

THE Oklahoma Bar JOURNAL

Volume 78 ♦ No. 30 ♦ November 3, 2007

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- 2008 Committee Sign-Up Form
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Diversion Programs

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The Winner's Circle: An Evening
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22nd Annual Advanced Bankruptcy
Seminar: A Centennial Year's
Retrospective and Prospective View
of Bankruptcy - Day 1

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November & December



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November 7-9, 2007

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OKLAHOMA FAMILY LAW

Melissa DeLacerda

The New Essential

This latest addition to the Oklahoma Practice Series compiles coverage of all applicable family law caselaw and statutes in a single volume. It offers practice tips, checklists and essential forms, as well as Child Support Guidelines. It is a "must have" for anyone who occasionally or consistently practices in this area.

About the author . . .

A former president of the Oklahoma Bar Association, Melissa DeLacerda has over 25 years of private practice experience, with heavy emphasis on family law. She received her J.D. with honors from the University of Tulsa College of Law.

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ANNUAL CRIMINAL LAW SECTION LUNCHEON

Petroleum Club - 100 North Broadway, Oklahoma City

Wednesday, November 7, 2007, 12:00 - 1:30 p.m.



David Iglesias, former United States Attorney, has graciously accepted our invitation to be the guest speaker at the Annual Criminal Law Section Luncheon to be held at the Petroleum Club on Wednesday, November 7th during the annual meeting of the Oklahoma Bar Association. Seating is limited so register today!

The delicious luncheon menu includes a salad, halibut and chicken, Petro potato and vegetable, rolls, crème brulee cheesecake with fresh berries and chocolate sauce, coffee, tea and water.

Registration Form

Last Name (Print) _____ First Name _____
Address _____
City _____ State _____ Zip _____
E-Mail _____ Phone (____) _____ Fax (____) _____
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Registration (Check appropriate boxes):

☐ \$18 - Criminal Law Section Member attending the luncheon ☐ \$25 after Nov. 1st
☐ \$20 per guest if accompanied by a member. Guest Name: _____
☐ \$30 - Nonmember (includes section membership for 2008) \$_____ **Total Enclosed**

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**Remit form and payment to Jenny Barrett, Membership Coordinator
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THEME:

**DIVERSION PROGRAMS
INCARCERATION ALTERNATIVES**
EDITOR: JUDGE LORI WALKLEY

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The Good that Lawyers Do

By Stephen Beam

As all of you know, when a lawyer commits a crime or is being subjected to discipline, the press is quick to cover it. These things make front page news “above the fold,” as I have learned to say from Carol Manning, and appear on the evening news. However, the press is not nearly as quick to cover the good things we do.

Last year, I decided a great service project for the Oklahoma Bar Association to undertake was the Wills for Heroes program. The program is designed to provide free-of-charge wills, powers of attorney and advance directives to firefighters and law enforcement personnel across the state. I assigned this task to the OBA’s public service arm, the Young Lawyers Division. Chris Camp, this year’s YLD chair, was quick to embrace this program. He asked Lindsey Willis Andrews and Rick Rose to co-chair this program. Chris has agreed to serve as the Tulsa County coordinator beginning in January when his term as YLD chair ends.

Since this is a new program, it took several months to get it off the ground. Training sessions have now been held both in Oklahoma City and Tulsa. Approximately 15 young lawyers are trained to prepare wills and other estate planning documents. A DVD featuring Mark Osby of Yukon is being used in these training sessions. Mark prepared the intake sheet and will drafting forms.

The effort necessary to make this program a success is tremendous. Our young lawyers first make contact with the various fire and law enforcement departments to discuss the program. Intake sheets are then personally distributed by the young lawyers. Questions are then answered about the intake sheets and documents to be prepared. On the day of the will signings, the young lawyers meet personally with each individual about the will or other estate planning documents. The documents are then prepared, produced and executed on the spot. This is an unbelievable public service project.

GableGotwals and Echols & Associates provided the computers and printers necessary to prepare the documents at the various will signings. I want to thank both of these law firms for their generous contributions. Miller Dollarhide has provided a legal assistant, Maranda Miles, at all will signings to notarize the documents and assist in other ways.

To date, will signings have taken place at the Yukon Fire Department and at the Fraternal Order of Police Lodge in Oklahoma City. Within the next

month, the Young Lawyers Division is planning a will signing at the Oklahoma County Jail. The young lawyers will be present at the various shift changes to be available to the maximum number of law enforcement personnel on that date. Future will signings will take place in Tulsa and rural areas of the state.

Partially through the efforts of our

**The OBA...
is ahead of
the curve
nationally.**

Young Lawyers Division, the ABA Young Lawyers Division has made the Wills for Heroes project its national public service project. Our young lawyers have received an ABA sub-grant to assist with the implementation of this program. Once again, the

OBA, and in particular our Young Lawyers Division, is ahead of the curve nationally.

I personally attended the Fraternal Order of Police will signing. I want to let you know the law enforcement officers were truly grateful for this service. I think it is always good for lawyers to meet with and interact with police officers and firefighters other than in a professional setting at the courthouse.

As you know, many people do not have wills or other estate planning documents. There is a great need for this service. I want to thank Lindsey, Chris, Rick and Mark for their outstanding efforts in this area. You make all of us look good. The media has not been quick to embrace this project, but the Communications Department is continuing efforts to publicize these events. I wanted to let you know about the efforts of the Young Lawyers Division in general and the young lawyers I mentioned above in particular. Please tell them thank you when you see them.



Stephen Beam

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EVENTS CALENDAR

NOVEMBER

- 7-9 **OBA 103rd Annual Meeting**; Sheraton Hotel, One North Broadway, Oklahoma City
- 8 **OBA Board of Governors Meeting**; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: John Morris Williams (405) 416-7000
OBF Board of Trustees Meeting; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070
- 12 **Veteran's Day** (State Holiday)
- 14 **Ginsburg Inn of Court**; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080
- 16 **Statehood Day** (State Holiday)
- 19 **OBA Alternative Dispute Resolution Section Meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Larry Yaden (918) 595-6607
- 22-23 **Thanksgiving Holiday** (State Holiday)
- 28 **OBA Clients' Security Fund Committee Meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Micheal Salem (405) 366-1234

DECEMBER

- 4 **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
- 6 **OBA Legal Intern Committee Meeting**; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
- 12 **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
- 14 **OBA Family Law Section Meeting**; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342
OBA Board of Governors Meeting; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 25 **Christmas Day** (State Holiday)

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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Diversion Programs

Oklahoma Drug Courts: Fighting Addictions & Changing Behaviors

By Michael Tupper

Oklahoma's drug courts are working. From the inception of the first drug court in Payne County in 1995, to the now nearly 40 operational drug courts statewide, this therapeutic court system has transformed from a grass roots movement of "specialized courts" to an institutionalized way of doing business in the Oklahoma criminal justice system. Drug courts represent the coordinated efforts of the judiciary, prosecution, defense bar, probation, law enforcement, treatment, mental health and social services to forcefully intervene and break the cycle of substance abuse, addiction and crime.

By focusing on intensive drug treatment, daily supervision and a demand for offender accountability, drug courts offload non-violent felony offenders from the traditional court system and places them into a highly structured, therapeutic system designed to achieve total abstinence, reduce recidivism and save taxpayer money.

While drug courts have achieved a secure place in the Oklahoma criminal justice system, many lawyers are still unfamiliar with the overall scheme of drug courts. The purpose of this article is to provide attorneys with a general overview of the drug court system, including the identification of eligible offenders, an explanation of program requirements, and a clarification of graduation and termination criteria. Following this overview, some recent developments in the law, as it pertains to drug courts, will be discussed. This article will conclude with some statistics highlighting the long-term outcomes attributable to drug courts. It is my hope that this information will serve

attorneys well in representing their clients, because a good understanding of the overall drug court process is essential for attorneys to effectively and competently advise their clients who may be appropriate candidates for the program. Making use of the resources that drug courts have to offer will benefit all Oklahomans by effectively and efficiently treating drug addicts, changing their behaviors and slowing the traditional revolving door of drug offenders into the criminal justice system.

WHAT IS A DRUG COURT?

Oklahoma's drug court initiative grew with the passage of the Oklahoma Drug Court Act in 1997.¹ This Act provided broad powers to the district courts in administering the drug court programs. Under Oklahoma law, a drug court is defined as an immediate and highly structured judicial intervention process for substance abuse treatment of eligible offenders, which expedites the criminal case and requires successful completion of the plea agreement in lieu of incarceration.² The typical "drug court

“ To this end, ongoing judicial interaction with each drug court participant is imperative. ”

team” consists of a judge, prosecutor, defense attorney, treatment provider, law enforcement representative, probation officer and social worker. Each team member provides an essential ingredient to the overall program’s success. The drug court team typically meets weekly, assesses participants’ progress and decides as a group on the next course of action for each participant.

Prior to entering drug court, each participant must plead guilty to their underlying offense and execute a performance contract with the drug court team. This performance contract binds the participant to the program requirements, which include weekly court appearances, random drug testing and daily supervision. Sentencing is stayed pending completion or termination from the program. Each participant’s sentence, in the event of graduation or termination, is expressly included in the plea agreement and will be strictly enforced by the sentencing judge. Those who do not graduate face a prison sentence for their original charges. Charges against those who successfully complete the program often times are dismissed. Under no circumstances will a successful graduate be sentenced to prison for their underlying offense.³

Each jurisdiction’s drug court program is unique, yet all operate under the same guiding principles and framework. Each drug court must adhere to certain components to be recognized as a credible drug court program.⁴ While not exhaustive, the following components are the foundation of policies and procedures utilized by Oklahoma drug courts.

The primary component in drug courts is the use of a non-adversarial approach. To facilitate a participant’s progress in treatment, the pros-



ecutor and defense counsel must shed their traditional adversarial courtroom relationship and work together as a team. In doing so, prosecution and defense counsel promote public safety as well as protect participants’ due process rights. Once an offender is accepted into the drug court program, the team’s focus is shifted to the offender’s recovery and law-abiding behavior, not on the merits of the pending case.⁵ It is important for eligible offenders to be identified early and placed into the drug court as efficiently as possible. Diligent placement of offenders into a drug court program is necessary to circumvent the addictive mindset giving rise to criminal behavior. In addition, rapid and effective judicial action provides protection to the public and increases public confidence in the criminal justice system.⁶

Frequent court-ordered alcohol and drug testing is essential to any successful drug court. A regular, random drug-testing program is the most effective and efficient way of ensuring compliance and gauging each participant’s progress. Drug courts should reward cooperation as well as respond swiftly to noncompliance. To this end, ongoing judicial interaction with each drug court participant is imperative. Most drug courts require participants to personally appear in court each week. This structure allows for early and frequent judicial intervention. Thus, compliant participants receive weekly encouragement and incentives while non-compliant participants receive swift and immediate sanctions.⁷

IS MY CLIENT ELIGIBLE FOR DRUG COURT?

By statute, drug court programs shall not apply to any violent criminal offenses.⁸ Most

drug courts construe this as prohibiting admission of any of the enumerated offenses in 57 O.S. § 571 (2). Trafficking charges are also statutorily non-eligible offenses. Some drug courts further restrict eligible offenses by prohibiting drug distribution or manufacturing charges. While not statutorily prohibited, felony domestic abuse charges should be screened with great caution and investigated thoroughly prior to acceptance in order to ensure safety to victims and the public. With these exceptions, any other felony offense is drug court eligible. A common misconception is that an offender must be charged with a drug crime, such as possession, in order for drug court to become an option. In reality, an offender who is charged with an eligible offense must simply admit to having a substance abuse addiction or have been diagnosed with one in order to participate in drug court.

To properly identify appropriate drug court offenders, full and honest disclosure between the offender and the drug court team is imperative. However, the need for this sort of exchange of information raises fundamental concerns regarding offenders' constitutional rights, specifically *Fifth Amendment* self-incrimination protections. The Oklahoma Legislature recognized this important issue by mandating that any statement or information regarding an offender that is made during the course of any drug court investigation shall not be admissible in the underlying criminal case against the offender.⁹ Thus, if a particular offender undergoes a drug court investigation yet is denied admission, he will be ensured that the information obtained during the investigation will not be used against him in the criminal prosecution. This protection encourages a full and frank exchange of relevant information between the offender and

the drug court team while ensuring the protection of the offender's constitutional rights.

WHAT WILL MY CLIENT HAVE TO DO IN DRUG COURT?

The fundamental goal and requirement of drug court participants is total abstinence of illicit drugs and alcohol. However, as anyone with experience in counseling substance abusers will attest, achieving sobriety takes time and patience. Drug courts recognize this fact and realize that relapse is an inherent component of recovery. To facilitate the recovery process drug courts have instilled a system of phase requirements that must be met by each participant prior to progressing through the program. Most drug courts employ a four-phase tier, where each participant begins in phase one and progresses through phase four. Each phase is normally a minimum of 10 weeks in duration and is often times extended depending upon the individual participant's progress. The statewide average for drug court duration is 19 months.¹⁰ Each drug court sets its own

phase requirements in order to meet its particular needs, but the following are some traditional requirements of drug court participants.

Each participant prior to reaching a new phase must achieve a predetermined number of days of continuous sobriety. Participants are required to attend both group and individual substance abuse counseling each week. Participants must meet with their individual probation officer in person at least once per week. In addition, a strict curfew, normally 10 p.m., must be adhered to. Participants must attend self-help (Alcoholics Anonymous/Narcotics Anonymous) meetings each week. Also, random drug testing is administered on a weekly basis. Participants also must report in person to court each week when the



“Also, random drug testing is administered on a weekly basis.”



“Prior to termination from drug court, notice must be provided to the offender and a hearing must be held.”

drug court is in session. Participants may not be able to leave their county of residence without prior authorization from the drug court. Each participant is required to maintain full-time employment or be attending school full-time during their drug court participation. If not employed or attending school, the participant will be required to complete community service each week until employed or attending classes.

Failure to abide by these phase requirements will result in swift sanctions. These sanctions are imposed on a weekly basis and include the following: increased drug testing, increased AA/NA meetings, house arrest, placement into residential treatment, decreased curfew time, electronic monitoring, community service and incarceration of up to five days for each violation. By identifying and addressing noncompliance issues in such a steadfast manner, drug courts are more able to effectively intervene, thus facilitating recovery.

GRADUATION AND TERMINATION CRITERIA

Upon successful completion of phase requirements, a participant will become a candidate to graduate from drug court. Prior to graduation, several criteria must be met, including an acceptable level of continuous sobriety as determined by the drug court team on an individual basis. Each graduation candidate must have obtained gainful, consistent employment or be involved in a vocational or academic training program. Consistent attendance at all drug court proceedings and treatment appointments is also a graduation prerequisite. Moreover, prior to graduation, a participant must be maintaining a stable, sober living arrangement as determined by the drug court team. Upon graduating from drug court, the participant's

felony case is normally dismissed and expunged pursuant to 22 O.S. 991(c), and the drug court file will be sealed.

Though the drug court team must recognize relapse and restarts, which are considered to be part of the rehabilitation and recovery process,¹¹ continued and consistent violations of a performance contract will result in termination from drug court. Prior to termination from drug court, notice must be provided to the offender and a hearing must be held.¹² The requisite standard to warrant drug court termination is simply that disciplinary sanctions have been unsuccessful in gaining compliance with the performance contract.¹³ This intentionally broad standard allows the sentencing judge to consider many factors in making a termination decision. These factors include repeated violation of the performance contract; failure to complete phase requirements in a timely manner; failure to complete residential treatment or continued drug use following completion of residential treatment; failure to appear at drug court proceedings; and new criminal charges. In the event of termination, the offender shall be revoked from the program and sentenced immediately for the underlying offense as provided in the original plea agreement.¹⁴ Thus, upon a judicial finding that continuing sanctions have been unsuccessful in gaining compliance with the performance contract, the sentencing judge has no discretion to modify the original plea agreement and must sentence the offender accordingly.

When addressing a potential termination from drug court, both the defense and prosecution must be certain that the specific violation justifying the termination has not previously been sanctioned. For terminating an offender for a violation of the performance contract that

had previously been sanctioned will give rise to a double jeopardy claim. The Court of Criminal Appeals addressed this very issue in *Knoles v. State*.¹⁵ In *Knoles*, the State filed a motion to revoke Knoles from drug court, alleging that he had violated the terms of his performance contract on four separate occasions.¹⁶ Knoles claimed that he was previously sanctioned for each of these violations and that terminating him from drug court based upon these violations constituted double jeopardy.¹⁷

Citing *Hagar v. State*,¹⁸ the Court agreed with Knoles and treated drug court terminations as similar to situations where a defendant's sentence is deferred pending completion of certain terms of probation.¹⁹ The Court held that once a sanction is imposed for a probation violation in a drug court case, the State may no longer use that particular violation as the basis for a subsequent application for sanctions or to terminate the defendant's participation in drug court.²⁰

RECENT DEVELOPMENTS

Most drug court participants have prior criminal records, often times quite lengthy. As such, a great number of participants have had their driving privileges suspended or revoked. This fact has made it extremely challenging for participants to attend all of the treatment and court appointments required of them in drug court. Recognizing this serious impediment, the Legislature recently responded by amending 22 O.S. § 471.6 to allow for a stay of suspension or revocation of a drug court participant's driving privileges under certain circumstances. This amendment provides that if the drug court judge is satisfied that no other means of transportation is available, the drug court judge may enter a written order requiring the Department of Public Safety to stay any and all suspensions, revocations, or cancellations of the participant's driving privileges.²¹ This stay will only remain in effect during the offender's participation in drug court and may be rescinded by the drug court judge at any time. Moreover, any such stay of suspension will be removed

upon graduation from drug court. Thus, if a participant has been granted a stay and is able to drive while being a drug court participant, upon graduation, the stay will be lifted and the graduate's license will revert to being suspended until completion of the DPS requirements necessary to regain permanent driving privileges. This stay will not be construed to grant driving privileges to an offender who has not been issued a driver's license by DPS or whose Oklahoma driver's license has expired.²² Prior to the drug court judge ordering a stay of any driver license suspension or revocation, the participant must provide proof of insurance for any vehicle to be driven by the participant.²³

LONG-TERM OUTCOMES

Each year the Oklahoma Department of Mental Health and Substance Abuse Services compiles data from each of the state's drug court programs and analyzes this data in order to evaluate the effectiveness of Oklahoma's drug courts. The recent statistics on Oklahoma drug courts are strong indicators that these courts are making a positive impact. To assess outcomes among drug court graduates, comparisons were made between graduates' characteristics at entry and graduation. The findings reveal the following trends regarding drug court graduates: there was an 84.4 percent decrease in unemployment; a 59.7 percent increase in income; a 19.5 percent decrease in the number of persons without a high school diploma; a 20.5 percent increase in the number of participants who had their children living with them.²⁴ These figures clearly indicate that successful drug court graduates are applying the tools provided to them during the program with positive results.

Comparing recidivism rates, measured by re-arrests, of drug court graduates to that of standard probation offenders or released prison offenders revealed the following: drug court graduates were 63 percent less likely to be re-arrested than standard probation offenders; and drug court graduates were more than two

“ The recent statistics on Oklahoma drug courts are strong indicators that these courts are making a positive impact. ”

times (or 131 percent) less likely to be re-arrested than released prison inmates.²⁵ The yearly cost to treat an offender in drug court is approximately \$5,000, whereas the yearly cost to house an inmate in the Department of Corrections is approximately \$16,000.²⁶ The four-year cost to DOC, if drug courts did not exist, is \$87,123,725.²⁷ These numbers illustrate the long-term effectiveness of drug courts as well as the huge tax-payer savings provided by drug courts.

CONCLUSION

The statistics and results speak for themselves. This mounting evidence clearly indicates that Oklahoma drug courts are working. Perhaps no other judicial intervention program has been as effective in furthering two legitimate goals of the criminal justice system: accountability and rehabilitation. In furthering these goals, Oklahoma drug courts are effectively fighting addictions and changing behaviors. The success of drug courts has provided a model for other diversionary programs, such as mental health courts, DUI courts and truancy courts. As drug courts continue to achieve their goals, these programs offer great hope in the fight for the long-term reduction in drug-related crime in Oklahoma.

1. 22 O.S. § 471
2. 22 O.S. § 471.1
3. 22 O.S. § 471.2
4. 10 Key Components for Drug Court Operation, National Drug Court Institute (2004).
5. *Id.*
6. *Id.*
7. *Id.*
8. 22 O.S. § 471.1
9. 22 O.S. § 471.5
10. Oklahoma Department of Mental Health and Substance Abuse Services, *Performance and Outcome Report on Drug Courts for FY'02-FY'05*, p. v. (2006).

11. 22 O.S. § 471.7 (E)
12. 22 O.S. § 471.7 (E)
13. 22 O.S. § 471.7 (E)
14. 22 O.S. § 471.7 (E)
15. *Knoles v. State*, RE-2003-918 (Okla. Cr. August 23, 2004)(unpublished)
16. *Knoles*, slip op. at 2.
17. *Knoles*, slip op. at 3.
18. 1999 OK CR 35, 990 P.2d 894
19. *Knoles*, slip op. at 3.
20. *Knoles*, slip op. at 4.
21. 22 O.S. § 471.6 (I)
22. 22 O.S. § 471.6 (I)
23. 22 O.S. § 471.6 (I)
24. Oklahoma Department of Mental Health and Substance Abuse Services, *Performance and Outcome Report on Drug Courts for FY'02-FY'05*, p. iv. (2006).
25. Oklahoma Department of Mental Health and Substance Abuse Services, *Performance and Outcome Report on Drug Courts for FY'02-FY'05*, p. iv. (2006).
26. Oklahoma Department of Mental Health and Substance Abuse Services, *Overview of the Oklahoma Drug Court Program*, September 2006.
27. Oklahoma Department of Mental Health and Substance Abuse Services, *Performance and Outcome Report on Drug Courts for FY'02-FY'05*, p. v. (2006).

ABOUT THE AUTHOR



Michael Tupper has proudly served as an Assistant District Attorney for the Cleveland County District Attorney's Office since September 2002. He is currently assigned to the major crimes unit, which handles all homicides, violent offenses, and sexual abuse cases.

In addition, Mr. Tupper is the prosecuting attorney for the Cleveland County Drug Court, serving in this role since March 2004. In January 2007, the Cleveland County Drug Court was honored with the SOAR Award, an annual award given by the Department of Mental Health recognizing the Outstanding Drug Court of the Year.

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9:50.....Uninsured Motorist Coverage 2007 <i>Rex Travis, Law Office of Rex Travis, OKC</i>	2:00.....Break
10:20.....Break	2:10.....Handling Dramshop Cases <i>Fletcher D. Handley, Jr., El Reno</i>
10:30.....Insurance Law Update 2007 <i>Rex Travis, Law Office of Rex Travis, OKC</i>	2:40.....Malpractice Avoidance in a Tort and Insurance Practice (Ethics Credit) <i>Rex Travis, Law Office of Rex Travis, OKC</i>
11:20.....General Tort Law Update 2007 <i>Tye Smith, Carr & Carr, OKC</i>	3:30.....Adjourn

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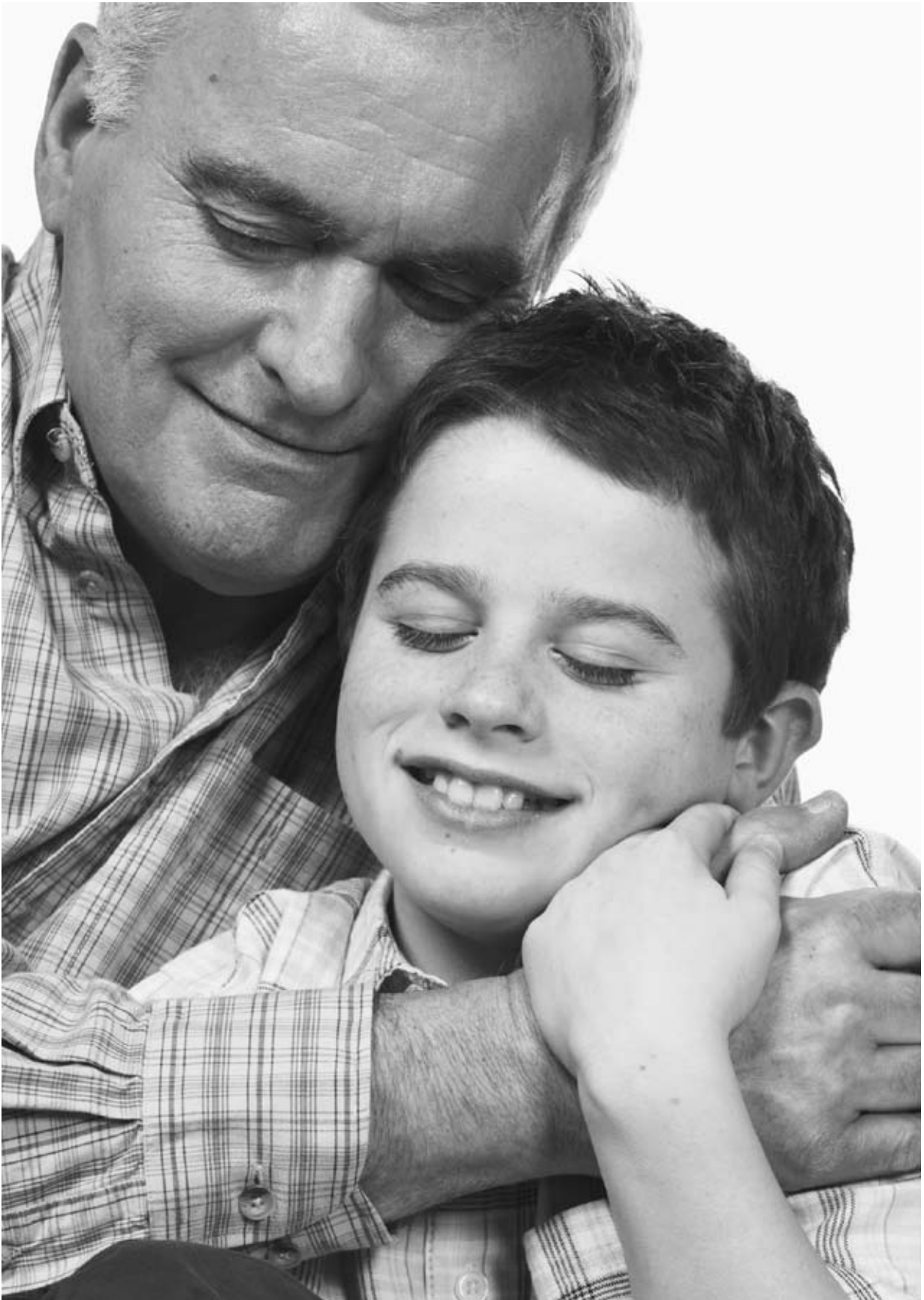
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Diversion Programs

Family Drug Courts

By Judge Edward J. Hicks

Family drug courts¹ are specialized treatment court dockets designed to protect children who have been adjudicated to be deprived due to their parents' substance abuse and to expedite the movement of those children from foster care to permanent homes by assisting their parents to choose a drug- and alcohol-free lifestyle through appropriate treatment, monitoring and therapeutic court interventions.

The concept of treatment courts is not new to the juvenile justice system. Long before criminal drug courts began to gain popularity in the late '80s, judges with juvenile docket responsibilities were regularly working with social workers, psychologists and other professionals to create and implement statutorily mandated treatment and probation plans designed to correct conditions and behavior which had resulted in children being adjudicated deprived, delinquent or in need of supervision. However, by incorporating many of the key components and strategies that have proved effective in criminal drug courts into the court procedures and treatment plans in certain deprived cases, family drug courts have significantly altered the traditional methods of processing those cases.

Tulsa County and Canadian County currently operate the only family drug courts in Oklahoma. Both programs are similar, and to a casual observer they may also resemble a typical criminal drug court. Admission is voluntary for qualified cases and is accomplished by executing a drug court contract after one's child has been adjudicated to be deprived. Continued participation in the program is contingent upon the parent agreeing to submit to court imposed sanctions for violations of program rules or court orders. In order to graduate from the program, participants must dem-

onstrate a clean and sober lifestyle and must advance through a number of treatment phases, with decreasing frequency of court appearances and drug screens in each phase. Court reviews generally occur at one to six week intervals and are structured to encourage as well as to assess each participant's progress.

In order to understand family drug courts and how they differ from other drug courts and traditional deprived dockets, one must first have a basic understanding of how deprived cases are processed pursuant to the Oklahoma Children's Code.² Unless the initial petition requests an immediate termination of parental rights, the parties are only entitled to a non-jury trial to determine whether the child is deprived. If a child is adjudicated to be deprived, the Department of Human Services is required to propose a treatment plan for the parent describing the steps which should be taken to correct the conditions that caused the child's adjudication. The treatment plan must be approved by the court with any modifications within 40 days after adjudication. The parent is permitted at least 90 days after the court formally approves the treatment plan to correct the conditions that led to the child being adjudicated deprived. After that period expires, the district attorney or the child's attorney may file a petition³ to terminate the parental rights if they conclude that the parent

is not making satisfactory progress on the plan. Parents are entitled to a jury trial on the issue of whether their parental rights should be terminated.

Unlike criminal or juvenile drug courts, there is no Oklahoma statute which specifically authorizes or regulates family drug courts, or which excludes such courts from the statutory mandates of the Oklahoma Children's Code. Therefore, in family drug courts, as in other deprived child proceedings, the paramount consideration must be the health, safety and best interests of the child.⁴ The court must also recognize that permanency is in the best interests of the child.⁵ Finally, with some exceptions, the court should assure that reasonable efforts are made to eliminate the need for removing the child from the home, or to make it possible for the child to safely return to the family's home.⁶

The applicability of the Oklahoma Children's Code results in at least two major differences between family and criminal drug courts. The first difference is that participation in criminal drug court does not begin until after all of the factual issues in the case have been determined by the defendant entering a plea pursuant to a plea agreement. Although participation in family drug court usually begins after the factual issue of the child's deprived status has been adjudicated, a trial on the issue of whether the parental rights should be terminated remains a future possibility. Therefore, information relevant to the safety or best interests of the child discovered during the parent's participation in family drug court may have a bearing on whether the parental rights are ultimately terminated.

A second difference between the two types of drug courts is in the predictability of the outcome. When a criminal drug court contract is signed, the defendant knows with some certainty the consequences of complying or failing to comply with the contract. Depending upon the specific terms, successful compliance results in a suspended sentence or perhaps a dismissal of the charge, and failure to comply results in incarceration for a specified term. However, in a deprived case the consequences of compli-

ance are less certain since the child's interests must also be considered. For example, even if a parent fails to successfully complete the family drug court program, the district attorney should decline to request termination of parental rights and a jury should

refuse to terminate parental rights if they fail to conclude that termination is in the best interests of the child. Conversely, even though a parent has complied with their family drug court contract, the district attorney or the child's attorney may exercise their right to file a motion to terminate parental rights and seek a jury trial if they conclude that statutory grounds exist for termination. In fact, the child's attorney may be

obligated to file such a motion if that is the expressed interests of the child.⁷

Even though Oklahoma family drug courts operate under the same statutory guidelines as other deprived dockets they function quite differently due to their use of certain key components common to other drug courts. These include: 1) a continuum of treatment services integrated into the justice system; 2) early identification and placement; 3) intensive monitoring of compliance through drug screens; 4) a team approach with coordinated responses to compliance; 5) strategic use of incentives and sanctions; and 6) a shared therapeutic court experience. Although the first three components have therapeutic consequences, they primarily represent a shift in the allocation of resources that could also be of benefit in traditional deprived dockets. The last three components represent a more fundamental change in the culture of the courtroom and likely would require the creation of a specialized treatment court docket to be effective. As these six key family drug court components are implemented, the authoritative role of the judge will be perceived to be less like a referee and more like a coach who provides instruction, discipline and encouragement.

A CONTINUUM OF TREATMENT SERVICES THAT ARE INTEGRATED WITH THE JUSTICE SYSTEM

Regardless of how therapeutic the court process may become, a drug court program cannot

“ When a criminal drug court contract is signed, the defendant knows with some certainty the consequences of complying or failing to comply with the contract. ”



succeed unless the participants are able to secure quality substance abuse treatment on an appropriate level within a reasonable time. Some drug courts may provide a court-operated treatment program for all participants. However, in order to meet the diverse needs of the participants and their families most courts will need to actively partner with other public agencies and community based organizations to facilitate the delivery of an appropriate spectrum of treatment services.

