

THE Oklahoma Bar JOURNAL

Volume 78 ♦ No. 2 ♦ January 13, 2007

Meet Your Bar Association

OKLAHOMA BAR CENTER



*Meet 2007
OBA President
STEPHEN BEAM*

ALSO INSIDE

- New Developments in Employment Law
- The Oklahoma City Federal Courthouse:
An Architectural Icon
- New Year's Decisions to Help Maintain
Work/Life Balance

Calendar of Events

OBA CLE February Video Fair

Expand Your Horizon

**All videos will be at the Oklahoma Bar Center
(1901 N. Lincoln Blvd., Oklahoma City)**

Feb. 8

2006 Recent Developments Day 1

(Video Replay)

6 hrs. of MCLE credit, including 0 hrs. of ethics
Registration 8:30 a.m.

Feb. 9

2006 Recent Developments Day 2

(Video Replay)

6 hrs. of MCLE credit, including 1 hr. of ethics
Registration 8:30 a.m.

Feb. 13

2006 Ethics Cabaret

(Video Replay)

2 hrs. of MCLE credit, including 2 hrs. of ethics
Registration for morning program 8:30 a.m.
Registration for afternoon program 12:30 p.m.

Feb. 14

2006 Recent Developments Day 1

(Video Replay)

6 hrs. of MCLE credit, including 0 hrs. of ethics
Registration 8:30 a.m.

Feb. 15

2006 Recent Developments Day 2

(Video Replay)

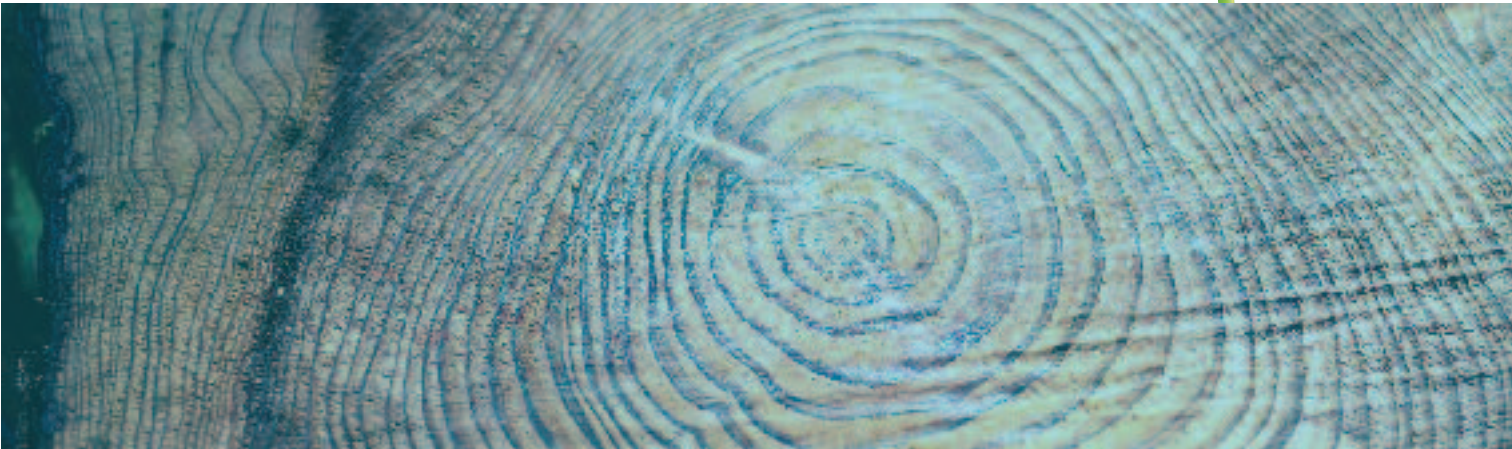
6 hrs. of MCLE credit, including 1 hr. of ethics
Registration 8:30 a.m.

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February



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Proposed Amendments to the Rules of Civil Procedure

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THEME

MEET YOUR BAR ASSOCIATION

COVER PHOTO: NIGHT VIEW OF THE
OKLAHOMA BAR CENTER'S
REMODELED FRONT ENTRANCE

PHOTOGRAPHER: LORI RASMUSSEN

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We Have A Problem

By Stephen Beam

I just got back to Weatherford from a trip to Shreveport with two 1 year olds, an 8 year old and a 21 year old. I was fixin' to work on my first president's page. I was recently told by someone that fixin' must be a Weatherfordism. For those of you who don't live out west, fixin' means getting ready to. To get started, I reviewed what the last few presidents had written about their first month in office. The last four presidents all wrote about what they intended to accomplish in their years.

Bill Grimm wrote about professionalism, public service and involvement in your community. Mike Evans wrote about access to justice. Harry Woods talked about a tripartite year. Sorry Harry, I still don't know what that means exactly. Melissa DeLacerda wrote about the new bar journal. All were upbeat and positive. I started to do the same type of article. I do have lots of ideas and projects I want to accomplish this year. So many in fact that at the end of this year, Public Information Director Carol Manning's hair may look like Don King's — if she has any left.

I decided I want to talk about something else. We are killing ourselves at the rate of one lawyer per month. The lawyer population is approximately the same as the population of Ada or Chickasha. If Ada or Chickasha experienced one suicide per month, it would make the national news. This is definitely a serious problem.

Executive Director John Morris Williams was the first person to point this problem out to me. We talked about providing, as a member service, some counseling to help deal with this problem. I asked one of our local Custer County judges what she thought about this, and I asked if she saw a need for it. She told me she saw at least one lawyer per quarter who could use this service. That was all I needed to hear.

The Board of Governors implemented the program and began offering up to six hours of crisis intervention counseling for attorneys experiencing emotional or stress-related issues. This program is provided at no cost to OBA members. Lawyers using this service remain completely anonymous. OBA members may call Life Focus Counseling Services directly at (405) 840-5225 or toll-free (866) 726-5252. Services are available 24 hours a day. OBA members can be referred to a counselor in their area of the state, if they wish.



Stephen Beam

President Beam
practices in
Weatherford.
sbeam@ionet.net
(580) 772-2900

**We are killing
ourselves at the
rate of one
lawyer per
month.**

Since the service is anonymous, the reports we get are limited. However, I can tell you that the service is being used by Oklahoma lawyers and is an overwhelming success. From all indications, this service has saved at least one lawyer life so far and has helped many other lawyers dealing with various problems.

Lawyers Helping Lawyers is an OBA committee that helps Oklahoma lawyers deal with alcohol or substance abuse problems. It can and should help provide additional resources in the mental health area. However, illness and death have caused this group to suffer the loss of some dynamic leaders.

One of the most important appointments I had this year was the Lawyers Helping Lawyers Committee chair. While I was getting my shoes shined at the Oklahoma County Courthouse, I was thinking about who I could get to head this committee, which has always been important but even more important in this time of crisis. Tom Riesen walked by and told me he wanted to get involved with Lawyers Helping Lawyers. Tom has graciously agreed to serve as chair of this committee.

Lawyers Helping Lawyers has a foundation. I didn't know that until recently. This foundation can serve as the funding source for enhanced mental health programs. I have made the commitment to help raise funds for this important project. I am going to be calling on each of you this year to make a donation to the Lawyers Helping Lawyers Foundation. I know I can count on your help. Another Oklahoma lawyer's life may depend on it.

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EVENTS CALENDAR

JANUARY

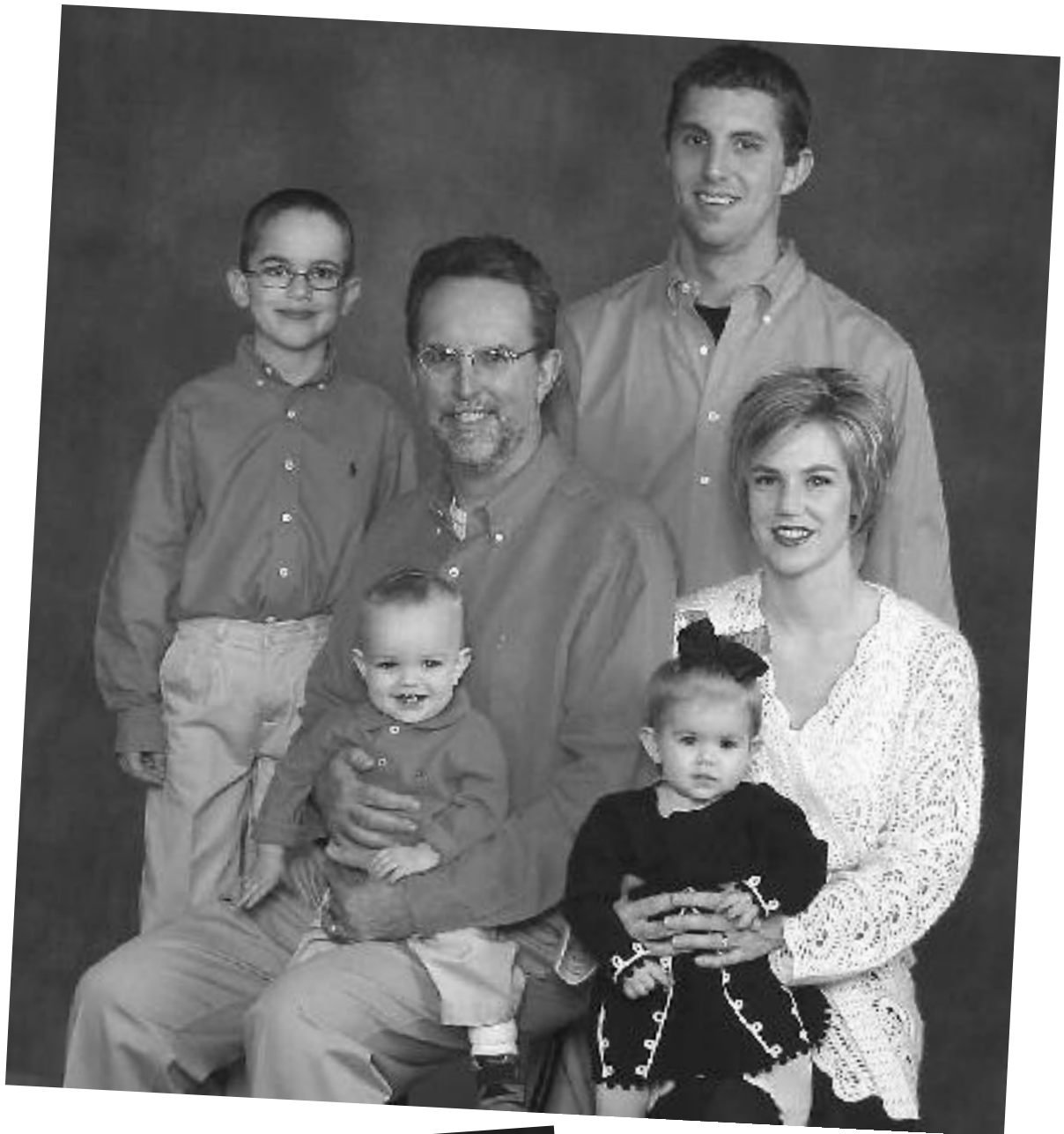
- 15 **Martin Luther King Jr. Day** (State Holiday)
- 16 **Death Oral Argument, Elwood Jackson v. State – D-2004-1173**; 10 a.m.; Court of Criminal Appeals Courtroom
OBA Technology Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: John Brewer (405) 606-8424
- 17 **Ginsburg Inn of Court**; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080
- 18 **OBA Work/Life Balance Committee Meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
OBA Bench and Bar Committee Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- 19 **OBA Board of Governors Swearing In**; 10 a.m.; Supreme Court Courtroom, State Capitol; Contact: John Morris Williams (405) 416-7000
OBA Board of Governors Meeting; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
OBA Member Services Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Debra Charles (405) 286-6836
- 20 **OBA/YLD Board of Directors Meeting**; Oklahoma Bar Center, Oklahoma City; Contact: Chris Camp (918) 588-1313
- 22 **OBA Alternative Dispute Resolution Section Meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Barry Davis (405) 607-8757

For more events go to www.okbar.org/news/calendar.htm

The Oklahoma Bar Association's official Web site: **www.okbar.org**

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*The OBA 2007 First Family –
Bentley, President Stephen Beam
holding Witten, Stephen Grant,
and Elizabeth holding Hollis.*

*Elizabeth and
Stephen Beam*

MEET YOUR Bar Association

Stephen Beam to Lead OBA As Its 2007 President

Stephen starts out his life story by saying, “I was not born in a log cabin like Abraham Lincoln and Harry Woods. I was not raised in a town where everyone graduates in the top ten of their class like Gary Clark.” He was born and raised on a ranch in west Texas. Pampa to be exact, and later his family moved to eastern Oklahoma, where he started first grade in Adair.

EDUCATION & LEGAL CAREER

He majored in history at OSU and attended the OU College of Law. He began practicing law in Weatherford after graduating from law school in 1982.

“While attending law school, it seemed as if everyone wanted to practice with a large law firm or return to their hometown to practice law with a relative or family friend,” he said. “Since I was the first lawyer in my family, I didn’t know any other lawyers. Since I really didn’t want to practice in a large firm in a large city, I had to figure something out.” He got out a state map of Oklahoma and circled five towns he thought he might like to live in for different reasons. He had never been to Weatherford, but thought he might like the town because of its size — and it had a college.

“I wrote a letter to every lawyer in all five towns. Of course, I didn’t get any responses. I followed my letters up with telephone calls, but that was



Stephen in college during the late '70s.



Stephen's campaign photo when he first ran for the Board of Governors in 1994.

not much better. I finally called Joe McMillin in Weatherford. He said he had my letter and had been intending to call me. He had been thinking about finding a recent law school grad to practice with, but he didn’t really know how to go about it. I went to Weatherford and really liked the town. Joe and I decided we would practice together.”

FAMILY

Stephen has been married to his wife, Elizabeth, since 1995. She grew up in Weatherford and has a full-time job taking care of 8-year-old son, Bentley, and 1-year-old boy and girl twins, Witten and Hollis. Stephen’s oldest son, Stephen Grant, is 21 years old and is a journalism major at OSU (of course).

Stephen Grant is a member of the Pi Kappa Alpha fraternity, and his father was a member of Phi Delta Theta. “Stephen and I have taken a trip almost every summer to St. Louis to watch the Cardinals play. Now that Bentley is eight, he is very excited about joining us this summer.”



Stephen as an infant.



Stephen at about 18 months holds "Cy," the Iowa State University mascot. His mother is an ISU graduate.

Personal TRIVIA

What CD is in your CD player right now?

AC/DC "The Razor's Edge"

Name one thing you will never throw away:

My autographed picture of baseball legend Stan Musial

What do you consider the most overrated virtue?

Acceptance (I must not be very virtuous because I had to Google "Virtues" to see what they were.)

What is your motto?

Always be prepared

What is your favorite board game?

Trivial Pursuit

What is your favorite weekend activity?

Tailgating at an OSU football game

What subject did you hate when you were in school?

English

When asked about the challenges of being the father of twins, Stephen said, "It is almost overwhelming at times to be a parent of twins. They are generally very well behaved, and Elizabeth carries the primary responsibility of caring for them."

His parents are Bob and Vivian Beam, who are retired and live in Edmond. He has one younger brother, Craig, who is a fishing guide in Red Lodge, Mont.

HOBBIES

He is a season ticket holder for OSU football. He attends as many OSU basketball games and other sporting events as he can, but he admits he hasn't had much time for hobbies other than bar activities.

COMMUNITY SERVICE

For the Custer County Bar Association, he is a past president and currently serves on the Finance Committee and has chaired the Social Committee since

1985. He was the county bar's delegate to the Annual Meeting in 1990, 1991, 1996 and 1999. He served on the YMCA Board of Directors for many years in Weatherford.



Stephen in grade school.



Brother, Craig, and Stephen pose for a photo with their pet rabbits.

OBA ACTIVITIES

Stephen has been involved in numerous state bar activities during the past decade that have paved the way to his leadership role as president. He said serving as president is the pinnacle of his OBA activities, with his year as president-elect a close second. Other highlights among his activities are serving on the Solo and Small Firm Committee (chairperson for several years), *Oklahoma Bar Journal* Board of Editors and the Professional Responsibility Tribunal. He has been involved in the OBA's Long-Range Planning Committee, General Practice Section, Disaster Response and Relief Committee, Legal Ethics and Unauthorized Practice of Law Committee, Audit Committee, Communications Task Force, Strategic Finances Task Force, National Mock Trial Task Force, Budget Committee and Mentoring Committee. He is an Oklahoma Bar Foundation sustaining fellow. He is the recipient of two president's awards (one for co-chairing a task force that tripled Annual Meeting attendance in one year and the other for chairing the Centennial Task Force), plus two Golden Gavel awards.

(cont'd on next page)

Stephen and his son, Bentley.



Stephen in Banff, Canada, for an ABA conference.



Not only is Stephen an OSU graduate ... he is a huge Cowboy fan.



Bentley, Stephen and Elizabeth (pregnant with the twins) in front of Paul Revere's house in Boston.



cont'd

Name one goal you have for yourself you have yet to accomplish.

To retire before I drop over dead at my desk

What did you want to be when you were a kid?

A St. Louis Cardinal

What song are you embarrassed to admit you like?

Toby Keith "Weed with Willie"

What are you most proud of having accomplished in your professional career?

The obvious one is OBA president, but I also took my turn, without too much complaining, on the court appointments list for many years. I handled two first-degree murder cases when I was a very young lawyer. A book was written about one of the cases. Neither client got the death penalty.

What are you proud of having accomplished in your personal life?

My children are wonderful and better than I deserve.

What do you like best about being a lawyer?

Other lawyers

How would you describe your leadership style?

I intend to find the best people I can for the various positions and let them do their jobs.

Why did you choose your area of practice?

In a small town you have to be a jack-of-all-trades

Favorite Quote:

"If a job is worth doing, it's worth doing well."

Favorite Movie:

"Pulp Fiction" and "Napoleon Dynamite"

Favorite Book:

The last books I read are the Harry Potter books, out loud and 10 pages at a time

Favorite Food: *Seafood*

Sooners or Cowboys?

Cowboys of course. I can't believe you would even ask.

My ideal vacation:

Some where warm, south of the border — maybe the Punta Mita Resort in Mexico

My hero is: *Boone Pickens*

Early bird or night owl?

Depends on the day - could be both

My trademark cliché or expression is: *Carol won't put it in the bar journal*

My worst habit is: *Cursing*

I wish I could sing like:
Steven Tyler

What's on your mouse pad:
Don't have one

If I couldn't be a lawyer I'd be a:
College professor

Nobody knows I:
Didn't graduate from high school

The best advice I could give a new lawyer is:

Be honest in your dealings with everyone. Find the best lawyer you can and ask that lawyer to be your mentor.

GOALS FOR 2007

Stephen has plans for much to be accomplished during the coming year. He said, "I plan to have a leadership conference to identify and nurture new OBA leaders. I've formed a mentoring task force to study that long-neglected area and, hopefully, the task force will establish a mentoring program. I have asked the Young Lawyers Division to implement a Wills for Heroes program that would provide wills free of charge to military personnel, firefighters and police officers. An Annual Meeting Task Force has been appointed to study ways to improve the OBA Annual Meeting. We will begin a substantial remodeling of the bar center this year." He said one goal has already been achieved, and that's to provide every OBA member with free access to legal research through Fastcase, a comprehensive national law library available online. "This is a terrific member benefit that was recommended by the Member Services Committee and unanimously approved by the OBA Board of Directors," Stephen said. "Yes, we are a mandatory

professional association, but bar leaders are always looking for ways to expand services to our members."

ABA ACTIVITIES

Highlights of his involvement on the national level with the American Bar Association are serving on the General Practitioners Solo Division Council, serving as a GP Solo Section division director for several years, chairing the Solo and Small Firm Committee, chairing the Nominating Committee in addition to serving on the Long-Range Planning Committee and Awards Committee.



The happy couple on their wedding day.

OBA Officers and Board of Governors

Volunteers Who Guide Your Association

Bill Conger

*President-Elect
Oklahoma City*



Bill Conger

- Background: Born and raised in Shreveport, La. In 1961 at age 16, moved to Bartlesville and graduated from Bartlesville College High School in 1963.

- Education: B.A. history, OU, 1967; J.D., OU College of Law, 1971

- What is in your CD player right now? "Blues Gold"
- Name one thing you will never throw away: Elvis Presley CDs
- What do you consider the most overrated virtue? Honesty, because it sometimes hurts!
- What is your motto? "The credit belongs to the man who is actually in the arena, whose face is covered by dust and sweat and blood ... who knows, in the end, the triumph of high achievement, and who, at the worst, if he fails, at least he fails while doing greatly, so that his place shall never be with those cold and timid souls... who knew neither victory nor defeat." – Theodore Roosevelt.
- What is your favorite board game? Scrabble
- What is your favorite weekend activity? Boating at Grand Lake
- What subject did you hate when you were in school? Math

- Name one goal you have for yourself you have yet to accomplish: Improving my golf game.
- What did you want to be when you were a kid? I wanted to be a lawyer since I was 12 years old.
- What song are you embarrassed to admit you like? The Notre Dame fight song

Bill Grimm

*Past President
Tulsa*

- Background: Missouri born, Sooner bred
- Education: OU - B.B.A. '70 and J.D. '73
- What CD is in your CD player right now? Carly Simon



Bill Grimm

- Name one thing you will never throw away: My first watch – Bulova Accutron
- What do you consider the most overrated virtue? Chastity
- What is your motto? Be prepared for life's challenges
- What is your favorite board game? Texas Hold 'em
- What is your favorite weekend activity? Movies
- What subject did you hate when you were in school? Any of the "-ologies"

- › Name one goal you have for yourself you have yet to accomplish: Golf
- › What did you want to be when you were a kid? Lawyer
- › What song are you embarrassed to admit you like? "I Like the Way You Move."

Jack Dawson

*Vice President
Oklahoma City*



Jack Dawson

- › Background: Born and raised in western Oklahoma - Bethany
- › Education: O.U., Southern Nazarene University, finally graduated Central State College in 1968, B.S.
- › What CD is in your CD player right now? I don't think my truck has one.
- › Name one thing you will never throw away: High school letter jacket.
- › What do you consider the most overrated virtue: Moderation
- › What is your motto? Our firm's: "*Calcitromus gluteas sordes vilis*" ("We kick butt dirt cheap")
- › What is your favorite board game? They are all boring. I like Texas Hold 'em.
- › What is your favorite weekend activity? Working with horses and cows
- › What subject did you hate when you were in school? Class work
- › Name one goal you have for yourself you have yet to accomplish: Win a ropin' saddle
- › What did you want to be when you were a kid? A cowboy
- › What song are you embarrassed to admit you like? "American Honky Tonk Bar Association"

Julie Bates *Governor At Large Oklahoma City*



Julie Bates

- › Background: I was born in England while my father was in the Air Force. I practice law with my husband and best friend, Marty Postic. We are blessed with two wonderful sons, ages 19 and 16. My parents are Hon. Gloria Bates and John T. Bates, and I have a younger brother and younger sister.
- › Education: I graduated from Midwest City High School, Texas Christian University (bachelor's) and the OU College of Law (J.D.).
- › What CD is in your CD player right now? "Deutsch Heute" (I'm trying to learn German.)
- › Name one thing you will never throw away: My great-grandmother's Bible
- › What do you consider the most overrated virtue? I don't think any are overrated, but most are underappreciated.
- › What is your motto? "Do unto others as you would have them do unto you."
- › What is your favorite board game? It's not a board game, but I like playing Nintendo Wii baseball with my sons.
- › What is your favorite weekend activity? Anything with my family
- › Name one goal you have for yourself you have yet to accomplish: Hitting a home run in the bottom of the ninth to win the World Series
- › What did you want to be when you were a kid? Third baseman for the Yankees
- › What song are you embarrassed to admit you like? Just before surgery in 1992, the anesthesiologist asked me the same thing. As I was "going under," I started singing the Care Bear song that my 2 year old had just taught me.

Chris Camp

Governor – YLD Chair
Tulsa



Chris Camp

- Background: Born (Aug. 2, 1972), raised and educated in Tulsa. In May 1999, I married Julie Michelle Berryhill, with whom I have two sons, Bronson Michael Christopher and Broderick Willard Norman, and one daughter, Abigail Diane.
- Education: B.A. University of Tulsa, 1995; J.D. University of Tulsa College of Law 1999
- What CD is in your CD player right now? Nothing - now I'm listening to an iPod, on which you can find every CD I've purchased since junior high.
- Name one thing you will never throw away: The pictures on the refrigerator that my kids drew
- What do you consider the most overrated virtue? Virtue can never be overrated
- What is your motto? "Turn your stumbling blocks into stepping stones"
- What is your favorite board game? Candy Land
- What is your favorite weekend activity? Focusing on my family
- What subject did you hate when you were in school? Chemistry
- Name one goal you have for yourself you have yet to accomplish: To appear – and prevail – before the U.S. Supreme Court
- What did you want to be when you were a kid? A grown up (shows how little I knew about life!)
- What song are you embarrassed to admit you like? "I Love You" (by Barney the Purple Dinosaur)

Dietmar Caudle

Governor – District No. Nine
Lawton



Dietmar Caudle

- Background: Born a West German citizen; became a United States citizen in 1969; at one time was simultaneously eligible to be drafted by the U.S. Armed Forces and the Bundeswehr. Former credit manager for Montgomery Ward, Kansas prosecutor and current sole practitioner.
- Education: J.D., OCU School of Law; B.A., OU; associate of arts, Cameron University.
- What CD is in your CD player right now? My Spanish language CD in favor of Elvis Presley's "Glory, Glory Hallelujah"
- Name one thing you will never throw away: My *Oklahoma Bar Journals*
- What do you consider the most overrated virtue? If it is a true virtue, it cannot be overrated.
- What is your motto? "Sometimes late, sometimes unprepared, but always ready!"
- What is your favorite board game? If it requires a board, I probably won't play it.
- What is your favorite weekend activity? Without a doubt, a 70-degree, no-wind Saturday morning golf outing at my favorite golf course.
- What subject did you hate when you were in school? Typing – which is the reason that my e-mails are at times grammatically challenged.
- Name one goal you have for yourself you have yet to accomplish: Present a case before the U.S. Supreme Court.
- What did you want to be when you were a kid? An exemplary, handsome lawyer – I did accomplish the lawyer part.
- What song are you embarrassed to admit you like? "Don't Worry- Be Happy!"

Cathy Christensen

*Governor – District No. Three
Oklahoma City*



Cathy Christensen

- Background: Born in Norristown, Penn., moved to Oklahoma during high school, attended OSU, became an Okie
- Education: OSU and OCU School of Law
- What CD is in your CD player right now? The Christmas CD given to me from President Bill Grimm
- Name one thing you will never throw away: My children's baby blankets from the hospital nursery when they were born
- What do you consider the most overrated virtue? The ability to multi-task
- What is your motto? "Damn the torpedoes. Full steam ahead."
- What is your favorite board game? Scrabble
- What is your favorite weekend activity? Spending time with my husband and children doing just about anything.
- What subject did you hate when you were in school? What? I loved school, and every subject!
- Name one goal you have for yourself you have yet to accomplish: I have several and can't pick just one to mention.
- What did you want to be when you were a kid? An attorney
- What song are you embarrassed to admit you like? The theme song from "The Mary Tyler Moore Show"

Donna Dirickson

*Governor – District No. Four
Weatherford*



Donna Dirickson

- Background: Born in San Diego, Calif., while my father was in the Navy; attended and graduated from Weatherford High School; Duncan & Dirickson, partner, March 1999 to present; assistant district attorney, Custer County, from 1996 through 1999.
- Education: Graduated from Southwestern Oklahoma State University in 1993 and OCU School of Law in 1996.
- What CD is in your CD player right now? John Mayer
- Name one thing you will never throw away: My daughter's first-year photo album
- What do you consider the most overrated virtue? Honesty (because so many people have difficulty with it)
- What is your motto? Eventually you will get through it
- What is your favorite board game? Right now Chutes and Ladders, because that is a game my daughter got for Christmas and we are playing it all the time.
- What is your favorite weekend activity? Having brunch with my husband and daughter on Saturday morning.
- What subject did you hate when you were in school? Math
- Name one goal you have for yourself you have yet to accomplish: Work less hours
- What did you want to be when you were a kid? Teacher
- What song are you embarrassed to admit you like? "Purple Rain"

Bob Farris

Governor – District No. Six
Tulsa



Bob Farris

- Background: Lifelong Tulsa resident; married to Pam, my high school sweetheart and the love of my life; father of Nic and Matt; father-in-law of Kirstin and Stephanie; grandfather of Jakob and Payton
- Education: Edison High School; B.S. in mechanical engineering from TU in 1972; J.D. from the TU College of Law in 1975
- What CD is in your CD player right now?
"The very best of Emmylou Harris: Heartaches and Highways"
- Name one thing you will never throw away:
My 1994 Budweiser World Cup Soccer neon light
- What do you consider the most overrated virtue? Honesty – too many people are too good at lying.
- What is your motto? "Live strong"
- What is your favorite board game? Chutes and Ladders
- What is your favorite weekend activity?
Woodworking if it's raining and long-distance bicycling if it's not
- What subject did you hate when you were in school? Calculus
- Name one goal you have for yourself you have yet to accomplish: Being an accomplished musician
- What did you want to be when you were a kid? Professional baseball player
- What song are you embarrassed to admit you like? "Kicks" (Paul Revere and the Raiders)

Brian Hermanson

Governor – District No. One
Ponca City



Brian Hermanson

- Background: Born in Milwaukee and raised in Green Bay, Wis. I moved to Oklahoma in 1975 to attend law school and decided that this is where I wanted to make my home.
- Education: B.A. from Carroll College (Wisconsin) and J.D. OU College of Law
- What CD is in your CD player right now?
Christmas music
- Name one thing you will never throw away:
Old client files
- What do you consider the most overrated virtue? Perfection
- What is your motto? "Don't let the bastards get you down"
- What is your favorite board game? Who has time to play board games?
- What is your favorite weekend activity?
Working at the ranch
- What subject did you hate when you were in school? Math
- Name one goal you have for yourself you have yet to accomplish: Being president of the Oklahoma Bar Association
- What did you want to be when you were a kid? I always wanted to be a lawyer.
- What song are you embarrassed to admit you like? My family and I liked to sing along with the Spice Girl CDs.

Michael Hogan

Governor – District No. Two
McAlester



Michael Hogan

- ▶ Background: Born in Muskogee, a former salesman and truck driver
- ▶ Education: Attended OSU, but due to a job graduated from Northeastern State University; OCU School of Law
- ▶ What CD is in your CD player right now? Red Steagall's "Lone Star Beer" & Bob Wills Music
- ▶ Name one thing you will never throw away: Absolutely, without a doubt, money
- ▶ What do you consider the most overrated virtue? Hard work
- ▶ What is your favorite weekend activity? Sports
- ▶ What subject did you hate when you were in school? Humanities
- ▶ Name one goal you have for yourself you have yet to accomplish: Learning to play a dobro (resonator guitar)
- ▶ What did you want to be when you were a kid? Pilot
- ▶ What song are you embarrassed to admit you like? I can't be embarrassed by admitting I like a song (see above question regarding CD players.)

