Drummond") came out into the hallway due to the commotion and tried to interject but Respondent stated, "I'm not talking to you either, Judge Drummond." Judge Drummond stated, "This is not appropriate for the hallway" and tried to calm and quiet Respondent.

110. Respondent, in front of media, continued to engage Judge Holmes and threatened to file a judicial complaint. He told her to, "Say 'hello' to all the media" and commented, "Why don't you go drink some more at the bar, judge? You do that a lot. Go be a drunk, judge." Respondent then stated, "She is a drunk."

111. Respondent was so loud that Tulsa County District Judge Tracy Priddy ("Judge Priddy") stopped a proceeding in her courtroom, went out into the hallway, and



told Respondent, "I'm trying to have a hearing in here." (See paragraph 140, *infra*). When asked by media, Respondent identified himself and admitted he was an attorney.

112. On that date, Respondent also acted in a belligerent manner with Tulsa County Sheriff's Deputies who responded. Respondent used profanity and threatened to sue the deputies.

113. Respondent's actions were recorded by Elizabeth Caldwell ("Caldwell"), a news reporter and director. Caldwell tweeted from her Twitter account on November 22, 2022, the following: "The attorney for Grant Miller in the city council voting case, Ronald Durbin, told officers in the courthouse to 'f\*ck off' & that they were 'too fat' to chase him after an employee said I couldn't interview Miller's team in front of the courtroom. He also fought w/ the judge." Caldwell posted a photograph of Respondent's confrontation with Judge Drummond in the courthouse hallway.

114. In a subsequent tweet that same day, Caldwell posted a photograph of Respondent filming sheriff's deputies during his confrontation with them and commented, "It's interesting that Miller says he'll donate 50% of his city council income to TPD, but his attorney is literally telling law enforcement to f\*ck off."

115. Respondent responded publicly to comments about Caldwell's tweets in a defiant and flippant manner (See paragraphs 144-145, *infra*).

116. Respondent's public statements about Judge Holmes were known to be false or were made with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge.

117. Respondent's false and/or reckless comments about Judge Holmes serve to undermine public confidence in the administration of justice.

118. On December 5, 2022, the OBA received grievances from Judge Holmes and Williams regarding Respondent's conduct on November 22, 2022.

119. By letter dated December 20, 2022, the OBA sent Respondent a copy of the grievances it received from Judge Holmes and Williams and advised the matters were being opened for formal investigation. Said letter also stated that the OBA's investigation would address, but was not limited to, alleged violations of Rules 3.5(d), 8.2, 8.4(a), 8.4(c), 8.4(d), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

120. In his written response dated January 27, 2023, Respondent denied that he violated or attempted to violate the rules of professional conduct. He claimed the rules cited by the OBA were vague and ambiguous or did not seem applicable. He did not address the allegations contained in the grievances by either Judge Holmes or Ms. Williams and instead cited *OBA v. Porter*, 1988 OK 114, as "further guidance" to the OBA. Respondent advised he would further "... stand on the doctrine of truth and my rights protected by the 1<sup>st</sup> and 14<sup>th</sup> Amendments ..." and those "... granted pursuant to 42 U.S.C. §1983."

121. Respondent's misconduct violates the mandatory provisions of Rules 3.5(d), 8.2(a), 8.4(a), 8.4(c), and 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

#### **COUNT V: THE BURKE GRIEVANCE**

122. On or about November 11, 2022, Attorney Taylor Burke ("Burke") and his law firm filed an election irregularity petition at the Tulsa County Election Board on behalf of Mykey Arthrell ("Arthrell"), a Tulsa City Council Candidate for District 5. Afterwards,

Arthrell spoke briefly to the press and was advised that another attorney would also be conducting a press conference at the Election Board later that afternoon.

123. Burke attended the afternoon press conference on November 11, 2022, and observed Respondent there with Tulsa City Council Candidate for District 5 Adam Grant Miller ("Miller") who was filing for a recount. Respondent saw Burke and made an "off-color comment" about grammatical issues he believed were in Burke's petition. Respondent had made similar comments before, so Burke did not respond.

124. Respondent then made a series of meritless and potentially defamatory accusations against Burke during the press conference which were broadcast by local media. Respondent also posted similar videos on his law firm's Facebook page around the same time.

125. Since the legal matter involved an election challenge, a hearing had to be held without delay by statute. On November 14, 2022, an Order for Hearing was filed setting the matter for November 17, 2022, by the County Election Board Secretary. The matter was assigned to be heard and conducted by Tulsa County District Judge Drummond in CV-2023-2290, *In re the Matter of Petition Alleging Irregularities*.

126. On or about November 14, 2022, during a telephonic status hearing, Respondent objected to the hearing on November 17, 2022, as he had plans to attend a cannabis conference in Las Vegas, Nevada. Respondent was instructed by Judge Drummond that he would need to participate in the hearing as scheduled on the 17<sup>th</sup> remotely via Microsoft Teams and that he was responsible for his own connectivity pursuant to District Court Rule 34.

127. Prior to the hearing, Respondent refused to cooperate and allow Burke to interview witnesses because he claimed to be “unavailable.” The Tulsa County District Attorney’s Office, who was serving as counsel to the Tulsa County Election Board, would not agree to conduct any witness interviews without Respondent being present in order to maintain “neutrality.”

128. On November 15, 2022, in an email between Respondent, Burke and other attorneys involved in the legal matter, Respondent stated, in part, “Mr. Burke, As I’ve explained repeatedly, I’m out of town I am back on Monday, and happy to interview witnesses then, if you do not drop this matter beforehand ... Also, several times it’s been mentioned that other attorneys could fill in for me. I wanted to make clear that the female attorneys in my office will have nothing to do with you Mr. Burke. They find you as detestable as I do.”

129. Burke replied that same day to Respondent’s email stating, “Mr. Durbin, Let’s be clear: you will agree that the other attorneys in your office can attend the interviews if I am not present? If so, we can schedule them with Mr. Canfield and Ms. Cash right away. I assume you will not really agree to that, but just in case, let me know. Your other statements are unnecessary. The personal attacks will stop.”

130. On November 16, 2022, Attorney James Hicks (“Hicks”) entered the matter on behalf of Miller.

131. On November 17, 2022, when the hearing began at the scheduled time, Respondent appeared to have difficulty connecting remotely. Hicks was present on behalf of Miller, however, and was able to proceed. At approximately an hour into the hearing, the Court took a recess and when it resumed, a written motion seeking Judge

Drummond's disqualification had been submitted by Respondent. Judge Drummond denied the motion and the hearing continued.

132. Later that day, after a long recess, Respondent was able to connect to the hearing online and again sought the Court's disqualification. Judge Drummond again denied the motion. The hearing could not be concluded and was continued to November 22, 2022.

133. On November 18, 2022, an attorney for Burke sent Respondent a letter demanding that he cease and desist from making false and defamatory public statements about Burke and his ability to practice law. Said letter cited Respondent's comments at the November 11, 2022, press conference as well as Respondent's public posts on his law firm's Facebook page. In addition to requesting that Respondent immediately delete the comments from his social media pages and issue a public retraction, said letter advised Respondent that he was only to communicate with Burke by email.

134. On November 22, 2022, on their way to the hearing in the election case, Burke and another attorney from his firm, Adrienne Cash ("Cash"), were waiting with their client, Arthrell, for an elevator at the Tulsa County Courthouse. An elevator opened with Respondent and other people on it. Due to the fact that the hearing was scheduled to begin in a few minutes, Burke, Cash, and Arthrell got onto the elevator. Despite the cease and desist letter, Respondent immediately began berating Cash and Burke, calling them and their arguments "stupid" and "f\*cking stupid."

135. Burke asked Respondent several times to stop and referenced the cease and desist letter, but Respondent stated he could say whatever he wanted and that they

should not have gotten on the elevator. Special Judge Theresa Dreiling was on the elevator and heard Respondent's comments.

136. At the hearing on November 22, 2022, Burke addressed the Court as did Attorney James Hicks. Respondent did not speak to the Court or make any further comments to Burke or Cash.

137. After the hearing, Burke was approached by reporters in the hallway outside the courtroom and began answering their questions. Judge Holmes' bailiff came out and asked them to move the interview to a designated area for media away from the courtrooms. Burke and the reporters moved as requested and finished the interview.