The Tulsa County Family Drug Court has chosen to work collaboratively with a variety of regional treatment providers to provide a continuum of services to its participants. The role of the drug court coordinator is vital to the success of such a cooperative system. The coordinator makes referrals to particular treatment providers based upon the level of treatment that is needed, the convenience to the participant, and whether mental health treatment, domestic violence counseling, or other services which may be needed are available at the same location. A major consideration is whether residential treatment providers can facilitate early trial reunification by permitting younger children to live with their mothers while they complete treatment. The coordinator serves as a liaison to expedite communication between the treatment providers and the court and also helps monitor treatment programs to assure that they remain appropriate for drug court clients. The coordinator also makes home visits and provides wrap-around services to assist

parents in resolving issues which may be impeding efforts to complete their treatment plans.

EARLY IDENTIFICATION AND PLACEMENT

A key component of family drug courts is the emphasis on early identification and placement of eligible participants. Although most family drug courts, including the two currently operating in Oklahoma, do not admit participants until their children have been adjudicated to be

“ A major consideration is whether residential treatment providers can facilitate early trial reunification by permitting younger children to live with their mothers while they complete treatment. ”

deprived, attorneys, case managers and judges with traditional deprived dockets seek to identify potential drug court participants at the earliest opportunity. That opportunity is often the first “show cause” hearing that occurs only two judicial days following the removal of a child from the home. Once identified as a potential drug court participant, the parent and their attorney are referred to the family drug court coordinator so they can learn about the services that the program

has to offer and receive immediate referrals to appropriate treatment providers.

One reason that early identification and placement is given such emphasis is the limited time a parent has to correct the conditions that led to the deprivation. Unless compelling reasons are found to exist, the district attorney is required to seek termination of parental rights when a child has remained in foster care for 15 of the most recent 22 months,⁸ and may pursue termination as soon as 91 days following the imposition of a treatment plan.⁹ Since severely addicted parents may require extended treatment before their children can be returned to their homes, they must have the opportunity to engage in treatment as early as possible to maximize the probability of reuniting their families.

A second reason why early identification and placement is emphasized is that there appears to be a window of opportunity to engage a parent in treatment immediately after the child is

removed from the home. This may be due to the “hitting bottom” experience that some addicts describe as the beginning of their recovery, or it may simply be that the parent can no longer deny that their substance abuse is a problem once it results in the removal of their children from their home. However, if there is a delay in securing appropriate treatment the parent may begin to become accustomed to the child being out of their care and lose their sense of urgency to engage in treatment.

INTENSIVE MONITORING OF COMPLIANCE THROUGH DRUG SCREENS

Urinalysis is the most common and practical method used to monitor substance abuse. To be effective urine drug tests must be frequent, random and reliable. Because the use of most drugs may be detected only if a urine specimen is collected within a few days following their use, frequent testing is needed to have a reasonable probability of identifying the occasional user. If drug screens are requested on a predictable schedule such as at the regular monthly meeting with a case worker or probation officer, it is relatively easy to avoid detection by merely abstaining for a period of time prior to the anticipated screen. Therefore, drug screens should be requested on a random basis and the specimen collected as soon as possible following the request. Strict protocols should be implemented to assure that the specimen is actually from the drug court participant. Laboratory personnel should check a photo I.D., observe the collection of the specimen, and check the specimen for temperature and dilution. All “quick tests” should be confirmed with a laboratory test so that the specific level of each drug found in the urine can be compared with previous and subsequent tests.

Finally, if possible, the collection and testing of specimens should not be contingent upon advance payment by the person submitting the specimen. Such a “pay first” policy will ultimately be counter productive to the therapeutic goals of the court since it will necessarily result in the court either spending valuable court time conducting humiliating

asset hearings or arbitrarily sanctioning individuals who may not have had the financial means to comply with the request. By eliminating the financial excuse the judge is allowed to address missed drug screens in a more therapeutic and unquestionably fair manner.

While free drug screening can be an incentive for motivated parents to enter the drug court, submitting to frequent drug screens is an embarrassing inconvenience. By structuring the drug testing process to be fair and to eliminate excuses, the judge can help participants to view this necessary element of their treatment plans as an opportunity to document their progress rather than as a distrustful game of wits.

NON-ADVERSARIAL TEAM APPROACH WITH COORDINATED RESPONSES TO COMPLIANCE

The fourth distinguishing component of family drug courts is the extensive use of a non-adversarial team approach to problem solving with all members working together to provide coordinated responses to the parent’s compliance with the treatment plan.

The Tulsa County Family Drug Court team, which is typical, consists of the judge, who serves as the team leader, the drug court coordinator, a district attorney, a public defender who represents deprived children, the child welfare workers who are specially assigned to drug court and representatives of the primary treatment providers serving drug court participants. Tribal representatives, court appointed special advocates and attorneys representing parents are encouraged, but not normally required, to attend and participate in team meetings pertaining to their cases.

The drug court team decides which cases are appropriate for admission to the family drug court and which participants should graduate or be unsuccessfully discharged from the program. The team staffs each case prior to the court review to determine what the parent needs to accomplish in order to promote to the next phase or to graduate and to determine whether parents are having appropriate contact with their children. Talking points may

“ By eliminating the financial excuse the judge is allowed to address missed drug screens in a more therapeutic and unquestionably fair manner. ”

also be suggested to the judge to help personalize the review hearing.

Each team member agrees to consider the opinions of other team members in an effort to form a consensus on the best therapeutic approach for the court to address issues, and each agrees to present clear and unified responses to the participants when possible. However, certain team members retain the right and responsibility to function independently of the team when it is necessary to fulfill their statutory or professional obligations. For example, the judge must conduct periodic permanency hearings to determine the appropriate permanency plan for the child and whether reasonable efforts are being made to accomplish that plan. Similarly, the attorneys for the state and the child retain the ability to petition for termination of parental rights should they determine that such action is appropriate.

STRATEGIC USE OF INCENTIVES AND SANCTIONS

The statutory¹⁰ warning that failure to comply with any requirements of the court may ultimately result in the loss of custody of the child or the termination of parental rights to the child would appear to be a strong incentive for most parents to modify their behavior. However, the reality is that many addicts have a myopic view of the future which makes it difficult for them to focus on remote consequences. Fortunately, most people can be motivated by immediate and certain consequences, and that is why family drug courts make extensive use of immediate sanctions and rewards to help parents change their behavior.

Surprisingly, praise is usually the most powerful motivator, especially for addicts who



“Most importantly, they see reunited families come to court, often with their children in hand, and share how their lives have improved since they became clean and sober.”

have often experienced very little praise recently. Therefore, family drug court teams try to identify every opportunity to recognize and praise good behavior and to celebrate the achievements of parents. This is why applause is frequently heard during court reviews. Tangible rewards such as certificates, candy bars or movie passes are sometimes provided to participants to help extend and reinforce the reward experience. Immediate sanctions can also be effective to change behavior. Typical sanctions may include writing therapeutic essays on assigned topics, working community service hours, reimbursing the court for the cost of positive drug screens, demoting to a previous treatment phase, and even serving short stays in the county jail. This use of immediate graduated sanctions and rewards constitutes a major difference between family drug courts and more traditional deprived dockets.

Although a parent's behavior may result in increased or decreased contact with their child, such contact should never be viewed or used as a sanction or reward. Contact between the parent and the child should always be

determined on the basis of the child's best interests.

A SHARED THERAPEUTIC COURT EXPERIENCE

Unlike traditional deprived dockets, which are usually held in a confidential setting, the court usually exercises its discretion¹¹ to permit family drug court reviews to be conducted openly in the presence of other families on the drug court docket. This allows the courtroom

to serve as a demonstration classroom where participants can learn from each other's experiences. Parents hear those promoting to a new treatment phase describe what they have accomplished and learned in the previous phase. They observe the imposition of sanctions on those who have failed to comply with the rules and listen as those parents are challenged to explain how they will avoid such problems in the future. They also hear others applauded by peers and praised by the court for their progress. Most importantly, they see reunited families come to court, often with their children in hand, and share how their lives have improved since they became clean and sober. These shared experiences build hope and trust and help the parents to visualize the importance and achievability of their ultimate goal.

Frequent court reviews are a hallmark of family drug courts. This frequent court contact allows the drug court team to quickly respond with appropriate incentives, sanctions or adjustments to the treatment plans. Team staffing prior to each docket helps the court to formulate and occasionally to script the review for maximum therapeutic effect for all who are present at the review. Even the placement of the cases on the docket is intentionally ordered to make sure that the newer participants will be able to observe and learn from those in higher treatment phases. Drug court personnel and treatment providers are usually present during court reviews to help parents process their court experience at the end of the docket. These frequent, open and choreographed court contacts are a key characteristic of family drug courts.

More than 30 years after President Nixon began the War on Drugs, too many of our nation's children, displaced from their homes

by this desperate battle, continue to stream into our court and foster care systems. Many of these victims are infants and preschoolers who are good candidates for adoption and whose well-being depends on having a home with a protecting parent and a sense of permanency. By helping to remove the obstacles which impede genuinely motivated parents from completing their treatment plans and by working to eliminate the excuses of less motivated parents, family drug courts are helping these children to more quickly experience what should have been their birthright, the security of a safe and nurturing childhood home.

1. These courts are also sometimes known as "family dependency treatment courts" or "family treatment drug courts."
2. 10 O.S. §7001-1.1 *et seq.*
3. Some district attorneys entitle such pleadings as a 'Motion to Terminate' if the child has been previously adjudicated deprived.
4. 10 O.S. §7001-1.2(B)
5. 10 O.S. §7001-1.2(B)(7)
6. 10 O.S. §7001-1.2(B)(4)
7. 10 O.S. §§7003-3.7(A)(2)(c), 7006-1.1(A)(15)
8. 10 O.S. §7003-4.7
9. 10 O.S. §7006-1.1(A)(5)
10. 10 O.S. §7003-5.5(D)
11. 10 O.S. §7003-4.1(A)(1) This statute both acknowledges and limits the court's discretion to conduct open hearings.

ABOUT THE AUTHOR



Edward J. Hicks has been a special judge for Tulsa County since 1985. Since May 2000, he has been assigned to the Juvenile Division where one of his responsibilities is to preside over the Tulsa County Family Drug Court. Prior to this assignment, he presided over the Tulsa County Adult Drug Court.

Previous long-term assignments include the Probate and Domestic Relations Divisions. He recently served on the Oklahoma Supreme Court's Committee for Uniform Jury Instructions in Juvenile Cases.

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Deborah Gray, LifeFocus Counseling Services, Oklahoma City
John McShane, The Law Offices of John V. McShane, P.C., Dallas
John Albert, Mike Arnett & Associates, Oklahoma City
Julie Simmons Rivers, Family Law Solutions, Oklahoma City

4:15 **Adjourn**

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Diversion Programs

Mental Health Courts

By Edward M. Blau

For many Oklahomans, the issue of mental illness is shrouded in ignorance and misunderstanding. Schizophrenia, bipolar disorder, dissociative identity disorder and major depression are words we often hear, but the real life effects of these disorders can seem distant unless you or someone you are close to has suffered from a mental illness. However, mental illness affects us all, either directly or indirectly.¹

The state of Oklahoma has the highest rate of serious mental illness in the country, estimated to be at least 10.4 percent of the population. Hawaii has the lowest rate at 5.1 percent, with the national average being 7.4 percent.² According to the National Alliance on Mental Illness' state by state report card, Oklahoma earned a "D" for its failure to make the mentally ill a statewide priority.³ Oklahoma is ranked 46th nationally in per capita funding for the treatment of mental illness, and that lack of support for the mentally ill translates into an overall economic impact of \$1.8 billion annually. This impact stems from disability payments (SSI or Medicaid) to the seriously mentally ill, treatment costs, loss of productivity, and the burden on the criminal justice system.⁴

Beginning in the 1960s, there was a movement toward deinstitutionalization of the mentally ill. Nationally, the number of mentally ill patients in long term in-patient facilities has fallen from approximately 500,000 to fewer than 70,000 over the last 30 years.⁵ This trend was felt in Oklahoma as well, and that movement is still occurring. According to NAMI's report card narrative for the state of Oklahoma:

"Since 2000, the state has closed one of two hospitals, attempting to redirect resources to community-based services. The strategy's implementation has proven chaotic and exposed state disorganization and lack of

service capacity. [T]he state is now floundering to provide an adequate number of psychiatric beds. Many Oklahomans who need psychiatric hospitalization face four to six hour trips to the nearest receiving hospital."⁶

As the treatment options for the seriously mentally ill have waned, the number of mentally ill individuals in the criminal justice system has skyrocketed. In effect, jails and prisons have become the new "psychiatric hospitals." The Oklahoma County jail houses approximately 2,800 inmates, 500 of which are prescribed psychotropic medication, making it in effect the state's largest mental institution. In addition, a recent report by Human Rights Watch found that American prisons and jails contain three times more mentally ill people than do our psychiatric hospitals. This statistic becomes even more significant considering Oklahoma is in the top five states in per capita incarceration and is the top state in female incarceration.⁷

It is estimated that in Oklahoma's prisons, one-third of inmates have some symptoms of mental illness, one-fifth have been diagnosed with a serious mental illness and one-sixth take daily medication for their illness. Additionally, of the inmates who have been diagnosed, nearly 57 percent are incarcerated for non-violent offenses. The numbers are staggering, especially in light of the fact the average yearly incarceration

tion cost for one inmate is approximately \$20,000.⁸ According to the Governor's and Attorney General's Blue Ribbon Task Force on Mental Health, Substance Abuse, and Domestic Violence, the fiscal year 2003 cost attributed to mental health conditions within the Oklahoma criminal justice system was \$214 million, which has undoubtedly increased since that date. The cost included expenditures related to judicial, corrections and law enforcement services required by individuals with mental illnesses.⁹

At present, the Oklahoma Department of Corrections is at capacity, meaning it cannot process an inmate into the system without first processing an inmate out. As truth-in-sentencing laws remain in effect, there will be fewer and fewer beds available in DOC for non-violent offenders or those violent offenders whose sentences do not fall into the "85 percent crime" category, meaning a full 85 percent of their sentence must be served before they are eligible for parole. Given the limited resources available to corrections, lawmakers have begun to move toward alternatives to incarceration for non-violent or minimally violent offenders.¹⁰

HISTORICAL CONTEXT

The mental health court concept originated in Broward County Florida in 1997, in the wake of the national drug court movement. The pressures that led to the development of the mental health court strategy included crises in community mental health care (the long-term effects of the aforementioned deinstitutionalization), the drug epidemic of the 1980s and 1990s, the dramatic increase in homelessness over the last two decades, and widespread jail overcrowding. Broward County's goal was to "develop a system of care for the mentally ill defendants and to devise ways to integrate and more closely link the community-based mental health care system with the criminal justice system." Shortly after Broward County developed its program, Seattle, San Bernardino, Anchorage and Salt Lake City followed suit.¹¹

In May 2002, the Oklahoma legislature passed and the Governor signed into law the "Anna McBride Act," allowing for the development of mental health courts in Oklahoma.¹² Anna McBride was a tireless advocate for the mentally ill in Oklahoma, and her leadership resulted in the legislation which bears her name. Unfortunately, Ms. McBride passed away shortly after the legislation took effect and was unable to see the growth of the mental health court system in

Oklahoma. This growth started with the development of the Oklahoma County mental health court, the first in the state. Currently, Oklahoma has seven mental health courts.

MENTAL HEALTH COURTS IN PRACTICE: OKLAHOMA COUNTY

According to its mission statement, the Oklahoma County Mental Health Court is "a program that integrates mental health care with the criminal justice system for the promotion of public safety, individual responsibility, citizenship, reduction of the recidivism rate and restoration of human dignity for those diagnosed with mental disorders." It continues, "the MHC program promotes public safety by bridging the gap between persons with mental illness and mental health services. The ultimate purpose of this program is the continued wellness of the participant and the reduction of the incidents of crime committed by persons with mental illness." On the most basic level, the MHC program offers a treatment-based alternative to incarceration, which greatly benefits both the participant and the Oklahoma taxpayer.¹³

In its current configuration, the MHC is a "pre-sentence/post plea" program, meaning the defendant must plead guilty to the crimes with which s/he is charged. Sentencing is postponed until the participant graduates from the program, at which time the case is dismissed, or until the participant is revoked from the program, at which time the defendant is immediately sentenced to a previously agreed number of years in DOC.

The eligibility criteria for participation are specific. The offender must have a diagnosed serious mental illness (SMI-Axis I) that factored into the crime the offender is charged with. The offender must have pending felony or serious misdemeanor charges. If the defendant is charged with or has a prior conviction that is considered violent under 57 O.S. § 571, then s/he is not eligible for the program. Additionally, the offender must be legally competent and capable of benefiting from the MHC program, which is limited to Oklahoma County residents only. All decisions on admittance are made by the MHC "team."

As it is configured in Oklahoma County, the MHC team is made up of two separate groups; the MHC Core Team and the MHC Support Team. The Core Team includes the (special) judge, assistant district attorney, public defender or defense attorney, probation officer, MHC

“The most frequent referrals come from either the individual’s defense attorney or the prosecutor originally assigned to the case.”

intensive case manager, and the mental health court liaison. The Support Team includes the psychologist, crisis intervention team officers of the Oklahoma City Police Department, and representatives of the Oklahoma Mental Health Consumer Council. Any of the Core Team members can recommend an applicant to be denied based on their priority and area of expertise, but all team members should freely disclose all relevant information on applicants and participants to the team. The final decision, however, is made by the judge.

The applicant intake process starts when an individual is referred to the MHC, and that referral can come from any source. The most frequent referrals come from either the individual’s defense attorney or the prosecutor originally assigned to the case. Once referral is made, the Liaison tracks the applicant and keeps the other team members advised of all issues affecting the applicant. However, before the individual can be fully processed he must first pass an initial eligibility assessment made by the MHC liaison and by the assistant district attorney. Initially, the Liaison interviews the applicant and has the applicant consent to release all mental health records from the previous year. This is done to ensure the presence of an Axis I diagnosis and to ensure the applicant truly wants to be a member of the MHC. Concurrently, the assistant district attorney reviews the candidate’s current charges as well as the candidate’s full criminal background, which is supplied by the OCPD crisis intervention team member. If there are no red flags, the liaison then arranges for the team’s probation officer to con-



duct a Level of Services Inventory-Revised and for the team’s psychologist to conduct a full psychological report of the defendant.

Once all the steps are completed, the team reviews all the data that has been compiled in order to make a final decision on the candidate. If there are no objections based on the previously compiled reports, the candidate is then interviewed by the MHC team. This interview allows the team to observe the applicant’s demeanor and affect and to allow the team to ask any pertinent questions. Assuming no issues, the candidate is given a date on which to plead into the MHC program, usually within one to

two weeks. It should be noted that at any time during the entire application process the defendant may withdraw his application; additionally, the MHC team may deny the defendant’s application for any reason deemed appropriate.

After the new participant has pled into the program, s/he is then placed in one of two tiers of treatment: the individual support track or the program support track. Participants in the individual support track are those at highest risk for decompensation and/or re-offending. IST participants are generally moderate to low functioning, and it is the team’s goal that these participants can maintain a reasonable level of self-care, independence and responsibility. Most IST participants live in a residential setting where they can be monitored and offered any support they may require. They must take all medications as prescribed, meet regularly with the MHC probation officer, meet individually with the judge and team and abstain from all drugs and alcohol. An IST participant may graduate

“The program support track is for the seriously mentally ill individual who can benefit from the guidance and encouragement of both the MHC team and the other participants.”



from MHC after a minimum of one year consecutive medication compliance and stability with no new offenses.

The program support track is for the seriously mentally ill individual who can benefit from the guidance and encouragement of both the MHC team and the other participants. The PST is a leveled system where a participant moves through four levels of treatment and supervision, depending on their progress within the program. The levels start with the most intensive supervision and, with each level promotion, the participant's level of supervision is decreased. Ultimately the goal is graduation and eventual independence of any court supervision. As the participant progresses through the levels, the treatment requirements will be revised to meet the changing needs of the participant. The participant must be on each level a minimum of three months before s/he's eligible to move up.

All MHC sessions, with the exception of those participants on the IST, are considered “open court.” Due to privacy concerns, all participants are addressed with their first name only. At each court session attended, the participant comes forward and sits in the witness stand and gives

the court an update on his/her progress. Participants are encouraged to share any positive experiences they have had since their previous court date; however, they are also encouraged to self-report any violations of MHC rules. It is the judge's responsibility to give both positive reinforcement and issue sanctions where appropriate. Depending on the level of violation of MHC rules, the participant may be sanctioned to community service, to write a paper, or in the most serious situations, a few days in the county jail.

Once the requirements have been met, the participant must petition the court, stating their progress in order to be promoted to the next level. The criteria for promotion should be based on the participant's progress, compliance with orders, length of sobriety, the meeting of treatment goals, attitude and any other relevant factors. These levels are designed to be outcome based focusing on results as opposed to time served. If the team denies a participant's petition for promotion, the team must state the reason and what is necessary for the participant to be eligible for promotion. On promotion to the next level, the participant receives an incentive and is directed by the judge to move their “star” to the next level on the Honor Roll, which is a large public chart indicating each participant's progress. As a newly promoted participant is moving their star, the other participants and the MHC team are encouraged to applaud and otherwise give support and appreciation.

As a participant moves through the MHC program, all aspects of their life are monitored by the team. If a participant suffers a relapse or if their mental health status changes, the team may elect to place the participant in an inpatient treatment setting, which may be either short term or long term. Additionally, the team is in contact with the participant's psychiatrist or prescribing physician to ensure that all aspects of their treatment are covered. Each participant's living situation is closely monitored to make sure they have a healthy environment in which to live, and it is required that they continue to

make restitution or pay their court costs if ordered to do so by the court.

Once a participant reaches Level 3, s/he begins the slow transition to life outside the MHC structures. Each participant is required to invest a minimum of one hour per week on a selected community giveback activity. This provides the participant a proactive means to strengthen connections with and contribute to the general welfare of his community. Also, each participant must complete a Transition Plan, which is the participant's blueprint for independence from the court's jurisdiction. The goal is for the participant to continue to live as a responsible and productive member of the community.

A participant who has successfully progressed through the four levels must submit a petition to the court for graduation from MHC. The participant's criminal charges are disposed of according to the plea agreement as long as all financial obligations are met. The participant's family, friends, treatment providers and other guests are invited to attend. The participant is given a copy of his/her case dismissal and a certificate of graduation. After graduation, the participant is encouraged to maintain a connection with the MHC by being involved in the Court Alumni Club, which meets four times per year at the direction of the MHC liaison.

A participant may be revoked from the program for repeated non-compliance with his/her court requirements and/or after available graduated sanctions have been exhausted without correction of the identified problematic behavior(s). The team must give the participant notice that s/he is at risk for revocation in a time frame that allows the participant to correct the identified problematic behavior. A new offense is immediate grounds for revocation. An application to revoke will be filed by the assistant district attorney in accordance with the negotiated plea agreement. The participant has an absolute right to request a full hearing before either the MHC judge or the original district judge to whom the case was originally assigned. If the state's application to revoke is sustained, the participant is immediately sentenced to previously agreed upon number of years in the Oklahoma Department of Corrections.

CONCLUSION

Across the nation, mental health courts were developed as a therapeutic diversion program to mandate and enforce appropriate mental health and substance abuse services for seriously mentally ill offenders. By using this approach, the community benefits by increased safety of mentally ill offenders without the cost of incarceration, which generally is \$13,000 per year more than mental health court and with reduced probability of recidivism. The participants benefit by the provision of treatment opportunities to increase personal skills, decrease debilitating effects of mental illness and remain in the community as an active member of society.

1. Mental Health, Substance Abuse, and Domestic Violence. Source: *Oklahoma Governor's and Attorney General's Blue Ribbon Task Force*, February 2005.
2. 2001 State Estimates of Substance Use and Serious Mental Illness. Source: SAMHSA, Office of Applied Studies, National Household Survey on Drug Abuse, 2001.
3. NAMI: Grading the States 2006: Oklahoma – Narrative
4. "Shoveling Up: The Impact of Substance Abuse on State Budgets". The National Center on Addiction and Substance Abuse at Columbia University. January 2001.
5. Adelson, Tom, "Spending on Prisons: Guns or Butter", www.tomadelson.com/issues/prison.funding.php.
6. See footnote 3.
7. Simpson, Susan, "Should Prisons Punish or Prevent?", *The Daily Oklahoman*, November 11, 2005.
8. *Ibid.*
9. See footnote 1.
10. Associated Press, "Oklahoma: Sentencing policies to add hundreds of state prisoners," *The Joplin Globe*, July 27, 2007.
11. U.S. Department of Justice, "Emerging Judicial Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts", April 2000.
12. 22 O.S. § 472.
13. All information contained in this section and Conclusion was derived from the Oklahoma County Mental Health Court operations manual and from the personal knowledge of the author.

ABOUT THE AUTHOR



Ed Blau is an assistant district attorney for Oklahoma County, and his primary duties include overseeing Oklahoma County's Drug Court and Mental Health Court. Prior to joining the DA's office, Mr. Blau served as an assistant public defender for Oklahoma County.

Mr. Blau earned a B.A. in political science with a minor in business administration from the University of Oklahoma in 2001 and his J.D. from the University of Oklahoma College of Law in 2005.



Diversion Programs

A Prosecutor's Viewpoint on Community Sentencing: Public Safety Comes First

By *Deborrah Ludi Leitch*

A primary purpose of the district attorney's office is to protect the public from criminal defendants by evaluating and prosecuting crimes. More often than not, this goal has been accomplished by the conviction and incarceration of guilty defendants. Several years ago, a study showed that Oklahoma courts use probation as an alternative to incarceration about 40 percent less often than the national average, which in part might explain why our imprisonment rate remains the country's fourth highest.

In Oklahoma there has been a need to balance public safety and the expenditures caused by overcrowded prison populations.¹ Alternative court systems and diversionary programs are thought to simultaneously promote public safety and alleviate prison overcrowding. In 1999, the Oklahoma Legislature enacted the Oklahoma Community Sentencing Act² with an eye toward diminishing inmate costs while addressing the social needs of low-risk offenders. The practical goal of the act is to handle non-violent felony cases more rapidly and provide more services for the offender that are structured to his specific offense. Recidivism is expensive. From the standpoint of traditional prosecutorial philosophy, public safety once again rose to the forefront of concern, mainly because under community sentencing the criminal defendant remains in the community while serving his sentence for the offense.³ As the assistant district attorney assigned to the community sentencing docket in Tulsa County, my purpose in this article is to assure the pub-

lic that their safety is vitally important to the district attorney's office, and to explain how public safety is protected while following the guidelines of the Community Sentencing Act.

Under the act, the district attorney has the authority to recommend a defendant to the Accelerated Accountability Program (AAP) in Tulsa County. The district attorney is the only person who can initially recommend a defendant to community sentencing; however, the sentencing judge has the discretion to accept or reject the proposed defendant for community sentencing. Therefore, statutory and internal guidelines were established to diminish risk to the public and still effectuate the financial balance the Legislature sought when it created the act. These guidelines operate as safeguards for the public.

The first safeguard is the statutory exclusion of violent crimes.⁴ The second safeguard is the exclusion of defendants with more than two prior felony convictions⁵ and a third safeguard

is the ability of the district attorneys to exclude other crimes in their own discretion.⁶ The prosecutor also has the discretion to waive additional felonies if that defendant is deemed to be a suitable candidate for community sentencing. First- and second-time offenders that may be approved for the AAP docket are typically charged with non-violent offenses such as unauthorized use of a motor vehicle, possession of a stolen vehicle, larceny, embezzlement, property related crimes and possession of controlled dangerous substances.

Pursuant to the act, the defendant must enter a plea⁷ and be referred to the Department of Corrections for an LSI-R. The LSI-R is a Level of Services Inventory — a diagnostic tool that rates the criminogenic needs of a defendant and the risk of re-offending. The act allows only defendants who test in the moderate range (19 to 28) to be placed on community sentencing.⁸ Defendants with low or high scores on the LSI-R are supervised in the traditional manner by the Department of Corrections at the traditional expense. Those defendants in the moderate range are eligible for community sentencing. If accepted, they are placed on a treatment plan for social services specifically directed to intervene and redirect their behavior from criminal conduct to law-abiding conduct. The cost of these services is borne by the Department of Corrections. Once a defendant has qualified for community sentencing, and a plan has been established for the treatment⁹ of the defendant, the judge has the discretion to place the defendant on community sentencing.

In Tulsa County, once the judge has sentenced a defendant to community sentencing, that defendant is “diverted” from the Department of Corrections and sent to Diversion Services.¹⁰ At Diversion Services, the treatment plan is implemented through case managers and regular reports made to the district attorney and the judge. The regular reports also secure the public safety under the watchful eye of the district attorney. If the defendant is working the established treatment program

and functioning within the community, the defendant will have no further court appearances until the end of the sentence. However, if the defendant is not working the treatment program, the regular reports will trigger disciplinary sanctions¹¹ designed to get the defendant back on track and working on the treatment plan. For minor infractions of the treatment plan, a motion to modify sentence can be

filed requesting imposition of sanctions. A sanction may require a defendant to participate in additional group meetings that focus on behavioral modification. More severe infractions receive more severe sanctions. The idea of a “graduated response” —familiar to anyone who has studied the law governing the use of deadly force — applies. For example, if a community sentencing defendant re-offends while on community sentencing, an application to accelerate or an application to revoke will be filed *immediately* with a warrant for the arrest of the defendant. The

defendant is *promptly* arrested and brought before the AAP judge at the next court setting. There is no delay in placing the defendant back into custody. This ability to quickly modify, accelerate or revoke the existing sentence acts as a continuing and flexible safeguard for the public.

Public safety will always be of paramount concern of the district attorney’s office in Tulsa County. More courts throughout the country are beginning to use alternative programs to incarceration. Oklahoma is no exception. The statutory safeguards provided by the act protect the public and also allow the diversion of defendants from high-cost jails and prisons into relatively low-cost programs that diminish recidivism of non-violent offenders.

“The statutory safeguards provided by the act protect the public and also allow the diversion of defendants from high-cost jails and prisons into relatively low-cost programs that diminish recidivism of non-violent offenders.”

1. The funding for alternative courts needs to also include more financial support for the district attorneys’ offices. The alternative courts require additional manpower for research on recidivism, effectiveness of programs and supervision of the caseload.

2. Title 22 O.S. 988.1 et seq.

3. There are no definitive studies that indicate alternative courts have a great impact on recidivism.

4. In particular, community sentencing is not available for any defendant charged with a crime that requires a defendant to serve 85% of the sentence before becoming eligible for parole, see Title 21 O.S. Section 13.1.

5. Title 22 O.S. 991a-4.1(B)(3). Simply put, the career criminal will never be placed on community sentencing.

6. For example, in Tulsa County, District Attorney Tim Harris will not recommend a felony DUI defendant for a community sentencing program because of the great risk to members of the public becoming innocent victims of drunk drivers.

7. Title 22 O.S. 988.2(8).

8. Defendants with LSI-R scores in the low range are less likely to re-offend; conversely, defendants in the high range are at a greater risk of re-offending despite intervention services. Factors used to determine recidivism include gender, age at the time of the most recent arrest and age at the time of first arrest.

9. 22 O.S. Section 988.18(b) requires a treatment plan; the treatment plans require defendants to maintain full-time employment; require an educational element eg. GED; require payment of restitution, fines and fees.

10. Diversion Services is a private agency with a contract with Department of Corrections to provide social services to community sentencing defendants pursuant to the individual treatment plans developed through the LSI-R. Diversion Services provides the case managers and acts as an Aumbrella@ for other referral agencies and service providers.

11. In Tulsa County, a sanction matrix has been designed for progressive treatment. The sanctions increase in severity depending on the area of non-compliance with the treatment plan. The ultimate sanction is incarceration with the Department of Corrections.

ABOUT THE AUTHOR



Deborah Ludi Leitch received her undergraduate degree from the University of New Mexico and law degree from the University of Oklahoma College of Law in 1983. She is currently an assistant district attorney in Tulsa County, where she has held positions as a gun court prosecutor and deputy director to the juvenile bureau. She currently is the director for the Accelerated Accountability Program and the newly formed mental health court.