Vic Kennemer

Governor – District No. Eight
Wewoka



Vic Kennemer

- ▶ Background: Raised in Lindsay, 32 years of general practice in Wewoka
- ▶ Education: High School – Shattuck School, Minnesota; College, OU; J.D., OCU
- ▶ What CD is in your CD player right now? Rod Stewart's "Still the Same...Great Rock Classics of Our Time."

- ▶ Name one thing you will never throw away: Apparently, every law book that I ever owned – now I just showcase them so the shelves won't be empty – know what I mean?
- ▶ What do you consider the most overrated virtue? No true virtue can be overrated. (This is not the answer that I really wanted to give.)
- ▶ What is your motto? It has always been: "You only get so many days on the planet!"
- ▶ What is your favorite board game? Trivial Pursuit (Like what am I supposed to say: "The advanced version of Tic-Tac-Toe?")
- ▶ What is your favorite weekend activity? Yard and garden work and golf
- ▶ What subject did you hate when you were in school? None
- ▶ Name one goal you have for yourself you have yet to accomplish: Medicare eligibility and a "hole-in-one."
- ▶ What did you want to be when you were a kid? 21 years old and a medical doctor
- ▶ What song are you embarrassed to admit you like? "Puff the Magic Dragon"

Deborah Reheard

Governor – At Large
Eufaula



Deborah Reheard

- ▶ Background: Raised on a dairy farm near Vinita; first career was as a newspaper editor in Vinita, Sand Springs and Broken Arrow
- ▶ Education: Undergrad – OSU and NSU; J.D. – TU
- ▶ What CD is in your CD player right now? Vince Gill "These Days"
- ▶ Name one thing you will never throw away: My mother's wedding dress
- ▶ What do you consider the most overrated virtue? Patience
- ▶ What is your motto? "Live well. Laugh often. Love much."
- ▶ What is your favorite board game? Checkers

- What is your favorite weekend activity? Anything that doesn't involve lawyering
- What subject did you hate when you were in school? Algebra
- Name one goal you have for yourself you have yet to accomplish: Be more patient
- What did you want to be when you were a kid? Veterinarian or a cowgirl
- What song are you embarrassed to admit you like? "Happy Trails to You"

Robert Sartin

*Governor – At Large
Tulsa*



Robert Sartin

- Background: Born and raised in Tulsa.
- Education: OU, B.B.A. (finance), 1985; J.D., 1988
- What CD is in your CD player right now? Billy Joel
- Name one thing you will never throw away: My automotive tools (in case the lawyer thing doesn't work out)
- What do you consider the most overrated virtue? Be on time (my mom claims this is a virtue).
- What is your motto? "It is better to be thought a fool, than to speak and remove all doubt"
- What is your favorite board game? Chess
- What is your favorite weekend activity? Basketball
- What subject did you hate when you were in school? English (sp?)
- Name one goal you have for yourself you have yet to accomplish: Play in the NBA (I'm pretty sure I'm almost there.)
- What did you want to be when you were a kid? Professional football player
- What song are you embarrassed to admit you like? Any classical music

Alan Souter

*Governor – District No. Seven
Bristow*



Alan Souter

- Background: Born in Oklahoma City, 1967; grew up in Edmond; married to Kim Hays, a lawyer in Tulsa; two amazing children – Noelle, 8 and Parker, 4.
- Education: B.S. in Economics, Oklahoma State University, 1989; J.D., University of Kansas, 1993.
- What CD is in your CD player right now? Who still uses CD players? My iPod is currently tuned to Jimmy Buffet's new CD, "Take the Weather With You."
- Name one thing you will never throw away: The first cap my kids wore
- What do you consider the most overrated virtue? Order
- What is your motto? "Sometimes the best map will not guide you."
- What is your favorite board game? Candy Land
- What is your favorite weekend activity? Grand Lake with my family
- What subject did you hate when you were in school? Anything with math
- Name one goal you have for yourself you have yet to accomplish: Opening my bar in the Caribbean
- What did you want to be when you were a kid? A geologist like my dad
- What song are you embarrassed to admit you like? "It's a small world after all"

Peggy Stockwell
Governor – District No. Five
Norman



Peggy Stockwell

- Background: I was born in Oklahoma City; moved to Norman at age 5; been here ever since.
 - Education: B.A. OU 1978; J.D. OU 1983.
 - What CD is in your CD player right now? Tom Petty, "Full Moon Fever"
 - Name one thing you will never throw away: Floppy, my stuffed dog.
 - What do you consider the most overrated virtue? Patience
 - What is your motto? "It is better to travel hopefully than to arrive." (I forgot who said this first.)
 - What is your favorite board game? None
 - What is your favorite weekend activity? Sleeping
 - What subject did you hate when you were in school? Chemistry
 - Name one goal you have for yourself you have yet to accomplish: Retirement
 - What did you want to be when you were a kid? Grown up
 - What song are you embarrassed to admit you like? "Build me up, Buttercup"
-

NOTICE

RE: INTEREST ON JUDGMENTS

The State Treasurer has certified to the Administrative Director of the Courts that the prime interest rate as listed in the first edition of the Wall Street Journal published on the first business day of 2007, is 8.25 percent. In accordance with 12 O.S. 2004 Supp. § 727.1[I], two (2%) percentage points are added to the prime interest rate. Therefore, the interest rate to be charged on judgments in accordance with 12 O.S. § 727.1[I], for the calendar year 2007 shall be 10.25 percent. This interest rate will be in effect from January 1, 2007 until the first regular business day of January, 2008.

Interest rates since the inception of the law of November 1, 1986, are as follows:

1986	11.65%	1992	9.58%	1998	9.22%	2004	5.01%
1987	10.03%	1993	7.42%	1999	8.87%	2005	7.25%
1988	9.95%	1994	6.99%	2000	8.73%	2006	9.25%
1989	10.92%	1995	8.31%	2001	9.95%	2007	10.25%
1990	12.35%	1996	9.55%	2002	7.48%		
1991	11.71%	1997	9.15%	2003	5.63%		

/s/ Michael D. Evans
Administrative Director of the Courts

OAMIC DECLARES 2006 POLICY DIVIDEND

OAMIC policyholders will receive a sizeable dividend for 2006. Total dividends paid will equal 75% of the Company's net income generated in 2006. The exact payment amount will be determined in January as Annual Financial Statements are prepared, with payments mailed in February.

The 2006 dividend will be the 13th consecutive policy dividend and will exceed the average of the previous 12. Dividends paid for the past 12 years have averaged \$1.376 million, representing 24% of earned premium on limits up to \$1Million/\$1Million.



MEET YOUR Bar Association

Oklahoma Supreme Court Chief Justice James R. Winchester



Chief Justice James Winchester is a native of Clinton who received his B.A. degree from OU and his J.D. from OCU School of Law in 1976.

After graduating from law school, Justice Winchester practiced law in Weatherford and Hinton before being named associate district judge for Caddo County in January 1983. In December 1983 at age 30, Justice Winchester became one of the youngest district judges in the state when he was appointed as district judge for the Sixth Judicial District of Oklahoma by Gov. George Nigh. During his tenure as a district judge, he tried more than 200 jury trials, ranging from fraud to first-degree murder death penalty cases. He served in that position for 15 years.

He then served as a U.S. administrative law judge in Oklahoma City and New Orleans for two years. Justice Winchester was appointed in 2000 as a member of the Supreme Court of Oklahoma by then-Gov. Frank Keating. He assumed the responsibilities of chief justice on Jan. 1.

Justice Winchester was named Outstanding State Trial Court Judge by the Oklahoma Trial Lawyers Association in 1986 and served as an executive board member of the Oklahoma

Judicial Conference from 1992 to 1996. He served as president of the Oklahoma Judicial Conference in 1995.

Justice Winchester is a graduate of Leadership Oklahoma. He currently resides in Chickasha with his wife, Rep. Susan Winchester and their son, Davis.

What is in your CD player right now?

Keb' Mo' "Blues"

Reason I became a lawyer:

Why I became a lawyer isn't nearly as interesting as why I've stayed a lawyer and became a judge. I enjoy the challenge of cases from an academic standpoint and determining how the case fits into the framework of the law. I also love working with people and finding a way to solve problems in a fair and just manner is a continuing challenge that has not lost its appeal.

Favorite quote:

A high school hockey player can move the puck up and down the ice. A college hockey player can skate to the puck. But a professional hockey player knows where the puck is going to be.

—Wayne Gretsky

Court of Criminal Appeals Presiding Judge Gary L. Lumpkin

MEET YOUR Bar Association



Judge Gary L. Lumpkin is a native of Sentinel, but he and his wife subsequently made their home in Madill. He attended Northwestern State College in Alva, and he received a B.S. degree in business administration from Southwestern State

College in Weatherford in 1968. He received his J.D. from the OU College of Law in 1974.

Judge Lumpkin served in the U.S. Marine Corps from 1968-1971, including 18 months spent in Vietnam. He retired with the rank of colonel in the Marine Corps Reserve after 30 years of service. He was one of only two Marine Reserve judges assigned to the Navy-Marine Corps Court of Criminal Appeals at the time of his retirement from the Marine Corps.

After working as a staff attorney with the Oklahoma Department of Consumer Affairs and as a consultant with a non-profit organization, Judge Lumpkin was appointed assistant district attorney for Marshall County and then first assistant district attorney for the 20th District. Judge Lumpkin also served as associate district judge for Marshall County and district judge for the 20th Judicial District, Division II. Appointed to the Court of Criminal Appeals by Gov. Henry Bellmon, he commenced his service on the court in January 1989.

Judge Lumpkin was selected as an Outstanding Young Man of America by the U.S. Jaycees and Outstanding Assistant District Attorney of the Third Congressional District by the Oklahoma District Attorneys Association. He received the 1999 William J. Holloway Jr. Professionalism Award presented by the William J. Holloway Jr. American Inn of Court.

He is a member of the Oklahoma County Bar Association and the Marshall County Bar Association. He is a member of the William J. Holloway Jr. American Inns of Court CV and the Oklahoma Judicial Conference. He also serves on the board of directors of the National Center for State Courts, Williamsburg, Va.

What is in your CD player right now?

Nothing, I listen to the Sirius "Pure Jazz" channel. When I do play a CD, it is usually an audio book.

Reason I became a lawyer:

Originally I chose law school in lieu of an MBA and intended to use my degree in business. However, as my wife and I sought guidance for my career path, the Good Lord opened doors of service we never anticipated. Each day as a lawyer has been a wonderful blessing for the opportunity of service it gives. The interesting thing is that before we married, I told Barbara I would never be involved in politics or criminal law. It is truly amazing the path your life can take when you seek divine guidance and then go through the doors that are opened for you.

Favorite quote:

"Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it..."
—Thomas Paine

MEET YOUR Bar Association

OBA Departments and the Member Services They Provide

Volunteer leaders may be the chief engineers who keep any professional association on track, but it is the staff who provides the power to move forward. Member services are an essential part of the Oklahoma Bar Association. Learn more about what each department offers members, and put a name together with a face in photos of the employees who work for you — bar association members.

Administration

The responsibilities of the Administration Department are multi-faceted, but its primary emphasis is handling finances, human resources, Annual Meeting planning, bar center operations and maintaining official membership information. Specific duties include:

- scheduling bar center meeting rooms
- coordinating and scheduling meetings utilizing video conference equipment in Arapaho, McAlester, Oklahoma City and Tulsa
- assisting committees and sections with mailings to their members
- providing mailing labels of bar members to committees and sections
- tracking expenditures for all committees and sections
- providing monthly committee and section accounting reports upon request

- ensuring the bar center interior and exterior facilities are maintained so members can take pride in their building
- maintaining and updating member roster information
- invoicing senior members and non-members for *Oklahoma Bar Journal* subscriptions



ADMINISTRATION – Wanda Reece-Murray, Director Craig Combs, Jenny Barrett, Durrel Lattimore, Suzi Hendrix and Roberta Yarbrough

- managing the Legal Intern Program
- producing certificates of good standing for our members
- processing expense claims for OBA officers, YLD officers, and section and committee members
- managing OBA mail room and OBA office equipment
- contract negotiations with Annual Meeting hotels, scheduling and coordinating Annual Meeting events, exhibitors, and committee and section meetings
- accounting and budgeting for all departments
- investing association reserves
- management of employee benefit programs

Phone: (405) 416-7000

Membership: (405) 416-7080



CONTINUING LEGAL EDUCATION – Nina Anderson, Mark Schneidewent, Director Donita Douglas, Heidi McComb and Susan Hall

Education

■ Continuing Legal Education

The most recent OBA Membership Survey established that more than 80 percent of our members identify OBA Continuing Legal Education as an important service to them- more

than any other OBA service. The staff of OBA/CLE is honored that members hold that view and will continue to work with the aspiration of becoming an even more integral part of each member's legal life by providing the best, the most creative, the most timely and the most practical in CLE programming and publications. OBA/CLE is a necessity, not a requirement!

Let us know what else you want and need because OBA/CLE wants to be your continuing legal education provider. Call CLE Director Donita Douglas at (405) 416-7028 with your ideas.

Department services include:

- developing and producing 80-100 live seminars throughout the state
- offering video replays of the live seminars
- developing and producing online video and audio seminars, including Webcasts seminars
- offering recent seminar publications and CDs for sale to association members
- developing and producing the multi-track, multiple session CLE at the OBA Annual Meeting
- coordinating with the Management Assistance Program to plan the annual Solo and Small Firm Conference
- coordinating with the Women in Law Committee to plan the annual Women in Law Conference
- coordinating with various OBA sections in the planning of OBA/OBA section co-sponsored CLE seminars
- attracting and securing nationally-recognized experts to present continuing legal education programming to OBA members
- publishing volumes (non-seminar) to members to assist in their practice, including form books, practice manuals and treatises
- providing online registration for OBA/CLE to members

- applying attendance credit electronically to enable members to have an up-to-date view of accumulated OBA/CLE credit on my.okbar.org

Phone: (405) 416-7006

E-mail: cle@okbar.org



LAW-RELATED EDUCATION – LRE Coordinator Jane McConnell, Jeanne Minson and Judy Spencer

■ Law-related Education

The Law-related Education (LRE) Department of the Oklahoma Bar Association (OBA) was established in 1989 to further the OBA's goals of increasing public service and enhancing public understanding of the law and the legal system. To that end, LRE endeavors to educate citizens in a constitutional democracy and to create an active, responsible citizenry.

LRE conducts programs independently and in partnership with non-profits, civic organizations and educational groups. Programs include professional development for teachers and others in the civic community via institutions and workshops. Classroom materials are created and distributed for programs administered by LRE at no cost to educators.

LRE aims to join the education and law communities in its mission of fostering civic-mindedness. An understanding of the role of the law in society is essential to informed participation in democracy. Creating active citizens requires active civic education.

LRE is under the direction of Jane McConnell, Law-related Education coordinator. Among the many programs and resources available are:

- **Lawyers in the Classroom:** Attorney guest presenters instruct students on topics in law, the Constitution, citizenship and the new INFORM (Information Now for Oklahomans Rejecting Meth) Program. Participating attorneys are trained in making presentations to K-12 students and provide a unique perspective on topics related to scheduled courses. Attorneys are provided reference lesson plans if desired.

- **Young Adult Guide:** "You're 18 Now — It's Your Responsibility!" Updated in fall of 2006. This booklet explains the rights and responsibilities of adult citizens under U.S. and Oklahoma law. Approximately 13 areas of law are addressed, including consumer credit and contracts, criminal law and family law matters such as divorce and parental rights and responsibilities. A new Spanish edition will be available in January 2007. Both guides are available free of charge and on the Web site at www.okbar.org.

- **Pocket Constitutions:** These handy editions include the full text of the Constitution and Declaration of Independence. They are available for class-wide distribution and also free of charge.

- **Supreme Court Awards:** School of the Year and Teacher of the Year. These awards are given annually to those who develop creative, innovative approaches to civic education programming. Members of the Oklahoma Supreme Court recognize outstanding service by presenting honorees with awards and stipends in a ceremony held in the Supreme Court Courtroom.

- **Civitas:** An International Civic Exchange Program. The Civitas exchange program partners U.S. teachers and civic education leaders with their counterparts in countries with developing democracies. OBA/LRE participates in a partnership with Michigan, Colorado, the Czech Republic and Slovakia.

- **LRE Media Library:** The Media Library, housed in the Oklahoma Bar Center on Lincoln Boulevard in Oklahoma City, is open for teachers to browse and preview materials available on loan from LRE. LRE will ship free of charge videos and books to all parts of the state for teachers' use in the classroom.

■ **YLD High School Mock Trial Committee:** The LRE coordinator serves as the liaison to the committee. LRE staff supports Mock Trial Coordinator Judy Spencer with efforts related to the rounds of competition that lead to the finals competition that determines Oklahoma's state champion, who advances to nationals.

■ **The PACE Institute:** PACE (Programs Advancing Citizenship Education) guides educators through a focused examination of a topic in law-related education. During the week-long summer session, presenters provide both content and strategies to apply the subject in the classroom. Participants are required to develop lesson plans based on the selected topic, to be added to the LRE resource library and our Web page at www.okbar.org/lre. The institute's goal is to educate participants in a topic in citizenship education, to expose them to creative methods in presenting the subject matter to their students, and to encourage them to develop and share their own strategies in teaching law-related education. PACE is offered free of charge to educators. PACE is sponsored by the Oklahoma Bar Foundation and the Constitutional Rights Foundation Youth for Justice Program.

■ **We the People: Project Citizen:** This is a portfolio-based program for elementary through high school students. As a class, the students identify and study a public-policy issue and develop an action plan for implementing a policy change. The final project is a portfolio including a research binder and presentation boards displaying the group's efforts. Our state winning portfolio will compete at the nationals in Boston, Mass., in August.

■ **We the People: The Citizen & The Constitution:** Students demonstrate their understanding of their rights and responsibilities as citizens by testifying in a simulated congressional hearing before panels of judges, which include, among other dignitaries, OBA/LRE committee members, concerning the values and principles found in the Constitution and its conception and development. The winning class will represent Oklahoma at the national competition in Washington, D.C., in late April.

■ **PROS (Peers Responsible for Oklahoma Students):** PROS is a collaborative project of the Early Settlement Programs administered by the Supreme Court of Oklahoma, Administrative Office of the Courts and LRE. This

school-based peer mediation program encourages young people to resolve conflicts in a positive and constructive manner. Regional trainings will be held in the fall and at the bar center.

Phone: (405) 416-7024

E-mail: janem@okbar.org



*ETHICS COUNSEL — Manni Arzola and
Ethics Counsel Gina Hendryx*

Ethics Counsel

The Office of Ethics Counsel is a membership service available only to OBA members. It was created to assist members with conflicts dilemmas, confidentiality questions, communication concerns and other ethics inquiries unique to the profession. The Office of Ethics Counsel is completely autonomous from and independent of the Office of the General Counsel. Members seeking assistance with ethical questions are afforded an "attorney/client" relationship with the full expectation of confidentiality of disclosed information.

Through the Office of Ethics Counsel, Oklahoma Bar Association members can obtain informal advice and interpretations of the rules of attorney conduct. Responsibilities of the Ethics Counsel include:

- answering ethics questions from members of the Oklahoma Bar Association
- memorializing advice given, and reporting as directed
- researching and writing ethics materials for the Oklahoma Bar Association Web site and the *Oklahoma Bar Journal*
- preparing and presenting CLE programs on the topics of ethics and professionalism

- working with the Legal Ethics Committee to produce practical written advice and opinions
- monitoring attendance and compliance of diversion program attendees
- creating, supervising and administering training in the areas of trust accounting, ethics and professionalism
- coordinating the registration of out-of-state attorneys

Phone: (405) 416-7083

E-mail: ginah@okbar.org



GENERAL COUNSEL – (front row) Laura Willis, Misty Hill and Tracy Sanders; (back row) Mike Speegle and General Counsel Dan Murdock

General Counsel

The Office of the General Counsel has certain enumerated powers and duties regarding disciplinary actions pursuant to the Rules Governing Disciplinary Procedure as written by the Oklahoma Supreme Court. Included among those powers and duties are:

- investigating alleged lawyer misconduct or incapacity to practice law
- reporting to the Professional Responsibility Commission the results of those investigations
- making recommendations to the commission concerning the disposition of any investigation, and prosecuting all disciplinary and reinstatement proceedings before the Professional Responsibility Tribunal



GENERAL COUNSEL – (front row) Ray Page, Jan Hubbard, Sharon Orth and Bob Hanks; (back row) Janna Hall, Dorothy Walos and Dana Shelburne. Not pictured: Loraine Farabow

- Many grievances received include complaints from clients about a lack of communication, in that their lawyer will not return phone calls or respond to letters or requests for information concerning the progress of their case. In October 1987 the Office of the General Counsel created a “two-week letter” that requests the attorney communicate with the client concerning the status of the case and send the general counsel a copy of that communication. This procedure has proven to be an effective method of allowing a problem to be resolved on an informal basis and is appreciated by both attorneys and their clients.

In a one-year period the Office of the General Counsel receives and handles:

- about 450 formal grievances involving approximately 340 attorneys
- over 1,100 informal grievances involving nearly 800 attorneys
- about 300 items of general correspondence.

All activities of the Office of the General Counsel, including investigation, prosecution of attorney discipline, criminal summary proceedings, reinstatements, resignations and suspension of attorneys for personal incapacity to practice law are performed under the supervision of the Professional Responsibility Commission.

Also as a member service, the general counsel, his staff and the Professional Responsibility Tribunal and Commission members speak to county bar association meetings, Continuing Legal Education classes and

various civic organizations at no charge. In these sessions, disciplinary and investigative procedures, case law and ethical standards within the profession are discussed. This effort directs lawyers to a better understanding of the disciplinary process and informs the public of the efforts of the OBA to regulate the conduct of its members.

Phone: (405) 416-7007



INFORMATION SYSTEMS — Director Rick Loomis, Matt Gayle and Tim Priebe

Information Systems

The Information Systems Department is responsible for desktop computer support to staff, network management of internal servers and externally accessible servers, Web site development and maintenance, mailing list management, database software development, network security, monitoring of evolving technologies and assistance to all departments to utilize technology in their departments. The Information Systems Department's functions are mostly of an internal nature; however, services directly benefiting members are:

- providing a mailing list for each committee and section through the list servers to communicate with members easily and in a cost effective manner
- maintaining a committee chairperson list and a section chairperson list serve to allow communication between the association and the chairs, as well as between the chairs themselves
- working hand in hand with the Public Information Department to maintain www.okbar.org

- helping develop Web sites for Oklahoma county bar associations
- providing a members-only Web site (<http://my.okbar.org>) where members can update roster information, pay dues, register for CLE, review MCLE credits, etc.
- providing free signup for the www.oklahomafindalawyer.com lawyer referral service

Phone: (405) 416-7045



MANAGEMENT ASSISTANCE PROGRAM — Director Jim Calloway and Sharon Dotson

Management Assistance Program

The OBA Management Assistance Program focuses on helping Oklahoma lawyers with the nuts and bolts of running their law offices. From "basic training" for the new lawyer to providing management and technology advice for the seasoned professional, the department has a wide array of information to assist every lawyer in every practice setting.

■ **Free Telephone Hotline** — The OBA-MAP staff attempts to answer brief questions about management and technology issues. Our number is (405) 416-7008. The toll free number is (800) 522-8065. Advice provided is confidential.

■ **The OBA Solo and Small Firm Conference** — Attend great CLE programs with nationally recognized experts, network with other small firm lawyers from across the state and meet with vendors in a fun family setting. Join us for the 10th Annual Solo and Small Firm Confer-

ence June 21-23, 2007, at Tanglewood Resort on Lake Texoma.

■ **OBA-NET** — This is an incredible online resource that is free to all OBA members. Oklahoma lawyers post questions and brainstorm with other lawyers online. Additional paid premium services, such as downloadable OBA CLE materials since 1996, are available also.

■ **Jim Calloway's Law Practice Tips Blog** — Weekly postings of Internet tips, law practice tips and hot news in law office management and technology are available by either visiting the blog Web site, subscribing to the e-mail alerts or subscribing to the RSS newsfeed. Visit the blog at <http://jimcalloway.typepad.com/lawpracticetips/>.

■ **Oklahoma Bar Journal Articles** — Each theme issue of the Oklahoma Bar Journal contains the regular column "Law Practice Tips" by OBA-MAP Director Jim Calloway. They are available online at www.okbar.org/members/map/articleindex.htm.

■ **Office "Health Checks"** — These consultations take place in the lawyer's office on a fee for services basis. A wide range of management issues can be covered. Typically all staff and attorneys will be involved both in group and individual interviews.

■ **Free Consultations at the Bar Center** — Any lawyer who is setting up a new practice or has encountered a difficult issue that cannot be comfortably handled over the telephone is welcome to schedule a free one-hour appointment with the OBA-MAP Director.

■ **The New Lawyers Experience: Hit the Ground Running** — This innovative new program consists of a one-day seminar, scheduled twice a year in both Oklahoma City and Tulsa, to assist attorneys setting up new solo practices. A companion project is the "Starting a Law Practice Web Directory" which is available to any attorney at www.okbar.org/members/map/practice.htm.

■ **Resource Center and Lending Library** — Attorneys can browse free management resources and product information. There is a computer with printer and Internet access for our members to use free of charge. Law practice management books, videos and audio tapes are available for lawyers to "check out" and review. We are also a distributor of ABA Law Practice Management books and offer these for sale to our members at a discounted price.

■ **Local Bar Presentations** — The OBA-MAP director is available to speak at your county bar meetings or other organized lawyer groups at no charge.

■ **Grande Macros** — We are the exclusive sales agent for Doug Loudenback's Grande Macros for family lawyers who use the WordPerfect word processing program. These macros can be used to draft pleading and compute child support in a fraction of the time previously needed. For more information on the Grande Macros, go to www.dougloudenback.com.

Phone: (405) 416-7008



MANDATORY CONTINUING LEGAL EDUCATION – Administrator Beverly Petry, Johnny Floyd and Brenda Card

Mandatory Continuing Legal Education

The OBA Mandatory Continuing Legal Education Department is the regulatory office concerned with the accreditation of all continuing legal education programs and the compliance by all Oklahoma Bar members with the MCLE requirement. Often confused with the CLE Department, the MCLE Department does not sponsor CLE seminars.

Mandatory Continuing Legal Education, a program adopted by the Oklahoma Supreme Court in 1986, establishes minimum requirements for continuing legal education for Okla-

homa attorneys. The program is administered by the OBA Mandatory Continuing Legal Education Commission, which consists of nine members, that has general supervisory authority over the rules and may adopt regulations consistent with the rules.

Member services provided include:

- reviewing seminars for accreditation
- accreditation of teaching activities
- responding to requests for clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education
- processing the annual reports of compliance
- helping each member receive all the credit he or she is entitled to for qualified CLE activities.
- keeping a record of the Oklahoma approved seminars attended by members.

Phone: (405) 416-7009

E-mail: mcle@okbar.org



PUBLIC INFORMATION — Melissa Brown, Director Carol Manning and Lori Rasmussen

Public Information

The Public Information Department has responsibility for the OBA's member communications and external public relations efforts. Areas of major emphasis are:

- publishing 35 issues of the *Oklahoma Bar Journal* every year, including the annual OBA Reference Guide
- managing the content of the OBA's main Web site www.okbar.org to ensure its organization and up-to-date information

- assisting the Law Day Committee in accomplishing extensive Law Day statewide activities and community service projects that generate significant positive public recognition for the legal profession
- publishing the OBA Annual Meeting program and House of Delegates book and promoting award winners, the meeting itself and election results

More specific duties that benefit members are:

- editing information submitted by and about bar members for the FYI and Bench & Bar Briefs section of the bar journal
- reviewing Web content submitted by committees and sections and assisting them with organization and content ideas
- publishing the monthly E-News for OBA members with e-mail addresses
- expediting information requests from the news media
- issuing news releases about association events
- assisting OBA committees, sections and divisions in publicizing their projects to both members and the media
- working with sections to publish short law articles related to the section's focus
- assisting sections and committees with placing and designing free ads in the bar journal to promote their activities to other members

The department serves as a liaison for one board and several committees and assists in accomplishing their goals. A summary of services provided to those groups are:

- working with the 10-member Board of Editors that reviews articles submitted and plans for future theme-related *Oklahoma Bar Journal* issues; once articles are approved for publication, the staff has charge of editing, proof-reading and layout
- assisting the Communications Committee in its projects including overseeing the publication of 14 brochures on such topics as divorce, landlord tenant rights, advanced directive and lawyers and legal fees; Brochures are distributed free as a community service to individuals, libraries, nonprofit organizations, etc., and staff handles the continuous demand for those materials to be mailed across the state

Law Day Committee — PI Department staff members work closely with committee

members in their efforts to promote Law Day, celebrated nationwide on May 1. Activities include:

- conducting statewide contests for Oklahoma students
- providing county Law Day chairpersons with both event and promotion ideas for county celebrations
- coordinating the statewide "Ask A Lawyer" community service project in which volunteer attorneys give free legal advice to people who call in
- producing public service announcements and other marketing strategies to promote the Ask A Lawyer free legal advice
- produce a one-hour, interview style TV program, in cooperation with OETA (the state's PBS affiliate) featuring lawyers and other experts discussing three legal topics

The department also assists the Awards Committee, Disaster Response and Relief Committee, Lawyers Helping Lawyers Committee and Young Lawyers Division.

Phone: (405) 416-7004

Don't Know Whom to Contact?



If you need more information about which employee in a department to contact, go to www.okbar.org. Pull down from "Quick Links" and select "OBA Staff." You will find a list of each OBA staff member, a summary of his or her responsibilities, and their e-mail address.



Custom Designed Binders for your *Oklahoma Bar Journal*

Attractive, durable binder will keep your Bar Journals accessible and provide easy storage for 12 issues. They cost \$15.95 each prepaid.

Please send: _____ binders for the *Oklahoma Bar Journal* at \$15.95. Make check payable to Oklahoma Bar Association.

TOTAL ENCLOSED \$ _____

NAME (PRINT)

STREET ADDRESS

CITY

ZIP

PHONE

Mail to:
Public Information Dept.
Oklahoma Bar Association
P.O. Box 53036
Oklahoma City, OK 73152

MEET YOUR Bar Association

OBA Membership Benefits

Perks Bar Members Receive from Their Association

Your state bar association offers you a broad selection of opportunities to make the most of your membership. You may not even be aware of some of the professional benefits available to you as an Oklahoma Bar Association member. Check this list to be sure you are taking full advantage of the member services provided.

ONLINE SERVICES



Fastcase - The OBA now offers online legal research software as a free benefit to all OBA members. The OBA has contracted with Fastcase to provide the member benefit for three years,

which includes national coverage, unlimited usage, unlimited customer service and unlimited free printing – at no cost to bar members, as a part of their existing bar membership. To use Fastcase, go to www.okbar.org. Under the Fastcase logo, to log in enter your username (OBA number) and password PIN for the myokbar portion of the OBA Web site.

www.okbar.org — main site or front door for the OBA with links to all other OBA Web presences and much information for members as well as a great deal of information for the public.