138. As Burke and Arthrell were taking the stairs to leave the courthouse, they heard Respondent give his bar number to someone in an "agitated tone" and they left before things escalated.

139. The matter outside the courtroom escalated as set forth in paragraphs 101-110, *supra*.

140. Cash, however, had entered Judge Priddy's courtroom on the fifth floor after the hearing concluded before Judge Drummond. Cash could hear a commotion outside the courtroom and observed Judge Priddy stop a proceeding, leave the bench, and go out into the hallway where she told Respondent she was trying to hold a hearing in her courtroom (see paragraph 111, *supra*).

141. On December 8, 2022, the OBA received a grievance from Burke regarding Respondent's behavior during his representation of Miller in the election contest in CV-2022-2290. In addition to alleging that Respondent violated his professional duties as set forth in paragraphs 123-124, 127-129, 131-135, *supra*, Burke advised he believed

Respondent moved to recuse Judge Drummond because Respondent was out of state, Respondent was not prepared, and Respondent sought some manner of continuing the hearing in bad faith.

142. Burke alleged this was not the first time Respondent unfairly sought a Court's disqualification and cited Respondent's actions in the *Estate of McCutchen*, Tulsa County District Court Case No. PB-2019-1072. Burke advised in the *McCutchen* matter, Respondent's client was sanctioned \$25,000.00 for refusing to produce evidence for many years and that during a hearing before Tulsa County District Judge Kurt Glassco ("Judge Glassco"), Respondent made a series of disrespectful and demeaning statements to him and the court. Burke advised that Judge Glassco ultimately recused from the matter.

143. Burke stated in his grievance that he has worked on several cases with Respondent over the past decade and found Respondent to be "unprofessional, hostile, overly aggressive, uncooperative, and vexatious." He expressed concern over public posts on Respondent's law firm's Facebook page including a video he observed of Respondent making obscene gestures to and "hateful comments" about the OBA. Burke advised that Respondent's incivility also includes public tweets and social media comments criticizing Tulsa County Judges.

144. With regard to Respondent's incident outside the courtrooms on the fifth floor of the Tulsa County courthouse on November 22, 2022, Burke stated in his grievance that based on discussions with a *Tulsa World* reporter and public tweets he read by a National Public Radio reporter, deputies were called, and Respondent made hateful comments to them and court staff. Burke advised that Judge Drummond had to come

out to the hallway and tell Respondent to stop and that Respondent made disparaging comments to Judge Holmes and her staff.

145. Burke included a photocopy of comments Respondent made on Durbin Law Firm's Twitter page about the November 22, 2022, incident at the courthouse. The comments show that on or about November 22 or 23, 2022, Respondent tweeted as Durbin Law Firm (@DurbinLawFirm) a reply to @MorganYvonne6 and @Eliza\_well, "Wow. If you are the Bailiff, you are an absolute moron for being on here posting this stuff. Get your judge out of the bars!!! And I mean the ones she drinks at too much!" He then tweeted, "If you think I'm worried about Judge Drummond, or any judge in that courthouse, you clearly do not know me." He also tweeted, "... your behavior here doesn't shock me considering how she acted like a drunk in the hall today. Was that alcohol on her breath?" and "I only called your judge a drunk based on passed [sic] behavior I've witnessed personally, so .... Perhaps we should see how often she gets plastered at the Hunt Club?"

146. Burke also included a screenshot of a post on Viridian's public Facebook page from November 22, 2022, which stated:

WOW!!!! Well, today was certainly interesting. Not so much the hearing, but after. A court employee whose power has clearly gone to her head was yelling at media when I walked out of the courtroom about not filming in the hall. As a guy that believes in questioning authority, I asked, what rule. She couldn't tell me the rule, and got frustrated and left. I spoke to the media, and all apparently there is some magic rule in Tulsa that they can't go in the halls, despite the fact that anyone with a cell phone can with a video camera built in. Anyway, the employee decided to come back, and interjected again. I said, I'm not talking to you. At which point, Sharon Holmes, who was in the hall and apparently this woman works for interjected. I again explained that I wasn't talking to her either. Then, the po po came to intimidate. Think it worked? If you want to know more, join me live later to learn all about it. Did I tell some to f\*ck off? Hmmmm, I will tell you one thing, WE ARE IN TROUBLE!!! I've said for a long time the legal system is epically screwed, and it just continues to degrade. Until then, going to keep moving forward like the arrow says!!!



147. Respondent's public statements about Judge Holmes were known to be false or were made with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge.

148. Respondent's false and/or reckless public comments about Judge Holmes undermine the public's confidence in the administration of justice.

149. Burke alleged in his grievance that Respondent's actions were directly disrespectful of the Court, including numerous judges, and that Rule 3.5(d) prohibits him from engaging in conduct intended to disrupt a tribunal. Burke alleged that Respondent has done so throughout his career and such conduct undermines the integrity of the legal process.

150. Burke expressed concern that such "... events also suggest further questions about [Respondent's] ability to practice law. There is something in the fact pattern that suggests greater health challenges or issues about how he handles his emotions. I believe those affect his competence under Rule 1.1 and further reflect on the general nature of his ability to be a lawyer."

151. By letter dated December 19, 2022, and mailed to Respondent's official roster address, the OBA sent Respondent a copy of Burke's grievance and advised it was opening the matter for formal investigation. Said letter also stated that the OBA's investigation would address, but was not limited to, alleged violations of Rules 3.5(d), 4.1, 4.4, 8.2, 8.4(a), 8.4(c), 8.4(d), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

152. In his written response, Respondent denied violating any rules of professional conduct and claimed that the OBA's handling of grievances he had filed

against attorneys was “woefully inconsistent” and as such, “indicates a strong bias towards me specifically.” Respondent said that in the time since Burke filed the grievance, Miller had prevailed in the litigation and no appeal had been sought.

153. As for any public comments he made, Respondent stated, “... those are publicly available on the internet and speak for themselves. I do not believe anything I said violates any of the alleged Rules.” Respondent cited *OBA v. Porter*, 1988 OK 114, for “further guidance” for the OBA and advised he would further “stand on the doctrine of truth and my rights protected by the 1<sup>st</sup> and 14<sup>th</sup> Amendments” and those “granted pursuant to 42 U.S.C. §1983.” Respondent claimed he would need clarification from the OBA “... in order to understand what conduct it is you believe may violate the laundry list of vague and ambiguous rules you listed.” Respondent did provide a full and fair disclosure of relevant facts in response to the allegations of professional misconduct set forth in Burke’s grievance.

154. Respondent’s misconduct violates the mandatory provisions of Rules 3.1, 3.5(d), 3.6(a), 4.1, 4.4(a), 8.2(a), 8.4(a), 8.4(c) and 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

#### **COUNT VI: THE MATTINGLY GRIEVANCE**

155. Following the passage of medical marijuana use in Oklahoma in 2018, the Legislature tasked the Oklahoma Medical Marijuana Authority (“OMMA”) with formulating a seed-to-sale inventory tracking system. OMMA was authorized to contract with third-party vendors to effectuate its duties.

156. On September 18, 2020, The State solicited proposals from multiple vendors for a seed-to-sale tracking system and on September 18, 2020, signed a contract with Metrc LLC (“Metrc”).

157. After the Metrc seed-to-sale tracking system was implemented in Oklahoma, Respondent began engaging in regular, wide-ranging editorial streams on his law firm’s Facebook page where he addressed clients and a potential putative class of medical marijuana licensee clients. During these posts, Respondent discussed his displeasure with OMMA and Metrc and his intentions to file a lawsuit against OMMA. Respondent frequently made profanity laced, derogatory comments about the OMMA and Metrc.

158. In addition to his social media critique of Metrc, Respondent created an internet website called “Screw Metrc,” wherein he posted profanity laced ‘infomercials’ of himself attacking Metrc. Respondent also sold merchandise disparaging Metrc on this website.