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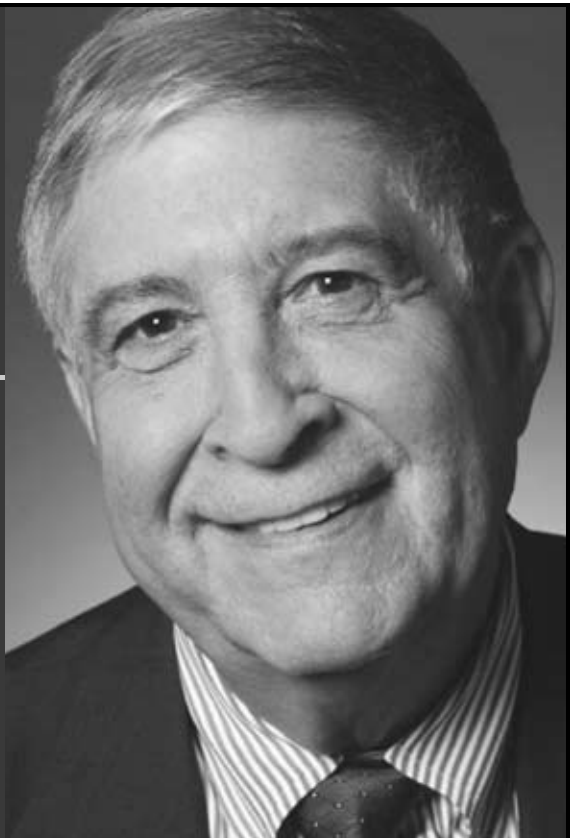
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Diversion Programs

AAP: Procedural View from a Defense Attorney

By Jane Ann Cobb

I have practiced law for the better part of 25 years, was one of two assigned assistant public defenders in Presiding Judge Jefferson D. Sellers' court when community sentencing was enacted in Oklahoma and am the assistant public defender assigned to the Tulsa County Accelerated Accountability Program (AAP) docket in Tulsa County. In April 2004, I was asked what the procedural goals and commitments our office could afford to the AAP court. One of these was to interview, plead and set for sentencing or opt out all cases to which I was assigned within two weeks from the date of acceptance into AAP.

Some cases have been approved before arraignment and are set directly on the AAP docket for initial appearance and plea, or elect to opt out within two weeks. As eligible offender approval has increased and preliminary hearings are now set within three weeks of arraignment, many of the cases are approved after the initial arraignment and must be set on AAP before the preliminary hearing date or come to AAP from the preliminary docket. The procedural commitment is still the same and sometime shortened to less than two weeks from arraignment. Private attorneys are allowed more time before pleading. The district attorney set forth a list of presumptively approved crimes. These are the ones most often screened at the jail. With the commitment of the district attorney's office regarding availability of discovery, and court services screener the time frame is usually met and the offender released to get the Level of Services Inventory (LSI-R). With the commitment made by probation and parole for a two-week turnaround on LSI-R's, the offender is sentenced and placed on either

community sentencing or on regular probation.

The objective of pleading and being sentenced within two weeks is to get offenders started with any treatment they require. The side effect of the shortened time frame and the initial commitment from pre-trial services is to decrease the numbers of non-violent offenders sitting in the jail population, preserving jobs for those offenders who are employed and decreasing the costs of Tulsa County without endangering the citizens of Tulsa County.

After pleading, the client is sent to probation and parole to have an LSI-R conducted. This has to be done post-plea and pre-sentencing. If the LSI-R score is moderate (19-28), the client is placed on community sentencing with supervision by Diversion Services Inc., unless the client is living in another county. If that is the case, we ask for community sentencing with probation and parole. The client will usually be transferred to the other county and is eligible

“The monitoring of the client does not end with sentencing.”

for community sentencing services as provided by that county. If the LSI-R score is low or high, they are not eligible for community sentencing unless there is a mental health exception available. Because there is mini LSI-R that is 75 percent predictive of the range into which the client will fall, the majority of the offenders end up being placed on community sentencing.

I have a close working relationship with the jail screener, pre-trial release and the case managers at Diversion Services. This helps in early release and early treatment intervention. All defense counsel have this same opportunity should they elect to take advantage of it. The monitoring of the client does not end with sentencing. Diversion Services is very cooperative in working with the client and attorney, in addition to the court and assistant district attorney, in order to provide the best treatment plan for the offender. Motions to modify are filed quickly and set on the closest court date with proper notice to the client. That client may appear *pro se* for the sanction. All of the public defender clients, whether represented by me or other assistants at the time they are placed on community sentencing, have legal counsel at the time of the motion to modify. For shorter jail weekend sanctions, if the client waives his right to notice, the sanction can be imposed within the few hours it may take to get before the judge. It has been documented that the sooner the imposition of sanction after the violation, the better the treatment results. The council set forth sanction grid as a guide to consistency between sanction imposed and the violation which occurred. If the violation is severe enough the assistant district attorney will file an application to revoke or accelerate upon the filing of a violation report by Diversion Services. All documents filed by Diversion Services are available to the client or attorney upon request.

Some of the offenders which are eligible for community sentencing may not be approved initially to be sent directly to AAP. These offenders, if placed on community sentencing by the district court judge will still come to AAP on the filing of a motion to modify, application to revoke or accelerate, but only stay on the docket if the state, defendant and defense

counsel have executed a waiver of jurisdiction, necessary as AAP is presided over by a special district judge, at the time of sentencing or are willing to do so when brought to AAP court. In our office, I go with the client.

Community sentencing has made alternative sentencing available to many who by statute are excluded from drug court. In our office we may determine which of the alternative court will most benefit our client in light of mental health issues, statutory prohibitions and needs of the client. In Tulsa County, we may have an offender in AAP court and, due to changes in circumstances, apply them to drug court. Drug court may suggest an offender apply to AAP for various reasons.

Our office has always been committed and continues to be supportive of alternative courts designed for rehabilitation of eligible offenders in an environment that results in lower rates of offender recidivism without sacrificing citizen security. Additionally, it is more cost effective on the citizens of the county and state of Oklahoma with better results than incarceration of those eligible offenders without treatment or an opportunity for help in cognitive behavior changes. We do have offenders which end up going to the penitentiary, but many more that have learned how to become productive members of society. It is one of the greatest rewards of a defense attorney.

ABOUT THE AUTHOR



Jane Ann Cobb was admitted to the OBA in 1983 after graduating from TU. She was in private practice with Boyd and Parks, Cates and Cobb and in solo practice. She served as city prosecutor in Owasso and part-time municipal judge in Broken Arrow until being appointed as municipal judge for the City of Tulsa, serving from 1991 until 1995. Since 1999, she has worked as an assistant public defender in the Tulsa County Public Defender's Office.

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Diversion Programs

Community Sentencing: A Judicial Perspective

By Judge Millie Otey

To many people, “community sentencing” evokes images of inmates in orange jumpsuits picking up trash along the highways. To some people, “community sentencing” is a kind of therapeutic court like “drug court.” To others, “community sentencing” means sentencing by “community” bodies other than judges (*e.g.*, town councils and village assemblies). All these people are wrong. These things are not community sentencing. Community sentencing is an individually tailored plan of treatment used to keep certain qualified offenders out of the prison population and to radically reduce recidivism.¹ Community sentencing programs have steadily gained popularity since the turn of the century.²

Oliver Wendell Holmes has famously pointed out the dangers of generalizations. “No generalization is worth a damn, including this one.”³ Still, a couple of generalizations might be helpful. In general, “old school” prosecutors do not readily embrace community sentencing because a defendant receives probation rather than incarceration. To these paleo-prosecutors, punishment and deterrence are the only successful tools against recidivism. In general, progressive thinkers and fans of innovation and novelty view community sentencing as a new way to balance the need for public safety against the public budget constraints, with rehabilitation as a valued and frequently encountered side effect. Finally, as a general matter, many defense attorneys believe community sentencing is an opportunity for a non-violent defendant to avoid incarceration, remain in the general population, maintain employment and continue to be part of his

family and society. Some judges in Oklahoma have been instrumental in the establishment of community sentencing councils⁴ and the implementation of community sentencing.⁵ It is undeniably true that community sentencing cuts the costs of the Department of Correction.⁶ It can also allow and enable a defendant to avoid the full impact and consequence of his admitted non-violent criminal acts, and avoid the social stigma of institutional incarceration.

As the judge presiding over the community sentencing docket in Tulsa County, I believe I have isolated the essential key to community sentencing. In my view, the key is the method by which the courts, mental health/criminogenic specialists and other members of the criminal justice community craft a sentence to serve and suit the individual needs, circumstances and situation of the particular defendant. My judicial duty is to implement a

deferred or suspended sentence, through the community sentencing mechanism, for eligible offenders.

The judge is the ultimate gatekeeper for community sentencing.⁷ To be recommended to the judge for community sentencing a defendant must satisfy five criteria: 1) He must be accused of committing a non-violent felony; 2) he may have no more than two prior felony convictions; 3) he must have a score of 19 to 28 (moderate range) on the LSI-R diagnostic inventory;⁸ 4) he must have a mental health evaluation; and 5) he must have a substance abuse evaluation.

These criteria require the district attorney to act as the initial screener. The district attorney is uniquely qualified to thoroughly check a defendant's criminal history⁹ and to ensure that the defendant does not have more than two prior non-violent felonies. If, and only if, the district attorney recommends the defendant for community sentencing does the defendant move to the second qualifying phase of the community sentencing.

The second phase in the community sentencing "funnel of causality" is the assessment with the LSI-R diagnostic tool.¹⁰ The defendant is allowed to continue if, and only if, he scores within the moderate range of the LSI-R. If the defendant satisfies that requirement, he is then finally allowed to receive a community sentencing recommendation¹¹ from the district attorney.

The preliminaries are now complete. It is time for sentencing. The judge uses the district attorney recommendation, the treatment plan contained in the LSI-R and input from the defense attorney to formally sentence the defendant. To actually receive community sentencing, the judge must be satisfied that a defendant has a substantial chance of completing the program successfully. The main way to satisfy a judge on this point is to indicate a sincere, realistic desire to change non-violent criminal behavior into acceptable law-abiding behavior. I am reminded of the old joke: "How many psychologists does it take to change a light bulb? One, but the light bulb has to really want to change." The psychologist joke is, unfortunately, apt. Many critics of community

sentencing believe it to be an unacceptable departure from the traditional and conventional retribution-and-deterrence-based models of sentencing – a newfangled, unwelcome infusion of pop-psychology and social theory, destined to destroy judicial rulings and to replace judges themselves with social workers and, in the worst case "darkness at noon" scenario, with full-fledged social engineers.

“ The judge imposes the sentence and then remains available to revise and modify the sentence. ”

These criticisms are not well-taken. As mentioned above, community sentencing is on the verge of becoming the "new model" for avoiding the tragic/deplorable recidivist "cycle of failure" for occasional,

non-chronic, non-violent felony offenders.¹² The diagnostic instrument that provides and generates much of the information used in community sentencing is sophisticated and well-regarded.¹³ Most important, *community sentencing is a form of sentencing. It is not a form of treatment.*

The judge plays the traditional role that judges always play in sentencing: The judge imposes the sentence and then remains available to revise and modify the sentence. Judicial neutrality, objectivity and "distance" are all maintained. The judge remains a judicial officer; he does not become part of the treatment team.¹⁴

There are several good reasons why the judge should not be part of the treatment team:

- 1) Judges are generalists. They are not experts in sociology and psychology.
- 2) Judges serve a well-defined traditional role in government and society. That role would be undermined and compromised if judges were to become therapists and/or social workers.
- 3) The treatment phase of community sentencing may not be successful. Judges must be independent and neutral vis-à-vis the treatment process. If the treatment fails, the judge must be able to impose a traditional and conventional sentence.¹⁵

In conclusion, community sentencing appears to be a way to help non-chronic, non-violent offenders break the recidivist “cycle of failure.” The preliminary returns are encouraging.

The judge is the gatekeeper. The judge makes the final decision about whether or not to use community sentencing in a particular case, on the basis of a variety of inputs including criminal history and criminogenic data. As Judge Linda Morrissey has observed, “[i]n the end, the success of community sentencing hinges upon the discretion of judges to both utilize the system *and* provide aggressive oversight of the supervision process.”¹⁶ If a community sentencing plan is adopted, the judge stands available to impose sanctions, including a traditional prison/jail sentence, but he does not participate in the treatment plan as a therapist. The treatment plan is administered by appropriate public and private service providers. The judge remains a judge.

CONCLUSION

Community sentencing is not community service. It is an approach to the sentencing of non-violent felony offenders that is supervised — but not implemented — by a judge. Community sentencing is implemented by psychologists and other professionals. It keeps offenders involved in, and part of, the community.

The judge plays a traditional role in community sentencing. He applies the law to a “case.” He exercises discretion within established guidelines and parameters. When community sentencing works, it allows an offender to avoid the recidivist “cycle of failure” — the familiar, tragic pattern that creates chronic, career criminals.

1. Linda G. Morrissey & Vicki S. Brandt, *Community Sentencing in Oklahoma: Offenders Get a Second Chance to Make a First Impression*, 36 TULSA L.J. 767 (hereinafter, “Morrissey”). [The Honorable Linda G. Morrissey and the Honorable Jefferson Sellers were vital to the creation of the Tulsa County Criminal Justice Planning and Policy Council and implementation of the community sentencing program.] See *infra* note 4.

2. See generally, Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales, *Alternatives to Custody—the Case for Community Sentencing*, Centre for Criminology, Oxford University (May 10, 2002).

3. (attributed) O.W. Holmes, Jr. and Richard Posner, *THE ESSENTIAL HOLMES: SELECTION FROM THE LETTERS, SPEECHES, JUDICIAL OPINIONS AND OTHER WRITINGS OF OLIVER WENDELL HOLMES, JR.* (1992) (This was one of the favorite Holmes quotations of the late John S. Athens).

4. Under the Oklahoma Community Sentencing Act, 22 O.S. §988.1, Oklahoma District Judges were authorized to establish community sentencing systems, within their jurisdictions, utilizing public and private service providers for the eligible felony offenders as part of a deferred or suspended sentence. Section 988.1 describes the eligible offender as one who is eligible by crime and whose risk for recidivism

falls within the moderate range based on the accepted assessment tool. See *infra* note 8.

5. The Honorable Candace Blalock received the Lambird Spotlight Award from the Oklahoma Bar Association for her implementation of a two-county community sentencing program in 2002. See *The Journal Record* (Oklahoma City) 11/21/02.

6. The incarceration costs of a defendant focused on the general category of “housing”; the Legislature also excluded a defendant’s medical and dental expenses from state funding through community sentencing. 22 O.S. §988.12(B).

7. See Morrissey, *supra* note 1, at 776-777 & n. 97.

8. The LSI-R is an assessment tool utilized to determine the propensity for recidivism. There are three assessment ranges, low, moderate and high. See Morrissey, *supra* note 1, at 774 & n. 76.

9. The criminal history would also include juvenile history that is foreclosed to others, including, generally, the public.

10. See Morrissey, *supra* note 1, at 775 & n. 75.

11. The LSI-R also contains a treatment plan for the defendant based on the criminogenic needs as diagnosed. There is a mental health exception for community sentencing when the defendant tests in the high range.

12. See Morrissey, *supra* note 1 at 782-784. “[T]he potential for an offender to take a miss-step is a given.” *Id.* at 779.

13. See Morrissey, *supra* note 1 at 774-776 & nn. 74-86. (summarizing research). And see especially Kelly Vance, *Adult Offender Standardized Assessment Quality Assurance: A Primary Building Block of Community Sentencing*, 4 Community Sentencing Digest (Sept. 2000).

14. In some non-traditional “therapeutic court” regimes, the judge does become part of the treatment team. In those “courts,” some legal theorists have speculated that a judge might, in theory, move so far outside his traditional legal role that his judicial immunity would be compromised.

15. According to Dr. Joan Petersilia, a recognized authority on intermediate sanction regimes,

My experience suggests that judges are the key to successful intermediate sanctions programs. In the communities that I have worked with, judges can either make or break a program. They not only do the initial sanctioning; they also do the revocation of parole and probation. If the guy [sic] tests positive and the judge refuses to allocate that jail bed to the violator, the program loses credibility very quickly. Word gets out to offender immediately that the intermediate program has no teeth.

Joan Petersilia, *A Decade of Experimenting With Intermediate Sanctions: What have We Learned?*, 79 National Institute of Justice, Perspectives on Crime and Justice: 1997-1998 Lecture Series 102 (1998), quoted in Morrissey, *supra* note 1, at 783 and n. 147.

In Tulsa County, a multidisciplinary working group, which included lawyers, judges and several non-traditional participants in the sentencing process, developed a matrix/grid for judges to use in imposing sanctions for failure to comply with the treatment plan. The use of the matrix/grid is optional. I use it as a “self-check” after I have determined the appropriate sanction using traditional judicial methods (i.e., non-alternative methods).

16. Morrissey, *supra* note 1, at 783 (emphasis in original).

ABOUT THE AUTHOR



Judge Millie Otey received her bachelor of science degree in journalism from the University of Colorado. She earned her J.D. from the University of Tulsa College of Law in 1979. While at TU, she was a staff member for the Tulsa Law Journal. She is a former Tulsa County Bar Association president, former OBA vice president and is a current trustee for the Oklahoma Bar Foundation.

OBA/CLE PRESENTS

The 5th Annual Legal Ethics Musical - A Singing Centennial Celebration

DATES: Oklahoma City
& LOCATIONS: **December 19, 2007**
Will Rogers Theater
4322 N. Western Ave.

Tulsa
December 20, 2007
Crowne Plaza Hotel
100 E. 2nd St.

CLE CREDIT: This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 2 hours of mandatory CLE credit, including 2 hours of ethics.

TUITION: \$100 for early-bird registrations received with payment at least four full business days prior to the seminar date; \$125 for registrations received with payment within four full business days of the seminar date; \$50 for non-OBA member guests. Register online at www.okbar.org/cle. **No discounts.**

CANCELLATION POLICY: Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged for cancellations made within four full business days of the seminar date. Cancellations, refunds, or transfers will not be accepted on or after the seminar date.

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2007 Award Recipients

OBA Awards: Individuals for Whom Awards are Named

NEIL E. BOGAN

Neil Bogan, an attorney from Tulsa, died unexpectedly on May 5, 1990 while serving his term as president of the Oklahoma Bar Association. Mr. Bogan was known for his professional, courteous treatment of everyone he came into contact with and was also considered to uphold high standards of honesty and integrity in the legal profession. The OBA's Professionalism Award is named for him as a permanent reminder of the example he set.

HICKS EPTON

While working as a country lawyer in Wewoka, attorney Hicks Epton decided that lawyers should go out and educate the public about the law in general, and the rights and liberties provided under the law to American citizens. Through the efforts of Mr. Epton, who served as OBA president in 1953, and other bar members, the roots of Law Day were established. In 1961 the first of May became an annual special day of celebration nationwide designated by a joint resolution of Congress. The OBA's Law Day Award recognizing outstanding Law Day activities is named in his honor.

FERN HOLLAND

Fern Holland's life was cut tragically short after just 33 years, but this young Tulsa attorney made an impact that will be remembered for years to come. Ms. Holland left private law practice to work as a human rights activist and to help bring democracy to Iraq. In 2004 she was working closely with Iraqi women on women's issues when her vehicle was ambushed by Iraqi gunmen, and she was killed. The Courageous Lawyer Award is named as a tribute to her.

MAURICE MERRILL

Dr. Maurice Merrill served as a professor at the University of Oklahoma College of Law from 1936 until his retirement in 1968. He was held in high regard by his colleagues, (cont'd on page 2854)



OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD

Joshua M. Brannon

Oklahoma City University School of Law

Joshua Brannon is in his third year at Oklahoma City University School of Law. He graduated summa cum laude from Oklahoma State University with a B.S. in finance and the Honors College degree.

During his time at Oklahoma State, he was a member of Mortar Board, served as an officer of Golden Key, ambassador for the Honors College, and was active in the Baptist Collegiate Ministries and several other campus organizations. He is also a Hatton W. Sumners Scholar and a member of Phi Delta Phi International Legal Fraternity.

Mr. Brannon currently serves as a resource editor for the OCU Law Review. He is currently ranked first in his class and has received CALI awards in Legal Analysis, Legal Research & Writing I, Criminal Law, Contracts II, Criminal Procedure and Constitutional Law.

Following graduation, Mr. Brannon hopes to work in the compliance department for the National Collegiate Athletic Association or one of its member institutions.



OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD

Alicia Currin-Moore

University of Oklahoma College of Law

Alicia Currin-Moore, a third-year law student at the University of Oklahoma, has chosen law as her second career. She earned a bachelor's in early childhood education and a master's in education administration and curriculum from OU and was a kindergarten teacher for 10 years. Ms. Currin-Moore earned numerous awards as an educator, including Teacher of the Year.

Ms. Currin-Moore is the recipient of the Crowe and Dunlevy Minority Scholarship and is a Bruce Scholar. During her first year at OU Law, she was the community service chair for the Black Law Student Association (BLSA). She created "BLSA Book Buddies," a reading program that connected inner-city elementary students with BLSA members. She also qualified for the Sweet 16 round of the 1L Moot Court Competition.

During Ms. Currin-Moore's 2L year, she was the vice-president of BLSA, the junior coordinator for Students Access to Justice Pro Bono Program (SATJ) and the 1L Board of Advocates Moot Court Assistant. She was also awarded "best brief" at the Frederick Douglass Moot Court Competition.

Currently, Ms. Currin-Moore is the coordinator of SATJ, elected the Frederick Douglass Moot Court Director, 1L Board of Advocates Moot Court Director and a member of the Luther Bohannon American Inn of Court.

Ms. Currin-Moore's proudest accomplishment is her one-month-old son, Mason Isaiah, she has with her husband, Cedric.



OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD

Misty Cooper Watt

University of Tulsa College of Law

Misty Cooper Watt is a December 2007 J.D. candidate from the University of Tulsa College of Law.

Ms. Watt ranks in the top 10 percent of her class and is the recipient of an academic scholarship. While in law school, she served as editor in chief of the *Tulsa Law Review*, Women's Law Caucus vice president, Student Bar Association class delegate, student ambassador, member of the Phi Delta Phi honors fraternity, Property Teaching Assistant and aid to the Legal Research Department.

Ms. Watt excelled in legal writing and was published in the *Tulsa Law Review* for her article, "Pharmacist Knows Best? Enacting Legislation in Oklahoma Prohibiting Pharmacists from Refusing to Provide Emergency Contraceptives." She also sat as a panelist with three TU law professors interviewing former U.S. Supreme Court Justice Sandra Day O'Connor. Her other honors include placing first in the TU Women's Studies Essays Contest, the John Hager Award for Excellence in Torts, and CALI Achievement Awards for Outstanding Performance in the fields of torts, criminal law, and legal research analysis and writing.

Upon graduation, Ms. Watt will join a litigation group in the law firm Stinson Morrison Hecker LLP in Kansas City.



EARL SNEED CONTINUING LEGAL EDUCATION AWARD

Ben Brown, Oklahoma City

Ben Brown has been an assistant public defender with the Oklahoma County Public Defender's Office for the past 15 years and is currently assigned to the juvenile division. During his tenure he has been assigned as an attorney to the misdemeanor division, the civil division as a guardian ad litem, the felony trial division, the capital trial division and has appeared before the Oklahoma Court of Criminal Appeals numerous times. In addition, he has supervised the misdemeanor team and recruits and supervises the legal interns, clerks and volunteers for the Public Defender's Office.

Mr. Brown assists in conducting training and providing continuing legal education for the attorneys in the Public Defender's Office. Over the past 12 years, he has served as chairperson of the continuing legal education committees for the Oklahoma Criminal Defense Lawyers Association, Oklahoma County Criminal Defense Lawyers Association, OBA Criminal Law Section, and has been the Criminal Law Track planner and moderator for the OBA Annual Meeting since 2003. He is a frequent presenter at criminal law programs, and during the past 12 years he has planned and spoken at hundreds of hours of CLE programs.

Mr. Brown is a member of the National Association of Criminal Defense Lawyers, OBA Criminal Law Section and Oklahoma County Criminal Defense Lawyers Association. He is the 2007-2008 chairman of the Criminal Law Section and serves on the Oklahoma County Criminal Defense Lawyers Association Board of Directors. He was the 2002 recipient of the President's Award from OCDLA for his work in *Clark v. State* and 2006 President's Award recipient from the Criminal Law Section.

His nominator said, "His work is of the highest quality and reflects a clear understanding of the needs and perspectives of the program registrants. He has an appreciation and enthusiasm for the practice of law and the law itself, and that inspiration is shared through his involvement in education."



JUDICIAL EXCELLENCE AWARD

Judge Ray Dean Linder, Alva

Judge Ray Dean Linder has been on the trial bench in western Oklahoma since 1967, serving as the county judge for Woods County. Judge Linder became an associate district judge in 1969 and ascended to district judge for the 4th Judicial District in 1983, making him one of the longest sitting trial judges in the state.

"Judge Linder's respect and reputation are unequaled throughout the state of Oklahoma. Ask any lawyer who has practiced before Judge Linder and you will get nothing but respect and praise. He is always prepared. He reads everything that is submitted to him and gives every position its due. Judge Linder is one of the most accommodating judges in Oklahoma," his nominator said.

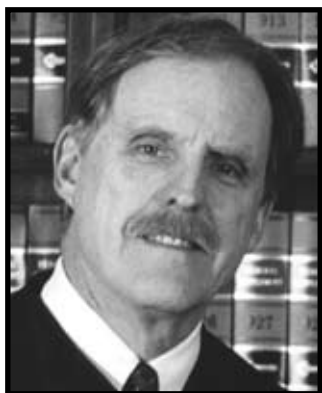
For years, Judge Linder has been a leader in northwestern Oklahoma. He worked closely with the city of Alva to obtain the placement of the Bill Johnson Correctional Center. In addition, he has participated in and promoted the Grand National Quail Hunt in Enid. He has served as co-chairman for the annual Oklahoma Legislative Quail Hunt in Woods County for over 25 years. Judge Linder also serves on the statewide planning committee for the Oklahoma Lieutenant Governor's Invitational Turkey Hunt held each April for the past 20 years.

Judge Linder was the play-by-play radio broadcaster for Northwestern Oklahoma State University sports for 28 years. He also hosted a local TV sports program originated at NWOSU. Judge

Linder is a member of NWOSU's Sports Hall of Fame. He is a sought-after public speaker and is an admired jewelry maker.

Judge Linder served as president of the Oklahoma Judicial Conference in 1984. He is currently the presiding judge of the N. W. Administrative District comprised of 18 counties. Since 1984, he has served in that position a total of 16 years.

He and his wife, Wylodean, celebrated their 51st wedding anniversary in August. Their three children are Jana Pitt, Oklahoma City; Jon Linder, Alva; and Julia Schrock, Alva. Their son Jay died in 1979. Judge and Mrs. Linder have four grandchildren.



JUDICIAL EXCELLENCE AWARD

Judge Sam A. Joyner, Tulsa

Judge Sam A. Joyner has come to be known for his exemplary service to the bench, bar and surrounding community. He graduated from the University of Oklahoma College of Law in 1966 at the top of his class. That year he went into private practice in Lawton and continued until 1995, when he became a U.S. Magistrate for the Northern District of Oklahoma.

At its annual meeting in 2005, the Federal Magistrate Judges Association congratulated Judge Joyner on the completion of his six years of service as editor in chief of the *Federal Courts Law Review*. The association commended him on his vital, creative and diligent service as editor in chief from 1999 to 2005 and indicated that he played a central role in developing the FCLR from its inception to its current, well-respected prominence. He remains a member of the board of editors.

Judge Joyner has presented numerous CLE seminars and most recently has become a "resident expert" in the area of electronic discovery. He is also active in the Hudson-Hall-Wheaton Chapter of the American Inns of Court in Tulsa. In

2000, Judge Joyner was selected by the administrative offices for the federal courts in Washington to go to Thailand to hold a hearing on whether four Americans being held in Thailand prisons could return to the United States to finish out their lengthy sentences. Judge Joyner has also been instrumental in the highly effective settlement program administered by the Northern District.

His nominator said, "Judge Joyner is a man of the highest character with a demonstrated commitment to excellence and a continual effort to better himself for the benefit of the profession of law and the community around him. Judge Joyner is definitely not one to 'rest on his laurels' in anticipation of retirement. During his legal career — now spanning over 40 years — Judge Joyner has embodied, and continues to embody, the very characteristics for which the OBA's Award of Judicial Excellence has been established. Presenting Judge Joyner with this award will be a wonderful tribute to his laudable service on the bench."

OETA
THE OKLAHOMA NETWORK

LIBERTY BELL AWARD

Oklahoma Educational Television
Authority, Oklahoma City

The Oklahoma Educational Television Authority is being honored for its ongoing dedication to the OBA's Ask A Lawyer TV show. Ask A Lawyer, which is produced by both OETA and the OBA, will celebrate its 30th anniversary next year.

The program is one of the most visible ways Oklahoma celebrates Law Day. It is designed to share information about legal issues in easy-to-understand language. While OETA has always been a key partner in the show's development, its recent efforts deserve special recognition. With the guidance of OETA, the committee transformed Ask A Lawyer into a Dateline-type format with segments shot outside the studio. These segments feature real people whose lives have been improved because of their attorneys' hard work. The show has also featured some headline grabbers — several jurors from the state trial of Terry Nichols, Oklahoma City bombing co-conspirator; and Dennis Fritz, a man who lived 12 years behind bars wrongfully convicted of murder.

Although Ask A Lawyer doesn't air until the end of April, production starts several months in advance. The Law Day Committee usually starts planning in September, and OETA always assists the committee every step of the way.

Recently, OETA has assisted the Law Day Committee in reaching out to the state's Hispanic community. OETA helped the committee to record and broadcast a Spanish translation of the show to air on a secondary audio programming (SAP) channel. Spanish-speaking viewers were given the opportunity to call the free legal advice hotline number shown on the screen and consult with a Spanish-speaking attorney.

The partnership that OETA creates with the OBA formed a public relations tool that is invaluable for the public image of lawyers. OETA also has continued to rebroadcast the show on its digital channel (28 times and counting) since Law Day.

OETA's commitment to Ask A Lawyer has truly shined since the show adopted its current format and reached out to broader audiences. This mutual cooperation of 30 years in the making has established Ask A Lawyer as an essential element of Law Day in the state of Oklahoma.



JOE STAMPER DISTINGUISHED SERVICE AWARD

Winfrey Houston, Stillwater

Winfrey Houston became Oklahoma Bar Association president in 1969 while serving on many other committees and remaining active in the association. He is now the association's longest serving past president.

Following his presidency of the OBA, Mr. Houston served as the president of the Oklahoma Bar Foundation, the Payne County Bar Association and served as a member of the House of Delegates of the American Bar Association. Despite the length of time since his presidency, he

continues to attend the OBA Annual Meeting each year and continues to serve on various committees.

"He brings his extensive knowledge, wisdom and experience to these groups, most recently serving on the Awards Committee," said his nominator. "Winfrey's philosophy has always been that the price of the opportunity for leadership was continued service to the bar."

Mr. Houston shows leadership in his community as well. He served as a city commissioner to the City of Stillwater from 1990-1993 and was a crucial part in forming the Stillwater Community Band. He is a charter member of the Stillwater Community Center Board. He led the effort in organizing a cultural district in Stillwater and was honored with the rededication of the Community Center auditorium as the Winfrey D. Houston Theater for the Performing Arts.

"Winfrey's dedicated and tireless service to the community brought esteem to our profession. He has practiced law with honesty, integrity, civility and professionalism, with respect for the law, the bench, the bar and his fellow man," his nominator said.



ALMA WILSON AWARD

Denny Johnson, Tulsa

Denny Johnson began her service at the Tulsa County Public Defender's Office in 1981. In the early 1990s, the courts saw a need for independent representation of children based on the escalation of high conflict between divorcing parents. Ms. Johnson responded to this increased need and was granted the authority to limit her representation to children. Thus, she began what is now known as the "civil division" of the Public Defender's Office, whose representation is limited to children in divorces, paternity suits, guardianships, protective orders and adoptions.

This was a new and unknown area of law, and Ms. Johnson had to research and implement protocols for effectively representing children. The program proved to be challenging at first. Ms. Johnson aspired to educate other lawyers and the judiciary in order to change the traditional focus of divorce from a fight between parents to one of adjudicating what is in the best interests of the child. The courts soon realized that the best interests of the child were paramount and should be the primary consideration in all litigation involving children.

The past 14 years, Ms. Johnson served as head of the civil division of the Tulsa County Public Defender's Office. There was never a time when she did not represent children in some capacity throughout her 26 years of practicing — even when she was in the felony trial rotation and trying capital murder cases.

"Ms. Johnson's reputation as a fierce advocate and extremely skilled trial lawyer helped pave the way and set the bar for the standards of child representation in Tulsa," her nominators said. "She received numerous offers for employment in the more lucrative private law field, yet she always chose to continue to represent those most in need of protection — children."

Her nominators also noted that while Ms. Johnson's retirement is a deep loss for all, she leaves behind a legacy of excellence and a new perspective on the most important issues.

Ms. Johnson is married to Ron Wallace, and they have two children, Philip and Sunny.



