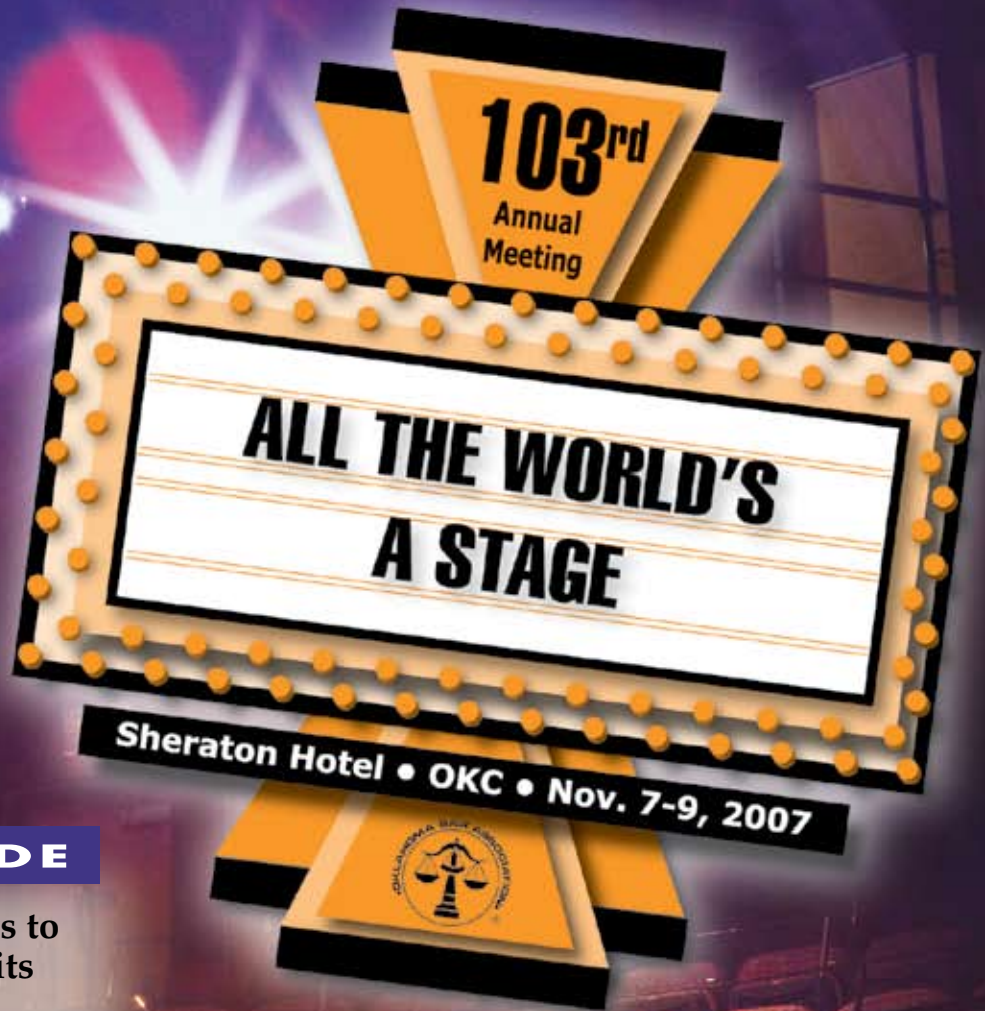


WIT Oklahoma Bar JOURNAL

Volume 78 ♦ No. 24 ♦ September 1, 2007



ALSO INSIDE

- Time Period Narrows to File Title VII Lawsuits
- Women in Law Conference
- OBA Leadership Conference



Calendar of Events

OBA CLE Seminars

SEPT. 6 – TULSA

How to Find the Courthouse: A Framework for Young Lawyers
Cosponsored with the OBA Young Lawyers Division; 6 hrs. of MCLE credit, including 1 hr. of ethics; Crowne Plaza Hotel, 100 E. 2nd St.

SEPT. 7 – OKC

How to Find the Courthouse: A Framework for Young Lawyers
Cosponsored with the OBA Young Lawyers Division; 6 hrs. of MCLE credit, including 1 hr. of ethics; Oklahoma Bar Center, 1901 N. Lincoln Blvd.

SEPT. 14 – TULSA

Back to Basics - Updated Family Law from A - Z
Cosponsored with the OBA Family Law Section; 6 hrs. of MCLE credit, including 2 hrs. of ethics; Crowne Plaza Hotel, 100 E. 2nd St.

SEPT. 21 – OKC

Back to Basics - Updated Family Law from A - Z
Cosponsored with the OBA Family Law Section; 6 hrs. of MCLE credit, including 2 hrs. of ethics; Oklahoma Bar Center, 1901 N. Lincoln Blvd.

SEPT. 21 – TULSA

The Trial of an Employment Case
6 hrs. of MCLE credit, including 0 hrs. of ethics; Crowne Plaza Hotel, 100 E. 2nd St.

SEPT. 27 – OKC

Powerhouse Communication Tools for Today's Women Lawyers: The 2007 Women in Law Conference
Cosponsored with the OBA Women in Law Committee; 6 hrs. of MCLE credit, including .5 hrs. of ethics; The Skirvin Hotel, One Park Ave.

SEPT. 27 – OKC

The Women Lawyers Club
Cosponsored with the OBA Women in Law Committee, the OBA Litigation Section and Periahtos Productions; 3 hrs. of MCLE credit, including 0 hrs. of ethics; The Skirvin Hotel, One Park Ave.

SEPT. 28 – TULSA

The New Lawyer Experience: Hit the Ground Running
Cosponsored with the OBA Management Assistance Program; This course is not eligible for mandatory CLE credit. This is an informational course. Tulsa County Bar Association, 1446 S. Boston.

Check registration
times at
www.okbar.org
You may register
online at
www.okbar.org
or call
405.416.7006

September

Calendar of Events

OBA CLE Webcasts

OCT. 4

Update on New Ethics Rules
Gina Hendryx, Ethics Counsel,
Oklahoma Bar Association, Oklahoma
City, Noon, 1 Hr. MCLE, including
1 hour of ethics, \$50

OCT. 10

**The Secret of Client Satisfaction: Keeping
'Em Happy (and Coming Back for More)**
Jim Calloway, Director MAP,
Oklahoma Bar Association, Oklahoma
City, Noon, 1 Hr. MCLE, including
0 hours of ethics, \$50

OCT. 17

Oklahoma's New Immigration Law
3 Hrs. MCLE, including
0 hours of ethics, \$150

NOV. 27

**Trust Accounts: What's New
and What's Not**
Gina Hendryx, Ethics Counsel, Oklahoma
Bar Association, Oklahoma City, Noon,
1 Hr MCLE, including 1 hour of ethics, \$50

You may register
online at [http://
legalspan.com/
okbar.webcasts.asp](http://legalspan.com/okbar.webcasts.asp)

DEC. 4

**Ethics Issues in the Internet Age:
Email, Trust Accounts, Payment Systems
and Websites**
Jim Calloway, Director MAP, Oklahoma
Bar Association, Oklahoma City; Gina
Hendryx, Ethics Counsel, Oklahoma Bar
Association, Oklahoma City; Noon, 2 Hrs.
MCLE, including 2 hours of ethics, \$100

DEC. 6

**22nd Annual Advanced Bankruptcy
Seminar: Day 1**
A Centennial Year's Retrospective &
Prospective View of Bankruptcy, 6 Hrs.
MCLE, including 0 hours of ethics, \$200

DEC. 7

**22nd Annual Advanced Bankruptcy
Seminar: Day 2**
A Centennial Year's Retrospective &
Prospective View of Bankruptcy, 6 Hrs.
MCLE, including 1 hour of ethics, \$200

DEC. 13

Recent Developments 2007 - Day 1
6 Hrs. MCLE, including 0 hours
of ethics, \$200

DEC. 14

Recent Developments 2007 - Day 2
6 Hrs. MCLE, including 1 hour
of ethics, \$200

October, November & December





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.

For more information, please call **1-800-762-5272**

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2007 OBA FUN WALK

REGISTRATION FORM

Grab your walking shoes and join the Oklahoma Bar Association and Lawyers Helping Layers 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 Sheraton Hotel in Downtown OKC

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:

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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.

THEME:
OBA ANNUAL MEETING

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WOMEN IN LAW
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OBA LEADERSHIP CONFERENCE

Something All of Us Can Do

By Stephen Beam

The founding fathers provided us with the right to a trial by a jury of our peers, regardless of political affiliation, social status or personal wealth. Article 2 Section 19 of the Oklahoma Constitution says “the right of trial by jury shall be and remain inviolate...” The problem with jury service in Oklahoma and across this country is that courts struggle to find people for jury duty. Everyone is willing to serve on a jury — just not right now.

One of our local judges told me she is embarrassed to even say how many juror summons are sent out in our county to get a 50-person panel for misdemeanors. Many of our good citizens try everything within their power to escape jury duty. The general public is quick to criticize the jury system but very few are willing to serve when called. It has gotten to be almost a point of honor with some business people that they have escaped their responsibility to serve on a jury.

Nationally only about 46 percent of people summoned for jury duty actually show up. Many states are making extraordinary efforts to recruit jurors. New York has eliminated occupational exemptions to jury service. Doctors, lawyers, firefighters, police officers and even judges are no longer exempt. It is now common in some states for judges to send a deputy sheriff out to recruit jurors on the spot. Other states send deputies to the home of jurors who have not shown up for jury duty and give them orders to appear in court to explain why they did not appear. Daily fees have been raised in some courts for jury service. Others are limiting jury service to one day or one trial and reimbursing jurors for some costs such as parking.

Our district judge has always felt it is almost a sacred duty to serve when called for jury duty. You must have a really good excuse, and then he may only release you for a day or two.

In 25 years of being a lawyer, I have only asked three times for a client of mine to be excused from jury service. I would consider two of the excuses to be in the real hardship category. I am embarrassed

to admit the third time was not for a very good reason. As usually happens, several years later that client had a case that looked like it would be tried before a jury. At the settlement conference, the settlement judge told my businessperson client he could not expect to have

a jury of his peers. The client understood that because I think because he knew he had escaped jury duty on a pretty weak excuse. The case settled, at least partly because my client knew he could not expect a jury of business people. I don't think he will be as quick to try to escape jury service the next time he is summoned.

**All of
you have
a circle of
influence
within your
communities.**

I know I'm preaching to the choir when I tell you about the importance of jury service. All of you have a circle of influence within your communities. Please use that influence to encourage citizens to serve on a jury when called. Please stress the importance of jury service whenever you can. Serving on a jury is a corner stone of democracy and a civic responsibility. Please don't help your clients or friends avoid jury service. Please urge them to serve when called. This is something all of us can and should do.



President Beam
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EVENTS CALENDAR

SEPTEMBER

- 3 **Labor Day** (State Holiday)
- 7 **OBA Awards Committee Meeting**; 11:30 a.m.; Supreme Court
Conference Room, State Capitol; Contact: Gary Clark (405) 385-5146
Oklahoma Trial Judges Association Meeting; 12 p.m.;
Oklahoma Bar Center, Oklahoma City; Contact: Judge Barbara
Swinton (405) 713-7109
- 11 **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
OBA Member Services Committee Meeting; 3 p.m.; Oklahoma Bar
Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Debra
Charles (405) 286-6836
- 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
OBA Professionalism Committee Meeting; 4 p.m.; Oklahoma Bar
Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact:
Steven Dobbs (405) 235-7600
- 14 **OBA Lawyers Helping Lawyers Committee Meeting**; 1:30 p.m.;
Oklahoma Bar Center, Oklahoma City; Contact: Thomas Riesen
(405) 843-8444
OBA Family Law Section Meeting; 3 p.m.; Oklahoma Bar Center,
Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342
- 17 **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 or Barry Davis (405) 607-8757
- 19 **Ginsburg Inn of Court**; 5 p.m.; Oklahoma Bar Center, Oklahoma City;
Contact: Julie Bates (405) 691-5080
- 20 **OBF Trustees Meeting**; 12 p.m.; Oklahoma History Center, Oklahoma
City; Contact: Nancy Norsworthy (405) 416-7070
OBA Work/Life Balance Committee Meeting; 12 p.m.; Oklahoma Bar
Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
OBA Legal Intern Committee Meeting; 3 p.m.; Oklahoma Bar
Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686

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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10 Reasons Not to Miss This Year's Bar Convention

By OBA President Stephen Beam

TV talk show host David Letterman is famous for his top 10 lists. Well, here's my version of why you REALLY need to be in Oklahoma City Nov. 7 – 9 at the downtown Sheraton Hotel.

#10 – GREAT VARIETY OF CLE.

There truly is something for everyone – regardless of their practice areas. With five tracks of programming to pick from on Wednesday, a very interesting plenary session on Thursday and a recent development seminar on Friday, you can get your entire year's worth of CLE at the meeting. One day and combinations of days are also options.

#9 – BE IN THE KNOW.

Nowhere else can you get the big picture of what's happening within the legal profession in Oklahoma. During Friday's General Assembly, you'll hear a summary of what's happening in your bar association, plus you'll learn about the activities of our state's Supreme Court and Court of Criminal Appeals. And the meeting of the House of Delegates is where the business of the OBA really happens.

#8 – CAMARADERIE WITH ATTORNEYS.

I really enjoy the company of other lawyers. Who better to understand what I do and to share stories about the crazy things clients do than fellow lawyers. And no one tells stupid lawyer jokes.

#7 – CHANCE TO VISIT WITH JUDGES.

The Oklahoma Judicial Conference will be held at the Cox Center, right across the street. So many of the judges will be attending parts of our meeting. Talking to judges and getting to know them on an informal basis builds better professional relationships.

#6 – FREE STUFF FROM VENDORS.

Not only is it a chance to learn more about legal products and services, but who can resist the free, give-away items? Visit a number of the vendors and have them sign your vendor passport card, and you'll be entered in the OBA prize drawing – in addition to the individual vendor prize drawings.

#5 – HOSPITALITY SUITES.

The suites give people a chance to get to know election candidates, visit with friends and a chance to meet new people. When you've been in meetings or CLE all day, this is the chance to talk to other lawyers. All suites are open to everyone.

#4 – ADD BALANCE TO YOUR LIFE.

Yes, we know we work too much. This year the run is out, and the OBA Fun Walk is in! Plus, the walk will be in the afternoon instead of the crack of dawn. And, it will start at the hotel. And better yet, it will benefit our own Lawyers Helping Lawyers Foundation. The Art Contest is an event that allows bar members to show their creative side, and everyone enjoys admiring the wide variety of entries. A first this year is the free mental health seminar on Thursday afternoon. The seminar will be especially helpful for bar members dealing with depression.

#3 – HEAR BEN STEIN SPEAK.

He's well known, funny and a dynamic speaker with quite a diverse background. Film star, TV game show host, White House speechwriter, money guy who has written a gazillion books - and a great reason to attend the Annual Luncheon. He is a guy who will interest lawyers of all ages, and I'm hoping he'll be a draw for a younger crowd that doesn't usually attend the bar convention. If you're not familiar with him, check out the next story.

#2 – IT'S FUN.

New this year is an American Idol-type event, and we are recruiting bar members who can sing. Sign up or come be part of the audience. Another new event will offer the music of Frank Sinatra sung by two talented performers - and dessert. Casino night remains popular, so it's back. Direct from Las Vegas will be live and in person - Elvis - to add even more fun to the casino atmosphere! And a wine tasting is a new addition to my President's Reception.

*And saving the
best reason for
last – drum roll
please...*

#1 – FINANCIALLY BENEFITS YOUR PRACTICE.

This is the ultimate event for networking, bar none. The opportunity to reconnect with your law school classmates or meet lawyers from across the state definitely pays off in more ways than one. I bet I receive a phone call a week that results in a new client from the contacts I've made at the Annual Meeting. I don't understand attorneys who say they can't afford to be out of the office that long, because I've found the time I spend at the meeting to be an investment in my practice.

With all these reasons to attend. why wait? Sign up today. and I'll see you there. I promise you it will be worth it!



Ben Stein to Speak at Annual Luncheon

On few occasions is an audience given the chance to hear what many call a modern-day Renaissance man. Actor, author and economist Ben Stein, keynote speaker of this year's Annual Luncheon, will bring his take on "All the World's a Stage" with humorous personal stories and opinions of politics, media and observations of life.

Mr. Stein, recognized by his monotone personality and quick, dry wit as the "Ferris Bueller teacher," has not only achieved much on-screen success with his original cable TV show "Win Ben Stein's Money," Clear-Eyes commercials, and aforementioned comedy "Ferris Bueller's Day Off," but is also known for his creative writing style and contribution to American economics and politics. Regularly contributing to such accredited newspapers as the *Washington Post*, *New York Magazine* and the *Wall Street Journal*, Stein has also written many books, most recently *The Real Stars: In Today's America, Who Are the True Heroes?* Stein also held the position of speechwriter and lawyer for Richard Nixon at the White House, then working for Gerald Ford. It should be noted, that according to Stein's official Web Site, the link "I am not a crook," stated by Nixon,

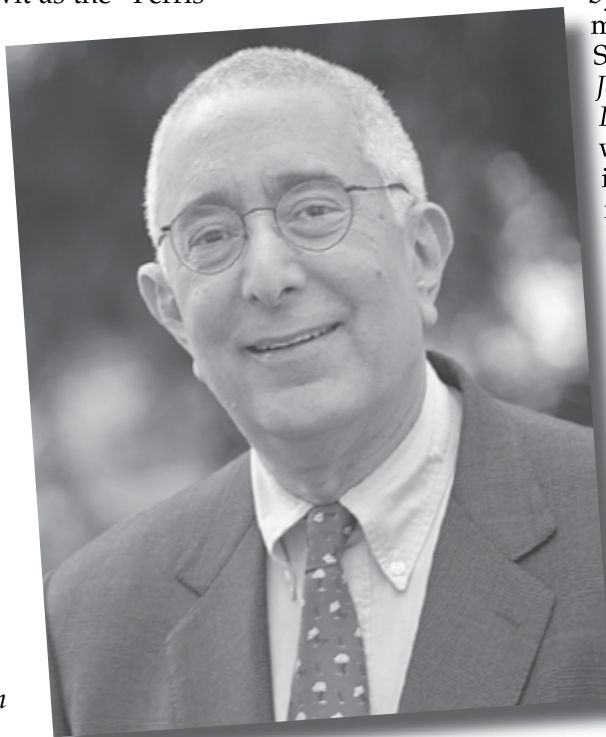
should not be passed off as being authored by Stein.

While this Renaissance man carries a lengthy resume of on-screen appearances and writing accomplishments, Mr. Stein began his career in law. Holding a degree in economics with honors from Columbia University, he obtained his second degree from Yale Law School in 1970 as valedictorian of his class

by election of his classmates. While at Yale, Mr. Stein helped establish the *Journal of Law and Social Policy*. Mr. Stein then worked in poverty law in New Haven, Connecticut and Washington, D.C., as well as a trial lawyer in the field of trade regulation at the Federal Trade Commission. Mr. Stein also has experience in teaching as an adjunct professor at American University in Washington, D.C. and the University of California at Santa Cruz teaching political and social content of mass culture, as well as Pepperdine University teaching libel law and securities

law and ethical issues.

The Annual Luncheon takes place from noon to 1:45 p.m. Thursday, Nov. 8. Cost to attend is \$25 per person with Annual Meeting registration. Seating is limited, so register today. See the registration page in this issue.





Highlights of 2007 Annual Meeting CLE

By Donita Bourns Douglas, Director, OBA Educational Programs

If “all the world is a stage,” then the Oklahoma Bar Association continuing legal education at the 2007 Annual Meeting is a multiplex theater. OBA members will have more than 15 hours of five-star CLE to choose from over the three-day period. The course offerings are varied and include sessions presented with comedy and sessions presented with drama. This year’s programming has been expanded to include a free CLE Thursday afternoon and a Friday, six-hour, recent developments program.

On Thursday, Nov. 8, in the 9 a.m. plenary session, the OBA will take on the challenging issues created by science and the criminal justice system. The session, “Isolated Events or System Failures?” will be a review of the Pontotoc County murder trials of Dennis Fritz and Ron Williamson. The session will focus in part on the cases, which are the subject of the John Grisham book, *The Innocent Man*. The discussion will also explore if there is a need, as a result of these and other exonerations, to change any part of the Oklahoma criminal justice system.

Mr. Fritz, along with co-defendant Mr. Williamson, was convicted in 1988 in Pontotoc County for the murder of Debra Sue Carter, whose body had been found six years earlier. Mr. Fritz was sentenced to life in prison, and Mr. Williamson was sentenced to death. Both were exonerated and released in April 1999 after spending 11 years behind bars. Mr. Williamson had, at one point, come within five days of execution.

Mark Barrett, Mr. Williamson’s defense attorney, and William Peterson, Pontotoc County

district attorney, will each have opportunity to address issues raised specifically by the Williamson and Fritz cases. Stephen Saloom, policy director for the Innocence Project, will explore potential changes in the criminal justice system. His presentation, “Enhancing Justice by Learning from DNA Exonerations,” will provide considerations for change in a system that some suggest just isn’t broken.

The plenary session will conclude with what should be an insightful and high-energy panel discussion that includes some of the players in this Oklahoma drama. The panel will include Mr. Fritz, Mr. Peterson, Mr. Barrett, and Mr. Saloom. Other participants are Christy Shepherd, cousin of the murder victim; David Prater, Oklahoma County district attorney; and Chris Ross, Pontotoc County first assistant district attorney. The session will be moderated by Judge Edward C. Cunningham, Canadian County district judge.

The Wednesday CLE multi-track format will be used at this year’s meeting. Members will have an opportunity to select from in excess of 30 different sessions. Five tracks of simultane-

ous CLE programming will be offered: Family Law, Criminal Law, Transactional Law, Litigation, and Nuts and Bolts.

The Family Law track will address collaborative family law, grandparent rights, guardian ad litem and technology tips. The Family Law Ethics Players are back by popular demand, and no doubt will provide some provocative drama framing relevant ethics issues. At press time, this presentation was not yet rated.

Criminal Law track planners Ben Brown and Charles Sifers provide a repeat performance and continue the outstanding criminal law offering in this year's program. Sessions cover a broad spectrum and should prove useful to all attorneys who practice criminal law: "Handling Juvenile Delinquent & Youthful Offender Cases," "Walk the Line: Handling a Basic DUI Case," "Putting the Parts Together: Anatomy of a Criminal Case," "Setting the Stage: The Anatomy of a Writ and Criminal Appeal," "Representing Defendants Charged in Accelerations and Revocations Cases" and "A Focus on the Fourth: A Search & Seizure Primer."