159. On March 31, 2021, during a public Facebook video stream hosted by “OK4U Approved,” Respondent made the following statements about his plans for filing the lawsuit:

I firmly believe that I’ve got the basis to beat it, I really do and I mean ... you know if anybody knows anything about me, I’m not one to bluff ... I just don’t believe in it. You bluff, you get called on it, and nobody ever believes you again. So, I’m not one to bluff. I firmly believe that we’ve got that, but there are no guarantees with that black robe sitting there, because I’m sorry, but the person that graduated last in their law class can still become a judge. And there’s an old saying that, ‘Those who can, do, and those that can’t, run for office.’ And the truth of the matter is a lot of lawyers who can’t hack it, run to be a damn judge; and so, they’re dumber than most lawyers, honestly. Now that’s not always universally true but there’s a lot of them that are just idiots ... I know where I’m – I know where I’m going to file it and

what judge it will be heard – what judge will hear it. So I already got – I already got the county and everything picked out of where I'm filing the lawsuit. I'm not dumb, I – I think about things like that.

160. On April 15, 2021, Respondent initiated a class action lawsuit in Okmulgee County, Case No. CV-2021-47, *Dr. Z Leaf Cultivation, LLC, et al. v. State of Oklahoma, ex rel., Oklahoma Medical Marijuana Authority*. The matter was assigned to District Judge Pandee Ramirez (“Judge Ramirez”) and sought a declaratory judgment against OMMA on several matters including its use of Metrc’s system and RFID tags. The suit also sought, in part, a declaratory judgment that the seed-to-sale contract between OMMA and Metrc is an unlawful monopoly and that Metrc was in breach of the contract.

161. On or about May 11, 2021, Attorney Jack Mattingly (“Mattingly”) filed an entry of appearance on behalf of Metrc as well as Metrc LLC’s Special Entry of Appearance, Motion to Intervene, and Motion to Vacate Temporary Restraining Order in the case.

162. On June 1, 2021, Metrc was authorized to intervene in the litigation by the Okmulgee Court.

163. On or about June 17, 2021, Third-Party Defendant Metrc LLC’s Motion to Transfer Venue was filed on the grounds that (1) under 12 O.S. §133, venue was improper in Okmulgee County, (2) the contract Plaintiffs sought to litigate contains a venue selection clause specifying Oklahoma County, and (3) that Respondent, as Plaintiffs’ counsel, had indicated Metrc could not receive a fair trial in Okmulgee County.

164. Mattingly cited Respondent’s March 31, 2021, Facebook statements that he had purposefully chosen which county to file the suit in (see paragraph 159, *supra*) and submitted that, based on those public statements, “It is unknown what about this Court,

or this Honorable Judge, is so appealing to the Plaintiff's counsel that he would select it to file a class action for his Tulsa-based clients ... A boast to the general public that a lawyer carefully engaged in forum shopping triggers application of 12 Okla. Stat. §140 ...”

165. On or about August 17, 2021, a hearing was conducted in Okmulgee on multiple motions, including the one to transfer venue to Oklahoma County. Respondent failed to appear because he was on vacation. Judge Ramirez ruled Respondent was in default and transferred the case to Oklahoma County District Court, Case No. CV-2021-2049.

166. On or about September 2, 2021, Respondent engaged in a public Facebook live session on Viridian's page discussing the transfer of the case and claimed Judge Ramirez stated she disliked class actions. Respondent stated the judge was in “over her head” and suggested there was some sort of judicial impropriety involved in the transfer and that an *in camera* request was looming. Respondent did not advise his audience that the motion to transfer venue was lost as a result of his failure to appear in court or that Oklahoma County was the proper venue for the dispute due to the venue selection clause in Metrc's contract with the State.

167. Respondent's public statements about Judge Ramirez were known to be false or were made with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge.

168. Respondent's false and/or reckless public comments about Judge Ramirez undermine the public's confidence in the administration of justice.

169. After the case was transferred to Oklahoma County, Respondent agreed on February 25, 2022, to an order that dismissed everything except two declaratory judgment

counts regarding whether a licensee must pay to implement a marijuana seed-to-sale tracking system, and whether OMMA misapplied funds. On April 14, 2022, Respondent moved to withdraw from the case and was allowed to do so.

170. In the fall of 2022, Respondent attempted to rent a booth in Las Vegas, Nevada at MJBizcon, a cannabis trade show, to promote his "Screw Metrc" website and raise funding for lawsuits he claimed he was going to file against Metrc nationwide. Respondent was denied a booth at the convention but announced on Facebook that he was going to attempt to gain access, nonetheless.

171. On or about November 18, 2022, Respondent live streamed on Viridian's public Facebook page video of himself attempting to gain access to the Las Vegas cannabis convention. Respondent refused to leave the premises despite multiple requests by security personnel to do so. Respondent can be seen handing out "F\*ck Metrc" novelties while harassing security and cursing at them. He threatened to sue security after he identified himself as an attorney.

172. On November 20, 2022, Respondent posted a video on Viridian's public Facebook page threatening to harass Metrc at their corporate headquarters with unplanned surprises.

173. On December 10, 2022, Respondent posted a video on Viridian's public Facebook page wherein he boasted about Metrc's presumed response to his threats to harass them at their corporate headquarters and laughed about how he tricked them and went to Aruba instead.

174. On December 19, 2022, the OBA received a grievance against Respondent from Mattingly. In his grievance, Mattingly advised of Respondent's conduct as set forth

in paragraphs 157-173, *supra*, and stated that, to his knowledge and contrary to Respondent's public statements to his clients and putative class action members, there was never any judicial impropriety on Judge Ramirez's part nor was an *in camera* request ever made. Mattingly alleged that Respondent's false statements about Judge Ramirez violate his professional duties because "[we] rely not only on Courts, but the public's faith that jurists are not ditzy amateurs that confess their own incompetence on the bench. The statements were made to an uncertified class that, if taken as true, would significantly undermine public confidence in Judge Ramirez's conduct and professionalism and the Oklahoma judicial system as a whole."

175. Mattingly alleged in his grievance that Respondent's "... statements about the Court were also calculated to 'have an imminent and materially prejudicial effect on the fact-finding process in an adjudicatory proceeding relating to the matter..' in contravention of ORPC 3.6(a).

176. With regard to Respondent's public posts and website against Metrc, Mattingly advised in this grievance that Respondent "... has transparently and openly launched a campaign to harass Metrc ..." and stated that "[his] harassment of Metrc is chronic." Mattingly also advised that "... now MJBiz conference has drawn their own expletive-based website from Mr. Durbin found at <https://screwmjbizcon.com>."

177. Mattingly further advised that in his 27-year legal career, he has never before filed a bar complaint. Per Mattingly, Respondent's conduct in the case "created such unrealistic and unhealthy expectations from his clients and Oklahoma medical marijuana licensees following the litigation ..." and that "It hurts us all when lawyer don't do their job and explain it away by publicly excoriating the bench with untrue statements."

178. Mattingly also advised the OBA in his grievance that Respondent had recently screamed at courthouse personnel in Tulsa County and "... apparently accused a sitting judge of being drunk ... Mr. Durbin's conduct is casting all Oklahoma lawyers in a bad light." Mattingly included a screenshot of Respondent's November 22, 2022, Twitter exchange with his grievance (see paragraph 145, *supra*).

179. By letter dated December 20, 2022, and mailed to Respondent's official roster address, the OBA sent Respondent a copy of Mattingly's grievance and advised it was opening the matter for formal investigation. Said letter also stated that the OBA's investigation would address, but was not limited to, alleged violations of Rules 1.3, 1.5, 1.15, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 8.2(a), 8.4(a), 8.4(c), 8.4(d), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

180. In his written response to the grievance received by the OBA on January 27, 2023, Respondent denied violating any rules of professional conduct and claimed that the OBA's letter and referenced rules failed to provide "any correlation between the contents of Mr. Mattingly's letter, or facts alleged therein, and any of the Rules you allege I may have violated." Respondent further stated that the OBA's treatment of this grievance, compared to grievances he filed against other attorneys, "indicates a strong bias towards me specifically ... an improper double standard ... [which] Frankly, it looks a lot like persecution for exercising protected free speech which you do not happen to like, and I intend to fight fully to protect those rights."

181. Respondent claimed he could not respond to the grievance because to do so "... would violate attorney client privilege, work product protections and expose



litigation strategy.” Respondent further stated, “As Mr. Mattingly is no doubt aware, as he is an avid fan of my Facebook page, I am in the process of filming multiple videos and a documentary related to his client Metrc. This complaint is an attempt ... to stifle my rights to bring this story to light for the purpose of public discourse, and the actions of the OBA appear to be assisting him and his client in this attempt.”

