

Work/Life Balance

ALSO INSIDE

Time to Submit Award Nominations
New Lawyers Admitted

GROW YOUR 401(k) WISELY





LEARN HOW YOU CAN GROW YOUR 401(k) WISELY

Call an ABA Retirement Funds Consultant at 1-877-947-2272 www.abaretirement.com

Six things you won't hear from other 401(k) providers...

- We were created as a not-for-profit
- entity, and we exist to provide a benefit
- 2. We leverage the buying power of the ABA to eliminate firm expenses and
 - minimize participant expenses
- Our fiduciary tools help you manage
 your liabilities and save valuable time
 - Our investment menu has three tiers to
 provide options for any type of investor, and our average expense is well below the industry average for mutual funds
- 5. We eliminated commissions, which erode your savings, by eliminating brokers



We have benefit relationships with 29 state bar and 2 national legal associations.^{*} No other provider has more than one.

* Alabama State Bar State Bar of Arizona Arkanasa Bar Association Colorado Bar Association Connecticut Bar Association The District of Columbia Bar State Bar of Georgia Hawaii State Bar Association Illinois State Bar Association Indiana State Bar Association Iowa State Bar Association Kanasa Bar Association Louisiana State Bar Association Maine State Bar Association Minnesota State Bar Association The Mississippi Bar State Bar of Nevada New Hampshire Bar Association State Bar of New Mexico New York State Bar Association North Carolina Bar Association State Bar Association of Morth Dakota Ohio State Bar Association Oklahoma Bar Association Rhode Island Bar Association State Bar of Texas Vermont Bar Association Washington State Bar Association State Bar of Wisconsin American Immigration Lawyers Association (AILA) Association of Legal Administrators (ALA)





For a copy of the Prospectus with more complete information, including charges and expenses associated with the Program, or to speak to a Program consultant, call 1-877-947-2272, or visit www.abaretirement.com or write ABA Retirement Funds P.O. Box 5142 • Boston, MA 02206-5142 • abaretirement@citistreetonline.com. Be sure to read the Prospectus carefully before you invest or send money. The Program is available through the Oklahoma Bar Association as a member benefit. However, this does not constitute, and is in no way a recommendation with respect to any security that is available through the Program. 11/2007

OBA/CLE Presents Building Your Million Dollar Practice And

Law Practice Phase Two: Building a Plan for the Next Era of Your

Career

May 29 & 30

Oklahoma Bar Center, Oklahoma City

Building Your Million Dollar Practice

Are you ready to –

- Double your revenues over the next five years?
- Transform your practice into a highly efficient, client-focused legal business?
- Reduce stress and hours in the office?
- Lay the operational and financial groundwork for your dream retirement?

- Then don't miss this program!

Part One: Building the Million-Dollar Operations

Cole provides a truly unique view of how practices grow and evolve, from the sole practice to the attorney with efficient, profitable legal teams serving client needs, and provides step-by-step advice on how to master each step and move successfully to the next.

Part Two: Building the Dream Practice Revenues

Based on Cole's twenty years of work with successful rainmakers, this program offers the simplest, most effective, most ethical – and least expensive – approach to increasing revenues using the four core principles for creating a continuing stream of quality referrals.

Law Practice Phase Two: Building a Plan for the Next Era of Your Career

Learn how to build a plan for that dream "phase two" and

- Identify the best option for your goals
- Groom a successor to buy you out
- Plan a buyout over time at maximum value
- Gradually step back from management
- Stay on to cherry-pick a few of the best clients
- Generate ongoing income by originating new business
- Structure generous time off for what YOU want to do.

In this groundbreaking half-day program, Master Practice Advisor Dustin Cole shares the accumulated knowledge and wisdom of more than twenty years of work with thousands of attorneys, to help you build a picture of your ideal "phase two," and then initiate a practical, step-by-step plan for getting there. You'll be walked, step-by-step, through creation of your own plan to build the dream "phase two" and realize maximum value from passing on the firm you have created.



Dustin Cole President Attorneys Master Class

Speaker **Dustin Cole** is a Master Practice Advisor, and is President of Attorneys Master Class, one of the nation's leading attorney practice development organizations. Mr. Cole has trained over ten thousand attorneys across the United States in how to build more successful practices and develop their dream retirements. He brings more than 35 years of experience in every phase of marketing and management to his work with the legal profession. He has conducted hundreds of training programs in more than 30 states.