After a brief hiatus, the Transactional Law track has returned with "producer" Guy Jackson doing some of his best work. Mr. Jackson will make a cameo appearance as Professor Wizard and address asset protection. OBA Ethics Counsel Gina Hendryx will present, "Dim the Lights: Issues in Winding Down a Practice." Tulsa Attorney Faith Orlowski is expecting ovations for her presentation, "Bringing Down the House: Recent Issues with Real Estate Titles." Issues relating to a digital office will be addressed by OBA *technology star* Jim Calloway. No performance is complete without a judicial panel; the distinguished panel will address probate and guardianship law. Former OBA President David Petty will address issues in representing small businesses; after all, there aren't any small businesses, just small players.

Ingenue OBA member LeAnne McGill has orchestrated a star-packed track that covers some of the "Nuts and Bolts" of law practice. Track highlights include "Anatomy of a Trial: A Dramatic Run Through" and "Spotlight on Persuasion: Writing Briefs That Win Your Case." Ethics, business organizations and effective file management will round out the track.

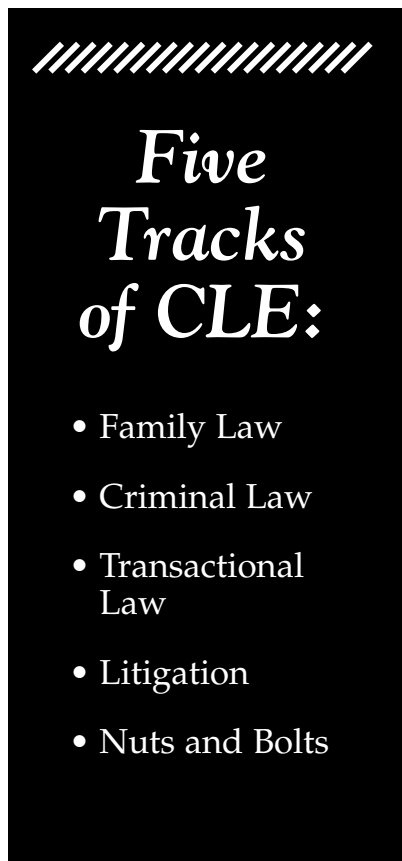
The legal stage — the courtroom — will be the focus of the Litigation Track. "Choreograph for Success: Litigation Tactics Dos and Don'ts," "Grand Finale: How to Negotiate and Settle

Cases," "A Close-up: Basic HIPAA for Litigators," "Take a Cue: Electronic Discovery and Litigation Today," "Handling the Talent: Cross-Examination of Expert Witnesses" and "Give 'em the Ole Razzle Dazzle: Use of Technology in the Courtroom" will provide substance and drama to the OBA players in the courtroom.

The five tracks will occur simultaneously in five meeting rooms at the Sheraton Hotel. Each track is divided into 50-minute blocks, and breaks will coincide. Attendees can mix and match programs they attend and put together the CLE that best suits their needs. Ethics and technology sessions are scattered throughout the day. Registrants receive materials on a CD for all Wednesday sessions, not just the sessions attended.

Another new addition to this year's Annual Meeting is an all-day Friday session, "2007 Recent Developments: An OBA Annual Convention Sampler." Starting at 9 a.m., this program will address recent developments: federal rules, family law, immigration law, oil and gas, probate/guardianship, the new ethics rules, and criminal law.

The OBA/CLE at the 2007 Annual Meeting is now over a 15-hour format and is being offered on Wednesday from 9 a.m. to noon and 2 p.m. to 5 p.m. and for three hours on Thursday from 9 a.m. until 11:50 a.m.



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>
WEDNESDAY <i>Registration</i> 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.	Can't We All Just Get Along? Collaborative Family Law (tentative) TBA	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.	The Family Law Ethics Players (tentative) TBA (ethics)	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.	It Takes a Village: Grandparents Rights and 3rd Party Custody Issues (tentative) TBA	Putting the Parts Together: Anato- my of a Criminal Case Cheryl Ramsey	Bringing Down the House: Recent Issues with Real Estate Titles Faith Orłowski	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.	50 Hot Tips: Technology to Improve Your Practice (tentative)	Setting the Stage: The Anatomy of a Writ and a Criminal Appeal Cindy Danner (tentative)	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.	Basic Guardian Ad Litem (tentative)	It's About Timing: Representing Defendants Charged in Accelerations and Revocations Cases Kent Bridge	Professor Wizard and the Magic Wiffle 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.	TBA	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 TBA	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 <i>Registration</i> 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, <i>Pontotoc County district attorney</i> Mark Barrett, <i>defense attorney</i> Stephen Saloom, <i>policy director for the Innocence Project</i> Dennis Fritz, <i>exonerated by DNA evidence</i> David Prater, <i>Oklahoma County district attorney</i> Christy Shepherd, <i>cousin of the murder victim</i> Chris Ross, <i>Pontotoc County first assistant district attorney</i>

2007 Annual Meeting Registration Form

Please complete a separate form for each registrant.

Name _____ E-mail _____

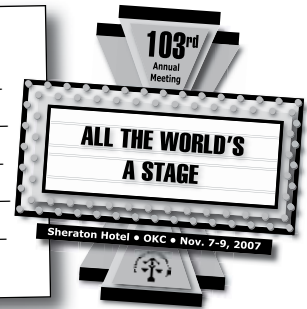
Badge Name (if different from roster) _____ Bar No. _____

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; \$50 for new members through Oct. 12, \$75 after Oct. 12) \$ _____ and Plenary

☐ THURSDAY & FRIDAY: (_____ [0 or 1] ticket @ \$150 through Oct. 12; \$175 after Oct. 12; \$50 for new members through Oct. 12, \$75 after Oct. 12). ... \$ _____ CLE Plenary and Recent Developments

☐ 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

■ **MAIL** this registration form with payment or credit card info to:

OBA Annual Meeting
P.O. Box 53036
Okla. City, OK 73152

■ **FAX** this registration form with credit card information to: (405) 416-7092.

■ **ONLINE** at www.okbar.org (soon)

■ **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.

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



Annual Meeting Event Highlights

Wednesday • November 7

Multi-Track CLE

You'll have five different tracks of continuing legal educational programming to choose from – criminal law, family law, litigation, transactional and a track called nuts and bolts that covers basic, practical topics for new lawyers or experienced lawyers transitioning into private practice. Choose individual sessions from among the tracks or zero in on just one track. Earn nine total hours of CLE credit with six hours of Wednesday from 9 a.m. – noon and 2 – 5 p.m. and for three hours on Thursday morning. Participants will receive materials for all track sessions on one very light and back-saving CD. Some materials will be available to pre-registrants before the meeting to download and use for note taking. See the CLE grid in this issue for more details.

Five Tracks of CLE:

- Family Law
- Criminal Law
- Transactional Law
- Litigation
- Nuts and Bolts



Passport to Wine Country

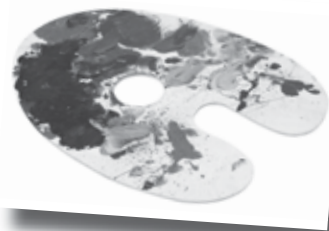
OBA President Stephen Beam invites you to join him for a long-standing OBA Annual Meeting tradition – the President's Reception. If you've enjoyed a trip to California's Napa Valley, then you'll look forward

to this reception that will try to recapture the atmosphere of vineyards, including wine tasting. The reception will start at 7 p.m. and end at 9 p.m. Each attendee receives two drink tickets and a special commemorative gift. Free with Annual Meeting registration.



Art Contest

It's back by popular request. Bar members have the chance to showcase their creative side and compete for the honor of being named OBA Artist of the Year. Original, attorney-created works of art in a wide variety of media will be judged and displayed during the President's Reception and again on Thursday morning until the end of the luncheon. Artists can pick up their entries following the luncheon. Contest entry fee included with registration fee. Norman attorney Shawnae Robey is coordinating this event.



American Idol – OBA Style

Modeled after the popular TV show that catapults unknown vocalists to mega-star sensations, the OBA is looking for lawyers who can sing – individually or as a group. Soloists must be registered for the Annual Meeting, and at least one person in each group must be registered. There are spots for only 15 performances – so sign up ASAP before all the time slots are filled. See the separate OBA idol form in this issue. Oklahoma City attorney Randy

Grau will be the show's emcee. Who needs Simon, Randy and Paula? We'll have our own distinguished panel of judges who will award prizes to the top three. Performers need to provide their background music for one song on CD. If you're not going to perform, come be part of the audience. The fun starts at 9 p.m. and lasts until 11 p.m. Admission free with Annual Meeting registration.

Thursday • November 8

CLE Plenary Session

"Isolated Events or System Failures - A Discussion of the Williamson and Fritz Cases" is the title of this session that will focus on changes needed, if any, in the Oklahoma criminal justice system. The exoneration of the two individuals convicted of the murder of Debra Sue Carter will be the subject of presentations by District Attorney William Peterson, Defense Attorney Mark Barrett and Stephen Saloom, policy director for the Innocence Project. Mr. Fritz; Oklahoma County District Attorney David Prater; Christy Shepherd, cousin to the murder victim; and Pontotoc County First Assistant District Attorney Chris Ross will join the others for what should prove to be a provocative and productive discussion. Begins at 9 a.m. and concludes at 11:50 a.m.



Annual Luncheon



Ben Stein, actor, author and lawyer, will be the keynote speaker. You might know him as the guy in the Clear Eyes TV commercial or as the dead-pan teacher in the Ferris Bueller movie, but he was also a speechwriter in the Nixon and Ford administrations and has written numerous books. OBA awards will be presented,

and the new Attorney Artist of the Year will be revealed. Time: 12 – 1:45 p.m. Cost: \$30 with Annual Meeting registration, which is required to purchase a ticket. Sign up on the printed registration form now or register online soon at www.okbar.org. A book signing will immediately follow the luncheon, and a variety of his books will be available for purchase.



Free Mental Health CLE Seminar

The OBA continues its award-winning work in the area of mental health by providing 1 1/2 hours of free CLE on Thursday afternoon at 3 p.m. The program, "Life to the Fullest: Psychological Resources for Us and Our Clients," will feature a DVD presentation produced by the State Bar of Texas that focus on depression and the legal profession. Thereafter, a panel of mental health experts and attorneys will discuss resources available to lawyers in dealing with depression and addiction. The program is sponsored by the OBA Lawyers Helping Lawyers Committee and Annual Meeting registration is not required to attend this program. Register by filling out and forwarding the Annual Meeting registration form or by calling Mark at (405) 416-7026.



OBA Fun Walk

Bored? Need a break? Want to get healthy? Then lace up your tennis shoes and get walking in the first OBA Fun Walk that will start at 4 p.m. at the Sheraton Hotel. The course will start at the hotel, and the route will continue through downtown Oklahoma City. If you register for the meeting, the cost is only \$10, and you sign up using the Annual Meeting registration form. The entry fee is non-refundable with proceeds benefiting the Lawyers Helping Lawyers Foundation, which provides financial assistance to bar members needing treatment. Participants will receive a bag of goodies (healthy ones, of course) including a free pedometer!



For lawyers not attending the meeting or nonlawyers who want to walk, look for the separate walk registration form in this issue. You can also use that form to make additional donations to the LHL Foundation.



The Sweet Sounds of Sinatra

Entertainers Renee Anderson and Todd Clark will sing a medley of hits made famous by legendary crooner Frank Sinatra. Music that transcends the ages like "Witchcraft," "New York, New York," "My Way" and "Love and Marriage" will be among the musical selections performed. And to put icing on the cake, in addition to the music, desserts and coffee will make this another fun event held from 7:30 – 9 p.m. Imagine yourself at the "Desert" Sands. Free with Annual Meeting registration.



Viva Las Vegas Casino Night

Maybe this will be your lucky night to win it big at blackjack, roulette or craps. The good thing is if you lose a bundle, it's only play money. Elvis is guaranteed to be in the house – and

sing some of his big hits. A drawing for prizes will be held at the end of the evening. Casino night is sponsored by the Young Lawyers Division and will be from 9 p.m. – midnight. Free with Annual Meeting registration.

Friday • November 9

President's Breakfast

President Stephen Beam continues the tradition of holding a breakfast that will feature an inspirational speaker. The breakfast is from 7:30 – 9 a.m. Cost: \$20. Sign up on the Annual Meeting registration form.



General Assembly

Leaders of the Oklahoma Supreme Court, Court of Criminal Appeals and Oklahoma Bar Association will share their current challenges and triumphs. Come see your colleagues, and maybe your bar association, honored with OBA awards. Begins at 9 a.m. Open to all bar members, not just delegates.



House of Delegates

Taking place immediately following the General Assembly, the voice of the membership elects officers and Board of Governors members for 2008. Plus, they make decisions on the OBA's legislative plan and other important issues for next year.



Recent Developments CLE Seminar

Another option for bar members to work in continuing legal education credit at the Annual Meeting. Topics covered will be federal rules, family law, immigration, oil and gas, probate, guardianship, ethics rules and criminal law. Runs from 9 a.m. to 4:20 p.m. on Friday. Price includes Thursday's dynamic plenary session. CLE hours for Thursday and Friday total nine, including one hour of ethics credit.

President Beam extends Special Thanks to the Annual Meeting Task Force

*Melissa DeLacerda
Debra Charles
Myra Kaufman
John Morris Williams
Craig Combs
Donita Douglas
Carol Manning*



2007 Art Contest

The artwork to be featured in the 2007 Annual Meeting Art Show will be composed of a wide variety of media, but each piece has one thing in common — an Oklahoma lawyer created it. And if you are an attorney who knows how to express your creative side, the OBA wants to feature your artwork too.

The art show is part of the OBA Annual Meeting, to be held Nov. 7 – 9 at the Sheraton Hotel in downtown Oklahoma City. Original, attorney-created works of art will be on display throughout the meeting.

A panel of three local experts will judge the entries. First, second and third place designations will be awarded in each category, and the panel will select an overall “Artist of the Year” from all of the entries. The attorney named “Artist of the Year” will be requested to attend Thursday’s Annual Luncheon to receive his or her award, and the artist of the year will have his or her artwork displayed at the Oklahoma Bar Center in Oklahoma City for a year.

Art show participants may submit entries in as many categories as they wish; however there is a limit of two entries per category. Additionally, all entries must have been completed within the past five years and cannot have been awarded the top three places in any prior OBA Attorney Art Show. To participate, just simply register for the Annual Meeting and fill out the art show registration form. No extra entry fees — they are included in the meeting registration fee.

The art will be on display Wednesday, Nov. 7 from 6 – 9 p.m. and Thursday, Nov. 8 from 11 a.m. – 2 p.m. Judging will take place on Wednesday from 12 – 2 p.m. No registrants will be allowed in the display room during judging.

We look forward to your participation! If you have any questions, please contact Shawnae Robey, 2007 Art Show Coordinator, at (405) 640-9353, or e-mail artatty@okbar.org.

2006 Artist of the Year –
Judge Michael Stano, Stillwater
“Walt Disney Music Hall”

Category: Black and White Photograph



2007 OBA ATTORNEY ART SHOW

REGISTRATION FORM

Deadline: Noon on Oct. 12, 2007

(No registrations will be accepted after this deadline)

Return form with
Annual Meeting registration fee to:
Oklahoma Bar Association • P.O. Box 53036 • Oklahoma City, OK 73152

Name _____

OBA Number _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____

I will enter ____ pieces of art, each of which are described below.

For each entry, complete in detail all information requested below. Please attach an additional sheet with all the required information for entries exceeding the space provided.

The following categories of art will be judged:

- Oil Painting
- Acrylic
- Watercolor
- Black and White Drawing
- Color Drawing
- Black and White Photograph
- Color Photograph
- Print
- Three Dimensional (sculptures, woodwork, etc.)
- Craft (tile work, stained glass, needlepoint, etc.)
- Mixed Media (screenprint, enhanced photographs, etc.)



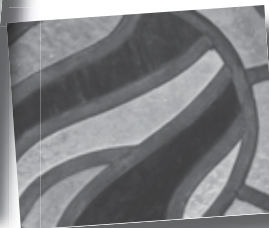
Watercolor



Pottery



Photography



Stained glass

Name of Piece	Size	Weight	Description (only needed if 3-D, Craft, or Mixed Media)

2008 OBA Board of Governors Vacancies

Nominating Petition Deadline: 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:

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.

In addition to the above methods, nominations to any of the above offices shall be received from the House of Delegates on a petition signed by not less than 30 delegates certified to and in attendance at the session at which the election is held.

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.

OBA Nominating Petitions

(See Article II and Article III of the OBA Bylaws)

OFFICERS

PRESIDENT-ELECT

JON K. PARSLEY, GUYMON

Petitions have been filed nominating Jon K. Parsley for election of President-Elect of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2008.

A total of 331 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Beaver, Cimarron, Comanche, Craig, Custer, Harper, Love and Texas County

VICE PRESIDENT

MICHAEL C. MORDY, ARDMORE

Petitions have been filed nominating Michael C. Mordy for election of Vice President of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2008. Fifty of the names thereon are set forth below:

Stephen Brent Bahner, Thomas K. Baldwin, David O. Blankenship, Glen Cunningham Burns, Timothy Wade Burson, Donald Jack Chaffin, Leon F. Collins, Lorenzo T. Collins, James A. Conrady, Jack S. Dawson, Stephen L. Deguisti, Larry D. Derryberry, Martin E. Dyer, Roger D. Everett, Charles E. Geister III, Jimmy K. Goodman, John J. Griffin, James Dee Graves, Dean Hart, T. Todd Hicks, David M. Hisey, Christina I. Lang, Robert D. Long, Laura H. McConnell-Corbyn, Eddie R. McNeil, Burke G. Mordy, David Glenn Mordy, Dennis R. Morris, Robert Nicholas Naifeh Jr., Mark W. Osby, Theodore J. Pasley, Robert L. Pendavaris, David E. Pepper, Paul E. Pitts, James D. Pyle, Caleb J. Muckala, Robert T. Rennie, Heather J. Russell Cooper, Jerome Stanley Sepkowitz, Pete G. Serrata III, Daniel T. Sprouse, Michael D. Tipps, Victor F. Trautmann, Jackson Eric Turner, Billy Dewayne Vandever, John S. Veazey, Samuel James Veazey, Joseph P. Weaver, James Harmon Brown Wilson, Ronald E. Worthen.

A total of 117 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Carter County

BOARD OF GOVERNORS

SUPREME COURT

JUDICIAL DISTRICT TWO

JERRY L. McCOMBS, IDABEL

Petitions have been filed nominating Jerry L. McCombs for election of the Board of Governors representing Supreme Court Judicial District 2 of the Oklahoma Bar Association for a three-year term beginning January 1, 2008.

A total of 44 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Choctaw, McCurtain, LeFlore and Pushmataha County

SUPREME COURT

JUDICIAL DISTRICT NINE

W. MARK HIXSON, YUKON

Petitions have been filed nominating W. Mark Hixson for election of the Board of Governors representing Supreme Court Judicial District 9 of the Oklahoma Bar Association for a three-year term beginning January 1, 2008.

A total of 33 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Choctaw, McCurtain, LeFlore and Pushmataha County

O. CHRISTOPHER MEYERS II, LAWTON

Petitions have been filed nominating O. Christopher Meyers II for election of the Board of Governors representing Supreme Court Judicial District 9 of the Oklahoma Bar Association for a three-year term beginning January 1, 2008.

A total of 33 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Comanche County

MEMBER-AT-LARGE

JACK L. BROWN, TULSA

Petitions have been filed nominating Jack L. Brown for election of the Board of Governors representing Members at Large of the Oklahoma Bar Association for a three-year term beginning January 1, 2008.


A total of 143 signatures appear on the petitions.

Basic Title Insurance School 2007
(More) Basic Title Insurance School 2007

Tuesday, September 11, 2007

OSU/OKC Student Center • Third Floor • 900 N. Portland, Oklahoma City, OK • (405) 945-3387

Basic Title Insurance School 2007 and (More) Basic Title Insurance School: This class has been approved for 8.5 hours of CLE credits and is pending approval with the Insurance Department for 7 hours of CE credit including two hours of ethics. This seminar will provide all title insurance agents, real property attorneys and real estate professionals with new information that will help them understand more fully the scope of their responsibilities as title insurance agents and advisors and will further educate those having experience in the property underwriting of special risks, including handling escrows and insuring transactions. Registration includes lunch. Registration-8:30 a.m. • Class-9 a.m.-12:15 p.m.; lunch; afternoon registration 12:30; Class 1 p.m. – 5:15 p.m. **Topics:** ✕ Real Estate Ownership ✕ Legal Descriptions ✕ Title Insurance Terms and Concepts ✕ Title Insurance Policies ✕ Claims Prevention and Fraud and Forgery ✕ Oklahoma Top Ten Endorsements ✕ Title Insurance Terms and Concepts ✕ Oklahoma Statutes and Rules - Fiduciary Responsibilities. OLTA Members - \$190 • Non-members - \$365 • Go to <http://www.oklahomalandtitle.com> and click on Continuing Education to register.




**The Next Stage of
Terrorism
has Already Begun**

John Robb
Controversial Terrorism Expert
Author of *Brave New War*
“We have entered the age of the faceless, agile enemy... The conflict in Iraq has... become a... dry run for something much larger.”

September 12, 2007
3-4:30p.m. Public Lecture
Homsey Family Moot Courtroom
Sarkeys Law Center

Oklahoma City University School of Law
2501 North Blackwelder; Okla. City, OK 73106
405.208.5335 / www.okcu.edu/law
Co-sponsored by the Memorial Institute for the Prevention of Terrorism



**OKLAHOMA CITY UNIVERSITY
SCHOOL OF LAW**

Employment Law Section

U.S. Supreme Court Narrows Time Period to File Title VII Pay Discrimination Lawsuits

By Mary Lohrke and Robyn Funk

In a controversial 5-4 decision, the U.S. Supreme Court has made it more difficult for employees to sue an employer for pay discrimination by narrowing the timeframe in which to file such cases. The dissenting justices have called for congressional action to overturn the majority opinion, contending this decision ignores the realities of the workplace.