182. Respondent claimed the grievance was also filed after he drafted and publicly released a Model Law related to prohibit mandatory price fixed RFID tags in cannabis which, if passed, would cost Metric “hundreds of millions of dollars they presently make on tag fees.” Respondent stated he planned on highlighting this bar complaint in his documentary and in litigation being filed against Metrc in various jurisdictions and referred the OBA again to the *Porter* case, the 1<sup>st</sup> and 14<sup>th</sup> Amendments, and 42 U.S.C. §1983.

183. Respondent’s misconduct violates the mandatory provisions of Rules 1.3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 4.4(a), 8.2(a), 8.4(a), 8.4(c), 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

**COUNT VII: THE GENERAL COUNSEL’S GRIEVANCE  
REGARDING RESPONDENT’S CONDUCT AT THE OBND**

184. On March 24, 2023, Respondent engaged in a live session on Viridian’s public Facebook page while he, Grant Miller (Respondent’s law clerk, former client, and Tulsa City Councilman), and a videographer visit the Oklahoma Bureau of Narcotic and Dangerous Drugs (OBND) in Oklahoma City without having made an appointment.

185. Prior to entering the OBND building, Respondent advised his viewers that if a state employee refuses to allow him access to inspect OBND records upon his demand or fails to provide him with copies of requested records, then that employee is

guilty of a misdemeanor and that he was going to call the police and try to have that person arrested for violation of the Open Records Act ("ORA").

186. Respondent, Miller, and the videographer entered the OBNDD building and demanded to have or inspect the Agency's records. Respondent's group did not have an appointment with anyone at the Agency, but Mark Woodward ("Woodward"), an employee at OBNDD, came to the lobby to speak with them.

187. During the live broadcast, Respondent demanded that he be given records or allowed to inspect records. Woodward told Respondent that he was not going to get the records at that moment and Respondent stated he was going to call the police and report him for violation of the ORA. Respondent told Woodward that he had already sued the Agency for violation of the act.

188. Woodward remained calm and polite while Respondent called the non-emergency number for the Oklahoma City Police Department (OCPD) on speaker phone. Respondent told dispatch he was at the OBNDD and that the OBNDD violated the ORA. Respondent requested to have officers dispatched to OBNDD.

189. While on hold with OCPD, Respondent told Woodward he "bills out at \$450.00 an hour and I am going to make a lot of money off you guys." Respondent was asked by the dispatcher if he was an attorney which he verified. After some time, Respondent was advised that OCPD officers had been dispatched.

190. Respondent's Facebook live stream shows that while waiting for OCPD to arrive, Woodward engaged in general conversation with Respondent's group. Woodward advised Respondent he would get all the records he requested that the Agency can legally provide and that his request was being processed.

191. Respondent engaged in conversation with Woodward in an aggressive and unprofessional manner. He stated that if he did not get the documents that day, he would sue OBNDD as he already has done. At one point, Respondent asked Woodward if he was smirking and stated that it made Woodward "look like a f\*cking schmuck."

192. After several minutes pass and Respondent and his party continue their Facebook live stream and loud conversation from OBNDD's lobby while waiting for OCPD to arrive, Woodward commented that he could smell a strong odor of marijuana and that it was hurting his asthma. Respondent told Woodward to "f\*ck off" and called him a "piece of sh\*t," a "motherf\*cking piece of shit, scumbag" and mocked Woodward's nose and appearance. Respondent asked if someone in his group would light up a joint in the OBNDD office building.

193. Four (4) OCPD officers arrived at OBNDD and Respondent identified himself as an attorney from Tulsa and advised that he submitted two ORA requests. Respondent asked each officer to identify themselves and filmed them and their name badges. Officers reviewed Respondent's documents and Respondent demanded Woodward allow him to review the requested documents "now." Woodward again advised Respondent that the Agency was processing his request. Respondent requested the officers arrest Woodward for the commission of a misdemeanor in their presence.

194. The Oklahoma Highway Patrol ("OHP") dispatch was advised by OCPD that they had responded to a call at the OBNDD headquarters involving an attorney from Tulsa who was upset that the Agency was not giving him documents he had requested. OHP Troopers arrived, and Respondent again identified himself and stated OBNDD was in violation of the ORA.

195. One of the responding Troopers contacted his supervisor and advised that there were three (3) subjects at the OBNDD who had cameras and were demanding records. Respondent and his group, along with law enforcement, moved outside of the OBNDD and staff inside locked the Agency's doors due to safety concerns.

196. When the OHP supervisor arrived, there were two troopers, two OCPD officers, Woodward, and Respondent's group outside of OBNDD. Respondent was still recording and broadcasting live on Facebook on Viridian's page and demanded that Woodward be arrested for not giving him access to records under the ORA.

197. The OHP supervisor asked Respondent if he had sent in a record request form and Respondent stated there was no form to fill out. Respondent gave the OHP supervisor four (4) different documents which consisted of: (1) a five-page letter for Open Records Act Request dated March 9, 2023 (sent via US Mail); (2) a three-page letter for Open Records Act Request dated March 16, 2023 (sent via US Mail and email); (3) a six-page, printed copy of the Open Records Act, section 24A.5; and (4) a two-page printed copy of the Open Records Act, section 24A.17.

198. Respondent demanded something be done and the OHP supervisor stated that Woodward was not going to be arrested. Respondent then demanded that a report be taken but refused to complete a witness statement for the report. He also refused to provide his driver's license or an identification card when asked. Respondent stated that he told the Trooper why he was there, and that he was not going to fill out a statement.

199. Respondent did, however, provide a name, date of birth, address, and a telephone number for the report. The OHP supervisor obtained a report number and gave that information to Respondent. He then asked Woodward if he wanted to go inside so

he could get his statement for the report. Woodward agreed and stated that OBNDD was processing Respondent's requests.

200. Woodward and the OHP supervisor went to the building's door and had to wait for it to be unlocked, which Respondent ridiculed. When the lobby door was unlocked, Woodward and the OHP supervisor entered the building. Trooper Real was following them but stopped short and turned around to stay outside. Respondent reached for the door at that time and bumped into Trooper Real and the door shut and locked before Respondent could go inside.

201. Respondent began cursing and yelling that Trooper Real assaulted him and stated he was going to sue Real. When the OHP supervisor later exited the building, Respondent told him that one of the Troopers assaulted him and intentionally blocked him from going inside.

202. Respondent told Woodward he would be back on Monday (March 27, 2023), then got in a vehicle and made a rude gesture to the Troopers as he left.

203. The items requested by Respondent on March 9, 2023, included sixteen (16) categories, each with a sub-request, that Respondent wanted produced within ten (10) days including holidays and weekends. Request number sixteen (16) demanded the production of "[a]ll Documents, emails, text messages, instant messages, or other written electronic communication sent by, received by, and/or received from any Person by any Person at OBNDD which mentions the following words and phrases, from June 26, 2018 to the present." The list of words and phrases specified consisted of twenty-four (24) different series of words or phrases.

204. The items requested by Respondent on March 16, 2023, listed four (4) different requests requesting in part, but not limited to, "All electronic documents, emails, text messages, and other recorded communication generated by, sent by, and/or received by the Office of the Oklahoma Attorney General and/or its agents and/or employees related to OBN case No. SCH-2023-014..." Respondent wanted those records by March 21, 2023.

205. On OBND's website (<https://www.obndd.ok.gov>), under the links "News & Publications"/"Public Information Office," an online records request form is available and advises that, "Requests will be fulfilled in a reasonable time as permitted by law." There are also instructions specifying, "Narrow your request as much as possible. Broad requests that include commonly used terms or requests of information occurring between a lengthy period of time can retrieve thousands of documents, which must be located and reviewed to ensure compliance with confidentiality, including those prohibiting disclosure of personally identifiable information. Reviewing a large number of documents will slow down the process."

206. In his report of the incident, the OHP supervisor stated:

[Respondent], who stated several times he is an attorney, knows the legal process for open records and misused law enforcement resources, OCPD and OHP, for theatrics and social media self-promotion. During the interaction, [Respondent] stated he was using Facebook live to stream the ordeal. [Respondent], acting in a legal capacity, was rude, unprofessional, and attempted to escalate the situation by calling officers names and cussing [sic] at the officers. [Respondent's] own Facebook video postings show [Respondent] filed a lawsuit, then went to OBN to instigate for social media publicity. This conduct lacked professional integrity and personal dignity. Trooper Supervisor also feels that [Respondent] is attempting to use the legal system and social media to annoy, intimidate, and harass Woodward, OBN, OCPD, and OHP. [Respondent's] actions also disrupted State business by keeping OBN staff and Woodward involved for over two (2) hours plus three (3) State Troopers involved for over one (1) hour.