Registration Information

Building Your Million Dollar Practice

8:30 a.m. – 4:30 p.m. May 29 8.5 hours CLE, 0 hours Ethics \$225 prior to May 25 \$250 late registration

Law Practice Phase Two

8:30 a.m. – 12:30 p.m. May 30 4.5 hours CLE, 0 hours Ethics \$100 Prior to May 26 \$125 late registration

Register Online at www.okbar.org/CLE



Productivity breakthrough: Westlaw Legal Calendaring

Westlaw[®] Legal Calendaring automatically calculates your litigation deadlines based on the applicable federal, state and local court rules – then adds the information directly to your Microsoft[®] Outlook[®] calendar. As dates change, you can recalculate accordingly – and repopulate your calendar with the updates. Know with confidence you'll never miss key dates again – no matter how often they change. Even link directly to the relevant court rule governing any of the events on your calendar. Westlaw Legal Calendaring: a powerful tool for managing your cases, your time and your priorities. For more information, call our Reference Attorneys at **1-800-733-2889 (REF-ATTY)**.

© 2008 West, a Thomson business L-337828/2-08

Better results faster.



THOMSON * WEST

Calendar of Events

MAY 15

Current Federal Regulatory Issues for Financial Institutions and Technology Service Providers - OKC 8 hrs. of MCLE credit, including 1 hr. of ethics Oklahoma Bar Center 1901 N. Lincoln Blvd.

MAY 16

Workers' Compensation: You Can't Make This Stuff Up! - Tulsa 6 hrs. of MCLE credit, including 1 hr. of ethics Renaissance Hotel 6808 S. 107th E. Ave.

Oklahoma Insurance Law Update 2008 - OKC 6 hrs. of MCLE credit, including 0 hrs. of ethics Oklahoma Bar Center 1901 N. Lincoln Blvd.

MAY 21

Making Your Case With a Better Memory - Tulsa 8 hrs. of MCLE credit, including 0 hrs. of ethics Renaissance Hotel 6808 S. 107th E. Ave.

May 2008

MAY 22

Making Your Case With a Better Memory - OKC 8 hrs. of MCLE credit, including 0 hrs. of ethics Oklahoma Bar Center 1901 N. Lincoln Blvd.

MAY 29

Building Your Million-Dollar Practice - And Your Dream Retirement - OKC 8.5 hrs. of MCLE credit, including 0 hrs. of ethics Oklahoma Bar Center 1901 N. Lincoln Blvd.

MAY 30

Law Practice Phase Two: Building a Plan for the Next Era of Your Career - OKC 4.5 hrs. of MCLE credit, including 0 hrs. of ethics Oklahoma Bar Center 1901 N. Lincoln Blvd.



Check registration times at www.okbar.org You may register online at www.okbar.org or call (405) 416-7006

Beale Professional Services







your family



your business

your **life**

The added protection no one should go without.

The OBA - Sponsored Personal Umbrella Plan provides excess coverage for your autos, homes, rental properties, boats and recreational vehicles.

- \$1,000,000 OPTIONAL UNINSURED AND UNDERINSURED MOTORISTS COVERAGE IS AVAILABLE, subject to the required underlying limits!
- NO RESTRICTIONS OR SURCHARGES, regardless of the number of vehicles, homes, watercraft, recreational equipment or licensed youthful drivers.
- · Can be purchased as \$1 million, \$2 million or \$5 million personal excess liability protection.
- · Covers rental properties (up to a four-family dwelling).
- · Coverage applies anywhere in the world.
- · Personal injury claims covered as any other claim (libel, false, arrest or slander).
- · Every relative in your household is an insured.

Call us TODAY to see how simple enrollment can be!



405-521-1600 + 800-530-4863 + beale@bealepro.com + www.bealepro.com

Information is for illustrative purposes only and is not a contract. Remember that only the policy can provide the actual description, terms, conditions and exclusions. All coverages not available in all states.