GOLDEN GAVEL AWARD
OBA Member Services Committee
Debra Charles, Chair

The OBA Member Services Committee's purpose is to evaluate commercial benefits which could be made available to members of the OBA. By concentrating the buying power of the OBA

membership, the committee actively seeks out and evaluates beneficial goods and services provided by various vendors. This year, Chairperson Debra Charles of Oklahoma City, and her outstanding group of committee members, including Vice-Chair Keri Williams, generated some exceptional perks for the OBA membership.

In 2006 and 2007, the committee spent considerable time locating and evaluating low-cost avenues for more comprehensive public domain legal research tools, and received and reviewed proposals for legal research alternatives. After thoroughly evaluating the options, the committee recommended that the OBA adopt Fastcase as an OBA membership benefit. Fastcase provides all state bar members with free online access to a comprehensive national law library. Both the time-saving and economic impact of the new benefit makes Fastcase one of the best perks the OBA has offered its members in many years.

In view of the computer-driven law practice of 2007, the committee identified a need for OBA members to have access to a reliable and professional data backup system. After receiving and reviewing proposals from several vendors, the committee recommended CoreVault for the OBA membership. In April 2007, the OBA endorsed Oklahoma-based CoreVault as the official online backup service of the OBA.

The CoreVault backup system frees OBA members from the worry of losing data and not being able to restore it due to virus, hard drive crash, accidental deleting of data, natural disaster, flood and the many other ways that could cause data loss. It is an excellent benefit and very useful in today's law practice.

The Member Services Committee continues to evaluate possible benefits for OBA membership. This year was a productive one for the committee, and the committee looks forward to being able to provide many more benefits to OBA members in the future.



NEIL E. BOGAN PROFESSIONALISM AWARD

Judge Bana Roberts, Oklahoma City

Judge Bana Roberts has been a model of professionalism throughout her life. As an attorney for 30 years and a judge for almost 20 years, Judge Roberts has exemplified the greatest ideals of our profession while being kind, courteous, honest, diligent and trustworthy.

She is intensely involved in community service. For the last three years, she has served as a lay leader for Chapel Hill United Methodist Church and has actively served on countless church-related committees. Her church work includes mission trips to Venezuela and Mexico, spending hundreds of hours helping to build houses for those living in poverty. In addition, Judge Roberts has served for over 10 years as a volunteer with Special Olympics Oklahoma on the Board of Directors and is currently the chairperson-elect.

She has also served the bar with the same intensity. Judge Roberts has served as the president of the Oklahoma County Bar Association and the William J. Holloway Jr. American Inn of Court. In addition, she has served on the Oklahoma County Bar Association's committees for Bench and Bar, Alternative Dispute Resolution, Law Related Education, Civil Procedure and Law Schools.



JOHN E. SHIPP AWARD FOR ETHICS

Sidney G. Dunagan, Oklahoma City

"Many Oklahoma lawyers know Sid not as a bar leader, but as an honest, principled, hard-working and accomplished advocate for his clients," read the award nomination for Sidney G. Dunagan. A practicing attorney in Oklahoma since 1973, he is recognized as a strong mentor by other attorneys.

Mr. Dunagan spent five years of distinguished and decorated service with the U.S. Army Judge Advocate General's Corps (including a tour in Vietnam). Following his military service, he joined the Tulsa law firm of Gable & Gotwals. In 1995, he moved his family and law practice to Oklahoma City to establish and then manage his firm's office there.

Mr. Dunagan has been an active volunteer in several legal organizations. In 1994, he served as OBA president, having previously served on the Board of Governors in the mid-1980s and as vice president in 1987. He also served as president of the Tulsa County Bar Association and as state chair of the Oklahoma Fellows of the American Bar Foundation. Mr. Dunagan served in the ABA House of Delegates and is a member of the American College of Trial Lawyers. He is licensed to practice in the 5th, 9th, 10th and 11th Circuits of the U.S. Courts of Appeals.

His nominator said, "He gave me a keen sense through his advice and how he practiced that you could be a strong and effective advocate, but you should never forget ethical considerations in your practice. Sid's many contributions to those of us that have the good fortune to practice with or around him have had a lasting effect on us and our profession."



TRAILBLAZER AWARD

John Green, Oklahoma City

Soon after John Green was admitted to the Oklahoma Bar Association in 1957, he started a private practice that focused on segregation in Oklahoma City. Throughout his legal career, he has made a name for himself as a pioneer in the pursuit of racial equality.

Nine years after *Brown v. Topeka Board of Education*, Oklahoma City's public school district was still segregated. Mr. Green took on the school district and was the lead attorney in *Dowell v. School Board of Oklahoma City Public Schools*, the case that forced the Oklahoma City school system to integrate the public schools and make education in Oklahoma equal for all races. Mr. Green was also instrumental in a state lawsuit resulting in obtaining access for blacks to restaurants.

This accomplishment wasn't Mr. Green's first experience with risk taking. After graduating from high school in Idabel, he attended Morehouse College, where he became a close friend and confidant of Dr. Martin Luther King Jr., his fellow fraternity brother. Mr. Green earned a distinguished combat record in the Korean War, where he was awarded the Combat Infantryman's Badge and Bronze Star Medal in a newly integrated Army. Following his military service, Mr. Green was the second African American to graduate from the University of Oklahoma College of Law.

Mr. Green broke several other racial barriers during his career. He was the first African American to serve in the Oklahoma County District Attorney's Office as a prosecutor, as the U.S. Attorney for the Western District of Oklahoma and on the OBA Board of Governors.

Outside of the legal profession, he created the Southwestern Urban Foundation, which has raised more than \$2 million in the past four years. Its mission targets financial support for the needs

and problems within the African American and other ethnic communities in Oklahoma.

Even in retirement, Mr. Green continues to help young attorneys and advises the governor and others on the selection of judges and appointments.

OUTSTANDING COUNTY BAR AWARD

Carter County Bar Association

The Carter County Bar Association prides itself on several projects that directly benefit the county's children. With a membership of 85 members, 51 of whom are in private practice, 42 of these members volunteer to represent children and parents on the deprived child docket. From looking at the numbers, Carter County has perhaps the highest percentage of practicing lawyers who volunteer for this docket. It is clear that Carter County is setting the precedent of volunteerism across the state.

Another aspect of involvement in these deprived cases is the number of Carter County attorneys who act completely pro bono. Of the 42 volunteers, 30 never submit a claim for reimbursement and three do so only if the hearing is contested and lasts longer than an hour. Compared with attorneys across the state, those nine who routinely submit court fund claims are paid much, much less than their usual hourly rate.

Outside of the legal arena, the county bar awards two \$1,000 scholarships that are open to any student in the county who is not related to a member of the bar.

In addition, the bar oversees a locally administered fund that benefits abused, neglected and abandoned children. A few years ago, three Carter County children died in a fire, and their mother was convicted of criminal neglect, and a civil suit was filed against several other parties. The case settled shortly before trial. Included in the terms of the settlement was setting aside \$100,000 to benefit deprived children in a manner decided by the judge. Rather than disburse the \$100,000, the judge decided to create a perpetual fund in the name of the three deceased children and asked the county bar to assume the responsibility for overseeing it.



OUTSTANDING COUNTY BAR AWARD

Oklahoma County Bar Association

During the past year, the Oklahoma County Bar Association concentrated on innovative programs made possible through the hard work of its members. This voluntary bar of 2,150 members established several new programs that will benefit the association for many years to come.

One of the first initiatives of the year was establishing a more effective communication system between the OU and OCU law schools. Liaisons from both schools have been added to the OCBA Board of Directors. These liaisons will report pertinent news and events regarding their prospective schools at each board meeting. In the same way, they will report OCBA news back to their schools.

The Evaluation and Young Lawyer Outreach Task Force formulated the first-ever electronic membership survey this year. This survey was conducted to evaluate the OCBA's performance according to its members and was also designed to understand what the members would like to see in the future. This task force was also instrumental in passing a resolution from the OCBA Board of Directors requiring each committee to add at least one new young lawyer to its membership annually.

Through several projects, the OCBA is dedicated to fostering growth among Oklahoma's children. The Voices for Children Committee provides attorneys to act as readers at the Carver Mark Twain Headstart Program. Also, the annual Holiday Reception held in December provided mittens, coats and other winter clothing articles for the children of the school. The Community Services Committee volunteered as Christmas in Wonderland characters for the Children's Center in Bethany. This committee also plans monthly parties or events for the residents of the Family Junction youth shelter. Additionally, the "E-Mentoring Esquire" program will pair attorneys with students in the pre-law program at Douglass High School to support and encourage them.

The YLD is also working with the OBA in their "Wills for Heroes" campaign, an effort is to provide free wills to those "heroes" in our community such as fire fighters, police and first responders.

Several other annual OCBA events continued with success this year, including Lawyers in the Classroom, the INFORM methamphetamine abuse education program, the YLD's Harvest Food Drive, Law Day, the annual golf tournament, and the Bench and Bar Committee's bi-yearly conference at Quartz Mountain.

Other new initiatives the OCBA took on were a members-only Web site, a credit card program that generates funds for the association, and a courthouse security access card was developed in cooperation with the Oklahoma County Sheriff's Department.



HICKS EPTON LAW DAY AWARD

Payne County Bar Association

The Payne County Bar Association orchestrated a successful Law Day with the theme of "Empowering Youth, Assuring Democracy." This year's events were coordinated by Jodie Gage and Mozella Irwin-Smith.

Payne County's Law Day incorporated a children's contest in conjunction with the state bar's Law Day contest. Children were asked to submit entries of artwork in differing categories while four Payne County bar members met and judged the competition. About 120 entries were received. Local winners from both the county and state contests were honored at the county's "Honor Docket" and presented with cash prizes and certificates. Another component of the Honor Docket was the awarding of the R.L. Hert Memorial Scholarship to a Perkins High School student. The scholarship is presented annually to a graduating senior of Payne County. A local Liberty Bell Award was presented to Sheriff Carl Hiner for his distinguished service to the legal community. The *Stillwater NewsPress* covered the Honor Docket

presentation with a story and photos from the event.

Locally, an Ask A Lawyer event was put into action first at the Stillwater Public Library and then a phone-a-thon event occurred with the OBA television broadcast.

In addition, there was a bowling tournament held on May 15, in which 13 teams participated. The event raised \$583 for a local charity. The annual Law Day banquet was held on May 17. Justice Steven Taylor was invited as the keynote speaker and administered a speech about ethical legal behavior and heroes in the legal practice.



HICKS EPTON LAW DAY AWARD

Pontotoc County Bar Association

The Pontotoc County Bar Association utilized a new, effective technique for their Law Day activities, which were carried out with the leadership of Ada lawyer Kaycie Sheppard.

Pontotoc County Bar kept consistent with the "Liberty Under Law: Empowering Youth, Assuring Democracy" theme. The members traveled to several schools in the county during the weeks of April 13 to May 11 to speak with junior high students about Law Day, the legal profession, the court structure and educational avenues that students may take if considering a career in the legal field.

The bar association worked directly with East Central University's Legal Professions Association and the Student Activities Center to host a Law Day Blood Drive to benefit the Oklahoma Blood Institute. As many as 68 students, attorneys and support staff contributed to the success of this event by donating blood.

The *Ada Evening News* featured stories and photos from both the classroom visits and the blood drive.

Law Day events at East Central University also showcased panel discussions on topics such as drug court, family law and paralegals.



OUTSTANDING YOUNG LAWYER AWARD

Keri Williams, Stillwater

Upon graduation from Oklahoma City University School of Law in 2000, Keri Williams promptly became active in the OBA Young Lawyers Division serving as a board member. In 2001 and 2002, Ms. Williams was named Outstanding Director of the YLD, and she received the YLD Committee Chairperson of the Year Award in 2004.

Last year, Ms. Williams served as chair of the YLD and is said to be one of the most active past chairs. She served as treasurer before becoming YLD chair. Currently, she is chair of the YLD Nominating Committee.

In addition to her YLD involvement, Ms. Williams has been an asset to the OBA overall, as she served as the YLD representative on the Board of Governors in 2006 and has been involved in the OBA Strategic Planning Committee, Awards Committee, Budget Committee and Legal Ethics Committee. Ms. Williams is currently vice chairperson of the Member Services Committee.

She has also been active in the Payne County Bar Association since 2005 and serves as its vice president. She is also involved in the American Bar Association, having served as a YLD state representative and an ABA/YLD District Representative for Oklahoma and Arkansas.

Ms. Williams is a senior director of gift planning for the OSU Foundation in Stillwater. She is involved with the Junior Service League of Stillwater, Sunnybrook Christian Church and serves as president of the Stillwater Chi Omega Alumnae Chapter.

In the nomination for the OBA award, it was said that "Keri exemplifies the spirit of this award, as she has demonstrated a successful ability to manage and excel in her career, her bar involvement and her community efforts."



OUTSTANDING SERVICE TO THE PUBLIC AWARD

Frank D. Hill, Oklahoma City

Frank Hill's long, distinguished record of service to the public is nearly as long as his distinguished professional career. He began by serving as a captain in the U.S. Army Judge Advocate General's Corps shortly after graduating from law school. More than 35 years later, he continues to generously share both his time and skills in ways that have had a lasting impact on our state.

One of the enduring examples of Mr. Hill's commitment to public service is expressed in the countless hours he has devoted to the Oklahoma City National Memorial Foundation. Since 1995, he has played an ongoing role in the inception, construction, development and advancement of the memorial. More recently, he served as chairman of the board of trustees of the Oklahoma City National Memorial Foundation during a very momentous time in its history. Not only did he preside over the National Week of Hope that commemorated the 10th anniversary of the bombing, but during his tenure, the memorial trustees and staff also developed and began implementation of a five-year strategic plan and launched the Second Decade Campaign to grow the memorial's permanent endowment, which has since tripled in size.

Those who have worked beside Mr. Hill say it is not uncommon for him to go out of his way or put in extra hours for any role he takes on. In addition to continuing to serve as a trustee of the Memorial Foundation, he also currently serves as trustee and president-elect of the Oklahoma City Museum of Art, trustee of Casady School, president of the Bizzell Library Society of the University of Oklahoma, and benefactor fellow and former trustee of the Oklahoma Bar Foundation. He is also a former trustee of Bone & Joint Hospital and Episcopal Retirement Community and a for-

mer director of the Last Frontier Council of Boy Scouts of America.

Described as a consummate professional with the highest integrity and character, Mr. Hill's achievements in the professional realm as an attorney with McAfee & Taft are just as significant as his achievements in the public realm. In addition to being recognized by his colleagues and numerous professional publications for his career achievements, Mr. Hill also continues to give back by serving as a frequent lecturer at workshops and seminars sponsored by universities and the Oklahoma Bar Association.



OUTSTANDING SERVICE TO THE PUBLIC AWARD

Don Shaw, Idabel

Don Shaw, a lawyer known for his generosity and giving nature, has made a great impact in his community by his endless volunteer work.

Mr. Shaw has been a member of the Idabel Chamber of Commerce since 1975 and served as the director at one time. He has also been actively involved with the Boy Scouts, Idabel Lions Club, Gideons and Idabel Mainstreet Project, among many others. He served our country on active duty in the Air Force during the Vietnam War. He is active in the First Presbyterian Church as an ordained deacon, ordained elder, clerk of the session and Sunday school teacher.

Mr. Shaw has done pro bono legal work for the Idabel Mission Market Inc. and is currently the chairman of the Oklahoma Blood Institute and has personally donated over 13 gallons of blood to its cause.

Every year, Mr. Shaw participates in local Law Day activities, including the area Call a Lawyer radio show. He also speaks at schools and nursing homes in celebration of Law Day.

His nominator said, "It is practically impossible to account all the contributions he has made. If a volunteer is ever needed in the community, he is always happy to step up to the plate and help in any way needed."



OUTSTANDING PRO BONO SERVICE

John Hermes, Oklahoma City

John Hermes has been a volunteer with Oklahoma Lawyers for Children since the program started in 1997. He has been a member of the Oklahoma Lawyers for Children Board of Directors since 1998 ensuring that deserving children receive the highest levels of legal representation available by encouraging others to volunteer. In addition, Mr. Hermes has spent hundreds of hours in court due to representing children in eight cases during the past 10 years.

Mr. Hermes' career achievements as a trial lawyer and the former managing director of McAfee & Taft have earned him the respect of his colleagues and perennial recognition in noted publications such as *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* and *Oklahoma Super Lawyers*.

He has also devoted countless hours focusing on the legal needs of senior citizens and low-income Oklahomans through his involvement as a member of the board of directors of Legal Aid Services of Oklahoma and its predecessor, Legal Aid of Western Oklahoma. While serving as its president, Mr. Hermes played an instrumental role in negotiating the merger of Legal Aid of Western Oklahoma with Legal Aid of Eastern Oklahoma.

Throughout his many accomplishments and recognitions, he is most proud of serving as a legal advocate for our state's youngest and most vulnerable citizens.

"Mr. Hermes is someone who never seeks or desires attention for his good deeds, but is one who deserves to be recognized for them," his nominator said.



OUTSTANDING PRO BONO SERVICE

Lewis N. Carter, Tulsa

While Lewis Carter has been a partner at the firm of Doerner, Saunders, Daniel & Anderson for 21 years, he also has devoted a substantial amount of his time to pro bono work.

Mr. Carter is conversant in Spanish as a result of having lived in Paraguay for two years as a Peace Corps volunteer. Early in his career, he saw that many people who are at or below the poverty level were unable to afford an attorney although in need of legal assistance. As one of the few Spanish-speaking attorneys in Tulsa at the time, Mr. Carter decided to focus his efforts in that area. When he first started providing pro bono services to Spanish-speaking people, he met them in his downtown Tulsa office. He quickly realized that the people he was trying to help were not familiar with downtown Tulsa, and were intimidated by meeting him in the law firm offices. Mr. Carter established a relationship with social workers at Catholic Charities, a key entity in providing services to the Tulsa Hispanic community. This relationship led to the availability of meeting space for Mr. Carter to work with his pro bono clients.

This clinic has been in existence for approximately 15 years. Throughout this time, Mr. Carter works at the clinic every other Thursday evening and continues until every person has received services. In addition to consulting with them, Mr. Carter frequently handles follow-up work. The legal matters he handles through this representation are diverse, ranging from such things as landlord-tenant disputes, debtor/creditor problems, name changes, real property title problems, and child care and custody issues.

On top of his pro bono work, Mr. Carter has served as an adjunct settlement judge for the U.S. District Court for the Northern District of Oklahoma for approximately 10 years. He is active in various civic and charitable organizations, including Tulsa Global Alliance as past president.



MAURICE MERRILL GOLDEN QUILL AWARD

Karen Youngblood, Lawton

Karen Youngblood receives the Maurice Merrill Golden Quill Award for her article titled, "Oklahoma's Material Witness Law: Time for Change," which appeared in the April 14, 2007, issue of the *Oklahoma Bar Journal*.

Ms. Youngblood received her bachelor of arts degree in history from the University of Oklahoma and following graduation, immediately enrolled at the OU law school. Once she completed her law degree from the University of Oklahoma College of Law in 1975, she went into private practice in Lawton and continued until 1987. While in private practice, she concentrated in the areas of criminal law, family law and probate.

Since then, Ms. Youngblood has served as an associate professor in the department of criminal justice and sociology at Cameron University. She served as chair of the department from 1994 to 1997. In 1992, Ms. Youngblood received the Professor of the Year Award, and in 2005 she received Cameron's highest award, the Hackler Award for Teaching Excellence. She reserves full-time teaching duties and is a participant in Writing Across the Curriculum program.

The one activity that Ms. Youngblood is most proud of is her involvement on the development committee and initial board of directors for Lawton's New Directions Shelter for Women and Children.

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his former students and the bar for his nationally distinguished work as a writer, scholar and teacher. Many words have been used to describe Dr. Merrill over the years, including brilliant, wise, talented and dedicated. Named in his honor is the Golden Quill Award that is given to the author of the best written article published in the *Oklahoma Bar Journal*. The recipient is selected by the OBA Board of Editors.

JOHN E. SHIPP

John E. Shipp, an attorney from Idabel, served as 1985 OBA president and became the executive director of the association in 1998. Unfortunately his tenure was cut short when his life was tragically taken that year in a plane crash. Mr. Shipp was known for his integrity, professionalism and high ethical standards. He had served two terms on the OBA Professional Responsibility Commission, serving as chairman for one year, and served two years on the Professional Responsibility Tribunal, serving as chief-master. The OBA's Award for Ethics bears his name.

EARL SNEED

Earl Sneed served the University of Oklahoma College of Law as a distinguished teacher and dean. Mr. Sneed came to OU as a faculty member in 1945 and was praised for his enthusiastic teaching ability. When Mr. Sneed was appointed in 1950 to lead the law school as dean, he was just 37 years old and one of the youngest deans in the nation. After his retirement from academia in 1965, he played a major role in fundraising efforts for the law center. The OBA's Continuing Legal Education Award is named in his honor.

JOE STAMPER

Joe Stamper of Antlers retired in 2003 after 68 years of practicing law. He is credited with being a personal motivating force behind the creation of OUJI and the Oklahoma Civil Uniform Jury Instructions Committee. Mr. Stamper was also instrumental in creating the position of OBA general counsel to handle attorney discipline. He served on both the ABA and OBA Board of Governors and represented Oklahoma at the ABA House of Delegates for 17 years. His eloquent remarks were legendary, and he is credited with giving Oklahoma a voice and a face at the national level. The OBA's Distinguished Service Award is named to honor him.

ALMA WILSON

Alma Wilson was the first woman to be appointed as a justice to the Supreme Court of Oklahoma in 1982 and became its first female chief justice in 1995. She first practiced law in Pauls Valley, where she grew up. Her first judicial appointment was as special judge sitting in Garvin and McClain Counties, later district judge for Cleveland County and served for six years on the Court of Tax Review. She was known for her contributions to the educational needs of juveniles and children at risk, and she was a leader in proposing an alternative school project in Oklahoma City, which is now named the Alma Wilson SeeWorth Academy. The OBA's Alma Wilson Award honors a bar member who has made a significant contribution to improving the lives of Oklahoma children.

OBA Governance

2008 Transitions

2007 President

Stephen D. Beam, Weatherford



Stephen D. Beam is a sole practitioner in Weatherford. He received a B.A. from OSU and a J.D. degree from OU College of Law. He is admitted to practice before the U. S. District Court for the Western District of Oklahoma, the U. S. District Court for the Northern District of

Texas, the Fifth Circuit of the U. S. Court of Appeals, the Supreme Court of the State of Oklahoma and the United States Supreme Court. He is a member and past president of the Custer County Bar Association. He has been a member of the Finance Committee since 1997, chair of the Social Committee since 1985, and delegate to the OBA Convention in 1990, 1991, 1996, and 1999. Mr. Beam was 2003 OBA vice president. He was a member of the OBA Board of Governors from 1995 to 1997, and again since 2004. He was a member of the Board of Editors of the Oklahoma Bar Journal from 1997 to 2003, and he was a member of the OBA Management Assistance Program from 1997 to 2002. He was chair of the OBA Solo and Small Firm Committee from 1999 to 2002 and a member of the Planning Committee from 2002 to 2006. He was co-chair in 1999, 2001, 2002 and 2003, and chair in 2000 of the OBA Convention Task Force. He was a member of the OBA Long-Range Planning Committee in 1999 and 2004. He was treasurer in 1999, secretary in 2000, chair-elect in 2001, and chair in 2002 of the OBA General Practice Section.

2008 President

J. William Conger, Oklahoma City



OCU General counsel and distinguished lecturer in law; of counsel and founder of Hartzog Conger Cason & Neville, Oklahoma City; OU, B.A., 1967; Louisiana State University School of Law, 1967-68; OU College of Law, J. D., 1971; member of

OBA, Oklahoma County Bar Association and ABA; member of OBA Board of Governors, 2003-2005, vice president 2006; recipient, 2004 John E. Shipp Award for Ethics; recipient, 2004 President's Award for Outstanding Service to the OBA; chair, OBA Task Force on Tort Reform; chair, Bar Center Facilities Committee; vice chairman, Bench and Bar Committee (2005); member, Access to Justice Advisory Committee; member, Work/Life Balance Committee; Oklahoma County Bar Association past president and former director; former chair of Oklahoma County Bar Law Day Committee and Fee Grievance and Ethics Committee; former chair of Oklahoma County Bar Legal Aid Fundraising Drive; member of Oklahoma County Bar Task Force for Work/Life Balance and numerous other county bar committees; trustee and benefactor fellow of Oklahoma Bar Foundation; fellow, American College of Trial Lawyers; fellow, American Bar Foundation; master emeritus of William J. Holloway Jr. Inn of Court; past president, past counselor, former member of Executive Committee of William J. Holloway Jr. American Inn of Court; recipient of Presidents Award, 1999; Service Award, 2000; Presidents Award, 2001.

2008 Nominees

President-Elect

Jon K. Parsley, Guymon



Jon K. Parsley is a sole practitioner in Guymon, Oklahoma. He received a Bachelor's degree from Central State University in Edmond in 1991. Mr. Parsley received his Juris Doctor Degree from the University of Oklahoma College of Law. He was admitted to the Oklahoma Bar Association in 1994. His practice is very

general with an emphasis in litigation. He is also admitted to practice before the U.S. District Court for the Western District of Oklahoma. Mr. Parsley was the chairperson of the OBA Young Lawyer's Division in 2002. He was then elected as the Governor from District 4 and served on the OBA Board of Governors from 2004-2006. Mr. Parsley is a member of the American Bar Association, Oklahoma Trial Lawyers Association, and the American Association for Justice. Mr. Parsley is a benefactor fellow of the Oklahoma Bar Foundation.

Vice President

Michael C. Mordy, Ardmore



Mike Mordy received his undergraduate degree from the University of Oklahoma and earned his J.D. from Oklahoma City University Law School. He has practiced civil law in Ardmore since 1983. He is past president of the Carter County Bar Association and has served on the OBA Board of

Governors from 2004-2006. He will serve on the Oklahoma Bar Foundation Board of Trustees beginning Jan. 1, 2008. He is married to Christy, and they have two grown children who live in Denver and San Francisco.

Supreme Court Judicial District Two

Jerry L. McCombs, Idabel



Received his undergraduate degree in English from Central State University and his law degree from Oklahoma City University. He has been in the private practice of law since 1975. He is currently a senior partner in LeForce & McCombs PC, a seven-lawyer firm located in Idabel and founded in 1994. He has

practiced in many areas of the law, but is now engaged primarily in trial work. McCombs' legal career has included two terms on the Oklahoma Council on Judicial Complaints and service as a board member on the Oklahoma Bar Foundation. He is a member of the Oklahoma and Arkansas bar associations and is admitted to federal practice in Oklahoma, Arkansas and Texas. He and his wife, Joyce, live in Idabel where McCombs was born and raised. They have two children and four grandchildren.

Supreme Court Judicial District Eight

James T. Stuart, Shawnee



Jim Stuart was born on March 18, 1953, in Shawnee. He graduated from Shawnee High School in 1971. He earned his business administration degree from Central State University (now University of Central Oklahoma) in 1975. He entered the TU School of Law in fall 1975, graduating in 1978 with a J.D. He returned to Shaw-

nee in 1979 as an associate with the Law Firm of Miller, Peters and Diamond, established pre-statehood in 1904, and has been a partner of the firm ever since, emphasizing his practice in the areas of real property, probate and trusts, oil and gas, banking, and commercial law and litigation. Jim holds an "AV" rating through Martindale-Hubbell Law Directory and his firm has been

named to its Bar Register of Preeminent Lawyers. Remains active in Shawnee civic affairs and a number of service organizations: Shawnee Rotary Club 1984 president; named a "Paul Harris Fellow" by the Rotary Foundation; Shawnee Area Y.M.C.A. past president; Shawnee Golf and Country Club; Shawnee Educational Foundation; Shawnee Economic Development Foundation and Project Safe (domestic abuse prevention); and has served as an officer/board member of the Volunteer Health Clinic of Pottawatomie County, Shawnee Area Chamber of Commerce, Salvation Army, Pottawatomie County Historical Society, Shawnee Area United Way, Shawnee Habitat for Humanity, Unity Health Foundation, Youth & Family Resource Center, Shawnee High School Alumni Museum, the Shawnee Community Foundation, the Fleeta Greenwood Foundation, and the Shawnee Interfaith Hospitality Network. Jim also served as a board member and vice-chairman of the City of Shawnee Housing Authority. Jim is currently a member of the Oklahoma Baptist University-Shawnee Advisory Board, and is a contributing member of the *Shawnee News-Star* Editorial Board. Jim was an Advisory Director to State Federal Savings and Loan Association of Shawnee. One of the original organizers of "Leadership Oklahoma," a statewide leadership organization, and participated as a member of its Leadership Class IV. He served as a director of the OBA/YLD, and is a Fellow of the Oklahoma Bar Foundation. Jim served by Supreme Court appointment on a Temporary Panel of the Oklahoma Court of Appeals in 1991. Jim currently serves as a Supreme Court Justice of the Absentee Shawnee Tribe of Indians. Jim served as president of the Pottawatomie County Bar Association, and has been a multi-term county delegate to the OBA Annual Meeting. Jim currently serves on the OBA Awards Committee, and is a member of the *Oklahoma Bar Journal* Board of Editors.

Supreme Court Judicial District Nine

W. Mark Hixson, Yukon



Mark Hixson is a native Oklahoman in private practice in Yukon. He received his B.A. from Conception College, Conception, Mo., in 1989 and his J.D. from the University of Oklahoma in 1992. He is a Canadian, Kingfisher and Blaine County Indigent Defense Contractor and the Yukon Juvenile Defender. Mr.

Hixson was a special judge for Oklahoma City Municipal Court from 1997 – 2002. He was honored as the OBA Outstanding Young Lawyer in 1998. He is a two-time Canadian County Bar Association President in 1997 and 1998 (1997 Outstanding County Bar Association); a member of the OBA House of Delegates, 1996-2002, 2004, 2006-2007; and is a Benefactor Fellow of the Oklahoma Bar Foundation. He is a member or has been a member of the Communications Task Force, 2006-2007; Criminal Law Committee, 1997-2002, 2002 vice chairman; Rules of Professional Conduct Committee, 1998-2006; Ethics Committee, 2003-2005; Strategic Planning Committee, 1999-2001; Litigation Section, 2003 chairman, Planner/Moderator Litigation Track CLE, 2003, 2004; Family Law Section; Criminal Law Section; Oklahoma Criminal Defense Lawyers Association; and the U.S. Supreme Court Historical Society. Mr. Hixson is a member of St. John Nepomuk Parish, Yukon, where he is a lector, a Knight of Columbus and Kindergarten soccer coach for St. John Nepomuk School. He is a member of the First Families of the Twin Territories, Oklahoma Genealogical Society; member of the Oklahoma Historical Society, an instructor for the Canadian County Reserve Officer Training Academy, 1996-current; and sits on the Canadian County Community Sentencing Planning Council, 2004-current. He has appeared in "Who's Who in America," "Who's Who in American Law" and "Who's Who in American Law Schools." He is a lifetime member of the National Eagle Scout Association. Mr. Hixson has been an Oklahoma High School Mock Trial scoring panelist, 1995-1999, 2001, 2004-2007; Yukon High School Mock Trial team attorney-coach, 2000, 2002; regional finals Judge, National Law School Trial Competition, 2002;

and a judge for the OU moot court competition, 1991, 1995-2001.

Supreme Court Judicial District Nine

O. Christopher Meyers II, Lawton



O. Christopher Meyers, born Shawnee, May 6, 1944; Education; University of Oklahoma - B.B.A. (finance and accounting) 1966; University of Oklahoma - J.D. 1969; Georgetown University - L.L.M. (in taxation) 1972; certified public accountant. Admitted to practice before the Oklahoma

Supreme Court and all other Oklahoma courts; U.S. Tax Court, U.S. Court of Claims; U.S. District Courts in Oklahoma, Texas and Arkansas, 10th and 8th U.S. Circuit Courts of Appeal; U.S. Supreme Court. Member Comanche County Bar Association (president 1980); Oklahoma Bar Association (president Taxation Section 1988); Member Founding Board of Directors of Oklahoma Bar Professional Liability Insurance Company; American Bar Association; Oklahoma Trial Lawyers Association; Oklahoma Society of Certified Public Accountants.