207. On April 9, 2023, an article titled, "Lawsuit Upends Relative Calm of Life at Tulsa City Hall," was published in the *Tulsa World*. The article reported Respondent is an attorney and detailed his unreasonable ORA demands and belligerent behavior at Tulsa City Hall (see Count VIII, *supra*) as well as his ORA demands and unruly behavior at the OBNDD on March 24, 2023.

208. With regard to Respondent's visit to OBNDD on March 24, 2023, the article reported Respondent livestreamed the visit on his law firm's Facebook page and covered the fact that while Woodward, Respondent, and his group that OBNDD were waiting for an officer to arrive, Woodward commented that he was sensitive to the smell of marijuana. The article reported that Respondent told Woodward: "Shut the f--- up. I am tired of listening to you about that ... You won't give me any f-----records, but you want to sit here and run your mouth about a smell you don't find pleasurable. I don't find the smell of your f----- agency pleasurable."

209. The news article reported that once an OHP lieutenant was called to the scene, "[t]hat conversation did not end well, either, with [Respondent] using profane language and accusing OHP troopers of not wanting to wear body cams 'because then they would be accountable for what they do.'"

210. The article specifically noted that Respondent and Miller both "have interests in the medical marijuana business – [Respondent] as an attorney and Miller as the owner of a cannabis cultivation facility – and [Respondent] has filed a lawsuit against the drug bureau accusing it of violating the states' Open Meeting Act."

211. By letter dated April 10, 2023, and mailed to Respondent's official roster address, the OBA sent Respondent a copy of the *Tulsa World* article and advised it was

“... opening an investigation into the facts and circumstances surrounding your conduct ... on or about March 24, 2023 at the Oklahoma Bureau of Narcotics and Dangerous Drugs (OBNDD) in Oklahoma City, Oklahoma ... wherein you engaged in disruptive and abusive behavior with OBNDD ... employees and/or law enforcement.”

212. Said letter advised Respondent he was required to provide a written response within twenty (20) days as set forth in Rule 5.2, RGDP, and that the OBA's investigation would address, but was not limited to, alleged violation of Rules 4.4(a), 8.4(a) and 8.4(d), ORPC, and Rule 1.3, RGDP.

213. On April 27, 2023, Respondent emailed and requested the OBA grant him an extension of 1,095 days to respond. The OBA granted Respondent a ten (10) day extension.

214. On May 15, 2023, Respondent emailed the OBA a “response” to the grievance which he referred to as “garbage” and a “vendetta” against him for speaking his mind. Respondent stated that the letter he received regarding the grievance “contains no actual allegations at all” and “utterly deprives me of a meaningful opportunity to respond.” Respondent also stated he was unsure why the OBA sent him a copy of the *Tulsa World* article and referred to the reporter as “Kevin Can’t Write.”

215. Respondent advised the OBA that, “Unless you want to clarify and provide an [sic] meaningful opportunity to respond, I consider these matters closed.” Respondent failed to provide a full and fair disclosure of the facts and circumstances surrounding his conduct at the OBNDD on March 24, 2023, or his abusive ORA requests as detailed in the news article.



216. Respondent's misconduct violates the mandatory provisions of Rules 4.4(a), 8.4(a) and 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

**COUNT VIII: THE GENERAL COUNSEL'S GRIEVANCE**  
**REGARDING RESPONDENT'S CONDUCT AT TULSA CITY HALL**

217. On or about March 31, 2023, Respondent livestreamed his visit to Tulsa City Hall on his law firm's public Facebook page. Respondent approached the building security desk and stated he wanted access to the grant office. He was asked to sign in and present identification. Respondent refused to do so. When he was told that it was the building policy, Respondent said he wanted to speak with a supervisor and that he was not going to listen to one unless he was a sworn officer. Respondent was told that the supervisor who was coming to speak with him was a sworn officer. Respondent stated that he needed a "state actor" to tell him that he had to present ID so that he could sue them. Respondent was aggressive and disrespectful to the security officer.

218. When a security sergeant responded to the scene and confirmed he was a sworn officer employed by the City of Tulsa, he advised Respondent it is City policy for security to request visitors to sign in and present identification. Respondent stated on video that he equates having to identify himself to Nazi Germany making lists of people that attend meetings.

219. During his interaction with security, Respondent was belligerent and rude. He questioned their intelligence, education, and abilities. At one point, while a security guard was speaking on the telephone, Respondent identified himself as the guy that sued them last week and referred to himself as, "that pain in the ass lawyer."

220. Respondent addressed another security officer who arrived to assist and when that officer did not respond to his questions, Respondent called him "Paul Blart," asked if he "beats women" and asked if he was trying to intimidate him. Respondent used his camera to zoom in on the security officer's ID and identified the individual to his social media viewers as Officer Testerman.

221. Respondent continued to harass security for some time as he livestreamed on Facebook. Respondent eventually stated that he was going to the 4<sup>th</sup> floor and if security wanted to stop him, they would have to tackle him. Respondent attempted to get on an elevator but was blocked from doing so. Respondent threatened that if the officer put hands on him, he was going to have them arrested.

222. Security told Respondent he could not access certain floors without an appointment. Respondent again attempted to get on the elevator and Officer Testerman held out his arm to block Respondent's progress and told him to "Stop." Respondent pushed Testerman's arm away and tried to push past him. Respondent punched Testerman in the chest and yelled, "Do not f\*cking touch me ... You put your f\*cking hands on me, you mother\*cking prick! You idiot!"

223. Respondent left the building but threatened that he was going to call the police and that security "just bought their [sic] selves a lawsuit." Respondent stated he would deal with the situation with a 1983 action and that it is illegal to not allow him to access public records during regular business records.

224. A security officer and city councilor met Respondent outside the building and advised him that there is a process for obtaining records. Respondent was advised

that he was being disruptive. Respondent claimed, however, that he had been assaulted and that he did not get aggressive or disrespectful until someone put hands on him.

225. On March 31, 2023, Respondent posted a photograph of Testerman on Viridian's public Facebook page along with the following comment:

TYRANT!!!! This Paul Blart University Rent a Cop went hands on today and made the mistake of grabbing me aggressively. Video is posted. Also got met by a city councilor. People wanted some men added to the accountability mission, and today these people made it necessary for me to sue them to. Will be suing on the Open a record Act Violation on Monday. Would anyone like join me Monday requesting documents at the City of Tulsa? Let me know!

As for the mall cops, since they work for the City of Tulsa, as is clear on the video, I will be filing suit against them for violation of my civil rights. 42 USC 1983. I've brought a bunch in my day fighting for other peoples rights, and now I'm going to fight for my own. I hate being touched aggressively. It's a trigger. I did really well not cussing until then. Forgive me. Lol

226. On April 9, 2023, the *Tulsa World* article (see paragraph 207, *supra*) was published reporting on Respondent's burdensome ORA requests to the City of Tulsa and the lawsuit he filed against the City alleging violations of the Open Meeting Act. The news article reported that Respondent, "makes sure to livestream his visits to City Hall and other government offices in search of public records. The results have not always been to his liking, and he has made that clear, sometimes lobbing insults and profanities at individuals he believes are standing in his way."

227. The article reported the incident involving Respondent at Tulsa City Hall on March 31, 2023, and ended with Respondent "... alleging that he had been assaulted by guards seeking to limit his access inside the building." The article quoted Respondent from his livestreamed Facebook video where he yelled at Testerman, "Dude, do not f----

-- touch me, man ... Back up, back up! Do not touch me, you f----- piece of s---. You put your mother-----hands on me.”

228. The article further reported other incidents where Respondent returned to City Hall, “cameras rolling,” demanding to inspect records but refusing to fill out an ORA request form claiming that the act does not require him to do so. Respondent threatened to sue, and did sue multiple city employees, three security guards, and a city counselor alleging they violated the ORA.