THEME: Work/Life Balance

Editor: Jim Stuart





FEATURES

- 1119 WORK/LIFE BALANCE INITIATIVES IN THE LEGAL PROFESSION By Melanie Jester
- 1125 BEHIND THE SLASH By Sarah Glick
- 1129 SENTENCED TO LIFE By Caroline Larsen
- 1135 FAMILY RESPONSIBILITY DISCRIMINATION: RECOGNIZING UNLAWFUL DISCRIMINATION AGAINST FAMILY CAREGIVERS By Leah Avey and Tim Eisel
- 1145 MISTAKES WE MAKE UNDER PRESSURE By Dr. Wenona R. Barnes
- 1151 WHAT WE HAVE HERE IS A FAILURE TO COMMUNICATE By Michael Duggan and Teresa Rendon
- 1156 Work/Life Balance Internet Resources

DEPARTMENTS

- 1116 From the President
- 1164 From the Executive Director
- 1166 Law Practice Tips
- 1172 Ethics/Professional Responsibility
- 1173 Oklahoma Bar Foundation News
- 1176 Access to Justice
- 1178 Young Lawyers Division
- 1180 Calendar
- 1182 For Your Information
- 1184 Bench and Bar Briefs
- 1190 In Memoriam
- 1165 Editorial Calendar
- 1200 The Back Page



PLUS

- 1157 Time to Submit Award Nominations
- 1159 New Lawyers Admitted to OBA
- 1161 Photo Highlights: Rule of Law Conference
- 1162 Board of Governors 2009 Vacancies
- 1163 OBA Nominating Petitions Filed



pg. 1159 New Attorneys

Get a Life

By Bill Conger

My predecessor, Stephen Beam, captioned his first letter in the *Oklahoma Bar Journal* "We've Got a Problem!" He was referring to his concern about the number of lawyer suicides, one a month for almost a year. Many of us shared Stephen's concern and still do. Of course, we will never know whether their choosing to take their own life was because they were lawyers hopefully not. But what we do know is this:

• In a survey of 105 occupations, lawyers ranked first in experiencing depression — four times more likely to be depressed than the general population.

• In studies conducted in Washington and Arizona, it was found that one-third of lawyers showed symptoms of clinical depression or substance abuse — a statistic that is double the national average for disorders of this type.

• Lawyers who suffer from depression

consider suicide in numbers that are alarmingly high and those who consider suicide are more likely to carry out that intent.

• In the United States, the number of practicing lawyers with alcohol or drug problems is twice the national average.

• Substance abuse exists in a significant number of disciplinary complaints brought against lawyers.



President Conger

is general counsel at Oklahoma City University. bconger@okcu.edu (405) 208-5845

We also know that many are leaving our profession citing burnout, job dissatisfaction, stress and disillusionment. I am concerned about it, and I hate to see people leaving a profession that I have found so fulfilling for 38 years.

For some time now I have been focusing on work/life balance, thus this special issue of the *Oklahoma Bar Journal*. Many of the articles contributed are from members of our Work/Life Balance Committee, chaired by Melanie Jester. This standing committee is constantly addressing issues of work/life balance. It has created an outstanding Web site which you can access at www.okbar.org/ members/worklife/Default.htm. Each month the site features different topics, links to other similar Web sites and archived articles on previously addressed topics. Getting lawyers to live balanced lives will not happen overnight. Our profession requires long hours and commitment. Lawyering is hard. I believe we need to change our culture. Simply stated, we need to get a life — to take care of ourselves physically and spiritually

Lawyering is hard. I believe we need to change our culture. and have balance in our work/life. We need to improve ourselves intellectually by taking courses, teaching classes, reading good books and learning more about art and the humanities, history, philosophy and literature. This will develop our souls

and ultimately take us to the realm of wisdom.

Here is what the novelist Anna Quindlen says:

Get a life in which you notice the smell of salt water pushing itself on a breeze over Seaside Heights, a life in which you stop and watch how a red tailed hawk circles over the water or the way a baby scowls with concentration when she tries to pick up a Cheerio with her thumb and first finger. Get a life in which you are not alone. Find good friends and people you love, and who love you. And remember that love is not leisure, it is work. *Pick up the phone. Send an e-mail. Write* a letter. Get a life in which you are generous. And realize that life is the best thing ever and that you have no business taking it for granted. Care so deeply about its goodness that you want to spread it around. Take money you would have spent on beers and give it to charity. *Work in a soup kitchen. Be a big brother* or sister.

I hope you enjoy this important edition of the bar journal.

