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TO :Okla Bar Association General Counsel  
1901 N Lincoln Boulevard  
PO Box 53036  
Okla City OK 73152

August 1, 2010

Re: Complaint and Request for Investigation of my former attorney Joel Wohlgenuth, and attorney Terry Simonson.

Dear General Counsel

I request the General Counsel Office specially handle this bar complaint as I understand my former attorney, Joel Wohlgenuth is also a member of the committie that pre-screens bar complaints and or grievances.

In this complaint I request a disciplinary proceeding be initiated against two lawyers for instances of unprofessional conduct which I believe warrants sanctions. I believe you will find that the respondent attorneys actions call for the imposition of professional discipline. Personally I request that respondent attorneys be suspended from the practice of law for six months and that they repay the fees they have wrongfully charged.

First, Mr Wohlgenuth is presently the attorney of record representing the intrtests of the citizens of the City of Tulsa in both State and Federal Courts suits. He is paid more that he is worth by the citizen of the City of Tulsa to repressent the citizens. I am a resident "citizen" of Tulsa and therefore he reppresents my intrtest in pending and in past litigation. The rules provide:

Oklahoma

Rules of Professional Conduct

Chapter 1, App. 3-A

Client-Lawyer Relationship

Rule 1.7. Conflict of Interest: Current Clients

1. (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing. "

See also :

STATE ex rel OKLAHOMA BAR ASSOCIATION v. CLAUSING  
2009 OK 74  
224 P.3d 1268  
Case Number: SCBD-5443; OBAD-1761  
Decided: 09/29/2009

I have been advised that Mr. Wohlgemuth has been now retained to represent personally the interest of the Mayor of the City of Tulsa Mr Bartlett, in a concurrent dispute with the City of Tulsa's Council. I believe he, Mr Wohlgemuth cannot represent both clients the Mayor and myself as a citizen having an interests in the current dispute between the two. The council for the City of Tulsa is investigating the corrupt practices of the Mayors Office and his special assistant attorney Terry Simonson.

Loyalty and independent judgment are essential elements in a lawyer's relationship to a client. A concurrent "conflict of interest" has arisen from Wohlgemuth's responsibilities to Mr Bartlett and to my self as a citizen of the City of Tulsa, a former client. I do not consent too such a conflict in representation as a former client and request he be invistagated and sanctioned for unethical practices. I request also he repay the City of Tulsa all attorney fees he has bilked and or charged the taxpayers of the City of Tulsa since he began to represent the Mayor as "his Client."

As for the Attorney Terry Simonson, the Tulsa City Council has shown he has not been honest with the citizens of the city of Tulsa as evidenced by the e-mails and communications he had with the Mayor misrepresenting the facts and timing of the Federal funds availabliity for the police officers and the Federal grant applications all of which is under investigation. He has a duty to be honest as an attorney and I believe he has violated the rules so far, specifically at 8.4.(c)(d)(e) et sec.

**Oklahoma Rules of Professional Conduct  
Chapter 1, App. 3-A  
Maintaining the Integrity of the Profession  
Rule 8.4 Misconduct**

**1. It is professional misconduct for a lawyer to:**

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;**
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;**
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**
- (d) engage in conduct that is prejudicial to the administration of justice;**
- (e) state or imply an ability to influence improperly a government agency or official; or**

I object to such misconduct by Mr Terry Simonson and request he be investigated by the bar also and sanctioned for unethical practices of misconduct. I request he also repay the city of Tulsa as restitution all his salary and or fees he has charged the taxpayers of the City of Tulsa since his misconduct.

The propriety of sanctions under the rules for attorneys in regard to unethical misconduct does not depend on the respondent attorney's subjective good faith, or having a pure heart and empty head as any defense to the violation of the rules. I respectfully request a full and complete independent investigation with sanctions imposed under the rules. I request the bar view the above allegations through the eyes of a competent attorney who is advocating the claim of this citizen client.

**Respectfully,**

**James E. Rice**