Member-At-Large

Jack L. Brown, Tulsa



Jack Brown is the hiring partner and vice president of Tulsa law firm of Jones, Gotcher and Bogan PC with practice emphasis in business law and litigation, individual and corporate trusts, estate planning/probate law. In these areas, he has provided representation to clients for over 20 years. He also provides clients with

management of other counsel engaged for complex litigation and specialized matters. Throughout his career as an attorney in private practice, he has served in leadership positions in both service to the public and to the legal profession. He currently serves as chair of the OBA Bench and Bar Committee through 2007. Received "AV" rat-

ing from Martindale-Hubbell in 1989 and was appointed by the Oklahoma Supreme Court to serve on a lawyer staffed panel of the Oklahoma Court of Appeals in 1993. Elected to American Bar Association Board of Governors in 1993; appointed vice-chair Program and Planning Committee in 1995-96; former liaison to Young Lawyers Division, Standing Committee on the Law Library of Congress, Steering Committee on the Unmet Legal Needs of Children, Section of Legal Education Commission to Assess the Standards for Accreditation of Law Schools, Standing Committee on Legal Assistants, and Section of Urban, State and Local Government Law. Appointed by Mayor Rodger Randle to five-year term on the Tulsa Metropolitan Utility Authority and City of Tulsa Utility Board in 1988. These entities establish rates and make policy for the water and sewer utilities serving the greater Tulsa metropolitan area. Board chairperson in 1992, also chaired Board Finance and Planning Committees. Elected to OBA Board of Governors in 1992, and served as chairperson of Young Lawyers Division. Elected to the ABA House of Delegates by Tulsa County Bar Association for 1997-1998; re-elected for term 1999-2000; and re-elected for term 2001-2002; appointed ABA Judicial Division alternate delegate 2003. Appointed to ABA Judicial Division Lawyers Conference; chair 2003-2005; past chair of the Judges Network, a nationwide Web-based delivery mechanism of programming on public trust and confidence in the U.S. system of justice, 2000-2004. Appointed by Gov. David Walters to Oklahoma Task Force on Volunteerism in 1991. Selected to Hillcrest Healthcare Foundation Board in 1992, and served as chair of corporate underwriting committee in 1993-94 and president in 1994-95 of Associates Program. Appointed to vice-chair Blue Ribbon Task Force of the OBA in 1997 to develop and implement a mandatory post admission program for new bar admittees. Selected to Legal Services of Eastern Oklahoma Inc. Board of Directors in 1998 and led merger with Western Oklahoma program in 2001 to create Legal Aid Services of Oklahoma, with service continuing as president for 2006; served as past chair of Foundation fund-raising committee which successfully raised \$1 million in a three-year campaign, and chair of Long-Range Planning Committee, and chair of Budget and Audit Committee; chair Executive Director Search Committee (twice). Received the 2001 Pro Bono Award for devoting significant community service on the Board of Directors for Legal Services of Eastern Oklahoma, the Long-Range Planning Committee, the Foundation Committee of the Campaign for Legal Services, and the Joint Committee on Consolidation.

2007 House of Delegates

Delegate certification should be sent to OBA Executive Director John Morris Williams in order for names to appear in print in the bar journal and to be included in the House of Delegates agenda book.

COUNTY	DELEGATE	ALTERNATE
ADAIR.....	Ralph F. Keen II.....	Kathryn René Morton
ALFALFA.....	Marcus Andrew Jungman.....	
ATOKA.....	Pethi C. Hayes-Gabbard.....	Judge. J. Douglas Gabbard II
BEAVER.....	Jerry Lee Venable.....	Christopher Todd Trippet
BECKHAM.....	Brian Joseph Henderson.....	Thomas R. Pixton
BLAINE.....	Daniel G. Webber.....	F. Douglas Shirley
BRYAN.....	Payton L. Phelps.....	Don Michael Haggerty II
CADDO.....		
CANADIAN.....	W. Mark Hixson.....	Sharon Gayle Fore
	Roger D. Everett.....	Judge Edward C. Cunningham
	Khristan K. Strubhar.....	Gregory Kyle Parker
CARTER.....	Michael Charles Mordy.....	Darryl F. Roberts
	Judge Thomas S. Walker.....	Mary Elizabeth Clark
CHEROKEE.....	Jerry Scott Moore.....	Mackenzie Hamilton Jessie
CHOCTAW.....	John Brandon Hill.....	Alan Michael Perry
CIMARRON.....	Stanley Ed Manske.....	Judge Ronald L. Kincannon
CLEVELAND.....	Golda Long.....	Holly Iker
	Michael Tupper.....	Ben Odom
	Craig Sutter.....	John H. Sparks
	Judge Stephen Bonner.....	Amelia Pepper
	Judge Lori Walkley.....	Tracy Schumacher
	Peggy Stockwell.....	Blaine Nice
	Sandee Coogan.....	David Ponder
	Jan Grant-Johnson.....	Blake Virgin
	Henry Herbst.....	Sara McFall
	Jan Meadows.....	Cindee Pichot
	Richard Stevens.....	Richard Wall
	Gary Rife.....	John Graves
	Robert L. Pendarvis.....	Roger Housley
	Micheal Salem.....	Debra Loeffelholz
	Jim Pence.....	
	Jim Drummond.....	
COAL.....	Trae Gray.....	D. Clay Mowdy
COMANCHE.....	Dietmar K. Caudle.....	John Daniel Munkacsy Jr.
	Chandra L. Holmes-Ray.....	Gene Scott Ray
	Orin Chris Meyers II.....	Charity Dawn Stubblefield
COTTON.....	Kathleen Flanagan.....	Michael Charles Flanagan
CRAIG.....	O.B. Johnston III.....	Kent Ryals
CREEK.....	Lauren L. Allison.....	Judge Richard A. Woolery
	Michael Alan Souter.....	Charles D. Watson Jr.
CUSTER.....	Donna Lynn Dirickson.....	Debra Annett

DELAWARE.....	Lee Griffin Eberle	Christianna L. Wright
DEWEY.....	Judge Rick M. Bozarth	Judge Robert William Collier
ELLIS.....	Joe Lee Jackson	Laurie E. Hays
GARFIELD.....	Randy James Long	David G. Trojan
	David C. Henneke.....	Bradley A. Gungoll
GARVIN.....	Daniel Thomas Sprouse	Judge John Alexander Blake
GRADY.....		
GRANT.....	Judge Jack D. Hammontree Jr.	Harvey Joe Bush
GREER.....		
HARMON.....	David L. Cummins	Judge Winford Mike Warren
HARPER.....	Judge G. Wayne Olmstead	Murray Marcus Holcomb
HASKELL.....	Thomas H. Conklin III	
HUGHES.....	Robert Leo Irby	James Andrew Simms
JACKSON.....	John Holman Weigel	Judge Carol S. Mollison
JEFFERSON.....	William Wayne Eakin	James Harley Ivy
JOHNSTON.....	Chad Doyle Upton	Laura Jane Corbin
KAY.....	Christin Paige Lee	Todd Rogene Burlie
	David Ross Bandy	Kenneth Wayne Lee
KINGFISHER.....		
KIOWA.....	Thomas Welborne Talley	Anthony George Mitchell
LATIMER.....	F. Nils Raunika.	Douglas G. Dry
LEFLORE.....	Randy H. Lawson	S. Stephen Barnes
LINCOLN.....	Gregory A. Upton	
LOGAN.....	Timothy Wayne Green	Jeffrey L. Hirzel
LOVE.....	Richard A. Cochran Jr.	Paulé Thrift Haggerty
MAJOR.....	Judge N. Vinson Barefoot.....	Mitchell Aaron Hallren
MARSHALL.....	Judge Richard Allan Miller	Jeffrey Scott Landgraf
MAYES.....	Sharon Kay Phillips	Judge James D. Goodpaster
MCCLAIN.....	Bob A. Smith	Leland Woodyard Shilling
MCCURTAIN.....	Judge Michael D. DeBerry	Jerry L. McCombs
MCINTOSH.....		
MURRAY.....	Phil S. Hurst.....	Judge John H. Scaggs
MUSKOGEE.....	Chad Alexander Locke.....	Larry Gene Vickers Jr.
	Carman D. Rainbolt	Ponie Lance McCrary
	James Richard McClure	John C. Williams III
NOBLE.....	Sherry Wallace DeBord	
NOWATA.....		
OKFUSKEE.....		
OKLAHOMA.....	Charles E. Geister III.	Tracy Pierce Nester
	Judge Bryan C. Dixon.....	Gary W. Derrick
	Jim Kirk.	Keith F. Givens
	Judge Vicki L. Robertson	Judge Philippa James
	Rex Travis	Mark A. Clayborne
	Judge Robert E. Bacharach.....	Heidi J. Long
	Judge Allen J. Welch	Robert N. Sheets
	Judge Kenneth L. Buettner	John E. Miley
	Hugh A. Baysinger	Richard A. Riggs
	Timothy J. Bomhoff.....	Stephen A. Coleman
	John W. Norman	Daniel J. Morgan
	Charles F. Alden III.....	Randall L. Sewell
	Travis A. Pickens	Linda Samuel-Jaha
	Benjamin J. Butts	Jennifer L. Thompson

	Julie E. Bates	Sheila D. Barnes
	Michael W. Brewer	Celeste T. Johnson
	Sally B. Gilbert	K. Nicholle Jones Edwards
	Kevin D. Gordon	Todd Blasdel
	D. Renee Hildebrant	Jim Webb
	Judge Glenn Jones	Leslie L. Lynch
	Larry M. Spears	Timothy E. Rhodes
	Judge Carol Hubbard	Amy J. Pierce
	Judge Timothy D. DeGiusti	Ken Felker
	Laura McConnell-Corbyn	Richard L. Rose
	David W. Kisner	Shanda McKenney
	Judge E. Bay Mitchell III	Timothy Henderson
	George W. Dahnke	Debra Charles
	John Heatly	Myra P. Kaufman
	Judge Page Morgan	Ashley Bowen Murphy
	M. Courtney Briggs	Alan Bardell
OKMULGEE	Lou Ann Moudy	Javier Ramirez
OSAGE	Jesse J. Worten III.	Steven George Venturi
OTTAWA	Charles W. Chesnut	Erik Christopher Johnson
PAWNEE	Shannan Gwen Tucker	
PAYNE	Keri Gayle Williams	Susan Colleen Worthington
	Cory Thomas Williams	James Von Murray
	Katherine Elder Thomas	Jodie Lyn Gage
PITTSBURG	Michael W. Hogan	Brett Daniel Cable
PONTOTOC	Deresa Carol Gray Clark	Jason David Christopher
	Kaycie Michelle Sheppard	T. Walter Newmaster
POTTOWATOMIE	James T. Stuart	Greg Jackson
	Joe Vorndran	John Canavan
PUSHMATAHA	James Thomas Branam	Jacqueline Jo Perrin
ROGER MILLS	F. Pat Versteeg	Newell E Wright Jr.
ROGERS	Larry Ernest Rahmeier	
	Leslie A. Ellis Kissinger	
SEMINOLE	R. Victor Kennemer II.	William Donald Huser
SEQUOYAH	Kent S. Ghahremani	John Thomas Cripps III
STEPHENS		
TEXAS	Jon K. Parsley	Megan L. Kennedy (Simpson)
TILLMAN	Bradford Lee Benson	Clyde H. Amyx II
TULSA	Robert S. Farris	Kurt G. Glassco
	Ret. Judge David E. Winslow	Jack L. Brown
	Judge Millie Otey	Theodore P. Gibson
	S. Douglas Dodd	Vivian C. Hale
	Larry D. Leonard	Gregory G. Meier
	C. Michael Zacharias	David M. Thornton Jr.
	Judge Charles R. Hogshead	Keith A. Jones
	Kenneth L. Brune	Lori Moon Kastner
	William G. LaSorsa	Shelton Benedict
	B. Darlene Crutchfield	Stephen J. Greubel
	Karen E. Langdon	J. Travis Barnett
	Leonard Pataki	Barbara J. Eden
	Ronald N. Ricketts	Julie Evans
	Anne B. Sublett	Dwight L. Smith
	Hugh V. Rineer	Mary Katherine Saunders
	Allen M. Smallwood	Blake R. Givens
	Martha Rupp Carter	Molly A. Bircher
	Mark W. Dixon	William E. Farrior
	James R. Gotwals	D. Kenyon Williams Jr.
	Phil Frazier	Trisha Linn Archer

	Sharon L. Corbitt	Robert P. Coffey Jr.
	D. Faith Orlowski	J. Christopher Davis
	Patrick O'Connor	Chad Christopher Taylor
	John R. Woodard III	John Thomas Hall
	Robert B. Sartin	Chris Camp
	Renee DeMoss	Matthew R. Dowdell
	Steven Balman	
	Wm. Brad Heckenkemper	
	Ron Main	
	Thomas P. Nally	
WAGONER	Kenneth A. Hicks	
WASHINGTON		
WASHITA	Christopher S. Kelly	Walter Scott Mason III
WOODS	Larry L. Bays	Ronald Wayne Bittle
WOODWARD	Jean Lea Foard	Bryce L. Hodgden

JUDICIAL CONFERENCE

	<i>DELEGATES</i>	<i>ALTERNATES</i>
District Judge	Judge J. Michael Gassett	Judge Richard G. VanDyck
Associate District Judge	Judge Mickey J. Hadwiger	Judge Norman L. Russell

MEMBERS AT LARGE (Past Presidents)

William R. Grimm
 Michael D. Evans
 Harry A. Woods Jr.
 Melissa DeLacerda
 Gary C. Clark
 Charles D. "Buddy" Neal Jr.
 M. Joe Crosthwait Jr.
 Douglas W. Sanders Jr.
 John A. Gaberino Jr.
 William J. Baker
 J. Duke Logan
 Sidney G. Dunagan
 Bob W. Rabon
 Andrew M. Coats
 R. Forney Sandlin
 Michael Burrage
 Anthony M. "Tony" Massad
 Burck Bailey
 David K. Petty
 James R. Eagleton
 Judge Paul M. Vassar
 John L. Boyd
 Leslie L. Conner Jr.
 William G. Paul
 C.D. Northcutt
 Judge Thomas R. Brett
 Winfrey D. Houston



103rd

OBA Annual Meeting

Sheraton Hotel

Oklahoma City

Nov. 7-9, 2007

*All events will be held at the Sheraton Hotel
unless otherwise specified.*

TUESDAY, NOVEMBER 6

OBA REGISTRATION.....4 – 7 P.M.
Sheraton Lobby

OKLAHOMA FELLOWS OF
THE AMERICAN BAR
FOUNDATION DINNER6:30 – 9:30 P.M.

WEDNESDAY, NOVEMBER 7

OBA REGISTRATION.....8 A.M. – 5 P.M.
Mall Pavillion

OBA HOSPITALITY AREA8 A.M. – 5 P.M.
Mall Pavillion

ART SHOW REGISTRATION.....8 – 11 A.M.
Room 273, Mall Pavillion

OKLAHOMA FELLOWS OF
THE AMERICAN BAR
FOUNDATION8:30 – 9:30 A.M.
Skirvin Hilton Hotel

BOARD OF BAR EXAMINERS 8:30 A.M. – NOON
Frontier

OBA/CLE SEMINAR.....8:30 A.M. – 5 P.M.

*See seminar program for speakers
and complete agenda*

CRIMINAL LAW	19th Century Ballroom
FAMILY LAW	18th Century Ballroom
TRANSACTIONAL LAW	Green Country
NUTS & BOLTS	Plaza South Ballroom
LITIGATION	20th Century Ballroom

OU COLLEGE OF LAW
ALUMNI RECEPTION
AND LUNCHEON..... 11:15 A.M. – 1:30 P.M.
*Petroleum Club
Dining Room, 34th Floor*

OUTSTANDING SENIOR LAW SCHOOL STUDENT
AWARD
Alicia Currin-Moore

TU COLLEGE OF LAW
ALUMNI LUNCHEON
AND RECEPTION 11:30 A.M. – 1:30 P.M.
Red Carpet

OUTSTANDING SENIOR LAW SCHOOL STUDENT
AWARD
Misty Watt

OCU COLLEGE OF LAW
ALUMNI LUNCHEON.....NOON – 1:30 P.M.
Plaza North Ballroom

OUTSTANDING SENIOR LAW SCHOOL STUDENT
AWARD
Joshua Brannon

CRIMINAL LAW SECTION
LUNCHEON.....NOON – 1:30 P.M.
*Petroleum Club
Devon Room, 35th Floor*

SPEAKER:



*David Iglesias,
Albuquerque, NM
Former U.S. Attorney*

TOPIC: *When Justice Loses Its Way*

BOARD OF GOVERNORS MEETING2 – 4 P.M.
Kiamichi

BOARD OF EDITORS.....3:30 – 5 P.M.
Boardroom

LAW DAY COMMITTEE.....5 – 6:30 P.M.
Great Plains

FRIENDS OF BILL W.5 – 6 P.M.
Frontier

PRESIDENT'S RECEPTION — PASSPORT
TO WINE COUNTRY7 – 9 P.M.
*(Free for everyone 19th Century Ballroom
with meeting registration)*

*Join President Stephen Beam in a wine tasting
event that will capture the atmosphere of the Napa
Valley. Each attendee receives two drink tickets.*

Entertainment:
*The Burton Band, Oklahoma City's
own jazz group.*

SPONSOR:
LEGAL DIRECTORIES PUBLISHING COMPANY INC.

PAST PRESIDENTS' DINNER8 – 10 P.M.
Petroleum Club, 36th Floor

AMERICAN IDOL – OBA STYLE9 – 11 P.M.
Plaza North Ballroom

*Entertainment: Watch fellow OBA members
compete for the title of OBA Idol in this
entertaining spin off of the hit TV show,
American Idol. Admission is free.*

Featuring: Eskimo Joe's Road Crew

THURSDAY, NOVEMBER 8

GENERAL PRACTICE/SOLO
& SMALL FIRM SECTION8 – 9 A.M.
Great Plains

SPEAKER: *Jim Calloway, OBA Director of
Management Assistance Program,
Oklahoma City*

TOPIC: *New Programs to Help Make your
Practice Run Better – FastCase,
CoreVault and the Oklahoma Bar Law
Firm Merchant Program*

AMERICAN COLLEGE
OF TRIAL LAWYERS.....8 – 9 A.M.
Kiamichi

OBA HOSPITALITY AREA 8 A.M. – 5 P.M.
Mall Pavillion

SPONSOR: BEALE PROFESSIONAL SERVICES

OBA REGISTRATION..... 8 A.M. – 5 P.M.
Mall Pavillion

OKLAHOMA TRIAL
LAWYERS ASSOCIATION 8:30 A.M. – 4 P.M.
Cox Center Room 4

FAMILY LAW SECTION 8:30 A.M. – 4 P.M.
Cox Center Room 3

CREDENTIALS COMMITTEE 9 – 9:30 A.M.
Boardroom

OBA/CLE PLENARY
SESSION 9 – 11:50 A.M.
Plaza North Ballroom

EARL SNEED AWARD
Ben Brown, Oklahoma City

MODERATOR: *Judge Edward Cunningham*

PANELISTS: William Peterson, *Pontotoc County*
district attorney
Mark Barrett, *defense attorney*
Stephen Saloom, *policy director*
for the Innocence Project
Dennis Fritz, *exonerated by*
DNA evidence
David Prater, *Oklahoma County*
district attorney
Christy Shepherd, *cousin of the*
murder victim
Chris Ross, *Pontotoc County first*
assistant district attorney

ESTATE PLANNING PROBATE
AND TRUST SECTION 10 – 11:45 A.M.
Red Carpet

RULES AND BY-LAWS
COMMITTEE 10 – 10:30 A.M.
Boardroom

OBA RESOLUTIONS
COMMITTEE 10:45 – 11:45 A.M.
Boardroom

OBA ANNUAL LUNCHEON
FOR MEMBERS, SPOUSES
AND GUESTS NOON – 1:45 P.M.
(\$30 with meeting registration) 19th Century Ballroom

OBA ARTIST OF THE YEAR
(to be announced at the luncheon)

JUDICIAL EXCELLENCE AWARD
Judge Ray Dean Linder, Alva
Judge Sam A. Joyner, Tulsa

LIBERTY BELL AWARD
Oklahoma Educational Television Authority,
Oklahoma City

JOE STAMPER DISTINGUISHED SERVICE AWARD
Winfrey Houston, Stillwater

ALMA WILSON AWARD
Denny Johnson, Tulsa

GOLDEN GAVEL AWARD
OBA Member Services Committee,
Debra Charles, Chair

NEIL E. BOGAN PROFESSIONALISM AWARD
Judge Bana Roberts, Oklahoma City

JOHN E. SHIPP AWARD FOR ETHICS
Sidney G. Dunagan, Oklahoma City

PRESIDENT'S AWARDS
(to be announced)

FEATURING:



Ben Stein
Actor, Author, Lawyer

SPONSOR: THOMSON WEST

BEN STEIN BOOK SIGNING 1:45 - 2:45 P.M.
(Books available for purchase) Kiamichi

PROFESSIONALISM COMMITTEE 2 - 3 P.M.
Great Plains

PARALEGAL COMMITTEE 2 - 3 P.M.
Frontier

COUNCIL ON JUDICIAL
COMPLAINTS 2 - 3 P.M.
Hidalgo

MCLE COMMISSION 2 - 3:30 P.M.
Boardroom

ACCESS TO JUSTICE COMMITTEE 2 - 4 P.M.
Cherokee

PAYNE COUNTY BAR
ASSOCIATION RECEPTION 2 - 4 P.M.
*(Honoring Concierge Lounge, 15th Floor
Winfrey Houston
and Keri Williams)*

REAL PROPERTY LAW SECTION 2 - 4 P.M.
Cox Center 10

OKLAHOMA CRIMINAL DEFENSE
LAWYERS ASSOCIATION 2 - 4 P.M.
Cox Center 11

BANKRUPTCY AND
REORGANIZATION SECTION 2 - 4 P.M.
Cox Center 12

LAW OFFICE MANAGEMENT
AND TECHNOLOGY SECTION 2 - 4 P.M.
Cox Center 5

OBA/CLE LIFE TO THE FULLEST:
PSYCHOLOGICAL RESOURCES
FOR US AND OUR CLIENTS 3 - 4:15 P.M.
*(OBA Annual Meeting Plaza South Ballroom
Registration not required
for admission)*

PROGRAM:

Practicing from the Shadows:
Depression and the Legal
Profession DVD Presentation

Life and Law: Dealing with
Depression and Addiction;
A Panel Discussion

MODERATOR:

*Clif Gooding, The Gooding Law
Firm, P.C., Oklahoma City*

PANELISTS:

*John Cullen, Specialized Outpatient
Services, Oklahoma City*

*Deborah Gray, LifeFocus
Counseling Services,
Oklahoma City*

*John McShane, The Law Offices of
John V. McShane, P.C., Dallas*

*John Albert, Mike Arnett &
Associates, Oklahoma City*

*Julie Simmons Rivers, Family Law
Solutions, Oklahoma City*

SPONSOR:
LAWYERS HELPING LAWYERS COMMITTEE

BENCH AND BAR COMMITTEE3 – 5 P.M.
Plaza North Ballroom

OKLAHOMA BAR FOUNDATION
BOARD OF TRUSTEES.....3:30 – 5:30 P.M.
Green Country

DIVERSITY COMMITTEE FORUM4 – 5 P.M.
Red Carpet

FEATURING:



Alberto Mora
Vice President/General
Counsel, Wal-Mart

SPEAKERS: *Jimmy Goodman, Partner,*
Crowe & Dunlevy, Oklahoma City

Nancy Robertson, Senior Vice
President of Franchise Human
Resources, Sonic Corp.

TOPIC: *Do's and Don'ts on Diversity:*
Learning the Hard Way

LEGAL INTERN COMMITTEE4 – 5:30 P.M.
Great Plains

TAXATION LAW SECTION.....4 – 6 P.M.
Cox Center Room 9

MINERAL LAW SECTION4 – 6 P.M.
Cox Center Room 8

SPEAKER: *Bruce Kramer*
Professor, Texas Tech
University College of Law

TOPIC: *The Evolving Nature of the Split*
Estate and Other Developments
in Oil and Gas Law

OBA FUN WALK.....4 – 5 P.M.
(Cost is \$15)

Starting line at the corner of Sheridan and
Broadway. Registration taken up until starting
time. No Annual Meeting registration required for
participation. Donations accepted.
Proceeds go to Lawyers Helping Lawyers.

WORKERS' COMPENSATION
SECTION4 – 7 P.M.
Bricktown Brewery

LAWYERS HELPING
LAWYERS COMMITTEE4:15 – 5 P.M.
Plaza South

FINANCIAL INSTITUTIONS
& COMMERCIAL LAW
SECTION4:30 – 5:30 P.M.
Kiamichi

DIVERSITY COMMITTEE
RECEPTION.....5 – 6 P.M.
Red Carpet

FRIENDS OF BILL W.5 – 6 P.M.
Frontier

OBA LAW STUDENT DIVISION5:30 – 7:30 P.M.
Petroleum Club
Wilcox Room, 35th Floor

PRO BONO RECEPTION5:30 – 7:30 P.M.
18th Century Ballroom

OKLAHOMA BAR FOUNDATION
RECEPTION.....5:45 – 7:30 P.M.
Hartzog Conger, Cason & Neville Law Firm
16th Floor, Bank of Oklahoma Plaza,
201 Robert S. Kerr, Transportation
between Sheraton and BOK Plaza is provided.

YLD BOARD OF DIRECTORS
ANNUAL MEETING6:30 – 7:30 P.M.
Room 322

SWEET SOUNDS OF SINATRA7:30 – 9 P.M.
(Free for everyone Plaza North Ballroom
with meeting registration)

ENTERTAINMENT: Renee Anderson and Todd Clark
sing a medley of songs by
Crooner Frank Sinatra

SPONSOR: COREVAULT

VIVA LAS VEGAS CASINO NIGHT9 – 12 P.M.
(Free for everyone 19th Century Ballroom
with meeting registration)

ENTERTAINMENT: Elvis will be in the house

SPONSOR: OBA YOUNG LAWYERS DIVISION

FRIDAY, NOVEMBER 9

PRESIDENT'S BREAKFAST.....7:30 – 9 A.M.
(Cost will be \$20 Plaza North Ballroom
per ticket)

SPEAKER:



John Smith, OSU
Head Wrestling Coach,
Stillwater

TOPIC: Being the Best: In Sports and in Life

YLD FELLOWS BREAKFAST7:30 – 9 A.M.
Kiamichi

OBA DELEGATE
REGISTRATION 8 A.M. – NOON
19th Century Foyer

OBA/CLE 2007 RECENT
DEVELOPMENTS: AN OBA
ANNUAL CONVENTION
SAMPLER 8:30 A.M. – 4:20 P.M.
Plaza South Ballroom

OKLAHOMA BAR ASSOCIATION
GENERAL ASSEMBLY9 – 10 A.M.
19th Century Ballroom

TRAILBLAZER AWARD
John Green, Oklahoma City

OUTSTANDING COUNTY BAR AWARD
Carter County Bar Association
Oklahoma County Bar Association

HICKS EPTON LAW DAY AWARD
Payne County Bar Association
Pontotoc County Bar Association

OUTSTANDING YOUNG LAWYER AWARD
Keri Williams, Stillwater

OUTSTANDING SERVICE TO THE PUBLIC AWARD
Frank D. Hill, Oklahoma City
Don Shaw, Idabel

OUTSTANDING PRO BONO SERVICE
Lewis N. Carter, Tulsa
John Hermes, Oklahoma City

MAURICE MERRILL GOLDEN QUILL AWARD
Karen Youngblood, Lawton

WILLIAM G. PAUL OKLAHOMA JUSTICE AWARD
(to be announced)

GENERAL ASSEMBLY
SPEAKERS:

*Chief Justice
James R. Winchester
Oklahoma
Supreme Court*



*Presiding Judge
Gary L. Lumpkin
Oklahoma Court of
Criminal Appeals*

*Stephen D. Beam
President*



INDIAN LAW SECTION 9:30 – 11:30 A.M.
Green Country

OKLAHOMA BAR ASSOCIATION
HOUSE OF DELEGATES 10 A.M. – NOON
19th Century Ballroom

*J. William Conger
President-Elect, Presiding*



ELECTION OF OFFICERS & MEMBERS OF THE
BOARD OF GOVERNORS

APPROVAL OF TITLE EXAMINATION STANDARDS
RESOLUTIONS

BALLOT COMMITTEE 11 A.M. – NOON
Boardroom

ENVIRONMENTAL LAW
SECTION 11:30 A.M. – 2 P.M.
*Hall, Estill Law Firm
100 N. Broadway
Chase Tower, Suite 2900*

SPEAKER: *Steve Sowers, Oklahoma Energy
Resources Board*

TOPIC: *Update and Overview of the OERB*

OKLAHOMA FELLOWS OF THE
AMERICAN COLLEGE OF
TRUST & ESTATE COUNSEL
LUNCHEON MEETING 11:30 A.M. – 1 P.M.
Skirvin Hilton Hotel

CLE PROGRAM:
CONTEMPORARY ISSUES
IN ESTATE PLANNING 1 P.M. – 3 P.M.
Skirvin Hilton Hotel

*Immediately following luncheon meeting, a free
CLE program will be offered to anyone
interested in estate planning.*

HEALTH LAW SECTION
SOCIAL HOUR 4:30 – 6:30 P.M.
PROGRAM 5:30 – 6:30 P.M.
DINNER 6:30 – 7:30 P.M.
18th Century Ballroom

OBA/CLE Annual Meeting 2007

November 7

DAY 1

	<i>Family Law</i>	<i>Criminal Law</i>	<i>Transactional Law</i>	<i>Nuts & Bolts</i>	<i>Litigation</i>
	18th Century Ballroom	19th Century Ballroom	Green Country Room	Plaza South Ballroom	20th Century Ballroom
WEDNESDAY Registration 8 - 9 a.m.	Program Planners/ Moderators Lynn Worley	Program Planners/ Moderator Ben Brown Charlie Sifers	Program Planners/ Moderators Guy Jackson	Program Planners/ Moderators LeAnne McGill	Program Planners/ Moderators Renee DeMoss
Session 1 9 - 9:50 a.m.	The Interplay Between Property Division and Support Alimony David W. Echols	The Overture: Handling Juvenile Delinquent & Youthful Offender Cases Rene Gish Ben Brown Valerie Baker Jennifer Chance	Issues with a Digital Office Jim Calloway	Anatomy of a Trial: A Dramatic Run Through J. William Conger	Choreograph for Success: Liti- gation Tactics Dos and Don'ts Judge Patricia Parrish
Session 2 10 - 10:50 a.m.	Handling the Family Law Case Involving Military Personnel - An Update Bill LaSorsa	Walk the Line: Handling a Basic DUI Case Charles Sifers Jeff Sifers	Dim the Lights: Issues in Winding Down a Law Practice Gina Hendryx (ethics)	Selecting the Best Entity for Your Firm or Business Gary W. Derrick	The Grand Finale: How to Negotiate and Settle a Case Ed Able
Session 3 11 - 11:50 a.m.	Basic Guardian Ad Litem: Now that I am Here, What Do I Do? Noel Tucker	Putting the Parts Together: Anato- my of a Criminal Case Cheryl Ramsey	Bringing Down the House: Recent Issues with Real Estate Titles Senator Brian Crain	Everyday Ethical Dilemmas: What Would You Do? Gina Hendryx (ethics)	A Close Up: Basic HIPAA for Litigators Teresa Burkett

12-2 p.m. LUNCH (On your own)

Session 4 2 - 2:50 p.m.	It Takes a Village: Updated Grandparental Rights Law - The Old and New Mark Zannotti	Setting the Stage: The Anatomy of a Writ and a Criminal Appeal Cindy Danner	Critical Review: Top 10 Dos and Don'ts in Probate and Guardianship Practices Judge Linda Morrissey Judge Theresa Dreiling Judge Sheila Condren	Spotlight on Persuasion: Writing Briefs that Win Your Case Debra McCormick	Take a Cue: Electronic Discovery and Litigation Today Magistrate Judge Sam Joyner
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OBA/CLE Annual Meeting 2007

<i>cont'd</i>	<i>Family Law</i>	<i>Criminal Law</i>	<i>Transactional Law</i>	<i>Nuts & Bolts</i>	<i>Litigation</i>
Session 5 3 - 3:50 p.m. 50 Hot Tips: Technology to Improve Your Practice Panel Discussion 	50 Hot Tips: Technology to Improve Your Practice Panel Discussion 	It's About Timing: Representing Defendants Charged in Accelerations and Revocations Cases Kent Bridge 	Professor Wizard and the Magic Whiffle Dust - Avoiding an Explosion in Asset Protection Guy Jackson 	Effective File Management: From Paper to Electronic Systems Jim Calloway 	Handling the Talent: Cross-Examination of Expert Witnesses Ted Sherwood
Session 6 4 - 4:50 p.m. 	All the World is a Stage: The Family Law Ethics Players (ethics) 	Fourth Amendment Focus: A Search & Seizure Primer Jim Hughes 	There Aren't Any Small Businesses, Just Small Players: Issues in Representing a Small Business David Petty 	Best Practices & Strategies for Interviewing Clients and Witnesses Robin F. Fields 	Give 'Em the Ole Razzle Dazzle: Use of Technology in the Courtroom Dan Morgan Don Lovy

4:50 p.m. ADJOURN

November 8

DAY TWO

THURSDAY Registration 8 - 9 a.m.		
OBA/CLE Plenary Session 9 - 11:50 a.m.	Topic: <i>Isolated Events or System Failures - A Discussion of the Williamson and Fritz Cases</i>	Panel Discussion Featuring: William Peterson, Pontotoc County district attorney Mark Barrett, defense attorney Stephen Saloom, policy director for the Innocence Project Dennis Fritz, exonerated by DNA evidence David Prater, Oklahoma County district attorney Christy Shepherd, cousin of the murder victim Chris Ross, Pontotoc County first assistant district attorney

2007 Annual Meeting Registration Form

Please complete a separate form for each registrant.