OFFICERS & BOARD OF GOVERNORS J. William Conger, <i>President</i> , Oklahoma City Jon K. Parsley, <i>President-Elect</i> , Guymon Michael C. Mordy, <i>Vice President</i> , Ardmore	MAY	EVENTS CALENDAR
Stephen D. Beam, <i>Immediate Past President</i> , Weatherford Julie E. Bates, Oklahoma City	15	OBA Legal Intern Committee Meeting ; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
Jack L. Brown, Tulsa Cathy M. Christensen, Oklahoma City Donna Dirickson, Weatherford Robert S. Farris, Tulsa Brian T. Hermanson, Ponca City W. Mark Hixson, Yukon Jerry L. McCombs, Idabel Deborah A. Reheard, Eufala Alan Souter, Bristow	16	OBA Access to Justice Committee Meeting; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade A. McClure (580) 248-4675
	19	OBA Alternative Dispute Resolution Section Meeting ; 4 p.m.; Oklahoma Bar Center, Oklahoma; Contact: Andrea Braeutigam (405) 744-3305 or Michael A. Simpson (918) 582-8877
Peggy Stockwell, Norman James T. Stuart, Shawnee Kimberly Warren, Tecumseh, <i>Chairperson</i> , <i>OBA/Young Lawyers Division</i>	20	OBA Civil Procedure Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
BAR CENTER STAFF John Morris Williams, Executive Director; Dan Murdock, General Counsel; Donita Bourns Douglas, Director of Educational Programs; Carol A. Manning, Director of Communications; Craig D. Combs, Director of Administration; Gina L. Hendryx, Ethics Counsel; Jim Calloway, Director of Management Assistance Program; Rick Loomis, Director of Information Systems; Beverly S. Petry, Administrator MCLE Commission; Jane McConnell, Coordinator Law-related Education; Ja- nis Hubbard, First Assistant General Counsel; Mark Davidson, Loraine Dillinder Farabow and Janna	21	OBA Member Services Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Keri Williams Foster (405) 385-5148
	22	OBA Bench and Bar Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
		OBA Paralegal Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Joseph H. Bocock (405) 235-9621
	23	OBA Board of Governors Meeting; Enid, Oklahoma City; Contact: John Morris Williams (405) 416-7000
D. Hall, Assistant General Counsels; Robert D. Hanks, Senior Investigator; Sharon Orth, Dorothy Walos and Krystal Willis, Investigators		OBA CLE Music Ethics Committee Meeting; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416 - 7027
Nina Anderson, Manni Arzola, Jenn Barrett,	26	Memorial Day (State Holiday)
Debbie Brink, Melissa Brown, Brenda Card, Sharon Dotson, Johnny Marie Floyd, Matt Gayle, Susan Hall, Brandon Haynie, Suzi Hendrix, Misty Hill, Debra Jenkins, Jeff Kelton, Durrel Lattimore,	28	OBA Uniform Laws Committee Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Frederick Heins Miller (405) 325-4699
Debora Lowry, Heidi McComb, Renee Montgom- ery, Wanda Reece-Murray, Tracy Sanders, Mark Schneidewent, Robbin Watson, Laura Willis	JUN	
Schneidewent, Kobbin Watson, Laura Willis & Roberta Yarbrough EDITORIAL BOARD Editor in Chief, John Morris Williams, News & Layout Editor, Carol A. Manning, Editor, Melissa DeLacerda, Stillwater, Associate Editors: Steve Barnes, Poteau; Martha Rupp Carter, Tulsa; Mark Curnutte, Vinita; Leslie D. Guajardo, Oklahoma City; John Munkacsy, Lawton; Pandee Ramirez,	5	OBA Work, Life Balance Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Melanie Jester (405) 609-5280
		OBA Board of Editors Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carol Manning (405) 416-7016
Okmulgee; Julia Rieman, Enid; James Stuart, Shawnee and Judge Lori M. Walkley, Norman	For m	nore events go to www.okbar.org/news/calendar.htm
NOTICE of change of address (which must be in	The Okla	homa Bar Association's official Web site: www.okbar.org
writing and signed by the OBA member), unde- liverable copies, orders for subscriptions or ads, news stories, articles and all mail items should be sent to the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036.	Associat The desi	KLAHOMA BAR JOURNAL is a publication of the Oklahoma Ba tion. All rights reserved. Copyright© 2008 Oklahoma Bar Association ign of the scales and the "Oklahoma Bar Association" encircling the e trademarks of the Oklahoma Bar Association. Legal articles carried