229. By letter dated April 10, 2023, and mailed to Respondent’s official roster address, the OBA sent Respondent a copy of the April 9, 2023, *Tulsa World* article and advised it was “... opening an investigation into the facts and circumstances surrounding your conduct ... on or about March 31, 2023 at City Hall in Tulsa, Oklahoma wherein you engaged in disruptive and abusive behavior with ... City Hall employees and/or law enforcement.” Said letter advised Respondent he was required to provide a written response within twenty (20) days as set forth in Rule 5.2, RGDP, and that the OBA’s investigation would address, but was not limited to, alleged violation of Rules 4.4(a), 8.4(a) and 8.4(d), ORPC, and Rule 1.3, RGDP.

230. On May 15, 2023, Respondent emailed the OBA a “response” to the grievance which he referred to as “garbage” and a “vendetta” against him for speaking his mind. Respondent stated that the letter he received regarding the grievance “contains no actual allegations at all” and “utterly deprives me of a meaningful opportunity to respond.” Respondent also stated he was unsure why the OBA sent him a copy of the *Tulsa World* article and referred to the reporter as “Kevin Can’t Write.”

231. Respondent advised the OBA that, “Unless you want to clarify and provide an [sic] meaningful opportunity to respond, I consider these matters closed.” Respondent failed to provide a full and fair disclosure of the facts and circumstances surrounding his conduct at Tulsa City Hall on March 31, 2023, or his abusive ORA requests as detailed in the news article.

232. Respondent’s misconduct violates the mandatory provisions of Rules 4.4(a), 8.4(a) and 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

**COUNT IX: THE GENERAL COUNSEL’S GRIEVANCE  
REGARDING RESPONDENT’S COMMENTS ABOUT THE JUDICIARY**

233. On March 29, 2023, Respondent initiated a lawsuit in *Culver v. City of Tulsa, et al.*, Tulsa County District Court, Case No. CV-2023-638 alleging violations of the Open Meeting Act. The case was assigned to Judge Priddy.

234. On April 5, 2023, Respondent filed an Application for Emergency Temporary Restraining Order and Temporary Injunction. The emergency hearing on his application was set for 1:30 p.m. on April 6, 2023.

235. On April 6, 2023, Attorneys Mary Quinn Cooper (“Cooper”) and Andrew Richardson (“Richardson”) filed their entry of appearance in the case on behalf of the City of Tulsa and City Councilor defendants.

236. On April 6, 2023, at approximately 1:15 p.m., Respondent entered Judge Priddy’s chambers and loudly stated that opposing counsel was not qualified to represent the defendants. Judge Priddy instructed Respondent to lower his voice and told him the matter would be addressed in court. Respondent left.

237. A short time later, Respondent returned to Judge Priddy's chambers and told her clerk that he was withdrawing his motion on the basis of a Rule 15 motion he brought against Judge Drummond seeking the recusal of the entire 14<sup>th</sup> Judicial District. Respondent then left the room.

238. Respondent did not, however, leave the courthouse. Instead, he stayed to get a photograph of opposing counsel showing up for the emergency hearing that was not going to be held.

239. Judge Priddy took the bench at 1:30 on April 6, 2023, to address the case in the proper forum. Opposing counsel appeared for the emergency hearing, but Respondent did not. A brief record was made and opposing counsel made an oral request for an assessment of fees pursuant to Rule 11, which Judge Priddy took under advisement. The Court instructed Cooper and Richardson to file a formal request and brief.

240. A court minute was made afterwards on April 6, 2023, stating, in part, that the hearing on Plaintiff's application for an emergency temporary restraining order and temporary injunction was not held. The minute also stated, in part, that, "Plaintiff's counsel appeared and not appear [sic]. Hearing was not held due to plaintiff's claim that he was withdrawing the application ..."

241. Thereafter, on April 6, 2023, Respondent returned to Judge Priddy's chambers while recording on his mobile phone. Respondent advised Judge Priddy's clerk he was there because the minute order he read was not a correct depiction of what happened. He said that he did not know what an attorney telling her, '... he withdrew his motion' and her saying 'okay' meant other than just that.

242. The clerk told Respondent he would have to talk to the judge and Respondent stated, 'That is fine. I want to talk to her about a Rule 15 then.' Judge Priddy came out of her chambers and Respondent advised her that he was recording her. He stated he was there because her minute was not a correct reflection of what happened, and that he came to correct it, because he had withdrawn his request.

243. Respondent told Judge Priddy he was trying to be nice but had filed a lot of claims against this judicial district of which Judge Drummond was aware. He claimed he was seeking the recusal of the entire 14<sup>th</sup> District and that he did not think she had a conflict personally but rather due to his filing against the entire district and some of her colleagues for RICO violations.

244. Respondent said that he withdrew his motion and accused Judge Priddy of having a hearing *ex parte* without him. Respondent stated that he felt the minute order was written in a way to make him look bad and the fact that they had a hearing *ex parte* was highly inappropriate and he was asking for her Rule 15 recusal from the matter.

245. Judge Priddy advised that Respondent did not come to her to ask to withdraw his application. Respondent interrupted and said that he told her clerk. Judge Priddy advised Respondent that if he wanted her to recuse, he had to follow the rules.

246. Two deputies entered the chambers while Respondent and the Judge were talking. Priddy explained that for her to not hear the matter, Respondent should have addressed his request to withdraw the motion with the Court and that Respondent telling a judge's clerk was insufficient to advise that he had withdrawn the motion. Judge Priddy explained that the court clerk does not have the authority to "okay" things on her own and that Respondent should have simply requested to address the matter with her.

247. Respondent claimed he was going to leave because the presence of law enforcement was making him nervous. As he walked away down the hallway, Respondent said "Do you see how they act? Do you see the thugs that they sent?"

248. Respondent was asked by a deputy to leave the courthouse. Respondent asked if he was being ordered to leave and the deputy said, "I am asking you nicely." Respondent asked, "And what if I don't?" and proceeded to request the name and badge number of the deputies. When one of the deputies did not respond immediately, Respondent asked him if he identifies as a "stump" and called them a "goon squad."

249. As Respondent walked away, he continued to talk to the camera and stated that what he just addressed with the Judge was "a sham." Respondent proceeded to call Priddy a "crooked judge" and an "absolute criminal judge."

250. Respondent also stated, "Judge Drummond is just as liable as she is" and "just as big a piece of sh\*t in my opinion." Respondent then said he was going to file a lawsuit about the situation and a judicial complaint against Priddy and everybody.

251. On April 6, 2023, at 2:39 p.m. Respondent posted the video of his visit to Judge Priddy's chambers on Viridian's public Facebook page with the comment, "People lie far too much. Corruption is rampant!! If this isn't corruption, I don't know what is!"

252. On April 6, 2023, at 4:14 p.m., Respondent posted the following comment on Viridian's public Facebook page, "Hope you watched the video from earlier today to see how I was surrounded by a bunch of Tulsa County Sheriffs armed with guns because I went to correct an absolute lie told by a Judge. What is it with Tulsa County Judges and their credibility. As a lawyer, I am telling you from all I have seen, the SYSTEM IS CORRUPT in City of Tulsa and Tulsa County Courts (14th Judicial District)."



253. Respondent also posted a video discussing the City of Tulsa hiring outside opposing counsel (in the matter before Judge Priddy) and claiming such action is in violation of the law. Respondent told his Facebook viewers that he has issues with the 14<sup>th</sup> Judicial District and that he believes Judge Doug Drummond and Judge Sharon Holmes and several attorneys are “hiding records” he should have access to.

254. In that video, Respondent claimed he caught Judge Priddy and opposing counsel having a discussion without him and that a minute order was changed that originally stated that he did not appear. Respondent called them “freakin’ liars” and stated people at the court are generally corrupt. Respondent claimed Judge Priddy was involved in a cover up and that when he went to confront her about it, she had Sheriff’s officers surround him. Respondent claimed he felt like he was about to get hurt and left due to his fear of the officers’ presence. He asked his followers to file judicial complaints against Judge Priddy and Judge Drummond.

255. Respondent also told viewers he advised Judge Drummond that he would record anywhere he wants to in the courthouse except for the courtrooms. He said he told Drummond that if [the judges] have an issue with that, they should direct him ‘under threat of arrest’ but they did not do so because they know it is unconstitutional.

