



**STATE ex rel. OKLAHOMA BAR ASSOCIATION v. LUNDAY**

2023 OK 35

Case Number: SCBD-7417

Decided: 04/03/2023

THE SUPREME COURT OF THE STATE OF OKLAHOMA

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Cite as: 2023 OK 35, \_\_ P.3d \_\_

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NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

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STATE OF OKLAHOMA *ex rel.* OKLAHOMA BAR ASSOCIATION Complainant,

v.

MICHAEL DWAIN LUNDAY, Respondent.

**ORDER APPROVING RESIGNATION**

¶1 On March 9, 2023, the Oklahoma Bar Association (Bar Association), notified the Court that the respondent, Michael Dwaine Lunday (Attorney/respondent), resigned from the Oklahoma Bar Association pending disciplinary proceedings. The disciplinary proceedings relate to his arrest for allegations involving lewd acts with a minor and soliciting child prostitution.

¶2 THE COURT FINDS:

1. The respondent has voluntarily resigned from the Oklahoma Bar Association by complying with Rule 8.1 and Rule 8.2, Rules Governing Disciplinary Proceedings, 5 O.S. 2021 Ch. 1, App. 1-A. The respondent's affidavit of resignation reflects that: a) it was freely and voluntarily rendered; b) he was not subject to coercion or duress; and c) he was fully aware of the consequences of submitting the resignation.

2. The respondent states that he is aware of the following grievances against him:

DC 23-46: Grievance by General Counsel: concerning his arrest on or about March 2, 2023, for allegations involving lewd acts with a minor child under 12 and soliciting child prostitution. At the time of this affidavit, he has not been formally arraigned and criminal charges have not yet been filed. It is his understating that law enforcement's investigation as to further criminal wrongdoing is ongoing.

3. The respondent states in his affidavit of resignation that he is aware that the allegations of conduct, if proven, would be a violation of Rules 1.1, 1.3, 1.4, 1.5, 1.6, 1.7, 1.15, 1.16(d), 3.2, 8.1(b), and 8.4 of the Oklahoma Rules of Professional Conduct, 5 O.S. 2021, Ch. 1, App. 3-A and Rules 1.3 and 5.2 of the Rules Governing Disciplinary Proceedings, 5 O.S. 2021 Ch. 1, App. 1-A and of his oath as an attorney.

4. The respondent's resignation pending disciplinary proceedings is in compliance with all of the requirements set forth in Rule 8.1, Rules Governing Disciplinary Proceedings, 5 O.S. 2021, Ch. 1, App. 1-A and it should be approved.

5. The official roster address of the respondent as shown by the Oklahoma Bar Association is: 5830 NW Expressway Suite 162, Oklahoma City, Oklahoma 73132.

6. The Bar Association has not incurred any costs in the investigation and is seeking no reimbursement.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Michael Dwaine Lunday's resignation pending discipline be approved.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Michael Dwaine Lunday's name be stricken from the roll of attorneys. Because resignation pending disciplinary proceedings is tantamount to disbarment, the respondent may not make an application for reinstatement prior to the expiration of 5 years from the date of this order. Pursuant to Rule 9.1, Rules Governing Disciplinary Proceedings, 5 O.S. 2021, Ch. 1, App. 1-A, the respondent shall notify all of his clients having legal business pending with him within 20 days by certified mail of his inability to represent them and of the necessity for promptly retaining new counsel. The Bar Association has waived the imposition of costs in this proceeding.

DONE BY ORDER OF THE SUPREME COURT THIS 3rd DAY OF APRIL 2023.

/S/ACTING CHIEF JUSTICE

ALL JUSTICES CONCUR

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