Name _____ E-mail _____
 Badge Name (if different from roster) _____ Bar No. _____
 Address _____
 City _____ State _____ Zip _____ Phone _____
 Name of Non-Attorney Guest _____

Please change my OBA roster information to the information above. ☐ Yes ☐ No



Check all that apply:

- ☐ Judiciary ☐ OBF Fellow ☐ OBF Past President ☐ OBA Past President ☐ YLD Officer ☐ YLD Board Member ☐ YLD Past President
☐ Board of Bar Examiner ☐ 2007 OBA Award Winner ☐ Delegate ☐ Alternate ☐ County Bar President: County _____

☐ **YES! Register me for the 2007 Annual Meeting, November 7, 8 & 9, in Oklahoma City.**

Events will be held at the Sheraton Hotel. Registration fee includes continental breakfast in hospitality area, President's Reception ticket(s), The Sweet Sounds of Sinatra, convention gift, Vendors Expo, Art Contest and Viva Las Vegas Casino Night.

- **MEMBER:** ☐ \$50 through Oct. 12; \$75 after Oct. 12..... \$ _____
 ■ **NEW MEMBER** (Admitted after Jan. 1, 2007): ☐ Free through Oct. 12; \$15 after Oct. 12..... \$ _____
 ■ **LAW STUDENT DIV.** ☐ \$25 through Oct. 12; \$35 after Oct. 12 \$ _____
☐ I will submit an entry (or entries) in the Art Contest. (Submit art registration form by Oct. 12.
 Entry fee included in meeting registration.)
☐ I will participate in the OBA Walk that benefits Lawyers Helping Lawyers (_____ tickets @ \$10 each) \$ _____

I will be attending/participating in the following ticketed events in addition to my registration fee for Annual Meeting:

- ☐ **WED. & THURS.: CLE Multitrack** (_____ [0 or 1] ticket @ \$150 through Oct. 12; \$175 after Oct. 12;
and Plenary \$50 for new members through Oct. 12, \$75 after Oct. 12) \$ _____
☐ **THURSDAY & FRIDAY:** (_____ [0 or 1] ticket @ \$150 through Oct. 12; \$175 after Oct. 12;
CLE Plenary and Recent Developments \$50 for new members through Oct. 12, \$75 after Oct. 12). ... \$ _____
☐ **WED., THURS. & FRI.: CLE** (_____ [0 or 1] ticket @ \$250 through Oct. 12; \$275 after Oct. 12;
 \$75 for new members through Oct. 12, \$100 after Oct. 12) \$ _____
☐ **THURSDAY: Annual Luncheon** (_____ number of tickets @ \$30 each)..... \$ _____
☐ **FRIDAY: President's Breakfast** (_____ number of tickets @ \$20 each)..... \$ _____
☐ Please check here, if under the Americans with Disabilities Act you require specific aids
 or services during your visit to the OBA Annual Meeting. ☐ Audio ☐ Visual ☐ Mobile (Attach a written description of your needs.)

I will be attending the following ticketed events that do NOT require Annual Meeting registration:

- ☐ **WEDNESDAY: Law School Luncheon – (check one)** ☐ OCU ☐ OU ☐ TU
 (_____ number of tickets @ \$30 each)..... \$ _____
☐ **THURSDAY: I will attend the Free Mental Health CLE seminar at 3 p.m.** **TOTAL \$** _____

THREE WAYS TO REGISTER

- **ON SITE** Bring this form with you to the hotel and register in person.
 ■ **FAX** this registration form with credit card information to: (405) 416-7092.
 ■ **ONLINE** at www.okbar.org

CANCELLATION POLICY

Full refunds will be given through Oct. 26.
 No refunds will be issued after deadline.

PAYMENT OPTIONS:

- ☐ Check enclosed: Payable to Okla. Bar Association
 Credit card: ☐ VISA ☐ Mastercard
 Card # _____
 Exp. Date _____
 Authorized Signature _____

HOTEL ACCOMMODATIONS:

Fees do not include hotel accommodations. For reservations contact: Sheraton Hotel at (405) 235-2780. Call by Oct. 15 and mention hotel code: OK BAR for a special room rate of \$89 per night. For hospitality suites, contact Craig Combs at (405) 416-7040 or e-mail: craigc@okbar.org.



2007 OBA FUN WALK

REGISTRATION FORM

Grab your walking shoes and join the Oklahoma Bar Association and Lawyers Helping Lawyers Foundation for the first ever OBA Fun Walk during the 103rd Annual Meeting in Downtown Oklahoma City. All participants will receive a gift bag including a free pedometer. You don't have to be a lawyer to enter the Fun Walk. Everyone is encouraged to participate in this fun and beneficial event.

Fun Walk will be held on Thursday, Nov. 8 at 4 p.m. starting at the corner of Sheridan and Broadway at the Sheraton Hotel in downtown OKC. Registration taken up until starting time.

Cost: \$15

- Not registering for the Annual Meeting? Use this form to sign up.
- Attending the Annual Meeting? Use the meeting registration form to sign up.
- Not interesting in walking but want to contribute to the LHL Foundation? Use this form. Tax receipts will be provided.

To walk, make your check out to LHL Foundation and mail to:

Oklahoma Bar Association
P.O. Box 53036
Oklahoma City, OK 73152

Name _____ OBA Number _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-Mail _____

☐ I'm ready to walk.

☐ I'm skipping the walking but would like to donate.

Entry fee is non-refundable.

American Idol – OBA Style

An Annual Meeting Event
Wednesday, Nov. 7, 2007 • 9 – 11 p.m.

- Perform one song to wow celebrity judges
- Prizes for first, second & third places
- Limited to 15 individuals or groups
- Groups must include at least 1 OBA member
- Participants provide background music on CD
- OBA performers must register for the meeting

Fill out the form below.

Mail to: American Idol – OBA Style, OBA, P.O. Box 53036, OKC 73152

Fax to: 405.416.7001

Scan & e-mail to: idol@okbar.org

Name of act: _____

Your Name: _____

OBA #: _____

E-mail address: _____

If group, names of other performers:

_____ OBA # (if applicable) _____

_____ OBA # (if applicable) _____

_____ OBA # (if applicable) _____

_____ OBA # (if applicable) _____

Questions: E-mail idol@okbar.org

OBA Annual Meeting on the Web

For information on this year's Annual Meeting, "All the World's a Stage," visit www.okbar.org and click on Annual Meeting overview. There you'll find CLE tracks to attend, fun OBA activities to participate in and even register online if you haven't signed up yet. Up-to-date information is only a few clicks away, so surf over to the OBA homepage and find out what this year's Annual Meeting has to offer.

Bar Business

- Board Election
- Award Winners
- House of Delegates
- Resolutions
- Title Examination Standards

Online Registration

- Annual Meeting Registration form
- Forms available for American Idol — OBA Style and the OBA Fun Walk

Don't forget:

Sign up to attend this year's luncheon (\$30) and stick around afterwards for speaker Ben Stein's book signing. Meeting registration is required for luncheon attendance.

Sign up online for CLE registration.

To participate in CLE tracks, Annual Meeting registration is required. Registration is not required to attend the Lawyers Helping Lawyers Panel discussion or for participation in the Fun Walk, so lace up those walking shoes!



Events

- Wine Country
- Sounds of Sinatra
- President's Breakfast (featuring OSU wrestling head coach John Smith)
- Viva Las Vegas Casino Night

2008 OBA Board of Governors Vacancies

Nominating Petition Deadline was 5 p.m. Friday, Sept. 7, 2007

OFFICERS

President-Elect

Current: J. William Conger, Oklahoma City
Mr. Conger automatically becomes OBA president Jan. 1, 2008
(One-year term: 2008)

Nominee: Jon K. Parsley, Guymon

Vice President

Current: Jack S. Dawson, Oklahoma City
(One-year term: 2008)

Nominee: Michael C. Mordy, Ardmore

BOARD OF GOVERNORS

Supreme Court Judicial District Two

Current: Michael W. Hogan, McAlester
Atoka, Bryan, Choctaw, Haskell, Johnston, Latimer, LeFlore, Marshall, McCurtain, McIntosh, Pittsburg, Pushmataha and Sequoyah counties
(Three-year term: 2008-2010)

Nominee: Jerry L. McCombs, Idabel

Supreme Court Judicial District Eight

Current: R. Victor Kennemer III, Wewoka
Coal, Hughes, Lincoln, Logan, Noble, Okfuskee, Payne, Pontotoc, Pottawatomie and Seminole counties
(Three-year term: 2008-2010)

Nominee: James T. Stuart, Shawnee

Supreme Court Judicial District Nine

Current: Dietmar K. Caudle, Lawton
Caddo, Canadian, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa and Tillman counties
(Three-year term: 2008-2010)

**Nominees: W. Mark Hixson, Yukon
O. Christopher Meyers II, Lawton**

Member-At-Large

Current: Robert B. Sartin, Tulsa
(Three-year term: 2008-2010)

Nominee: Jack L. Brown, Tulsa

Vacant positions will be filled at the OBA Annual Meeting Nov. 7 - 9. Terms of the present OBA officers and governors listed will terminate Dec. 31, 2007.

Summary of Nominations Rules

Not less than 60 days prior to the Annual Meeting, 25 or more voting members of the OBA within the Supreme Court Judicial District from which the member of the Board of Governors is to be elected that year, shall file with the Executive Director, a signed petition (which may be in parts) nominating a candidate for the office of member of the Board of Governors for and from such Judicial District, or one or more County Bar Associations within the Judicial District may file a nominating resolution nominating such a candidate.

Not less than 60 days prior to the Annual Meeting, 50 or more voting members of the OBA from any or all Judicial Districts shall file with the Executive Director, a signed petition nominating a candidate to the office of Member-At-Large on the Board of Governors, or three or more County Bars may file appropriate resolutions nominating a candidate for this office.

Not less than 60 days before the opening of the Annual Meeting, 50 or more voting members of the Association may file with the Executive Director a signed petition nominating a candidate for the office of President-Elect or Vice President or three or more County Bar Associations may file appropriate resolutions nominating a candidate for the office.

See Article II and Article III of OBA Bylaws for complete information regarding offices, positions, nominations and election procedure. Bylaws are printed in the OBA 2007 Reference Guide (OBJ Vol. 78, No. 4 January 27, 2007) and election information appears on pages 251-253.

Credit Card Processing for Attorneys

The Oklahoma Bar Association is pleased to announce a recently negotiated credit card processing program designed specifically for law firms and solo practitioners. A Law Firm Merchant Account™ is a professional payment solution that correctly handles client funds. This program is not available through normal merchant services or banks; however, it is available through the OBA Member Program.



A Law Firm Merchant Account is a secure solution that safeguards and separates client funds into trust and operating accounts — completely avoiding the risk of commingling earned and unearned fees.

Even better through the OBA Member Program, there are no contract, application or monthly fees. Plus, you receive cost-saving processing rates and a level of personalized service not easily found elsewhere.

Opening a Law Firm Merchant Account is easy and helps your practice:

- safeguard and segregate client funds
- attract clients and win business
- improve cash flow and reduce collections.

The Law Firm Merchant Account is a relevant service that helps you manage the business of your practice better. Credit card acceptance is a proven marketing method that attracts clients and helps your firm win new business. It even doubles as a practice management tool by providing payment flexibility, guaranteeing timely payment and reducing firm billing and collection times.

If you are considering or already accept credit cards in your practice, we encourage you to confirm that your program is competi-

tive and can properly process transactions. Call for a no-obligation consultation with our partner Affiniscap Merchant Solutions toll free at (866) 376-0950 or visit www.affiniscap.com/oklahomabar.



"I would highly recommend a Law Firm Merchant Account to my colleagues and other members of the Oklahoma Bar Association. Every time I call I get a live person on the phone who is helpful and pleasant. I don't have to navigate a complex phone tree to speak to a live human. I appreciate having someone available to answer my questions. I also want to mention that the assistance provided at startup was particularly helpful. My personal account manager walked me through using the credit card machine and then walked my staff through the process. It was easier than I imagined, and the monthly transaction statements are clear and simple to follow."

Cathy M. Christensen
Oklahoma City
Board of Governors member

Committee Invites Review of Proposed Code of Judicial Conduct

By Jack L. Brown

In 2005, the American Bar Association released its preliminary report from the Joint Commission to Evaluate the Model Code of Judicial Conduct. It has been 16 years since the judicial ethics policies set forth in the Code of Judicial Conduct were subjected to comprehensive review. Over that period of time, several developments have occurred that suggested the need for reconsideration of the model code.

As a result of the preliminary report, the Bench and Bar Committee established the Oklahoma Model Code of Judicial Conduct Subcommittee to study the existing Oklahoma Model Code of Judicial Conduct and make recommendations to bring the Oklahoma Model Code current. Subcommittee chairs David Swank and Cathy M. Christensen led a team of Oklahoma judges and lawyers in an in-depth and comprehensive examination of Oklahoma's code. The final ABA report was issued in February 2007 requiring the subcommittee to redress its work on the revised Oklahoma Code of Judicial Conduct. Because of the need to utilize all resources of the Bench and Bar Committee to work on revisions to the code, the full Bench and Bar Committee took on the task.

The revised draft code is now available for viewing and comment by OBA members at www.okbar.org. Judges and lawyers are highly encouraged to submit comments on the proposed code online to the Bench and Bar Committee. **The deadline for comments is Jan. 31, 2008.** In March 2008, the committee will review all comments and consider any revisions to the draft proposed code and issue a final draft in April 2008. The draft code will be submitted to the OBA Board of

Governors for consideration and approval in the summer of 2008.

The 2007 code proposes both format and substantive changes to the 1990 code. Following a format similar to the ABA Model Rules of Professional Conduct, the 2007 code preserved the canons, which state overarching principles of judicial conduct, followed by enforceable black letter rules and comments that provide both aspirational statements and guidance in interpreting and applying the rules. The four canons and their numbered rules and comments were reorganized to provide topics under a functional arrangement. Canon 1 addresses the paramount obligations of judges to uphold the independence, integrity and impartiality of the judiciary and to avoid impropriety and its appearance; Canon 2 addresses solely the judge's professional duties as a judge; Canon 3 addresses extrajudicial and personal conduct; and Canon 4 addresses the political conduct of judges and judicial candidates.

Mr. Brown is Bench and Bar Committee chairperson.

On www.okbar.org

Click on the Code of Judicial Conduct link

You'll find:

- summary of the committee process
- link to the current Code of Judicial Conduct
- Proposed Code of Conduct for Oklahoma
- ABA Model Code of Judicial Conduct
- link to list of Bench & Bar Committee members
- link for comments that opens to a preaddressed e-mail


Appointment to 2008 OBA Committees

As attorneys, it is our duty to generate a positive impact on the legal profession, whether it be with our clients or our peers. One way for us to strengthen these efforts is to actively participate in an Oklahoma Bar Association committee.

Volunteering for an OBA committee gives you the opportunity to work with like-minded attorneys and judges from across the state while making measurable progress in our communities and our association.

If you are interested in being appointed to a committee, please log onto **www.okbar.org** and under "Other News," click "Sign up for a Committee" to select your desired committee. You may also complete the form below and return it to me by **Nov. 16, 2007**, by mail, fax or e-mail. Please limit your request to three committees. If I am unable to appoint you to a committee which you request, I will save your name for consideration by the 2009 OBA President or appoint you to another committee where there is a need.

Your involvement ensures that 2008 will be a productive year for the OBA. I look forward to serving with you.



J. William Conger, President-Elect

Standing Committees

- | | | | |
|------------------------------|--------------------------------|------------------------------------|---|
| • Access to Justice | • Disaster Response and Relief | • Lawyers with Physical Challenges | • Solo and Small Firm Conference Planning |
| • Awards | • Diversity | • Legal Intern | • Strategic Planning |
| • Bar Association Technology | • Evidence Code | • Legislative Monitoring | • Unauthorized Practice of Law |
| • Bar Center Facilities | • Group Insurance | • Member Services | • Uniform Laws |
| • Bench and Bar | • Law Day | • Paralegal | • Women in Law |
| • Civil Procedure | • Law-related Education | • Professionalism | • Work, Life Balance |
| • Clients' Security Fund | • Law Schools | • Rules of Professional Conduct | |
| • Communications | • Lawyers Helping Lawyers | | |

Note: No need to sign up again if your current term has not expired. Check 78 OBAJ 298 for terms.

Please Type or Print

Name _____ Telephone _____

Address _____ OBA # _____

City _____ State/Zip _____

FAX _____ E-mail _____

Committee Name

1st Choice _____

2nd Choice _____

3rd Choice _____

Have you ever served
on this committee?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

If so, when?
How long?

☐ Please assign me to only one committee.

☐ I am willing to serve on (two or three - circle one) committees.

Besides committee work, I am interested in the following area(s):

Mail: J. William Conger • c/o Oklahoma Bar Association • P.O. Box 53036
• Oklahoma City, OK 73152-3036 • Fax: (405) 416-7001 • E-Mail: debbieb@okbar.org

Custer County Bar Association

Hosts OBA Board of Governors



Before the OBA Board of Governors meeting this October, the Custer County Bar Association treated the board to an afternoon of golf and a steak dinner at the Custer County Bar Fall Bar Party.

◀ OBA Governor Donna Dirickson, OBA President Stephen Beam and Judge Charles L. Goodwin



Phil Fraim, Craig Combs and OBA Governor Bob Farris



Scott Mason, Pat Cornell and Dan Jacobsma



OBA Governor Dietmar Caudle, Judge Jerome Holmes and OBA YLD Chair Chris Camp



Paul Albert, David Duncan and Judge Gary L. Lumpkin

Isolated Events or System Failures? A Review of the Fritz and Williamson Cases and a Discussion About Where To Go From Here

**OBA/CLE Plenary Session
Thursday, November 8, 2007
Sheraton Hotel, Oklahoma City**

CLE CREDIT: This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 3 hours of mandatory CLE credit, including 0 hours of ethics.

Background:

Dennis Fritz, along with co-defendant Ron Williamson, was convicted in 1988 in Pontotoc County, Oklahoma for the murder of Debra Sue Carter. Her body had been found six years earlier. Fritz was sentenced to life in prison. Williams was sentenced to death. Fritz and Williamson were exonerated and released in April 1999. Williamson had, at one point, come within five days of execution. The two had been incarcerated respectively for eleven years. These cases are the subject of John Grisham's book, "An Innocent Man."

Program Moderator

Judge Edward C. Cunningham, District Judge for Canadian County, Yukon

Program:

- | | |
|------------------|---|
| 8:30 p.m. | Registration |
| 9:00 | The Defense Attorney's Perspective
Mark Barrett, Barrett Law Office, Attorney for Ron Williamson, Norman |
| 9:25 | The District Attorney's Perspective
William Peterson, District Attorney for Pontotoc County, Ada |
| 9:50 | Break |
| 10:00 | Enhancing Justice by Learning from DNA Exonerations
Stephen Saloom, Policy Director, Innocence Project, New York City |
| 10:50 | Break |
| 11:00 | A Panel Discussion
<u>Panelists</u>
William Peterson
Mark Barrett
Stephen Saloom
Christy Sheppherd, Cousin to Victim Debra Sue Carter, Ada
Dennis Fritz, Kansas City, MO
David Prater, Oklahoma County District Attorney, Oklahoma City
Chris Ross, First Assistant District Attorney for Pontotoc County, Ada |
| 11:50 | Adjourn |

It's as Simple as www.okbar.org

By John Morris Williams

It is that time of year our soon-to-be-new President Bill Conger will be making very important committee assignments. This year it is easier than ever to sign up. Just go to www.okbar.org, and it's one of the lead stories at the top of the page. You'll see a "sign up" link that takes you to a very-easy-to-fill-out form. Basically, all you have to do is put in your OBA number and make a selection. Your request will be forwarded to President-Elect Conger. Signing up for a committee has never been easier! Hats off to Rick Loomis and our Information Systems staff for developing this new system.

If you have not registered for the Annual Meeting, you are past the discount period – but you can still sign up. You can go online and sign up for this as well. President Beam and his Annual Meeting Task Force have a great meeting planned. If you have not registered yet, get 'er done.

Also, we are approaching that time of year when we notify members regarding their MCLE status. In order for you to get the confirmation electronically, WE MUST HAVE A CURRENT E-MAIL ADDRESS. You can update your e-mail address by going online to our Web site and signing into MyOkBar. As you may recall, we have changed

the reporting requirements for OBA members who have their hours properly recorded. Most OBA members will receive an e-mail confirming compliance and need to do nothing further. There are some circumstances that may require written reporting; however, checking your status at MyOkBar is a good place to start. In order for us to give you the best possible member service, it is essential that we have your current e-mail address. If you have not been receiving the monthly E-News or other electronic communications from us, there is a good chance that we do not have a good e-mail address for you. It is easy to confirm and change your e-mail

attorneys maintaining client trust accounts to have on file with the Office of the General Counsel a Trust Account Overdraft Reporting Agreement. Every lawyer maintaining a client trust account should become acquainted with this change to Rule 1.15. So this is one more thing you need to read online. A copy of the revised rules is located on the OBA Web site. At the beginning of the year, the OBA hopes to provide a nicely bound copy to every member. There are enough changes that I intend to attend a CLE on this subject, and I encourage you to do the same. Of course, you can sign up for one by going to www.okbar.org.

“ In order for us to give you the best possible member service, it is essential that we have your current e-mail address. ”

address. If you need any assistance, please call upon the OBA staff. We'll be glad to assist you.

Also, the new Oklahoma Rules of Professional Conduct go into effect Jan. 1, 2008. One significant change is trust account overdraft reporting. This rule change will require

Given the amount of resources on our Web site and the ever-increasing movement to online products and resources, every OBA member should have a current e-mail address. In the not too distant future, electronic filing will become commonplace in virtually every court. We are constantly working to make

information more readily available and easier to obtain. However, if you have not supplied the OBA with a current e-mail address, it is difficult to get this information to you. We endeavor to restrict access to your e-mail address and work hard not to send out spam or allow your e-mail address to be obtained by third parties that send out spam.

To simplify your life and make things a bit easier when it comes to the OBA, it's as simple as www.okbar.org. Get on there and sign up for something today!



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

Oklahoma Bar Journal Editorial Calendar

2007

- **December**
Ethics & Professional Responsibility
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2007

2008

- **January**
Meet Your OBA
Editor: Carol Manning
- **February**
Real Estate Law
Editor: John Munkacsy
johnmunk@sbcglobal.net
Deadline: Oct. 1, 2007
- **March**
Pretrial Litigation
Editor: Julia Rieman
rieman@enidlaw.com
Deadline: Jan. 1, 2008
- **April**
Law Day
Editor: Carol Manning
- **May**
Work/Life Balance
Editor: Jim Stuart
jtstuart@swbell.net
Deadline: Jan. 1, 2008
- **August**
Insurance Law
Editor: Judge Lori Walkley
lori.walkley@oscn.net
Deadline: May 1, 2008
- **September**
Bar Convention
Editor: Carol Manning
- **October**
Guardianship
Editor: Stephen Barnes
barneslaw@alltel.net
Deadline: May 1, 2008
- **November**
Technology/Practice Management
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2008
- **December**
Ethics & Professional Responsibility
Editor: Martha Rupp Carter
mcarter@tulsa-health.org
Deadline: Aug. 1, 2008

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

Test Your Legal Technology IQ

By Jim Calloway, Director, OBA Management Assistance Program

Every day it becomes a little more difficult to be a competent lawyer without an underlying understanding of certain types of technology.

It is difficult to see how one could serve as a corporate general counsel or advisor to business clients without an understanding of the way electronic discovery and such things as litigation freezes and digital document retention policies operate. You cannot even file documents in federal district court without knowing how to e-file.

Likewise, while many of us are annoyed and frustrated by our e-mail (and the spam that seems to come along with it), it is hard to imagine practicing law without using e-mail at the current postal rates.

So, just for fun, let's have a short quiz about technology impacting the practice of law in Oklahoma. See how many you can get without peeking.

1. What is Fastcase?

- A.) New Oklahoma court system docketing program.
- B.) Provider of OBA member free legal research member benefit.
- C.) Automatic citation generator package.

- D.) Something you really should try if you haven't tried it already.

2. What is metadata?

- A.) Hot new reality dating show on the Fox network.
- B.) Proposed name for newly discovered planet in our solar system.
- C.) Information associated with a document, e-mail or other computer file that is not readily apparent from looking at the original document but could contain embarrassing or valuable information about the creation and management of the document.
- D.) A rap group that recently won the Grammy award.

3. What is kayak.com?

- A.) Contains the most comprehensive set of paddling instructions available online anywhere.
- B.) Excellent travel meta search engine.
- C.) Hot new software product for law office management.
- D.) Web 2.0 word processing package.

4. Which site, product or service has nothing to do with digital photography?

- A.) Flickr
- B.) Picasa
- C.) JPEG
- D.) Excel

5. What is OCR used for in the law office?

- A.) Online Court Reporting is used when there is no available court reporter and there is an urgent need.
- B.) Optical Character Recognition is the process where a software package processes a scanned image of a document to convert it into editable text.
- C.) Optimal Computer Registration is another new registration requirement from Microsoft to prevent software piracy.
- D.) Online Client Review allows you to check the creditworthiness of the potential client in advance for a nominal fee.

6. What does ESI stand for?

- A.) Electric Shorthand Insertion
- B.) Ethernet Setup Instructions
- C.) Electronic Standards of Investigation

D.) Electronically Stored Information

7. Pick the popular Internet discount shopping site from the following:

- A.) Woot
- B.) Quark
- C.) Jabba
- D.) Klaatu

8. What is meant by the phrase Web 2.0?

- A.) It is twice as fast as the old Web.
- B.) It is the codename for a plot by computer manufacturers to force you to upgrade your hardware sooner than you would otherwise need to.
- C.) Totally meaningless phrase thrown around by computer geeks at cocktail parties to annoy normal people.
- D.) It means several things, but primarily refers to the fact that innovations like blogs, social networking sites, electronic message boards, online calendars and other applications have resulted in much more content on the Web contributed by ordinary users and more individualized use of the Web by many.

9. What is Dragon Dictate?

- A.) New Internet-based court reporting service.
- B.) Powerful dragon control spell from World of Warcraft online role-playing game.
- C.) Speech recognition software that is gaining acceptance for those who are poor typists or those who

can no longer type for physical reasons.

- D.) First-time fantasy novel by a well-known Oklahoma lawyer/author.

10. Identify Darik's Boot and Nuke:

- A.) Black market military surplus chain featuring a wide range of items.
- B.) Powerful digital file deletion and scrubbing software.
- C.) Hard drive cleaning package.
- D.) Social networking site catering to those involved with the legal profession and conflict resolution.

11. Which member of the OBA-NET online community has dispensed so much sage advice there that he has been given the online nickname "Plato?"

- A.) John Brewer
- B.) Trace Baldwin
- C.) Mead Hedglon
- D.) Jim Slayton

12. Skype is to VoIP as

- A.) Ham is to eggs.
- B.) Microsoft Word is to PowerPoint.
- C.) WordPerfect is to word processors.
- D.) Bluetooth is to TimeMatters.

13. A fellow lawyer tells you he has a new blog. Your best response is:

- A.) Telling him that you are sure good medical treatment can take care of that.
- B.) Nod, pretending you know what he is talking about,

and then quickly change the subject.

- C.) Lie and tell him you have a blog too, hoping he will change the subject.
- D.) Ask him what legal areas his blog covers and what the URL is.

14. You have a file that has grown to 25 MB in size and you need to get it to co-counsel immediately but neither of you can handle an e-mail attachment that large. What's the best way to deal with this situation?

- A.) Burn the file to a CD and Federal Express it overnight.
- B.) Print it out, fax it to them and they can darned well retype it if they need to.
- C.) Use YouSendIt.com or one of the other free online large file transfer services.
- D.) Blame co-counsel for not being able to receive a large file and call it a day.

15. Your friends all tell you that you need a smart phone. You don't really understand what they mean, but it is time to get a new phone and you figure you don't need a dumb phone. You can discretely approach this topic by

- A.) Enrolling your new phone in phone college.
- B.) Posting a query to OBA-NET asking what smart phones the NETTERS like these days.
- C.) Buying the cheapest phone you can. They are probably all smart phones these days anyway.
- D.) Calling the OBA Management Assistance Program,

figuring that since it is privileged under Oklahoma Rules of Professional Conduct 8.3, no one will ever know.

Scoring

15 Perfect Score. You are the office Alpha Geek, but you knew that already. Computers have been known to spontaneously repair themselves just because you walked into the room.

14-13 Not perfect, but still a techno-wizard. Non-Microsoft applications obey your every command.

12-10 Passing. You know your stuff. You just got a little behind in your reading.

9-8 Needs improvement. You are sustained by knowing the number of people you know who would have scored worse.

7-6 Now, OK, really who needs to know more about computers than how to use e-mail anyway?

5-3 About the most positive spin on this is that you probably met your expectations.

2-1 There's a good part of a billable hour wasted that you'll never get back again.

0 Considering the number of 50-50 questions on this quiz, it is hard to know which is more impressive – your lack of knowledge or your incredible bad luck. I'd get someone to back up your hard drive for you quickly.

**Your
Tech
Score:**

Answers: 1. either B or D; 2. C; 3. B; 4. D; 5. B; 6. D; 7. A; 8. D; 9. C; 10. either B or C; 11. C; 12. C; 13. D; 14. C; 15. either B or D.

In conjunction with the OBA's 103rd Annual Meeting, the Oklahoma Health Lawyers Association and the OBA Health Law Section invite OBA members and their guests to:

Health Law Update 2007

November 9, 2007

Sheraton Oklahoma City

One North Broadway

Social Hour at 4:30 p.m.

Program at 5:30 p.m.

Dinner at 6:30 p.m.

****Advance Reservations Required****

R.S.V.P. to mike@lacoursedavis.com

Before Noon on November 8, 2007

Featuring:

**Cassell Lawson, Director
Opportunities for Living Life
Oklahoma Health Care Authority
"Public-Private Partnerships For
Long-Term Care Insurance"**

David B. McKinney, Esq.

GableGotwals

**"Developments In
Health Care Law"**

The Content of our Character

By Dan Murdock, OBA General Counsel

Today is a time when those seeking political office speak of "family values," parents counsel their children about "making good choices" and it is often said that we should "do the right thing." These issues are not of recent vintage. The ancient Greeks are always the first to be mentioned whenever philosophical theory is discussed. All have heard of Socrates, Plato and Aristotle. Socrates is well known in the legal arena because of his method of teaching, the Socratic method, that is now and has been for many years prevalent in law schools throughout the United States. Plato, a student of Socrates and a teacher of Aristotle, is thought to be one of the most influential philosophers on Western thought. These philosophers can be viewed as the early pioneers of the Western philosophical tradition.

It is not necessary that we study the philosophy of Socrates, Plato and Aristotle or all the others to consider and understand the ethical issues that are faced today. Nor are these issues confined

to geographical areas, although usually the issues most thought about are those issues that most closely affect our personal lives. It is important, however, to understand some basic definitions of the words that are discussed.

Although "ethical" and "unethical" are words used in statements made by many, there needs to be an understanding of these terms. There can be sports ethics, political ethics, medical ethics and many other subdivisions. Generally, ethics is

“Although ‘ethical’ and ‘unethical’ are words used in statements made by many, there needs to be an understanding of these terms.”

defined as a major branch of philosophy that encompasses right conduct and good living. Many think that it is an analysis of right and wrong, but it is said that it is significantly broader in scope. The Josephson Institute of Ethics, an organization that administers "Character Counts!," provides

great guidance in the ethical arena. Michael Josephson, the founder, says that ethics refers to principles that define behavior as right, good and proper. He says that ethics is concerned with how a moral person should behave. That statement causes us to consider an idea about what is moral, morals in general and morality. Moral is defined as of, pertaining to or concerned with the principles or rules of right conduct or the distinction between right and wrong. We often use the words virtue, character and values. Many times the definition is, like beauty, in the mind of the user.