256. On April 6, 2023, at 5:22 p.m. Respondent posted the following on Viridian’s public Facebook page:

CORRUPTION??? I had another Judge alter a minute order once in Tulsa county to lie, that was Judge .... He recused from all cases after I caught him and was taking him to the Supreme Court. Not a hard case to find. Today, Judge Priddy did the same exact thing and frankly, for the same reason, to lie. The minute order was altered to an absolute lie after I went and confronted them on the first lie. See the change? The black robes in Tulsa County and the 14th Judicial District are acting like they wear white hoods. Just my personal opinion. The evidence sure is mounting. What say

you? Notice how excited to see Judge Priddy she was at 1:30? We all know why now, collusion was in the air!!! See posts videos from earlier today. Wake up Tulsa, the corruption is this bad. You are seeing it with your own two eyes.

As a side note, I'm sitting here smiling having caught them so red handed. They must think I am an idiot. What other changes did they make after I left. Did it say I withdrew the application before I left and they colluded to change it when I left? Anyone have a better conclusion?

Along with the comments, Respondent posted what appeared to be screen captures from OSCN.

257. On April 9, 2023 at 6:29 p.m., Respondent posted on Viridian's Facebook page the following: "OPEN RECORD REQUESTS! I will be going to the Tulsa County Courthouse on Monday at 2:00PM. What am I looking for? Copies of the old orders Judge Priddy and her clerk edited after the fact. Destroying public records and altering the truth is a big deal! Funny how it went from I was there to I wasn't there. I just must be a ghost and didn't know it. Where is Demi Moore and a potters wheel?" Respondent posted screen captures of the Tulsa County Courthouse's address and a partial listing of an OSCN entry with his comments.

258. Respondent's repeated public statements about Judge Priddy and other members of the Tulsa County judiciary on social media were known to be false and/or made with reckless disregard as to their truth or falsity concerning the qualifications or integrity of a judge.

259. Respondent's false and/or reckless comments about Judge Priddy and other members of the Tulsa County judiciary undermine the public's confidence in the administration of justice.

260. On April 11, 2023, per Judge Priddy's instructions, the court minute for April 6, 2023, was corrected to read, in part, "Plaintiff's counsel did not appear. Hearing was not held due to plaintiff's claim that he was withdrawing the application."

261. By letter dated April 14, 2023, and mailed to Respondent's official roster address, the OBA advised, "We have opened a grievance against you based upon the enclosed copies of public social media posts you have made regarding members of the Tulsa County judiciary." Said letter enclosed a screenshot of Respondent's Facebook posts on April 6, 2023, at 4:14 p.m. and 5:22 p.m. (see paragraphs 252-256, *supra*). Said letter also stated that the OBA's investigation would address, but was not limited to, alleged violations of Rules 4.4(a), 8.2(a), and 8.4(d), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

262. On May 15, 2023, Respondent emailed a response to the grievance and stated: "With regard to DC-23-62, you also utterly failed to provide a meaningful opportunity to respond. You again cite rules ... Again, you make no factual allegations. Instead you simply post a picture of a Facebook post. I made a truthful and accurate statement regarding a corrupt judge who is a [sic] political position in Oklahoma ..."

Respondent also claimed that the matter relates to:

... my representation of Reverend Freeman Culver, President of the Greenwood Chamber of Commerce which owns the buildings on Black Wall Street. They are the oldest African American Chamber of Commerce in the United States. Seeing as they are familiar with the massacre of their relatives in 1921, they know what a fighter looks like, and they hired me. Could it be because we are fighting government oppression and corruption, and they are tired of losing? Maybe you should ask them, as they do not have a complaint. They are extremely happy with my services, and frankly, if they knew about this, they would probably respond negatively

to the OBA for attacking the attorney trying to stand up for a minority community that is use [sic] to government deprivation of rights. Did I mention that I do this work pro bono? Well, in case you cared, I do not charge them a penny. Why? Because they are broke and cannot afford it. Further, IT IS THE RIGHT THING TO DO. You are on the wrong side of this issue. The OBA should be fighting with us to demand open and transparent government. Additionally, we certainly should demand that Judges like Judge Priddy do not commit crimes by lying on official documents and destroying Open Records in violation of the Oklahoma Open Records Act. I am not sure why you wish to protect a Judge acting in a criminal manner, but that is not going to delay me. We are filing suit ... I have video evidence that she lied and have evidence that she altered a Court Minute Order destroying the prior Order to try and cover up her actions. I have both Orders because I was smart enough to screen shot. Again, your letter should thank me for spotting corruption and calling it out. You should try that sometime, it feels good when you go after actual bad people ... You have provided no meaningful opportunity to respond ... Unless you want to clarify and provide a meaningful opportunity to respond, I consider these matters closed.

263. On May 18, 2023, the OBA received a grievance from Mackenzie Bluford (“Bluford”) against Respondent regarding his conduct in Judge Priddy’s chambers on April 6, 2023. Bluford is a bailiff for Judge Priddy. Bluford’s grievance advised that Respondent “consistently interrupted the Judge with false statements and accusations” and that “[a]ll of this is available to view on Mr. Durbin’s facebook account.” Bluford advised that:

Tulsa County Deputy Sheriffs were notified of Mr. Durbin’s presence due to his history of non-compliance with both established Tulsa County Court Rules and basic decency and professionalism. Mr. Durbin evidently felt threatened and left the premises, but not before mocking and defaming the TCSO officers, Judge Priddy, and Presiding Judge Drummond. This was also on video.

264. Bluford included an attestation to her grievance swearing and affirming that her exposure to [Respondent’s] conduct was the sole reason she submitted the grievance.

265. By letter dated June 5, 2023, and mailed to Respondent at his official roster address, the OBA sent him a copy of Bluford's grievance and advised that it pertain[ed] to matters already under investigation in DC-23-62 that:

... you engaged in professional misconduct during your interactions with Judge Priddy and her staff on ... April 6, 2023, and by your social media videos and comments regarding Judge Priddy and members of the Tulsa County judiciary since that date. Said comments and videos have been posted on your law firm's Facebook page on several occasions including, but not limited to, April 6, 2023, at 2:30 p.m., 4:14 p.m., 4:34 p.m., and 5:22 p.m. and April 9, 2023, at 6:29 p.m.

266. The OBA's letter to Respondent requested Respondent provide a supplemental written response within ten (10) days to Bluford's allegations, including his interactions with courthouse personnel on April 6, 2023, and to address his conduct and public comments in light of the provisions of Rules 3.3(a)(1) and (d), 4.4(a), 8.2(a), (c), and (d), ORPC, and Rule 1.3, RGDP.

267. Respondent responded by email to the OBA on June 29, 2023, by attaching a copy of a Motion to Recuse Judge Tracy L. Priddy From this Matter filed in CV-2023-638 on June 1, 2023, and claiming the document "explains the illegal and improper activities of Judge Tracy Priddy in Tulsa County ..."

268. Respondent sent another email to the OBA on July 18, 2023, stating, "Perhaps the Oklahoma Supreme Court can point out who is wrong in this situation, because it certainly is not me. For your reading pleasure, please review the following documents attached to the case filed yesterday..." Respondent included a link to the docket sheet on OSCN for *Culver v. Priddy, et al.*, No. PR-121458, filed at the Oklahoma Supreme Court on July 17, 2023.

269. Respondent's misconduct violates the mandatory provisions of Rules 3.3(a)(1) and (d), 4.4(a), 8.2(a), 8.4(a)(c) and (d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

#### **COUNT X: THE HOGAN GRIEVANCE**

270. On April 3, 2023, Respondent was involved in an incident at Tulsa City Hall which he recorded and posted on Facebook live.

271. Upon his initial arrival at City Hall, Respondent advised the security staff that he needed to speak with several people by name and some by their employment position. Respondent did not have an appointment with anyone.

272. An employee told Respondent that a request had been made to have a representative from the department come and speak with him. Respondent put his camera on the desktop and directed it towards the employees.

273. Respondent was told that some of the departments did not have anyone available to speak with him at the time. Respondent demanded to speak with a representative of each department citing the ORA.

274. Kristy Basgell ("Basgell") from the finance department came out to speak with Respondent and he told her that he wanted to inspect records regarding every expenditure related to certain funding. Respondent told Basgell she could write down whatever, but he was not going to fill out forms.

275. Basgell attempted to take notes about the information Respondent wanted to inspect and explained that she did not have the records readily available, and it would take time to get them together. Respondent insisted that he wanted to review documents immediately and stated he would look at them with her.