In *Ledbetter v. Goodyear Tire & Rubber Co.*,¹ the plaintiff, Lilly Ledbetter, was a supervisor at the Goodyear Tire & Rubber Co. Gadsden, Ala., plant for 19 years until her retirement in 1998.² Salary increases for Goodyear's managerial employees were merit-based and determined by their managers' evaluation of their performance in relation to that of other comparable employees.³

Ledbetter was consistently ranked lower than the other supervisors in her business unit in terms of her performance.⁴ By the end of her employment, Ledbetter, who was the only female supervisor among the 16 supervisors in her area, was paid less than all of her male counterparts. She, in fact, was paid 15 percent less than the lowest paid male supervisor in her area.⁵

After she retired, Ledbetter filed suit against the company, alleging gender discrimination with respect to her compensation in violation of Title VII of the Civil Rights Act of 1964, as amended.⁶ At trial, Ledbetter put on evidence that earlier in her career, different supervisors had given her poor evaluations because of her gender. She argued that as a result, her pay did not increase as much as it would have if she had been evaluated fairly.⁷ This necessarily

put at issue every salary-related decision made during Ledbetter's 19-year career. At trial, the jury returned a verdict for Ledbetter, awarding her more than \$3.8 million in damages, which was later reduced by the trial court to \$360,000.⁸ Goodyear appealed, contending that Ledbetter's pay discrimination claim was time-barred with respect to all pay decisions made prior to the 180 days before the filing of Ledbetter's EEOC questionnaire.⁹

As a prerequisite to filing suit, Title VII requires the filing of a charge of discrimination with the Equal Employment Opportunity Commission within the statutory time period "after the alleged unlawful employment practice occurred."¹⁰ If the employee does not submit a timely filed EEOC charge, the employee may not challenge that practice in court.¹¹ Because the relevant statutory filing requirement in Ledbetter was 180 days after the unlawful employment practice occurred, Goodyear argued on appeal that only those acts that occurred within 180 days before the filing of her EEOC charge could form the basis of liability.

The 11th Circuit Court of Appeals agreed with Goodyear and held Ledbetter's pay discrimination claim was time-barred with respect to all pay decisions made 180 days before the filing of her EEOC questionnaire.¹² Since only two compensation decisions were made within the limitations period, Ledbetter was permitted to challenge those decisions as discriminatory.¹³ However, the appellate court held that Ledbetter failed to produce any evidence establishing discriminatory intent with respect to those two decisions and, therefore, judgment as a matter

of law should have been granted in favor of Goodyear.¹⁴

Ledbetter filed a petition for writ of *certiorari* with the U.S. Supreme Court on the issue of “whether . . . a plaintiff may bring an action [under Title VII] alleging illegal pay discrimination where the disparate pay is received during the statutory limitations period, but is the result of intentionally discriminatory pay decisions that occurred outside the limitations period.”¹⁵ Ledbetter argued that alleged discriminatory decisions that occurred earlier in her career continued to affect her pay level throughout her employment. Specifically, Ledbetter, relying upon the Supreme Court’s previous decision in *Bazemore v. Friday*,¹⁶ argued that she received paychecks within the 180-day charging period that were a reflection of the initial discrimination and that each paycheck was itself a separate act of discrimination restarting the clock to file a charge of discrimination.¹⁷

The Supreme Court rejected Ledbetter’s argument that each paycheck was itself a separate discriminatory act that reset the time period to file a charge of discrimination.¹⁸ Rather, the court held that the discriminatory violation occurs when the biased pay decisions are made and it is those decisions that must fall within the EEOC charging period.¹⁹

In so holding, the court relied on past precedent where it concluded that the continuing effects of a discriminatory act did not constitute discrimination.²⁰ For example, in *National Railroad Passenger Corp. v. Morgan*, the court found that acts such as “termination, failure to promote, denial of transfer, [and] refusal to hire” are “discrete acts” for which a charge of discrimination must be filed within 180-days.²¹ Further, the *Morgan* court held that a hostile work environment is a “continuing violation” or “a succession of harassing acts” which “cannot be said to occur on any particular day” and it is these acts taken together which create the wrong. As long as one harassing act takes place within 180 days of filing a charge the claim is timely.²²

In *Ledbetter*, the court held that a discriminatory pay-setting decision is a discrete act of discrimination and not analogous to a hostile work environment.²³ As a result, it is the pay-setting decision that triggers the time period for filing an EEOC charge and not the individual paychecks affected by the decision. The court reasoned that a decision otherwise would shift the discriminatory intent associated with the violation to a later act that had no discriminatory motive. This would have the effect of imposing

liability on the employer for an act lacking the requisite intent. The court found that paychecks are subsequent nondiscriminatory acts, and even though the paychecks reflect an adverse effect of the discrimination, a new charging period does not accrue. According to the court, the present effects of discrimination outside of the EEOC charging period has “no present legal consequences”²⁴ and “cannot breathe life” into prior discrimination.²⁵

In distinguishing the court’s previous decision in *Bazemore*,²⁶ the court noted that each paycheck in *Bazemore* was a freestanding violation of Title VII because the employer had adopted a facially discriminatory pay scale that paid African-American employees less than Caucasian employees.²⁷ In contrast, the paychecks issued in *Ledbetter* were a neutral employment practice that only reflected a single discrete discriminatory pay-setting decision.²⁸

In a strong dissent, which was read from the bench, Justice Ginsburg wrote that the majority’s decision is contrary to the realities of the workplace and that pay disparities cannot be considered discrete events, as they often occur in small increments and develop over time.²⁹ According to Justice Ginsburg, pay disparities are more analogous to a hostile work environment claim because they are based on the cumulative effect of raises over time. Furthermore, the dissent noted that in *Morgan*, the court characterized discrete events as “easy to identify.”³⁰ However, employers keep compensation information confidential and, therefore, pay disparities are not easy to identify. When an employer makes the decision regarding pay, a female employee may not be denied a raise, but rather her male counterpart is simply given more of a raise. This gives the female employee little reason to suspect anything until a pattern develops over time and the disparity becomes larger and apparent.³¹ The dissenting justices concluded by inviting Congress to pass legislation to overrule the majority decision.³²

Whether the *Ledbetter* decision will stand remains to be seen. On June 27, 2007, the House Education and Labor Committee voted to introduce to the House of Representatives the Ledbetter Fair Pay Act and on July 31, 2007, the House voted in favor of the Ledbetter Act, 225-199.³³ The Ledbetter Act would amend Title VII, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973. In particular, the Ledbetter Act seeks to clarify that a discriminatory compensation decision or other unlawful practice “occurs each time compen-

sation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.”³⁴ Further, the *Ledbetter* Act directly addresses the *Ledbetter* decision stating that it “significantly impairs statutory protections against discrimination in compensation.”³⁵ If passed, the law is currently written to take effect as if enacted on May 28, 2007.³⁶

If left undisturbed, *Ledbetter*, although involving a fairly technical issue of statutory construction, has far-reaching consequences. In effect, the *Ledbetter* decision protects employers by limiting the time period an employee has to file an EEOC complaint for pay discrimination. The clock starts ticking when the employer makes the alleged discriminatory pay-setting decision and does not accrue with each paycheck that reflects that decision. Therefore, an employee’s claim against an employer based on unfair pay is time-barred if a charge of discrimination is not filed within the statutorily required time period for filing a charge.

If not overruled by legislation, the *Ledbetter* decision is sure to spawn further disputes with regard to pay claims under theories not expressly considered by the Supreme Court. For example, *Ledbetter* left open the issue of whether the 180 days should begin to run only after the plaintiff discovers the discriminatory effect of the cumulative pay decisions. Likewise, there may still be room for argument that a claim is timely under a theory that the employer earlier adopted a discriminatory pay system that was then later applied with discriminatory animus to the plaintiff during the charge period.

1. 127 S.Ct. 2162 (2007).
2. *Id.* at 2165.
3. *Id.*
4. *Ledbetter v. Goodyear Tire and Rubber Co.*, 421 F.3d 1169, 1173 (11th Cir. 2005).
5. *Id.* at 1174.
6. *Ledbetter*, 127 S.Ct. at 2165-2166.
7. *Id.*
8. *Ledbetter v. Goodyear Tire & Rubber Co. Inc.*, 2003 WL 25507253 (N.D. Ala. 2003). Specifically the jury recommended \$223,776 in backpay, \$4,662 for mental anguish, and \$3,285,979 in punitive damages. *Id.* The district court remitted the entire award to \$360,000, including the statutory maximum of \$300,000 in compensatory and punitive damages, and \$60,000 in backpay. *Id.*
9. *Ledbetter*, 421 F.3d 1169 (11th Cir. 2005).
10. 42 U.S.C. § 2000e-5(e)(1). For claims in a “non-deferral” state to be timely the applicable charge must have been filed within 180 days “after the alleged employment practice occurred.” *Id.* In “deferral” states – those states like Oklahoma that have an EEOC-like state administrative agency – a charge of discrimination has a statutory filing period of 300 days. *Id.*
11. 42 U.S.C. § 2000e-5(f)(1).
12. *Ledbetter v. Goodyear Tire & Rubber Co. Inc.*, 421 F.3d 1169, 1180 (11th Cir. 2005). Neither the 11th Circuit nor the Supreme Court took up the issue of whether an EEOC intake questionnaire is sufficient to constitute a “charge” of discrimination under Title VII.
13. *Id.* at 1185.
14. *Id.* at 1186-1190.
15. See Petition for Writ of Certiorari, *Ledbetter v. Goodyear Tire &*

- Rubber Co. Inc.*, 2006 WL 448515 (2006)
16. 478 U.S. 385 (1986).
17. *Id.*
18. *Ledbetter*, 127 S.Ct. at 2171-2172.
19. *Id.*
20. See *United Air Lines, Inc. v. Evans*, 431 U.S. 553 (1977); *Delaware State College v. Ricks*, 449 U.S. 250 (1980); *Lorance v. AT&T Technologies Inc.*, 490 U.S. 900 (1989); *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).
21. *Morgan*, 536 U.S. at 110-111, 114.
22. *Id.* at 114-117.
23. *Ledbetter*, 127 S.Ct. at 2171, n.3.
24. *d.* at 2168 (quoting *Evans*, 431 U.S. at 558).
25. *Id.* at 2169.
26. 478 U.S. 385 (1986).
27. *Id.* at 395.
28. *Ledbetter*, 127 S.Ct. at 2173-2174.
29. *Id.* at 2178-2179 (Ginsburg, J. dissenting).
30. *Id.* at 2180 (quoting *Morgan*, 536 U.S. at 114) (Ginsburg, J. dissenting).
31. *Id.* at 2180-2182 (Ginsburg, J. dissenting).
32. *Id.* at 2188 (Ginsburg, J. dissenting).
33. See <http://edlabor.house.gov/markups/fc20070627.shtml> and www.businessinsurance.com/cgi-bin/news.pl?newsId=10784. On July 20, 2007, the Senate passed a companion version of the *Ledbetter* Act known as the Fair Pay Restoration Act (“Fair Pay Act”). See http://obama.senate.gov/press/070720-kennedy_specter/. At time that this article was submitted for publication on Aug. 10, 2007, no further legislation was reported as pending.
34. Specifically, H.R. 2831 states that it will “...amend Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.”
35. *Id.*
36. See <http://thomas.loc.gov>

Authors’ Note: The authors thank Shannon Dodd, a third-year law student at the University of Tulsa College of Law, for her assistance in researching and editing this article.

ABOUT THE AUTHORS



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Robyn M. Funk graduated with highest honors from the University of Oklahoma College of Law in 2003. She was admitted to the Oklahoma bar in 2003. She focuses her practice on labor and employment matters as an associate at the Tulsa firm Titus Hillis Reynolds Love Dickman & McCalmon.

Life to the Fullest: Psychological Resources For Us and Our Clients

Sponsored by the OBA Lawyers Helping Lawyers Committee

DATE & LOCATION: Oklahoma City
November 8, 2007
OBA Annual Meeting

CLE CREDIT: This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 1.5 hours of mandatory CLE Credit, including 0 hours of ethics.

TUITION: **FREE.** Annual Meeting registration not required. Sponsored by the OBA Lawyers Helping Lawyers Committee.

Program Moderator

Cliff Gooding, The Gooding Law Firm, A P.C., Oklahoma City

PROGRAM:

3:00 p.m. **Practicing from the Shadows: Depression and the Legal Profession**
DVD presentation, State Bar of Texas

3:25 **Life and Law: Dealing with Depression and Addiction**
A Panel Discussion
James Patterson, 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

4:15 **Adjourn**

Life to the Fullest: Psychological Health For Us and Our Clients

☐ **Oklahoma City**
November 8, 2007
Cox Convention Center

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Talk, Talk, Talk — It's All about Communication at the Women in Law Conference

By Elizabeth Joyner and Cathy Christensen

It is difficult to believe that it was such a short time ago, but most of the grandmothers—and some mothers—of today's "Baby Boomers" were born without the basic civil rights that male Americans enjoyed. However, prior to universal suffrage, some very courageous and determined women and supportive men had started to break down the barriers that kept women from the practice of law. What do women want? In answer to that age-old question, some women want to be lawyers!

The beautifully renovated, historic Skirvin Hotel in downtown Oklahoma City will be the site of this year's OBA Women in Law Conference on Sept. 27. The day will consist of both a daytime and evening CLE.

Daytime Program

This year's daytime program theme is "Powerhouse Communication Tools for Today's Women Lawyers." LeAnne McGill, Deborah Reheard, Retired Judge Reta Strubhar and Linda Martin, all women of distinction and with wisdom gained from years of practicing law, will share their secrets with the younger generation of

lawyers and answer questions about how to succeed in the law with humor and grace.

Speaking of grace—have you ever felt like a bull in a china closet in court proceedings, in social settings or in meetings with higher ups? Well, it is time to shine the china and get rid of the bull when Ann Hoover shares the latest etiquette tips for looking good, feeling good and doing good in and out of the boardroom. Hoover is a member of the International Association of Protocol Consultants, the International Women's Forum and Fashion Group International. She also is a member of The Consultants' Connection, a mastermind group for etiquette and image consultants.

Renowned communication coach and expert on women's issues, Dr. Joan Goldsmith, will provide tune-up tools for defining your success by creating a five-year plan. You can't get to where you want to go, if you haven't defined how to get there. Unlike some of a certain gender, women aren't afraid to stop and ask for directions. In this session, Dr. Goldsmith will provide excellent directions and give us the tools for building a framework for success.

2007 Women in Law Conference



Thursday, Sept. 27



Skirvin Hotel,
Oklahoma City

Powerhouse Communication Tools for Today's Women Lawyers

8:30 a.m. – 4 p.m.
\$150 for CLE and
Lunch

The Women Lawyers Club

5-9 p.m.
\$100 for CLE and
Dinner

Register at
www.okbar.org/cle

In another session, she will also give us blueprints for being successful in mediation. What types of communication work best to bring a party's conflicts to a satisfied resolution? Dr. Goldsmith will tell us what works and what doesn't.

Are you tired of conflicts with co-workers, partners, friends, men, other women, your kids? Want to know how to communicate better in difficult situations? Dr. Goldsmith will provide pragmatic advice about communicating when there is conflict. You will leave the conference with new tools in your toolbox for dealing with situations that drain your energy and take up unnecessary time.

And, yes, "romance" will also be a topic at the 2007 Women in Law Conference. But, you won't get CLE credit for this lunchtime topic. Elizabeth Joyner, lawyer-turned author/publisher, is publishing the book *Love Renewed: Looking into the Heart and Soul of the One You Love*. She will share a romantic and practical way to enjoy communication and increase intimacy between you and your loved one.

The tradition continues. Chocolate-covered strawberries and champagne will be served at the end of the CLE. This is a wonderful time to share stories and renew friendships with women (and sometimes men) from across the state.

Our keynote speaker, Dr. Goldsmith, has traveled all over the world – Mexico, Brazil, Japan, China, India (just to name some of her travels) to share her exper-

tise on communication and women's issues. She has been an organizational consultant, coach and educator for the past 40 years. She has written several books on leadership, resolving conflicts at work, mediation, and cultivating authenticity and awareness. She is a co-founder of Cambridge College and a former member of the faculty at Harvard University, UCLA and Antioch University. She holds a master of arts degree in social sciences and a doctorate of humane letters.

Evening Program

"The Women Lawyers Club" is a lively theatrical montage that focuses on the contributions that women have made in the law and legal practice throughout American history. Cosponsored by the OBA/CLE, the OBA Women in Law Committee and the OBA Litigation Section, this dinner performance provides a fascinating look at the issues that fueled the legal interests of women and tells the stories of some of the most noted (and not noted) women who have impacted the law and the American legal system.

For American women, it was a long and tortuous journey to the bar filled with bigotry, rejection, intrigue, triumphs and more than a little humor along the way. The Women Lawyers Club, featuring Catherine Emberton, Joyce Jefferson and Carol Saunders, dramatizes the decades of striving for professional rights that began in the mid-19th century and resulted in the appointment of Sandra Day O'Connor as the first female

U.S. Supreme Court justice in 1983.

The stories of struggle abound, and 13 of them are presented on stage, including those of Margaret Brent, who arrived in the colony of Maryland in 1638 as the first woman to act as a lawyer in the New World...Clara Shortridge Foltz, who created the public defender system, fought for 40 years for the vote and lived to cast a legal ballot...Myra Bradwell, who founded the Chicago Legal News and served as its publisher for 25 years, and Lyda Conley, a Wyandot Indian, who fought for 40 years to save the Huron Place Cemetery.

This presentation provides an engaging tool to facilitate discussion about all forms of bias and the struggle that many women still face in achieving full acceptance in the legal profession; the play will be followed by a one-hour panel discussion. Judge Robin Cauthron, U.S. District Court for the Western District, Oklahoma City; Judge Carol Hansen, Oklahoma Court of Civil Appeals, Oklahoma City; Professor Judith Maute, University of Oklahoma College of Law, Norman; Melissa DeLacerda, attorney at law, Stillwater; and Cathy Christensen, attorney at law, Oklahoma City; will participate in the discussion.

The program has been approved for three hours of mandatory continuing legal education credit. Tuition is \$100 for CLE and dinner. Special guest and table rates are available. Check out program details and register at www.okbar.org/cle.

Conference Nurtures Future Bar Leaders

Among the OBA's most important goals is the development of tomorrow's leaders. Fifty-four bar members selected by OBA President Stephen Beam participated in the 2007 OBA Leadership Conference Aug. 23 and 24 at the Sheraton Hotel in Oklahoma City. Participants were recognized for their potential to seize the opportunity to guide the association, as well as their ability to inspire and challenge others.

Programs offered were designed to provide training and skills required to take charge in their professional, community and personal lives. Oklahoma City attorney Mike Turpen inspired the group at its opening luncheon with "Turpen's Top Seven: Why Being a Lawyer is the Greatest Job in the World."



Mike Turpen kicks off the conference with motivational stories.



Leadership participant Judge Russell Vaclaw with Task Force Chair Linda Thomas and OBA President Stephen Beam.

Pam Westbrook, advocacy specialist with the Oklahoma Education Association, shared the concept of identifying one's personality and leadership style using four basic colors. The colors – blue, gold, orange and green – have a special meaning. Participants were divided into two groups to explore solutions to today's bar challenges, then the groups came together to discuss solutions. Discussion

leaders were OBA President-Elect Bill Conger, 2006 OBA President Bill Grimm and OBA Executive Director John Morris Williams.

In the first day's last session, Linda Pope from Tahlequah talked about "Servant Leadership: To Lead is to Serve." The future bar leaders had an opportunity to get to know one another better and to visit with current Board of Governors members during a reception and dinner at Crabtown in Bricktown. The evening event was cosponsored by Beale Professional Services.

Starting out programming the morning of the second day were a series of quick roundtable presentations on the Young Lawyers Division, Board of Governors, board officers, committees, sections, departments, staff members and member benefits. Presenters were Chris Camp, Stephen Beam, Cathy Christensen, Carol Manning and Jim Calloway.

Judge David Lewis moderated a panel discussion about the gift of leadership. Sharing their personal stories and experiences were Judge Jerome Holmes, Judge Rick Bozarth, Deborah Reheard, Sharon Corbitt and Jon Parsley.

Ending the conference was a luncheon that featured Lt. Gov. Jari Askins as the keynote speaker. As a bar member and former judge, she spoke about her experiences of serving in all three branches of government and how this leadership opened up opportunities throughout her life.

The Leadership Conference Task Force, led by Bartlesville attorney Linda Thomas, was responsible for organizing the conference. Task force members are Stephen Beam, Chris Camp, Craig Combs, Donita Douglas, Kim Hays, Reneé Hildebrant, Alan Souter and John Morris Williams.

GRADUATES OF THE 2007 OBA LEADERSHIP CONFERENCE ARE:

Luke Adams
Tisdal Law Firm

Lauren Lester Allison
Law Office of Lauren Lester Allison



Saul Olivarez, Kim Spady and Giovanni Perry.

Lindsey W. Andrews
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Molly A. Bircher
Hall, Estill, Hardwick, Gable,
Golden & Nelson PC

Joe Carson
Buxton Carson, PLLC

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Judge Russell Vaclaw
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Kimberly Warren
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Jennifer White
Eldridge, Cooper, Steichen &
Leach PLLC

Keri G. Williams
OSU Foundation

Brett Willis
W. Brett Willis/Calvert
Law Firm



Lt. Gov. Jari Askins spoke at the closing luncheon about the rewards of leadership.



Participants listen to Judge David Lewis as he moderates a panel on the gift of leadership.

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LAWYERS IN THE CLASSROOM

"If you would thoroughly know anything, teach it to others."

- Tryon Edwards

Volunteers are needed for the OBA/LRE **Lawyers in the Classroom** program! Oklahoma attorneys are invited to go back to school and present law-related topics to students at all levels. We will provide you with tips for speaking with students, training on classroom presentations, and lesson plans to guide your visit. Numerous teachers have already requested lawyers as guest speakers for the current school year. We will connect you with a school in your community — or anywhere in the state you'd like to speak!

If you'd like to be a **Lawyers in the Classroom** presenter, please fill out and return the form below. We are especially interested to know if you have participated in this program in the past.

You know the law... now teach!

