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STATE OF OKLAHOMA ex rel., OBA v. LILE

2026 OK 6

Case Number: SCBD-7941

Decided: 02/10/2026

THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2026 OK 6, __ P.3d __

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

v.

JASON MARTIN LILE, Respondent.

**ORIGINAL PROCEEDING FOR ATTORNEY DISCIPLINE
PURSUANT TO RULE 7.7, RULES
GOVERNING DISCIPLINARY PROCEEDINGS**

¶10 Respondent, a lawyer licensed in Oklahoma, received a one-year suspension of his license to practice law before the Muscogee (Creek) Nation. Pursuant to Rule 7.7 of the Oklahoma Rules Governing Disciplinary Proceedings, 5 O.S. Ch. 1, App. 1-A (RGDP), the Oklahoma Bar Association filed in this Court documentation of the suspension by the Muscogee (Creek) Nation Supreme Court. We directed Respondent to show cause why a final order of discipline should not be imposed on him by this Court. Respondent requested that no further discipline be imposed and that there be no hearing. The Bar requested this Court to impose the same discipline and suspend his Oklahoma Bar license for one year. After *de novo* review, this Court finds that no further discipline is warranted.

DISCIPLINARY PROCEEDING DISMISSED

Stephen L. Sullins, Assistant General Counsel, Oklahoma Bar Association, for Complainant.

Sheila J. Naifeh, Tulsa, Oklahoma, for Respondent.

Edmondson, Justice.

¶11 Respondent received attorney discipline from the Muscogee (Creek) Nation, and the Oklahoma Bar Association filed a reciprocal professional discipline proceeding in this Court. The Bar recommends we adopt the same discipline, a suspension for one year. We find that no further discipline is warranted.

Muscogee (Creek) Nation Bar Proceeding

¶12 On July 10, 2025, after a hearing where Respondent appeared pro se, the Muscogee (Creek) Nation Supreme Court entered an "Order for Attorney Discipline" against Respondent finding Respondent violated its ethical rules on conflict of interest. This matter arises from Respondent's actions in one isolated criminal case pending before

the Muscogee (Creek) Nation court filed against Elijah Johnson (MCN District Court Case Number CF-2022-1019). Specifically, Respondent failed to withdraw as Mr. Johnson's lawyer after Respondent accepted an employment offer in July 2024, from the Muscogee (Creek) Nation as a Special Assistant United States Attorney (SAUSA).

¶3 The Special Assistant United States Attorney role was created in the wake of the United States Supreme Court decision in *McGirt v. Oklahoma*, 591 U.S. 894, (July 9, 2020). The SAUSA was to work as a liaison between the Tribe and the Northern District of Oklahoma United States Attorney. Although the job offer was from the Muscogee (Creek) Nation, Respondent was advised the SAUSA position was a federal grant funded position and he would work with United States Attorney (U.S. Attorney) for the Northern District of Oklahoma. Under the grant terms funding the SAUSA position, Respondent was specifically *excluded from any prosecutorial work for the Tribe*. Mr. Johnson's criminal case was not a case prosecuted in the federal courts because the federal grand jury issued a non-indictment. The Muscogee (Creek) Nation Attorney General opted to file the case and proceed in the Muscogee (Creek) Nation court.

¶4 At the time of his interview, Respondent was in private practice with over ninety (90) open case files, including Mr. Johnson's case. Respondent disclosed to the Attorney General for the Muscogee (Creek) Nation and others on the interviewing panel, that "I had an extensive number of clients and would need some time to wind down my practice." ¹ Respondent disclosed he represented "Elijah Johnson who was probably the most complex case I had We discussed that specifically in my interview, that I had that case, and it would be one of the more difficult ones for me to untangle from so to speak." ² Johnson, was eighteen years old at the time of the alleged murder. Respondent described Johnson's actions as a "crime of passion" and defensible. Respondent testified he was confused why the Tribe was prosecuting a case where the grand jury refused to issue an indictment and after he had reviewed the evidence. Respondent was the third attorney retained by the Johnson family.

¶5 At the time of his job offer in July, Respondent advised the Muscogee (Creek) Nation Attorney General it would take him thirty to forty-five days to wind down his practice. He agreed to a start date of August 13, 2024. Respondent timely advised Mr. Johnson of his need to withdraw in the case and that Mr. Johnson would need to retain a new lawyer. The Johnson family was concerned because it had been so difficult to retain a lawyer. The only commitment Respondent made to them "is that I would help them to find an attorney to refer them to that they could continue with the representation." ³ Respondent described his efforts as "extensive" in trying to help the Johnson family procure substitute counsel, referring Johnson to at least four (4) other criminal defense attorneys. None of these referrals were successful. When Respondent began his SAUSA position on August 13, 2024, he had withdrawn from all cases and representation but had been unable to yet withdraw from the Johnson case.