My okbar — password-protected portion of the OBA's Web site. Easy to do everything from changing your official address, enrolling in a CLE course, checking your MCLE credits to listing your practice areas on the Internet so potential clients can find you. You can also receive electronic communications from the bar by adding your e-mail address to the roster.

OBA-NET — members-only interactive service. Free basic service with premium services available to enhance the member benefit. This is where lawyers are empowered to help each other through online discussions and an online document repository. You must agree to certain terms and be issued a password to participate in OBA-NET.

E-News — current OBA news and information to assist in your law practice that is sent once a month to members with an e-mail address as part of their official roster information.

Online CLE — quality OBA/CLE online programming, plus online seminar programs from other state bar associations. It's a convenient way to get up to three hours MCLE credit.

Oklahomafindalawyer — the OBA's official lawyer listing service. Free to members and the public. It is also a useful tool for lawyers to identify attorney practice area expertise in specific geographic areas. Sign up through my okbar.

www.okbar.org/research/links.htm — a quick way to find the Oklahoma Supreme Court Web site to look up Oklahoma cases and statutes online. Can be used to find the online site of the Court of Criminal Appeals or any of Oklahoma's District Courts, hunt a state or federal

agency, locate a federal court site, find a municipal ordinance or find the rules from local or federal courts. As a bonus there are many other links to assist in your legal and factual research.

TechnoLawyer — a popular online resource for lawyers providing product reviews, how-tos and other information related to law firm management and technology. TechnoLawyer consists of a network of eight e-mail newsletters and a searchable Web-based archives of all newsletter content. The newsletters are free, but searching TechnoLawyer archives of the newsletters costs \$65 per year. The new OBA TechnoLawyer member benefit means that OBA members can access these archives for free for one year. One great use of this tool would be software evaluation, where you can search to see what others have had to say about a particular product. Visit www.technolawyer.com/oba.asp for this member benefit and use coupon code "freesub" for the free subscription. Please do not share this information with anyone who is not an OBA member.

Web site design and hosting — provided by the OBA staff to committees, sections and county bar associations.

Prepared speeches for community/civic groups — speeches, outlines and handouts prepared by the OBA's Bench and Bar Committee on selected topics for presentation to public groups. Available through www.okbar.org.

PUBLICATIONS

Oklahoma Bar Journal — 35 issues annually, contains articles, court opinions, substantive law, state bar news, professional changes, member news (moves, kudos, additions to firms, etc.), master calendar of judicial and bar events, \$55 annual subscription, free to members. Specially printed binders to keep bar journals organized are provided to members at \$15.95 each.

Judicial directory — photos, addresses and telephone numbers of state judiciary, free to members. Updated biennially.

Continuing Legal Education materials — seminar materials and form books available for purchase, an affordable way to get quality, state-specific practice aids. Prices start at approximately \$40. A complete list of topics is available online, or come by the CLE Dept. at the Oklahoma Bar Center Monday - Friday, 8:30 a.m. - 5 p.m., and review the books available.

Consumer information brochures — pamphlets on 14 topics covering commonly asked questions to give to clients, sold to OBA members at a minimal cost of \$16 for 100. Brochure topics are: wills, probate, joint tenancy, home buying, tenant rights and duties, landlord rights, divorce, small claims court, employee rights, bankruptcy, trial juror information, lawyers & legal fees, living wills (brochure and form), criminal law and resolving conflicts and disputes. As a community service the OBA distributes the brochures free to courthouses and libraries throughout the state.



PRACTICE MANAGEMENT/ PROFESSIONALISM

Young Lawyers Division — YLD is a professional service network offering the chance to participate in community and bar-related programs. Lawyers of any age who have been in practice less than 10 years are automatically members. No dues are required. Information about YLD programs is available at www.okbar.org/members/yld.

Continuing Legal Education seminars — the OBA creates and coordinates 90 live seminars, produces numerous videotaped programs annually and offers materials on a full spectrum of legal topics. OBA members can come to the bar center anytime during regular business hours to watch a seminar video of your choice and earn CLE, but please call in advance to schedule. Call Heidi McComb at (405) 416-7027.

Practice management/ technology hotline service — free telephone calls to the Management Assistance Program (MAP) staff and the OBA Director of Information Systems for brief answers about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Call (405) 416-7008.

Office “health checks” — in-depth personal or group consultations that take place in the lawyer’s office, consultations may focus on technology, office procedures or other areas agreed upon by attorney and MAP Coordinator. Fee is \$500 per day for small law firms (five attorneys or less) or \$750 per day for medium or larger firms (more than five attorneys), program offered by OBA’s MAP Dept. Call (405) 416-7008 to schedule.

MAP workshops — customized day-long presentations on technology and office procedures conducted on-site to a group of attorneys and staff members from different firms using a multimedia approach, may include computer generated presentation, videotapes on such topics as professionalism and trust accounting procedures and workshop exercises, afternoon session devoted to answering specific questions anonymously submitted. This is for firms who wish to share costs and have more general information presented to them.

Book purchasing program — OBA members can purchase ABA Law Practice Management Section books at the same discount as ABA/LPM members through the OBA Management Assistance Program.

Lending library — law practice management books, video and audio tapes available for lawyers to check out and review. There is no fee for checking out materials to take home.

Reference center — In the Oklahoma Bar Center, Room 214 has been established as the OBA-MAP Resource Center where attorneys can drop in for free management resources and product information. There is a computer with a printer and Internet access for members to

use free of charge in addition to TV-VCR units with headphones so lawyers can view selections from the library of law office management videotapes. Several updated treatises that are not commonly available (e.g. Hillman on Lawyer Mobility) are available there for reference. The center is also the home of the OBA-MAP Lending Library.

Ethics Counsel — assists members with ethical questions and inquiries on subjects such as conflicts, confidentiality and client concerns. The Ethics Counsel also presents continuing education programs on the topics of ethics and professionalism. Call (405) 416-7083.

Lawyers Helping Lawyers — 24 hour, 7 day a week confidential assistance program for members suffering from psychological, physical and substance abuse problems that are having an adverse impact on their practice of law. Call (800) 364-7886.

OBA sections — 23 substantive law sections that offer professional development and interaction, experience professional growth by learning from colleagues in your practice area and develop new contacts, benefits vary by section with a growing number of sections holding midyear or quarterly meetings that offer free or discount CLE to section members, some sections publish member newsletters. See the 2006 OBA Reference Guide (OBJ Vol. 77 No. 4) for a list of sections and their annual dues or check out the information online.

County bar association and civic group speakers — OBA officers, Board of Gov-

ernors members and staff members are available (for the price of a meal) to speak at luncheons and banquets on a wide variety of topics including legislative issues, ethics, law office management and law practice tips.

NETWORKING

Leadership opportunities — boards, committees, sections and commissions are some of the volunteer opportunities that offer career development and ways to interact with other attorneys and judges.

Annual Meeting — participate in CLE pro-



grams, section and committee meetings, have a voice in determining the OBA's legislative program and electing future state bar leaders, take advantage of networking opportunities with attorneys and judges from throughout the state. The 2007 Annual Meeting will take place Nov. 7-9 at the Sheraton Hotel in Oklahoma City.

Solo & Small Firm Conference/YLD Midyear Meeting — lawyers have the opportunity to get to know one another and to take advantage of a CLE seminar in a relaxed family setting. The 2007 meeting will be held June 21-23 at Tanglewood Resort on Lake Texoma.

OBA MERCHANDISE

Lady of Justice color lithograph - this framed and matted lithograph of the bar center's Lady of Justice makes a great addition to any office. Each piece is signed by the artist, Greg Burns. Visit www.okbar.org for more details and to view a sample.

OTHER SERVICES

Toll-free phone number — in-state OBA members who live outside the Oklahoma City metro calling area can place free calls to the Oklahoma Bar Center by dialing (800) 522-8065, which connects you to our receptionist (a real, live person - not a machine) to direct your call to the proper person or department.

Direct dial and 24-hour messaging to OBA staff members — bypass waiting for the OBA receptionist to answer your call by dialing a staff person or department directly, a list of phone numbers is published in the *Oklahoma Bar Journal* next to the events calendar, leave a voice message anytime (nights and weekends too). After-hour calls to the general phone numbers (405) 416-7000 or (800) 522-8065 are automated and will list department extension numbers to punch in if you don't know the direct phone number.

Video conferencing — available at Tulsa County Bar Center, Arapaho and McAlester so

that committee and section members can join in on meetings without traveling to Oklahoma City.

Legislative services — the OBA's executive director works for adoption of legislative issues approved by the House of Delegates, and the Legislative Monitoring Committee provides a weekly legislative report highlighting the status of selected bills during the session. The report is published in the *Oklahoma Bar Journal* and on the Web site while the Legislature is in session.

Meeting rooms at bar center — many size rooms to choose from to accommodate small and large group meetings, client conferences and depositions, free to members during weekday business hours, nominal fee for evenings.

OPTIONAL MEMBER PURCHASE

LawWare — bar members may subscribe to the document assembly, document management and client management software program at a discounted group rate. Created by Oklahoma attorneys in 1991, LawWare streamlines the process of organizing and generating legal forms and related documents for law offices of any size. With the OBA endorsement, mem-

bers may subscribe to LawWare at a discounted rate of \$49 per month for the first copy and \$10 per month for each additional office copy. The inquire about LawWare or to order a subscription, call (866) LAW-WARE or visit www.LawWare.com.

Oklahoma Legal Directory — official directory of OBA members with addresses and phone numbers, roster alphabetical and by county, includes guide to county, state and federal offices plus departments of the U.S. and Oklahoma government, complete digest of courts, professional associations including OBA officers, committees and sections. Published by Legal Directories Publishing Co., hard bound edition \$54, computer disk and CD ROM also



available. Call (800) 447-5375 to request order form or go to www.legaldirectories.com.

Title Examination Standards — contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions, produced by the OBA Real Property Law Section, \$5 per copy, free to section members.

OBA sponsored insurance programs — keep rates low through group buying power. For information about OBA programs for life, health (employer-group and individual), individual disability, personal umbrella liability, long-term care and other insurance plans, contact Beale Professional Services at (405) 521-1600, (800) 530-4863. For information on professional liability and court bonds, contact Oklahoma Attorneys Mutual at (405) 236-8205, (800) 318-7505.

ABA Retirement Funds — ABA Retirement Funds offers tax-qualified retirement plan services to qualified law professionals. This includes full-service, cast-effective retirement plans such as 401k and profit sharing. Corresponding services include plan design, administration and fiduciary oversight. Program eligibility is open to any law firm or practitioner that has at least one partner or shareholder who is a member of the ABA, or state or local bar association represented in the ABA's House of Delegates. For more information, call (877) 947-2272 or visit www.abaretirement.com.

MEMBER DISCOUNTS

International travel — Go Next has been in business for 35 years. They provide high quality, recreational travel to destinations around the globe. Group rates on trips are available to you, your family and your friends. All trips include airfare from either Oklahoma City or Tulsa, accommodations, transfers, breakfast buffet and other amenities. See highlights of the current trip offerings at www.GoNext.com. Call Go Next toll-free at (800) 842-9023 for more information and/or reservations.

Office furniture — OBA members receive a 51 percent discount off the list price on all National Furniture products offered by Bill Warren Office Products. Delivery is FREE in the Oklahoma City and Tulsa metro areas. There is also FREE drop shipment within the state of Oklahoma. Installation services are available with the fee based on the product. OBA members can also receive a FREE initial office design and space plan with up to two free revisions per project. Additional design work will be billed at \$45 per hour. Call Bea Gee or Christi Smith at (405) 947-5676 or visit www.warren-products.com.

Student loan consolidation — SunTrust Bank offers OBA members special interest rate reductions on Federal Student Loan Consolidation on loans of \$10,000 or more. Lower your interest rate by 0.5 percent just for having your monthly payments deducted from your personal bank account. Earn another 1 percent interest rate reduction when you make your first 24 consecutive monthly payments on time. (Borrower must stay current for the remaining term of the loan to keep the rate reduction in effect.) For more information on SunTrust and student loan consolidation visit www.suntrustededucation.com/legal or call (888) 403-5027 to apply. There are no credit checks, application or origination fees. This offer is subject to change without notice.

WESTLAW discounts — West Publishing Corp. offers OBA members a variety of discounts on its products and services, members receive Oklahoma's jurisdictional CD-ROM libraries with the first billable monthly subscription charge waived. For information on other offers available call (800) 762-5272.

WordPerfect licensing program — The Oklahoma Bar Association has signed on to Corel Corporation's new Bar Association licensing program, allowing Oklahoma Bar Association members to purchase licenses of the award-winning WordPerfect® Office x3 at substantially reduced prices. To place an order call toll-free (888) 394-5181 or go to <http://tinyurl.com/8zg95>.

OBA WEB SITES

What Information Do They Provide?

www.okbar.org

- ▶ The official Web site of the Oklahoma Bar Association. It's your one-click resource to all the information you need, including what's new at the OBA, ethics opinions, upcoming CLE seminars, staff contacts, and section and committee information.

my.okbar.org

- ▶ On this site, you can do everything from changing your official address, enrolling in a CLE course, checking your MCLE credits and listing your practice areas on the Internet so potential clients can find you. The PIN number required is printed on your dues statement and can be e-mailed to you if the OBA has your current e-mail address.

www.oba-net.org

- ▶ Members-only interactive service. Free basic service with premium services available to enhance the member benefit. Lawyers are empowered to help each other through online discussions and an online document repository. You must agree to certain terms and be issued a password to participate in OBA-NET.

www.oklahomafindalawyer.com

- ▶ People from across Oklahoma visit this Web site every day in search of an attorney. How can you get your name on this list for free? Signing up is easy – log into your account at my.okbar.org and click on the “find a lawyer” link.

www.okbar.org/research/links.htm

- ▶ A quick way to find the Oklahoma Supreme Court (OSCN) Web site to look up Oklahoma cases and statutes online. Also use it to find the online site of the Court of Criminal Appeals or any of Oklahoma's District Courts, hunt a state or federal agency, locate a federal court site, find a municipal ordinance or find the rules from local or federal courts. As a bonus there are many other links to assist in your legal and factual research.

OBA Launches Fastcase Benefit

By Jim Calloway

The Oklahoma Bar Association now offers online legal research software as a free benefit to all OBA members. The OBA has contracted with Fastcase to provide the member benefit for three years, which includes national coverage, unlimited usage, unlimited customer service and unlimited free printing — at no cost to bar members, as a part of their existing bar membership.

The benefit is national in scope, including more than just Oklahoma law. It includes cases from the U.S. Supreme Court from 1 U.S. 1 to present, the U.S. Courts of Appeal from 1 F.2d 1 to present, federal district courts from 1915 to present, federal bankruptcy courts from 1 B.R. 1 to present and courts from all 50 states back to at least 1950.

In addition, the Fastcase service adds cases, statutes, regulations, constitutions and court rules from all 50 states and from federal sources. In many cases, the official versions of these materials are already available for free on the Web, and where they are, Fastcase brings them together for easy access from within the same site. The service also includes a comprehensive newspaper archive, which is searchable for free and offers individual articles to purchase from \$2-\$5 per article.

The new member benefit is Web-based, so members don't need to buy disks or download software. It is accessible anywhere lawyers have Internet access, 24 hours a day, seven days a week — at the office, at home or on the road. The service is updated daily and includes both official citations and citations to commercial reporters — both at the header of the case and within the case for "star pagination."

"Because Oklahoma lawyers supported the dues increase in 2005, the OBA is in sound financial condition. This new benefit is a direct result of that member investment in our associ-

ation," said OBA President Stephen Beam. "Legal research is something fundamental to the practice of law, which makes this benefit so important to such a large segment of our membership."



A GROWING TREND IN NATIONAL BAR ASSOCIATIONS

Fastcase was founded by two lawyers in Alexandria, Va., in 1999.

"Since we started seven years ago, Fastcase has grown into one of the largest caselaw databases in the world," said Fastcase CEO Ed Walters. "We love being able to offer it through the bar association — people get great use of the service, and because it's free, you can't beat the cost."

The company was started when Walters was in practice in the Washington, D.C. office of Covington & Burling. "One of our larger clients needed legal research for a project, but asked us not to charge them for the expensive services our firm used," Walters said. "When we couldn't find an affordable alternative, another lawyer at the firm and I decided to leave and build the better alternative ourselves."

A few months after that project, Walters and Phil Rosenthal (the company's president) left to start Fastcase, which now has more than 240,000 subscribers worldwide.

"Fastcase levels the playing field between small firms and large firms, providing everyone the kind of access to the law that only the largest firms have enjoyed," said Rosenthal.

FASTCASE FAQs

Why am I having trouble logging in?

Fastcase is a member benefit of the Oklahoma Bar Association, and you can only access your subscription through the OBA Web site — www.okbar.org. Under the Fastcase logo on the right side of your screen, log in by entering your username (OBA number) and password PIN for the myokbar portion of the OBA Web site. (Your OBA password won't work on the Fastcase.com Web site.) If you're having trouble with your OBA password, you can contact the bar at (405) 416-7068 during regular business hours.

What's the easiest way to get started?

Once you're logged in, Fastcase's tutorial is a great place to start. It lasts about six minutes and covers most Fastcase features. You will find it under Help, Tutorials.

What Internet browsers are compatible with Fastcase?

Fastcase works in most major browsers, including Internet Explorer 6.0 or greater, Netscape version 7.0 or greater and Firefox 1.5 or greater on PCs. Fastcase is also compatible with Mac versions of Firefox, IE, Safari and Netscape.

SEARCHES

What is the difference between keyword ("Boolean") searches, natural language searches and citation searches?

"Boolean" (or "keyword") searches are familiar to most users of search on the Web. They allow searchers to use terms such as AND, OR, NOT, (), " ", to find cases germane to a research question. Using "w/n" between two search terms (where n is a number) will find cases in which the two terms appear within n words of each other. Fastcase uses the "implied AND" search protocol, which means if there is no connector between search terms, it is treated as if the "AND" connector was used. For a complete list of Boolean operators, select Boolean search on the Search screen and check the "Search Tips" box.

Natural language searches are much less precise, but are a good place to start if you don't have exact search terms. Natural language searches return the best 100 results for your search, even if some of your terms don't appear in the results or even if more than 100 cases contain your search terms.

Citation searches should be used when you know the exact citation of the case you are looking for. Be sure to put in the volume number, the reporter identifier and the first page of the case only (e.g., 700 F.2d 1). For more information, see the search tips, located underneath the search box, for a list of correct citation formats.

How do I select a specific jurisdiction?

A jurisdiction or court can be chosen by clicking on the radio buttons below the search box. To select a jurisdiction other than those listed on the page, click on the last radio button "select jurisdiction." Then expand one or all of the four menus and check off the boxes to select your specific court(s).

Where are the statutes, constitutions, regulations and court rules?

In the navigation menu under the Fastcase logo, go to the Search menu to select your search type. Fastcase "frames" the official statutes, constitutions, regulations and court rules directly from the Web sites of federal and state legislatures and courts as a free convenience to its subscribers.

I'm not getting the results I expect with the w/n operator.

Fastcase is constantly improving its w/n feature (the "within operator"). However, there are two syntaxes that it does not yet support. Those syntaxes are listed below along with some ways to reformat them to get results:

Incorrect	Correct
A w/3 (B OR C)	(A w/3 B) OR (A w/3 C)
A w/3 (B AND C)	(A w/3 B) AND (A w/3 C)

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Mr. Calloway is director of the OBA Management Assistance Program.

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Saint v. Data Exchange:

A Sea Change or Business as Usual for the Public Policy Tort Exception to Employment At-Will?

By Michael W. Bowling

On July 11, 2006, the Oklahoma Supreme Court answered a certified question posed by the United States District Court for the Northern District of Oklahoma. In the case of *Saint v. Data Exchange Inc.*,¹ the court determined that victims of employment-based age discrimination possess the right under state law to file a *Burk* tort claim for violation of public policy.

Although simply and concisely stated, the court's eight-paragraph pronouncement promises significant effects on employment litigation in Oklahoma, potentially opening new avenues of recovery for some employment litigation plaintiffs and likely spurring waves of briefing (and even further certified questions) as the bench and bar attempt to understand *Saint's* implications.

The plaintiff in *Saint* claimed that she suffered age discrimination at the hands of her employer, Data Exchange Inc. She brought a lawsuit in federal district court, asserting a claim under the federal Age Discrimination in Employment Act ("ADEA")² and a claim for violation of Oklahoma's public policy against age discrimination, as expressed in the Oklahoma Anti-Discrimination Act ("OADA").³ Because the OADA does not afford an age discrimination victim a private right of action, the plaintiff brought a tort claim under *Burk v. K-Mart Corp.*⁴ Data Exchange sought to dismiss Ms. Saint's state law claims, and the federal district court certified to the Oklahoma Supreme Court the following question:

Is there either an implied statutory remedy or a common-law *Burk* tort remedy for state age discrimination claims arising

under the operation of the Oklahoma Constitution, Art. 5 § 46 and the provisions of the Oklahoma Anti-discrimination Act, 25 O.S. §§ 1101, et seq. and § 1901?

A unanimous⁵ Supreme Court answered the district court's question in the affirmative. The court noted that it had answered the "self-same question ... previously ... in the areas of race discrimination and sexual harassment."⁶ Following its prior decisions in *Collier v. Insignia Financial Group*⁷ and *Tate v. Browning-Ferris Inc.*,⁸ the court determined that victims of employment discrimination, including age discrimination, constitute a single "employment discrimination class."⁹ Because the OADA grants to victims of handicapped discrimination a private right of action and civil remedies, the court determined that such rights and remedies must also be afforded to victims of age discrimination to avoid creating a "dichotomous division of members of the same class."¹⁰ Such divisions, according to the court, would "offend[] the [Oklahoma Constitution Article V,] § 46 mandated norms of uniformity, symmetry and evenhanded treatment."¹¹ Thus, the court ruled that a victim of age discrimination could bring a tort cause of action under the public policy exception to the at-will employment rule.¹²

The court's answer to the district court's question was simple and concise. Yet, it leaves unanswered a number of questions for employment law practitioners and fails to firmly establish the place of *Saint* among its brethren in the court's *Burk* tort jurisprudence.

Prior to *Saint*, courts had regularly dismissed the *Burk* claims of plaintiffs who also asserted federal employment law claims, determining that the federal remedies available to the plaintiff were adequate and thus precluded a *Burk* cause of action.¹³ These dismissals were based upon the Oklahoma Supreme Court's decisions in *Clinton v. State of Oklahoma ex rel. Logan County Election Board*¹⁴ and *List v. Anchor Paint Manufacturing Company*.¹⁵ These two decisions held that, where an employment discrimination victim possesses "adequate" remedies under federal or state law, she could not recover under the *Burk* public policy tort.¹⁶ In fact, the *List* decision specifically held that the ADEA provides adequate remedies to a victim of age discrimination and thus declined to extend *Burk* to that context.¹⁷

Surprisingly, although both decisions appear to stand in direct opposition to *Saint*, the *Saint* court fails to mention either *Clinton* or *List*,¹⁸ leaving practitioners to wonder if *Saint* is intended to mark a fundamental shift by the court away from these prior rulings or to be read alongside and together with them. In fact, the *Saint* opinion provides support for both perspectives.

In the wake of *Saint*, plaintiffs are likely to argue that both *Clinton* and *List* have been overruled and that all victims of employment discrimination prohibited by the OADA may bring causes of action under *Burk*. This reading of *Saint* will provide plaintiffs with an opportunity to pursue a wider array of damages than those permitted under federal law. The ADEA, for example, limits its remedies to back pay, liquidated damages, front pay, and attorneys' fees and costs.¹⁹ Under a *Burk* cause of action, however, a plaintiff could seek compensatory and punitive damages in addition to wage damages and attorneys' fees. Moreover,

plaintiffs asserting race, sex, color, religion or national origin claims in violation of Title VII could avoid the damages caps placed on Title VII claimants²⁰ by asserting pendent *Burk* public policy tort claims. Procedurally, plaintiffs who want to avoid removal to federal court need only assert state law claims, as the state law remedies will equal, if not exceed, those available under federal law.

On the other hand, defendants in employment discrimination cases could argue, based upon the court's failure to mention either *Clinton* or *List*, that the *Saint* case has not changed the landscape of litigation under *Burk* at all.

The basis for this position lies in the court's relatively recent pronouncement in *Clinton*, an opinion signed by four of the same justices who concurred in the *Saint* opinion.²¹

In *Clinton*, the court held that the existence of an adequate federal statutory remedy precluded a plaintiff from pursuing a *Burk* tort claim.²² In reaching this holding, the court did not overrule or dismiss its conclusions in *Collier* or *Tate*. Instead, the *Clinton* court gave context to these prior opinions. The *Collier* opinion, according to the court, focused solely upon the adequacy of the state statutory remedy, a remedy that the

court had found lacking.²³ *Collier*, though, was silent as to the effect of an adequate federal remedy on the viability of *Burk* claim, leaving the *Clinton* court to clarify any confusion caused by that silence.²⁴

Interestingly, the *Saint* case also fails to address the effect of an adequate federal remedy upon a *Burk* public policy tort claim. Although this issue was raised directly by Data Exchange, at no point does the court explicitly speak to this contention.²⁵ As a result, the *Saint* opinion can be read in the same manner as *Collier* was read by the *Clinton* court — an opinion solely on the adequacy of the state remedy for age discrimination. This conclusion is buttressed by the framing given *Saint* by the court: an opinion to be read alongside *Collier* and *Tate*; in fact, one that answers the same question posed in those two cases.

“Procedurally, plaintiffs who want to avoid removal to federal court need only assert state law claims, as the state law remedies will equal...”

From this point of view, *Saint* has not upset the previous balance. Rather, it has reaffirmed that the OADA's remedies are inadequate for most forms of employment discrimination, while leaving untouched the formula provided by the *Clinton* court for analyzing *Burk* claims, a formula that ultimately denies *Burk* remedies to those plaintiffs who possess an adequate federal statutory cause of action.

1. 2006 OK 59, 145 P.3d 1037.
2. 29 U.S.C. §§ 621-633a.
3. 25 O.S. §§ 1101 *et seq.*
4. 1989 OK 22, 770 P.2d 24.
5. Eight of the nine justices concurred in the opinion written by Justice Hargrave, while Justice Kauger concurred in the result. See *Saint*, 2006 OK 59, ¶¶ 7-8, 145 P.3d at 1039.
6. *Id.* at ¶ 3, 145 P.3d at 1038.
7. 1999 OK 49, 981 P.2d 321.
8. 1992 OK 72, 833 P.2d 1218.
9. *Saint*, 2006 OK 59, ¶ 3, 145 P.3d at 1038.
10. *Id.*
11. *Id.*
12. *Id.* at ¶ 6, 145 P.3d at 1039.
13. See, e.g., *Bradford v. Univ. of Okla. Health Scis. Center*, CIV-05-0624-HE, 2006 WL 1698480, at *2 (W.D. Okla. June 20, 2006); *Hale v. MCI, Inc.*, CIV-04-1297, 2006 WL 223829, at *2 (W.D. Okla. Jan. 25, 2006); *Bolin v. Okla. Conference of the United Methodist Church*, 397 F. Supp. 2d 1293, 1299-1301 (N.D. Okla. Oct. 21, 2005).
14. 2001 OK 52, 29 P.3d 543.
15. 1996 OK 1, 910 P.2d 1011.
16. *Clinton*, 2001 OK 52, ¶ 9-10, 29 P.3d at 546; List, 1996 OK 1, ¶¶ 11-12, 910 P.2d at 1013-14.
17. List, 1996 OK 1, ¶¶ 11-12, 910 P.2d at 1014.
18. See generally 2006 OK 59, 145 P.3d 1037.
19. 29 U.S.C. § 626 (citing 29 U.S.C. § 216); *Spulak v. K Mart Corp.*, 894 F.2d 1150, 1157 (10th Cir. 1990) (recognizing availability of front pay, in lieu of reinstatement, under ADEA).
20. See 42 U.S.C. § 1981a(a)-(b).
21. Compare *Clinton*, 2001 OK 52, 29 P.3d 543, with *Saint*, 2006 OK 59, 145 P.3d 1037.
22. *Clinton*, 2001 OK 52, ¶¶ 9-10, 29 P.3d at 546.
23. *Id.* at ¶ 7, 29 P.3d at 545-46.
24. *Id.*
25. See generally *Saint*, 2006 OK 59, 145 P.3d 1037.

ABOUT THE AUTHOR



Michael W. Bowling is an in-house legal counsel for Integris Health Inc., where he provides advice and counsel on labor and employment issues. Prior to joining Integris, Mr. Bowling was an attorney with the law firm of Crowe & Dunlevy PC in Oklahoma City. He received his B.A. in Russian and political science from Duke University and his J.D. from the University of Michigan.

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Saint v. Data Exchange Inc.: Discrimination Claims Return to State Court

By Mark Edgar Hammons Sr.

On July 11, 2006, the Oklahoma Supreme Court, in a short and matter-of-fact opinion, held that victims of age discrimination had a state *Burk* tort remedy notwithstanding that such discrimination was also covered by the federal Age Discrimination in Employment Act (ADEA).¹ This brief holding generated a flurry of *amicus* briefs seeking reconsideration and reversal of that decision.²

Why such interest among employment groups? Because the *Saint* holding will have a dramatic impact on the field of employment discrimination. *Saint* reverses the common understanding of most federal judges and defense counsel regarding the availability of state law remedies for discriminatory acts which were also covered by federal law.

In *Clinton v. State ex rel. Logan County Election Bd.*,³ the Oklahoma Supreme Court held that the presence of an adequate federal law remedy must be considered in deciding whether an employee terminated for a reason violating Oklahoma's public policy would have an implied state law *Burk*⁴ remedy. "[T]he existence of a federal statutory remedy that is sufficient to protect Oklahoma's public policy precludes the creation of an independent common law claim based on a public policy exception to the employment-at-will doctrine."⁵ Because *Clinton* arose in a Title VII gender discrimination context, most defense counsel and federal court judges believed *Clinton*

precluded state law claims for age, race, gender, national origin or religious discrimination resulting in job termination.

That was too broad a reading of *Clinton*. Previously, the Supreme Court had explained that public policy torts extended beyond the parameters of age, race, gender and disability discrimination.⁶ Thus, *Clinton* was announcing a general rule which by its own terms had to be tailored to the particular factual and legal issues presented on a case-by-case basis. In the context of a general rule, *Clinton* assumed, but did not decide, that Title VII remedies were sufficiently adequate to avoid inferring a state law remedy.⁷ *Clinton* cautioned that in applying its rule the trial court must make an "initial determination of the adequacy of the statutory remedy."⁸

This "initial determination" requires examining the surrounding statutory framework as well as judicial precedent. In *Tate v. Browning-Ferris Inc.*,⁹ the Supreme Court

held that the class of persons covered by Oklahoma's Anti-Discrimination Act constituted a unified class which, under Okla. Const., Art. 5, § 46, had to be accorded equal remedies. Since victims of handicap discrimination (one part of that class) were expressly afforded a remedy,¹⁰ other members of the class (age, race, gender, national origin and religion) were entitled to the *same* remedy provided handicap discrimination victims:

[T]o conclude today that the statute's vindication regime for racial discrimination is indeed exclusive would render the Act's remedies constitutionally infirm.