LESSON TOPICS:

- Contracts Law
- Constitution and Bill of Rights
- Rules and Law
- Fourth Amendment
- First Amendment
- On to Adulthood
With booklet, "You're 18 Now - It's Your Responsibility!"
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Information Now for Oklahomans Rejecting Meth
- Criminal Law
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With brochure

LAWYERS IN THE CLASSROOM VOLUNTEER FORM 2007-08

Training Session(optional) Thursday, September 27, 2007, 9:00 am — 12:00 pm
at the Oklahoma Bar Association

Title: _____ Name: _____

Address: _____

City: _____ County: _____ Zip: _____

Phone: _____ Email: _____

Check all that apply:

- ☐ **I would like to be a Lawyers in the Classroom speaker.**

I am interested in speaking on the following topic(s) (Circle all that apply):

Contracts / Constitution & Bill of Rights / Rules and Law / Fourth Amendment
First Amendment / On to Adulthood / Meth Awareness / Criminal / Careers in Law / Other

- ☐ **I am willing to speak** (Circle all that apply)

In my county / in neighboring counties / outside my area / statewide

- ☐ **I have participated in Lawyers in the Classroom in the past.**

- ☐ **I would like to attend the Lawyers in the Classroom training session Thursday, September 27, 2007**

Return this form to: OBA/LRE • PO Box 53036 • Oklahoma City, OK 73152 • Fax: (405) 416-7088



TO THE OKLAHOMA LEGAL COMMUNITY:

I am pleased to present this brief review of Academic Year 2006-2007 at Oklahoma City University School of Law. Our law school seeks to be an integral part of the legal profession. We share with the bench and bar the responsibility of building an ever stronger, more efficient, and more just legal system to serve society. Our faculty members strive, through their teaching, to prepare future lawyers and judges to be creative and ethical problem solvers and, through their research and service, to contribute to the development and improvement of law and legal institutions. With perhaps as many as 400,000 lawyers expected to retire in the next dozen years, the work of the nation's law schools has never been more important. I invite your continuing interest and support.

Dean and Professor of Law

HIGHLIGHTS OF ACADEMIC YEAR 2006-2007

August 2006

Oklahoma Supreme Court Justice **Yvonne Kauger '69** administered a special Oath of Professional Commitment to our entering law students as part of an orientation program that included a week-long course, Introduction to Legal Analysis.

September 2006

- The law school's observation of Constitution Day 2006 featured the screening of a film on judicial independence produced by Justice Sandra Day O'Connor, followed by a panel discussion moderated by Assistant Professor **Marc Blitz**. Panelists included Judge **Stephanie Seymour** of the U.S. Court of Appeals for the 10th Circuit, U.S. Magistrate Judge **Valerie Couch** of the Western District of Oklahoma, and Oklahoma Court of Criminal Appeals Judge **Charles Chapel**.
- A delegation of five Russian judges visited OCU LAW as part of a five-day observation of the American legal system. Their time at the law school included a colloquium on legal education in America, moderated by Dean **Lawrence K. Hellman**. Participants included Professor **Arthur LeFrancois**, Distinguished Lecturer **J. William Conger**, and U.S. District Court Judge **Stephen P. Friot** of the Western District of Oklahoma, who served as host to the Russian delegation in Oklahoma City. **Dean Hellman** also moderated a Federal Bar Association colloquium comparing commercial litigation in the United States and Russia. Participants there included the Russian judges, Professor **Susan Estrich** from the University of Southern California Gould School of Law, and Professor **Jonathan Turley** from George Washington University Law School.
- OCU LAW's Alumni Weekend honored the classes of 1956, 1966, 1976, 1981, 1986, 1991,



1996 and 2001. Activities included “Lunch on the Waterfront” to coincide with the annual Head of the Oklahoma Regatta and an alumni reception and dinner at the Marriott Waterford Hotel.

- The Professional and Career Development Center’s “Lunch With a Lawyer” program featured **Joe Rolston IV ’89** (gaming law and real estate development).
- A monthly “Diversity Coffee Talk” discussion group was inaugurated, organized by our Office of Admissions.
- The law school continued its tradition of hosting a training program for new volunteers of Oklahoma Lawyers for Children.
- **Shannon L. Ferrell ’03** spoke to the Agricultural Law Association about current legal issues in Oklahoma affecting the agriculture and food industries, including updates on Oklahoma’s renewable energy initiatives.
- Denver-area alumni enjoyed a reception at the offices of Holme Roberts & Owen, hosted by **Levi Williamson ’03**.
- OCU LAW alumni in Missouri were welcomed at a reception in St. Louis during the annual meeting of the Missouri Bar Association.

October 2006

- OCU LAW joined more than 300 law schools and universities for a televised conference on *Guantánamo: How Should We Respond?*, a live broadcast that took an in-depth look at the U.S. government’s detention of suspected terrorists at Guantánamo Bay, Cuba.
- Our chapter of the American Constitution Society presented a panel discussion on *Guantanamo and the Military Commissions Act of 2006* featuring Professors **Paula Dalley**, **Marc Blitz**, and **Andrew Spiropoulos**.
- Our chapter of The Federalist Society presented a panel on Bankruptcy Abuse Prevention with Professors **Alvin Harrell** and **Karen Eby**, and Adjunct Professor **Stephen Elliott**.
- OCU LAW’s Professional and Career Development Center presented “Passing the Bar and Working in Texas,” for OCU LAW students considering careers in Texas. Presenters included **Dallas J. Barrington ’04**, who established the OCU LAW Texas Legal Society, **Julia Vaughan**, Executive Director of the Texas Board of Law Examiners, and **Karen Speegle Badgley ’95**, an associate with Cozen & O’Connor in Dallas.
- The Oklahoma Court of Criminal Appeals heard arguments in the case of *Hancock v. State*, a death penalty case, in the Homsey Family Moot Courtroom.
- **Norma L. Garcia ’00**, assistant general counsel for Wal-Mart, gave a presentation titled “Practicing Law at Wal-Mart.” The event was co-sponsored by the Hispanic Law Student Association, the Corporate Law Association, and our Professional and Career Development Center.
- The Corporate Law Association presented **Peter Dobelbower ’84**, general counsel of Hobby Lobby.
- District Judge **William Heatherington ’79** spoke to the Criminal Law Association.
- Our “Lunch With a Lawyer” program continued with **Patricia Rogers ’99** (healthcare law), **Keywood Deese ’79** (banking), **Laura McConnell** (family law), and **Merle Gile ’72** (criminal defense).
- Oklahoma City attorneys **Greg Ogden** and **Kenneth Upton ’87** spoke on “Dealing with Diversity.”
- **R.B. Bernstein**, adjunct law professor at New York Law School and author of the Pulitzer-nominated biography *Thomas Jefferson* and *Are We To Be A Nation?*, spoke on “The



Relevance and Irrelevance of John Adams Reconsidered.”

November 2006

- The 2006-2007 Brennan Lecture, titled “Federalism and the Culture Wars,” was presented by **Roderick M. Hills, Jr.**, the William T. Comfort, III, Professor of Law at New York University School of Law. The lecture analyzed the uses and abuses of federalism in bringing about the resolution, or at least a manageable accommodation, for a variety of controversial issues: physician-assisted suicide, medical marijuana, same-sex marriage, and assistance to religious education, suggesting that such issues would best be resolved through subnational politics rather than by either the U.S. Congress or judiciary.
- **Slate Stern '94** presented a lecture titled “Climb Every Mountain: Mount Everest’s Lessons for Lawyers,” in the Homsey Family Moot Courtroom and at the OCU LAW Alumni & Friends Luncheon at the Oklahoma Bar Association’s Annual Meeting in Tulsa. Stern was one of 19 Americans to reach the summit of Mt. Everest in 2006.
- **Bob Burke '79** was inducted into the Oklahoma Hall of Fame.
- **Brian Hobbs**, of the Oklahoma Council of Public Affairs, presented a lecture titled “What Every Law Student Should Know About State Government.”
- Professor **Norwood P. Beveridge** presented a lecture titled “Enter the Dragon: The Rebirth of China’s Capital Markets” at the Meinders School of Business.
- Professors **Dennis Arrow**, **Marc Blitz**, **Arthur LeFrancois**, and **Carla Spivack** provided a faculty panel discussion titled “Nuclear Proliferation: How Should the World Respond?”
- OCU LAW alumni in Washington, D.C., gathered at The Club at Franklin Square for a reception hosted by **Karen Harbaugh '97**, with Squire, Sanders & Dempsey in Tysons Corner, VA.
- Distinguished Lecturer **J. William Conger** was elected president-elect of the Oklahoma Bar Association.

December 2006

- Incoming Chief Justice of the Oklahoma Supreme Court **James Winchester '76** delivered the winter commencement address, titled “Answering the Call.”

January 2007

- OCU LAW’s Professional and Career Development Center presented two workshops to first-year students. The first was titled “Preparing Resumes and Cover Letters for On- and Off-Campus Interviews,” and the second was “Perfecting Your Interview Skills.”
- OCU LAW welcomed over sixty prospective law students from across the country for its annual High Ideals scholarship preview event, which included two days of interaction with students, faculty and the legal community in Oklahoma City.



- OCU's Associate Dean for Academic Affairs **Eric Laity** and Associate Dean **John Cooper** from Stetson University College of Law spoke to law students about opportunities for summer study abroad, including programs co-sponsored by Stetson and OCU in Argentina, China, Germany, Spain, and The Netherlands.
- OCU LAW's State and Local Government Speakers Series presented **David Blatt**, director of public policy for the Community Action Project of Tulsa County and **Brandon Dutcher**, vice president for policy at the Oklahoma Council of Public Affairs, in a presentation titled "The Role of Public Policy Experts in the Legislative Process."
- **Joey Chiaf '83** spoke to students about operating a small law firm, including marketing costs and results, competing against larger firms, and practice tips for first-year attorneys.
- The Agricultural Law Association was addressed by Oklahoma Farm Bureau officers **Lori Peterson** and **Ericka McPherson '04**.

February 2007

- The Professional and Career Development Center's "Lunch With a Lawyer" program featured **Elaine R. Turner '89** (employment law), **David B. Donchin** (litigation), **Ron Matlock '79** (in-house counsel), and **Bryce B. Johnson '82** (personal injury).
- Professors **Paula Dalley**, **Danne Johnson**, **Arthur LeFrancois**, and **Michael O'Shea** presented a faculty panel titled "Corporate Influence on U.S. Politics."
- **Christine M. Cave**, chair to the Oklahoma City chapter of the Federal Bar Association Young Lawyers Division, spoke to students about a new mentoring program offered through the Federal Bar Association which allows law student FBA members to shadow lawyers.
- **David Kopel**, research director for the Independence Institute, spoke on "The United Nations Versus Human Right of Self-Defense Under International Law" in the Homsey Family Moot Courtroom.
- The Professional and Career Development Center presented a program on "Professional Development Pitfalls" to demonstrate typical missteps of students and lawyers. **Dan Murdock**, general counsel of the Oklahoma Bar Association, and **Deborah Fathree**, OCU LAW associate dean for students, spoke from their experiences.
- **Charles L. Zelden**, voting-rights expert and history professor at Nova Southeastern University in Ft. Lauderdale, Fla., presented a lecture titled "The Case That Must Not Be Named: Why We Need To Take The 2000 Presidential Election and *Bush v. Gore* Seriously."
- The Student Bar Association sponsored the annual Barrister's Ball to a sell-out crowd celebrating with the theme "Masquerade."
- The Agricultural Law Association presented **Cody McPherson '04** and **Shannon Ferrell '03**.

March 2007

- The OCU LAW chapters of the Hispanic National Bar Association, the Federalist Society for Law and Public Policy Issues, and the Military, International, and National Security Law Association presented a panel titled "Immigration in the 21st Century."



- The OCU LAW chapter of the American Constitution Society sponsored a lecture by **Jonathan Hafetz**, litigation director of the Liberty and National Security Project at the Brennan Center for Justice at New York University School of Law. His lecture focused on habeas corpus, executive detention, and court access for accused enemy combatants.
- The OCU Law Review Banquet featured Oklahoma attorney general **Drew Edmondson** as its guest speaker. **Robert N. Sheets '79** received the Law Review Distinguished Alumnus Award.
- The OCU LAW American Bar Association Appellate Advocacy Team received the award for fifth-best brief in the New York City regional. Team members were **Rachel Dennis, Jay Evans**, and **Sheri Higgins**.
- Second-year OCU LAW student Jenna Moomau was elected national secretary/treasurer of the American Bar Association Law Student Division at the ABA's Annual Meeting. At the same meeting, the OCU LAW chapter of the ABA LSD was recognized for having the largest growth in membership and the largest percentage of the student body participating in the nation.
- Our Professional and Career Development Center hosted our fourth annual Pro Bono and Public Interest Career Fair, which brought representatives of more than a dozen non-profit legal services providers to campus.

April 2007

- The OCU LAW Student Bar Association, the Sports and Entertainment Law Association, and the Professional and Career Development Center presented "Making It Work in the Entertainment Industry," featuring **Marlo Brawer '02**. She addressed topics such as the real issues behind reality television, "producing a movie in seven years flat," and legal issues in entertainment law, using the film *Borat* as an example. Brawer is production counsel for NBC-Universal in Los Angeles.
- Judges **John F. Fischer, Keith Rapp**, and **Jane Wiseman** of the Oklahoma Court of Civil Appeals heard oral arguments in the case *Fancy's Entertainment L.L.C. vs. The City of Enid* in the Homsey Family Moot Courtroom.
- **Anita L. Allen**, Henry R. Silverman Professor of Law and Professor of Philosophy at the University of Pennsylvania Law School, delivered the 2007 Quinlan Lecture. Allen's remarks, titled "Unpopular Privacy: The Case for Government Mandates," focused on the roles government has played in issuing privacy mandates, using examples ranging from professional confidentiality rules to anti-nudity rules, solitary confinement, and quarantine rules.
- The OCU LAW Professional and Career Development Center co-sponsored the 2007 Phi Delta Phi Ethics Symposium, titled "How Did The Glass Ceiling Become A Sticky Floor For Professional Women?" featuring Judge **Carol Hansen '74** of the Oklahoma Court of Civil Appeals, Judge **Arlene Johnson** of the Oklahoma Court of Criminal Appeals, and Justice **Yvonne Kauger '69** of the Oklahoma Supreme Court. The speakers discussed challenges they confronted throughout their careers and how they managed them.



- In celebration of Law Day 2007, OCU LAW and the Memorial Institute for the Prevention of Terrorism co-sponsored "Congress' New — and Future — Law of Counterterrorism: Legislating Military Commissions, the Powers of Surveillance and the Role of the Courts in America's War on Terrorism." This national symposium was one of the first to focus on the Military Commissions Act and other recent national security legislation, bringing top counterterrorism experts to tackle some of America's biggest questions that have arisen since Sept. 11, 2001. **John Richter**, U.S. Attorney for the Western District of Oklahoma, was the keynote speaker. The conference was organized by Assistant Professor **Marc Blitz** and underwritten by a gift from the **Crosthwait Law Firm**.
- U.S. Attorney **John Richter** returned to the law school to address the Criminal Law Association.
- Professor **Arthur LeFrancois** was named the 2007 Outstanding Professor at Oklahoma City University.
- This year's Legal Affairs honored family connections within the OCU LAW community. OCU LAW Professor **Alvin Harrell '72** received the Justice Marian P. Opala Award for Lifetime Achievement in Law. The OCU LAW Alumni Association Award for Community Service was presented to **Nona Lee '95**, vice president and general counsel of the Arizona Diamondbacks. Lawyer, author and historian **Bob Burke '79** was recognized as a Distinguished Law Alumnus. Patent lawyer **Abdul Zindani '00**, senior manager for patent portfolio development for Research in Motion, was named the 2006 Outstanding Young Alumnus. **Phillips McFall McCaffrey McVay & Murrah P.C.** accepted Law Firm Mark of Distinction honors. Event co-chairs were 1966 graduate **James Bass** and **Kay Bass**. Attendees received the news that OCU LAW's graduates led the state with a 96% first-time pass rate on the February Oklahoma Bar Exam and the law school's "Seize the Moment" Capital Campaign had exceeded the Phase I goal of \$6 million, with gifts and pledges surpassing \$7 million.

May 2007

- Some 26 students were awarded a total of \$40,000 for Dean's Summer Public Interest/Pro Bono Fellowships to fund summer internships at such agencies as Legal Aid Services of Oklahoma, Oklahoma Indian Legal Services, and Oklahoma Lawyers for Children.
- U.S. Circuit Judge **Jerome A. Holmes**, of the 10th Circuit Court of Appeals, delivered the 2007 commencement address, titled "Be a Drum Major for Justice."

June 2007

- OCU LAW hosted a reception for alumni in Texas at the Annual Meeting of the Texas Bar Association in San Antonio.

July-August 2007

- OCU LAW hosted a group of 15 students and two professors from Nankai University School of Law in Tianjin, China, for a four-week, intensive certificate program in American law. The program was directed by **Lee Peoples**, associate director of the OCU Law Library. Faculty for the program included Dean **Lawrence K. Hellman**, Distinguished Lecturer **Bill Conger**, Hon. **Valerie Couch**, and Research and Writing Professors **Jean Giles** and **Emma Rolls**, as well as **Lee Peoples**. Several law firms, judges, and government officials hosted the



Chinese visitors during the program, including **Crowe & Dunlevy, Hartzog Conger Cason & Neville, McAfee & Taft, Derryberry & Naifeh, Hall Esitll, The Coyle Law Firm, The Mack Martin Law Office**, Oklahoma's chief justice **James Winchester**, U.S. judges **Robin Cauthron, Lee West**, and **Vicki Miles-LaGrange**, Attorney General **Drew Edmondson**, OBA General Counsel **Dan Murdock**, and Representative **Al McAffrey**.

FACULTY PUBLICATIONS IN 2006-2007

2006

- Dennis W. Arrow ed., 8 OKLAHOMA TRIBAL COURT REPORTS (Native Am. Legal Res. Ctr., 2006).
- Phyllis E. Bernard, *Power, Powerlessness and Process*, in THE NEGOTIATOR'S FIELDBOOK 257 (Andrea Kupfer Schneider & Christopher Honeyman eds., ABA Sec. of Disp. Res., 2006).
- Norwood P. Beveridge, *The Federalization of Corporate Law*, 60 CONSUMER FIN. L.Q. REP. 18 (2006).
- Norwood P. Beveridge, Book Review, 6 U.C. DAVIS BUS. L.J. 27 (2006) (reviewing WINSTON MA, INVESTING IN CHINA (2006)).
- Marc Jonathan Blitz, *Constitutional Safeguards for Silent Experiments in Living: Libraries, the Right to Read, and a First Amendment Theory for an Unaccompanied Right to Receive Information*, 74 UMKC L. REV. 799 (2006), reprinted in Rodney Smolla ed., 1 FIRST AMENDMENT LAW HANDBOOK, at ____ (2007).
- Charles L. Cantrell ed., MISSOURI CRIMINAL LAW: STATUTES & RULES ANNOTATED (Imprimatur Press, 6th ed. 2006-07).
- Charles L. Cantrell ed., OKLAHOMA CRIMINAL LAW: STATUTES & RULES ANNOTATED (Imprimatur Press, 12th ed. 2006-07).
- Charles L. Cantrell ed., OKLAHOMA UNIFORM JURY INSTRUCTIONS: CRIMINAL 2D ANNOTATED (Imprimatur Press, 5th ed. 2006-07).
- Paula J. Dalley, *The Business Judgment Rule: What You Thought You Knew*, 60 CONSUMER FIN. L.Q. REP. 24 (2006).
- Jean E. Giles, *The Decision Maker Matters: An Empirical Examination of the Way the Role of the Judge and the Jury Influence Death Penalty Decision-Making*, 63 WASH. & LEE L. REV. 931 (2006) (with William J. Bowers et al.).
- ALVIN C. HARRELL, THE ABCs OF THE UCC (ABA Sec. of Bus. L., 2d ed. 2006) (with FRED H. MILLER).
- Alvin C. Harrell, *The Uniform Certificate of Title Act: Myths and Realities*, 39 UCC L.J. 3 (2006).
- Alvin C. Harrell, *Price v. Neal Revisited: UCC and FRB Revisions Impact Bank Accounts and Transactions*, 60 CONSUMER FIN. L.Q. REP. 309 (2006).
- Alvin C. Harrell, *Introduction to the 2006 Annual Survey of Consumer Financial Services Law*, 61 BUS. LAW. 797 (2006) (with Jeffrey I. Langer & Fred H. Miller).
- Alvin C. Harrell ed., *2006 Supplement to RALPH J. ROHNER & FRED H. MILLER, TRUTH IN LENDING* (ABA Sec. of Bus. L., 2000).
- Alvin C. Harrell, *Can a Buyer and Secured Party Rely on a Certificate of Title?: Part One*, 60 CONSUMER FIN. L.Q. REP. 224 (2006).
- Alvin C. Harrell, *Bank Accounts and Payment Transactions: The Law of Deposit Accounts Under UCC Articles 3 and 4*, 77 OKLA. B.J. 2213 (2006).
- Alvin C. Harrell, *Can a Buyer and Secured Party Rely on a Certificate of Title?: Part Three*, 77 OKLA. B.J. 547 (2006).
- VICKI LAWRENCE MACDOUGALL, OKLAHOMA PRODUCTS LIABILITY LAW (Thompson/West, 2006).



- Vicki L. MacDougall, *The Supremes' Reflections on Punitive Damages: The Constitutional Dimension of Tort Reform*, 60 CONSUMER FIN. L. Q. REP. ____ (2006).
- Vicki L. MacDougall, *Landlord and Landowner Liability for Injury on the Premises*, 60 CONSUMER FIN. L. Q. REP. 256 (2006).
- LEE F. PEOPLES, LEGAL ETHICS: A LEGAL RESEARCH GUIDE (W.S. Hein & Co., 2006).
- Lee F. Peoples, *Strategies and Sources For International Legal Research*, 60 CONSUMER FIN. L.Q. REP. 412 (2006).
- Carla Spivack, *Shrinking Sweat Suits and Poison Vine Wax: A Comparison of the Basis for Nonperformance Under the UCC and the CISG*, 27 U. PA. J. INT'L ECON. L. 3 (2006).
- Carla Spivack, Book Review, H-LAW (U. MICH.) (2006) (reviewing VANESSA McMAHON, MURDER IN ELIZABETHAN ENGLAND (200_)).
- Kelly Gaines Stoner, The "Who and Where" Meant the State Takes All: State Taxation Crosses Into Indian Country, 30 AM. INDIAN L. REV. 385 (2005-06) (with Casey Ross-Petherick).