276. Basgell stated she would print out what she could, and Respondent told her that a violation of the open meetings or records act is a misdemeanor punishable by a fine and a year in jail. He told Basgell that per city policy, if you are charged with a violation of this law, the city will not defend you.

277. Basgell asked for Respondent's contact information so she could contact him when the records were ready, but Respondent continued to insist that he wanted to see them now.

278. Mark Hogan ("Hogan"), Director of Asset Management for the City of Tulsa, approached Basgell and Respondent due to Respondent's aggressiveness. Respondent asked Hogan to step back and when he did not, Respondent asked if Hogan wanted a date. Hogan tried to speak but Respondent told him that he would deal with whatever Hogan's issue was later and stated, "I am running this meeting." Respondent then moved his camera closer to Hogan in an attempt to intimidate him.

279. Basgell told Respondent she would be happy to gather the information if he would just fill out the form. Respondent told her she should just refuse so he could sue her and Hogan as well.

280. Respondent stated that he had a detailed list he wanted to go over with her and commented that Basgell might alter the records and that he did not trust that she would not amend documents.

281. Respondent asked Basgell if she was refusing to provide the records. She again said that she did not have them. Respondent raised his voice and said that if that was her position, then he would handle the situation in litigation. Respondent told Basgell

he was going to sue her and then stated he did not need her anymore and would “move on the next person.”

282. Respondent asked if any people from other departments were coming down and Hogan advised they were not available. Respondent then threatened to sue Hogan again. Respondent became verbally aggressive and asked if the “goon squad” there was refusing to provide him with any other records. Respondent finally left the building as he threatened to sue everyone and warned there would not be a settlement.

283. On April 17, 2023, the OBA received a grievance against Respondent from Hogan. Hogan advised that Respondent “... is suing many City of Tulsa Records Custodians using intimidation, threats, and physical violence ...” and cited the *Culver* lawsuit Respondent filed in Tulsa County District Court, CV-2023-692.

284. Hogan complained specifically of Respondent’s conduct at City Hall on April 3, 2023, and advised that Respondent posted a video of the incident on his law firm’s Facebook page. He also stated that video of Respondent engaging in similar behavior at the OBNDD was also on the firm’s Facebook page as well as a video of Respondent assaulting a City Security Officer.

285. Hogan stated, “I believe he violates the Oklahoma Attorney’s Oath by filing these suits and treating people the way he does” and he requested the OBA to watch “a few of the videos.”

286. By letter dated April 20, 2023, and mailed to Respondent’s official roster address, the OBA sent Respondent a copy of Hogan’s grievance and advised it was opening the matter for formal investigation. Said letter also stated that the OBA’s investigation would address, but was not limited to, alleged violations of Rules 4.4(a),



8.4(a) and 8.4(d), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

287. On May 22, 2023, Respondent emailed a response stating, in part, that Hogan "... is correct that I am suing numerous persons associated with the City of Tulsa. The remainder of his complaint and your letter deprives me of a meaningful opportunity to respond. It makes conclusions without any factual basis and, like the prior ones, it would not even meet the scant requirements of notice pleading in Oklahoma. Instead it alleges I may have violated generic 'rules.'"

288. Respondent claimed Hogan's grievance related to his representation of Reverend Culver but failed to provide a full and fair disclosure of relevant information addressing the allegations that he harassed and threatened city employees by making unreasonable ORA requests.

289. Respondent's misconduct violates the mandatory provisions of Rules 4.4(a), 8.4(a) and 8.4(d), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

#### **COUNT XI: THE TERAN-GROSSNICKLAUS GRIEVANCE**

290. Teresa Teran-Grossnicklaus ("Teran-Grossnicklaus") is a neutral advocate who works on cannabis legislation. In the past, she worked on legislation with Respondent, but he would become angry whenever she or anyone opposed his view.

291. Teran-Grossnicklaus observed that Respondent made public and personal attacks against members of groups working on legislation with which he disagreed, so she purposefully disassociated from him. She began to hear rumors, however, that Respondent was trying to discredit her within the cannabis industry.

292. On May 26, 2023, Respondent publicly harassed Teran-Grossnicklaus while she was at the Capitol speaking with two representatives about a pending bill. Respondent blatantly recorded her and improperly narrated the content of her conversation while he live streamed video on his firm's Facebook page. Respondent falsely told viewers, "Here we have Teran, she is lobbying for your fee increase."

293. In the video, Respondent falsely told two individuals who were streaming with their own cameras that Teran-Grossnicklaus was lobbying for SB 15 and SB 437. The two people repeated the false statement in what Teran-Grossnicklaus described as a "full public outing of blatant misinformation." Respondent also referred to Teran-Grossnicklaus as a "cockroach" in the video which Teran-Grossnicklaus understood to be a racial slur.

294. On June 5, 2023, the OBA received a grievance against Respondent from Teran-Grossnicklaus describing her interactions with Respondent in the past and the events of May 26, 2023.

295. Teran-Grossnicklaus expressed her concern that Respondent was spreading misinformation to create panic and anger amongst his followers in order to provoke them to go after her publicly.

296. She alleged other incidents where Respondent used her initials or some other offensive term to disagree with her positions on social media.

297. Teran-Grossnicklaus advised of other instances of Respondent publicly harassing people including Respondent going to the State Capitol on May 4, 2023, where, during a Facebook live stream, he accused Senator Jennifer Garvin of having an affair with the late Travis Kirkpatrick. In the same public video, Respondent left a note for

Governor Kevin Stitt that stated, "F\*ck you" which Respondent signed. As he exited the Governor's office, Respondent told the group that accompanied him there that the Governor could not see him because he was probably in there "... playing with himself and watching kiddie porn ..."

298. Teran-Grossnicklaus advised that Respondent had also targeted and publicly harassed OMMA Director Adria Berry ("Berry") on his law firm's Facebook page. On or about May 4, 2023, Respondent posted a video of himself making graphic and misogynistic comments about Berry. Teran-Grossnicklaus advised Berry could testify about the trend in Respondent's behavior towards women.

299. During the OBA's investigation of the grievance, Teran-Grossnicklaus provided additional posts and text messages where Respondent specifically named her and claimed that she was stalking him. Teran-Grossnicklaus expressed concern for her safety given Respondent's "followers" and what they might be capable of if he continues "working them up."

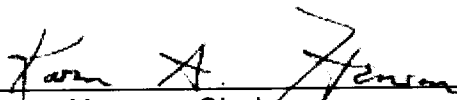
300. By letter dated June 14, 2023, and mailed to Respondent's official roster address, the OBA sent Respondent a copy of Teran-Grossnicklaus' grievance and advised it was opening the matter for formal investigation. Said letter also stated that the OBA's investigation would address, but was not limited to, alleged violations of Rules 4.1, 4.4, 8.4(c), ORPC, and Rule 1.3, RGDP, and advised that a written response was due within twenty (20) days in compliance with Rule 5.2, RGDP.

301. As of the date of this filing, Respondent has not provided a written response to the grievance as required.


302. Respondent's misconduct violates the mandatory provisions of Rules 4.1, 4.4(a), 8.1(b), 8.4(a) and (c), ORPC, and Rules 1.3 and 5.2, RGDP, and warrants the imposition of professional discipline.

WHEREFORE, premises considered, Complainant, Oklahoma Bar Association, prays that the Respondent, Ronald Edward Durbin, II, be disciplined as this Court finds equitable and proper, and for such other relief as this Court finds appropriate.

Done by the direction of the Professional Responsibility Commission this the 21<sup>st</sup> day of July, 2023.

  
\_\_\_\_\_  
Karen Henson, Chair  
Professional Responsibility Commission


and

  
\_\_\_\_\_  
Gina L. Hendryx, OBA No. 10330  
General Counsel  
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**ATTORNEYS FOR COMPLAINANT**

**CERTIFICATE OF DELIVERY**

The undersigned hereby certifies that on the 21<sup>st</sup> day of July, 2023, a true and correct copy of the foregoing Complaint was mailed certified, return receipt requested, via the United States Postal Service, to: Ronald Edward Durbin, II, Respondent, at his official roster address at 116 N. Greenwood Ave., Tulsa, OK 74120. Said document was also electronically transmitted to: Lane R. Neal, Chief Master of the Professional Responsibility Tribunal, 920 N. Harvey Ave., Oklahoma City, OK 73102-2610 at lneal@dlb.net.

  
Loraine Dillinder Farabow