¶6 A disposition hearing was set before the Muscogee (Creek) court on September 25, 2024, on Mr. Johnson's case. With the explicit permission of the Muscogee (Creek) Nation's Attorney General, Respondent appeared and announced to the court that he had a conflict of interest because of his recent employment through the Muscogee (Creek) Nation as a SAUSA. He stated that he would be filing a motion to withdraw as counsel of record. The assigned judge "admonished the client -- the client and myself that we needed to hurry and proceed this with trial, because I believe it was a 2022 case." ⁴ Respondent explained at the disciplinary hearing that "to the extent I had not withdrawn from that case, that was why." ⁵ Respondent "did not do any substantive work [on the Johnson case] while I was employed with the Tribe. I did not convey any privileged information to the Tribe...." ⁶

¶7 Although Respondent intended to file his motion to withdraw, a series of events unfolded over the next two days leading him to decide to resign his SAUSA position. There were two primary factors for this decision. Respondent learned that he would be required to work out of the Okmulgee office on Mondays and Fridays; he could not work predominantly out of the Tulsa office for the Northern District U.S. Attorney. Respondent testified that "part of the reason I accepted the position, ultimately, was because I would have an office in Tulsa where I live." ⁷ He has young children that he drives to school, and he could not drive to Okmulgee every day "because I couldn't logistically accomplish that." ⁸ The other concern was two days after the hearing on September 27, a human resources employee responsible for oversight of the administration of the SAUSA grant funds, advised Respondent that he should not have turned in a time sheet for the first three weeks he had been employed; he

had not done any work that would qualify under the SAUSA grant terms. This employee directed Respondent that he would either need to repay three weeks' worth of pay or give an equivalent of flex time back. Respondent testified that before he could really begin his SAUSA role with the Northern District U.S. Attorney, a federal background check would have to be completed, and a formal agreement entered between the U.S. Attorney and the Muscogee (Creek) Nation. Neither of these things had been completed by the Tribe prior to his start date. Respondent submitted his resignation on September 27, 2024.

¶8 The following week, the Johnson family contacted Respondent to advise him that they still had been unable to find substitute counsel and asked for additional help in finding counsel. When they learned that Respondent no longer worked as a SAUSA, the family requested Respondent to continue to represent Mr. Johnson. Respondent testified that "it was a direct conflict" and "I recall telling them specifically, I think that direct conflicts can be waived, but I have to find out what the Tribe -- how the Attorney General's office feels about this." ⁹ The day he resigned he asked Matt Hall, who was on the interviewing panel for the Tribe, to call him. Mr. Hall replied by text, that "I'll call you shortly." ¹⁰ Respondent called Mr. Hall again but he did not pick up the phone. Mr. Hall never called Respondent.

¶9 Respondent then appeared at the next docket on October 23, 2024, for the "sole purpose of finding out if the Tribe, if -- if the A.G. objected" to him continuing to represent Mr. Johnson. Respondent announced to the court that "I was employed with the Nation. I am no longer employed with the Nation. Mr. Johnson's family has urgently asked me to continue this representation, and I would like to know if the Attorney General's office objects or not." ¹¹ The prosecutor did not verbalize an objection, and Respondent took a head nod from the prosecutor that there was no objection to Respondent continuing as counsel. Respondent admitted at the disciplinary hearing that he did not obtain the written consent to waive this conflict of interest. He admitted at the disciplinary hearing that he should have obtained a waiver of this conflict in writing.

¶10 Mr. Hall never returned a call to Respondent. And Respondent did not receive a call from the Muscogee (Creek) Nation Attorney General or the prosecutor to indicate there was an objection to him continuing to represent Mr. Johnson. The Tribe filed a formal motion to disqualify Respondent from representing Mr. Johnson in the criminal proceeding and a formal bar complaint was filed against Respondent with the Muscogee (Creek) Nation. Respondent did not file a response to the Motion to Disqualify.

¶11 The other concern reflected in the disciplinary Order was a conflict of interest demonstrated by a written communication Respondent sent to the Attorney General while he was employed as a SAUSA. Respondent testified during the hearing he was confused why the Tribe would be pursuing the case against Mr. Johnson when the federal grand jury quickly returned a non-indictment. While still in private practice and before accepting his SAUSA position, Respondent reviewed the evidence before the federal grand jury and interviewed the collateral witnesses. Respondent did not find sufficient evidence to support a conviction against Mr. Johnson. He also had a conversation with the Muscogee (Creek) Nation prosecutor, who allegedly indicated to Respondent that the Muscogee (Creek) Nation had a weak case and likely would not do well at trial.