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- Dennis W. Arrow ed., 9 OKLAHOMA TRIBAL COURT REPORTS (Native Am. Legal Res. Ctr., 2007).
- Charles L. Cantrell, *Prosecutorial Misconduct: Closing Argument in Oklahoma*, 34 OKLA. CITY U. L. REV. ____ (2007).
- Stephen Clowney, *Logic for Law Students: How to Think Like a Lawyer*, 69 PITT. L. REV. ____ (2007) (with _____).
- Stephen Clowney, Comment, *An Empirical Look at Churches in the Zoning Process*, 116 YALE L. J. 859 (2007).
- Stephen Clowney, Note, *Environmental Ethics and Cost-Benefit Analysis*, 18 FORDHAM ENV'T L. REV. 105 (2007).
- Paula J. Dalley, *The Use and Misuse of Disclosure as a Regulatory System*, 34 FLA. ST. U. L. REV. ____ (2007).
- ALVIN C. HARRELL, CONSUMER LAW: CASES & MATERIALS (Carolina Academic Press, 2d ed. 2007) (with FREDERIC H. MILLER & DANIEL J. MORGAN).
- Alvin C. Harrell, *Teaching Consumer Law: Part 3*, 10 J. CONSUMER & COMM'L L. 46 (2007).
- Alvin C. Harrell, *2007 Supplement to FRED H. MILLER & ALVIN C. HARRELL, THE LAW OF MODERN PAYMENT SYSTEMS & NOTES* (West Group, 2003).
- Alvin C. Harrell, *2007 Supplement to 4A VERNON'S OKLAHOMA FORMS 2d, Commercial and Consumer Forms* (West Group, 1999) (with Frederick H. Miller).
- Alvin C. Harrell, *2007 Supplement to 4B VERNON'S OKLAHOMA FORMS 2d, Commercial and Consumer Forms* (West Group, 1999) (with Frederick H. Miller).
- Alvin C. Harrell, *2007 Supplement to 4C VERNON'S OKLAHOMA FORMS 2d, Commercial and Consumer Forms* (West Group, 1999) (with Frederick H. Miller).
- Danné L. Johnson, *SEC Settlements: Agency Self-Interest or Public Interest*, 7 FORDHAM J. CORP. & FIN. L. 627 (2007).
- DANIEL J. MORGAN, CONSUMER LAW: CASES & MATERIALS (Carolina Academic Press, 2d 2007) (with ALVIN C. HARRELL & FREDERIC H. MILLER).
- Lee F. Peoples, *Controlling the Common Law: A Comparative Analysis of No-Citation Rules and Publication Practices in England and the United States*, 2 LONDON L. REV. 4 (2007), jointly published in 17 INDIANA INT'L & COMP. L. REV. ____ (2007).



- Lee F. Peoples, *Researching Consumer Law*, in ALVIN C. HARRELL ET AL., CONSUMER LAW: CASES & MATERIALS, at ____ (Carolina Academic Press, 2d ed. 2007).
- Lee F. Peoples ed., PUBLIC SERVICES IN LAW LIBRARIES: EVOLUTION AND INNOVATION IN THE 21ST CENTURY (Haworth Press 2007) (with Barbara Bentliff ed.).
- Carla Spivack, *The Cultural Context of Abortion Law in Early Modern England: A Reply to Joseph Dellapenna*, 14 WM. & MARY J. WOMEN & L. ____ (2007).
- Carla Spivack, Book Review, ____ L. & HIST. REV. ____ (2007) (reviewing DEBRA SHUGER, THE REGULATION OF LANGUAGE IN TUDOR-STUART ENGLAND (2006)).
- Carla Spivack, *Slapping, Biting, and Scratching: Gender and Petty Violence in London, 1860-1720* (book review), www.hnet.org 2007.
- Carla Spivack, *My Displaced Self Made Me Do It: Identity, Crime and Legal Responsibility in Eighteenth Century England*, (book review), www.HNet.org 2007.
- Deborah Tussey, *iPods and Prairie Fires: Designing Legal Regimes for Complex Intellectual Property Systems*, ____ SANTA CLARA COMPUTER & HIGH TECH L.J. ____ (2007).
- Deborah Tussey, *Employers as Authors: Copyrights in Works Made for Hire*, in Peter K. Yu ed., 1 INTELLECTUAL PROP. & INFORMATION WEALTH, at 71 (2007).

FACULTY PAPER PRESENTATIONS AT CONFERENCES IN 2006-2007

- Professor **Norwood Beveridge**, *Chinese Stock Markets*, The China Institute, New York, and also at the New York City Bar Association.
- Professor **Paula J. Dalley**, *Shareholder Fiduciary Duties after Enron*, Southeastern Association of Law Schools, Palm Beach, Florida.
- Assistant Professor **Danne L. Johnson**, *Standing on Sinking Sand: Bridging the Gap Between the Status of U.S. Women and Third World Women Through the Erosion of the Status of U.S. Women*, The Third World and International Law (TWAIL) Conference, at Albany Law School.
- Associate Dean **Eric Laity**, *The Corporation as Administrative Agency*, Law and Society Association, Baltimore, and *The Institutional Competence of Nations and International Tax Law*, Canadian Law and Economics Association, at the University of Toronto.
- Associate Library Director **Lee Peoples**, *Legal Ethics Research Online and Off*, American Bar Association National Conference on Professional Responsibility, Chicago, and *Public Services in the 21st Century: Beyond Traditional Reference Service*, American Association of Law Libraries Annual Meeting, New Orleans.
- Assistant Professor **Carla Spivack**, *The Woman is Out: The Ejection of Women from the Public Sphere in Shakespeare's Hamlet* and *From Political Power to Coverture: The Duchess of Malfi*, both presented at the Culture and the Humanities Conference, American Society for Legal History, Baltimore, and *Adjudicating Identity: The Case of Madame Mary Carleton*, 18th British Legal History Conference, Oxford.
- Professor **Deborah Tussey**, *What if Employees Owned their Copyrights?*, 4th Annual Intellectual Property Conference, Michigan State University College of Law.
- Assistant Professor **Michael Grynberg**, *Trademark Litigation as Consumer Conflict*, Intellectual Property Scholars Conference, DePaul University School of Law.

Change is in the Air

By John Morris Williams

I appreciate the many concerns and statements of sympathy regarding my office-trailer situation. Actually it is not bad. Even in this extreme heat, my office has been very comfortable and I even heard someone complain of being cold. As we progress toward our target date of May 1, 2008, I am excited to be around for this piece of OBA history.

The Annual Meeting is entering the final planning phase, the fall CLE brochure has been printed, football has started and school has begun. It really is the start of the fall season, regardless of the current heat. In organizational work the schedule repeats itself as opposed to the practice of law, where each case is unique and often has many unpredictable turns. The real excitement in organizational work is the beginning of new programs or the completion of projects. In this case we have several items in the works. This month we have several work groups reporting to the Board of Governors. Advertising, Communications and Lawyer Referral Task Forces and the Mentoring Committee will report on its new program ideas. I want to express my appreciation to the great group of volunteers

who spent many hours getting us to this point.

Many of the programs and benefits our members enjoy often go through a task force or committee before being approved and funded. The work performed by our Member Services Committee is but one example of a very successful system in place to ensure that we have member input on all our important programs and expenditures. One of the recent projects of the Member Services Committee is to recommend a legal research program for our membership. In January we started providing access to Fastcase legal research, and each month the use increases. If you have not tried it, you need to. It is free, free, free.

Also, coming up is the New Lawyer Experience, a collaborative effort between our Management Assistance Program and our Continuation Legal Education Department. This program is designed for new attorneys and attorneys just starting or transitioning in their practices. The date has changed from the printed brochure. Be sure and confirm the date from our Web site, www.okbar.org. If you are thinking about changing directions in your practice or

starting your own firm, this is the program for you!

Lastly, we are changing the way to sign up for committees for 2008. It just got a lot easier. All you have to do is click on the Web site link, enter your OBA number and make your selection from the pull-down menus. After you confirm your selections, an e-mail confirmation will be sent to you informing you that your information will be presented to the president-elect for appointment. Of course, you can still send in your request by hard copy from the bar journal form like in the past. Either way, it is great to have you involved and participating, so sign up soon for 2008 committees!

Over and out from the modular!



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

Closing Files, Destroying Files and Making Money (Part 2)

How to Shred Almost Anything

By Jim Calloway, Director, OBA Management Assistance Program

Last month I wrote "Closing Files, Destroying Files and Making Money" for the *Oklahoma Bar Journal*. I didn't really intend for there to be a part two at the time. But, I received several requests for more information. Several articles on related topics have also recently crossed my desk (or my computer screen).

So, here's even more information about this timely law office management topic, including a bit more about digital client files and the requirements associated with the destruction of client legal files once the proper procedures have been met to have them destroyed.



Mr. Calloway. Can you talk a bit more about how old files are actually

destroyed once the decision has been made that it is time to do so?

Well, I'd be pleased to do so. But, first.....

AN APOCRYPHAL STORY

A lawyer with a solo practice dies and his family and friends are left with the process of closing down

his office. They manage to get the active files all farmed out to appropriate attorneys and paid a local landfill operator to pick up the closed files for disposal. Several months later, a lawyer who desperately needs some information from one of those files contacts the family and they tell him about the file disposal. Knowing that it is probably hopeless, the lawyer contacts the landfill operator just to make sure that the files have, in fact, been destroyed. "Oh no," the landfill operator replies. "I still have them all. You know, there's a lot of interesting reading in those lawyer files."

All lawyers understand that closed files contain confidential information that is protected by the attorney-client privilege. But there is also information that is private and potentially embarrassing, even if it is not technically privileged. Bits of information, such as Social Security numbers, or even birthdates, should be treated with care. There is information that a lawyer may rightfully possess but where there is still a statu-

tory right of confidentiality, such as medical records covered by the Health Insurance Portability and Accountability Act, a topic well noted in last month's *Oklahoma Bar Journal*.

So it goes without saying that an attorney is not free to merely discard client files, but must affirmatively see to the destruction of the files when they are no longer needed. Even a buried file in a landfill might survive and be unearthed someday. With the tools available today, the physical destruction of the files prior to disposal is the only sensible business alternative.

Document shredding capability is easily affordable. Most office supply stores now carry individual paper shredders that will shred a single sheet at a time for under \$50. These essentially look like regular office trash receptacles with a shredder attachment on top. Double or triple the investment and one can have a desk-side shredder that will shred several sheets of paper at a time while it also shreds CD-ROMs or DVDs. A lawyer can spend several hundred to several thousand dol-

lars to get a departmental or business sized shredder. Commercial file destruction services offer machines that can shred an entire box of files at one time, along with plastic three-ring binders, binder clips, file brads and other associated material. One would certainly want to have their hands clear of those machines when they are operating.

For many law offices, the desk-side shredding machine sitting next to the trash can by each desk has already become standard operating procedure. Small desk-side paper shredders can eliminate documents containing extremely sensitive client information, as well as drafts of documents with Social Security numbers, extra copies of medical records and similar documents. It may seem odd to have two trashcans sitting by your desk, one a shredder and one a traditional trashcan, but that may be the law office “best practice” now. It would be an unreasonable expense in many cases to have all of the office trash shredded. There’s no reason to shred the remains from all of those take-out meals you’ve had while working at your desk during lunch. So it is good business sense to have the lawyers and other law office staff shred the few documents that need to be shredded at the time they are discarded.

Recycling of paper provides great environmental benefits. I am sure that there are recycling companies available that can handle confidential documents with discretion. It just seems to me to be a better practice to shred any sensitive information as you discard

it so there is no question that your good environmental practices put client confidentiality at risk in any way. In fact, you probably need to do this however you dispose of your trash. You do not want information compromised at the recycling site or exposed to dumpster diving in the alley behind your office.

Please note that just because there are very inexpensive desk-side machines for paper shredding does not mean that the law firm should invest in these. Most lawyers will want to be able to shred eight to 10 page documents in one pass without having to worry about trying to pull out staples or separating pages.



“So, the best practice is to shred individual documents and drafts on a needed basis...”

But even these moderately-sized desk-side machines may not typically be the best tool for massive shredding

projects such as a year’s worth of closed files. It may depend on how busy your workload is. (Although, if you have a teenager in the family who needs a part-time job, feeding closed files page by page into a small shredder would certainly keep them out of trouble—at least until they break the shredder.)

So, the best practice is to shred individual documents and drafts on a needed basis as they are discarded and use a commercial service to destroy large sets of boxes of closed files. Does that handle the problem? Well, not completely.



Well, what about shredding digital documents and files on my computer? I’ve heard somewhere that files can still be recovered if you just delete them.

As most readers know, when you delete a file on your computer, it is not really deleted. On most computers, it is just moved to the recycle bin where it sits until the bin is emptied. Even then the “deleted” file is not really deleted. The file name is changed so that it does not appear visible to the user, and the hard drive area holding the contents of the file is marked as available to be overwritten. This free space may be overwritten rather quickly with normal computer use or it may linger untouched for a long time, even for months or years. A forensic exam of the computer or an “undelete” utility can still retrieve the information that has not been overwritten. Multiple overwriting is the recommended method required to really make certain infor-

mation from deleted files is truly gone.

As the lawyers who are delving into electronic discovery are learning, even more frightening is the concept of slack space. Digital files are saved on a hard drive in organizational units called clusters. If an entire cluster is not needed for data, the space is still reserved. This unused, but reserved, space is called "slack space." It can encompass some of that free space from a file that was recently deleted. Normally, this will be such a small segment of information that it presents no concern about breaching attorney-client privilege. But slack space might contain important evidentiary material. For example, if an individual denied having (and deleting) a large amount of financial information on his computer system, a forensic examination of the slack space of newly created digital documents might reveal a smoking gun in the form of pieces of spreadsheet data.

One can always reformat the hard drive. Reformatting, as we all know, removes everything. For some situations, reformatting a hard drive might be sufficient. This is particularly true if the computer is going home with a co-worker or friend. (Although you might want to check to see if any particularly tech-savvy teen or spouse lives there.) But make no mistake. There are utilities available that can recover information even from a drive that has been reformatted. See "Clean the Hard Drive before Dumping Your PC" by Kim Komando on the Microsoft Web site at <http://tinyurl.com/8bxvm>.

Software products are available to overwrite and permanently erase data. The Department of Defense has set erasure standards, which have been largely adopted by others concerned about properly deleting data.

A free program to do this is Darik's Boot and Nuke. This is an open source program and can be downloaded at <http://dban.sourceforge.net/>. According to the Web site, "DBAN is a means of ensuring due diligence in computer recycling, a way of preventing identity theft if you want to sell a computer, and a good way to totally clean a Microsoft Windows installation of viruses and spyware. DBAN prevents or thoroughly hinders all known techniques of hard disk forensic analysis." Be very careful when using DBAN because there is likely no way to recover accidentally deleted files.

PC Magazine offers the Shred 2 utility for \$7.97. This allows you to permanently delete individual files or folders. Shred 2 deals with this issue by first destroying the file's contents and then changing the file name. You can find more information about that utility and download it here: <http://tinyurl.com/yphbez>. It provides for multiple overwriting. The linked article gives a good technical explanation of why any single-time overwrite is not enough. For those interested in the topic, read the first two pages to see why "ghosts" of old data exist.

Window Washer is another utility in this class that comes highly recommended. It is from the well-known utility company www.webroot.com.

But for some very cautious people, physical destruction of the hard drive is the only method that will let them sleep at night. Of course, this means that you can not donate the PC to a worthy charity, school, friend or employee without buying another hard drive for it. But as long as some lawyers delay before buying new computer equipment, they may find that no one wants their "donation" anyway.



So can I send my old files off somewhere to be shredded or

must I do myself?

Security in transportation of the documents to a destruction facility is a concern for the lawyer. A lawyer once advised me that when he destroyed an entire storage building's worth of files, he actually followed the truck transporting the files to the destruction location so he could personally watch them all being destroyed. Companies providing services in this industry will typically lock file storage bins in case there is an accident or some other unusual situation occurs while they are enroute to being destroyed. They will then, on request, provide you a certificate that all files were properly destroyed and kept secure prior to their destruction. Individual lawyers will have to decide their own comfort level, but relying on a large specialized company with secure destruction as its primary business service seems reasonable. If they have customers in the financial services or healthcare sector, this service would create an additional comfort level for many.

Oklahoma NAID (National Association for Information Destruction) Member Companies

Obtained from
www.naidonline.org

No warranties expressed or implied

American Document Shredding LLC

Kelly Herneisen
P.O. Box 1861
Muskogee, OK 74402
(918) 770-5606
Fax: (918) 687-6032
E-mail: kellyherneisen@yahoo.com

Asset Disposition Group Inc.

Steve Walden
P.O. Box 5210
Edmond, OK 73013
(405) 340-4362
Fax: (405) 340-4315
E-mail: swalden@adgok.com
www.assetdispositiongroup.com

Business Records Storage LLC

Dahl Luttrell
5 NE 12th St.
Oklahoma City, OK 73104
(405) 232-7867
Fax: (405) 232-1294
E-mail: dahl
@westoreddocuments.com
www.westoreddocuments.com

File Thirteen LLC

Mathew Feil
301 SE Wallock St.
Lawton, OK 73501
(580) 248-6767
Fax: (580) 357-6767
E-mail: matt@filethirteen.net
www.filethirteen.net

Green Country Shredding and Recycling Inc.

Tom Dawson
P.O. Box 52036
Tulsa, OK 74152
(918) 749-5885
Fax: (918) 743-6039
E-mail: tom.dawson@cox.net
www.gcshredding.com

Iron Mountain Secure Shredding

General Manager
5443 S. 108th E. Ave.
Tulsa, OK 74146
(918) 660-8157
(800) 899-IRON
Fax: (918) 660-8159
www.ironmountain.com

Midland Recycling of Sand Springs

Garold Beisly
360 S. Main St.
Sand Springs, OK 74063
(918) 245-7030
Fax: (918) 245-7165
E-mail: gbeisly
@midlandrecycling.net
www.midlandrecycling.net

Midland Recycling - Oklahoma City

Brian Reid
1432 W. Main St.
Oklahoma City, OK 73106
(405) 232-8811
Fax: (405) 232-8819
E-mail: breid@midlandrecycling.net
www.midlandrecycling.net

OES Information Destruction

Chris Feeney
2600 E. Willow Ave.
Enid, OK 73701
(580) 548-2631
Fax: (580) 213-2737
E-mail: chris.feeney@okdhs.org

Paper Solutions

Jerry Cowden
901 Enterprise - Bay 10A
Oklahoma City, OK 73128
(405) 947-4040
Fax: (405) 947-1353
E-mail: jcow424@aol.com

A representative from the Oklahoma City office of Shred-It Oklahoma outlined an interesting destruction concept for me. This involves leasing several bins from the company with slots on the top for confidential material to be deposited. At set periods, the company mobile destruction vehicle would make a call and the lawyer (or his/her designated staff representative) could accompany the documents outside to watch as the bins were unlocked and the paper, files, binders and discs were all destroyed.

A sidebar to this article lists the Oklahoma member companies of the National Association for Information Destruction. There may be additional companies in-state which are not included in this list and some of these companies serve a broad geographical area. If you are in a smaller community, you may also want to ask your local banker or hospital administrator for the name of the company that handles destruction of their records.



**Mr. Calloway,
do I have to
destroy old
client files? A
lot of lawyers**

**I have discussed this with
seem to keep all of theirs. I
might even want to invite
all of my old clients to a
big retirement party some
day.**

I am not aware of any law or regulation that requires the destruction of closed client files so long as they are kept securely. As previously noted, the primary reasons for having a file destruction policy are the voluminous nature of closed files and

cont'd on next page

the expense of maintaining them.

A divorce or probate client might not care that you have retained their closed file for 20 years. On the other hand, a 25-year-old adult might expect that your record of their juvenile transgressions would no longer exist after a period of time. A file destruction policy will no doubt result in disappointing a rare client or two who shows up seeking some bit of information 10 or 12 years after their matter has been concluded.

However, one should be aware of the fact that document retention and destruction policies are now a fact of life in corporate America. Almost all businesses of any size will now have a document retention and destruction policy due to Sarbanes-Oxley and the fact of electronic discovery. So a corporate client might not appreciate it if it comes to light years from now that copies of some corporate documents and correspondence remain in the lawyers closed file despite the corporation having set a policy for file destruction.

I will also note that many of these businesses have established a digital file destruction policy that corresponds with their paper file destruction policy. Since so many business records are never printed, this only makes sense.

Corporate file destruction policies are not established to secret things or hide the truth. Notwithstanding our recent memories of the Enron scandal, there are generally good business reasons for a file destruction policy. There is the expense of digi-

tal or physical file storage to consider. Companies in litigation have also learned that it is much more expensive to handle discovery when a corporation has retained 5 million e-mails instead of 250,000.

Many lawyers who advise businesses have already been involved in the drafting and approval of their information destruction policy.

So if your client file contains a lot of your client's corporate business records and communications, it seems that it would be a good idea to discuss document retention with the client's representative.



Do I have to give a client a copy of the file at the termination of representation and can I charge for copy charges?

I refer you generally to "*Retaining Liens: When Should I Use One?*" (75 OBJ 811 March 13, 2004, by Gina Hendryx, OBA Ethics Counsel, <http://tinyurl.com/2jpjc9>)

I also note that the Oklahoma Rules of Professional Conduct (in both the current and pending versions) provide in Rule 1.16(d):

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any

Oklahoma NAID (National Association for Information Destruction) Member Companies

Obtained from
www.naidonline.org

No warranties expressed
or implied

Recall Secure Destruction Services

Nick Morris
7254 E. 38th St.
Tulsa, OK 74145-3230
(918) 665-9313
Fax: (918) 665-8675
E-mail: nick.morris@recall.com
www.recall.com

Secure Shred Inc.

Eric Pool
Operates From Missouri
1026 E. Lakewood St.
Springfield, MO 65810
(417) 885-1101
Fax: (417) 886-3116
E-mail: eric@secure-shred.net
www.secure-shred.net

Shred-It Oklahoma

Todd Rose
1301 Cornell Parkway
Oklahoma City, OK 73108
(405) 943-6700
Fax: (405) 943-6800
E-mail: oklahoma@shredit.com
www.shredit.com

SHRED-OK Inc.

Henry Jarvis III
406 W. Main St.
Norman, OK 73069
(405) 321-7226
Fax: (405) 321-7227
E-mail: das@shredok.com
www.shredok.com

advance payment of fee that has not been earned.

I was contacted by one lawyer about this issue some months ago. I wish I had recorded her name so I could give her credit here.

She said that she thought the idea of charging for client copies seemed pretty simple and she wanted to know what I thought of her contract provision. Here's the thrust of her idea, with a bit of embellishment.

Copies of documents:

Throughout our representation of you in this matter, we will receive various documents. We will provide you with a courtesy copy of all of these documents at no additional charge. Therefore at the conclusion of your representation you will have (and we will have) a complete copy of your file. Should you desire any additional copies, our photocopying charges are X per page.

Put that way it does seem pretty simple. Giving the client copies of everything throughout the representation is a great client service and a good business practice. If your client is an individual you may want to provide them with a file folder in which to keep their copy of their file. Then it stands to reason that, having given them one copy, the others are extra copies. Certainly, it seems quite reasonable to charge for an "additional" copy of something you have already given to the client. I recognize, however, that things do not always operate like this in the "real world." It is often better to "bite the bullet" and pay for copies than to have an angry client, or former client.