. . . The Act here in contest [1989 version] does not provide a private right of action to a person aggrieved by. . . discriminatory practices if the Commission does not resolve the claim to his satisfaction. In contrast, it does afford a private right of action for discrimination based on handicap [as of 1990]. Were we today to construe the statute as having established the sole remedy for racially discriminatory practices, we would create a *dichotomous division of discrimination remedies* contrary to Art. 5 § 46 of the Oklahoma Constitution. There would be a more generous remedy for victims of handicap discrimination than those who suffered from racial discrimination. For remedial purposes, discrimination victims comprise a single class. Our Constitution absolutely interdicts the passage of special law that would sanction disparate remedies for those who complain of employment discrimination.¹¹

A federal remedy that might be "adequate" generally to vindicate other areas of public policy would not necessarily be adequate to meet this additional requirement of equal remedies.

At this point some background history is necessary because, as Justice Opala noted in his concurrence, "[t]here appears to be a lack of symmetry in this court's extant *Burk* jurisprudence."¹²

The concept that employment terminations wrongful under Oklahoma's Anti-Discrimination Act (OADA) would give rise to a common-law remedy was recognized in the root case of *Burk v. K-Mart Corp.*¹³ Later, in *Tate, supra*, the Oklahoma Supreme Court expressly recognized that race discrimination and retaliation for reporting race discrimination would be the basis for a *Burk* tort. This holding was premised not only on the OADA¹⁴ but also on the Okla. Const., Art. 5, § 46, mandate of equality in treatment of members of the same class.

Three years later the Supreme Court decided *Brown v. Ford*¹⁵ and concluded that the public policy tort would be limited to those employers having at least 15 employees as only employers of that size were covered by the OADA.¹⁶ Next came *Atkinson v. Halliburton Co.*,¹⁷ which held that since the OADA required

exhaustion of administrative remedies, persons seeking to pursue a *Burk* tort would also be subject to this exhaustion requirement.¹⁸ *Atkinson* departed from *Tate's* holding that exhaustion of administrative remedies was *not* required.¹⁹ Though viewed by some as a retrenchment, those decisions were merely refinements of the *Tate* decision and served to ensure uniformity between the *Burk* tort and the statutory provisions applicable to handicap discrimination victims.

The real departure came with *List v. Anchor Paint Mfg. Co.*²⁰ where the court was asked to decide whether or not constructive discharge was actionable under state law. Instead of directly answering that question, the court took the opportunity to decide whether an *age-based* discharge would be actionable. It had seemed clear to most observers that age-discrimination was just as actionable as race-based discharge in light of *Tate's* clear statement that the OADA established a public policy applicable to age, race, gender, national origin and religious discrimination victims — the unified class created by the OADA.²¹ Nonetheless, *List* held that there was no state-law remedy. This decision was premised on the assertion that "[m]ost courts have refused to allow

“...the court was asked to decide whether or not constructive discharge was actionable under state law.”

common law retaliatory discharge actions based on age or illness, saying that only a discharge arising from the employee's acts, rather than his status, will support a common law retaliatory discharge cause of action.²²

"Because Mr. List's statutory remedies are adequate and his common law claim is based solely on his status, his statutory remedies are exclusive."²³ These statements were directly contrary to the court's recognition just months earlier of a status-based claim for handicap discrimination in *Atkinson* as existing concurrently with the state (and federal) statutory remedies. In drawing a status-based distinction, *List* ignored both *Tate* (the status of race) and *Atkinson* (the status of disability). This "conduct versus status" distinction was criticized as illogical in that it afforded a remedy for a person fired for protesting prohibited discrimination while giving no remedy to the actual victim.²⁴

Only months after *List*, the Oklahoma Supreme Court decided *Duncan v. City of Nichols Hills*.²⁵ *Duncan* specifically reaffirmed *Tate's* guidance on statutory construction²⁶ and reaffirmed that state statutory remedies could be greater — but not less — than parallel federal remedies for discrimination.²⁷ In contrast, the court said nothing about its recent *List* decision.

Next came *Marshall v. OK Rental & Leasing Inc.*²⁸ *Marshall* applied the *List* rationale in the context of a sexually hostile work environment claim. While generally following *List*, *Marshall* opined that "Oklahoma's anti-discrimination statutes also provide adequate remedies."²⁹ This comment suggested the Supreme Court might recognize an implied statutory remedy under the OADA as an alternative to a *Burk* action.

David Russell, a United States District Judge for the Western District, certified the question of implied statutory remedies in *Collier v. Insignia Financial Group*.³⁰ The decision in *Collier* overturned in part *List* and *Marshall*³¹ and implied that in determining the existence of a public policy tort, courts must look to the adequacy of *state* — rather than federal — remedies. That understanding continued until *Clinton*, which held that the adequacy of *federal* remedies must be considered in determining whether a public policy tort would be recognized for a particular wrong.³²

In attempting to reconcile these prior decisions, Justice Opala noted the court's retreat from conduct versus status distinctions and summarized his understanding of the current status of the "adequate remedy" exception to recognizing a *Burk* tort:

The *Burk* liability for on-the-job sex discrimination, even when perceived to be *status- or gender-based* does not differ from any *act-grounded* legal accountability. Whether act or status might be deemed implicated, the *Burk* claim's actionable character is anchored *solely* in the employer's discharge that is in breach of *Oklahoma's public policy* for which (a) there is no statute-crafted remedy or (b) the available statutory remedy is not co-extensive with that provided for like or similar work related harms.³³

It is the latter portion of this statement which provided the basis for the certified question in *Saint*: Are the remedies of the ADEA (federal age discrimination) "co-extensive with that provided for" victims of handicap discrimination? Justice Opala's point was that in analyzing the adequacy of the remedy, courts must consider how similar groups are treated. In the case of members of the same class, Okla. Const. Art. 5, § 46 requires more than adequacy — it mandates *the same* remedies be made available.

It must be remembered that *Tate's* interpretation that Art. 5, § 46 required that the remedies available under 25 O.S. § 1901 be extended to all other persons covered by the OADA has never been questioned and had been repeatedly cited as good law.³⁴ *Clinton* did not overturn this holding nor question it but rather merely directed courts to consider the adequacy of federal remedies in addition to those supplied by state law. Thus, nothing in *Clinton* suggested that disparate, lesser remedies were *constitutionally* tolerable between members of what has been judicially determined to be a "single, unified class."

In *Saint*, the argument was simply that as to discrimination prohibited by the OADA, everyone under the act was entitled to the *same remedies* as those provided for victims of handicap discrimination under 25 O.S. § 1901. Judge Sven Holmes, federal judge for the Northern District, certified that question to the Supreme Court asking that the court explain its holding

in express reference to the requirements of Okla. Const. Art. 5, § 46.³⁵ Because there were two avenues by which the Supreme Court could reconcile its prior precedent (either under the *Burk* doctrine or via an implied statutory remedy³⁶), the certified question asked the court to address both issues.³⁷

The Supreme Court summarized the dispute as follows:

Ms. Saint asserts that the Oklahoma Statute creates a unified class of persons who are the victims of handicap, race, gender or age discrimination therefore requiring equal remedies for all of those persons under Art. 5 § 46. Ms. Saint asserts that the remedy provided for victims of age discrimination under the federal statutes is less generous than the remedy provided for victims of handicap discrimination under 25 O.S. 1901 and therefore the ADEA does not provide a Constitutionally adequate remedy. The Defendant asserts that the ADEA remedy is adequate and therefore, that no state remedy should be implied.³⁸

In its opinion, while not addressing these specific differences between the ADEA remedies and those available under state law, the court settled on using a *Burk* remedy³⁹ and pointedly stated:

This self-same question has previously been addressed by this Court in the areas of race discrimination and sexual harassment. In both of those cases we found that a common-law *Burk* tort remedy was available to plaintiff as such violations create dichotomous division of members of the same class, which offends the § 46 mandated norms of uniformity, symmetry and evenhanded treatment.⁴⁰

To eliminate any confusion, the court expressly reaffirmed its holdings in *Collier* (gender-discrimination) which held that the court must avoid “the pitfalls of according asymmetrical remedies to members of a single class of employment-discrimination victims”⁴¹ and in *Tate* (race discrimination) which held that “[o]ur Constitution absolutely interdicts the passage of special law that would sanction disparate remedies for those who complain of employment discrimination.”⁴² In light of the arguments presented, this language should leave no room for doubt that there is a state

law remedy for terminations when the motivation was either age, race, gender, national origin, religious discrimination or retaliation for opposing discrimination.⁴³

Now the following questions remain: What are the differences between the state law remedies and their federal counterparts? How far does *Saint* extend the state law remedies? The remainder of this article will attempt to answer those questions.

THE CONTOURS OF A *BURK* ANTI-DISCRIMINATION CLAIM

While *Saint* does not address the specific differences between state law and federal claims of discrimination, there is substantial guidance available from its rationale as well as from prior decisions of the Oklahoma Supreme Court. Thus, I will offer my prediction on the following issues:

- Differences in coverage
- Individual liability
- Exhaustion requirements
- The statute of limitations
- Application to the state and the governmental subdivisions
- Attorney’s fees availability
- Burden of proof
- Available damages
- Who determines damages
- Wrongs covered

Differences In Coverage

There are significant differences in the coverage of the OADA versus the companion federal statutes as well as traditional *Burk* torts.

The OADA covers all employers having at least 15 employees⁴⁴ but it also covers, without a minimum number, employees of a “contractor or subcontractor. . . furnishing the material or performing work for the state or governmental entity or agency of the state,”⁴⁵ employment agencies⁴⁶ and labor organizations.⁴⁷ “Indian tribes [and] a bona fide membership club not organized for profit” are *not* covered.⁴⁸ The difference between state and federal coverage is most obvious in the context of ADEA coverage where the federal law requires 20 employees while the state action requires only 15. As to this matter, Judge Ralph Thompson of the Western District of Oklahoma had previously predicted that there would be a public policy remedy under state

law for employers having at least 15 but less than 20 employees.⁴⁹

Under the *Burk* doctrine, wrongful termination actions are limited to at-will employees. Employees who are not at-will have been excluded from this protection⁵⁰ on the basis that they have adequate alternative remedies. 25 O.S. § 1901, however, applies to all employees whether at-will or not. Because of the requirement for symmetry among members of the class, it would appear that this special, constitutional variant of the *Burk* doctrine would apply to all employees.

Individual Liability

Neither the Oklahoma Supreme Court nor the Court of Appeals has yet determined whether agents of employers who discriminate may be held liable individually for their discriminatory or retaliatory acts. Under federal law it is clear that there is no individual liability of corporate officers and employees for discriminatory actions.⁵¹ The federal rule developed at a time when “a successful Title VII plaintiff was typically limited to reinstatement and back pay as potential remedies, *i.e.*, to equitable remedies which are most appropriately provided by employers, defined in the traditional sense of the word.”⁵² That rule was continued because when Congress added compensatory relief in 1991, it did not further amend Title VII to provide for individual liability.⁵³

In contrast, *Burk* torts from their inception have always provided legal rather than equitable relief.⁵⁴ Such torts were viewed as common-law tort actions⁵⁵ and under the common-law rule an agent is liable along with his or her employer for wrongful conduct even if that conduct is carried out at the employer’s behest.⁵⁶ This has been called a “general, if not universal rule, of torts.”⁵⁷

It had been argued, and accepted by some judges, that because one purpose of the OADA, 25 O.S. §§ 1101, *et seq.*, is “to provide for execution within the state of the policies embodied in the federal” acts,⁵⁸ individual liability would not be available for state law torts. That, however, is an incom-

plete reading of the state statute. As explained in *Collier*, there is a marked difference between the classes of wrongs covered by the OADA and the set of remedies available:

Central to the assessment of the remedial schemes provided for by the act is the language of 25 O.S. 1991 § 1001, which provided in pertinent part:

A. The general purposes of this act are to provide for execution within the state of the policies embodied in the federal Civil Rights Act of 1963, the federal Age Discrimination in Employment Act of 1967, and Section 504 of the federal Rehabilitation Act of 1973, to make uniform the law of those states which enact this act, and to *provide rights and remedies substantially equivalent to those granted under the federal Fair Housing Law*. [Emphasis added (by the court)].

Construction of this language leads inescapably to the conclusion that while the Legislature meant to incorporate the policies of Title VII (among other federal acts), it intended that the act’s primary remedial scheme be that afforded by the Fair Housing Law. . .⁵⁹

While it is unclear whether this may be viewed as an intention to incorporate federal Fair Housing Law remedies into the remedial scheme for employment discrimination victims, it is worth noting that individual liability is the rule under the Fair Housing Law.⁶⁰

It is doubtful, however, that the question of individual liability should be decided on a mere analogy to federal law. The Supreme Court has carefully explained that there are significant differences between these two bodies of law. For instance, tort remedies under the OADA may be greater than those provided by federal law⁶¹ and, in the context of defenses to *Burk* claims, the court has rejected “the wholesale adoption of federal law of employment discrimination” into Oklahoma’s law of wrongful discharge.⁶²

“It is doubtful, however, that the question of individual liability should be decided on a mere analogy to federal law.”

The proper basis for deciding this issue must be by statutory construction because “[u]nder Oklahoma law, the legislative intent of a particular statute must be ascertained from language of the statute.”⁶³ As to handicap discrimination (and generally throughout the OADA), the term “employer” is specifically defined to “include an agent” of the employer⁶⁴ and a “person” is defined to include not only businesses but “an individual.”⁶⁵ In using these terms, the Legislature wrote Sec. 1901 in a manner which clearly provides for individual liability:

If a charge of discrimination in employment is filed. . . and not resolved to the satisfaction of the charging party. . . , the charging party may commence an action for redress against any person who is alleged to have discriminated against the charging party and against any person named as respondent in the charge. . .⁶⁶

“[I]n the absence of a contrary definition of the common words used in a legislative act, we must assume that the lawmaking authority intended for them to have the same meaning as that attributed to them in ordinary and usual parlance.”⁶⁷ Thus, it must be presumed that the Legislature intended to allow suits against two categories of individuals: those who had “discriminated against the charging party” and “any person named as respondent in the [administrative] charge.” A court “will not apply a rule of construction [which would] render meaningless express provisions of the act.”⁶⁸

Although there has not been agreement in this area, Judge Joe Heaton of the Western District of Oklahoma has predicted that as a matter of statutory construction, Oklahoma would allow individual liability due to the wording of 25 O.S. § 1901:

. . . The statute must be interpreted according to its plain language. *Lindsay v. Thiokol Corp.*, 112 F.3d 1068, 1070 (10th Cir.1997) (few exceptions exist to court’s obligation to let plain language of statute control). It clearly authorizes a party who has filed a charge of handicap discrimination with the Oklahoma Human Rights Commission (‘OHRC’) to seek redress against the named respondent and any person who allegedly discriminated against the party. This contrasts § 1901’s federal counterpart, which permits the person claiming to be

aggrieved, after receiving a right-to-sue notice, to bring a civil action only ‘against the respondent named in the charge.’ 42 U.S.C. § 2000e-5(f)(1). If the Oklahoma legislature had not intended to authorize suits against individuals it could have used the term ‘employer’ rather than ‘person,’ or tracked the Title VII language and authorized lawsuits solely against the respondent named in the charge.⁶⁹

An additional rule of construction favoring individual liability is the Supreme Court’s admonition that in construing the OADA common-law remedies should be preserved:

By statutory mandate *the common law remains in full force in this state, unless a statute explicitly provides to the contrary.* Oklahoma law does not permit legislative abrogation of the common law by *implication*; rather, its alteration must be clearly and plainly expressed. An intent to change the common law will not be presumed from an ambiguous, doubtful or inconclusive text. A presumption favors the preservation of common-law rights. *Where the common law gives a remedy, and another is provided by statute, the latter is merely cumulative, unless the statute declares it to be exclusive.*⁷⁰

Had the Legislature intended to abrogate the common-law rule that employees are concurrently liable along with the corporation for acts of discrimination, it would have been required to have expressly set that out in Sec. 1901, *inter alia*. Instead, the OADA appears to preserve the common law rule that both the agent and the employer are jointly liable for their wrongful acts.

The author believes that individual liability is thus available under these actions.

Exhaustion Requirements

Sec. 1901 of the OADA requires that a handicap discrimination victim file a charge of discrimination with the Oklahoma Human Rights Commission (OHRC) before filing suit. The Supreme Court has already held that this administrative filing is a prerequisite for a *Burk* tort remedy for handicap discrimination.⁷¹ As a matter of procedural symmetry, an administrative filing would be required for any of the other covered areas of discrimination. It can be stated with a high degree of confidence that

any person seeking to assert a state law age or other discrimination claim must first file a charge of discrimination.

Furthermore, such filings must be made within 180 days rather than the 300 days available for an EEOC action. Although an employee has "the advantage of the extended 300-day period to file her federal claims with the EEOC...her state claim is barred by the 180-day filing period, and is not affected by the extended federal filing period."⁷²

Does that filing have to be with the OHRC? No. A filing with the EEOC is sufficient, because the EEOC and OHRC have entered into a work share agreement under which each agency is deemed the agent of the other for the purpose of filing and processing covered charges of discrimination. Because of this agency status, a filing with the EEOC is deemed a filing with the OHRC. The EEOC always gives notice to the OHRC of its filings and allows the OHRC the opportunity to investigate the charge.⁷³ A timely filing with the EEOC will, therefore, satisfy the administrative prerequisite for a *Burk* antidiscrimination tort.

Is a right to sue letter necessary? In EEOC proceedings, the agency is allowed 180 days (60 days under the ADEA) to investigate the matter. Until this 180 day period expires, no suit can be brought unless a right-to-sue letter is issued prior to the expiration of that period. The OADA has an equivalent time provision in 25 O.S. § 1901,⁷⁴ but there is no provision for a right to sue letter or for early termination. Nonetheless, a right to sue letter or other action ending the administrative proceedings should allow a suit to be filed even when the 180 period has not elapsed. This should be true because under the futility doctrine: "the law does not require one to do a vain or useless thing or to perform an unnecessary act to obtain relief."⁷⁵

The Statute Of Limitations

The normal statute of limitations for tort actions is two years from the accrual of the cause of action.⁷⁶ Under Title VII (gender, race, national origin and religion), the ADA (disability) and the ADEA (age), a party must file a charge of discrimination within 300 days of any discriminatory act (except for hostile environment cases), and then suit must be filed

within 90 days of receipt of a right-to-sue letter.⁷⁷

The OADA does not quite follow either of these systems. Under the OADA, a party is allowed to file suit within two years of the filing of a timely charge of discrimination, subject, as explained above, to waiting 180 days for the investigation of the charge. Thus, the normal two year statute of limitations applies and the accrual or commencement of that period runs from the filing of the charge of discrimination⁷⁸ — not from the wrongful act nor from the end of the 180 investigative/conciliation period.

Application to the State and Governmental Subdivisions

This issue was settled in *Duncan v. City of Nichols Hills*, which addressed the liability of governmental subdivisions for handicap discrimination under the act.⁷⁹ *Duncan* found an irreconcilable conflict between the OADA and the Governmental Tort Claims Act (GTCA).⁸⁰ In response to that conflict, the Supreme Court held that the OADA was the more specific statute when it came to discrimination and retaliation and therefore the OADA superceded and controlled claims brought against the state and its subdivisions as to such matters:

We find it apparent from the language of the two acts that the legislature intended the Governmental Tort Claims Act to apply to tort actions brought against the state or a political subdivision, whereas the Oklahoma Anti-Discrimination statutes were intended to provide redress for the types of discrimination embodied in the federal Civil Rights Acts, *even where the action is brought against the state or a political subdivision*.⁸¹

In short, the court held "that the notice provisions of the Governmental Tort Claims Act are preempted with respect to claims brought under" the OADA.⁸² Furthermore, the damage limitations under the GTCA are preempted by the OADA.⁸³

Although *Duncan* was decided solely with reference to handicap discrimination, the holdings in *Tate*, *Collier* and now *Saint*, that Okla.Const. Art. 5, § 46 requires equal remedies to all persons covered by the OADA would mandate extending *Duncan's* rule to the rest of the persons covered by the OADA.

That does not mean, however, that all individuals who engage in discrimination will be entitled to indemnification under the GTCA. The GTCA forbids indemnification of employees who have engaged in discrimination based on “race, sex or national origin,” but there is no prohibition against indemnifying employees who engage in age or religious discrimination.⁸⁴ Since the OADA does not speak to indemnification, the GTCA is likely to control that area.

Attorney’s Fees Availability

“Under the ‘American Rule’ governing the award of attorney fees to a prevailing party, attorney fees are not ordinarily recoverable in the absence of a statute or an enforceable contract.”⁸⁵ Tort actions, which include *Burk* torts,⁸⁶ are generally subject to this rule.⁸⁷ In this case, however, the remedies are shaped by the requirements of Okla. Const., Art. 5, § 46 which requires complete symmetry of the remedies. Under this standard, a right to recover attorney’s fees should be available for the limited class of *Saint* torts brought under the OADA. This was implicitly addressed in *Saint* where, in addressing the available remedies under Sec. 1901, the court set out the entire statute including the attorney’s fee clause.⁸⁸

Burden of Proof

The burden of proof is more generous to victims of state law discrimination than to federal law claimants. Under state law, a party need only prove that the discriminatory factor was a *significant* factor rather than a motivating or determinative factor:

The plaintiff would, of course, have the burden to prove that a *significant reason* for his discharge was racial discrimination or retaliation for the exercise of rights under Title VII. See *Thompson v. Medley Material Handling Inc.*, Okla. 732 P.2d 461, 463 (1987), where we required the same standard of proof for retaliatory discharge in a statutory retaliation claim.⁸⁹

The meaning of the “significant factor” rule for Oklahoma cases has been explained in *Elzey v. Forrest*:

The significant factor test has been explained by the Sixth Circuit Court of Appeals, as imposing a more lenient standard than the ‘but for’ test, but requiring a showing of more than a mere causal link.

While a factor may be a cause without being significant, only the establishment of [the factor] as a significant cause is sufficient to support a prima facie case of [wrongful] discharge.⁹⁰

Thus, “the ‘determining factor’ test [used for federal claims] is a more stringent test than the ‘significant factor’ test” used for Oklahoma public policy claims.⁹¹

Available Damages

Under a *Burk* tort, “[r]ecoverable damages including punitive damages in such actions are governed by our statutory and common law principles of tort liability.”⁹² Actions arising under the OADA represent a special species of *Burk* torts and the damages there must be the equivalent of those statutorily provided in 25 O.S. §1901(C). That section provides that:

[T]he aggrieved party shall be entitled to nominal or actual damages. Actual damages shall include, but are not limited to, reinstatement or hiring, with or without backpay, or any other legal or equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two (2) years prior to the filing of the charge with the Oklahoma Human Rights Commission. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the hiring or reinstatement or promotion of an individual, or the payment to him of any back pay, if such individual was refused employment or advancement or was suspended or discharged for legitimate reasons other than discrimination on account of handicap.

This statutory provision is slightly different than the normal common-law rule for tort damages which govern other *Burk* torts. Under the significant factor rule, the presence of other legitimate factors is no defense to liability. Under the statute the presence of other legitimate factors may be raised as a defense to back pay, hiring or reinstatement but not to other compensatory damages such as emotional distress or punitive damages. Unlike normal tort actions, available relief in a *Saint* tort includes equitable relief. The damage caps provided by Title VII and by the GTCA do not apply.⁹³

Who Determines Damages

In federal court issues of front pay, and sometimes back pay, are determined by the court as an equitable issue.⁹⁴ Under state law the issue of lost wages and front pay have traditionally been a part of the legal relief determined by juries.⁹⁵ The Court of Appeals in *Pettit v. Dolese Brothers Co.* held that "front pay" is a jury question:

. . . There is no authority in Oklahoma to suggest that issues of prospective relief are solely for the trial court to decide because they are equitable in nature. Quite to the contrary, it seems that the question whether an employer is so hostile to a former employee. . . that the remedy of reinstatement is not appropriate, is more a matter for the jury to decide upon proper instruction after hearing the evidence which the discharged employee and the employer are allowed to place before them.⁹⁶

The jury's function in determining lost future earnings in wrongful termination cases has been codified in OUJI CIV 2d 21.7(B).⁹⁷ More importantly, the handicap discrimination act expressly provides that "either party in any such action shall be entitled to a jury trial of any facts in dispute in the action."⁹⁸ Clearly, questions as to the entitlement to and amount of front pay or back pay are fact questions. Because of the requirement of symmetry in the treatment of all members of the class, there should be no dispute that these issues are for the jury's determination. Although the right to a jury trial in federal court is governed by federal rather than state law, Oklahoma's characterization of this action as a tort in which the monetary relief of past and future damages is legal would appear to require a jury trial on those issues even in federal court.⁹⁹

Wrongs Covered

Burk remedies have only been allowed for a wrongful termination although this includes the doctrine of constructive discharge. As to constructive discharge:

The test today adopted for ascertaining whether a constructive discharge has

occurred is an objective one which assays the complained of employer's conduct through the eyes of a *reasonable person standing in the employee's shoe* and applies to all constructive discharges pressed under the *Burk* tort's guise. The focus of today's test is upon the impact of the employer's actions, whether deliberate or not, upon a 'reasonable' employee. The test requires the trial court to inquire (1) whether the employer either knew or should have known of the 'intolerable' work conditions and (2) if the permitted conditions were so intolerable that a reasonable person subject to them would resign. This imposes upon the trial court the obligation to survey the totality of the circumstances which allegedly prompted the constructive discharge, including (but not limited to) the 'frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating; or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance.' If the employer's behavior is so *objectively* offensive as to alter the conditions of the plaintiff's employment (causing the employee to resign), a retaliatory constructive discharge can be said to have occurred and may serve as a predicate for bringing a *Burk*-type claim, assuming the tort's other preconditions have been satisfied.¹⁰⁰

This test is considerably more lenient than that imposed by federal law. Federal law limits constructive discharge to situations where the employee had "no choice" but to resign.¹⁰¹

Other actions such as a discriminatory refusal to hire have not been encompassed in a *Burk* tort.¹⁰² In contrast, 25 O.S. § 1901 expressly covers and provides remedies for discrimination in "hiring.... or promotion... advancement or... suspens[ion]."¹⁰³ Although this is a major departure from the traditional *Burk* doctrine, the mandate of remedial symmetry would seem to require a *Saint* remedy for all acts encompassed in the statutory remedy. Thus, there should be a *Saint* action available for discrimination or retaliation in

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hiring, discipline (at least if loss of pay is involved) and promotions.

CONCLUSION

Surprising as it may be, *Saint's* short opinion should dramatically change the enforcement options to persons who consider themselves to be victims of discrimination or retaliation based on age, gender, race, national origin or religion. Furthermore, *Saint* is likely to generate new rounds of litigation to definitively answer the questions presented in this paper.

1. *Saint v. Data Exchange Inc.*, 2006 OK 59, 145 P.3d 1037, 77 OBJ 2026 (7/15/06).
2. The petitions for rehearing including the arguments of *amici* were denied on Sept. 18, 2006, with all justices concurring.
3. 2001 OK 52, 29 P.3d 543.
4. *Burk v. K-Mart Corp.*, 1989 OK 22, 770 P.2d 24.
5. *Clinton v. State ex. rel. Logan County Election Bd.*, 2001 OK 52 ¶ 9, 29 P.3d 543, 546, 72 OBJ 1933.
6. *Collier v. Insignia Fin. Group*, 1999 OK 49 ¶ 10, 981 P.2d 321, 324 (“Initially, it must be observed that the *Burk* tort encompasses a broader range of wrongful discharges than just those involving one of the proscribed categories of discrimination articulated in Title VII or the Oklahoma Anti-Discrimination Act.”)
7. “Inherent in the certifying court’s question and statement of the case are the implications that . . . plaintiff has an adequate statutory remedy under Title VII of the Civil Rights Act of 1964, as amended.” *Clinton*, 29 P.3d at 544.
8. *Clinton*, ¶ 10, p. 546.
9. 1992 OK 72, 833 P.2d 1218.
10. 25 O.S. § 1901.
11. *Tate*, *supra*, 833 P.2d at 1227, 1229-30 (emphasis by the court)
12. *Clinton*, *Opala*, concurring in judgment, ¶ 6, p. 548.
13. 1989 OK 22, 770 P.2d 24, 26 n. 4 (citing as one example of Oklahoma’s public policies limiting at-will terminations, “25 O.S. Supp. 1985 §§ 1302, 1505(c)(1) [defining as a] discriminatory practice for an employer to discharge an individual because of race, color, religion, sex, national origin, age or handicap.”)
14. 25 O.S. §§1101, et seq.
15. 1995 OK 101, 905 P.2d 223, 227.
16. 25 O.S. § 1301(1).
17. 1995 OK 104, 905 P.2d 772.
18. 905 P.2d at 775-76.
19. 905 P.2d at 775-76 (recognizing that ‘may’ is usually permissive but nonetheless distinguishing *Tate*).
20. 1996 OK 1, 910 P.2d 1011.
21. *Tate*, 833 P.2d at 1229-30.
22. *List*, 910 P.2d at 1014.
23. *List*, at 1015.
24. “Such a distinction would, for example, give a remedy to a person fired for opposing racial discrimination by his employer while offering no remedy to the actual victim of the discrimination.” *Cassel v. WEBCO Indus.*, 942 F.Supp. 1409, 1412 n. 6 (N.D.Okla.1996) (quoting Mark Hammons, *The Evolution of Oklahoma’s Tort of Wrongful Termination*, 67 O.B.J. 2871, 2875 (1996)).
25. 1996 OK 16, 913 P.2d 1303.
26. 913 P.2d, at 1306-07.
27. 913 P.2d, at 1308, 1310.
28. 1997 OK 34, 939 P.2d 1116.
29. 939 P.2d at 1122.
30. 1999 OK 49, 981 P.2d 321.
31. 981 P.2d, 326 n. 20 (overruling in part *Marshall*). See also at 327 (Kauger, J., dissenting because “the majority opinion contravenes this court’s decisions in *List v. Anchor Paint Mfg. Co.*, 1996 OK 1, 910 P.2d 1011 and *Marshall v. OK Rental & Leasing Inc.*, 1997 OK 34, ¶ 23, 939 P.2d 1116.”).
32. *Clinton*, ¶ 9, 29 P.3d, at 546 (“we hold the existence of a federal statutory remedy that is sufficient to protect Oklahoma public policy precludes the creation of an independent common law claim based on a public policy exception to the employment-at-will doctrine.”).
33. *Clinton*, ¶ 12, 29 P.3d at 550. This was also stated by the majority: “While both *List* and *Marshall* discussed the status versus conduct distinction, we view the holdings in those cases as being premised pri-

marily on the fact that in each case plaintiff had an adequate statutory remedy for the alleged wrongful discharge.” *Id.*, ¶ 7; 29 P.3d at 546. Any lingering doubts that this is a dead issue should be extinguished by *Saint* which expressly allowed a claim for age discrimination which, as *List* held, is based on status— not conduct.