¶12 While he was employed with the Nation, Respondent wrote the Muscogee (Creek) Nation Attorney General asking that the Johnson case be reconsidered and asking that all evidence be thoroughly reviewed for the purpose of preserving prosecution and judicial resources. At the time of writing this letter, Respondent was serving as a SAUSA and still attorney of record for Johnson. Respondent also accessed the Muscogee (Creek) Nation electronic case file on Johnson to review discoverable file materials. Respondent testified that he did not review attorney work product or notes and there was no evidence to support this occurred. In the trial proceedings, the Court noted that the primary concern had nothing to do with the laptop access. ¹² It was more concerned that Respondent had given assurances to the Muscogee Nation District Court about withdrawing and yet remained counsel of record to determine if any possible conflict could be waived and in what manner. ¹³

¶13 In mitigation, the Muscogee (Creek) Nation noted in its Order of Attorney Discipline that Respondent "freely answered all questions concerning his actions in late 2024." ¹⁴ Respondent was noted to be genuinely contrite. Respondent explained that he views the matter through two lenses. In the first lens he sees his actions in the

moment, that his inner drive was to further justice, he wanted to ensure his client (Johnson) was able to secure replacement counsel, and he also felt that information he shared with the Muscogee (Creek) Nation attorney general could save valuable prosecutorial resources. Through the second lens, Respondent views the matter more objectively and understands how his actions were not in accord with the Court's ethical standards.

¶14 The Muscogee (Creek) Nation Supreme Court in its Order of Attorney Discipline found Respondent guilty of misconduct, violating model rules relating to conflict of interest, declining or terminating representation, and candor toward the tribunal. The Court suspended Respondent for a period of twelve (12) months commencing July 10, 2025, and ordered ten (10) additional hours of ethics continuing education credit to be completed within twelve (12) months, ordered Respondent to pay all Muscogee (Creek) Nation bar dues and he was directed to notify all professional organizations.

OKLAHOMA DISCIPLINE

¶15 This Court may impose lawyer discipline when a lawyer has received discipline from the highest court of another state, federal court, or other jurisdiction. ¹⁵ Rule 7 of the Rules Governing Disciplinary Proceedings, outlines a summary process by this Court when professional discipline has been imposed on a lawyer in another jurisdiction. ¹⁶ This rule directs this Court to issue an order providing a respondent lawyer an opportunity to appear and show cause why he or she should not be disciplined by this Court. ¹⁷

¶16 On August 11, 2025, this Court issued an order directing "to show cause in writing by **August 29, 2025**, why a final order of discipline should not be imposed." Respondent filed a response by and through his legal counsel waiving his right to a hearing and urging that additional discipline was not warranted.

¶17 In mitigation, Respondent submitted two affidavits. The first affidavit was from Respondent summarizing his prior work experience in solo practice comprised of family law, probate, criminal defense, and estate planning. Even though he had no prior former discipline, he was forthright in advising this court of a complaint previously filed against him. This matter was investigated by the Bar, which did not result in formal discipline. Respondent fully abided by all conditions made by the Nation and completed eleven hours of CLE and provided the certificates of completion to the Nation's Court Clerk and paid his Muscogee (Creek) Nation bar dues. Respondent timely self-reported his suspension by the Nation to the Oklahoma Bar Association and waived his right to a hearing. The Bar noted that Respondent has been contrite and cooperative throughout this process.

¶18 The second affidavit was submitted by a former employee for Respondent who worked as paralegal. This witness discussed the challenges Respondent faced in trying to find alternate counsel for criminal defendant Johnson and the perceived pressure Respondent felt to get Mr. Johnson's case to trial. The witness also stated that Respondent is always willing to take on pro bono clients, and thorough with conflict checks in his practice.

¶19 Also in mitigation, Respondent provided to this Court copies of all the CLE credit which he completed as ordered by the Muscogee (Creek) Nation.