OK, if I shred the sensitive paper and know how to truly delete files from my computer hard drive, have I got this information security all under control?

This would be sufficient as long as you don't ever store any information on any electronic device other than your computer's hard drive. In the November 2006 *Oklahoma Bar Journal*, Ellen Freedman, Reid Trautz and I wrote an article titled "A Lawyer's Guide to Mobile Computer Security" (77 OBJ 3085 Nov. 4, 2006, <http://tinyurl.com/sqa7y>). This article has been reprinted by numerous publications during the last year. If you missed it the first time, you might want to read this.

Christy Burke recently wrote an article for *Law Technology Today* titled "Get Back to the REAL World of Security: Ensuring Proper Physical Data Security and Destruction throughout the E-Discovery Process." She notes that an issue of growing concern is "how to properly secure and dispose of your hard drives, CDs, backup tapes and obsolete hardware like laptops, PCs, PDAs and thumb drives." When the law firm manager considers how to destroy this information, one must be concerned with Sarbanes-Oxley, HIPAA and the new E-discovery retention and disposal rules of amended Federal Rules of Civil Procedure. If physical destruction is contemplated, there are the guidelines of the Environmental Protection Agency for appropriate disposal.

Law Technology Today is available for reading at <http://tinyurl.com/229b8m>.

Suffice it to say that shredding and melting of all of these different types of hard drives that are no longer needed is growing in acceptance. There is absolute certainty that the information is destroyed. The smelter can also recycle the metal and even some of the plastics.

One should also bear in mind that digital copiers can be set to retain the copies that they have made for an extended period. More recently copiers have been set to only retain this information for sure. But that was not always the case.

Your mobile phone may contain information about you as well. The Subscriber Identity Module card should be removed before any phone is recycled or discarded. You should also see about wiping the phones internal memory. If you do not know how to do that, you may find the information at www.wirelessrecycling.com.

JAY FOONBERG ON FILE RETENTION AND DESTRUCTION

Jay Foonberg was a guest speaker at the 2007 OBA Solo and Small Firm Conference. By all accounts his remarks were enjoyed and well received. I was recently honored to be in attendance as Mr. Foonberg received the law practice management section's Sam Smith Award for lifetime achievements in the field of law practice management. Coincidentally, he published an article on this topic in the July/August 2007 edition of *GPSolo* magazine. The article, "Preservation of Files: Destroy or Not to Destroy" begins at page 36 of the magazine.

This article is not yet freely available online, but within several weeks (or months,) it will be available at the following link: www.abanet.org/gen-practice/magazine. You can read Mr. Foonberg's article for more information on this important topic.

Mr. Foonberg has given us permission to reprint his "Implied Consent to Destruction Letter" form as a sidebar to this article. He indicates that he is embedded this form with several state bar disciplinary authorities and other knowledgeable individuals. So it may become a guideline for your office policy and procedures.

CONCLUSION

Destruction of information might have had a nefarious ring to it, but it has become a part of 21st century life. Identity theft is no joke. Neither is the sanctity of the attorney-client privilege and attorney-client confidentiality. Hopefully, readers now have all of the information needed to prepare and implement appropriate file destruction policies.

Implied Consent to Destruction Letter

Dear *[Client name]*:

We have concluded our services in the matter of _____.
[describe matter] All legal work has been done and all our fees and costs have been paid.

We thank you for the opportunity to have been of service. We are including a questionnaire to enable you to express your opinion of our services.

We have examined your file and we do not now have in our possession any original documents or items that belong to you. If you are aware of anything we may have that you want, please let us know immediately so that we may send it to you. We have previously sent to you *[or, as appropriate, the letter can alternatively state, "We are sending under separate cover" or "We are enclosing"]*: _____. *[describe materials]*

We have endeavored to send you copies of everything that has happened on your matter and accordingly you have a file that duplicates our file. Please note that we have renumbered your file to indicate the month and year in which it was closed and are moving the file to our closed file storage area where it may be destroyed without further notice to you. Retrieval of the closed file or its contents prior to its destruction may require delay as well as a waiting period and charges for the service.

Again, please let us know if there is anything that you want from the file. If we do not hear from you within 30 days, we shall assume you have anything you might want or need and that you understand our closing, retrieval, and destruction system.

A new file number has been assigned to this one file only. The new file number is 2007 12-12

It would be appreciated if you sign a copy of the letter acknowledging its receipt and your new file number of 2007 12-12

Very truly yours,

[Your name]

[Client name]

Enclosure: Client satisfaction survey card
 Copy of this letter
 Self-addressed postage-paid envelope

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Back to School

By Dan Murdock, OBA General Counsel

This time of year signifies many changes in our lives. Students are back in school. Teachers are back teaching. Many swimming pools and some amusement parks close. Fashion, although I am told that the custom may not exist as much as is it once did, dictates that white clothes be closeted for the winter and cowboys put up their straw hats and get out the felt ones. Fall is near, and there is always football. This time of year gives us a chance to change as well — and there's still ample time to accomplish many of our goals for the year.

Labor Day marks this time of year better than anything else that might occur. Although started in 1882 by labor organizations and trade groups and established as a federal holiday in 1894 to honor and recognize the American worker, it is symbolic of change: a change in season, a change in lifestyle, a change of pace or a change in fashion. We can consider and implement a few changes to plan the next four months of the year to ensure our continued success.

We can consider this time a new beginning with new plans and ideas. We start by going back to school, not to a school, but continuing our legal education. The new Rules of Professional Conduct will become effective

Jan. 1, 2008. There are changes, and we must become knowledgeable about these changes so as to properly practice our chosen profession. It is especially important to study the amended *Preamble: A Lawyer's Responsibility*. Important language was added that I believe was inserted to emphasize and broaden the thought of lawyers that they act not alone but as a member of the legal profession. There is also important language that re-emphasizes professionalism and encourages lawyers to provide pro bono legal services to "all those who because of economic or social barriers cannot afford or secure adequate legal counsel."

It is a time to re-energize. Summer is over. Vacations, if you had one, are done. Labor Day might be a day off for most and then it is back to work. But we can go back to work with a new and positive energy — and plans to improve the way in which we represent our clients. As I continue to write and meet a long-past deadline, I recognize that many times it is difficult to have that energy. But it is a necessity if we are to continue to

provide proper representation to our clients.

However, even though I stress work issues of continued education and renewed energy, we should not forget about entertainment. Doing the type of work we do is difficult. We deal with problems each and every day and shoulder the burden of many who are relying on us for help. We must maintain a proper work-life balance so as to be able to continue to provide the professional service required of us. New programs at the OBA are available to assist when there are difficulties in our lives with which we need assistance.

It is almost a sure certainty that the leaves will change color and the grass will go dormant. The temperature will drop and soon the coats will again come out of the closet. That almost sure certainty does not apply to our work. We must continue to educate ourselves; we must continue to energize ourselves, and we must continue to entertain ourselves. If we do that, then although not an almost sure certainty, positive things in our work and our lives will follow.

“ It is time to re-energize. Summer is over. ”

Meet Your OBF Fellow Scholars

Three law students to receive the first-ever “OBF Fellows Scholarship”

On behalf of our Fellows of the Oklahoma Bar Foundation, the first-ever OBF Fellows Scholarships will be awarded this year. Fellows will have a firsthand opportunity to meet the scholars at the annual OBF Fellows Reception held during November in conjunction with the OBA Annual Meeting. Please take a moment to read about these scholars. You won't be disappointed by these three worthy students.



Katherine Becker
University of Tulsa
College of Law

KATHERINE ANN BECKER

“My law interest is in public work and research. I enjoy a library as much as I enjoy helping a person in need! I will continue to serve the state of Oklahoma and the community of Tulsa not only as a law student, intern and member of the Women’s Law Caucus, but as an Oklahoma lawyer and grateful citizen.”

Katherine is a life-long resident of Oklahoma and an energetic young mother and wife commuting between Oklahoma City and Tulsa to attend law school at the University of Tulsa. She has been involved with many community projects that include Race for the Cure, building a one-room school

house in Egypt and helping to host educational seminars for students on campus. She has recently worked for the public defender’s office in Tulsa County over the summer months. Ms. Becker graduated magna cum laude from the University of Oklahoma with a bachelor’s degree in arts and English literature. Katherine has been paying for law school completely with student loans until being named as one of the 2007 OBF Fellows Scholarship recipients.



Christopher C. Papin
Oklahoma City University
School of Law

CHRISTOPHER C. PAPIN

“I look forward to working with organizations that allow me to give back to my community through participation in volunteer activities and being able to help build these organizations so they will continue to thrive and provide opportunities for others in the future.”

Third-year law student Chris Papin aspires to fulfilling his interest in public law through experiences he has earned as an accountant and will draw from leadership abilities gleaned from his service as the Oklahoma City University School of Law Student Bar Association president. Chris hopes to achieve his promise of giving back to the community and the Oklahoma legal profession through a wide variety of volunteer activities using his financial areas of interest such as taxation and securities regulation. This summer Chris has completed all requirements for CPA certification and eagerly anticipates receipt of his CPA credentials. Mr. Papin was previously honored as the 2006 Oklahoma Bar Foundation Chapman-Rogers Scholarship award recipient.



*Erin L. Means
University of Oklahoma
College of Law*

ERIN L. MEANS

"Born and raised in Cherokee, I first developed an interest in public law while serving as a volunteer with Catholic Charities,

the Oklahoma Blood Institute, the Oklahoma Partnership for Public Deliberation and the American Red Cross."

Erin is interested in pursuing a career in family law focusing on adoptions, education law and other forms of law that serve public and community concerns. Ms. Means graduated summa cum laude from St. Gregory's University with a degree in political science where she was active in student government and other volunteer services. She was previously honored as a Lee B. Thompson Sr. Scholarship award recipient in recognition of leadership, character and service to others. Ms. Means is a second-year law student at the University of Oklahoma College of Law and looks forward to the remainder of her law school career and becoming an Oklahoma lawyer

What is the new OBF Fellows Scholarship? – The new scholarship opportunity was created during 2006 in celebration of 60 years of foundation service to the profession and to Oklahoma. The award honors OBF Fellow members and will provide an annual \$5,000 scholarship opportunity to one student at each of the state's three law schools. The award will help to provide financial assistance to currently enrolled law students with a demonstrated need of financial assistance and an intent to practice law in Oklahoma. Candidates must show continued good academic standing, diligence of purpose and evidence of ability to succeed as an Oklahoma lawyer. Special consideration is given to students with an interest in the field of public law or a prom-

ise to give back to the community and to the profession.

What is the OBF and how do I become a Fellow?

— Incorporated in 1949, the OBF is the third-oldest state bar foundation in the United States, an achievement that all Oklahoma attorneys can be proud of. The Fellows program was established in 1978 to aid the foundation in carrying out its philanthropic and educational purposes. All lawyers duly licensed to practice law in Oklahoma are foundation members and can become Fellows through annual contributions of only \$100 over a 10-year period. **Pocket change of only \$8.33 per month gets it done.** Fellow contributions, along with IOLTA revenues, earnings on investments, planned gifts and income from other sources have enabled the OBF to make grant awards exceeding \$6,600,000. Grants this year should top \$800,000. Use the following form to begin your support as a Fellow today!

It all starts with you! – If you are already a Fellow, continue your support as a Sustaining Fellow, or better yet, increase your level of giving to become a distinguished Benefactor Fellow. The Benefactor Fellow program was initiated in 2004 and requires tax-deductible contributions of \$300 per year.

Join the OBF Fellows program and help us to help Oklahomans throughout our state. Join the OBF Fellows program and be rewarded by getting more out of being an Oklahoma lawyer.

OBF

FELLOW ENROLLMENT FORM

☐ Attorney ☐ Non-Attorney

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

Firm or other affiliation: _____

Mailing & Delivery Address: _____

City/State/Zip: _____

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

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

☐ Total amount enclosed, \$1,000

☐ \$100 enclosed & bill annually

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

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

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

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

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

Signature & Date: _____ OBA Bar #: _____

Make checks payable to:
Oklahoma Bar Foundation • P O Box 53036 • Oklahoma City OK 73152-3036 • (405) 416-7070

OBF SPONSOR: _____

☐

If we wish to arrange a time to discuss possible cy pres distribution to the Oklahoma Bar Foundation and my contact information is listed above.

Many thanks for your support & generosity!

ANNUAL OU LAW ALUMNI LUNCHEON

OBA Annual Meeting
Oklahoma City, Oklahoma
Petroleum Club

Wednesday, November 7, 2007
Reception at 11:15 (cash bar)
Luncheon at Noon, \$25.00

The University of Oklahoma
COLLEGE OF LAW

Attn: Karen Housley
300 Timberdell • Norman, OK 73019-5081
(405) 325-0501 • khousley@ou.edu

• Registration for OBA meeting is not required for luncheon •

A Day with the Judges: Recent Developments in Medical Malpractice

Friday, October 26, 2007, 8:30 a.m. – 4:00 p.m.

Moderators: Justice Marian P. Opala, Oklahoma Supreme Court, and Nazih Zuhdi, MD

a.m.		12:00	Lunch (Included)
8:30	Malpractice Overview, Prevention and Litigation Stress Syndrome S. Sandy Sanbar, MD, PhD, JD, Chair, ABLM	p.m.	
		1:00	Expert Medical Testimony: Gatekeepers and Reviewers Judge John Fischer
9:00	Emerging Hospital and MCO Liability Stanley Hupfeld, CEO, Integris Health	1:30	Malpractice Lawsuit Resolution: Formal Litigation, ADRs and Appeals Justice Steven W. Taylor
9:30	Medical Error Disclosure and Apology: To Err is Human William D. Oehlert, MD, OSMA President	2:00	Malpractice Insurance Carl Hook, MD, CEO, PLICO
10:00	BREAK	2:30	BREAK
10:15	Negligence & Consent Issues: Recent Trends Chief Judge Kenneth L. Buettner	2:45	Criminalization of Malpractice Curtis E. Harris, MS, MD, JD, FCLM
10:45	Medical Records: Informal Voluntary Disclosure Justice Marian P. Opala	3:15	Selected Cases & Q&A's All available Faculty
11:15	Tort Reform in Oklahoma The Honorable Lt. Governor Jari Askins	4:00	ADJOURN

(Space Limited, First Come Basis, Must Pre-register)

This course has been approved by the Mandatory Continuing Legal Education Commission of Oklahoma for a maximum of 7.0 credit hours, of which 0.5 hour is credit covering professional responsibility, legal ethics or legal malpractice prevention.

Presented by: American Board of Legal Medicine. Joint Sponsors: OSMA and PLICO

Location: Auditorium Mabey Foyer, Integris Health: Baptist Medical Center, 3300 NW Expressway, Oklahoma City

Fee: \$95

To register: 405-843-9571 – Toll Free 800-522-9452 – or e-mail: deeba@osmaonline.org

Long-Term Care Insurance Whether, When and What Kind?

By Catheryn Koss

The elderly are one of the fastest growing and most vulnerable segments of our society. Providing much-needed legal information and assistance to seniors and their caregivers is an excellent way for practicing and retired attorneys to make a difference.

Those interested in helping seniors with Medicare and other insurance issues can volunteer with the Oklahoma Insurance Department's Senior Health Insurance Counseling Program. Call 1 - (800) 763-2828 to find out when the next three-day training session is scheduled. Attorneys can also do pro bono work for older clients through the Senior Law Project at Legal Aid Services of Oklahoma. Contact Sharon Ammon, (405) 557-0020 in Oklahoma City, or Jeanie Wheeler, (918) 584-3338 in Tulsa. If you are interested in giving free community presentations on elder law issues, contact Catheryn Koss at the Senior Law Resource Center, (405) 528-0858.

Long-Term Care Insurance Overview

According to a recent report published by Genworth Financial, the average annual cost of a private room in an Oklahoma nurs-

ing home is \$48,136.¹ The rising costs of long-term care combined with recent changes in institutional Medicaid eligibility requirements² are heightening the public's interest in long-term care insurance. Older people are frequent targets of long-term care insurance advertisements and sales pitches. This article briefly explores how to help your clients determine if and what kind of long-term care insurance is right for them.



Is Long-Term Care Insurance Right for Your Client?

Before clients purchase long-term care insurance, they should assess their financial situation and preparedness for more immediate financial risks. Do they have adequate retirement savings and health insurance? If appropriate, do they have sufficient life and disability insurance?³ Insurance companies are required to provide a potential buyer with a "personal worksheet" designed to assess the suitability of long-term care insurance.⁴

Most basic policies offer coverage only as long as the policy holder pays the premium. Unless they opt for a non-forfeiture benefit (discussed below), clients should be confident in their ability to pay the premiums (taking into consideration future rate increases) for the rest of their lives, or at least until they need long-term care.⁵

When Should Your Client Buy Long-Term Insurance?

If your client has decided to purchase long-term care insurance, the next question is at what age the client should buy the policy. Arguments for early purchase include lower premiums, the risk of becoming ineligible

“ Because most policies are designed with the current healthcare system in mind, medical advances, changes in how care is delivered and policy reforms may diminish the value of the coverage. ”

due to future deteriorating health and the possibility of needing long-term care sooner than expected. On the other hand, younger consumers will likely pay premiums for several decades before ever needing long-term care. Unanticipated financial difficulties may force some to allow policies to lapse. Because most policies are designed with the current healthcare system in mind, medical advances, changes in how care is delivered and policy reforms may diminish the value of the coverage.⁶ Clients should balance these risks, taking into consideration their age, health and financial situations, to decide when to purchase. Younger purchasers should strongly consider purchasing inflation protection (discussed below).

What Kind of Policy Should Your Client Purchase?

Begin by helping your clients identify their rea-

sons for buying long-term care insurance. If the client wants to preserve assets for the next generation, the benefit amount should be high enough to cover most or all of the anticipated costs of care. If the client simply wants to remain independent and at home as long as possible, more limited coverage may allow the client to prevent impoverishment during shorter, temporary periods of care.⁷

Once the client's goals are identified, assess how well particular policies would meet those objectives and weigh the costs of increased coverage. Variables in policies include:⁸

Covered Services and Exclusions – Some policies specify particular services covered or limit the kinds of facilities where care can be received.

How Benefits are Paid – Benefits are paid either based on actual expenses (“expense-incurred”) or at a set dollar amount (“indemnity method”).

Amount of Coverage – Policies have lifetime benefit maximums as well as daily, weekly or monthly limits. Often different types of services (*e.g.*, nursing home care versus home care) will carry different maximum benefit amounts.

Benefit Triggers – Eligibility for covered services is based on the policyholder's inability to carry out a specified number of “activities of

daily living” (ADLs). ADLs may include bathing, dressing, toileting, continence, transferring (moving in and out of a chair or bed) and eating. Because bathing is one of the first ADLs to be lost, finding a policy that includes it as a benefit trigger is preferable. Alternatively, eligibility may be based on a loss of cognitive ability.

Elimination Period

– Most policies have a waiting period after the policy holder begins to receive long-term care.

Inflation Protection

– Inflation protection helps to ensure that the coverage will still be adequate many years in the future. Some policies allow holders to increase the benefit amount periodically for an additional cost.

Waiver of Premium

– This allows the policy holder to stop paying premiums at a point after long-term care begins or after the company begins paying benefits.

Nonforfeiture

Guarantee – This option protects policyholders unable to continue paying premiums. If the policy is cancelled, the company will return a portion of the money paid.

Conclusion

Consumers should research the insurance

company before purchasing a policy. The Financial Division of the Oklahoma Insurance Department can determine if a company is licensed in Oklahoma and in good standing. The Department's Senior Health Insurance Counseling Program, 1-(800) 763-2828 is an excellent source of information. SHICP trained volunteers provide free insurance counseling for seniors, and can be contacted at 1- (800) 763-2828.

About the Senior Law Resource Center

The Senior Law Resource Center is a non-profit organization providing legal information and services to elders and caregivers in Oklahoma. Attorneys give free community presentations on a variety of elder law issues, and one-on-one legal services are offered on a sliding-scale basis. For more information, call (405)-528-0858 or go to www.OklahomaSeniorLaw.org.

Ms. Koss is executive director of the Senior Law Resource Center.

1. Jim Killackey & Jeff Raymond, *Health: Long-term Care Planning Urged, Nursing Home Costs Average \$48,136 a Year*, The Oklahoman, April 4, 2007, at 11.

2. *Deficit Reduction Act of 2005*, Pub. L. No. 109-171, 120 Stat. 4 (Feb. 8, 2006).

3. Mark Merlis, *Private Long-Term Care Insurance: Who Should Buy It and What Should They Buy* 7 (The Henry J. Kaiser Family Foundation) (March 2003).

4. 36 O.S. § 4429(C)(2).

5. Oklahoma Insurance Dep't, 2003-05 *Shopper's Guide Long-Term Care Insurance Senior Health Insurance Counseling Program "SHICP"* 7.

6. Merlis at 9-12.

7. *Id.* at 27-9.

8. 2003-05 *Shopper's Guide Long-Term Care Insurance* at 9-15.

Oklahoma Bar Journal Editorial Calendar

2007

- **October**
Education Law
Editor: D. Renée Hildebrant
renee.hildebrant@oscn.net
Deadline: May 1, 2007
- **November**
Diversion Programs
Editor: Judge Lori Walkley
lori.walkley@oscn.net
Deadline: Aug. 1, 2007
- **December**
Ethics & Professional Responsibility
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2007


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

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

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VOLUNTEER ATTORNEYS NEEDED FOR DISASTER LEGAL SERVICES

Weather-related disasters are not uncommon in Oklahoma, and this summer has proven to be no exception. In July, the Federal Emergency Management Agency (FEMA) made a federal disaster declaration for five counties in Oklahoma affected by recent severe storms, flooding and tornadoes. On Aug. 3, FEMA announced that 15 additional counties have been added to the July presidential disaster declaration. As a result of this declaration, individuals in these 20 counties are eligible for free legal assistance and counseling from volunteers through disaster legal services.

Upon learning of the declaration, the YLD took immediate action. Pursuant to a long-standing agreement with FEMA to provide volunteer legal services in the event of a disaster, the YLD coordinated with FEMA to set up disaster legal services, which is a federally-funded program.

Many of the individuals affected by the recent storms, tornadoes and flooding are in need of legal services. Volunteer attorneys may be asked to provide assistance in areas related to life, medical, property insurance claims, landlord-tenant problems, home/business repair contracts, consumer protection, mortgage foreclosure, replacement of vital

legal documents, estates and probate, guardianship, flood insurance claims, environmental issues, FEMA benefits issues and other legal issues arising from the conditions related to the recent storms, tornadoes and flooding.