34. See *Cooper v. State ex rel. Dept. of Public Safety*, 1996 OK 49, 917 P.2d 466, 468 and *Baptist Medical Center of Oklahoma Inc. v. Aquirre*, 1996 OK 133, 930 P.2d 213, 219 & n. 16, inter alia (both citing to *Tate*)
35. 2006 OK 59 ¶ 0, — P.3d —, 77 OBJ 2026.
36. See *Holbert v. Echeverria*, 1987 OK 99, 744 P.2d 960 and *Walker v. Chouteau Lime Co.*, 1993 OK 35, 849 P.2d 1085, 1086-1087.
37. 2006 OK 59 ¶ 0, — P.3d —, 77 OBJ 2026.
38. *Saint*, ¶ 2.
39. *Saint*, ¶¶ 0, 6, 77 OBJ 2026-27.
40. *Saint*, ¶ 3, 77 OBJ 2026.
41. *Saint*, ¶ 4 quoting *Collier*, *supra*, ¶ 14, 981 P.2d at 326.
42. *Saint*, ¶ 5, quoting *Tate*, *supra*, ¶ 18, 833 P.2d at 1230.
43. “The definition of ‘discriminatory practice’ includes an employer’s discharge or discrimination against an individual as to terms or conditions of employment because of race, [25 O.S.] § 1302, as well as retaliation against a person who opposes a discriminatory practice or who files a complaint pursuant to the statutes, id. § 1601.” *Tate*, *supra*, 833 P.2d at 1220. Accordingly, “we give today a categorically affirmative answer to the question whether a racially motivated discharge or one in retaliation for filing a racial discrimination complaint offends a clear mandate of ‘public policy’ that comes within the protection of *Burk*.” *Id.*, at 1225.
44. 25 O.S. § 1301(1).
45. *Id.*
46. 25 O.S. §1301(2), §1303. There may be an issue about whether the labor organization is an “employer” thus requiring fifteen (15) employees, but it should be remembered that the statutory language defining employers also includes agents of an employer.
47. 25 O.S. §1301(3), §1304. See also the same caution in Note 39, above, regarding labor organizations.
48. 25 O.S. § 1301(1). The exemption for private organizations may be broader than that found in Title VII. That issue, however, extends beyond the limits of this paper.
49. *Debrah L. Espen and Celeste Bagwell v. Southwest Imaging Inc.*, CIV-03-1660-T (Order of July 16, 2004).
50. *McCrary v. Okla. Dep’t of Pub. Safety*, 2005 OK 67 ¶ 13, 122 P.3d 473 (“Because McCrary is not an employee-at-will, he is not within the class of persons who may bring a claim in tort for wrongful discharge based on the public policy exception to the employment-at-will rule, a *Burk* action.”).
51. *Haynes v. Williams*, 88 F.3d 898 (10th Cir.1996)
52. *Hayes*, 88 F.3d at 901 (quotation marks and citations omitted).
53. *Hayes*, 88 F.3d at 901.
54. “We recognize this new cause of action in tort.” *Burk*, 770 P.2d, at 28.
55. “[T]he *Burk* tort is firmly rooted in the common law”. *Barker v. State Ins. Fund*, 2001 OK 94, ¶ 24; 40 P.3d 463, 470.
56. “As the Restatement (Second) of Agency § 343 states ‘an agent who does an act otherwise a tort is not relieved from liability by the fact that he acted at the command of the principal or on account of the principal.’” *Wathor v Mut. Assur. Adm’rs Inc.*, 2004 OK 2 87 P.3d 559, 565 n 3.
57. As to “[a] to corporate officers acting in a corporate capacity, the ‘general, if not universal rule,’ of torts is that they may be held personally liable for tortious conduct of the corporation that they directly participated in or specifically directed others to carry out. 3A Fletcher Cyc. Corp. § 1137, at 275 (Perm. ed. 1986).” *McClelland v. Watling Ladder Co.*, 729 F.Supp. 1316, 1319 (W.D.Okla.1990).
58. 25 O.S. § 1101.
59. *Collier*, 981 P.2d at 325.
60. *Holley v. Crank*, 258 F.3d 1127, 1130-34 (9th Cir. 2001) (compiling cases and citing to 24 C.F.R. § 103.20 as establishing individual liability under the Fair Housing Act).
61. The Oklahoma Supreme Court has held that the state statute must provide at least as much relief as that offered under federal law, but there is no bar to the statute providing more relief than federal law. *Duncan*, *supra*, 913 P.2d at 1308 (“in enacting a remedy for employment discrimination, the Oklahoma legislature was bound to provide protection equal to or greater than protection provided by the federal civil rights provisions.” (Emphasis added)).
62. *Mosley v. Truckstop Corp. Of America*, 1993 OK 79, 891 P.2d 577, 583 (rejecting “the wholesale adoption of federal law of employment discrimination” as part of Oklahoma’s law of wrongful discharge). *Accord Buckner v. General Motors Corp.*, 1988 OK 73, 760 P.2d 803, 806.
63. *Duncan*, 913 P.2d at 1306-07.

64. 25 O.S. § 1301(1).
 65. 25 O.S. § 1201(5).
 66. 25 O.S. § 1901(A) (emphasis supplied).
 67. *State ex rel. Cartwright v. Georgia-Pacific Corp.*, 1982 OK 148, 663 P.2d 718, 722.
 68. *Fine Airport Parking, Inc. v. City of Tulsa*, 2003 OK 27, ¶ 20, 71 P.3d 5, 17.
 69. *Bob Marion v. Johnson Claim Service Inc.*, CIV-04-0864-HE (Sept. 17, 2004), quotation from p. 3. Emphasis by the court, footnotes omitted.
 70. *Tate*, 1992 OK 72, 833 P.2d 1218, 1225 -1226 (emphasis by the court, footnotes omitted).
 71. In enacting the OADA “[t]he legislature intended not only to combat discrimination, but also to provide the enforcement mechanisms necessary to do so.” *Atkinson*, 905 P.2d, 775. “The language of § 1901. . . supports the conclusion that exhaustion of the administrative remedies provided in § 1901 is a condition precedent to filing a civil action for redress.” *Id.*, at 776.
 72. *Forcum v. Via Christi Health Sys. Inc.*, 2006 OK CIV APP 77, ¶¶11-12, 137 P.3d 1250.
 73. 29 C.F.R. § 1601.13(a)(4)(B).
 74. 25 O.S. §1901(A) (If the charge of discrimination “is not resolved to the satisfaction of the charging party within one hundred eighty (180) days form the filing of such charge, the charging party may commence an action” in court for redress.)
 75. *Apache Corp. v. State*, 2004 OK 48, ¶ 9, 98 P.3d 1061, 1064. This issue is not free from doubt. The “futility doctrine” does not apply if the requirement is statutory. In the author’s view the one hundred eighty (180) day period is not mandated in the sense of being a *minimum* time before filing suit but rather serves as a deadline for the administrative agency.
 76. 12 O.S. § 95(3).
 77. *Forcum v. Via Christi Health Sys. Inc.*, 2006 OK CIV APP 77, 137 P.3d 1250.
 78. *Duncan*, 913 P.2d, at 1305 -1306 (“Section 1901 of the anti-discrimination statutes creates a private cause of action for handicap employment discrimination and specifically requires any action brought in district court pursuant to Section 1901(A) be brought within two (2) years of the filing of a charge with the OHRC.”)
 79. 1996 OK 16, 913 P.2d 1303.
 80. 913 P.2d at 1305-06.
 81. 913 P.2d, at 1308 (emphasis supplied).
 82. 913 P.2d, at 1309.
 83. 913 P.2d at 1309 (“We conclude that the same remedial objectives underlying Oklahoma’s antidiscrimination statutes which require preemption of the Act’s notice provisions would also require preemption of the limits on damages as provided in [the GTCA at] 51 O.S. 1991, § 154.”).
 84. 51 O.S. § 162(B)(4)(e).
 85. *Barnes v. Okla. Farm Bureau Mut. Ins. Co.*, 2004 OK 25, 1 94 P.3d 25, 26 n. 1.
 86. “We recognize this new cause of action in tort.” *Burk*, 770 P.2d, at 28.
 87. *Olsen v. Texaco Inc.*, 1978 OK 139, P.47, 587 P.2d 976, 988 (prevailing party attorney fees are not generally available in tort actions).
 88. *Saint*, ¶ 2, n. 2 setting out in full 25 O.S. §1901 including subpart (D) providing for attorney’s fees.
 89. *Tate*, *supra*, 833 P.2d at 1230 n. 69 (emphasis by the court).
 90. 1987 OK 58, 739 P.2d 999, 1001-02. *Accord Wallace v. Halliburton Co.*, 1993 OK 24, 850 P.2d 1056, 1059 (“an employee does not have to meet a ‘but for’ standard [however] the evidence must do more than show that the filing of the claims was only one of many possible factors resulting in his discharge”).
 91. *Bentley v. Cleveland County Board of County Comm’rs*, 41 F.3d 600, 606 (10th Cir.1994) (noting the difference in the proof required for a federal claim versus a state law claim).
 92. *Burk*, 770 P.2d, at 28 n. 10. The general right to recover damages for a tort is set out in 23 O.S. § 61 and “is the amount which will compensate for all detriment proximately caused [by the wrongful action],

whether it could have been anticipated or not.” OUI Civ 2d No. 21.7 sets out the instruction for damages in a wrongful termination.

93. *Duncan*, 913 P.2d at 1309 (“We conclude that the same remedial objectives underlying Oklahoma’s antidiscrimination statutes which require preemption of the Act’s notice provisions would also require preemption of the limits on damages as provided in [the GTCA at] 51 O.S. 1991, § 154.”).

94. See *Denison v. Swaco Geolograph Co.*, 941 F.2d 1416, 1421-22 (10th Cir.1991) (age discrimination); *Bartee v. Michelin N. Am. Inc.*, 374 F.3d 906, 910 (10th Cir. 2004) (“A district court’s decision to award back or front pay under the ADA is an equitable one.”) and *McCue v. Kansas*, 165 F.3d 784, 791-92 (10th Cir. 1999) (construing back and front pay as equitable remedies). But compare *Great-West Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204, 218 (2002) which suggests that back pay is traditionally a legal remedy and is only considered equitable in Title VII jurisprudence because of the statutory language defining remedies.

95. See *Complete Auto Transit Inc. v. Reese*, 425 P.2d 465, 469 (Okla.1967) (“an unemployed plaintiff is entitled to recover for loss of earning capacity, despite inability to show specific loss of earnings”) and *King v. City of Guymon*, 523 P.2d 1154 (Okla.App.1974) (“loss of earning capacity is compensable even though one is unable to show a specific loss of earnings”). *Accord Muskogee Electric Traction Co. v. Eaton*, 49 Okl. 344, 152 P. 1109 (1915).

96. 1997 OK CIV APP 46 ¶ 18, 943 P.2d 161, 166.

97. The jury “must determine...: The loss of earnings in the future that [plaintiff] would be reasonably likely to suffer as a direct result of the discharge, if [he/she] used reasonable diligence in finding employment of comparable quality as the employment with [defendant];. . .”

98. 25 O.S. § 1901(B).

99. *Int’l Fin. Servs. Corp. v. Chromas Techs. Can. Inc.*, 356 F.3d 731, 735 (7th Cir. 2004) (explaining the standards to be used in deciding when there is a right to a jury trial in federal court).

100. *Collier*, ¶ 10, 981 P.2d at 324.

101. “Constructive discharge occurs when an employer deliberately makes or allows the employee’s working conditions to become so intolerable that the employee has no other choice but to quit.” *MacKenzie v. Denver*, 414 F.3d 1266, 1281 (10th Cir. 2005).

102. See *Williams v. Dub Ross Co.*, 1995 OK CIV APP 9, 895 P.2d 1344 and *Sarsycki v. United Parcel Serv.*, 862 F. Supp. 336 (W.D. Okla. 1994) (both refusing to extend the *Burk* doctrine to cover wrongful refusals to hire). *Davis v. Bd. of Regents*, 2001 OK CIV APP 65, ¶ 8 25 P.3d 308, 310 (Okla. Ct. App. 2001) (limiting *Burk* tort to discharge claims and holding that transfers and demotions were not actionable).

103. 25 O.S. § 1901(C), describing available remedies.

ABOUT THE AUTHOR



Mark E. Hammons Sr. has been the principal in his law firm of Hammons, Gowens & Associates since 1976 with a practice primarily in federal court in the areas of civil rights, employment discrimination and administrative law. He regularly appears before the 10th Circuit and presents appeals to the Oklahoma Supreme Court. He earned his B.B.A. degree from OU and his J.D. degree from OCU. He is past chair of the Oklahoma Trial Lawyers Employment Litigation Section.

An Architectural Icon

The Oklahoma Western District's Federal Courthouse

By Barbara Snow Gilbert

Its construction survived politics, brothel busting and a little 1950's style prudery. Now nearing its 50th anniversary, Oklahoma City's federal courthouse is an underappreciated reflection of its times.

1959 – Only in retrospect is it possible to see that relatively quiet year as a tipping point. On the surface, 1959 was all about style, speed and progress. “Barbie” made her debut. Cadillacs sported fins suggesting supersonic speeds. The microchip was invented. “Old Glory” added two stars. Oklahoma City — with its endless acres of annexed land for the anticipated suburban sprawl which was mostly still to come — perfectly exemplified America's optimism.

But 1959 had a more sober side, too. Downtown Oklahoma City was at the midpoint of the country's longest running racial sit-in.¹ Choices for half the population were extremely limited: in 1959, the University of Oklahoma's law school graduated a class of 88, only two of whom were women; “girls' sports” was an oxymoron.

Not only domestic issues threatened the status quo in 1959. Castro came to power

in Cuba, putting U.S. soil within easy missile range of a communist bloc state. And the first two Americans died in action in Vietnam.

In short, while on the surface 1959 seemed to be all about stylish exuberance, it was in fact a year in which the first tremors of the monumental political and cultural shifts which would soon openly fracture American society could be felt. Perhaps more than any other governmental body, it would fall to the federal courts to preside over the fractious '60s. Thus, it was appropriate for reasons which no one attending dedication ceremonies could then have guessed, that in 1959 the cornerstone was set in Oklahoma City for a new United States courthouse.

Funding

By the mid-1950's, Oklahoma City's federal courts had completely outgrown their home in the traditional, Corinthian-columned building still known as “the



“Unity” figures at east entrance

old post office building.” But needs are not always met, and the memories of those working with the federal courts at the time confirm the consistent impression that it was Tenth Circuit Court of Appeals Judge Alfred P. Murrah who was the real mover behind the new courthouse.² Of course, funds for federal courthouses are appropriated by Congress, not judges. It was fortunate for the new courthouse’s chances that in the mid-’50s, Oklahoma was a solidly “blue state.” The Democrats were running Congress and not only was Oklahoma’s congressional delegation almost thoroughly Democratic, it was also thoroughly powerful. A list of the Democrats representing Oklahoma at the time makes the point: Sen. Robert S. Kerr and Sen. Mike Monroney; representatives Ed Edmondson, John Jarman, Toby Morris, Tom Steed and Carl Albert, the latter already a member of the House leadership, serving from 1952 until 1962 as majority whip.³

Even after the money was appropriated for the courthouse, however, there were real fears that the building might not materialize. The Republican administration (Eisenhower) was pushing economization measures and the courthouse’s appropriation was set to expire automatically if condemnation proceedings were not finalized within a certain period of time. With tension in the air, it fell to Senior United States District Judge H. Dale Cook, then serving as first assistant United States attorney for the Western District of Oklahoma, to complete the necessary “takings” proceedings before United States District Judge Stephen S. Chandler.

It was a tricky assignment. For one thing, Assistant U.S. Attorney Cook was under instructions to take title to the allotted half-block of land in the name of the United States quickly so that the appropriation would not expire. He was also instructed, however, that the United States was not to take actual possession of the property until construction was ready to start. This was so that businesses located on the property could operate as long as possible. The only problem with this plan was that one of the businesses operating on the land included a hotel of questionable repute. Assistant U.S. Attorney

“ the only problem with this plan was that one of the businesses operating on the land included a hotel of questionable repute.”

Cook lived in fear of a news story announcing “The federal government’s newly acquired brothel business....” Fortunately for Judge Cook, the headlines never materialized and the hotel was eventually condemned and boarded up.

ARCHITECTURE

Bill Gumerson, now owner of his own “design and build” firm and son of courthouse architect Dow Gumerson, was 11 or 12 years old when his father closed his Enid office and moved his family and architectural firm to Oklahoma City to work on the courthouse project. With 157,757 square feet of floor space,⁴ the building had a 1959 price tag of \$7 million, the equivalent of \$46,900,000 in today’s dollars.⁵ Architect Dow Gumerson designed and engineered the building, working with Dave Benham of Benham Engineering Company and Affiliates.⁶

According to the younger Gumerson, the original architectural plans showed no windows. A windowless building might have been cutting-edge architecture at the time but more realistic heads prevailed and the plans were revised to include windows although, as built, the windows are small given the scale of the building. The final architectural plans are dated April 23, 1959. A whopping 25 contractors took them out with an eye toward submitting bids which were opened in Dallas in June of that year.⁷ Construction time was estimated at two years.⁸

And what was the result of all that time and money? A currently under-appreciated building which today, like much other mid-century architecture, many people love to hate. Bill Gumerson is a straight enough talker to put it bluntly: “The ’50s were a time of ugly architecture.” No one else polled about the courthouse went that far, but comments ranged from “nondescript,” to “concrete box,” to “at least it’s better than Tulsa’s federal courthouse.” Perhaps Dow Gumerson’s own description is the preferred one. In a 1959 article he described the building’s “new look” as “dignified contemporary style.”⁹

None of the people interviewed for this article, most of whom were practicing law in one form or another in downtown Oklahoma City in 1959, recalls any reluctance on the part of the

Oklahoma City bench or bar to abandon the Beaux-Arts classicism of the old post office building and move across the alley to the new federal courthouse.¹⁰ Magistrate Judge Ronald L. Howland's memory spans the move from one building to the other. As a former clerk for United States District Judge Fred A. Daugherty, Magistrate Judge Howland recalls that the new courthouse was not yet open for business when Judge Daugherty was sworn into service as a federal judge in late 1961, but that not long after that date the Western District moved.¹¹ The records corroborate Magistrate Judge Howland's memory, showing the courthouse open for business by 1962.¹² According to Magistrate Judge Howland, there was no controversy over the courthouse's boxy style. Instead, he remembers everyone's excitement over coming to court in the state-of-the-art building which downtown lawyers referred to as "heading up the hill." (Perhaps only in Oklahoma could the rise between downtown and federal court be described as a hill.)

One of the building's most substantive innovations was that it provided large pre-trial conference rooms for each district judge.¹³ In 1959, pre-trial conferences, with their potential for streamlining cases and settlement, were a relatively new concept being pushed by the Western District judges.¹⁴ According to the upbeat patter of one article, the idea was that these large rooms, "[m]uch on the order of a library" and "adjoining [each judge's] office," would be furnished with "comfortable easy chairs that encourage informality."¹⁵ Sounding more like a resort lobby than a courthouse conference room, the pitch may have come across as a little too luxurious because the pre-trial rooms were a hard sell in Washington.¹⁶

The lack of controversy over the building's design is understandable when the building's architectural context is considered. In 1959,

modernism was the pre-eminent architectural design style, and for leaders of the profession it was really the only acceptable style. Architects who worked in the modern movement's international, minimalist and brutalist styles designed simple, unornamented buildings. Such buildings were often formed with blockish, geometric and repetitive shapes like those which compose the federal courthouse.

Love it or hate it, the federal courthouse is undeniably boxy.¹⁷ But it is the heft of the building's mass and its clean, straightforward (okay, boxy) lines which give the building its solemn character, appropriate for a courthouse.

Although difficult to appreciate unless viewed as a whole from a distance, the courthouse's front (north) facade is a symmetrical composition consisting of a center section faced in granite and set off with vertical limestone dividers. These dividers contrast with the granite and serve as a modern version of pilasters.¹⁸ The center section is flanked by undecorated side sections whose smooth limestone finish is punctuated by rows of windows.

Bill Gumerson states that his father was concerned that the large scale of the federal courthouse not overwhelm the old post office building immediately to the south. The two buildings share the same city block, and architect Gumerson may have kept more than the

scale of the old post office building in mind when he drew his plans. Like the courthouse, the facade of the old post office building is composed of a center section flanked by two side sections and its center section is decorated with classical pilasters.

The courthouse's glass and marble entrance is set off by limestone walls on either side, erected in a saw-tooth pattern. Viewed from the street, these walls form accordion-style "pleats" with



Use of polished surfaces at front entrance: black marble, granite, glass and aluminum

their “folded edges” to the street, a feature which adds movement and texture to the facade. The effect is that of a tightly spaced, contemporary colonnade.

Although some accuse the courthouse of reminding them of nothing so much as a bomb shelter, this particular criticism is ironic. The building served as an actual bomb shelter on April 19, 1995, when the Alfred P. Murrah Federal Building was blown up immediately across the street to the north (see “A Special Word” at end of article). Almost all of the courthouse’s lights and windows were shattered, turning the small-scaled windows from mere design choice into a life-saving feature.¹⁹ While the force of the blast sucked draperies out of the courthouse’s empty windows to fly like surrender flags, no one in the courthouse died that day, and the building’s structure survived largely undamaged.²⁰

CONSTRUCTION AND MATERIALS

Bill Gumerson recalls the building’s construction years fondly, sounding surprised at how much he remembers. It must have been a boy’s paradise, hanging around with his dad in the summertime while his father oversaw the project, moving constantly between the noisy construction zone and the Gumerson firm’s architectural office just a block away. Son Gumerson remembers his father traveling to Washington, D.C., “to meet with the powers that be” regarding the building. He also remembers flying with his dad on his father’s “Bonanza” airplane to the lumber mill in Savannah, Ga., where his father chose the wood for the paneling in the courtrooms. The trip was an eye-opening experience for the young Gumerson because integration issues were, in his words now, “swelling up.” He was shocked by the deep south’s in-your-face style of segregation, with water fountains and restrooms marked “colored” or for “whites only.”



Destruction of the Murrah Building left a panoramic view of the Federal Courthouse to anchor the Oklahoma City National Memorial.

To take best advantage of the American walnut wood which Dow Gumerson hand-picked on that Savannah trip, a labor intensive process called “matchbooking” was used to install the walnut veneers which still adorn the main courtrooms. Matchbooking (also known as book-matching) is a time-consuming process which uses naturally occurring patterns to

create designs. In the case of wood, for example, it is the grain which provides the patterns; in the case of marble, it is the veining. The process requires cutting veneers and then slicing them open butterfly-style, to create two mirror images. Professionals call the process “matchbooking” because the veneers are cut to open like a book. The veneers must be sequenced in the order they were cut so that the craftsman who installs them can use the continuity of the natural material to create symmetrical designs which flow across the veneered surface.

Not only are all the walnut surfaces in the federal courthouse matchbooked, so are all the marbled surfaces. This must have been a monumental task because the courthouse makes extensive use of black and white marble, most with a faint greenish hue. The walls of the lobby on each floor are completely veneered in marble, and the public corridors are veneered four-sevenths of the way up in the manner of wainscoting. As a result of all the matchbooked marble, each floor has its own, dramatic personality.

Another example of the architect’s use of polished natural surfaces is the building’s terrazzo floors, one of the building’s most unifying features. Terrazzo is composed of granite or marble chips mixed with a cementitious material. Bill Gumerson remembers watching the workmen trowel the terrazzo on site.²¹ Terrazzo is back in fashion now, and the courthouse’s white and black terrazzo floors are a testament as to why. This lavish use of polished surfaces, both on the building’s exterior and interior, lends a luxuri-

ant, streamlined style to the building's heft and sobriety.

ART

Architect Dow Gumerson let the building's rich, sleek materials speak for themselves and added almost no other ornamentation to the building. What minimal decoration exists is found at the building's entrances. The east and west entrances are framed with repeating geometric designs executed in aluminum, classic examples of modern architecture's clean, uncluttered style. The building's only fine art consists of two bas relief sculptures, each a grouping of figures carved over the courthouse's side entrances.

Bill Gumerson remembers his father's excitement over the choice of artists for these sculptures, Kansas-born Bernard Emerson Frazier. The younger Gumerson states, "it was a very big deal." Frazier was chosen for the federal building artwork over a dozen other sculptors who were under consideration. At the time, he was sculptor in residence at the University of Kansas and was a former director of the Philbrook Art Center in Tulsa where he studied American aboriginal art and started the annual national exhibition of painting by American Indians,²² influences which can be seen in the federal courthouse project.

Dow Gumerson's initial excitement over the choice of Frazier may have waned during the period of time which Bill Gumerson describes now as "interminable" and "agonizing." The limestone blocks, quarried from the same location as the building's exterior veneers, waited dormant on the construction site for years. The wait may have been partially due to what Bill Gumerson calls "a brouhaha" over one of Frazier's proposed, supposedly immodest, sculptures.

A March 23, 1960, newspaper article tells of Frazier's meeting with Lions Club members to display his clay models for the courthouse project.²³ The nude pictured in that article is so abstracted that it is difficult to tell whether it is masculine or feminine. It is anything but erotic by today's standards or, for that matter, by the standards of classical art. But the view is frontal.

“The limestone blocks, quarried from the same location as the building's exterior veneers...”

Whether it was the nudity, or whether it was even this particular clay model which led to the controversy is a mystery. The newspaper article simply reports that the clay models for "Dynamic Justice" and "Civic Virtue" were yet to be submitted to the General Services Administration officials in Washington for their opinions.²⁴ It stated that, "[i]f they approve," "the artist will go to work with his hammer and chisel later this year."²⁵ It suffices to say that the figure pictured in the 1960 article does not appear in any of the figures as they were ultimately rendered, all of whom are clothed.

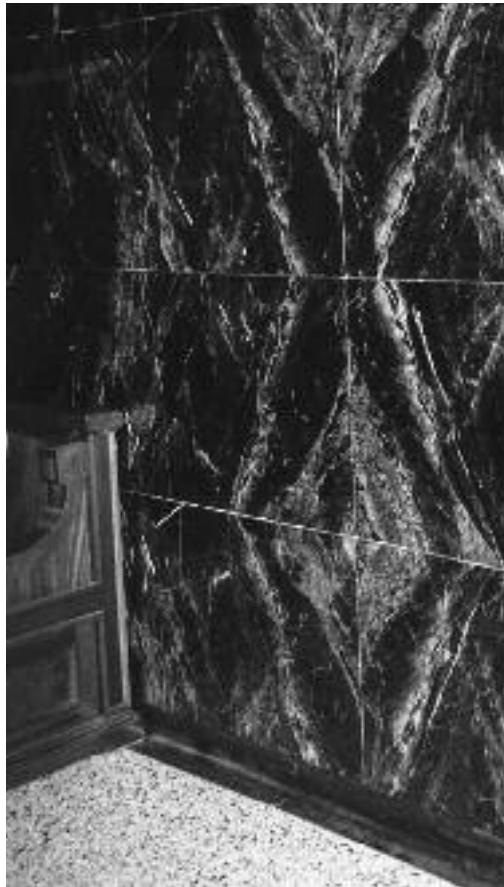
Perhaps the interference with his artistic vision somewhat soured Frazier on the project and affected his progress. That is just a guess. The next reference to the sculptures found in newspaper archives is dated May 9, 1963, more than three years after the article describing the meeting with the Lions Club. That headline reads, "Artist Ready to Start U.S. Building Job."²⁶ The story refers to "long-delayed friezes" and quotes Frazier as stating that the sculptures "should begin taking shape within three weeks."²⁷

The article also states that Frazier was commissioned by the GSA to do the work for \$30,000.²⁸ By this time the sculptures had apparently morphed into their final form because the sculptures had new titles, their final ones, and were now referred to as "Destiny" (west entrance) and "Unity" (east entrance). The same article explains that Frazier had begun preliminary preparations in December of 1962 "when he leaned a set of steps...against the Harvey [street] entrance," and then proceeded to suffer a heart attack.²⁹ After that, the article reports deadpan, Frazier's "carving assistant took a small job in Toledo."³⁰

Whatever developments had turned a huge federal commission for public art into a project which an assistant would abandon for "a small job in Toledo," Frazier remained optimistic. "I intend to be working vigorously in two or three weeks," he is quoted as saying in 1963, "and have the work finished before the first hard freeze."³¹

Over two years after that statement, on Aug. 2, 1965, an article appeared in the *Tulsa Tribune* entitled, “‘Freeze’ Put on Sculptor’s Work, OC Job Piecemeal.” The lead goes like this: “When federal judges suggest you stop banging with the hammers, you stop, even if you’re a distinguished sculptor such as Bernard Frazier.”³² The slogging pace was due to the fact that Frazier and his assistants were making so much noise with their air hammers that the federal judges had “ordered him” to work only before 9 a.m. or after 5 p.m.³³ Frazier was starting work around 5 a.m. each day, laying off during business hours and then working again until 10 p.m.³⁴ Adding to the difficulty, Frazier stated that “only rough work could be done by artificial light since the shadows could be deceiving.”³⁵ Frazier had, by then, spent the past 13 months working just on the frieze above the east entrance.³⁶ The artist stated that he was “hoping the judges may relax their ruling.”³⁷ Whether they did or not, is not known. But it took another two years for the work to be completed. By then, Frazier — with his assistants, scaffolding, air hammers and night lights — had become a downtown institution.

As finished, the east-side figures include a western plains Indian chieftain looking north, standing beside his princess. Of the figures to the left of this Native American couple, one wears a Puritan’s bonnet and clutches a Bible, and one stands with an opened left palm. These “Unity” figures were finished in 1966. The west-side sculpture, representing “Destiny,” is comprised of a male



An example of “bookmatched” marble

and a female figure, both facing south with the female’s left hand outstretched through a blazing flame. An eagle is perched at the couple’s back and gazes northwest. Both sculptures are over 22 feet tall and protrude up to 16 inches from the building. “Destiny” was finished in 1967 and carries the artist’s name and date inscribed at the lower right side. One suspects Frazier may have taken more joy in carving the finish date than in carving the images.

TODAY

Over the past two years, and after four or five attempts to find biodegradable chemicals which would safely clean the mold and grime off the courthouse’s Indiana limestone facade, the courthouse’s exterior has now been extensively cleaned, restoring the stone’s original candle-

light-colored depth and warmth. The walnut paneling which Dow Gumerson chose by hand with his son at the lumber mill in Savannah has been stripped of its yellowed color and stained back to its original tone. The ceremonial court-

room has been extensively renovated, and four of that room’s five original skylights have been uncovered so that the large courtroom once again has natural light.

The building’s updated technical capabilities include a special hearing room for 10th Circuit argument and other long distance hearings and conferences. The hearing room is equipped with video conferencing equipment which automatically tracks the speaker.