The importance of all of this is not that we understand the words of Socrates, Plato, Aristotle and the others or that we can discuss the implications of moral philosophy at dinner, but that we know about appropriate and proper conduct, that we try to "make good choices, and try to "do the right thing." Just remember, it is not the thoughts but the acts that are important.

October Meeting Summary

The Oklahoma Bar Association Board of Governors met at the General Thomas P. Stafford Museum in Weatherford on Friday, Oct. 19, 2007.

REPORT OF THE PRESIDENT

President Beam reported he attended the September board meeting and social activities in Eufaula, two Custer County Bar Association meetings, Clients' Security Fund meeting, Women in Law Conference, Boiling Springs Institute, Southern Conference of Bar Presidents meeting in Little Rock, Ark. and new admittees reception. He planned the October board meeting in Weatherford. He spoke at the new admittees swearing-in ceremonies and at the New Lawyer Experience seminars in Tulsa and in Oklahoma City.

REPORT OF THE PRESIDENT-ELECT

President-Elect Conger reported he chaired the Bar Center Facilities Committee meeting and two Budget Committee meetings. He attended the Southern Conference of Bar Presidents in Little Rock and spoke on a panel at the Women in Law Conference.

REPORT OF THE PAST PRESIDENT

Past President Grimm reported he attended the OBA Bar Center Facilities Committee meeting, Tulsa Title and Probate Lawyers Association meeting and Southern Conference of Bar Presidents in Little Rock.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended meetings of the Family Law Section, Bar Center Facilities Committee to finalize contract bids, MCLE Commission, Lawyers Helping Lawyers Committee, Budget Committee and Leadership Conference Task Force. He also attended the budget hearing, new admission ceremonies, swearing in of Judge Timothy DeGiusti, Southern Conference of Bar Presidents in Arkansas, staff computer training and the monthly staff celebration. He was involved in meetings with DHS Aging Services, LifeFocus Counseling to discuss Lawyers Helping Lawyers services, OBF officers regarding a new server for document scanning, IS Director Loomis regarding technology for the new Board of Governors meeting room, staff regarding the Communications Task Force report, an employee policy group, LSD Chair Pappy and LSD officer Jodi Cole regarding Annual Meeting planning. He also reported he met with a representative of the Hanoi Bar Association who was in Oklahoma City on a trade mission. He said at some point there may be a presentation and a request to formalize some type of relationship with the association.

BOARD MEMBER REPORTS

Governor Caudle reported he attended the September board social events and meeting in Eufaula, Clients' Security Fund Committee meeting, Professionalism Committee meeting and Comanche County Bar Association monthly meeting. He coordinated the State Legal Referral Service Task Force presentation and recommendations. **Governor Christensen** reported she attended the September board social with the McIntosh County Bar Association, board meeting in Eufaula, Bar Center Facilities Committee meeting, OBA Bench and Bar Committee meeting, Oklahoma County Bar Association meeting, OBA Women in Law Conference and YLD new lawyer reception at Mickey Mantle's in Bricktown. She taped a segment for the weekly TV show "The Verdict" in which she discussed the Women in Law Conference and appeared before the Oklahoma Judicial Conference Executive Committee with Jack Brown and David Swank to discuss the proposed Model Code of Judicial Conduct. **Governor Dirickson** reported she attended the September board social event with the McIntosh County Bar Association, September board meeting in Eufaula, Budget

Committee meetings at the Oklahoma Bar Center, Lawyers Helping Lawyers Committee meeting and the Custer County Bar Association monthly meeting.

Governor Farris reported he attended the September board dinner with McIntosh County Bar Association members, September board meeting in Eufaula, Tulsa County Bar Association Community Outreach Committee meeting and TCBA "Lunch Buddy" orientation.

Governor Hermanson reported he attended the board dinner with McIntosh County Bar Association members, the board meeting in Eufaula, two Budget Committee meetings in Oklahoma City and ABA General Practice, Solo and Small Firm Division's fall meeting in Philadelphia. At the ABA meeting he reported Management Assistance Program Director Calloway was presented with the section's Star of the Quarter award for co-chairing the second annual Solo and Small Firm Conference. Governor Hermanson finalized the report and the plans for the OBA General Practice, Solo and Small Firm Section's Annual Meeting activities and wrote an article for Law Trends for the ABA General Practice, Solo and Small Firm Division.

Governor Hogan reported he attended the evening events in McIntosh County as well as the September board meeting and luncheon, in addition to a Pittsburg County Bar Association meeting. He assisted with planning a CLE for the November bar meeting in Pittsburg County. **Governor Kennemer** reported he attended the September board social event and dinner in Eufaula, Seminole/Hughes counties bar lun-

cheon and the task force meeting to create a Uniform Residential Sales Contract in OKC/OREC. **Governor Stockwell** reported she attended the September board dinner and meeting, Cleveland County Bar Association luncheon and the CCBA Executive Committee meeting.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Camp reported the Wills for Heroes program is hosting a training session at the bar center in Oklahoma City today and in Tulsa tomorrow. The next will-signing ceremony will be at the Fraternal Order of Police Lodge in downtown Oklahoma City, with an estimated 60 B 75 police officers attending to have their estate planning documents prepared by the YLD Wills for Heroes team. He said YLD leaders attended the national Wills for Heroes meeting in Charlotte, NC. He also reported that Wills for Heroes has been selected as the national ABA project. He attended two OBA Budget Committee meetings, September board meeting in Eufaula, September OBA/Young Lawyers Division Board of Directors meeting, OBA/YLD Seniors Committee planning meeting, OBA Leadership Conference Task Force post-conference meeting and Wills for Heroes planning teleconference. He met with OBA/YLD Children and the Law Committee Chairperson Carol King, spoke at each of the three admission ceremonies for new attorneys at the Capitol and hosted a reception and happy hour for newly admitted attorneys at Kampai Lounge in Tulsa. In addition, Governor Camp wrote all 296 lawyers sworn in on Sept. 27 and invited

them to become involved in the OBA and YLD, telephoned the 76 newly admitted lawyers from the Tulsa area and coordinated the calling of the remaining 220 new admittees from the Oklahoma City area and out-of-state.

REPORT OF THE SUPREME COURT LIAISON

Justice Taylor reported Gov. Brad Henry appointed Judge John Reif to the Supreme Court District 1 position previously held by Justice Lavender. He thanked President Beam and his wife, Elizabeth, for their hospitality in hosting the board for breakfast in their home.

LAW STUDENT DIVISION LIAISON

LSD Chair Pappy reported she attended the September board meeting and social event in Eufaula, Women in Law Conference and YLD new lawyer reception at Mickey Mantle's in Bricktown. She held a division executive board meeting, and met with Executive Director Williams, Administration Director Combs and LSD Annual Meeting Coordinator Jodi Cole to coordinate the division's itinerary for the 2007 Annual Meeting. She worked with Administration Director Combs and Jodi Cole to organize a luncheon for division members at the Petroleum Club, confirmed five speakers for LSD roundtable sessions, facilitated communication and work product between the YLD and the law students for participation in the elder care law handbook, worked at the LSD membership drive table for two weeks, coordinated and publicized an LSD informational meeting with

Professor Bill Conger as the guest speaker, and created several fliers and advertisements for the OBA Annual Meeting.

COMMITTEE LIAISON REPORTS

Governor Dirickson reported the Lawyers Helping Lawyers Committee is becoming more active. They want to recruit bar members who would serve as sponsors with the goal to have sponsors across the state. The committee will offer a program at Annual Meeting that will feature a powerful video from Texas and a speaker from Dallas.

REPORT OF THE GENERAL COUNSEL

General Counsel Murdock shared a status report of the Professional Responsibility Commission and OBA disciplinary matters. He reported he attended a luncheon at Rogers State University in Claremore at which former OBA President Tony Massad received the 2007 Constitution Day Award. He also attended the ABA Commission on Lawyer Assistance Programs conference and monthly staff celebration. He was a presenter at the New Lawyer Experience CLE seminar in Tulsa.

BAR CENTER RENOVATIONS

President-Elect Bill Conger reported a meeting was held with builder Stan Lingo to negotiate the proposed construction contracts. Executive Director Williams reported Nov. 1, 2007, is the deadline for abatement to be completed, and progress is on track to meet that deadline. The board approved both contracts.

COMMUNICATIONS TASK FORCE RECOMMENDATIONS

Task Force Chairperson Melissa DeLacerda reviewed the background of the task force recommendation to cease publication of tribal materials, mandates and assignments in the *Oklahoma Bar Journal*. The board voted to cease publication of the mandates effective immediately. The board voted to cease publication of assignments effective immediately. The board rejected the recommendation to cease publishing tribal opinions. Ms. DeLacerda reported the task force noted from the recent bar member survey that a majority of members want to continue receiving printed court materials and therefore the task force recommends the publication be improved by indexing the court cases, organizing them by subject material and creating highly abbreviated summaries. Placing the index on the front cover was also suggested. Discussion followed, and staff was asked to submit a report with more details for the December meeting. The board tabled action. Ms. DeLacerda stated the monthly electronic newsletter called E-News was created but no policies and no set publication schedule exists. Because a copy of the proposed policy and publication schedule was not included in the board packet, the board decided to consider action on this recommendation at the November meeting.

STATE LEGAL REFERRAL SERVICE TASK FORCE REPORT

In his role as task force chairperson, Governor Caudle reviewed the task force's mission to study the feasibility

of a statewide referral service and the research conducted. He said the ABA recommended a business of public policy. Board members were asked to review the report. Task force member Faith Orłowski from Tulsa explained the financial aspect of the Tulsa County Bar Association operating the program on behalf of the OBA. TCBA Executive Director Sandra Cousins explained the referral process that currently exists at the county bar. The board tabled action until the November meeting.

PROPOSED 2008 OBA BUDGET

President Elect-Conger reviewed several significant changes from last year. Administration Director Combs added details. The board went into executive session. The board approved the proposed budget.

CIVIL PROCEDURE RESOLUTION

The board recommended the civil procedure resolution submitted by Oklahoma City attorney Ray Vaughn not be approved when it is considered by the House of Delegates.

RESOLUTION FROM TAX SECTION

President-Elect Conger reported Rick Kells with his law firm has coauthored a proposed resolution recommending the creation of an independent tax tribunal and that he was not able to attend this meeting. Ashley Williams, Taxation Law Section treasurer and Oklahoma Tax Commission attorney, said she will represent an opposing view when the resolution is considered by the House of Delegates. She

reviewed how the commission operates and why it will oppose the resolution. The board voted to recommend the resolution not be approved.

PROPOSED LAW FIRM MERCHANT PROGRAM

MAP Director Jim Callo-way, representing the Member Services Committee, reviewed the proposal recommended by the committee to enter into an agreement with Affiniscape Merchant Solutions to offer OBA members a credit card service that members can use in their private practice. Affiniscape Merchant Solutions CEO Amy Baker shared more details about the service and

explained the Oklahoma County Bar Association currently offers this program. She said there would be no conflict, and referral fees would be paid to both associations. The board approved entering into an agreement to offer the program to OBA members.

ELECTION OF FOURTH ABA DELEGATE

The board voted to designate the past president to serve as the fourth ABA delegate and approved funding expenses up to \$5,000.

CLIENTS' SECURITY FUND APPOINTMENT

The board voted to appoint Dwight Smith, Tulsa, to the Clients' Security Fund.

CERTIFICATES OF APPRECIATION

The board voted to issue certificates of appreciation to the Custer County Bar Association, Elizabeth Beam and Deborah Reheard for their hospitality in hosting the OBA Board of Governors.

NEXT MEETING

The board will meet at 2 p.m. in Oklahoma City on Wednesday, Nov. 8, 2007, at the Sheraton Hotel as part of the OBA Annual Meeting.

New insurance data match law effective November 1, 2007

New Title 56, Section 237B of the Oklahoma Statutes requires Oklahoma insurers to exchange data with Oklahoma's child support agency beginning Nov. 1. **These matches on personal injury, wrongful death and workers' compensation claims of \$500 or more must be made within 10 days before payment.**

The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) provides four options for matching with their database of delinquent child support obligors.

Option 1. Participation in the Information Service Offices (ISO) ClaimSearch Child Support Enforcement Agency (CSEA) Reporting Service electronic interface. ISO electronically interfaces to match with Oklahoma's delinquent child support obligor files listed on the Child Support Lien Network (CSLN) database.

Option 2. Registered insurance agents may check claimants on CSLN's secure Web site to determine if the claimant owes past due child support. Register at www.childsupportliens.com. Click on the 'Oklahoma' link and follow the on-line registration instructions. Insurers are sent an e-mail with a user ID and password.

Option 3. OKDHS accepts claimant data reporting through a direct File Transfer Protocol (FTP) process. Information also will be posted on the CSLN Web site mentioned above in Option 2.

Option 4. Insurers report directly to the Federal Office of Child Support Enforcement using an FTP process.

After a match, CSED mails the insurance company a Notice of Lien. Insurers may first deduct attorney fees or health care expenses. The company must then mail the offset to the **Oklahoma Centralized Support Registry, P.O. Box 268849, Oklahoma City, OK 73126-8849.**

Insurers may request the claimant's SSN and new addresses. If the claimant refuses, the insurer does not have to pay the claimant. Insurers are granted immunity from liability for asking for such data while complying with this law. Insurers are subject to a \$10,000 fine and may be liable for the amount of child support that should have been withheld and paid to CSED for each non-compliance occurrence. Contact:

Ronald Smith (405) 522-2576 or by e-mail to Ronald.Smith@okdhs.org

A Letter to Young Lawyers Division Members

It pays to become a member of the OBF Fellows program early in your law career! In 2003, Oklahoma Bar Foundation President Mart Tisdal took steps to add a Young Lawyers Division representative to the OBF board to give YLD members a greater voice in the Foundation. Since November 2005, I have had the pleasure of serving as your YLD representative to the Oklahoma Bar Foundation. As a member in good standing of the Oklahoma Bar Association, you are automatically a member of the OBF. There is another important avenue for your lawyer participation in the OBF, the Fellows Program. Now, I am extending you an invitation to join the Fellows Program and help further our efforts.

What we do

Founded 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. Throughout the state of Oklahoma wherever there are programs in our communities helping people, you will find the OBF doing its work. Since 1986 OBF has awarded more than \$7 million to programs such as High School Mock Trial and other school Law-related Education programs in grades K through 12; children's pro bono legal service

and advocacy programs; family law and seniors programs; law student scholarships, research and legal clinics; statewide legal service providers serving those who can least afford a lawyer; and many other worthy causes. OBF helps in the financial support of programs that directly affect individuals and communities across Oklahoma, and as a direct result, brings great credit upon our profession.

How to become a Fellow

Especially for young lawyers, there's not a better time to join the OBF than right now! Past OBF President Jimmy Goodman took steps to create a reduced giving category for our newest members of the OBA. First-year lawyers who pledge to become OBF Fellows on or before Jan. 2 of the year immediately following their admission may pay only \$25 per year for two years, then only \$50 for three years, and then at least \$100 per year thereafter until the \$1,000 pledge is fulfilled. Lawyers admitted three years or less at the time of their pledge may pay only \$50 per year for four years and then at least \$100 per year thereafter until the \$1,000 pledge is fulfilled. *New lawyers should not pass up this opportunity!*

Of course, for those of us who have been practicing more than three years, we have the option of paying our pledge to the OBF in installments of \$100 per year for 10 years, which is pocket change of only \$8.33 per month! Because the OBF is the official 501(c)(3) charitable arm of your organized bar association, your contributions may be tax deductible! In appreciation of your becoming a Fellow and helping the community and your profession, you will be presented a beautiful, unique "Lady of Justice OBF Fellow Plaque." This plaque demonstrates to clients and others that you and your profession give something back to the community that is needed and greatly appreciated.

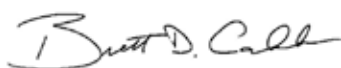


Become an OBF Fellow early in your law career — something nice for your wall, something impressive for your resume and something that helps your community!

More details are located at www.okbar.org/obf see OBF Fellows Program or contact the office at (405) 416-7070 or by e-mail at foundation@okbar.org.

Become a part of OBF and the work being done on behalf of all Oklahoma lawyers. Become a Fellow today! Gifts are used to carry out the ongoing mission of "... Advancing education, citizenship and justice for all."

Sincerely,



Brett D. Cable

Young Lawyers Division
Representative to the
Oklahoma Bar
Foundation Board



Congratulations to some of the newest YLD OBF Fellow members and their Fellow parents at the OBA Admission Ceremony – new Fellow Daniel Gill Couch and Fellow parent Hon. Valerie K. Couch, Oklahoma City; Fellow parent William E. Gaddis and new Fellow Clayton T. Gaddis, Tulsa; new Fellow Meredith Blake Curnutte Stanton and parent Fellow Mark W. Curnutte, Vinita; and new Fellow Lauren Elizabeth Barghols and parent Fellow Steve Barghols, Oklahoma City. Other new YLD Fellows not pictured here include Cesar Adalberto Armenta, Oklahoma City; Regan Strickland Bealty, Oklahoma City; Dan Carsey, Tulsa; Ben S. Chapman, Wagoner; David A. Elder, Oklahoma City; Ashley P. Fulk, Oklahoma City; Tynan Grayson, Edmond; Carla Hart, Bartlesville; Mark B. Houts, Midwest City; Lowell Glenn Howe, Muskogee; Lee E. Jeffries, Edmond; Michael D. Johnson, Norman; Jennifer Jones, Oklahoma City; R. Sam Kerr IV, Oklahoma City; A. Seth Killman, Oklahoma City; Lincoln McElroy, Oklahoma City; Deidre O'Donnell, Oklahoma City; Lora Smart Rixham, Tulsa; Kendra M. Robben, Oklahoma City; D. Daryl Romano, Tulsa; Tom R. Russell, Edmond; Alix Lormand Samara, Oklahoma City; David A. Shipley, Oklahoma City; Kent Siegrist, Norman; Carol E. Sorensen, Oklahoma City; Richard J. Vreeland, Oklahoma City and Rick Warren, Oklahoma City.

All the world is a stage...

Get in the act —



VISIT THE OBF HOSPITALITY SUITE

Suite Number 1215 – Downtown OKC Sheraton Hotel

Wednesday, November 7 – 5:30 to 7:30 pm and 8:30 to 10:00 pm

Thursday, November 8 – 8:30 to 11:30 pm

Meet new friends! • Greet old friends!

Fun • Food & Drink • Fellowship

In conjunction with the OBA Annual Meeting



Juvenile Court Diversion Programs

Cleveland County District Court

By Judge Janet Foss

No one likes seeing a teen-aged child being removed from the custody of parents and placed in a secured setting for an indeterminate amount of time. This is an option reserved for those juveniles that are classified as serious and habitual offenders. What about those committing misdemeanor-level offenses and felony-level property offenses?

We are fortunate in Cleveland County to have diversion programs available to deflect these youths away from district court involvement. The First Offender Program is offered at the Crossroads Youth and Family Center in Norman and the Positive Adolescent Survivor Skills Program is available at the Moore Youth and Family Center. Both programs take referrals from the Juvenile Service Unit of the Office of Juvenile Affairs. These offenders can be status offenders, such as truants and runaways as well as first-time offenders committing felony-level offenses which are nonviolent. The

classes are set up in an educational group format and last from three to six weeks. The participation of a parent(s) is required. Topic areas covered, but not limited to, are substance abuse, making choices and relationships.



The City of Norman and City of Moore both have municipal juvenile courts that handle truancy, status offenses (*i.e.* runaways, curfew violations), traffic violations and misdemeanor complaints (*i.e.*, petty larceny). Both municipalities have developed their own continuum of services to hold these juveniles accountable for their actions. The availability of these courts sufficiently reduces the volume of minor

cases that could be brought into the Cleveland County District Court.

The City of Moore administers the Countywide Community Service Program, which not only provides services to the Moore Municipal Court but takes referrals

from J.S.U. for any juvenile in the county. These juveniles are supervised by City of Moore employees and perform tasks ranging from trash pick up, mowing to painting. The community service being provided by these juveniles may be the result of a deferred prosecution agreement in either the municipal or county prosecutor's office as well as a condition of probation in either city or state court. The Cleveland County District Court is extremely appreciative of this program as these juveniles maintain the grounds of the Alan J. Couch Juvenile Center in Norman and do a wonderful job.

Another valuable diversion program in Cleveland County is the Juvenile Intervention Center (J.I.C.). This facility is manned 24 hours a day, seven days a week. Juveniles

picked up by law enforcement anywhere in the county at any time can be delivered to J.I.C. for a maximum of 24-hour detention. The staff at J.I.C. will do an assessment to determine the risk level of the juvenile to either self or others if released. If release is not recommended, the juvenile will be detained at the Cleveland County Juvenile Regional Detention Center after screening by J.S.U. or transported to a mental health facility for possible civil commitment. The majority of juveniles placed in J.I.C. are released to their parents with either a municipal court citation or submission of a police report to J.S.U. for intake, who in turn will either recommend a diversion program or filing of a district court petition by the district attorney.

Once a petition is filed, the need for legal representation becomes an issue. The Oklahoma Indigent Defense System represents the majority of juveniles involved in the Cleveland County District

Court. However, there are families who do not meet the indigency requirements yet do not have the wherewithal to hire private counsel. Parents should be represented when the disposition of the juvenile involves removal of physical custody from the parents and placement out of the home. There should be a meaningful process to determine the existence of less restrictive alternatives to divert juveniles from institutional placements. This void could be filled by attorneys willing to provide pro bono representation to these parents who instead rely upon the juvenile's court appointed counsel to raise objections or provide alternative dispositional plans. Unfortunately, the OIDS attorneys are often overextended in meeting their obligations to the multitude of clients they represent and can be complaisant in accepting the recommendations of J.S.U. as the only options available to rehabilitate.

Attorneys interested in pro bono service, not just in the context mentioned above but in other areas of practice as well, should be aware that the three law schools in the state are either in the process of establishing or have pro bono programs which will provide law students to assist attorneys in their representation of these clients. For more information about the University of Oklahoma program, Students for Access to Justice, see <http://adams.law.ou.edu/satj/> or contact Professor Judith Maute at jmaute@ou.edu. Oklahoma City University and Tulsa University also have pro bono programs that link students with volunteer attorneys. For TU, contact Jennifer Flexner at jenniferflexner@utulsa.edu, and for OCU, contact Laurie Jones at ljones@okcu.edu.

Judge Foss is a Cleveland County special district judge assigned to the juvenile delinquency caseload.

Assistant City Attorney III Litigation

Requirements:



Juris Doctorate from an accredited law school and 3 years experience in the practice of law, including one (1) year trial and appellate experience. * Experience in litigation involving municipal issues, employment law, construction disputes; civil rights actions and/or administrative and bid protest proceedings a plus. Considerable knowledge of municipal, state, federal, and constitutional provisions affecting municipal operations, including but not limited to elections law, Fair Labor Standards Act and other personnel, employment and labor law. Requires some travel and is subject to 40+ hours per week. Must have valid License to practice in Oklahoma. To view the complete job description and apply online, visit: **www.cityoftulsa.jobs** EOE

WILLS FOR HEROES UPDATE

Hello all! After months of preparation, I am exuberant to update you with details about the YLD's planning and implementation of the "Wills for Heroes" program in Oklahoma. Our templates and other written materials have been prepared, and two waves of volunteers have been trained. In August, using laptop computers and printers donated by Gable & Gotwals, the YLD completed its first will-signing ceremony in Yukon with great reviews from the participating firefighters and their families.

On Oct. 23, with the inaugural event under its belt, the YLD hosted its second will-signing ceremony, this time for the members of the Fraternal Order of Police Lodge in downtown Oklahoma City. The F.O.P. was extremely excited, having dedicated its October meeting solely to the Wills for Heroes program.

If you want to get involved, we ask that you be trained as a volunteer, due to the specific issues that we address during the training session regarding police, firefighters and other first responders. Upcoming training sessions will be announced in the Oklahoma Bar Journal in the YLD news. If you have any questions, feel free to contact me at landrews@coxinet.net.

I thank you for your support as this amazing project gets off the ground.

Lindsey W. Andrews
YLD Wills for Heroes
Project Coordinator

YLD BOARD MEMBERS ATTEND NATIONAL CONFERENCE

OBA/YLD Directors Rick Rose, Lindsey Andrews and Doris Gruntmeir attended the American Bar Association Young Lawyers Division Fall Conference in Charlotte, N.C., for three days beginning on Oct. 4. ABA/YLD national conferences facilitate networking among and between affiliate young lawyer organizations, offer a variety of CLE and professional development programming, and provide participants with countless ideas and resources regarding the development and implementation of public and member

service programs at a local level.

The conference got started on Thursday evening with a welcome reception hosted by local law firms. Kicking things off on Friday morning was guest speaker Brian Parsley, certified professional behavior analyst, who provided an entertaining and informative discussion on effectively communicating with non-lawyers. The day continued with excellent CLE programming, as well as a highly-attended session on financial planning for young lawyers. That evening, conference attendees were treated to a dinner and reception at Lowe's Motor



OBA/YLD Directors Lindsey Andrews, Rick Rose and Doris Gruntmeir visit Lowe's Motor Speedway during the ABA/YLD Fall Conference.

Speedway. The evening's entertainment afforded attendees the opportunity to test their pit-crew and racing skills through simulated activities.

The educational portion of the conference got up and running again early Saturday morning with the Young Bar Leader Summit. At the summit, state, local and specialty young lawyer organization leaders were provided with public service and leadership training, and were afforded the opportunity to discuss concerns, which ranged from membership and structure to project funding.

Directors Rose and Andrews attended the conference with an eye on the 2008 ABA/YLD Public Service Project, Wills for Heroes, which the OBA/YLD had itself implemented this past January. In addition to her role as one of the OBA delegates to the Fall Conference, Director Gruntmeir carried out her responsibilities as the ABA/YLD District Representative for Oklahoma and Arkansas.

RECEPTIONS HONOR NEW BAR MEMBERS

On Sept. 27, 302 new attorneys were sworn in over three separate ceremonies conducted at the House of Representatives chamber at the State Capitol. Following opening remarks by Chief Justice James R. Winchester and OBA President Stephen Beam, OBA/YLD Chairperson Christopher Camp briefly spoke, urging honorees to become active in the YLD and other OBA committees and sections. Immediately after each of the three swearing-in ceremonies, the YLD

held a reception in the Capitol Rotunda for the new admittees and their families and friends in attendance.

The YLD hosted a less formal reception and happy hour in the private loft of Kampai Lounge, located in Tulsa's Brookside district, on Oct. 4. A second reception was held the following Wednesday at Mickey Mantle's in the Bricktown area of Oklahoma City. Over drinks and hors d'oeuvres, Camp, YLD Chair-Elect Kimberly Warren, Treasurer Rick Rose and Directors John Truskett, Roy Tucker, Joe Vorndran and Dan Zemke welcomed the new admittees and distributed information regarding the YLD's 10 public service and eight member service committees. Also in attendance were OBA President Stephen Beam, Vice President Jack Dawson and OBA board member Cathy Christensen. Thanks to everyone who turned out to honor our new admittees. Very special thanks go to Sarah Barry and John Weaver for coordinating the well-attended events.

DISASTER LEGAL ASSISTANCE CONTINUES

As the residents in a majority of counties in the state continue to recover from weather-related disasters, the OBA/YLD continues to provide volunteer legal services. There have been two disaster declarations since July 2007 for which residents are eligible for disaster legal services under a FEMA program.

The toll-free hotline for individuals who need assistance has yielded dozens of requests already and will

remain in place for a limited amount of time. Volunteers are still encouraged to sign up. Through the generous assistance of the OBA staff, calls are fielded through the General Counsel's office and referred to volunteer attorneys.

Many thanks to those who have already volunteered their time and services: Gabriel Bass, Henry Herbst, Paul Choate, John H. Graves, Jason Alan Soper, Jamie Beller, Justin Stout, Jennifer Jackson, Lu Ann Stout, Merrillyn Livermon, Mary Brown-Boren, Bryan E. Stanton, Mia Vahlberg, Heather Hendricks, Michael P. Kelly, Chad Taylor, Monty Delluomo, Casey Delaney, Timothy E. Mills, Rick Healy and Mitzy Fryer. Also, the OBA/YLD appreciates the efforts of Dana Shelburne, who is responsible for answering the hotline, maintaining the volunteer list and providing statistical reports for the ABA/YLD District Representative. As a result of these volunteers' efforts, individuals in disaster declaration counties are receiving much-needed volunteer legal services from lawyers throughout the state.

If you are able to volunteer your services, please send your name and contact information to Dana Shelburne at danas@okbar.org or (405) 416-7007 in the OBA's Office of General Counsel. The OBA will maintain a list of volunteers and will refer individuals to volunteer attorneys as calls are received.

Advanced Estate Planning: 2007

DATE & LOCATION:
Oklahoma City
 November 30, 2007
 Oklahoma Bar Center
 1901 N. Lincoln Blvd.

CLE CREDIT: This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 6 hours of mandatory CLE credit, including 1 hour of ethics.

TUITION: \$150 for OBA Estate Planning, Probate and Trust Section members and \$175 for non-OBA Estate Planning, Probate & Trust Section members for early-bird registrations received with payment at least four full business days prior to the seminar date; \$175 for OBA Estate Planning, Probate and Trust Section members; \$200 non-OBA Estate Planning, Probate & Trust Section members registrations received within four full business days of the seminar date. \$20 to join section. **No discounts.** Register online at www.okbar.org/cle.

CANCELLATION POLICY: Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged for cancellations made within four full business days of the seminar date. Cancellations, refunds, or transfers will not be accepted on or after the seminar date.

Program Planner/Moderator
LeAnn P. Drummond, Attorney at Law, Stillwater

A.M. Program

Speaker: Michael V. Bourland, Bourland, Wall & Wenzel, P.C., Ft. Worth

8:30 a.m. Registration and Continental Breakfast

9:00 **Family Business Succession Planning for Family Business Owners and Their Families**
 This presentation offers a review of planning and implementation/documentation of various options to pass on the family business. The discussion covers effective use of the family business mission statement, non-competition agreements, entity choices, IRC 355 actions, employment agreements (including non-family employee deferred benefit agreements), and the ethical issues facing the lawyer who works with the family in the succession process. **(.5 hours of ethics)**
 (includes 15-minute break)

11:45 Lunch sponsored by 

P.M. Program

Speaker: Darin N. Digby, Schoenbaum, Curphy & Scanlan, P.C., San Antonio

1:00 **Transfer Planning: What Are You Waiting For...Estate Tax Repeal?**
 Discussion and analysis of lifetime estate planning transfers with an emphasis on transfers of property over which the donor wishes to maintain some control. Points to consider in designing donor-trusted irrevocable trusts. Practical planning ideas for removing appreciation from donor's estate through the use of GRATs and Intentionally Defective Grantor Trusts. **(.5 hours of ethics)**
 (includes 15-minute break)

3:45 Adjourn

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November 30, 2007

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Calendar

November

7-9 OBA 103rd Annual Meeting; Sheraton Hotel, One North Broadway, Oklahoma City

8 OBA Board of Governors Meeting; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: John Morris Williams (405) 416-7000

OBF Board of Trustees Meeting; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070

12 Veteran's Day (State Holiday)

14 Ginsburg Inn of Court; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080

16 Statehood Day (State Holiday)

19 OBA Alternative Dispute Resolution Section Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Larry Yadon (918) 595-6607

22-23 Thanksgiving Holiday (State Holiday)

28 OBA Clients' Security Fund Committee Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Micheal Salem (405) 366-1234



December

4 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

6 OBA Legal Intern Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686



12 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

14 OBA Family Law Section Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342

OBA Board of Governors Meeting; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000

25 Christmas Day (State Holiday)

January

1 New Year's Day (State Holiday)

11 OBA Family Law Section Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342

16 Ginsburg Inn of Court; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080

21 Martin Luther King Jr. Day (State Holiday)

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.

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John Reif Appointed to Supreme Court

Justice John Reif of Skiatook has been selected by Gov. Brad Henry as the newest justice on the Oklahoma Supreme Court. Justice Reif was sworn in on Oct. 22, but a formal swearing in will take place later this month. He fills the vacancy created by the recent retirement of Justice Robert Lavender, who served on the court 42 years, longer than any other justice in Oklahoma history.