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 the General Counsel. The OBA will maintain a list of volunteers and will refer individuals to volunteer attorneys as calls are received.

Want to help?

Contact Dana Shelburne at danas@okbar.org or (405) 416-7007

Counties Eligible for Assistance: Blaine, Bryan, Canadian, Cleveland, Comanche, Cotton, Grady, Logan, Kiowa, McClain, Nowata, Oklahoma, Ottawa, Payne, Pontotoc, Pottawatomie, Rogers, Seminole, Stephens and Washington counties.

In setting up the disaster legal services program, ABA/YLD District Representative Doris Grunt-

meir coordinated with the Oklahoma and American bar associations to establish a toll-free hotline for individuals who need assistance. Through the generous assistance of the OBA staff, calls are fielded through the general counsel's office and referred to volunteer attorneys. A heart-felt thank you goes out to John Morris Williams, Dan Murdock, Dana Shelburne, Sandy Neal and the entire staff of the OBA who have so willingly assisted in this effort.

A number of lawyers, including Gabriel Bass, Henry Herbst, Paul Choate, John H. Graves, Jason Alan Soper, Jamie Beller, Justin Stout and Renee Hildebrandt, responded immediately to the call for volunteers. It is anticipated that other attorneys will contact the OBA to volunteer their services, following an e-mail request to the OBA/YLD and the OBA's Disaster Response and Relief Committee. Thanks to the efforts of these volunteer attorneys, a number of individuals have already benefited from the disaster legal services program. However, more volunteers will be needed.

WILLS FOR HEROES ORGANIZES FIRST EVENT

The Wills for Heroes program held its inaugural will signing ceremony in Yukon on July 28. YLD Directors and Wills for Heroes Co-Chairs Lindsey Andrews and Rick Rose visited Fire Station



Wills for Heroes volunteer Rick Rose completes a will for a Yukon firefighter.

No. 2 and drafted wills for several Yukon firemen. The firemen were very appreciative, and the Wills for Heroes Committee is planning a second event for the Yukon Police Department in the coming weeks. Special thanks to Maranda Miles, legal assistant with Miller Dollarhide, for donating her time to serve as a notary for the event.

YLD HELPS ALLEVIATE STRESS OF BAR EXAM

Several YLD members passed out bar exam survival kits on July 24 to nearly 400 individuals taking the bar exam in Oklahoma City and Tulsa. Oklahoma City attorney Sarah Jernigan, along with YLD Treasurer Rick Rose, Secretary Molly Bircher and Director Roy Tucker handed out the basic items (pens, highlighters and earplugs), as well as snacks, bottled water, stress balls, aspirin and – of course – information on joining the OBA/YLD. The YLD extends special thanks to Julia Tiller for assembling the kits, a task she has faithfully undertaken for every

administration of the bar exam in Oklahoma for the past six years.

BOARD VACANCIES FILLED

During the week of July 9, the YLD Board of Directors voted to fill two vacant board seats by interim appointment. Pursuant to Article 4.3 of the YLD Bylaws, the board appointed Dan

Zemke to the vacant At-Large seat and Joe Vorndran to the District Eight seat.

WANT TO GET INVOLVED? THEN RUN FOR THE OBA/YLD BOARD OF DIRECTORS

OFFICERS

Chairperson-Elect

Any member of the Division having previously served for at least one year on the OBA/YLD Board of Directors.

Term: One-year term (Jan.- Dec. 2008) The Chairperson-Elect automatically becomes the Chairperson of the Division for 2009.

Treasurer

Any member of the OBA/YLD Board of Directors may be elected by the membership of the Division to serve in this office.

Term: One-year term (Jan.- Dec. 2008)

Secretary

Any member of the OBA/YLD Board of Directors may be elected by the

membership of the Division to serve in this office.

Term: One-year term (Jan.- Dec. 2008)

BOARD OF DIRECTORS — TWO-YEAR VACANCIES

The following Directorships are open for election for a two-year term from January 2008 to December 2009.

Vacancies will be in:

District No. 2: Atoka, Bryan, Choctaw, Haskell, Johnson, Latimer, LeFlore, McCurtain, McIntosh, Marshall, Pittsburg, Pushmataha and Sequoyah counties

District No. 3: (two seats) Oklahoma County

District No. 6: Tulsa County

District No. 8: Coal, Hughes, Lincoln, Logan, Noble, Okfuskee, Payne, Pontotoc, Pottawatomie and Seminole counties

At-Large: (three seats)

At-Large Rural: (one seat) Any county other than Tulsa County or Oklahoma County

NOMINATING PROCEDURE:

Article 5 of the Division Bylaws requires that any eligible member wishing to run for office must submit a nominating petition to the Nominating Committee. The petition must be signed by at least ten (10) members of the OBA/YLD. The original petition must be submitted by the deadline set by the Nominating Committee Chairperson. A separate petition must be filed for each opening, except that a petition for a directorship

shall be valid for one year and two year terms and at large positions. A person must be eligible for Division membership for the entire term for which elected.

ELIGIBILITY:

All OBA members in good standing who were admitted to the practice of law 10 years ago or less are members of the OBA/YLD.

Membership is automatic

– If you were first admitted to the practice of law in 1997 or later, you are a member of the OBA/YLD!

ELECTION PROCEDURE:

Article 5 of the Division Bylaws govern the election procedure. In October, a list of all eligible candidates and ballots will be published in the OBJ. Deadlines for voting will be published with the ballots. All members of the Division may vote for officers and at-large directorships. Only those members with OBA roster addresses within a subject judicial district may vote for that district's director. The members of the Nominating Committee shall only vote in the event of a tie. Please see OBA/YLD Bylaws for additional information.

DEADLINE:

Nominating petitions, accompanied by a photograph and brief resume (in electronic form) for publication in the OBJ, must be received by the Nominating Committee Chairperson no later than 5 p.m. Friday, Sept. 21, 2007, at the following address:

Keri Williams
Nominating Committee
Chairperson
400 S. Monroe St.
Stillwater, OK 74076
(405) 385-5148
Fax: (405) 385-5103
e-mail: kwilliams@osugiving.com

TIPS FROM THE NOMINATING COMMITTEE CHAIRPERSON:

- The OBA Web site has a sample nominating petition to give you an idea of format and information required by OBA Bylaws (one is also available from the nominating committee)
- Signatures on the Nominating Petitions do not have to be from young lawyers in your own district (the restriction on districts only applies to voting)
- Take your petition to local county bar meetings or to the courthouse and introduce yourself to other young lawyers while asking them to sign – it's a good way to start networking
- You can have more than one petition for the same position and add the total number of original signatures – if you live in a rural area, you may want to fax or e-mail petitions to colleagues and have them return the petitions with original signatures by snail mail
- Don't wait until the last minute – I will only accept faxes or e-mails of the petitions IF the original petitions are postmarked by the deadline
- Membership eligibility extends to Dec. 31 of any year which you are eligible
- Membership eligibility starts from the date of your first admission to the practice of law, even if outside of the State of Oklahoma
- All candidates' photographs and brief biographical data are required to be published in the OBJ. All biographical data must be submitted by e-mail or on a disk, NO EXCEPTIONS. Petitions submitted without a photograph and/or brief resume are subject to being disqualified at the discretion of the Nominating Committee

Calendar

3 **Labor Day** (State Holiday)

7 **OBA Awards Committee Meeting;** 11:30 a.m.; Supreme Court Conference Room, State Capitol; Contact: Gary Clark (405) 385-5146

Oklahoma Trial Judges Association Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Judge Barbara Swinton (405) 713-7109

11 **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

OBA Member Services Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Debra Charles (405) 286-6836

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

OBA Professionalism Committee Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Steven Dobbs (405) 235-7600

14 **OBA Lawyers Helping Lawyers Committee Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Thomas Riesen (405) 843-8444

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



September

17 **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 or Barry Davis (405) 607-8757

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

20 **OBF Trustees Meeting;** 12 p.m.; Oklahoma History Center, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070

OBA Work/Life Balance Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280

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

21 **OBA Board of Governors Meeting;** Eufaula; Contact: John Morris Williams (405) 416-7000

26 **OBA Diversity Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Linda Samuel-Jaha (405) 290-7030

27 **2007 OBA Women in Law Conference;** Skirvin Hotel, Oklahoma City; Contact: (405) 416-7006

New Attorney Admission Ceremony; OCU – 9 a.m.; OU – 10 a.m.; TU – 11 a.m.; House of Representatives, State Capitol; Contact: Board of Bar Examiners (405) 416-7075

Oklahoma Hispanic Bar Network Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Saul Olivarez (405) 227-9700



October

- 5 Oklahoma Trial Judges Association Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Judge Barbara Swinton (405) 713-7109
- 9 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
- 10 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
- OBA Professionalism Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Steven Dobbs (405) 235-7600
- OBA Clients' Security Fund Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Micheal Salem (405) 366-1234
- 12 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Donelle Ratheal (405) 842-6342
- 17 OBA Diversity Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Linda Samuel-Jaha (405) 290-7030
- Ginsburg Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080

- 18 OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Melanie Jester (405) 609-5280
- OBA Legal Intern Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
- 19 OBA Board of Governors Meeting;** Custer County; Contact: John Morris Williams (405) 416-7000
- 23 Death Oral Argument, Wade Greely Lay – D-2005-1081;** 9 a.m.; Court of Criminal Appeals Courtroom

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
- 12 Veteran's 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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Annual Walk of HOPE

cosponsored by the
Oklahoma Bar Association Women in Law Committee

Saturday, September 22, 2007

Oklahoma Bar Center

1901 N. Lincoln Blvd.

Begins at 3:00 p.m.



Cancer of the female reproductive organs is a leading cause of death among women. Ovarian cancer alone is the fifth leading cause of death in women. Recognizing the signs early can mean the difference between life and death. The purpose of the Annual Walk of Hope is to raise awareness about such cancers and to foster early recognition.

The Walk will begin at 3:00 p.m. at the Oklahoma Bar Center and continue around the Capitol building finishing with a release of balloons on the Capitol steps. Participants will be treated to refreshments, entertainment, and a short program at the Bar Center following the balloon release. Information will be available about ovarian and other gynecological cancers. Everyone is encouraged to come join in the fight to conquer these diseases, learn the risks, and symptoms.

For more information please contact Sandy Howard at (405) 619-0245 or Laura Cross at (405)285-2078.

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
Panelists
William Peterson
Mark Barrett
Stephen Saloom
Christy Shepherd , 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 |

2007 Recent Developments: An OBA Annual Convention Sampler

DATE & LOCATION: Oklahoma City
November 9, 2007
Sheraton Hotel

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 credit.

Program Moderator

Donita Douglas, Director of Education, Oklahoma Bar Association, Oklahoma City

8:30 a.m.	Registration and Continental Breakfast	1:30 p.m.	Oil and Gas Update Stephen McNamara , Sneed Lang, P.C., Tulsa
9:00	Federal Rules Update Eric Eissenstat , Fellers, Snider, Blankenship, Bailey & Tippens, A P.C., Oklahoma City	2:00	Probate Update/Qualifications For Guardianship Michael L. Nemec , Hall, Estill, Tulsa
9:50	Break	2:30	The New Ethics Rules (ethics) Gina Hendryx , Ethics Counsel, Oklahoma Bar Association, Oklahoma City
10:00	Family Law Update Julie Rivers , Family Law Solutions, Oklahoma City	3:20	Break
10:50	Immigration Law Update E. Vance Winningham , Winningham and Stein, Oklahoma City Kelley Basey , Winningham and Stein, Oklahoma City	3:30	Criminal Law Update Professor Michael Wilds , Northeastern University, Tahlequah; Attorney at Law, Broken Arrow
11:40	Lunch	4:20	Adjourn

**BOILING SPRINGS LEGAL INSTITUTE SPONSORED BY THE WOODWARD COUNTY BAR ASSOCIATION
BOILING SPRINGS STATE PARK - TUESDAY, SEPTEMBER 18, 2007 • WOODWARD, OKLAHOMA**

*This course has been approved by the Mandatory Continuing Legal Education Commission of Oklahoma for a maximum of 6 credit hours, of which 1 hour is credit covering professional responsibility, legal ethics of legal malpractice prevention. **Registration fees:** \$150.00 for pre-registrations received prior to the Institute date; \$175.00 for walk-in registrations. Lunch, dinner and materials included in Registration Fee. Pre-registration is required for lunch and dinner. Cancellations will be accepted at any time prior to the Institute date; however, a \$50.00 fee will be charged for cancellations made within three days of the Institute date. No requests for refunds or cancellations will be considered after the date of the Institute.*

8:00 a.m. - 8:45 a.m.
9:00 a.m. - 9:50 a.m.
10:00 a.m. - 10:50 a.m.
11:00 a.m. - 11:50 a.m.
12:00 a.m. - 1:00 p.m.
1:00 p.m. - 1:50 p.m.
2:00 p.m. - 2:50 p.m.
3:00 p.m. - 3:50 p.m.
3:50 p.m. - 5:00 p.m.
5:00 p.m. - 7:00 p.m.

Registration, Coffee & Doughnuts

Judicial Review of Administrative Orders; The Honorable John F. Reif, Oklahoma Court of Civil Appeals, Tulsa

Ethics Review; Gina L. Hendryx, Oklahoma Bar Association Ethics Counsel

Tort Reform Update; Duke Halley, Halley & Talbot, Woodward

Barbeque Lunch (included in registration fee) Sponsor TBA

Custody and Visitation Issues in Family Law; Julie S. Rivers, Family Law Solutions, Oklahoma City

Legislative Update; John Morris Williams, Oklahoma Bar Association General Counsel

Oil and Gas: Surface v. Mineral Use; Eric R. King, Gable & Gotwals P.C., Oklahoma City

Social Hour

Steak Dinner (included in registration fee) and Recognition of Honored Guests

2007 BOILING SPRINGS LEGAL INSTITUTE REGISTRATION FORM

Full Name: _____ Firm Name: _____

Address: _____

Phone: _____ FAX: _____

OBA Member? _____ OBA Number (for CLE credit): _____

I will be unable to attend the seminar. Please send Materials Only: _____ \$50.00 Do you plan to stay for the evening Social Hour and Steak Dinner? ____Yes ____No

Please make check payable to the Woodward County Bar Association and mail this form with check to Carelyn Talley, Woodward County Bar Association, P.O. Box 1331, Woodward, OK 73802. For more information, please call Susan Meinders at (580)254-5551.

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The asbestos removal at the bar center is under way. Crews must wear protective gear from head to toe, and they must enter the building through an airtight entrance. The removal process is expected to take several weeks before interior remodeling begins.

Help Needed for Disadvantaged Kids

Oklahoma Lawyers for Children is seeking attorneys to represent abused and neglected children on a pro bono basis. You can make a difference in a child's life. Interested volunteers may contact OLFC at:

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or
olfc@sbcglobal.net



Oklahoma City Attorney Confirmed as Federal Judge



The U.S. Senate unanimously confirmed on Aug. 3 Timothy D. DeGiusti to be a U.S. district judge. Mr. DeGiusti will succeed Judge Timothy Leonard, who is taking senior status in the state's western judicial district.

Mr. DeGiusti, who was nominated by President Bush in February for the position, is an Oklahoma City native. He earned his undergraduate and law degrees from OU. He served in the Oklahoma Army National Guard and in the U.S. Army Reserve and was on active duty from 1990 to 1993 as a trial attorney for the U.S. Army Judge Advocate General's Corps. He was an adjunct professor at the OU law school from 1998 to 2003, teaching a course called "Military Justice and the Law of War" and another on trial techniques. He is a partner in the Oklahoma City firm of Holladay, Chilton and DeGiusti.

Oklahoma Sens. Tom Coburn and Jim Inhofe praised Mr. DeGiusti for his service.

"He appreciates that a federal judge's role is not to write the law from the bench but to apply it as Congress and the president set out," Sen. Coburn said. "Additionally, his military and intelligence background give him unique qualities that are especially needed on the bench in this continuing war on terror."



Law Day Contests Moved to Fall

Traditionally offered in the spring, the OBA this year is offering its Law Day contests and activities in the fall. The deadline to submit entries is Dec. 14. This year's theme is "Elections: Democracy in Action." All students in grades pre-kindergarten through 12th are eligible to enter. Contest details are available at www.okbar.org.

OBA Member Reinstatements

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

M. Allen Core
OBA No. 12617
230 5th St.
Pawhuska, OK 74056

Jason Craig Pitcock
OBA No. 19911
1828 13 St. NW # 4
Washington, DC 20009

Bonnie Jan Schomp
OBA No. 3694
301 S. 7th
Weatherford, OK 73096

Stephanie M. Westhuis
OBA No. 19595
6639 S. Victor, #212
Tulsa, OK 74136

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

Bradford Arnold Mazo
OBA No. 18964
P.O. Box 222
Bigelow, AR 72016-0222

The ABA honored the OBA for its Law School for Legislators program, a biannual event designed to familiarize non-lawyer legislators with substantive topics in law and practical issues in legislation. The award, sponsored by Lexis Nexis, was presented at the National Association of Bar Executives Annual Meeting in San Francisco in August. Pictured are OBA Vice President Jack Dawson, LexisNexis marketing director Dianne Callahan, LexisNexis west region marketing manager Alisa Baker, OBA President Stephen Beam and OBA Executive Director John Morris Williams.



Kudos

David Humphreys and **Luke Wallace** of Humphreys Wallace Humphreys PC in Tulsa were recognized as individual honorees by Legal Services of New York at the inaugural reception held June 13 in New York City. They were honored for their substantial contributions to the Foreclosure Prevention Project of South Brooklyn Legal Services.

Nineteen McAfee & Taft attorneys were honored as leading lawyers in their respective practice areas in the 2007 edition of the *Chambers USA Guide to America's Leading Lawyers for Business*. First-time honorees are **Terry R. Barrett, C. Bruce Crum, Myrna S. Latham, Michael F. Lauderdale** and **C. David Stinson**. Re-named to the list are **Joseph H. Bocock, W. Chris Coleman, Richard D. Craig, Theodore M. Elam, Sam R. Fulkerson, Gary F. Fuller, John N. Hermes, Frank D. Hill, John A. Kenney, Tony G. Puckett, Richard A. Riggs, Reid E. Robison, N. Martin Stringer** and **Peter T. Van Dyke**.

Lindsay McDowell, an Associate with Rhodes, Hieronymus, Jones, Tucker and Gable, has been named the first-ever Young Defense Lawyer of the Year by the Oklahoma Association of Defense Counsel. **Dan Foluo** of the firm received an

Outstanding Service Award for the OADC's First Trial Academy. The presentations were made at the annual winter meeting of the OADC in Oklahoma City. **Brad Jackson**, also of the firm, completed his term as OADC president at that time.

Judge **Jequita Napoli** was appointed to a two-year term as the National Conference of Bar Examiners' delegate to the ABA House of Delegates. Judge Napoli served as chair of the NCBE Board of Trustees from 2002-2003, and she currently serves as chair of the Editorial Advisory Committee of the NCBE, which publishes quarterly *The Bar Examiner*. Judge Napoli was a member of the Oklahoma Board of Bar Examiners from 1988-1996, serving as its chair in 1991. Within the ABA, she serves on the Law School Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar. Judge Napoli has been a special judge in Cleveland County since 1996.

District Judge **Mike Norman** was awarded the National Child Support Enforcement Association's Judicial Award for Excellence during its annual conference in Orlando on Aug. 7. NCSEA only selects one judge in the United States per year for this national recognition. Judge Norman was the first to initiate the use of a "problem-solving

court" approach in 2001 in reference to child support enforcement cases in Oklahoma. The program encourages non-custodial parents to obtain and keep jobs to uphold their child support obligations. Beginning in the five counties in Judge Norman's district, this approach has expanded into central Oklahoma, as well as other areas of the state.

Theodore Haynes has joined the National Arbitration Forum's national panel of independent and neutral arbitrators and mediators. Mr. Haynes is a trained dispute resolution professional who currently serves as a volunteer mediator for the County Court Dispute Resolution Services in Orlando, Fla. Prior to focusing his career on alternative dispute resolution, he was a federal administrative law judge in Baltimore and a referee in the Oklahoma Supreme Court. Mr. Haynes earned a bachelor's degree from Langston University in 1956 and is a 1970 graduate of Oklahoma City University School of Law.

Crowe & Dunlevy attorneys **Mack J. Morgan III** and **John M. Thompson** were inducted into the Litigation Counsel of America at its Spring Conference and Induction of Fellows in New York. Also inducted, but not present at the conference, were firm president **Brooke S. Murphy** and directors **Judy Hamilton Morse** and **Kevin Gordon**.

Mr. Morgan concentrates his practice in the litigation of complex business and commercial transactions. He is a 1977 graduate of Vanderbilt University and a 1980 graduate of the University of Kentucky College of Law.

Mr. Thompson is a trial attorney in the firm's litigation department. His practice focuses on business and commercial litigation. He earned his bachelor's degree in 1994 and an M.B.A. and J.D. in 1998 from OU.

Ms. Murphy focuses her practice on commercial, insurance, intellectual property and healthcare disputes, including related class actions. She graduated from OU with a B.A. in 1967 and is a 1975 graduate of the University of Wisconsin.

Ms. Morse serves as chair of Crowe & Dunlevy's litigation section. Her practice focuses on litigation and trial practice, as well as bankruptcy and creditors' rights. She earned a B.A. from OU in 1968 and a J.D. from the OU College of Law in 1979.

Mr. Gordon is co-chair of the firm's insurance practice groups and chairs the healthcare litigation and administrative law practice groups. He graduated from Westminster College with a B.A. in 1981 and Washington University School of Law with a J.D. in 1984.

Dr. Curtis Harris, Chickasaw Nation Health System chief of endocrinology and medical director of the Diabetes Care Center, was recently elected as a director on the Federation of State Medical Boards Board of Directors. Dr. Harris was

elected to a two-year term by representatives of the 70 medical licensure boards in the United States and its protected territories. In 2005, Gov. Brad Henry appointed him to serve a seven-year term on the Oklahoma Medical Licensure Board. Prior to his current position with CNHS, Dr. Harris was in private practice in Oklahoma City for more than 25 years. He received a master's in biochemistry and his medical degree from the University of Washington. He earned a J.D. from OCU School of Law in 1994, in which he graduated first in his class and was awarded the OBA's Outstanding Senior Law Student Award.

Riggs, Abney, Neal, Turpen, Orbison & Lewis announces the election of **Gregory Alberty, Stephen Hale, Kristopher Koepsel, Terry Kordeliski, Janet Mallow, Victoria Rackley, Betty J. Sommars** and **Sharon Weaver** as shareholders in the firm.