All of the judges’ chambers have been modernized. The

“...courthouse’s exterior has now been extensively cleaned, restoring the stone’s original candle-light-colored depth and warmth.”

once innovative pre-trial conference rooms have been conformed to each judge's individual needs. In most cases the rooms do double duty as law libraries and informal meeting rooms. Judge Stephen P. Friot, who uses part of his conference room as a dining room, states, "We're lucky to have this courthouse; current federal building standards would have put district court judges in radically smaller spaces." Finally, a new entrance is planned for the building. The current plate glass entrance will be bumped



Workers restoring courthouse front façade

out to meet the city's sidewalk easement, providing a glass foyer with pedestrian doors facing east and west. The original aluminum letters which have marked the building's entrance for almost a half-century will be remounted as headers, street side on the new glass foyer to finish off the updated look.

All in all, Oklahoma City's federal courthouse is in excellent shape as it approaches its own mid-century mark. Although the building may never again be as loved as it was when it was first opened for business and lawyers headed "up the hill" to a gleaming new building of high style, it has been a faithful workhorse. Admittedly, there are buildings which are easier to appreciate. But love it or not, the courthouse deserves recognition as an iconic example of mid-century architecture which embodies both the promise, and the seriousness of purpose, which was 1959.

Author's note: I am deeply appreciative to the many people who helped with this article by allowing me to interview them and by otherwise contributing to this project. I extend my thanks to members of the Gumerson family, members of the bench and the bar, federal court and general services administration employees, and others, all of whom were very generous with their time.

1. The sit-in began at John A. Brown's department store on Aug. 22, 1958 and did not resolve until June 23, 1961, when Brown's agreed to end bias in its lunchroom and restrooms, and at its soda fountains.

2. Judge Murrah (age 32) was appointed United States District Judge by President Franklin D. Roosevelt in 1936. Judge Murrah was elevated by Roosevelt again in 1940 when Judge Murrah was appointed to the 10th Circuit where he served as chief judge from 1959 to 1970.

3. In 1959, the only Republican member of Oklahoma's delegation was Rep. Page Belcher. In 1975, John Jarman changed his party affiliation to Republican. Carl Albert became majority leader in 1962. He served as speaker of the United States House of Representatives from 1971 until 1976.

4. "Speed-Up in Cases Changes Courtroom Style, New Federal Building Here to be Different," *The Daily Oklahoman*, June 7, 1959, p. 11.

5. "Comparative value of the U.S. Dollar (Approximate)," <http://mykindred.com/cloud/TX/Documents/dollar>, based on numerous indices including the Consumer Price Index, 1800-1972, Selected Groups, and Purchasing Power of the Consumer Dollar, 1913-72 (1967 = 100), per the Handbook of Labor Statistics, 1973.

6. "Speed-Up in Cases Changes Courtroom Style," *supra*.

7. "Speed-Up in Cases Changes Courtroom Style," *supra*.

8. "Speed-Up in Cases Changes Courtroom Style," *supra*.

9. "Speed-Up in Cases Changes Courtroom Style," *supra*.

10. Beaux-Arts architecture describes the academic classical architectural style taught at the École des Beaux Arts in Paris where the style originated. The style influenced American architecture for decades in both the late 1800's and early 1900's. Beaux-Arts architecture emphasized mainstream Imperial Roman, Italian Renaissance, and French and Italian Baroque models of architecture. Exteriors were symmetrical. Interiors included grand entrances and stairways reminiscent of palace designs.

11. Hoverson, Gayle, "History United States District Court Western District of Oklahoma," April 4, 1989, p. 24 (prepared for then Chief Judge Ralph G. Thompson as a special project for the Centennial Celebration of the 1889 Land run) states that Judge Daugherty was appointed to the federal bench by President Kennedy on Oct. 11, 1961.

12. *Id*

13. See "Speed-Up in Cases Changes Courtroom Style," *supra*.

14. See "Speed-Up in Cases Changes Courtroom Style," *supra*.

15. "Speed-Up in Cases Changes Courtroom Style," *supra*.

16. "Speed-Up in Cases Changes Courtroom Style," *supra*.

17. Even dean of mid-century American architecture Philip Johnson, who introduced American architects to the then revolutionary international style of glass and steel grids, admitted later in his career that he became bored with the box. "Architect's Legacy Seen in Cities, Philip Johnson, 1906-2005," *San Francisco Chronicle*, Jan. 27, 2005, by John King, reporting death of Philip Johnson at age 98. King quoted Johnson's own writing from 1994: "I was a devoted disciple of Mies [van der Rohe]...but then I got bored with it," Johnson wrote, "I'm a jumper-arounder anyhow." In the later stages of his career, Johnson entered a new phase,

working in the more eclectic and layman-friendly styles of post-modernism.

18. A pilaster is an upright architectural member which is rectangular in plan, and is structurally a pier but architecturally treated as a column. With a capital, shaft and base, a pilaster usually projects one third of its width or less from the wall and may be load-bearing or merely applied as surface decoration.

19. Nearly three-fourths of the injuries caused by the Murrah building bombing were caused by flying glass. A door in Judge Lee R. West's chambers shows the trajectories of glass shards which tracked across it during the blast. Judge Tim Leonard keeps two arrowhead-shaped pieces of glass in his desk drawer as a reminder of the thousands of similar pieces which covered his chambers after the bombing. At the moment of the explosion, Judge Ralph G. Thompson saw his chamber's windows bend and break. He reports that "daggers of broken glass" flew by him to embed in interior walls located more than two dozen feet away from the windows. The bench and counsel tables in Judge Stephen P. Friot's courtroom (then the courtroom of Judge Wayne E. Alley) were damaged when light fixtures fell; that damage is now preserved under glass for historical purposes.

20. When pictures were removed from the ceremonial courtroom for refurbishing projects, fine cracks attributed to the bombing were noticed in the walls. This relatively minor structural damage is remarkable given the force of the blast, which mangled the building's interior spaces and caused the building's ceilings to fall, leaving several courtrooms open to the sky.

21. The work was done by Southwest Terrazzo Company, a business established by the DeGiusti family after the elder DeGiusti immigrated from Italy. Three DeGiusti family members are now Oklahoma City attorneys who practice law in the federal courthouse which an earlier generation of their family helped build.

22. "Symbol of Justice Changes," *The Daily Oklahoman*, March 23, 1960, p.1.

23. *Id.*

24. *Id.*

25. *Id.*

26. "Artist Ready to Start U.S. Building Job," *The Daily Oklahoman*, May 9, 1963, page unavailable.

27. *Id.*

28. However, an undated and apparently unpublished article in courthouse archives states, somewhat ambiguously, that "both" sculptures were "commissioned for \$13,000."

29. "Artist Ready to Start U.S. Building Job," *id.*

30. *Id.*

31. *Id.*

32. "'Freeze' Put on Sculptor's Work, OC Job Piecemeal," *Tulsa Tribune*, Aug. 2, 1965, page unavailable (typographical error in original text has been corrected).

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

ABOUT THE AUTHOR



Barbara Snow Gilbert serves as a judicial law clerk to United States District Judge Stephen P. Friot. Formerly a shareholder with Crowe & Dunlevy, Gilbert is also a mediator and the author of several young adult novels. Her books have won state, national and international awards, including two Oklahoma Book Awards.

A SPECIAL WORD

When the Murrah federal office building was constructed across the street to the north of the federal courthouse, panoramic views of the courthouse were largely cut off. As a consequence of the bombing, the federal courthouse's architectural structure and design are once again revealed. Bill Gumerson, son of architect Dow Gumerson, makes the point. "Before," he states, "you could never see the federal courthouse building." After a pause, he continues, emotion in his voice. "I am proud for my father that the building withstood the blast and can now serve as an important backdrop to what is there."

"Before," refers, obviously, to a time before the bombing when the Murrah building still stood; "what is there" refers to the Oklahoma City National Memorial, a park-like open space of trees, grass and a reflecting pool. Dedicated to "those who were killed, those who survived, and those changed forever," the memorial serves as a kind of town square. Its mood may have more in common with the repose of a cemetery than with the vivaciousness of most town squares, but it is the spot Oklahoma City is known for around the world, and it is a place where people gather. If it is not quite at downtown's geographical center, it is the city's emotional center. Buildings ring it like sentinels, of which the federal courthouse is the most imposing and protective, both literally and figuratively. It is a symbolic purpose which, in 1959, none of the people responsible for the building's existence could have guessed, but one of which each of them would have been proud.

Resolve to Decide

By Travis Pickens

"Resolution" is not a strong word anymore, especially when it comes to New Year's resolutions. We may as well use the words "mulling over" or "consider": "I'm *mulling* over making my law practice more profitable," or "I'm *considering* changing jobs." And usually, after January, the only people who use the word "resolution" are legislators or tax evaders who try to record their own Constitutions with the county clerk. So, if we want to make real changes we need to change the words we use. Use the word "decide."

Decide to set goals, annually. After we graduate from law school and pass the bar exam, the only other goal many of us have is to get a job we can unashamedly tell to others. When that's accomplished, some of us lean back in our chairs, cross our arms and say, "The rest is up to them." I hope not, but I think that's true of some of us. We may aspire and work toward "partnership," whatever that means these days. Whenever that plateau is reached, many of us again lean back in our now better chairs, yawn, and then say, "Well, I can face the in-laws now," and that may be it for the rest of our lives, keeping that position until we can quietly slow down to retirement.

For some, retirement may be a goal too, but that is sort of like saying, "I really do not find my life or work very interesting, so I want to play golf, travel to Branson and look for sales at Home Depot." Is that a "goal"? No, I think that is a "reward" or a "glimpse of hell," depending upon your point of view. Set goals every year.

Decide to improve as a human being. Get in shape (okay, better shape). Find a cause outside yourself and contribute something. Two-and-a-half-hour committee meetings at church

or the non-profit where people who rarely make decisions or wield power are making all the decisions and wielding all the power may not be fulfilling. If not, do what a friend I know does. Along with a few others, he started his own IRS-approved charity *à la* Bill and Melinda Gates. They contribute money throughout the year, and have one meeting (drinks) at the end, when they decide who ought to get the money. It may be a mutual friend who just lost her job or someone who just went through a divorce. They get a write off, they don't have to listen to an aged flower child sob through a speech on urban blight and they don't have to spend mind-flattening hours at fundraisers. Improve as a person and an improved attorney will follow.



Decide to advance professionally. Read articles, develop a different but interesting niche or begin speaking at seminars. Join your county bar association. The meetings are well run and you meet the good guys and gals of the profession. Above all, find or reaffirm your true calling in the law. Without it, you are doomed to a passionless career. The best way

to lose friends and influence is to hate your job, complain to everyone and to do nothing to change it, sometimes for years. If you hate your job, chances are your co-workers and boss already know it, so move on gracefully.

Decide to get away, several times a year. Most of us are baby boomers, which means we like a little rush from time to time. Adrenaline does not begin to flow at the prospect of fall foliage tours, or “Pot of Gold” night at the country club. Decide to take a short, three- or four-day trip at least every two or three months, and at least one extended vacation of 10 days or more every year. If long vacations to distant places are too hard or too expensive to do, then take several, frequent, long weekends. You must, however, make them somewhere far enough away that your mind has left town with you, and you should make it a different location every time, as often as possible. You will have a few places essential to your emotional well being to which you simply must return, but those places are few.

Decide to adjust your perspective. Decide that the law is sacred, but lawyers are not. We’re just the people who know the rules and argue as to how they are applied. Do not cloak yourself with the arrogance of the snotty tour guide explaining the Picasso. Our job is to know the work, perform it well and generate respect and enthusiasm for the law. We should not be a club, enamored with our exclusivity. Simply put, revere the law, but not yourself.

Decide to care about music and fun again. If the last music you bought was produced in the 80s or before, try again. Sorry, Jethro Tull has run its course. Have you heard of Ben Folds, Jennifer Nettles or the Killers? Great music abounds.

Inject some fun into your practice. That is why you became a professional, so you would have some freedom. Use your autonomy. Work

at home a day a week. Write your brief at the park on a sunny afternoon. If you want, get the funky haircut and stylish clothing. Play your music at the office. Keep the law serious, but keep the practice interesting.

Decide to maintain family relationships and friendships. This takes time, but not squandering your family relationships and keeping a few true friends means the difference between enjoying life and simply enduring it.

Decide to find and rely upon a higher power. You may choose a pyramid, the sun or one of the world’s great religions, but find it, commit to it and practice it. It is waiting for you, and it will make a difference in your life that no other thing, job or person can. It will take you outside yourself, provide the balance and perspective you need, fuel your desire to change and sustain your efforts to change. It is the most important decision you will make, and it will influence all the decisions that follow. It will make the difference between a resolution and a decision, and that difference means everything.



“Decide to get away several times a year.”

ABOUT THE AUTHOR



Travis A. Pickens graduated from the OU College of Law in 1984. He has a general litigation and business practice, and is one of seven solo practitioners in the Oklahoma City firm of Mitchell, Davis, Klein & Pickens. Mr. Pickens vice chairs the OBA’s

Work/Life Balance Committee, and he served as a delegate to the OBA’s 2006 Annual Meeting. He also served three years as the editor of the Oklahoma County Bar Association *Briefcase*.

Another Good Year

By John Morris Williams

I have vivid memories from my childhood of “canned goods” neatly placed in the cupboards and cabinets of my parents, grandparents and just about everyone else in the community. Now, those not familiar with Mason jars and pressure cookers might think that a stock of metal cylinders containing food products is nothing to behold. I am talking about homemade pickled okra and green beans as pretty and green as money. I am talking about the actual fruits of one’s labor being preserved and under pressure, sealed into a jar where the whole world could see the outcome. I am talking about having pride in planting, cultivating and harvesting from the land.

While these images of my childhood in Pontotoc County are fond now, the reality is that planting a garden was not about having bottled vegetables on the countertop for show. It was about surviving and having something to eat once the frost took the last of the fall garden. The adults I grew up around were parents and children of the Great Depression. They knew what it was like to be hungry and to have little else than the clothes on their backs. And they knew how to can, to preserve – to have something to show for their efforts.

As we start a new year and the last frost has turned the remnants of the fall garden brown, I am pleased to gaze



upon the cupboard and see it well stocked. It was a good year. Bill Grimm has left us with the cupboard full, and the OBA preserves are as good as any I have seen. The year is in the can (my folks used Mason jars), the product is good, and our members and Board of Governors should take pride in the way the outcome looks.

Financially, the OBA is sound and has positioned itself to make needed renovations to the bar center without borrowing. We have completed two phases of the building repairs with the construction of the new entrance and the new drainage system to divert flood waters from the basement. Last year the OBA hosted the National High School Mock Trial Championship. The result was envy from other states that was as red as pickled beets. (Actually, they were just very complimen-

tary, but I could not think of a vegetable that would parlay as well as envy and pickled beets.) Everything we did last year looks like first-place winners. Our leadership planted some good seeds, cultivated the projects well and when it came time to harvest the benefits, they sure look good on the shelf.

“...to see the fruits of the labor of so many people whom I love.”

Many of you have seen different times and different circumstances at the OBA. My view is limited by my experience and sometimes by my position. However, this year I am intrigued as I was 40 years ago looking in my grandmother’s cabinet, to see the fruits of the labor of so many people whom I love. Persons I have grown to love as if they were members of my family. Being from a place like Stonewall you just assume everyone is family because chances are that you were. (Here I wanted to say something about us all being from Arkansas, but good taste would not allow such a detour.)

I am proud that our cupboard is well stocked and that our association is strong. To my extended family of Past President Bill and his exceptional wife, Sharon, and the Board of Governors, I say thanks. You tended to the OBA garden faithfully, and the harvests you brought in will sustain us for yet another exceptional year. It was a great year, and it was a really fun and exciting time to be at the OBA. With the recent

rain it looks like we will have another good crop next year.



To contact Executive Director Williams, e-mail him at johnw@okbar.org



Sandy Neal, Executive Assistant to the Executive Director

Oklahoma Bar Journal Editorial Calendar

2007

- February
Child Custody & Visitation
Editor: Luke Gaither
luke@englishgaither.com
Deadline: Oct. 1, 2006
- March
Fourth Amendment/Search & Seizure
Editor: Jim Stuart
jtstuart@swbell.net
Deadline: Oct. 1, 2006
- April
Law Day
Editor: Carol Manning
- May
Estate Planning
Editor: Mark Curnutte
mcurnutte@loganlowry.com
Deadline: Jan. 1, 2007
- August
Health Law
Editor: Martha Rupp Carter
mcarter@tulsa-health.org
Deadline: May 1, 2007
- September
Bar Convention
Editor: Carol Manning
- October
Education Law
Editor: D. Renée Hildebrant
renee.hildebrant@oscn.net
Deadline: May 1, 2007
- November
Technology/Practice Management
Editor: Jim Calloway
jimc@okbar.org
Deadline: Aug. 1, 2007
- December
Ethics & Professional Responsibility
Editors: Dan Murdock & Gina Hendryx
danm@okbar.org
ginah@okbar.org
Deadline: Aug. 1, 2007

If you would like to write an article on these topics, contact the editor.

The Effective Tightwad Lawyer

By Jim Calloway, Director, OBA Management Assistance Program

If you search Google for the phrase "Technology for Tightwads," you get 81 "hits." Most all of these are written by or for members of the legal profession. I'm not sure if that says more about our thriftiness or our ability to coin a good phrase. That title has been used for a group authored article in the American Bar Association's GPSolo magazine in 2000 and a presentation at ABA TECHSHOW in 2002.

With the recent announcement of free legal research for Oklahoma Bar Association members through our new arrangement with Fastcase (see article on page 133) and with many facing holiday bills, it seemed like an appropriate time to discuss cash-conserving ideas. After all, one of the most important sage bits of advice I can offer to lawyers opening up a new law practice is "watch your overhead and try to keep it low."

We did a program for the 2006 OBA Solo and Small Firm Conference titled "A Short Guide to Being an Effective Tightwad While Managing your Law Office."

I started that program by referring to three clichés:

"You never want to waste money."

"You get what you pay for."

"Time is money."

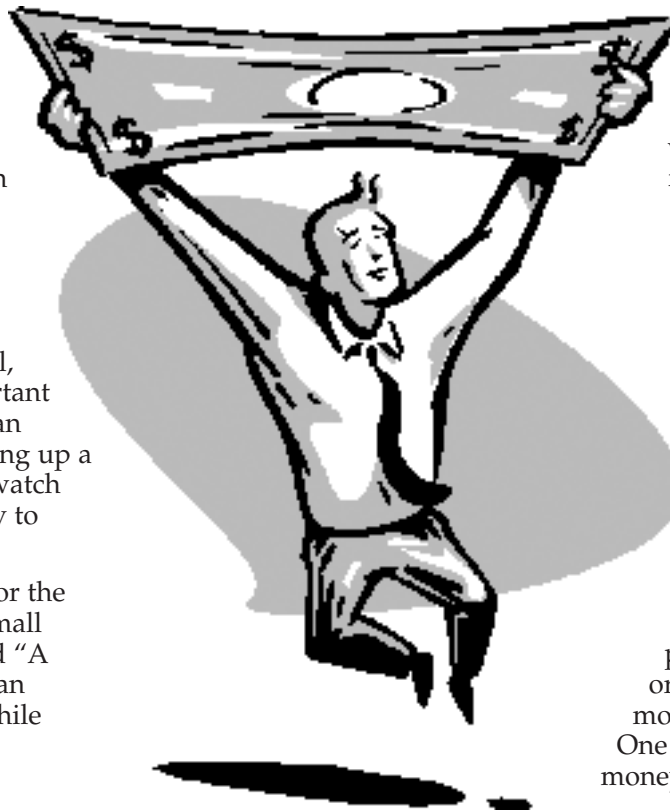
Lawyers appreciate all of these truisms, but are perhaps most directly connected to the "time is money" concept. Hourly billing, time sheets and externally-

imposed deadlines drive this home to us again and again.

The solo or small firm lawyer, in particular, has much time taken up with administrative and other non-billable tasks. Larger firms have more administrative support for the lawyers, but the lawyer to staff ratio continues to shrink every year, even in these firms. Simply put, a good part of law firm management is now the balancing act of doing things yourself or paying

others to do them for you. The advantage of doing it yourself is that it is done the way you want it to be on the first attempt and you have no out-of-pocket costs. The disadvantage is the drain on your limited time, which needs to be used to do billable work for clients. Obviously, hiring others involves both cost and supervisory duties.

So the successful tightwad has to incorporate the value of his or her time into any money-saving equation. One cannot just look at money alone. There is a bal-



ancing act between saving money and spending time in many cases. Saving \$50 by buying the cheaper product is no bargain if that product costs an extra 15 minutes of lawyer's time each day.

So the challenge for the lawyers seeking to economize is to not be, as Benjamin Franklin said, "penny wise and pound foolish."

Most of us have a personal history of both overspending and underspending. I decided to draw upon the wisdom of the users of the OBA-NET for some tangible recommendations about being an effective tightwad.

Tulsa attorney Jody Nathan pointed out that the paid fax services can cost less than a business phone line. She said, "Myfax.com allows you to fax all over the country (maybe the world?) and you receive fax responses via e-mail. \$10 a month includes 100 sent and 200 received pages."

Kim Spady of Hinton likes faxing software: "I think WinFax is a great tool, both from a money-saving and time-saving standpoint. The fax comes through to the computer, so I don't have to spend resources to print it if I don't need a hard copy. I can send faxes from my computer, so, again, no paper and ink expense if I don't need a hard copy.

Brandee Kauffman of Norman suggested joining all frequent "whatever" clubs. She mentioned that for copying, OfficeMax has a Perks club, and the store will also give you a free ream of paper when you return your used printer cartridge to them.

A long time ago, technology consultant (and frequent OBA Solo and Small Firm Conference guest speaker) Ross Kodner told me to sign up for every frequent flyer and hotel rewards program you can. I did, but I don't travel nearly as much as Ross. However, I got a surprise when checking into a Sheraton hotel recently. The ABA TECHSHOW is held at the Chicago Sheraton. I always give them my Preferred Guest number. When checking in at another Sheraton, I gave them my number. The clerk announced that I had achieved Gold status. My room was upgraded to a different floor with access to a lounge, free breakfasts, free bottled water in the room and other complementary services.

“Most of us have a personal history of both overspending and underspending.”

Brandee Kauffman also noted that the barter system can be a great benefit in the right circumstances. She cautions that you need to document these agreements in writing. Others responded that you need to be aware of the tax consequences of barter arrangements. It is best if the agreement sets a value for the services and/or products to be exchanged.

Oklahoma City lawyer Ken Felker said we should be on the look out for and take advantage of discount coupons and offers at office supply places like Office Depot. He bought a printer using a 15 percent off coupon, which resulted in quite a substantial savings. The coupon was only good for one day. He also noted that entering into cooperative agreements with other lawyers in other cities to do routine filings and court appearances for each other on a reciprocal basis can save time and gasoline.

Mark Robertson of Oklahoma City said his favorite tightwad trick is to use an older printer for drafts and load it with previously printed paper (using the back side). Please note that he dedicates an old printer to this. If you do it with your only printer, M.C. Smothermon noted that the ink may transfer to the paper feeding wheels in the printer causing black marks on the backs of documents. This idea generated several comments with the consensus emerging that it is really a waste of money to use expensive bond paper for pleadings that just sit in a court file. Many think bond paper is waste of money for anything except perhaps wills, trusts and other similar documents.

John Wylie from Norman said, "I just bring home the 'junk' printed paper (superceded drafts, etc.) and let the kids use the reverse side for painting, drawing, etc. Of course, you have to be sure you aren't bringing home anything with sensitive information, etc."

Randy W. Henning of Norman mentioned cutting the used paper in half or quarters and stapling or clipping in the corner to create do-it-yourself notepads.

Oklahoma City's Valerie Williford said, "Office share with a lawyer or group of lawyers who provide free Internet service, fax, copy machine, etc."

Carolyn Smith, frequent OBA-NET contributor from Ponca City, said, "Don't buy into the accountant's hype that the more you spend, the more you can write off your taxes. If I don't spend it, I don't have to earn it."

Someone told us that Oklahoma City lawyer Jeff Lynch used to be the business manager for a small business. He always bought cheap pens (a dozen for 99 cents) because he found no one wanted those, so he didn't lose them as often. I disagree with Jeff to a certain extent. I like ordering pens in bulk with the firm name and phone number printed on them and hoping that people take them with them. It is a cheap marketing investment.

That sparked another thought from M.C. Smothermon: "By attending the OBA Annual meetings and OBA Solo and Small Firm Conferences, I have managed to keep myself well-supplied with pens, markers, notepads and numerous other assorted goodies. All that, plus CLE and fellowship too."

Obviously, shopping online can be good for saving money. I made good use of Google's Froogle during the holiday season and we had

several Amazon boxes to discard after the holidays.

Kurt Pfenning of Norman noted that he often goes to lawyer's estate sales: "You can get some very cool vintage office supplies at estate sales like real copper file tabs and deco staplers. If you must use bond paper it sells for about 10 cents a ream at those sales because nobody else wants it."

Of course, the area where I feel that some lawyers are often "penny wise and pound foolish" is in the failure to invest in law office technology infrastructure. The primary activity of law firms in most all practice settings involves the processing of information with preparation of documents, reports and memoranda. Lawyers who do not personally use computers think they are being thrifty by continuing to use Windows 98 well past the time it should be retired. But they may not appreciate how frustrating this is for their staff and how productivity is hampered using a system that takes forever to load documents or crashes several times a day. I've had more than one secretary or assistant tell me that having to work on outdated computers was a significant factor in choosing to find new employment. This is especially true today when a new computer costs several hundred dollars rather than several thousand dollars. You should be able to compute the cost of having your well-paid staff waste 30 or 40 minutes per day. Having proper software is a similar area of concern. I often hear from solo lawyers that they simply can't afford a \$400 or \$600

practice management and billing software package. To those who are true solos with no support staff, I have to deliver the message that they can not afford not to have this. Having practice management software is like having a virtual assistant, except that you can purchase it for less than what you'd pay to get a good assistant for a month. Your practice management software can help you stay organized by keeping track of numerous bits of information for you. The same is true of billing software. The lawyer who keeps his or her time records contemporaneously by typing them into billing software has a much easier job getting the monthly bills out than the lawyer who is contending with many scraps of paper or incomplete records. The effective tightwad recognizes that investing in proper tools and training can be the thriftiest long-term approach.

I recently used the term tightwad several times at the New Lawyer Experience program. On one of the evaluation forms, someone wrote that he or she didn't really appreciate being called a tightwad, but truly "just didn't have the money." I hope that person is reading this. For those of us who are only partially successful at thriftiness, we tend to view the term tightwad as an aspirational goal and not a pejorative insult. "It's all good."

So in closing, let's all try and remember Carolyn Smith's words of wisdom: "If I don't spend it, I don't have to earn it."

The Scout Law and the Road to Doing it Right

By Dan Murdock, OBA General Counsel

During 2006, OBA President Bill Grimm graciously allowed me to use a paper he had prepared as the materials for several of the various continuing legal education presentations I made during the year. In that paper, President Grimm related the similarity of scouting character traits and our concept of professionalism. The first thing a Scout must learn is "be prepared." Our education and experience should prepare us for a legal career. He also quoted Scout Law which states: "A scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent." Although never a Scout, I always knew of and had heard of those traits. I assume many of you did as well. I knew that those standards were the basic guidelines for the behavior and attitude of all Scouts.

Late last fall I bought popcorn from a young Scout whom I did not know but who lives nearby in the neighborhood. That occurrence is not uncommon for most of us. However what occurred thereafter is uncommon. Shortly after I received my popcorn, I received a very nice thank you note signed by the young Scout. This young Scout has no idea or

concept about the effect this simple act had on my life. It was neatly typed, signed by the young Scout, and it had the Scout seal imprinted on it to make it look official. That letter was certainly unexpected but very much appreciated. It was also good business because I will certainly buy from him in the future. I do not think, however, that the business aspect was what this letter was all about. I think it was all about this young Scout learning about life and wanting to do what should be done. I am sure that his parents and other adults, perhaps his Scout leaders, had some influence on him, and what a positive influence it is. I do not know how many of the traits mentioned above were covered by his actions, but it was clearly his intent to comply with the intent of Scout Law.

Our Standards of Professionalism as adopted by our Board of Governors on Nov. 20, 2002, and by the Oklahoma Judicial Conference on Dec. 20, 2002, tell us that these standards are not intended to be used as a basis for discipline or for establishing standards of conduct in an action against a lawyer. But such as the Scout Law provides guidance to scouts, these standards, if followed,

will greatly assist in insuring our legal excellence. We need to make sure that it is the intent of those standards that we seek to follow.

I present a seminar in which I talk about "The Cowboy Code." Now I am more familiar with "Scout Law." We lawyers have our rules of conduct and our aspirational standards of professionalism. I certainly am not a role model. I try, but I have my shortcomings and do not always meet the standards that exist. As I have said in another article in the *Oklahoma Bar Journal* and in previous CLE presentations, all of this is not about perfection but the realization of our imperfections and our intended goal to meet the expectations of that which is required of us.

Perhaps I am becoming too philosophical. I have never pretended to be a scholar. I write what I feel. Make sure what is important in life is important in your life. The paper written by Bill Grimm is, in part, titled "The Road to Doing It Right..." This young Scout is well down that road in his life. Why don't we follow his path?

December Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center on Friday, Dec. 8, 2006.

REPORT OF THE PRESIDENT

President Grimm reported the Communications Task Force survey of all bar members is in the mail and on the Web site. He said he received notes of appreciation regarding the new OBA Medal of Valor Award and from visiting bar presidents. He expressed pleasure at serving during the year as OBA president. At the Annual Meeting he attended the president's reception, past presidents' dinner, breakfast with keynote speaker Arthur Miller, plenary and joint Oklahoma Judicial Conference session, annual luncheon, Oklahoma Bar Foundation Board of Trustees meeting, Board of Governors alumni reception, OBA and OBF reception and president's prayer breakfast, at which he introduced guest speaker Dr. Mouzan Biggs. He also presided over the General Assembly and had lunch with visiting Arkansas Bar Association President and Mrs. Jim Sprott. In Oklahoma City he attended the OBA staff appreciation luncheon, Oklahoma County Bar Association holiday party, Hartzog Conger Cason & Neville holiday party and OBA holiday party.

REPORT OF THE VICE PRESIDENT

Vice President Conger reported he attended numerous events at the OBA Annual Meeting in Tulsa.

REPORT OF THE PRESIDENT-ELECT

President-Elect Beam reviewed the 2007 meeting schedule and January festivities surrounding the Jan. 19, 2007, swearing-in ceremonies. He reported he had dinner with the Supreme Court, presided at the House of Delegates and has worked countless hours on appointments. He attended various meetings during the OBA Annual Meeting, OBF meeting, Custer County Bar Association meeting, OBA CLE seminar in conjunction with the Hornets game, Jerome Holmes investiture, meeting with Justice Winchester, OBA budget hearing before the Supreme Court, Custer County bar Christmas party, OBA employee appreciation lunch and many meetings with OBA staff members.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the OBA Annual Luncheon, meetings of the Rules and Bylaws Committee, Cre-

dentials Committee, Resolutions Committee, General Assembly and House of Delegates. He also attended the swearing in of Judge Jerome Holmes, presented the budget and strategic financial plan to the Oklahoma Supreme Court and met with the contractor and architect. He participated in a staff directors meeting and staff Annual Meeting debriefing.