Justice Reif has served in the state judiciary for 26 years, most recently as a member of the Oklahoma Court of Civil Appeals in Tulsa, where he spent the last 23 years. He has also served as a special district judge and an assistant district attorney in Tulsa County.

One of the issues he plans to talk with the justices about is reviving oral arguments, a practice that was mostly discontinued to give the court more time to decide cases, he said.



TU Names Interim Law Dean

The University of Tulsa has named law professor Janet Koven Levit interim dean of the TU College of Law.

"Janet Levit's academic credentials are impeccable, and she emerged as the clear choice as the candidate whose vision for the law school was in alignment with the university's strategic plan for raising the national reputation of the law school," said TU President Steadman Upham.

Ms. Levit is a widely recognized scholar in the areas of international law, international commercial law, international human rights, contracts and administrative law. She first served as a visiting assistant professor at TU from 1995 to 1997. She later joined the TU law faculty as an assistant professor in 2002, was named an associate professor in 2003, and a professor of law in 2006. She became a tenured faculty member at TU in 2004.

The law school dean position has been vacant since June 30 when Robert Butkin stepped down from the position. Mr. Butkin remains a tenured professor of law at TU.

OBA Member Reinstatements

The following members of the OBA suspended for nonpayment of dues have complied with the requirements for reinstatement, and notice is hereby given of such reinstatements:

Robert Allen Benningfield
OBA No. 716
PO Box 490
Catoosa, OK 74015

Maurice Sandlin Grimm
OBA No. 17288
5050 Edgewood Court
Jacksonville, FL 32254

The following members of the OBA suspended for noncompliance with the Rules for Mandatory Continuing Legal Education have complied with the requirements for reinstatement, and notice is hereby given of such reinstatements:

Robert Allen Benningfield
OBA No. 716
P.O. Box 490
Catoosa, OK 74015

Taiawagi Helton
OBA No. 18393
1215 NW 20th St.
Oklahoma City, OK 73106-4003

George Harold Lowrey
OBA No. 10888
7107 S. Yale Ave. #283
Tulsa, OK 74136-6308

Bar Center Holiday Hours

The Oklahoma Bar Center will be closed Monday, Nov. 12 in observance of Veterans' Day and Friday, Nov. 16 for Statehood Day. The bar center will also close Nov. 22 and 23 for the Thanksgiving holiday.



Kudos

Oklahoma City attorney **Cary Hiltgen** has been named first vice president of DRI – the Voice of the Defense Bar. He will serve a year in the post, then become president-elect. He will assume the organization's presidency in October 2009. Mr. Hiltgen said one of his goals as president will be to ensure that there is a jury system for his children and to continue DRI's support of an independent judiciary. DRI is the country's largest association of defense lawyers with about 22,500 members.

Larry Derryberry, former State legislator, state attorney general and currently practicing attorney, has written a children's sing-a-long book titled, "The Oklahoma Scranimal." The book tells the story of what happens when a tornado picks up Papa Derryberry's barn full of animals and puts it back down — with the Oklahoma Scranimal having come to town. Legendary Oklahoma voices tell the tale of how a duck, cow, pig, sheep and horse are scrambled into a whole new creature. In the barn, listeners will hear the voices of Gov. Brad Henry as the sheep; former Miss America from Oklahoma Jayne Jayroe as the duck; former OU football coach Barry Switzer as the

pig; gymnast Nadia Comaneci as the cow; Oklahoma businessman and ranching and agriculture leader Bob Funk as the horse; and Oklahoma's four-star retired war hero General Tommy Franks as the scranimal himself. The book is available at bookstores nationwide and online.

The Oklahoma Child Support Enforcement Association recently honored **John M. Sharp** as "Attorney of the Year." Mr. Sharp is the managing attorney of the Tulsa West Child Support office. The award was bestowed at the association's 2007 annual conference recently held in Oklahoma City.

D. Michael McBride III was honored at the 2007 Annual Meeting of the Federal Bar Association in Atlanta on Sept. 7. He received the Outstanding Service Award as the chair of the Indian law section for the Federal Bar Association; the Meritorious Newsletter Award for "Federal Indian Law;" and the Outstanding Service Award as vice president - Tenth Circuit, a national leadership position for the association that oversees the chapters in a six-state area of the Southwest. Mr. McBride is a director of Crowe & Dunlevy and chairs the firm's Indian Law & Gaming Practice Group.

Adam W. Childers, an associate attorney at Crowe & Dunlevy, has been selected as a member of the OU College of Arts and Sciences Board of Visitors. As a member of the board, Mr. Childers will mentor two undergraduate students from the university's Leadership Scholars program and participate in the coordination of fund-raising activities for the school.

The American Board of Certification announces that Norman attorney **Byron David Sisson** has completed the requirements for national certification in consumer bankruptcy law. The board is a non-profit organization dedicated to improving the quality of the bankruptcy bar.

Richard Wieland has been appointed acting United States Trustee for Kansas, Oklahoma and New Mexico for an interim period that began in September. Mr. Wieland served as a trial attorney in the Wichita, Kan., office of the U.S. Trustee Program since 1988. Additionally, he is designated as a Special Assistant U.S. Attorney in the District of Kansas and assisted the Executive Office of the U.S. Trustee in its implementation of the credit counseling and debtor education approval requirements of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

On The Move

GableGotwals is pleased to announce the addition of **Ellen Adams** as a new associate in the Oklahoma City office, and **Sean Hanlon, Tom Hutchison** and **Paul Rossler** as new associates in the Tulsa office. Ms. Adams received her B.A. summa cum laude in 2003 from OU. In 2007, she earned her J.D. from the OU College of Law in 2007 with highest honors, where she was a Comfort Scholar and the articles development editor for the *American Indian Law Review*. Her legal practice is in the areas of business litigation. Mr. Hanlon graduated with a B.A. in business administration from the Illinois Wesleyan University in Bloomington, Ill., in 2000. He received his J.D. from TU in 2006 where he was the managing editor of the *University of Tulsa Law Review*. He recently served as a judicial clerk to Judge Sam A. Joyner, in the U.S. District Court for the Northern District of Oklahoma. Mr. Hanlon's legal practice is in the area of business litigation. Mr. Hutchison received a B.A. in economics and history, cum laude, from Dartmouth College in Hanover, N.H., in 2004. He earned his J.D., with honors, from OU in 2007 where he was a Comfort Scholar and the assistant managing editor of the *Oklahoma Law Review*. His legal practice is in the areas of commercial law, commercial transactions, mergers and acquisitions, corporate and

securities law and corporate finance. Mr. Rossler graduated with a B.S. in engineering from the GMI Engineering & Management Institute (formerly General Motors Institute) in 1984. He went on to receive his masters of science and Ph.D. from Virginia Tech in 1988 and 1991, respectively. He has been a professor of Industrial Engineering and Management at OSU since 2000. He received his J.D. from TU in 2007 where he was the articles research editor of the *Tulsa Law Review*. His legal practice is in the areas of intellectual property including patent, trademark and copyright prosecution, trade secrets, litigation, and intellectual property licensing rights.

Fellers Snider announces that **Amy Elizabeth "Liz" Wellington** has recently become an associate in the firm's Oklahoma City office. She provides general counsel in the areas of civil litigation, as well as ad valorem taxation, business litigation, debtor-creditor litigation and collections. Ms. Wellington holds a bachelor's degree from Stanford University, cum laude, and received her law degree from OU cum laude. She is admitted to try matters before all Oklahoma state district courts and the U.S. District Court for the Western and Eastern Districts of Oklahoma.

Mcdaniel, Hixon, Longwell & Acord PLLC announces that **Craig A. Mirkes** has joined the firm as an associate. He earned an LL.M. in taxation in 2005 from the University of Florida. He earned his J.D., with honors, in 2004 from the

University of Arkansas. He earned his B.S. in marketing from OSU in 2001. Mr. Mirkes focuses his practice on general civil litigation and taxpayer advocacy.

Conner & Winters LLP announces the addition of two new attorneys in its Tulsa office. **Kathryn S. Burnett** and **David S. Randolph** have joined the firm as associates. Ms. Burnett will focus her practice in litigation and labor and employment law. She will have specific responsibilities in the health care industry sector. She earned an undergraduate degree from OSU, a master's degree from Columbia University and a J.D. from the College of William & Mary. Mr. Randolph's practice areas include banking and finance, corporate and securities. He earned his B.S. and B.A. degrees, magna cum laude, from TU and a J.D., with honors, from the TU College of Law.

Conner & Winters LLP also announces the addition of two new attorneys in its Oklahoma City office. **Crystal Ann Johnson** and **Jay Griffin** have joined the firm as associates. Initially, Ms. Johnson's practice will be concentrated in the areas of bankruptcy and labor and employment. She will work in both transactional and litigation aspects of the firm's practice. Ms. Johnson earned an undergraduate degree in business from the University of Arkansas, and a J.D., with highest honors, from the OU College of Law, where she earned Order of the Coif. Mr. Griffin leaves private industry having worked for a real estate development company in Dallas. He will practice

primarily in the areas of corporate and securities and real estate law. He earned an undergraduate degree in business administration and a J.D., with honors, both from OU.

McAfee & Taft announces that recent law school graduates **Lauren E. Barghols, Jeremiah L. Buettner, Wagner Dias da Silva, Ditty S. John** and **Ryne Miller** have joined the firm as associates. Ms. Barghols is a trial lawyer who focuses her practice on commercial litigation and the representation of employers in a broad range of labor and employment matters. She graduated from the OU College of Law, where she was a Comfort Scholar and named to the Order of the Coif. She also served as submissions editor for *Oklahoma Law Review*. Mr. Buettner is a trial lawyer whose general civil litigation practice covers a broad range of business and commercial disputes, including antitrust litigation, construction litigation and contract disputes. While at the OU College of Law, the Comfort Scholar served as articles editor for *Oklahoma Law Review* and was a member of the Phi Delta Phi honor society. He most recently was named to the Order of the Coif. Mr. Dias da Silva is a corporate lawyer, devoting much of his practice to corporate and securities transactions, including mergers and acquisitions, agreement drafting, entity formation and regulatory matters. As a law student, he served on the editorial board of *Oklahoma Law Review*, was a member of Golden Key Honor Society, and was the recipient of the Rayburn L. Foster

Scholarship. Prior to entering OU, the Sao Paulo, Brazil, native worked as a certified translator and interpreter and as an English instructor to Brazilian business executives. Ms. John is a trial lawyer whose state and federal litigation practice focuses on business and commercial litigation and the representation of management in labor and employment disputes. While pursuing her J.D. at OCU, she was named to the Order of the Barristers, served as president of the Multicultural Law Students Alliance, and was a member of Moot Court Society and Phi Delta Phi. Mr. Miller's transactional practice encompasses the areas of banking and finance, as well as corporate and securities law. Much of his practice is focused on representing financial institutions in matters pertaining to their regulatory and operational needs. While at the OU College of Law, Mr. Miller was a Comfort Scholar and member of *Oklahoma Law Review* and served as president of the Oklahoma International Law Society. He also spent six months as a visiting scholar with the LL.M. International Business Law Programme at Chulalongkorn University in Bangkok, Thailand, prior to graduating.

Dobbs & Middleton, Employees of the Corporate Law Department of Farmers Insurance Group, announces that **Susan K. Carns** and **Lacy N. Boyles** have joined the firm as associates. Ms. Carns is a 2006 graduate of OCU School of Law and was previously employed by Pierce, Couch, Hendrickson, Baysinger & Green. Ms. Boyles is a 2007

graduate of the OU College of Law.

Crutchmer, Browsers and Barnes announces **John B. Nicks** has joined the firm as of counsel. With 27 years experience as a trial lawyer, he will continue to practice in the areas of civil litigation and oil and gas law. Mr. Nicks' oil and gas practice includes drilling and division order title opinions and representation of business and individuals in transactional and pipeline related matters. Mr. Nicks attended OU where he received an M.S. in industrial engineering in 1976 and a J.D. from OU in 1980. He may be reached at 1648 S. Boston Ave., Ste. 100, Tulsa, 74119 (918) 382-8686; John@cbb-law.com.

Goodwin, Mee & Freede GLLP announces that **R. Todd Waddell** joined the firm as an associate. Mr. Waddell graduated from OCU School of Law magna cum laude in 1997 after receiving his B.S. and M.S. degrees in geology from OU. He focuses his practice on oil and gas and environmental law, including litigation and regulatory compliance; oil and gas title examination; practice before the Oklahoma Corporation Commission; business/commercial litigation; bad faith insurance claims; major personal injury and personal tort claims. Prior to practicing law, Mr. Waddell was an exploration/exploitation geologist for CONOCO-EPNA Inc.

Pray, Walker, Jackman, Williamson & Marlar named **Heather L. O'Banion** an associate of the firm. Ms. O'Banion will focus her prac-

tice in the areas of employment, business transactions, real estate and commercial bankruptcy. She is a TU graduate, having received degrees in business administration in 2002, and a J.D. in 2005.

Andrews Davis announces that **Jacquelyn V. Duffy** has joined the firm as an associate. Ms. Duffy's practice areas include business law, health law, civil litigation, taxation, estate planning, trusts and probate. She also assists the firm's Native American department in civil litigation matters. Ms. Duffy has two undergraduate degrees from Washington and Lee University, and she received her law degree from OU in 2007.

Crowe & Dunlevy announces the addition of **Jasmine Majid** as a director in the firm's Oklahoma City office. She will practice primarily in the area of immigration. Prior to joining the firm, Majid served as a managing director for Chisam-Majid Immigration Law & Policy where she managed strategic business development and management for a federal legal practice concentrating on immigration and nationality law. Ms. Majid earned her B.A. from OSU in 1984. She earned her master's degree from Drexel University in 1995 and her J.D. from Temple University School of Law that same year.

Crowe & Dunlevy has named **Tynan Grayson, Wade Gungoll, Matthew Hickey, David Shipley** and **Jan Singelmann** associates in the firm's Oklahoma City office. Ms. Grayson focuses her practice in the areas of

business and commercial litigation and appellate law. She is a 2005 graduate of OCU School of Law. She earned a master's from OSU in 1999 and a B.S. from Langston University in 1996. Mr. Gungoll's practice focuses on energy and natural resources litigation and general litigation. He graduated from Columbia Law School in 2007 and earned a B.A. from Yale University in 2004. Mr. Hickey concentrates his practice in the areas of taxation, trusts and estates, and corporate and securities law. He graduated from the OU College of Law in 2007 and Wheaton College with a B.A. in 2003. Mr. Shipley's practice areas include corporate law, business law, securities, commercial real estate and health care. He is a 2007 graduate of the University of Texas School of Law and earned his B.S. from the University of Texas in Dallas in 2003. Mr. Singelmann's areas of practice encompass litigation, election and campaign finance, and litigation and trial practice. He graduated from Georgetown University Law Center in 2007 and the University of Missouri-Kansas City with a B.A. in 2001.

DeBee Gilchrist announces that **Andrew R. Schroeder** and **Susan R. Carey** have become associated with the firm. Ms. Carey graduated from OSU with a B.A. in political science and the OU College of Law with a J.D. She joins the firm's practice in the areas of estate planning, probate, estate tax and income tax. Mr. Schroeder graduated from the University of Wisconsin - Milwaukee with a B.B.A. in marketing and OCU School of Law with a J.D. He will

join the firm's practice in the areas of business, acquisitions, commercial, corporate, tax and estate planning.

At The Podium

Stacy L. Acord of McDaniel, Hixon, Longwell & Acord PLLC recently presented on the Individuals with Disabilities Education Act of 2004 to a group of educators from several branches of the Choctaw Nation Headstart for their pre-service training. Ms. Acord represents families of special needs children related to obtaining special education and related services utilizing IDEA 2004, Section 504 of the Rehabilitation Act and other state and federal special education laws and regulations.

Chris A. Paul of Joyce & Paul PLLC made two presentations at the AOPL 2007 Annual Business Conference held in Los Angeles Sept. 18-20. One presentation, titled "Budgets, Bullies and Blunders," discussed how the government and private plaintiffs have used evidence found in budgets and in indications of intimidation of personnel to establish liability of companies, often in the aftermath of regulatory, safety or environmental blunders. The other, "Legal Ethics and Antitrust Issues," focused on a lawyer's ethical obligations with respect to counseling and management of antitrust issues, and included discussions on records man-

agement and compliance programs.

O. Joseph Williams, attorney in the law firm of Pitchlynn & Associates PA in Norman, recently gave a presentation at the 9th annual National Intertribal Tax Alliance conference held in Tulsa. Mr. Williams spoke on various tribal tobacco tax issues and the use of tribal-state tax compacts as a means of resolving disputes between state governments and tribal governments concerning the collection of state taxes on tobacco products sold to non-tribal members in Indian country.

OU law professor **Lindsay Robertson** participated in a conference of the International Association of Law Schools in Suzhou, China, on Oct. 18 via videoconference. Mr. Robertson's presentation was titled "Learning from Each Other: Enriching the Law School Curriculum in an Interrelated World." He demonstrated how law professors in four countries could collaborate to teach a class using the videoconferencing technology. OU Law began international distance legal education in 2000. Presently, seven law schools from four countries participate in the class, including OU, the University of Ottawa and the University of Saskatchewan in Canada, Monash University and the University of Queensland in Australia, and Victoria University and the University of Auckland in New Zealand.

T. Douglas Stump was the featured speaker for the Case Management Society of America's Annual Conference in Tulsa on Oct. 3. Mr. Stump's presentation addressed recent changes in immigration law and the Oklahoma Taxpayer and Citizen Protection Act and the impact on the health care industry. Mr. Stump also addressed the September meeting of the Tulsa Chapter, Association of Building Contractors. He provided an analysis of the Oklahoma Taxpayer and Citizenship Protection. Mr. Stump was also the luncheon speaker for the September seminar on immigration law sponsored by the Oklahoma Medical Research Foundation, where he discussed issues of employment based immigration law for healthcare workers and medical researchers. Mr. Stump has also been appointed to serve on the American Immigration Lawyers Association's Immigration and Customs Enforcement Liaison Committee.

Marty Ludlum, professor at Oklahoma City Community College, recently gave two presentations at the Allied Academies Conference in Reno, Nev. His presentations were on international business ethics and attorney grievances. Mr. Ludlum has been with OCCC since 2000.

Keith Tracy of Keith Tracy PLLC recently spoke at the Wind Energy Public Forum in Cheyenne. He

spoke to the 300 attendees about the legal aspects associated with entering into a lease or easement with wind energy companies. Mr. Tracy represents landowners in negotiating wind energy leases and easements in Oklahoma.

University of Akron law professor **Sarah Cravens** was the speaker at the Inaugural Honorable Stephanie K. Seymour Lecture, titled "Judging Discretion" held Oct. 18 at the TU College of Law. Ms. Cravens worked as a law clerk for Judge Seymour on the U.S. Court of Appeals for the 10th Circuit and later as an associate at Arnold & Porter LLP in Washington D.C., where she practiced in the area of products liability litigation.

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 Dec. 8 issue must be received by Nov. 19

Charles C. Callaway of Mangum died Sept. 17. He was born June 24, 1924, in Prescott, Ariz. The family moved to Greer County in 1926. He began his college career at Mangum Junior College and later transferred to OU. **He postponed his education to serve in the U.S. Army, 99th Infantry, in World War II. His military honors include two Bronze Stars and a Purple Heart.** After returning to the states, he resumed college at OU. He and his wife moved to Washington, D.C., where he received his B.A. from George Washington University and his J.D. from the American University Washington College of Law. Once he returned to Oklahoma, he served as an assistant district attorney for more than 35 years. He also farmed land south of Mangum he referred to as "Paradise Flats," which was originally farmed by his grandparents. Among his survivors are his son, Charles C. Callaway Jr., and his daughter-in-law, Gene Callaway, both OBA members.

William Maurice (Buster) Cloud Jr. of Oklahoma City died Sept. 17. He was born Jan. 20, 1933, in Council Hill. He graduated from Jenks High School and went on to attend OU, where he was a three-year letterman in baseball. He led the Sooners

in batting average for the 1953 Big Seven Championship. **After graduating in 1954, he received his commission in the U.S. Army.** He played professional baseball in the minor leagues as a member of the Chicago Cubs organization. Following military service, he attended law school at OU and received his J.D. from TU. He was self-employed in the petroleum industry in Oklahoma City for more than 40 years. Throughout his life, he was very involved in OU-related activities, including president of the OU Alumni Association, president of the basketball Tip-In Club, member of the Board of Directors of the Varsity "O" Club and member of the OU Associates. Memorial contributions may be made in his name to the OU Foundation/Diabetes Center.

Frank Gregory of Oklahoma City died Sept. 3. He was born May 28, 1937, in Muskogee. He attended George Washington University and OU Law School. During his career, he worked for the Federal Trade Commission under Presidents Kennedy and Johnson. He was counsel for Conoco Oil and GE before returning to Oklahoma to work as an assistant to state Attorney General Larry Derryberry. For the last 20 years, he was in

private practice in Tulsa and Oklahoma City. He loved fishing, politics and dogs.

James K. (Jimmy) Jones of Tulsa died Oct. 6. He was born July 14, 1924, in Okmulgee. He graduated from Central High School in Tulsa in 1942. **He served in World War II as PT boat captain, serving with honor and distinction in the Pacific Theatre.** Upon his return, he completed his education at OU, where he lettered in track and football while studying the arts and sciences. He earned a law degree in 1949. He was the earliest multifamily apartment builder in Tulsa, providing housing for countless people. A driven innovator, he was the first builder to use concrete slab foundations in 1955 and soon owned more than 2,000 apartment units. He was also an early member of the Tulsa County Planning Commission and an active participant in the development of Grand Lake, handling all the title work for the Corp. of Engineers. He was the president and founder of Mortgage Clearing Corporation and the co-founder of Triad Bank. His work is evident in real estate throughout Tulsa, including the London Square Shopping Center. Memorial donations may be made to your favorite charity.

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OKLAHOMA EMPLOYMENT LAWYERS ASSOCIATION: If you are a Plaintiff's attorney who occasionally files employment related lawsuit, join the OELA. Contact Lori Lanon at (405) 235-6100 for information and check out OELA's December 14, 2007, seminar: *Anatomy of a \$60,000,000 verdict*. Visit OELA.org.

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JENKS LAW, P.L.L.C., will have two offices for rent beginning in the fall. Second floor of the Elm Street Market in Jenks, above the Elm Street Pub. New building, great location just off the Creek Turnpike. Monthly rent is \$800, which includes phone, fax, internet, conference room, break room, reception area, and parking. Call Jasen Corns at (918) 298-1411.

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OKLAHOMA CITY FIRM focusing mainly in personal injury and criminal law practice seeks associate. Competitive salary. Flexible hours. All contacts will be kept confidential. Send resume to Box "I," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

AV RATED Tulsa firm seeks part time associate, flexible hours. Emphasis on research/writing with some deposition and general courtroom work. Strong academic background, drafting skills and brief writing required. All replies confidential. Send resume to Box "DD", Oklahoma Bar Association, P. O. Box 53036, Oklahoma City, OK 73152

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FENTON FENTON SMITH RENEAU & MOON is an AV rated defense firm seeking an attorney with 0-3 years experience to assist in its civil litigation department. Please submit a resume, writing sample and transcript to the Recruiting Coordinator, 211 N. Robinson, Ste. 800N, Oklahoma City, OK 73102.

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LEGAL ASSISTANT TO U.S. MAGISTRATE JUDGE DESIGNEE T. LANE WILSON. **Position Overview.** The Legal Assistant is responsible for a wide variety of administrative and office support services for the judge and chambers' personnel. Responsibilities include, but are not limited to, case management, legal writing and legal research, calendaring, travel planning and word processing. The position will be available upon the official appointment of the U.S. Magistrate Judge Designee T. Lane Wilson. **Required Skills and Abilities** High school diploma required; college degree preferred. Knowledge of office procedures, practices, processes and etiquette. Solid time management and organization skills. Ability to project a professional image and maintain integrity of confidential information. Excellent written, verbal and interpersonal skills. Excellent computer and word processing skills. Excellent attention to detail, follow-through, accuracy and commitment to completing assignments. Must be able to perform basic legal research and interpret research by writing summaries, recommendations and draft orders. Prior work in social security cases a plus. Must exhibit high levels of initiative, motivation and ability to work effectively with a diverse constituency. Five years of professional legal experience preferred. Applicants must be U.S. citizens or eligible to work in the United States. The selected candidate will be subject to a background check as a condition of employment. **Benefits** Employees of the U.S. District Court are not classified under Civil Service, but are entitled to many of the same benefits as other federal government employees, including participation in the retirement system, health and life insurance programs, leave accrual, periodic grade and step increases, and paid holidays. Submit cover letter and resume by Dec. 7, 2007 to: United States District Court Clerk. ATT: Legal Assistant Vacancy, Northern District of Oklahoma 333 W. 4th Street, Room 411, Tulsa, Oklahoma 74103. An EOE

THE ROBINSON LAW FIRM PC is an AV rated defense firm seeking an attorney with 7-10 years experience to assist in its civil litigation department. Please submit resume, writing sample and transcript to Gene Robinson, grobenson@grobensonlaw.com or 5810 E. Skelly Dr., Suite 1100, Tulsa, OK 74135.

TULSA COUNTY Public Defender is looking for an energetic attorney, with at least 5 years of criminal trial experience, committed to defending the lives of clients facing the death penalty. The ideal candidate will possess capital trial experience, excellent research and writing skills, a working knowledge of capital law, the ability to work well with all members of the defense team, and a willingness to spend long hours developing mitigation. Candidate must be licensed to practice law in Oklahoma or demonstrate an ability to obtain a temporary license which will become permanent based on reciprocity. Salary commensurate with experience and qualifications. Please submit a resume and cover letter outlining your qualifications and salary requirements to Pete Silva, Public Defender, by mail to 423 Boulder, Suite 300, Tulsa, OK 74103; by fax to (918)-596-5559; or by email to pete.silva@oscn.net.

POSITIONS AVAILABLE

NW OKC Creditors Rights Firm seeking attorney with 0-3 years experience. Courtroom experience preferable. Please email resumes to michael1@lbncollect.com or fax them to (405)-720-8231.

THE JUDICIAL NOMINATING COMMISSION seeks applicants to fill the following judicial office: Judge for Oklahoma Court of Civil Appeals, District Two, Office One. This vacancy is created by the appointment of the Honorable John F. Reif to the Supreme Court effective Oct. 23, 2007. To be appointed to the office of Judge of the Court of Civil Appeals, one must be a registered voter of the respective judicial district at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointees shall have had a minimum of four years experience as a licensed practicing attorney, or as a judge of a court of record, or both within the State of Oklahoma. Application forms can be obtained by contacting Tammy Reaves, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521-2450, and should be submitted to the Chairman of the Commission at the same address no later than 5:00 p.m., Friday, Nov. 30, 2007. If applications are mailed, they must be postmarked by midnight, Nov. 30, 2007.

GROWING OKC LITIGATION FIRM committed to highest quality legal services needs associate with 5 to 7 years experience to handle insurance defense matters. Must have excellent academic record and references. Please send resume and writing sample to Box "Z," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152.

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OKC AV FIRM seeks associate with 1-5 yrs. experience. The attorney must be a motivated selfstarter. The 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 "BB," Oklahoma Bar Association, P.O. Box 55036, Oklahoma City, OK 73152.

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DOWNTOWN Oklahoma City AV-rated law firm seeks a self-motivated associate with 2-4 years of experience in insurance defense and personal injury-related cases. Responsibilities include depositions, research, discovery, and trial work. Salary commensurate with experience. Reply to Box "CC", Oklahoma Bar Association, PO Box 53036, Oklahoma City, OK 73152

AV RATED DOWNTOWN OKC insurance defense litigation firm seeks associate with 2 - 4 years experience. Salary commensurate with experience. Please send resumes to McAtee & Woods, P.C., 410 NW 13th Street, Oklahoma City, OK 73103.

DOWNTOWN OKC AV FIRM seeks associate with 2-5 years experience in general civil and/or criminal litigation. Strong academic, research and writing background required. Must be prepared to immediately assume substantial responsibility. Compensation and benefits commensurate with abilities. Send resume and salary requirements to Box "G", Oklahoma Bar Association, P. O. Box 53036, OKC 73152.

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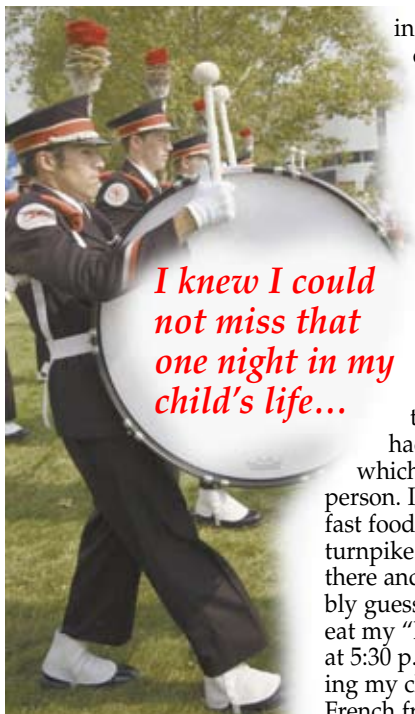
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A Gift from Mr. Alverson

By Vicki Ruth Adams Werneke



I knew I could not miss that one night in my child's life...

I have been an appellate attorney for over 14 years representing men sentenced to death. Over the years, I have visited with several clients on H-Unit at the Oklahoma State Penitentiary, the underground unit where death row is housed, in McAlester. Recently, I spent the day at the prison visiting several men. I arrived at the prison about 10:45 a.m. after traveling over 2 ½ hours from Oklahoma City. I had asked to visit with six men, but only had time to visit with five before the unit manager told me I had to leave at 5 p.m. I had been in the bowels of the prison all day and was hungry and thirsty when I left. Attorneys are not allowed to bring anything to eat or drink into the visiting room while meeting with the inmates. After spend-

ing over six hours discussing the complicated nature of their various cases, I was exhausted and ready to go home.

While traveling north on the Indian Nations Turnpike, I reflected on the day and the conversations I had with the men, which varied with each person. I stopped at the fast food restaurant on the turnpike (the only one there and you can probably guess which one) to eat my "lunch" which was at 5:30 p.m. While enjoying my cheeseburger and French fries, I thought of one of the conversations at the prison. One of the men I had visited with earlier that day was Billy Alverson. I do not directly represent Mr. Alverson, but had permission from his attorneys to visit with him about another matter. Mr. Alverson was lamenting the fact that he was unable to be out in the world to help raise his four sons. He had been incarcerated for over 10 years already. He was especially concerned about his oldest son who was 17 years old and whom he had not spoken with in a while. Mr. Alverson expressed anguish that his son might make mistakes in his life. Mr. Alverson did not want his son to end up in prison like his father. He was not even sure if his oldest was in high school this year.

Many times when clients talk about their children, I think of my own children. My husband and I are the proud parents of a daughter, who is a sophomore in college and has become a fine young woman, and a son who is 16 years old and a junior in high school. Our son is close in age to Mr. Alverson's oldest son. I thought how different our son's life is compared to Mr. Alverson's and his oldest son's life. Our son is on the drumline in the marching band for his high school, which he enjoys immensely. He is making plans for college where he wants to study to become a veterinarian.

That night after spending all day at the prison, I was exhausted. I knew there was a football game that night and that the marching band would be performing at halftime. When I started the day, I had planned on just going straight home because I knew I would be spent. I told my son that I would not be there and he understood. I told other parents in the band boosters organization, of which my husband and I are the co-presidents, that I would not be there. I knew that my husband would be there to help with the band. But after hearing Mr. Alverson's regret over the lost time with his sons, I knew that I could not miss even that one night of watching my child enjoying life and being part of something fantastic. I drove the three hours to the football game and arrived just before half

time. My husband met me at the gate and greeted me with a soft drink. My son saw me in the stands as he stepped on the field and the performance by the band was wonderful.

Although I was still tired from the day, I was also energized and knew I was in the right place. The band director and some of the other parents were glad to see me, especially when they were not expecting me as I had told them I would be at the prison all day. Later that night when our son came home, he told me he was glad I was able to make it. I know that if I had decided to just go home, he would not have been upset with me or resentful. I was glad though that I had listened with my heart when Mr. Alverson was talking with me about his children and how he wished he would have made different choices with his life years ago.

The next day when I was back in the office, I talked with Mr. Alverson's attorney, and told him how much I appreciated Mr. Alverson's willingness to meet with me about the legal matter and how his feelings of love and caring for his children influenced me to change my plans for the evening. I knew I could not miss that one night in my child's life and I thanked him for that gift. Inspiration can be found in the most amazing and unexpected places, even a dungeon like death row.

Ms. Werneke is an attorney with the Oklahoma Indigent Defense System.

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