¶20 Our responsibility in disciplinary matters is not to punish, but to assess the lawyer's fitness to practice law and safety of the public. ¹⁸ Our focus is to safeguard the interests of the public, the courts and the legal profession. ¹⁹ The administration of discipline should be fair, but we recognize that the extent of discipline is decided on a case-by-case basis; each case involves different violations and mitigating circumstances. ²⁰

¶21 Under our reciprocal discipline provisions, a disciplinary action against a lawyer from another jurisdiction creates the basis for this Court to review the lawyer's actions and determine the appropriate discipline, if any, for the affected lawyer, applying our rules and jurisprudence. ²¹ A lawyer may be subject to discipline in both the original jurisdiction and in Oklahoma for the same conduct. ²² This Court is not required to follow the exact discipline ordered by the other jurisdiction. ²³ We have the discretion to impose the same discipline ordered by the original jurisdiction, or one of greater or lesser severity. ²⁴ This Court applies the same guiding principles we utilize for all attorney discipline; to protect the courts, the public, and to gauge a lawyer's continued fitness to practice law, but not to punish. ²⁵

¶22 This Court is committed to enforcing discipline fairly, on a case-by-case basis as each separate case involves different instances of wrongdoing and different mitigating circumstances. *Wintory, supra*. We have recognized that "crafting the appropriate discipline requires consideration of the goals of discipline set in the context and accompanying complexities of each case." ²⁶ *Hyde, supra.*, ¶ 30, 397 P.3d at 1294.

¶23 In *Okla. Bar Ass'n. v. Oliver*, 2016 OK 37, 369 P.3d 1074, concerning the U.S. Bankruptcy Court of the Western District of Oklahoma, we examined the appropriate reciprocal discipline after the bankruptcy court permanently suspended Oliver from the practice of law for repeated noncompliance with that court's electronic pleading requirements. Oliver failed to notify the OBA of his suspension, violating Rule 7, Rules Governing Disciplinary Proceedings. ²⁷ Following a hearing before the Professional Responsibility Tribunal, we found by clear and convincing evidence that Oliver failed to not only report his suspension to the OBA, but also failed to timely notify his bankruptcy clients of the suspension. We noted that Oliver's failure to meet electronic filing requirements in bankruptcy court "does not disqualify him from practicing law in the courts of Oklahoma." *Id.* ¶10, 369 P.3d at 1076. We held that a suspension was not warranted in Oklahoma and imposed a public censure.

¶24 In *Okla. Bar Ass'n. v. George*, ²⁸ we did not follow the Tenth Circuit's disciplinary decision to issue a private reprimand to George for conduct unbecoming a member of that bar. George's misconduct arose from a letter he wrote disparaging the judges on the Tenth Circuit after he received an unfavorable ruling. We determined that his misconduct was an isolated incident, the sanction imposed by the affected jurisdiction was sufficient to stop the offending conduct, no further discipline was warranted, and dismissed the reciprocal action. ²⁹

¶25 As Respondent waived his right to a hearing, there is no trial panel recommendation. In mitigation and recommendation of discipline the Bar noted that the Muscogee (Creek) Nation credited Respondent with "numerous mitigations" ³⁰ noting that Respondent answered all questions before it and appeared genuinely contrite. The Bar also noted that Respondent has been respectful and timely in all matters associated with this reciprocal disciplinary proceeding. While Respondent stated in his brief that he had prior discipline of a private reprimand, the Bar clarified that Respondent *has no prior discipline* record with this Court. ³¹ Respondent was admitted in April 2006; he has practiced law in Oklahoma for almost twenty (20) years without any discipline by this Court. Respondent was awarded the Golden Rule Award by the Tulsa County Bar Association which recognizes lawyers excelling in ethics and civility, determined by his peers through anonymous nomination. Also in mitigation, Respondent voluntarily came forward to report the disciplinary order from the Nation. The Bar suggested that this Court should impose the same discipline as the Nation.

¶26 The record demonstrates that the misconduct determined by the Muscogee (Creek) Nation is an isolated event and the sanction imposed by the Muscogee (Creek) Nation is sufficient to stop the concerning conduct.

¶27 On *de novo* review of the record, and considering similar reciprocal disciplinary cases, we hold that no further discipline is warranted.

DISCIPLINARY PROCEEDING DISMISSED

Rowe, C.J.; Kuehn, V.C.J. and Winchester, Edmondson, Gurich, JJ., concur.

Combs, Darby, Kane, and Jett, JJ., dissent.

COMBS, J., with whom DARBY and KANE, JJ., join, dissenting:

"I would impose a public censure."

FOOTNOTES

Edmondson, Justice.

¹ SCBD 7941, OBA V. Lile, *Response to Show Cause*, Ex. D, Transcript Of Show Cause Hearing before the Honorable Muscogee (Creek) Nation Supreme Court, p. 13.

² n. 1, Tr. p. 14.

³ n. 1, Tr. p. 15.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ n. 1, Tr. p. 13.