BOARD MEMBER REPORTS

Governor Bates reported she attended events at the OBA annual convention, Board of Governors meeting in Tulsa, investiture for Jerome A. Holmes, Oklahoma County Bar Association board meeting and OCBA holiday reception. **Governor Caudle** reported he and his wife enjoyed hosting the visiting bar president from Arkansas and his wife at the bar convention. At the OBA Annual Meeting he attended the Board of Governors meeting, General Assembly, House of Delegates as a delegate, Resolutions Committee meeting, State Legal Referral Service Task Force meeting, dinner with board members and Supreme Court justices, president's prayer breakfast, OBA annual luncheon, OCU law school annual luncheon

and reception for Justice Watt. He also attended the Oklahoma County Bar Association holiday reception and OBA staff appreciation luncheon. **Governor Christensen** reported she attended events at the OBA convention including the OBF/OBA Just Desserts reception, YLD casino night, Jon Parsley for president suite, "Sure Things" suite, OBF suite, OBA annual luncheon, OCU alumni luncheon, dinner with board members and Supreme Court justices, Board of Governors meeting, Women in Law Committee meeting, General Assembly and House of Delegates. She also attended the ceremonial swearing in of the Honorable Jerome A. Holmes, Oklahoma County Bar Association board meeting and OCBA holiday reception. **Governor Farris** reported he attended the OBA Audit Committee meeting in Norman, two Tulsa County Bar Association Long-Range Planning Committee meetings, TCBA Awards and Nominating Committee meeting, OBA Annual Meeting, dinner with board members and Supreme Court justices, OBA annual luncheon, TU law school luncheon, Board of Governors meeting, American College of Trust and Estate Counsel breakfast, OBA Legal Intern Committee meeting, OBA Rules and Bylaws Committee meeting, OBA Diversity Committee program, board alumni reception, president's prayer breakfast, General Assembly, House of Delegates meeting as a delegate and Tulsa County Bar Association annual holiday party. **Governor Hermanson** reported he attended the OBA Annual Meeting, State

Legal Referral Service Task Force meeting, dinner with board members and Supreme Court justices, Board of Governors meeting, General Assembly and House of Delegates meeting, OBA YLD Fellows breakfast, reception for Justice Watt and Board of Governors alumni reception. He conducted the General Practice, Solo and Small Firm Section meeting in Tulsa and was elected section chair. He attended the Criminal Law Section meeting in Tulsa and received the Golden Quill Award. He moderated and spoke at an OBA/CLE seminar in Tulsa and was snowed in at the hotel for two days. **Governor Hogan** reported he attended the Pittsburg County Bar Association meeting, OBA Annual Meeting, November Board of Governors meeting, General Assembly and House of Delegates meeting as a delegate and reception for Justice Watt. **Governor Kennemer** reported he attended the OBA convention, State Legal Referral Service Task Force meeting, dinner with board members and Supreme Court justices, Board of Governors meeting, General Assembly and House of Delegates at which he served as a delegate. He also attended the OBA staff appreciation luncheon at the bar center. **Governor Mordy** reported he attended the Board of Governors meeting in Tulsa, OBA Annual Meeting events including the House of Delegates, Jerome Holmes investiture and OBA staff appreciation luncheon. **Governor Parsley** reported he attended events at the OBA convention including the Board of Governors meeting, YLD fellows breakfast, OBA House of Delegates Creden-

tials Committee, General Assembly and House of Delegates. He also attended the ceremonial swearing in of Judge Jerome A. Holmes and the Oklahoma County Bar Association holiday reception. **Governor Reheard** reported she attended the dinner with Supreme Court members, OBA Annual Meeting and the November board meeting. She participated as a panelist in both the plenary session on the judiciary and at the Law Student Division meeting. **Governor Souter** reported he attended the dinner with Board of Governors members and Supreme Court justices, OBA Annual Meeting in Tulsa, Board of Governors meeting, General Assembly and House of Delegates as a delegate for Creek County.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Williams reported she attended events at the OBA convention including the OBF/OBA Just Desserts reception, YLD casino night, Jon Parsley for president suite, OBA annual luncheon, Board of Governors meeting, YLD Annual Meeting and board of directors meeting, YLD fellows breakfast and General Assembly. Also at the Annual Meeting she moderated a panel at the Law Student Division's Forum and served as a teller and as a delegate at the House of Delegates. She attended the ceremonial swearing in of Judge Jerome Holmes.

REPORT OF THE SUPREME COURT LIAISON

Justice Edmondson reported the OBA's 2007 budget was approved by the

Supreme Court. He said that he and Suzanne have appreciated the hospitality during the past year and thanked the board. He reported the assignment of who will serve as the Supreme Court liaison to the OBA has not yet been decided.

REPORT OF THE GENERAL COUNSEL

General Counsel Murdock shared a status report of the Professional Responsibility Commission and OBA disciplinary matters. He reported Janna Dunagan Hall has been hired as an assistant general counsel.

MEMBER SERVICES COMMITTEE RECOMMENDATION

President-Elect Beam reported the Member Services Committee recommended Fastcase as the provider for online national legal research as a member benefit several months ago, which the board approved. He wanted the board to confirm that decision before a contract was signed. The board approved Fastcase as the selected legal research vendor. Management Assistance Program Director Calloway reviewed the description of the online legal research provider that will be a member service.

CLIENTS' SECURITY FUND

Clients' Security Fund Chairperson Micheal Salem reviewed the committee's recommendation for reimbursement of claims. He asked the board to approve the recommendations and to authorize a news release to be distributed regarding the payments. It was noted claims are down this year.

General Counsel Murdock clarified that claims are paid to clients of *former* lawyers. The board approved claims totaling \$41,846.51 and authorized a news release.

PROPOSED AMEND- MENTS TO YLD BYLAWS

Governor Williams reported the YLD board met at the OBA Annual Meeting and is recommending proposed changes to the Young Lawyers Division bylaws. She reviewed the proposed changes. The board approved the changes to the YLD bylaws.

CARRYOVER OF EXCESS 2006 YLD FUNDS

The board voted to allow the YLD to carry forward any funds remaining in its budget from 2006 into 2007 to help pay expenses in hosting the South Central Regional Conference being held in April in Oklahoma City. Governor Williams reviewed events planned. It was agreed that any excess funds not used for the conference will go back to the general fund. Governor Williams said she has volunteered to chair the event.

OKLAHOMA BAR JOURNAL CONTRACT 2007-2008

Public Information Director Manning described the process used to bid the two-year *Oklahoma Bar Journal* contract for design, printing and mail preparation. She reported only one bid was received and that bid was from the current vendor, Printing Inc. of Oklahoma City. She said based on the company's excellent customer service and quality product produced, she recommended the contract be

approved. The board approved the new bar journal contract. Manning reviewed the price increases that were slightly higher than projected for the 2007 budget. She said the number of court issue pages fluctuates every year, and she cautioned that expenses may exceed 2007 projections.

AMENDMENTS TO RULE 1.4 RULES GOVERNING DISCIPLINARY PROCEEDINGS

Executive Director Williams reported changes were needed to Rule 1.4 to be consistent with action recommended by the House of Delegates. The board approved the recommended changes and to submit them to the Supreme Court for its consideration.

CREATION OF ANNUAL MEETING TASK FORCE

The board approved President-Elect Beam's recommendation to create an Annual Meeting Task Force and to appoint Melissa DeLacerda, Stillwater, as its chairperson. The task force will look at ways to increase attendance at the bar convention.

CREATION OF LEADER- SHIP CONFERENCE TASK FORCE

The board approved President-Elect Beam's recommendation to create a Leadership Conference Task Force and to appoint Linda S. Thomas, Bartlesville, as its chairperson. President-Elect Beam said he will be asking the task force to explore conference ideas.

GENERAL PRACTICE, SOLO AND SMALL FIRM SECTION PROPOSED BYLAWS CHANGES

Governor Hermanson, who is section chair-elect, reported the section met at the OBA Annual Meeting and is recommending changes to its bylaws. The board approved the section bylaws changes.

SELECTED 2006 FUNDS TO CARRYOVER TO 2007

The board approved that excess 2006 funds from the Women in Law Conference and the Solo and Small Firm Conference be allowed to rollover to 2007.

APPOINTMENTS

The board approved the following:

Appoint committee chairpersons, vice chairpersons, board liaisons and YLD liaisons as recommended by President-Elect Beam

Board of Editors Chairperson - reappoint Melissa DeLacerda, Stillwater, for a one-year term (expires 12/31/07)

Board of Editors - reappoint Julie Rieman, Enid, Dist. 4; Judge Lori A. Walkley, Norman, Dist. 5; and John Munkacsy, Lawton, Dist. 9 for three-year terms (expires 12/31/09)

Professional Responsibility Commission - appoint J. Daniel Morgan, Tulsa, for a three-year term (expires 12/31/09)

Oklahoma Indian Legal Services Inc. - appoint Julie Strong, Clinton, and Leslie Guajardo, Oklahoma City, for three-year terms (expires 12/31/09)

Clients' Security Fund - reappoint James Lang, Tulsa, and Daniel T. Sprouse, Pauls Valley, for three-year terms (expires 12/31/09); appoint Judge Jill Weedon, Arapaho, and Brett Willis, Oklahoma City, for three-year terms (expires 12/31/09); appoint Lori Veazey, Clinton, as a non-lawyer member for a three-year term (expires 12/31/09)

MCLE Commission Chairperson - appoint Margaret Hamlett, Tulsa, for a one-year term (expires 12/31/07)

MCLE Commission - reappoint David A. Poarch, Norman; appoint Richard J. Phillips, Clinton, and Richard D. Ogden, Oklahoma City, for three-year terms (expires 12/31/09)

Legal Ethics Advisory Panel - appoint Luke Gaither, Henryetta, for a three-year term (expires 12/31/09).

BAR CENTER FACILITIES REPORT

Executive Director Williams reported Oklahoma Bar Center renovation is projected to begin in October 2007. Vice President Conger will continue to serve as Bar Center Facilities Committee chair next year. The committee will be looking at incorporating technology needs into renovations.

SWEARING-IN CEREMONY

Executive Director Williams reviewed details of the ceremony that will take place Jan. 19, 2007, at 10 a.m. at which new officers and board members will take their oaths of office at the Supreme Court Courtroom at the State Capitol Building.

EXECUTIVE SESSION

The board voted to go into executive session, met and voted to come out of session.

NEXT MEETING

The board will meet at the Oklahoma Bar Center in Oklahoma City on Friday, Jan. 19, 2007, immediately following the 10 a.m. swearing-in ceremony at the State Capitol Building.

Meet Your Bar Foundation

Oklahoma Bar Foundation, the charity of choice for all Oklahoma attorneys

This year is shaping up to be another good one for your Oklahoma Bar Foundation. All indicators are positive. The foundation is financially sound. Revenues are up. The foundation is blessed with outstanding volunteer leaders and capable staff, and all are working hard to support important programs such as High School Mock Trial, Youth Court and other Law-related Education school activities, CASA, CAAVA, Legal Aid Services and other important projects that serve the legal needs of our children, the elderly and indigent across Oklahoma, to name a few.

What is the OBF? Incorporated in 1949, the OBF is the third-oldest state bar foundation in the United States, an achievement that all Oklahoma attorneys can be proud of. All lawyers duly licensed to practice law in Oklahoma are members, and can become Fellows through annual contributions of \$100 over a 10-year period. **Pocket change of only \$8.33 per month gets it done.** These contributions, along with IOLTA revenues, earnings on investments, planned gifts

and income from other sources, have enabled the OBF to make grant awards exceeding \$6.6 million. Grants this year should top \$500,000.

How is all of this possible? **It starts with you.** If you are already a Fellow, continue your support as a Sustaining Fellow, or better yet, increase your level of giving to become a distinguished Benefactor Fellow. The Benefactor Fellow program was initiated in 2004 under the leadership of then-President Bill LaSorsa of Tulsa and requires tax-deductible contributions of \$300 per year.

Where does the money go? You can check it out by visiting the OBF Web site at www.okbar.org/obf. The Web site has not been updated to mention OBF's newest initiative, a **Fellows Scholarship Program** for students attending Oklahoma's three law schools. Beginning in 2007, the foundation will award a total of \$15,000 in new scholarship funds to deserving students attending the OU, OCU and TU law

schools. Think of it as casting bread on the water — or seed money for future Fellows.



OBF Secretary Treasurer Phil Frazier, President Mark Curnutte and Immediate Past President Hal Ellis celebrate 60-year foundation anniversary.

2007 OBF OFFICERS

President Mark W. Curnutte is a partner in the firm of Logan & Lowry LLP, which has offices in Vinita and Grove. Mark graduated from the OU College of Law in 1979 and practices primarily in the area of trusts and estates. He has served on the OBF Board of Trustees since 2000. Mark is a Fellow of the American College of Trust and Estate Counsel and Fellow of the American Bar Foundation.

How is all of this possible? **It starts with you.**

We invite you to join in our efforts to fulfill this mission...

Renee E. DeMoss, OBF president-elect, has practiced since 1984 with Gable & Gotswals in Tulsa and is presently serving as president of the Tulsa County Bar Association. Renee's practice areas include business and commercial litigation, insurance law and class action administration. She is a Barrister in the American Inns of Court, Council Oaks Chapter.

Vice President Richard A. Riggs is a shareholder with McAfee & Taft in Oklahoma City. Rick concentrates his practice in real estate and other commercial transactions and is a Fellow of the American College of Real Estate Lawyers. He obtained his law degree, cum laude, from the University of Michigan in 1974.

Phil Frazier, of the firm Frazier & Phillips in Tulsa, serves as secretary/treasurer. Phil is quick on his feet in the courtroom, having lettered in track & field at the University of Oklahoma just a few years ago. Phil's primary area of practice deals with commercial transactions, contract litigation and municipal law, and his accolades include past president of the Tulsa County Bar Association and a long list of board service to charitable, civic and statewide organizations.

Hal Ellis of the Stillwater firm Ellis & Drummond rounds out the Executive

Committee as immediate past president. He practices in the area of trusts and estates and recently served as state chair of the American College of Trust and Estate Counsel. Hal is also a Fellow of the American Bar Foundation.

OBF TRUSTEES

Attorneys come from all across the state to volunteer their time and talents as Trustees on the board to assist in making proper and informed decisions. The Trustees also serve on a variety of committees that oversee the various aspects of the foundation's work. In 2007, the attorneys serving with the members of the Executive Committee on the Board of Trustees are Charles F. Alden III, Oklahoma City; Stephen D. Beam, Weatherford; Jack L. Brown, Tulsa; Jon Ed Brown, Idabel; Cathy M. Christensen, Oklahoma City; J. William Conger, Oklahoma City; Judge Valerie Couch, Oklahoma City; Shon T. Erwin, Lawton; William E. Farrior, Tulsa; Kenneth A. Hicks, Wagoner; Steven R. Mackey, Tulsa; A. Edwin McComas, Elk City; John D. Munkacsy Jr., Lawton; Brooke Smith Murphy, Oklahoma City; Judge Millie Otey, Tulsa; David Pomeroy, Oklahoma City; Roger R. Scott, Tulsa; Susan B. Shields, Oklahoma City; Linda S. Thomas, Bartlesville; John Morris Williams, Oklahoma

City; and YLD Representative Brett D. Cable, McAlester.

OBF ADMINISTRATION

Nancy Norsworthy is the Director of Administrative and IOLTA Programs. She has been with the foundation just over 20 years and it is through the continuing efforts of Nancy and the staff that the foundation is able to function. Nancy is responsible for the myriad of day-to-day activities of the foundation. Members should contact the OBF staff whenever assistance is needed with IOLTA, the Fellows program, grants or other business related to the foundation at (405) 416-7070 or foundation@okbar.org.

OUR OBF MISSION

Advancing education, citizenship and justice for all is the ongoing mission of your foundation. We invite you to join in our efforts to fulfill this mission by joining with other attorneys across Oklahoma who have chosen to support the ongoing mission. Please take a moment to join with others by completing the following OBF Fellow application and sending it to the OBF office today. Together we can make a difference in Oklahoma – the choice is yours.

OBF

FELLOW ENROLLMENT FORM

☐ Attorney ☐ Non-Attorney

Name: _____
(name, as it should appear on your OBF Fellow Plaque) County _____

Firm or other affiliation: _____

Mailing & Delivery Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ E-Mail Address: _____

☐ I want to be an OBF Fellow **now** – Bill Me Later!

☐ Total amount enclosed, \$1,000

☐ \$100 enclosed & bill annually

☐ *New Lawyer 1st Year*, \$25 enclosed & bill as stated

☐ *New Lawyer within 3 Years*, \$50 enclosed & bill as stated

☐ I want to be recognized as a **Sustaining Fellow** & will continue my annual gift of
at least \$100 – (*initial pledge should be complete*)

☐ I want to be recognized at the leadership level of **Benefactor Fellow** & will annually
contribute **at least \$300** – (*initial pledge should be complete*)

Signature & Date: _____ OBA Bar #: _____

Make checks payable to:
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Many thanks for your support & generosity!

YES –
I support charitable good works
& agree to become a member of
the OBF Fellow Program.

A State Legal Referral Service — Does Oklahoma Need It?

By Dietmar K. Caudle, State Legal Referral Service Task Force Chairperson

Last March, then-OBA President Bill Grimm proposed the creation of the new State Legal Referral Service Task Force, which the Board of Governors approved. The task force's mission was to study the feasibility of offering a statewide legal referral service in Oklahoma, not in competition with the current service provided by the Tulsa County Bar Association. The vision of the task force was to offer excellence in legal services in an accessible, valued justice system. The task force's study was to include factual data and findings to gauge the public demand and need for a state lawyer referral system. Included in the study were technology requirements for a phone system, data storage and processing.

The universal issue for the OBA and the general public is whether there is a legitimate need for a referral service. To help answer this question, one must consider some critical data. At the present time, approximately one out of every four phone calls directed to the Oklahoma Bar Center is someone attempting to find an Oklahoma lawyer. These calls are

usually redirected to the "Oklahoma Find A Lawyer" Web site or to www.okbar.org, which has the "Find a Lawyer" link. At times, callers are referred to the local bar president of the county in which the lawyer is needed. There are no minimum requirements for the attorney referral other than licensure. Professional liability insurance is encouraged but not required. Experience and specialization is encouraged but not required. The potential client has no recourse beyond the immediate lawyer other than inquiry to OBA general counsel.

"...approximately one out of every four phone calls directed to the Oklahoma Bar Center is someone attempting to find an Oklahoma lawyer."

For the client in a strictly rural area of the state, the

number and choice of attorneys is severely limited. An in-person initial consultation with an attorney is usually impossible or impractical. To complicate matters, the brutal truth is that not all prospective clients are computer literate or even have access to a computer. Daily, legal aid offices across the state reject potential clients seeking attorneys because they have too much income or assets to qualify or because they seek advice in an area of the law that Legal Aid does not cover. These potential clients are often referred to the phone book yellow pages or to the local county bar president of a non-funded bar association. In most cases the referral cannot be followed up to ensure the client's satisfaction. Legal Aid's Web site at www.probono.net/ok allows networking through a roster and list services. Consideration of a statewide legal referral service would provide an additional resource, particularly for clients with a fee-generating case.

The lofty goal of the State Legal Referral Service Task Force is to present the Board of Governors with a comprehensive study by this May.

The top issues for the task force to consider will be the most obvious: (a) does the state need a lawyer referral service in order to provide the public with referrals to competent legal counsel? (b) will Oklahoma attorneys participate in a statewide legal referral service, requiring the payment of a membership fee and potentially a percentage fee over a certain amount? and (c) can such a system become ultimately self-sustaining, considering staffing, technical data, automated phone systems and advertising expenditures? The scope of such a project

may be compared to our geographical neighbor to the north. Kansas has a statewide lawyer referral program that has been successful and self-sustaining for a number of years. In contrast, Arizona, with similar rural and metropolitan areas such as ours, has had a legal referral service task force in place for a number of years without a final resolution. It is important to note that Oklahoma had a statewide lawyer referral system from approximately 1981 to 1985, when it ultimately failed.

It is the State Legal Referral Service Task Force's mission to draft a concise, documented plan for consideration that envisions a clear path for the public to locate and contact competent attorneys. Your continued input as bar association members is valued and appreciated.

Share your thoughts on the state legal referral service with task force Chairperson Caudle. Contact him at d.caudle@sbcglobal.net or (580) 248-0202.

VACANCY ANNOUNCEMENT

LAW CLERK TO A UNITED STATES MAGISTRATE JUDGE The United States District Court, Eastern District of Oklahoma, invites applications for the position of full-time law clerk. The law clerk will report directly to a United States Magistrate Judge. Duties of the position include but are not limited to performing research as required to assist the Court in preparing opinions, orders and legal memoranda; keep abreast of changes in the law to aid the Court in adjusting to new legislation; analysis of statutes, regulations and substantive issues, including constitutional issues, in habeas corpus, civil rights, and other civil cases; and perform other duties as assigned. Applicants must be a graduate from an accredited law school, have good research and writing skills, have the ability to manage a large number of cases and be computer literate. The salary ranges from \$43,731.00 to \$75,414.00 depending upon qualifications and experience. Employees of the U.S. District Court are entitled to benefits which include retirement, health benefits and life insurance. A records check will be conducted on the successful candidate. A full vacancy announcement can be found on the court's website at www.oked.uscourts.gov. Qualified Applicants should submit a cover letter, current resume with day and evening telephone numbers, and one writing sample to: Federal Clerkship, United States District Court, P.O. Box 7002, Muskogee, Oklahoma 74402. Resumes should include GPA and class rank. No transcripts or references are required until time of interview. Resumes will be accepted until January 31, 2007. **The Court is an Equal Opportunity Employer.**

HEALTH SAVINGS ACCOUNTS (HSA) ARE TO PAY FOR ELIGIBLE MEDICAL EXPENSES, INCLUDING EYE GLASSES AND CHILDREN'S BRACES

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211 North Robinson, Suite 200, Oklahoma City, OK 73102,
(405) 235-5700 or (800) 297-8734

YLD 'WILLS FOR HEROES' PROGRAM NEEDS VOLUNTEERS

According to the Oklahoma State Firefighters Association, there are 164 Oklahoma firefighters on record as having died in the line of duty. Similarly, as of April 3, 2006, a total of 385 state and local law enforcement officers in Oklahoma were on record as having been killed in the line of duty. On average, one law enforcement officer is killed somewhere in America every 53 hours.

"These statistics serve as a stark reminder of the extraordinary sacrifices firefighters, police and emergency medical technicians make for their community every day. They are prepared to pay the ultimate price in the line of duty," said OBA Young Lawyers Division Chairperson Chris Camp. "The YLD wanted to find a way to give back to these brave men and women."

Thus, "Wills for Heroes" was born – a free service that, once up and running, will utilize volunteer lawyers to prepare wills, powers of attorney and advance medical directives for county firefighters,

police, sheriff's deputies and other emergency personnel.

"We've found no other program currently in place to offer this service in Oklahoma," Mr. Camp said. "Our goal is to provide peace of mind to these heroes should the unthinkable occur. Ideally, we hope to reach all first responders in this state."

During the initial stage, some of the project participants will be busy contacting local law enforcement and emergency personnel agencies throughout the state to determine their specific needs, while others will

be working on the development of the basic will and medical directive templates. After laying this groundwork, the YLD will host an introductory training seminar for volunteer attorneys, explaining the document templates and

the logistics of the program. Project participants will then distribute intake sheets to the various agencies, followed by the coordination of local presentations to educate first responders regarding the benefits and effects of estate planning and the

specific documents being offered. Finally, volunteer attorneys will meet with the emergency personnel to prepare and supervise execution of the documents.

YOUR help is essential.

"We are going to need a lot of volunteers," said Project Coordinator Lindsey Andrews. "This will be a time-consuming project, however, *only* for the people implementing it and *not* for the volunteers wanting to help finalize the wills."

Ms. Andrews estimates that a typical volunteer will spend approximately one to two hours in training, with another four to five hours actually performing legal services, likely making a maximum of two trips to the precinct, firehouse, etc.

"I really encourage the young lawyers out there wanting to get involved in something to lend a hand with Wills for Heroes. It's just an honorable way to show appreciation to those who spend so much time thinking of us that they forget to think of themselves," Ms. Andrews said.

If you are an attorney licensed in Oklahoma and would like to participate in the Wills for Heroes program, you can act today by contacting YLD Chair Chris Camp at chriscamp@h2law.net or Project Coordinator Lindsey Andrews at landrews@coxinet.net.



Calendar



January

- 15 Martin Luther King Jr. Day** (State Holiday)
- 16 Death Oral Argument, Elwood Jackson v. State – D-2004-1173;** 10 a.m.; Court of Criminal Appeals Courtroom
OBA Technology Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: John Brewer (405) 606-8424
- 17 Ginsburg Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080
- 18 OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
OBA Bench and Bar Committee Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- 19 OBA Board of Governors Swearing In;** 10 a.m.; Supreme Court Courtroom, State Capitol; Contact: John Morris Williams (405) 416-7000
OBA Board of Governors Meeting; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
OBA Member Services Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Debra Charles (405) 286-6836
- 20 OBA/YLD Board of Directors Meeting;** Oklahoma Bar Center, Oklahoma City; Contact: Chris Camp (918) 588-1313
- 22 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Barry Davis (405) 607-8757
- 23 OBA Solo & Small Firm Conference Planning Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Roger Reneau (405) 732-5432
OBA Uniform Laws Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Frederick Miller (405) 325-4699
- 25 OBA Law Day Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Giovanni Perry (405) 601-2222
OBA Legal Intern Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: H. Terrell Monks (405) 733-8686

February

- 7 Hudson-Hall-Wheaton Chapter of American Inns of Court Meeting;** 5:30 p.m.; Federal Bldg., 333 W. 4th St., Tulsa. For information, please visit www.hudsonhallwheaton.com or contact Patricia Neel at patricia_neel@oknd.uscourts.gov.
- 8 OBA Bench and Bar Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jack Brown (918) 581-8211
- 9 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342



feb. cont'd

- 13 OBA Bar Center Facilities Committee Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Bill Conger (405) 521-5845
- 14 State Legal Referral Service Task Force Meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Dietmar Caudle (580) 248-0202
- 15 OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
- OBA Communications Task Force Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melissa DeLacerda (405) 624-8383
- 16 OBA Board of Governors Meeting;** Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 19 President's Day** (State Holiday)
- 27 OBA Bar Examinations;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Board of Bar Examiners (405) 416-7075



March

- 8 OBA Bench and Bar Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jack Brown (918) 581-8211
- 9 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342
- 13 OBA Bar Center Facilities Committee Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Bill Conger (405) 521-5845
- 14 State Legal Referral Service Task Force Meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Dietmar Caudle (580) 248-0202
- 15 OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
- 17 OBA Title Examination Standards Committee Meeting;** Oklahoma Bar Center, Oklahoma City; Contact: Kraettli Epperson (405) 840-2470
- 23 OBA Lawyers Helping Lawyers Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Thomas Riesen (405) 843-8444
- 27 OBA Day at the Capitol;** State Capitol, Oklahoma City
- 30 OBA Board of Governors Meeting;** Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000

This master calendar of events has been prepared by the Office of the Chief Justice in cooperation with the Oklahoma Bar Association to advise the judiciary and the bar of events of special importance. The calendar is readily accessible at www.oscn.net or www.okbar.org.



OBA Member Serving as State's Lieutenant Governor

Jari Askins of Duncan has been sworn in as Oklahoma's 19th lieutenant governor, giving her the rare distinction of being involved in public service in all three branches of government. She served as special district judge for Stephens County from 1982-1990, and she served District 50 for 12 years in the Oklahoma House of Representatives, earning the position of Democratic house leader in 2005. She won statewide election as lieutenant governor in 2006, becoming the first woman Democrat to serve in that office. She received her B.A. in journalism from OU and a J.D. from the OU College of Law. She is a director of Arvest Bank in Duncan and a member of the Duncan Noon Lions Club, the Duncan Chamber of Commerce, Leadership Oklahoma, Oklahoma Academy of State Goals and the First Christian Church. She was inducted into the Oklahoma Women's Hall of Fame in 2001.

Bar Members to Serve in State Government

The OBA congratulates all of its members recently elected or re-elected to the Oklahoma House of Representatives and Senate. Bar members currently serving in the First Session of the 51st Oklahoma Legislature are:

House of Representatives:

David Braddock, Altus
 Lance W. Cargill, Harrah
 Rex Duncan, Sand Springs
 Terry Harrison, McAlester
 Scott Inman, Del City
 Rob Johnson, Kingfisher
 Ryan Kiesel, Seminole
 Mark McCullough, Sapulpa
 Richard Morrisette, Oklahoma City
 Ronald D. Peterson, Broken Arrow
 Ben Sherrer, Pryor
 Dan Sullivan, Tulsa
 John Trebilcock, Broken Arrow

Senate:

Tom Adelson, Tulsa
 Patrick Anderson, Enid
 Sean Burrage, Claremore
 Glen Coffee, Oklahoma City
 Brian A. Crain, Tulsa
 Tom Ivester, Sayre
 Clark Jolley, Edmond
 Todd Lamb, Edmond
 Charlie Laster, Shawnee
 Owen Laughlin, Woodward
 Richard Lerblance, Hartshorne
 Mike Morgan, Stillwater
 John Sparks, Norman
 Anthony Sykes, Moore
 Jonathan E. Nichols, Norman
 James Williamson, Tulsa

This list of attorney legislators will also appear in the OBA Reference Guide, to be published Jan. 27. If you are an attorney serving in the Legislature and have been omitted from this list, please contact Sandy Neal at (405) 416-7014 or by e-mail at sandyn@okbar.org.



OBA Member to Lead Oklahoma House

OBA member Lance Cargill of Harrah was sworn in as speaker of the Oklahoma House of Representatives Jan. 2, making him at age 35 the youngest speaker in the nation. Mr. Cargill, who decided to become a lawyer after seeing the television show "L.A. Law" as a child, started in corporate law in Dallas but soon returned to his native rural Oklahoma.

He became involved in politics when the state Republican Party urged him to run for the state House in 2000. He and his wife, Amber, have two sons, Jackson and Henry. Mr. Cargill is a 1993 graduate of OSU with a B.S. in economics and political science. He is a 1996 graduate of Vanderbilt Law School. In addition to his law practice, he has also served as an adjunct professor of economics at Rose State College.

OBA Welcomes New Judges

The OBA congratulates Oklahoma's new judges elected last November. New judges and judges on the move within their districts are:

District Judges:

Adair/Sequoyah counties Office Three:

Judge Jeff Payton

Nowata/Washington counties Office One:

Judge Curtis L. DeLapp

Oklahoma County Office One:

Judge Kenneth C. Watson

Oklahoma County Office 10: Judge Bill Graves

Okmulgee County Office Five: Judge Mike Claver

Tulsa County Office One:

Judge William C. Kellough

Tulsa County Office Four:

Judge Daman H. Cantrell

Tulsa County Office 10: Judge Mary Fitzgerald

Associate District Judges:

Choctaw County: Judge James R. Wolfe

Coal County: Judge D. Clay Mowdy

Cotton County: Judge Michael C. Flanagan

Dewey County: Judge Rick Bozarth

Haskell County: Judge Brian Henderson

Lincoln County: Judge Sheila Kirk

McClain County: Judge Charles Gray

McIntosh County: Judge Jim Pratt

Oklahoma County: Judge Richard Kirby

Okmulgee County: Judge Duane Woodliff

Seminole County: Judge Timothy L. Olsen

Tulsa County: Judge Dana Kuehn (Bogie)

Washington County: Judge Russell Vaclaw

Special Judges:

Cherokee County: Judge Holli Chennault

LeFlore County: Judge Jon Sullivan

Okmulgee County: Judge Jim Volz

Tulsa County: Judge Theresa Dreiling

February Bar Exam Applicants

The Oklahoma Rules of Professional Conduct impose on each member the duty to aid in guarding against the admission of candidates because of either moral character or education.

