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Oklahoma Bar Association

**DISTRICT COURT OF THE STATE OF OKLAHOMA**

DAVID A. GUTEN  
SPECIAL JUDGE

14TH JUDICIAL DISTRICT  
TULSA COUNTY COURTHOUSE  
500 S. DENVER AVE.  
TULSA, OKLAHOMA 74103-3832

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January 18, 2020

Oklahoma Bar Association  
Office of General Counsel  
ATTN: Gina L. Hendryx  
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Oklahoma City, OK 73152-3036

Re: Jeffrey P. Krigel, OBA No. 30953

Pursuant to the Code of Judicial Conduct, Chapter 1, App 4, Rules 2.15 (B) and (D), *Responding to Judicial and Lawyer Misconduct*, and the Oklahoma Rules of Professional Conduct, Chapter 1, App. 3-A, Rule 8.3, *Reporting Professional Misconduct*, Chapter 1, App. 3-A, Rules 8.4 (c) and (d), *Misconduct*, I am preparing this grievance in what I believe to be my ethical duty and judicial obligation based on the above-listed rules, and the conduct that I have observed and/or have been made aware of with regards to Mr. Jeff Krigel.

In February of 2019 I was appointed to the bench in Tulsa County and assigned to the criminal division, specifically Traffic and Misdemeanor cases, working alongside Judge April Seibert. As part of my responsibilities I preside over the Arraignment Docket, Bond Docket, Court Costs Docket and DPS Driver's License Appeals. Judge Seibert presides over all of the traditional Misdemeanor cases, as well as several other dockets. Mr. Krigel has appeared before me numerous times in criminal matters (both on arraignment and on the traditional Misdemeanor cases), once on the DPS docket and for one (1) jury trial.

To better explain the procedural dynamics in our County, following an Arraignment a Defendant is typically given another court date with a different Judge. With Misdemeanors specifically, once a Defendant has been arraigned with me, he or she is set on the Misdemeanor docket with Judge Seibert. Presently, all of Mr. Krigel's Traffic and Misdemeanor cases remain with me as Judge Seibert had previously recused herself due to a bar complaint she filed against him several years ago and prior to when she was appointed to the bench. I mention this not for any consideration related to this grievance, but rather to explain why I have been hearing his cases at the procedural stages they are at and to better explain some of the circumstances that I will describe in more detail below.

and his client to know what was alleged and for him to be able to properly prepare his defense. He had also made reference to a Samsung Galaxy 8 with an approximate value of \$30-\$300 directly in his Motion so I ruled it was clear he had proper notice.

I determined and definitely ruled that based on those reasons, the criminal information was sufficient to provide proper notice as required by law, that remainder of his Motion was insufficient as a matter of law, and I denied his Motion in full.

At this point Mr. Krigel became noticeably frustrated and began to argue with me about how he didn't even get a chance to call any witnesses and that we hadn't even heard any testimony on this case and that I was denying him the right to defend his client. This is the first time that a court reporter was requested. I explained again that he had filed a Felony Motion in a Misdemeanor case and that it wasn't an appropriate filing, and that I had denied his Motion for lack of proper legal argument and no legal authorities. Mr. Krigel rolled his eyes and started laughing at me accusing me of not understanding the criminal code, told me that I wasn't letting him defend his client and began to argue with me even more. It's noteworthy at this point to mention that I had a number of people in my courtroom at this time- defendants, attorneys, staff. I told him again that I had ruled on his Motion and that my decision was final and that his actions were unprofessional and inappropriate and to stop immediately. He argued more and stated that I denied him and his client due process by not requiring the State to produce their witness for testimony on the Motion to Suppress, to which I again had to tell him that it was his Motion to Quash/Suppress and that I (as the Court) wasn't required to make the State to do anything at that point because (a) he filed a Felony Motion in a Misdemeanor case, and (b) I'd just denied his Motion. Again, more scoffing, laughing and eye-rolling and louder arguments. Because his behavior was escalating despite my instructions to stop, I cautioned Mr. Krigel that if his behavior didn't cease immediately that he would be held in direct contempt of court. I told him my decision on his Motion to Quash was final and that he needed to move on to the Motion for Discovery that he'd also filed. The State announced that all discovery had been turned over and when I began to ask Mr. Krigel again what it was he believed to be outstanding, he again started to argue with me about the Motion to Quash and essentially accused me of denying his Client the right to a fair trial. It was at this point that I told Mr. Krigel that he'd been warned and was now in direct contempt of court. I instructed him to have a seat in the jury box and at that time my Deputy placed him in handcuffs. Mr. Krigel has alleged in his recent "Motion to Disqualify" that I "ordered" my Deputy to place him in handcuffs. I did not. I believe she did this out of habit because when someone is told to have a seat in the jury box in my courtroom they are most often in custody and placed in handcuffs. I did not order her to do this. Admittedly, I also did not stop her.

I announced that I was going to continue calling my other dockets because it was apparent I wasn't going to resolve the matter and I had a number of other cases I needed to handle. I also became concerned that with the number of people in the room it would be more harmful to public perception to continue. I began calling my "in-custody arraignment" docket. Mr. Krigel interrupted my docket and hollered at me from the jury box that he was

demanded that Judge Doss (the family Judge at the time) immediately recuse from his case which was denied by the then-Presiding, Judge William Musseman.

This is not isolated incidents, and I am most certainly not the first Judge to have significant concerns regarding Mr. Krigel and the manner in which he represents himself and others, as well as the way he practices law. Likewise, I do not take this Grievance lightly, I have never filed a bar complaint on an attorney before. But Mr. Krigel has displayed, and continues to display, a deliberate and intentional pattern of misconduct and utter disrespect for the Court and others, as well as for the legal process. He shows no remorse for his behavior, nor do I believe he maintains, at this time, the competency to understand the severity of his actions. When his conduct is called into question, it escalates and is met with fierce retaliation. I am now the third (3<sup>rd</sup>) or possibly the fourth (4<sup>th</sup>) Judge in Tulsa County that he has demanded recuse from his cases, at least that I am aware of. This appears to be the modus operandi when he gets a ruling that he doesn't like or when he's pressured to actually follow procedure. He employs threats of prosecutorial misconduct and bar complaints with Assistant DA's simply because he disagrees with the offers of plea deals that they give him. This method of "representation by bullying" brings tremendous discredit to the practice of law and ultimately it has no place in our profession.

Again, Mr. Krigel has never shown remorse for his behavior, nor acknowledged that he has ever been inappropriate with the Court. To the contrary, and based on the words contained in his pleadings, he believes that his behavior is justified and seems almost completely unaware. I refer back to the response he gave me in front of a jury after I had already admonished him about certain pieces of inadmissible evidence being presented to them; he told me "I can do what I want". I have significant questions about Mr. Krigel's legal and mental competency. That is not a comment I make lightly and I am well aware of the potential impact that such a statement could have. I would strongly encourage the OBA to communicate with any of the names that I have included in this Grievance for their independent opinions about anything that I have referenced. Please ask for even more names after you have visited with them. Judge April Seibert, Judge Sharon Holmes, Judge William LaFortune, Judge Julie Doss, Judge James Huber, Judge William Hiddle (also previously asked to recuse), the Judges at the City of Tulsa Municipal Court, Tulsa County District Attorney Steve Kunzweiler, Assistant District Attorneys Tara Britt, Tara Jack, Shelby Limburg or any of the ADAs that have worked with him.

Thank you for your time and attention to this matter, please feel free to contact me should you have any questions.



David A Guten  
Special District Judge  
Tulsa County District Court