⁸ *Id.*

⁹ n. 1, Tr. p. 24.

¹⁰ n. 1, Tr. p. 25.

¹¹ n. 1, Tr. p. 26.

¹² n. 1, Tr. p. 28.

¹³ *Id.*

¹⁴ Notice of Disciplinary Action in Other Jurisdiction, SCBD 7941, *Okla. Bar Ass'n. v. Lile*, Ex. 1, Order for Attorney Discipline, Case No: GVA-2024-03, In the Muscogee (Creek) Nation Supreme Court.

¹⁵ *State ex rel. Okla. Bar Ass'n. v. Gaines*, 2016 OK 80, ¶ 6, 378 P.3d 1212, 1216.

¹⁶ Rule 7, Summary Disciplinary Proceedings Before Supreme Court, 5 O.S. Ch. 1, App. 1-A.

¹⁷ *Gaines*, *supra*. n. 15.

¹⁸ *State ex rel. Okla. Bar Ass'n v. Boyd*, 2025 OK 30, ¶ 7, 571 P.3d 105, 109.

¹⁹ *Id.*, See also, *State ex rel. Okla. Bar Ass'n v. Kinsey*, 2009 OK 31, ¶ 15, 212 P.3d 1186, 1192.

²⁰ *State ex rel. Okla. Bar Ass'n v. Wintory*, 2015 OK 25, ¶ 15, 350 P.3d 131, 135; *State ex rel. Okla. Bar Ass'n v. Wilcox*, 2014 OK 1, ¶ 2, 318 P.3d 1114, 1117.

²¹ Rule 7.7, RGDP; *State ex rel. Okla. Bar Ass'n v. Hyde*, 2017 OK 59, ¶ 1, 397 P.3d 1286, 1287.

²² *State ex rel. Okla. Bar Ass'n v. George*, 2022 OK 34, ¶ 6, 508 P.3d 975, 977.

²³ *Id.*; *State ex rel. Okla. Bar Ass'n v. Patterson*, 2001 OK 51, ¶ 6, 28 P.3d 551, 554-555.

²⁴ *George*, *supra*, n. 22; *Hyde*, *supra*. n. 22, ¶ 30, 397 P.3d at 1294.

²⁵ *Wintory*, *supra*. n. 20; *State ex rel. Okla. Bar Ass'n v. Layton*, 2014 OK 21, ¶ 33, 324 P.3d 1244, 1259.

²⁶ *Hyde*, *supra*. n. 21, ¶ 30, 397 P.3d at 1294.

²⁷ Disciplinary Action in Other Jurisdictions, as Basis for Discipline: Rule 7.7 (a) "It is the duty of a lawyer licensed in Oklahoma to notify the General Counsel whenever discipline for lawyer misconduct has been imposed upon him/her in another jurisdiction, within twenty (20) days of the final order of discipline, and failure to report shall itself be grounds for discipline." Rules Governing Disciplinary Proceedings, 5 O.S. Ch.1, App. 1A, 7.7.

²⁸ n. 22

²⁹ *George*, *supra*. n. 22, ¶ 7, 508 P.3d at 977.

³⁰ Complainant Oklahoma Bar Association's Brief in Support of Discipline, SCBD #7941, Oct. 20, 2025.

³¹ Respondent previously received a Letter of Admonition from the Bar which is not formal discipline.

Cite Name Level

None Found.

Citationizer: Table of Authority

Cite Name**Level****Oklahoma Supreme Court Cases**

Cite	Name	Level
<u>2001 OK 51, 28 P.3d 551, 72 OBJ 1921,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSN. v. PATTERSON</u>	Discussed
<u>2009 OK 31, 212 P.3d 1186,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. KINSEY</u>	Discussed
<u>2014 OK 1, 318 P.3d 1114,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. WILCOX</u>	Discussed
<u>2014 OK 21, 324 P.3d 1244,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. LAYTON</u>	Discussed
<u>2015 OK 25, 350 P.3d 131,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. WINTORY</u>	Discussed
<u>2016 OK 37, 369 P.3d 1074,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. OLIVER</u>	Cited
<u>2016 OK 80, 378 P.3d 1212,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. GAINES</u>	Cited
<u>2017 OK 59, 397 P.3d 1286,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. HYDE</u>	Discussed
<u>2022 OK 34, 508 P.3d 975,</u>	<u>STATE ex rel. OKLAHOMA BAR ASSOCIATION v. GEORGE</u>	Discussed
<u>2025 OK 30, 571 P.3d 105,</u>	<u>OKLAHOMA BAR ASSOCIATION v BOYD</u>	Discussed