To aid in that duty, a list of applicants for the February bar examination has been posted to www.okbar.org/admissions/examfeb07.htm. A complete list of applicants will also appear in the Jan. 20 bar journal.

OBA Member Resignations

The following OBA members have resigned as members of the association and notice is hereby given of such resignation:

David A. Drake

OBA No. 2426

6 Fairfield Blvd, Suite 6

Ponte Vedra Beach, FL 32082

Janet L. Drake

OBA No. 10055

6 Fairfield Blvd, Ste 6

Ponte Vedra Beach, FL 32082

Laurence Michael Hager

OBA No. 3697

770 Fifth St. N.W. Apt. 402

Washington, DC 2001-2650

Mark Christopher Kanaly

OBA No. 17075

1209 Pasadena Avenue N.E.

Atlanta, GA 30306

Carl T. Larkin

OBA No. 5246

154 Prince George St.

Annapolis, MD 21401

Robert Earl Logan

OBA No. 5497

1175 Merrymen Green

Norman, OK 73069

Suzanne Swanson

OBA No. 10981

1007 Irvine Terrace

Edmond, OK 73003

George Rainey Williams Jr.

OBA No. 11569

6301 N. Western, Suite 200

Oklahoma City, OK 73118

Bar Center Holiday Hours

The Oklahoma Bar Center will be closed Monday, Jan. 15 in honor of Martin Luther King Jr. Day. The bar center will also close Monday, Feb. 19 in observance of President's Day.

Kudos

Oklahoma City attorney **Sarah Lee Parrish** recently won second place and a \$500 cash prize in the *New York Law Journal's* sixth annual Fiction Writing Contest with her manuscript *Guilt of Innocence*. She has practiced law since 1986 concentrating on civil litigation work.

Three OBA members were among 11 Oklahomans honored with the 2006 Oklahoma Human Rights Award; among them were: Catholic Charities of Oklahoma attorney **Shirley Cox**, who lobbies the Legislature on a host of human rights issues; Tulsa attorney **Donald W. Davis Sr.**, who fought against prejudice in the workplace in the 1970s; and **Hannibal B. Johnson** of Tulsa, an author as well as creator and director of "Anytown, Oklahoma," a statewide human rights youth camp that has operated for 13 years.

Dwight L. Smith of Tulsa was recently named as the working chair for the ABA Commission on Youth at Risk. The commission will explore problems that arise when young people ages 13-19 interact with the legal system. The 13-member commission is staffed by the Division for Public Education and the Center on Children and the Law.

Norman lawyer **Glenn E. Floyd** recently received an award of appreciation from the National Association of

Bond Lawyers at its annual meeting in Chicago. The national award was in recognition of his creation of and initial funding of the Carlson Prize, awarded periodically to the authors of scholarly articles appearing in the association's publications.

Oklahoma City lawyer **Mark Bialick** has become a fellow of the American College of Trial Lawyers. The induction ceremony was held during the college's recent annual meeting in London.

Crowe & Dunlevy attorney **Michael Laird** was recently elected president of Oklahoma City's Myriad Gardens Foundation. Mr. Laird will serve as president through June 2007.

Oklahoma City lawyer **Robert D. Nelson** was named the 2006 recipient of the Marian Opala First Amendment Award in recognition of his longtime service defending the First Amendment in Oklahoma. The award was presented by Freedom of Information Oklahoma at the recently held eighth annual First Amendment Congress.

Oklahoma City lawyer **Jerry E. Shiles** has been selected as Oklahoma's Minuteman of the Year and for membership in the military-related Scabbard and Blade Society. He serves as director of operations and chairperson for the Oklahoma Military Heritage Foundation's Annual Oklahoma Military Hall of Fame Banquet and Induction Ceremony.

Jay Adkisson of Laguna Niguel, Calif., has authored the recently published "Adkisson's Captive Insurance Companies: An Introduction to Captives, Closely-Held Insurance Companies and Risk Retention Groups."

Moura A.J. Robertson of Tulsa has been admitted as a certified fellow to the American Academy of Matrimonial Lawyers. Ms. Robertson currently co-chairs the Tulsa County Bar Association Family Law Committee, and has been a featured CLE speaker on family law issues.

Crowe & Dunlevy directors **Judy Hamilton Morse** and **Mack Morgan** have been selected to serve on the International Association of Defense Counsel. Ms. Morse and Morgan join two other Crowe & Dunlevy attorneys, **Harry Woods** and **Arlen Fielden**, who currently serve on the counsel.

Doerner, Saunders, Daniel & Anderson LLP announces that five of its partners have been elected to the firm's Executive Committee. Committee members are **Lewis N. Carter**, **Leonard I. Pataki**, **Elise D. Brennan**, **Tom Q. Ferguson** and **James C. Milton**. The firm also announces it is celebrating its 110th anniversary this year.

McAfee & Taft attorney **Bradley Klepper**, who is also a licensed architect, has been named general counsel for the Oklahoma Board of Architects, Licensed Architects and Interior Designers. In his role as general counsel, Mr.

Klepper will be responsible for advising the board on all legal matters, including the prosecution of violations of the State Architectural Act.

On The Move

Mitchell D. O'Donnell, Thomas M. Affeldt, Terry S. O'Donnell, Adam Scott Weintraub and Kendall W. Johnson are pleased to announce the formation of Savage, O'Donnell, Affeldt, Weintraub & Johnson. Mitchell O'Donnell will continue his practice in business matters, startups, estate planning and real estate. Mr. Affeldt will continue his practice in probate, estate planning, guardianship, taxation and general civil litigation. Terry O'Donnell will continue his practice in general civil litigation, employment practices and medical malpractice defense. Mr. Weintraub will continue his practice in insurance defense, bad faith, personal injury, employment practices law and general civil litigation. Mr. Johnson will continue his practice in family law, personal injury, probate and general civil litigation. The firm's offices are located at 110 W. Seventh St., Suite 1010, Tulsa 74119. They can be reached by phone at (918) 599-8400 or by fax at (918) 599-8444.

The Bartlesville law firm of Selby, Connor, Maddux & Janer PLP announces that **Robert C. Fries** has joined the firm as an associate. Mr. Fries will work in the general civil practice of law. He graduated from the OU College of Law

in 1996 and most recently served as assistant district attorney for Washington and Nowata counties.

Robinett & Murphy is pleased to announce that **David A. Guten** has joined the office as an associate. Mr. Guten graduated with honors from OCU in 2000 with a B.S. in criminal justice, sociology and political science. He received his J.D. from the TU College of Law in 2003. Mr. Guten also serves as a judge advocate general in the U.S. Air Force and the Oklahoma Air National Guard. His litigation experience focuses in the areas of family and domestic relations, adoptions, guardianships, military law, insurance defense, criminal defense and civil litigation. Mr. Guten may be reached at the firm's offices located at 624 S. Boston, Suite 900, Tulsa, 74119; and by phone at (918) 592-3699.

LaCourse, Davis, Coffey & Gudel PLC of Tulsa is proud to announce that **Ryan Fulda** and **Jon Cartledge** have joined the firm as associates. Mr. Fulda is a 2006 graduate of the OU College of Law. His practice will focus in products liability, commercial transportation and general insurance defense areas within the firm. Mr. Cartledge is a 2001 graduate from the TU College of Law. Mr. Cartledge will lead the firm's research and writing department and handle the firm's appellate practice. Both can be reached at the firm's address: 2250 E. 73rd St., Suite 600, Tulsa, 74136 or by phone at (918) 744-7100.

Jason D. Smith has joined the Courtney Law Firm in Springfield, Mo., which has special emphasis in estate planning, trust administration,

probate, business organization, tax matters and real estate. He earned a bachelor's in finance from Missouri State University and a J.D. from the OCU School of Law. He recently completed the Estate Planning Seminar at Notre Dame University.

Riggs, Abney, Neal, Turpen, Orbison & Lewis is pleased to announce that **Matt D. Matheson**, **Joseph R. Wells**, **Holly M. Hillerman** and **Margaret A. Nunnery** have joined the firm as associates in its Tulsa office.

Mr. Matheson received a bachelor's degree in accounting from OSU in 1987 and his J.D. from the TU College of Law in 1990. He also holds an M.S. in taxation from TU as well as an LL.M. in taxation from the University of Florida. Mr. Matheson will concentrate his practice in the areas of estate planning, tax law and business law.

Mr. Wells received a bachelor's degree in mathematics from OSU in 1999 and his J.D. from the TU College of Law in 2005 as well as an LL.M. in taxation in 2006 from Washington University in St. Louis. Mr. Wells will concentrate his practice in the areas of estate planning, tax law and real estate transactions.

Ms. Hillerman received a bachelor's degree from OSU in 1993 and her J.D. from the OU College of Law in 1996. Ms. Hillerman will concentrate her practice in the areas of civil litigation and appellate advocacy.

Ms. Nunnery received a bachelor's degree from Rosemont College in 1971 and her J.D. from the TU College of Law in 1993. Ms. Nunnery will work in the firm's Pre-paid Legal Division where she

will primarily practice in the area of civil litigation and business law.

Boone Smith Davis Hurst & Dickman announces that **Robert "Bob" Kellogg** has joined the firm as a director and co-chair of the firm's Environmental Law Section, and **Susan Walker** has joined the firm as an associate. Mr. Kellogg was formerly general counsel of the Oklahoma Department of Environmental Quality. His practice will focus on environmental compliance and litigation, defending regulatory enforcement actions, administrative rule-making and water rights. He may be contacted in the firm's Oklahoma City office by phone at (405) 235-0200 or by e-mail at bkellogg@boone-smith.com. Ms. Walker focuses on employment and labor law, and advising clients on human resources and compliance issues. Prior to joining the firm, she was a senior attorney for Williams Communications and for the Williams Companies. She has also served as judicial clerk of the Oklahoma Court of Civil Appeals. Ms. Walker may be reached by phone at (918) 587-0000 or by e-mail at swalker@boonesmith.com.

Tulsa law firm Feldman, Franden, Woodard, Farris & Boudreaux announces that **F. Jason Goodnight** has become a partner with the firm. Additionally, **Jeremy K. Ward** and **Taylor A. Burke** have become associates of the firm.

Harley L. Abrahamsen has joined the Love, Beal and Nixon PC as an associate. Ms. Abrahamsen is a 2002 graduate of the OCU School of Law and was formerly with Steve Bruce & Associates, with

emphasis on bankruptcy and collection.

Pray, Walker, Jackman, Williamson & Marlar has named **Jill Grimsley Drewyor** a shareholder in its Tulsa office, and announces **Luke A. Bomer** has joined the firm as an associate in its Tulsa office. Ms. Drewyor practices primarily in commercial transactions, including business formations, acquisitions, divestitures, joint ventures, lending and financing. She is also licensed to practice in Arkansas as well as before the U.S. Tax Court. Mr. Bomer will concentrate his practice in commercial real estate and employment law, as well as business transactions.

Phillips, McFall, McCaffrey, McVay & Murrah PC, announced the addition of attorneys **Andrew S. Mildren**, **David J. Looby** and **Jason M. Kreth** to support the growth of the firm's transaction and litigation departments.

Mr. Mildren practices in the areas of transactional and administrative law. He received his undergraduate degree from Centre College in Danville, Ky., and his law degree from the OU College of Law.

Mr. Looby practices in the areas of tax, estate planning and corporate law. He received his undergraduate degree from Northern Illinois University, his law degree from the TU College of Law and his LL.M in taxation from the University of Florida College of Law.

Mr. Kreth practices in the area of litigation. He received his undergraduate degree from OSU and his law degree from Vanderbilt University Law School.

McAfee & Taft announces that **Alison R. McCalla** and **Andrew B. Peterson**, both recent honors graduates from OU College of Law, have joined the firm as new associates. Ms. McCalla practices in the areas of employee benefits and business transactions law. Much of her practice is focused on representing employers in matters pertaining to qualified and nonqualified retirement plans, executive compensation plans, health and welfare plans, COBRA and deferred compensation. A portion of her practice is also devoted to general business and commercial transactions, including contract drafting and review and entity formation. Mr. Peterson focuses his practice on many aspects of intellectual property law, including trademarks, copyrights, patents, licensing, unfair competition and trade secrets. A portion of his practice is also devoted to litigation matters.

Mona S. Dahr and **Keith E. Peters** have joined McAfee & Taft as associates whose practices are focused on representing businesses and individuals in taxation and family wealth matters. Ms. Dahr graduated *magna cum laude* with bachelor's degrees in both economics and history at SMU before going on to earn her J.D. at SMU in 2005 and her LL.M degree from NYU in 2006. Mr. Peters is currently pursuing his advanced law degree at NYU as an NYU *Tax Law Review* scholar. He is a 2006 graduate of Harvard Law School. He graduated from OU in 2002 with a bachelor's degree in accounting.

The law firm of **Vaughn & Winton** announces its

office has relocated to 3233 E. Memorial Road, Suite 103, Edmond, 73013. The firm continues to provide legal services in the areas of real estate development and community associations, estate planning and probate and business organizations.

Katy Evans Boren, formerly vice president for regulatory affairs for Cox Oklahoma, will assume a similar position with responsibility for Cox Communications regulatory issues and relations in the company's 11-state Eastern Division. A graduate of the University of Denver, Ms. Boren received her law degree from the OU College of Law. In her new role, she will oversee regulatory matters in Oklahoma, Colorado, Kansas, Arkansas, Louisiana, Georgia, Florida, Connecticut, Rhode Island, Ohio and Virginia. She will continue to be headquartered at the Cox offices in Oklahoma City.

Oklahoma City firm Mulinix, Ogden, Hall, Andrews & Ludlam PLLC announces **Jennifer L. Hoskins** and **Amy Glass Piedmont** have joined the firm as associates. Ms. Hoskins' practice focuses on business and civil litigation, bankruptcy and family law. She received her J.D. from the OU College of Law in 2006. She received her B.A. with high honors from UCO in 2003. Ms. Piedmont's practice focuses on commercial, business, and oil and gas litigation as well as real estate law. She received her J.D. *cum laude* from Tulane University School of Law in 2004. She received her B.A. with high honors from Auburn University in 2000.

The Tulsa law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile announces that **Carol J. Allen** and **Gabe W. Lawson** have become partners in the firm and that **Andrew G. Wakeman** and **James A. Higgins** have joined the firm as associates.

Ms. Allen graduated *summa cum laude* with a B.S. in criminal justice from NSU and received her J.D. from the TU College of Law in 1998. She focuses her practice in general business and civil litigation bankruptcy law and commercial litigation.

Mr. Lawson earned a B.A. in philosophy from Southwestern University and his J.D. from the TU College of Law. His practice areas include insurance defense and bad faith defense as well as premises liability and products liability defense.

Mr. Wakeman graduated with highest honors from the TU College of Law in 2006. He focuses his practice in the areas of appellate advocacy and research.

Mr. Higgins graduated from the TU College of Law in 1999. Mr. Higgins practices in the areas of medical malpractice, appellate advocacy, insurance law and general civil litigation.

The law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson PC is pleased to announce the election of **Bonnie N. Hackler** to shareholder in the Tulsa office.

Hackler received a B.A. in political science from OU with special distinction in 1996 and her J.D. at the OU College of Law, also with distinction, in 1999. Her primary areas of practice are bankruptcy, bank-

ing and commercial litigation. She has been practicing at Hall Estill since her graduation from law school.

The Bell Legal Group announces **David Page** will lead the staff in its new Tulsa office. Mr. Page is an environmental attorney with more than 25 years experience in complex litigation around the United States and parts of Western Europe. The Bell Legal Group may be contacted at (877) 546-2408 or on the Web at www.belllegalgroup.com.

Graves & Barkett PLLC announces the addition of **William "Chad" McLain** as a shareholder of the firm. Mr. McLain graduated from Wofford College in South Carolina in 1991 with a B.A. in finance, and he received his J.D. from the TU College of Law in 2001. Mr. McLain practices complex litigation in the areas of anti-trust, construction, business, medical malpractice and personal injury.

Oklahoma City lawyer **Richard B. Kells** recently made a presentation to the Oklahoma Medical Research Foundation regarding 2006 Oklahoma tax developments.

Tracy Speck Neisent of Oklahoma City was recently a speaker at the National Academy of Elder Law Attorneys Advanced Elder Law Institute in Salt Lake City. Her topic was "Sophisticated Medicaid Planning after the Deficit Reduction Act of 2005 and Medicaid Planning Techniques with the Residence."

At The Podium

Oklahoma City lawyers **Fred H. Miller, James A. McCaffrey** and **Eric L. Johnson** spoke at the jointly-sponsored Oklahoma Bar Review and the Conference on Consumer Finance Law seminar, titled "2006 Commercial Law Update" recently held in Oklahoma City. Mr. Miller's presentation updated practicing attorneys from across the state on changes in the Uniform Commercial Code, and Mr. McCaffrey and Mr. Johnson co-presented "Update on Consumer Law and the Impact on Commercial Law Issues."

Environmental attorney **Mary Ellen Ternes** has organized and will moderate a panel discussion titled "The Clean Air Act and Nanotechnology" to be held Jan. 16, 2007, one of several national teleconferences on nanotechnology and environmental law in a series produced by the ABA Section of Environment, Energy and Resources as part of its Nanotechnology Project. The teleconference will review the science, technology, law, policy and commercial implications of engineered nanoscale materials when viewed as promising materials in air contaminant detection and monitoring, as regulated emissions subject to engineering controls, potential air contaminants and as fuel additives.

Tulsa lawyer **Thayla Painter Bohn** recently spoke at the National Business Institute advance trial advocacy semi-

nar in Tulsa. Ms. Bohn's presentation included topics ranging from jury selection to closing argument.

T. Douglas Stump was as a featured speaker at the Credit Law Institute's Conference on Consumer Finance Law Employment Law program where he discussed employment-based immigration issues and legislative updates.

Products liability defense attorneys **Mary Quinn Cooper** and **William S. Leach** spoke at the Oklahoma Association of Defense Counsel's recent Products Liability Seminar in Oklahoma City. They are two of a team of experts that presented on related subjects throughout the day.

Jerry E. Shiles of Oklahoma City was the featured speaker at a two-day course at Washburn University School of Law on the topics of "Calculating Child Support for Military Personnel" and "Disability, Death and Related Topics of Cheer in Civil Service and Military Retirement Cases." He was also a featured speaker at the recent National Business Institute "Advanced Asset Protection Strategies" seminar in Oklahoma City as well as featured speaker at the recent Half Moon "Medicare/Medicaid Planning after the DRA" seminar in Oklahoma City.

Oklahoma City lawyer **Armand Paliotta** recently spoke at two conferences. He addressed the topic of limited liability companies at the OBA Annual Meeting, and in December, he spoke at the Oklahoma Society of CPA's annual tax institute where he presented his paper on mergers and acquisitions.

Maria Robles Meyer spoke on "Charitable Giving – A Changing Arena" at the last meeting of the Oklahoma City Estate Planning Council. The council presents five nationally and locally recognized speakers each year on estate planning topics and provides a forum for the exchange of professional knowledge.

Garvin A. Isaacs recently spoke at the meeting of the New Hampshire Association of Criminal Defense Lawyers in Bedford, N.H., on the topic of creative cross-examination. His two-hour lecture dealt with preparing for cross-examination, approaches to cross-examination of lay and expert witnesses, dealing with non-responsive witnesses and dealing with objections and impeachment.

How to place an announcement: If you are an OBA member and you've moved, become a partner, hired an associate, taken on a partner, received a promotion or an award or given a talk or speech with statewide or national stature, we'd like to hear from you. Information selected for publication is printed at no cost, subject to editing and printed as space permits. Submit news items **(e-mail strongly preferred)** in writing to:

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Articles for the Feb. 10, 2007 issue must be received by Jan. 22.

Cull “Sonny” Bivens of Tulsa died Dec. 15, 2006. He was born on June 21, 1930 in Tulsa and graduated from Locust Grove High School in 1948. **He enlisted in the Navy after high school and was assigned to the General Court Marshall Board 11th Naval District. He served during the Korean War and was stationed in Japan.** He graduated from OU in 1957 and the TU College of Law in 1961. He served as LeFlore County attorney 1963-1965 and Tulsa County assistant district attorney from 1965-1968. He later joined the law firm of Van Cleave, Norvell, Gresham and Liebler and retired in 1999. Memorials may be made to St. Jude’s Children Hospital.

Arthur L. Dyer Jr. of Indianapolis, Ind., died Nov. 25, 2006. He was born Aug. 29, 1925. He practiced law in Oklahoma City for 25 years and later served on the bench as a Special Court Judge. **He served in the U.S. Coast Guard in the Pacific Theater during WWII on the U.S.S. Gen. A.W. Greely.** He graduated from St. Louis University with a bachelor’s degree in political science and earned his J.D. from OCU.

Dewey Hays Foster of Oklahoma City died Nov. 27, 2006. He was born Sept. 16, 1940, in Pauls Valley and attended Capitol Hill High School in Oklahoma City. **He served in the U.S. Air Force beginning in 1956.** After completing his military duty, he attended Central

State University where he earned his bachelor’s degree. He received his law degree from OCU and began private practice. He also served briefly as an Oklahoma County assistant district attorney. Memorial donations may be made to the American Cancer Association or to the charity of your choice.

Robert Moore Helton of Wichita Falls, Texas, died Oct. 24, 2006. He was born in Enid on Jan. 23, 1913. He was a local oil producer and attorney whose fascination with the oil business began as a young child. He graduated from OU and the University of Michigan Law School. He was most proud of his legal work before the U.S. Supreme Court in 1979, when he successfully argued the case of *Hughes v. State of Oklahoma*. **He served during World War II as a C-47 pilot in the Pacific Theater.** Memorials may be made to the charity of your choice.

Jerome E. Hemry of Oklahoma City died Dec. 30, 2006. He was born July 22, 1905, and he was admitted to the Oklahoma bar in 1928. At the time of his death he was of counsel to Hemry, Hemry & McDoniel PC. A Missouri native, he moved to Oklahoma with his family as a young child. A graduate of OCU and the OU College of Law, he was accepted to graduate study of law at Harvard University wherein he received his LL.M. degree at age 23. He was a professor at the Central Oklahoma School

of Law from 1931-1941, and had served as president of Oklahoma Municipal Attorneys Association and the OCU Alumni Association.

Don Ed Payne of Fort Towson died Dec. 1, 2006. He was born Sept. 10, 1938, in Eufaula. He was a 1956 graduate of Eufaula High School, attended OBU and TU, where he received both his B.A. and LL.B. He served as Choctaw County associate district judge and had a long career in both the private and public practice of law. He received the OBA Courageous Advocate Award in 1989. He also lectured and instructed seminars and training for trial lawyers and was an instructor for CLEET certification classes for peace officers. Memorials may be made to A.R.K. (Animal Rescue and Kare) of McCurtain County or to the American Society for the Prevention of Cruelty to Animals.

Richard Paul Ryan of Tulsa died Oct. 30, 2006. He was born Jan. 1, 1914, in Sioux City, Iowa. He moved to Oklahoma as a young boy. He graduated from Cascia Hall Preparatory School in 1931. He earned a B.A. in English in 1935 and a B.S. in business in 1936 from TU. He was a 1940 graduate of the OU College of Law. **He served in the U.S. Army after graduating from law school.** In 1957, he graduated from the Stanford University Executive Development Program. He was also admitted to practice law in Colorado,

Montana and Texas. He retired as general counsel of Exxon USA in 1979.

Bill Sexton of Lawton died Nov. 6, 2006. He was born Nov. 19, 1928, and graduated from Lawton High School in 1947. In 1948 joined the Navy, serving in the Korean War on the U.S.S. Valley Forge aircraft carrier. He received the Korean Service Medal, the U.N. Service Ribbon and the Good Conduct Medal. He attended Cameron State Agricultural College and then graduated from the OU College of Law in 1960. He was a member of the Comanche County Bar

Association. Memorials may be made to the American Lung Association.

Floyd L. Walker of Tulsa died Dec. 13, 2006. He was born March 27, 1919, in Kiefer. He joined the U.S. Army Air Corps Aviation Cadet Program in 1942 and was assigned to a combat crew as a bombardier, where he flew 26 missions over occupied Europe in a B-24. He was awarded the Air Medal and the Distinguished Flying Cross. He received his law degree from the TU College of Law. He was a fellow of the American College of Trial Lawyers. He

was honored by the TU College of Law in 2001 with a Lifetime Achievement Award and was designated a distinguished alumnus in 2002. Contributions may be made to the TU College of Law.

Rowe C. Wynn Jr. of Tulsa died Oct. 25, 2006. He was born Oct. 5, 1936. He graduated from TU with a B.S. in business administration in 1960 and he received his J.D. in 1962 from the TU College of Law. He served in the U.S. Air Force. Memorials may be made to the Jamestowne Society, Oklahoma Company.

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ASSISTANT ATTORNEY GENERAL, Consumer Protection Unit. Minimum four years experience is required in the practice of law. Responsibilities include prosecution of civil and criminal consumer cases, directing investigations, participation in bankruptcy cases, multistate investigations, litigation of consumer and antitrust cases, and enforcement of laws regulating charities. Position requires knowledge of WordPerfect. Salary range \$45,000 to \$55,000. See website at www.oag.state.ok.us for more details. Submit resume, cover letter, writing sample and references to Drew Edmondson, Attorney General, 313 N.E. 21st Street, Oklahoma City, OK 73105.

MEDIUM-SIZED OKC LITIGATION firm with emphasis in insurance defense seeks motivated associate with 0-2 years experience for challenging position with responsibilities in all phases of litigation, including research, discovery, document analysis, depositions, court appearances, and case load management. Must be detail oriented. Strategic thinking skills and some travel required. Competitive salary and benefits for commensurate qualifications, experience and performance. Send resume, cover letter outlining previous litigation experience, and writing sample not to exceed five pages to Box "V," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK, 73152.

OKC AV FIRM SEEKS ASSOCIATE with 1-5 yrs. Experience. The attorney must be a motivated self starter. This position allows an attorney to handle his or her own case load with supervision. An associate is needed with experience in insurance subrogation, insurance defense and workers compensation defense. Deposition experience helpful. Send resume and salary requirements to Box "W," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

ANDREWS DAVIS, P.C. IS SEEKING A LEGAL ASSISTANT to work in the Firm's Corporate Department. This position requires experience in business entities and corporate transactions and performance of both paralegal and secretarial duties. Andrews Davis offers great pay and benefits and a positive work environment. Qualified applicants should email their resume to clcollins@andrewsdavis.com or fax to Cathy Collins at (405) 235-8786.

EXPANDING OKLAHOMA CITY BASED FIRM seeks 7 to 10-year lawyer for its commercial, construction and insurance litigation practice. Must have significant trial experience, outstanding reputation and commitment to highest caliber professional services. Competitive compensation package commensurate with experience and other factors available. All inquiries will be kept in strict confidence. Please send resume to Box "G," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

POSITIONS AVAILABLE

LEGAL INSTRUCTOR/HEARING OFFICER: Individual filling position will be licensed to practice law in Oklahoma, will serve as General Counsel for agency, and will be responsible for curriculum review & delivery of legal instruction in CLEET Basic Academies at Ada, OK. Responsibilities include development and delivery of legal Continuing Education classes which are conducted at various locations statewide. Salary: \$45,030.30 annually, plus state benefits. Submit resume and cover letter to CLEET, 2401 Egypt Road, Ada, OK 74820-0669. See CLEET website for in-depth job descriptions: www.cleet.state.ok.us. Positions will remain open until filled. CLEET is an EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER.

IMMEDIATE OPENINGS AVAILABLE FOR OKLAHOMA LICENSED ATTORNEY in the Oklahoma County District Attorney's Office, Civil Division. Qualified candidates must have extensive experience in civil rights, state and federal litigation, knowledge of Open Record and Open Meeting Acts, governmental contract law and proven ability to represent county officers and employees. Pay is commensurate with experience and in accordance with pay scale within the Oklahoma County District Attorney's Office. The Oklahoma County District Attorney's Office is an equal opportunity employer. These are full-time positions with salary and benefits. Interested applicants should respond no later than January 19, 2007. Send resume and cover letter to: John M. Jacobsen, Oklahoma County District Attorney's Office, 320 Robert S. Kerr, Suite 505, Oklahoma City, Oklahoma 73102.

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THE PAWNEE NATION OF OKLAHOMA HAS TWO TRIBAL COURT POSITIONS:

Title: Attorney General/Prosecutor — Duties/Responsibilities: Responsible for the serving as the Attorney General of the Pawnee Nation. Prosecution of all criminal, civil and child welfare case within the jurisdiction of the Pawnee Nation.

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Experience and Skills — Both positions require that individuals in either position must be in good standing of any State Bar Association or an Indian graduate of any American Bar Association approved law school. This is not the complete job description, please see at tribal website at www.pawneenation.org or call (918) 762-3621 ext. 25 for description or Pawnee tribal employment application.

Deadline: — Must submit: Resume by 5:00 p.m., January 29, 2007 in order to be considered. **Mail To: —** Pawnee Nation of Oklahoma • P.O. Box 470 • Pawnee, OK 74058 • Attn: Lyle E. Fields, Personnel Director

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Where's the Courthouse?

By B.J. Brockett

I had been practicing in Oklahoma City about nine months when I was sent by my employer to the Murray County Courthouse on a motion docket. I had been to Sulphur several times, but had no idea where the courthouse was. I did recall from earlier visits a large, red brick building in the east part of town. I had in mind that this building was the courthouse when I arrived in Sulphur on that late spring morning of 1963.

I drove to the red brick building. There was a large sign out front, something to the effect of "VFW Hall." I sat in my car, motor running (gas was much cheaper then), and pondered my next move. It was already warm outside, so I kept the car windows up and the air conditioning on.

As I sat there, thankful that I had arrived sufficiently ahead of the 9 a.m. docket call to allow time to find the courthouse, I saw a

young boy, perhaps 12-14 years old. He was coming up the street in my direction, licking on an ice cream cone most likely purchased at a nearby Dairy Queen.

I rolled the car window down and called to him, "Young man, can you tell me where the courthouse is?" He paused, took a few steps toward me and said politely, "Pardon me?" I repeated, "Can you tell me where the courthouse is?"

He cautiously closed the remaining distance between us. Peering through the car window, undoubtedly curious

as to what kind of a pervert he had encountered so early in the morning, he replied, "Sir, I don't know if we have a whorehouse in this town."

Mr. Brockett practices in Oklahoma City.

“He was coming up the street in my direction, licking on an ice cream cone...”