Mr. Alberty focuses his practice on transactional real estate and land use law, with an emphasis on commercial real estate, multifamily and finance transactions. Mr. Alberty earned his bachelor of arts degree from TU in 1993 and his J.D. from the TU College of Law in 1997.

Mr. Hale earned his B.S. at OSU in 1990, his J.D. from the TU College of Law in 1993 and a masters of taxation in 1999 from the TU School of Accounting. Mr. Hale will continue to practice in the areas of domestic relations, business transactions and estate planning in the firm's Tulsa office.

Mr. Koepsel earned his B.A. from Knox College in 1995, and his J.D. from the TU College of Law in 2001. He practices in the firm's civil litigation group in the firm's Tulsa office.

Mr. Kordeliski earned his B.A. with distinction from OU in 1995 and his J.D. from the OU College of Law in 1998. He practices in the areas of commercial and real estate litigation in the firm's Oklahoma City office.

Ms. Mallow received her B.A. with honors in 1991 and her J.D. in 1995, both from TU. Her practice is concentrated in the areas of commercial and residential real estate, business law and finance.

Ms. Rackley received her undergraduate degree from Northeastern State University in 1979 and her J.D. from the TU College of Law in 1982. She currently practices in the field of Social Security disability in the firm's Muskogee office.

Ms. Sommars received her undergraduate degree from the University of California, Irvine in 1981. She is a 1985 graduate of the Gonzaga University School of Law. Her practice emphasizes an eclectic mix of corporate law, estate planning and Social Security.

Ms. Weaver earned her bachelor's degree from Langston University – Tulsa Campus in 1998 and her J.D. with honors from the TU College of Law in 2000. She practices in the firm's civil litigation group in the firm's Tulsa office.

On The Move

Jose Blanco has joined Legal Aid Services of Oklahoma as a staff attorney in the Ardmore Law Office. Mr. Blanco is a graduate of University of Texas at Austin, where he earned a B.A. in American studies. He graduated from Thomas M. Cooley Law School in Lansing, Mich., in 2006. The Ardmore Law Office is located at 115 W. Broadway, Suite 402, Ardmore, 73401; (580) 226-4863. Mr. Blanco may be reached at jose.blanco@laok.org.

Coats Rose announces **Benton T. Wheatley** has joined the firm's Austin, Texas, office as a director. Mr. Wheatley practices in the construction/surety and litigation sections of the firm. He received his J.D. from OU in 1991 and his B.A. in international studies and economics from the University of North Carolina in 1986. He may be reached at 1717 W. 6th St., Suite 370, Austin, TX 78703; (512) 469-7987; e-mail BWheatley@coatsrose.com.

Hall, Estill, Hardwick, Gable, Golden & Nelson PC announces the addition of two new associates in the Oklahoma City office. **Michael Hoyt Smith** graduated from OBU with a B.S. in biology and received his J.D. from OU. His past legal experience includes patent prosecution and counseling, infringement and valid-

ity analysis in the areas of chemical, mechanical and biochemical related technologies. **Bryan A. Fuller** received a B.S. in chemical engineering, with distinction, from OU and his J.D. from the OU College of Law. His IP experience includes drafting provisional and non-provisional applications and responding to office actions in various technologies. Both Mr. Smith and Mr. Fuller are members of the OBA Intellectual Property Section and the American Intellectual Property Association. They will join the firm's intellectual property practice group.

Tulsa attorney **Briana J. Ross** has joined Guaranty Abstract Co. as a vice president/title attorney. Prior to joining the company, she worked as an associate at Norman Wohlgemuth Chandler & Dowdell. Ms. Ross earned a bachelor's degree in finance from OSU, an M.B.A. from the University of Phoenix in 2002, and her J.D. from the TU College of Law in 2005. She may be reached at 320 S. Boulder Ave., Tulsa, 74103; (918) 587-6621; bross@guarantyabstract.com.

Laura Samuelson recently accepted the position of corporate counsel for O.I. Corp., a publicly-traded analytical instrumentation company headquartered in College Station, Texas. Ms. Samuelson was previously with the firm of Latham, Stall, Wagner, Steele & Lehman in Tulsa. She may be reached at P.O. Box 9010, College Station, Texas 77842-9010; (979) 690-5514; Fax: (979) 690-5550; e-mail lsamuelson@oico.com.

Woska & Swim announces that **Michael J. Blaschke** has joined the firm as of counsel. Mr. Blaschke, a 1978 OU Law graduate, has practiced law in the energy field for 29 years, and will continue his practice in all aspects of oil and gas litigation and commercial and business litigation. Mr. Blaschke can be reached at 3037 NW 63rd, Suite 251, Oklahoma City, 73116; (405) 562-7771; Fax: (405) 285-9350; mblaschke@woskaswim.com.

Conner & Winters announces that **Teresa Meinders Burkett** has joined the firm as a partner. Ms. Burkett's practice is focused primarily in the health care and employment law areas in both litigation and non-litigation matters. She represents a number of providers in the health care industry including hospitals, physician groups, nursing homes, hospice organizations and individual professionals. Ms. Burkett is a past president of the Oklahoma Health Lawyers Association and has also served as chair of the OBA Health Law Section. She earned her J.D. with honors and an undergraduate degree with special distinction in nursing from OU.

Brian T. Loughrin has relocated his office to 2601 NW Expressway, Suite 611E, Oklahoma City, 73112; (405) 463-552; fax (405) 463-5526; e-mail: brian@brianloughrin.com. His practice will focus on tax dispute resolution.

Heron, Sweet, Fox & Trout announces the addition of **Cody J. Roberson**

as an associate. Mr. Roberson is a 2005 graduate of OCU School of Law.

Scott R. Hall announces the opening of his law office in Tulsa. Mr. Hall is a 1994 graduate of the OU College of Law. He may be reached at 2250 E. 73rd St., Suite 360; Tulsa, 74136; (918) 794-1350; Fax: (918) 794-1370; e-mail: scott@halllaw.net.

Jeffrey C. Rambach has joined Crowe & Dunlevy's Tulsa office. Mr. Rambach will concentrate his practice in taxation, trusts and estates, mergers and acquisitions, probate, tax litigation and tax-exempt organizations. He received his bachelor of science degree from Boston University in 1983, his J.D. from Tulane University in 1986 and his LL.M. in taxation from Georgetown University Law School in 1989.

Rainey Martin LLP has relocated its offices to Suite 350 Atrium Towers, 3501 NW 63rd St., Oklahoma City, 73116; (405) 948-8411; Fax: (405) 948-8414; www.okclaw.com.

Eric Urbach announces the formation of Action Law Center, Law Office of Eric A. Urbach PC. Mr. Urbach will continue to practice in the area of personal injury, focusing on nursing home neglect, auto negligence, premises liability, medical malpractice and products liability. He may be reached at 116 S. Walker, Oklahoma City, 73102; (405) 232-2281; e-mail: eric@actionlawokc.com.

At The Podium

Oklahoma City attorneys **Kelly Basey** and **Vance Winningham** of Winningham & Stein addressed staff members of Legal Aid Services of Western Oklahoma, pro bono counsel and women's shelter counselors on July 7. Ms. Basey reviewed provisions of the Oklahoma Taxpayer and Citizen Protection Act of 2007, which will be effective Nov. 1. Mr. Winningham discussed the Violence Against Women Act and other potential forms of ancillary relief currently available under U.S. immigration law.

Michael E. Smith, shareholder with Hall, Estill, Hardwick, Gable, Golden & Nelson PC, was the featured speaker at the Rocky Mountain Mineral Law Symposium Special Institute on Oil and Gas Agreements held in Santa Fe, N.M., in May. Mr. Smith spoke and presented his paper titled, "Joint Operating Agreements Exhibits: An Overview." He has been lead counsel in several multi-million dollar natural gas contract and natural gas plant cases.

Garvin Isaacs recently made presentations at three events across the country. Mr. Isaacs lectured at the Western Trial Advocacy Institute held at the University of Wyoming School of Law July 7-12. His topics were "Preparation for Trial" and "Cross-Examination." He also taught the fundamentals of trial advocacy

at the National College for Criminal Defense at Mercer Law School in Macon, Ga., July 22-28. Additionally, Mr. Isaacs spoke at the New Mexico Criminal Defense Lawyers Association in Lac Cruces, N.M., on Aug. 24. His presentations were titled, "Cross-Examination of Expert Witnesses" and "On Being a Trial Lawyer in 2007."

Richard B. Kells led a round table discussion sponsored by the Oklahoma Business Ethics Consortium on Aug. 8. The topic was ethical issues involved in tax audits.

T. Douglas Stump was a featured speaker at the American Immigration Lawyers Association 2007 annual conference in Orlando, Fla. His presentation was titled, "Federal Court Litigation for Business Immigration Attorneys."

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 Oct. 6 issue must be received by Sept. 17

Delmer (Ted) Daves Foster Jr. of Edmond died June 30. He was born Aug. 16, 1925, in Oklahoma City. He attended Classen High School, and he earned his law degree from OU in 1949. **He served in three branches of the military, serving during World War II and the Korean War. He was a 1970 graduate of the U.S. Army War College and retired as a colonel of the infantry, Army Reserves.** After his military service, he served as Oklahoma County assistant district attorney in 1952, but then moved to private practice with France, Johnson, Gordon & Cook in Oklahoma City. He later worked for Sinclair Oil Co., but later returned to private practice at Kerr, Davis, Irvine, Burbage and Foster. He was also an avid businessman, having owned Air Center Inc. for more than 10 years in the '70s and '80s. He was involved in many civic organizations and was an adjunct law professor at OCU. Memorial donations may be made to the OCU School of Law.

Frank Robert (Bob) Hickman of Tulsa died Aug. 16. He was born in Tulsa on July 5, 1923. He attended high school in Salina, Kan. **Upon graduation in 1941 as a commissioned First Lieutenant in the Kansas State National Guard, he attended TU and Oklahoma A&M College until 1942. He then entered**

the U.S. Merchant Marines and later graduated from the Merchant Marine Academy at King's Point, N.Y. He served aboard merchant ships during World War II. After the war, he attended the TU College of Law, earning his law degree in 1949. From 1949 to 1959, he practiced law with his father, Frank N. Hickman, and later with his oldest son, William L. Hickman. He also served as a public defender and was secretary and president of the Tulsa County Junior Bar Association. Among his survivors are his three sons, each of whom is an OBA member: William L., Steven R. and T. Scott.

Frank J. (Pat) Hopkins of Houston, Texas, died Aug. 2. He was born in Fort Worth, Texas, on Aug. 18, 1923. He graduated from Amarillo High School in 1940 and the OU College of Law in 1950. **In World War II with the 351st Bombardment Group, Army Air Corp., he piloted a B-17, completing 32 missions over German-occupied Europe. He was awarded the Distinguished Flying Cross for meritorious effort, as well as the air medal and three clusters for successful missions.** He was employed for 36 years with Natural Gas Pipeline Company of America, now MidCon. Memorial contributions may be made to the Frank J. Hopkins scholarship fund at St. Elizabeth Ann

Seton Catholic School, 6646 Addicks Satsuma Rd., Houston, Texas, 77084.

Kenneth King of Oklahoma City died Aug. 26. He was born July 9, 1920, in Crandon, Wis. **He served in Gen. Patton's 3rd Army during World War II as a Second Lieutenant, Company C, 21st Armored Infantry Battalion, 11th Armored Division. He was awarded the Purple Heart for wounds he received while crossing the Kyll River in Germany. After recovering, he participated with his unit in the liberation of the Mauthausen concentration camp.** After the war, he earned an accounting degree from OU and was a member of the first graduating class of OCU School of Law in 1954. He practiced tax law with the IRS in Oklahoma City and was in private practice for almost 50 years. Memorial donations may be made to the Disabled American Veterans in Oklahoma City.

William B. (Bill) Lee of Tulsa died July 5. He was born in New Orleans on March 7, 1940. He attended Tulane and Loyola universities before moving to Tulsa. He graduated from the TU College of Law in 1969. **In addition to his legal career, he served in the U.S. Coast Guard.** Memorial donations may be made to the Clare-

house, 7324 E. 49th Pl., No. 3, Tulsa, 74145.

Clark Henry Legate of Pre-sidio, Texas, died July 6. He was born on May 8, 1915, in Wichita, Kan. He graduated from the Cumberland School of Law in Lebanon, Tenn., as well as the OU law school. He practiced in southern Oklahoma and west Texas for more than 50 years. **A veteran of World War II, he served in the Army in the Philippines.** He was a member of the First United Methodist Church, a Shriner and a lifetime member of the Veterans of Foreign Wars. Memorial donations may be made to the Shriner's Hospital c/o Flanagan-Watts Funeral Home, 100 E. Main, Marietta, 73448.

Retired Judge Clint G. Livingston of Norman died July 1. He was born in Burneyville on May 1, 1918. He grew up in Love County, graduating from high school there in 1936. **During World War II, he served in the Air Force.** He was a 1948 graduate of the OU College of Law. He returned to Marietta where he became county attorney and had a private practice in Love County. He served in the state House of Representatives for eight years, and served as house speaker from 1959-1960. Before retiring in 1988, he served on the bench for many years in Oklahoma and Texas.

Tony Jack Lyons of Pryor died July 14. He was born in Poteau on April 23, 1924. He graduated from Classen High School in Oklahoma City in 1942. He was an all-state football player and attended Oklahoma A&M College on a football scholarship. **He joined the Army Air Corps, serving as a B-24 pilot during World War II and was active in the Air Force Reserves until 1974, retiring as a full colonel.** He graduated from the OU College of Law in 1952 and then moved to Pryor. During his more than 50-year-long legal career, he won more than 100 murder cases, having lost six. He also served as municipal judge. He served for many years as the director of the O.D. "Jock" Mayor Trust that distributed millions of dollars to Mayes County and Pryor. He was a founding member of his church and served in several community organizations. He was a 32nd degree Mason. Memorial donations may be made to the American Heart Association or any military support organization.

Donald Ray (Don) Manners of Oklahoma City died June 26. He was born Oct. 31, 1928, in Sasakwa. He attended the University of Central Oklahoma and the OCU School of Law. **He served in the Korean War.** He was active in several professional organizations and char-

ities, including the Oklahoma County Bar Association, the Whiz Kids program and the Jesus House. Memorial donations may be made to Crossings Community Church in Oklahoma City for the new Community Health Clinic.

Jimmie Wilcoxon of Cushing died July 19. He was born in Yale on Oct. 27, 1920. He grew up in the Yale/Cushing area and graduated from Cushing High School in 1938. **He enlisted in the Air Force in 1941 and held the rank of lieutenant.** After his military service, he helped his parents run a family grocery business in Cushing. He later helped operate another store in Perkins while attending college and law school. He earned his bachelor's degree from Langston University, having also attended OSU and St. Gregory's University. He was a 1975 graduate of the OCU School of Law. He practiced with Sterling Grubbs and became assistant district attorney in 1984, operating the Cushing branch of the D.A.'s office. He served on the Payne County Counseling Board for many years, and he was a 32nd degree Mason and had received his 50-year pin. Memorial contributions may be made to Judith Karman Hospice in Stillwater or charity of choice.

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POSITIONS AVAILABLE

OKLAHOMA STATE DEPARTMENT OF HEALTH, Office of General Counsel seeks a Paralegal to provide litigation support in administrative matters and State/Federal Courts. Applicants must have successfully completed Legal Assistant or Paralegal course at law school or other accredited program. 2 years experience required. Preference given to candidates with college degree and/or prior State experience. Some travel required. Salary range \$3200.00 - \$3600.00 monthly, based on education and experience. Send resumes to Tom Cross, Deputy General Counsel, 1000 NE 10th St., Room 206, OKC 73117, or email to tomlc@health.ok.gov. Further information about this position can be found on the agency's website at <http://www.health.ok.gov/PROGRAM/hrmd/jobdetail.asp?id=1486>. Date announcement closes: September 14, 2007.

NORTHWEST ARKANSAS LAW FIRM seeks tax associate. LLM and accounting background preferred. Practice areas include estate planning, taxation, real estate and business representation. Mail, fax or email cover letter, resume, and salary requirements to Erma Palm, Harrington, Miller, Neihouse & Kieklak, P.A., 5507 Walsh Lane, Suite 102, Rogers, AR 72758 Fax (479) 271-7247 Email: epalm@arkansaslaw.com

OKLAHOMA CITY LAW FIRM concentrating in the statewide representation of mortgage lenders seeks experienced title attorney. Title examination experience required. State-wide travel required. Send resume and salary requirement to Kirk J. Cejda c/o Shapiro & Cejda, L.L.P., 770 N.E. 63rd, Oklahoma City, OK 73105 or by e-mail to kcejda@logs.com

POSITIONS AVAILABLE

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.

VERY BUSY, FAST-PACED, EXPANDING AV RATED TULSA CIVIL DEFENSE FIRM seeking lawyers with 2-10 years experience in civil defense litigation. Challenging and rewarding work involving high-stakes litigation. Successful candidate will possess the highest of ethical and professional standards. Firm-paid health/life/disability insurance, 401k, etc. E-mail resume and writing sample (10-page limit) in confidence to lawofficerecruit@yahoo.com

AV -RATED SIX ATTORNEY TULSA FIRM with strong client base seeks an experienced attorney to work in the areas of title examination, real estate contracts and creditor representation. Excellent benefits include health, dental and life insurance, cafeteria benefits plan, vacation and 401K program. Our attorneys are aware of this advertisement. Submit resume and salary requirements in strictest confidence. Send replies to Box "T," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

OKC LAW FIRM seeks associate with 3-5 years experience in civil litigation practice. Must be self motivated. Salary commensurate with experience. Send resume, writing sample and salary requirements to: Box "R," Oklahoma Bar Association, P.O. 53036, Oklahoma City, OK 73152

RAINEY, ROSS, RICE & BINNS, AV-rated OKC firm is seeking a litigation attorney with strong research and writing skills, and 0-3 years experience. Send resume and writing samples in confidence to: Office Manager, Rainey, Ross, Rice & Binns, 735 First National Center West, Oklahoma City, Oklahoma 73101-2324

DOWNTOWN OKC LAW FIRM seeks a self-motivated associate with 3-5 years of experience in civil practice. Salary commensurate with experience. Send resume and salary requirements to: Box "E," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

AV-RATED TULSA, EMPLOYEE BENEFITS FIRM seeks 2-4 year lawyer with top academic credentials. Tax or benefits law experience desired. Concordia Benefits Group, P.C. Only e-mail responses accepted: admin@concordiabenefits.com. Please include cover letter, resume and writing sample. All responses kept confidential.

AV NW OKC FIRM engaged in litigation, business, and estate planning, seeking an attorney with 3-15 years of experience with proven ability to handle own caseload with strong research/writing skills. Send resume, writing sample and salary requirements to lawfirmad@gmail.com.

POSITIONS AVAILABLE

NORTHEAST OKLAHOMA: 3 Attorney AV Rated Law Firm is seeking associate with 1 to 4 years experience. Duties will include work in all areas of the civil law practice. Salary commensurate with experience. Send reply in confidence to Box "H," Oklahoma Bar Association, P.O. 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: Box "L," Oklahoma Bar Association, P.O. 53036, Oklahoma City, OK 73152

THE LAW FIRM OF PIERCE COUCH HENDRICKSON BAYSINGER & GREEN, L.L.P. is accepting resumes for an associate attorney with at least two years of experience. Insurance defense and/or medical malpractice experience preferred. Please send resumes to P.O. Box 26350, Oklahoma City, OK 73126.

OKC LAW FIRM focusing on litigation seeks a legal secretary with at least five years experience. Salary commensurate with experience. Send resume and salary requirements to: Box "J," Oklahoma Bar Association, P.O. 53036, Oklahoma City, OK 73152

AV RATED DOWNTOWN OKC LAW FIRM is seeking a part-time associate to assist with personal injury/products/insurance defense litigation. Three years or more of experience preferred. Flexible hours available. Please e-mail ab@jchlaw.com if interested

DEPUTY GENERAL COUNSEL I/II* Up to \$58.4K + state benefits package FT. Active membership in the State Bar of Oklahoma and Level I: 1 yr exp in the practice of law OR Level II: 3 yrs exp in the practice of law. Preference for: Legal experience at OHCA; Adv education; Use of computer research & case management software; Legal exp w/ health care insurance; Administrative hearing exp. **Position may be filled at a I or II. If hired into the I, may be promoted to an II pending successful completion of initial 18 month employment period. Download appl. and questionnaire from website. Deadline: Sept 21, 2007. OK Health Care Authority Attn: Human Resources 4545 N. Lincoln Blvd., Ste. 124 OKC, OK 73105. personnel@okhca.org www.okhca.org/jobs EOE

POSITIONS AVAILABLE

ASSISTANT ATTORNEY GENERAL, CRIMINAL APPEALS SECTION — Zero to three years experience in the practice of law. Must be licensed or become licensed in all federal district courts in Oklahoma and the United States Court of Appeals for the Tenth Circuit. Strong emphasis on research, writing skills and accomplished oral advocacy skills. Knowledge and use of WordPerfect. Writing sample must accompany resume. See website www.oag.state.ok.us for more details. Send resumes to Drew Edmondson, Attorney General, 313 N.E. 21, Oklahoma City, OK 73105. Salary range \$42,000 to \$46,500, commensurate with experience.

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Publication and contents of any advertisement is not to be deemed an endorsement of the views expressed therein, nor shall the publication of any advertisement be considered an endorsement of the procedure or service involved. All placement notices must be clearly non-discriminatory.

A Funny Story

By Lisbeth L. McCarty

As an appellate attorney, I read all of the transcripts of what took place in an assigned case. I was working on a drug case, and the prosecutor took great pains to qualify the chemist as an expert.

Then, the prosecutor questioned the chemist about the tests used to determine the chemical nature of various substances. The chemist explained that first, he would conduct several presumptive tests on a substance.

In this particular case, the substance tested presumptively as an illegal drug. Next, because the presumptive tests indicated the possible presence of an illegal drug, the chemist said that he then proceeded to conduct an infrared spectrofluourometer attenuated-ternal reflex as a confirmatory test.

In hundreds of pages of transcript, the prosecutor then questioned the chemist ad nauseum about the nature of the machinery and how the machinery worked.

Finally, the prosecutor reached the crux of the matter when he asked the chemist how the test was actually conducted on this impressive-sounding confirmatory machine.

The chemist responded succinctly, "I add the sample and hit the go button."

Ms. McCarty practices in Norman.



If you have a possible article for The Back Page, e-mail it to carolm@okbar.org.
For more details see www.okbar.org/obj/back.htm.