Oklahoma Bar Association (405) 416-7000 Toll Free (800) 522-8065 FAX (405) 416-7001 Continuing Legal Education (405) 416-7006 Ethics Counsel (405) 416-7003 General Counsel (405) 416-7007 Law-related Education (405) 416-7005 Lawyers Helping Lawyers (800) 364-7886 Mgmt. Assistance Program (405) 416-7008 Mandatory CLE (405) 416-7009 OBJ & Communications (405) 416-7004 Board of Bar Examiners (405) 416-7075 Oklahoma Bar Foundation (405) 416-7070

THE OKLAHOMA BAR JOURNAL (ISSN 0030-1655) IS PUBLISHED THREE TIMES A MONTH IN JANUARY, FEBRUARY, MARCH, APRIL, MAY, AUGUST, SEPTEM-BER, OCTOBER, NOVEMBER AND DECEMBER AND BIMONTHLY IN JUNE AND JULY. BY THE OKLAHOMA BAR ASSOCIATION, 1901 N. LINCOLN BOULEVARD, OKLAHOMA CITY, OKLAHOMA 73105. PERIODICALS POSTAGE PAID AT OKLA-HOMA CITY, OK. POSTMASTER: SEND ADDRESS CHANGES TO THE OKLAHOMA BAR ASSOCIATION, P.O. BOX 53036, OKLAHOMA CITY, OK 73152-3036. SUBSCRIP-TIONS ARE \$55 PER YEAR EXCEPT FOR LAW STUDENTS REGISTERED WITH THE OKLAHOMA BAR ASSOCIATION, WHO MAY SUBSCRIBE FOR \$25. ACTIVE MEM-BER SUBSCRIPTIONS ARE INCLUDED AS A PORTION OF ANNUAL DUES. ANY OPINION EXPRESSED HEREIN IS THAT OF THE AUTHOR AND NOT NECESSAR-ILY THAT OF THE OKLAHOMA BAR ASSOCIATION, OR THE OKLAHOMA BAR JOURNAL BOARD OF EDITORS.





Work/Life Balance Initiatives in the Legal Profession

By Melanie Jester

Work/life balance is about people having a measure of control over when, where and how they work. It is achieved when an individual's right to a fulfilled life inside and outside paid work is accepted and respected as the norm, to the mutual benefit of the individual, business and society.¹

Over the past decade, work/life balance has emerged as a mainstay of human resource management. The work/life balance trend is reflected in corporate initiatives, programs and benefits. It is weighted heavily in the calculation of honoring a company as a "Best Company," and it is repeatedly cited as one of the most sought after employee benefits.² And, work/life balance trends have emerged more recently as a catalyst for yet another class of employment discrimination. In the spring of 2007, the EEOC issued enforcement guidance to address "family responsibility discrimination" in the workplace.³

Work/life balance is a phenomenon of international concern, too. The governments of the United Kingdom, Australia and Canada have all contributed significant resources toward development of work/life balance programs and policies.⁴ The work/life balance trend is fueled by changing workplace demographics, the role of technology and the move toward a more service-oriented economy.⁵

Work/life balance in the legal profession has clipped along at a slower gait than that of the corporate horse, but certainly today it is an issue of concern addressed by law firms, solo practitioners, bar associations and legal educators. All work/life initiatives prosper, however, only when compatible with the ultimate concern of the bottom line.

For law firms, the cost of attrition is viewed as the most compelling reason for supporting implementation of work/life balance policies.⁶ Retention of attorneys and the intangible benefits of preserving client and lawyer relationships get the attention of law firm management. Certainly, however, with the constant plague of burnout, depression, low productivity, insomnia and stress-related illnesses that burdens our profession, other costs must be considered in calculating the benefits of work/ life balance initiatives.⁷

Work/life balance initiatives are challenging for law firms for a number of reasons, two of which are addressed here. First, there is no magic formula by which an individual achieves work/life balance. We each have different values, goals and definitions of success. How balance is achieved, therefore, is unique to each of us. Second, in comparison to corporate America, law firms do not have the same resources available to implement work/life balance initiatives. For example, an on-site workout facility or daycare is not a viable alternative for the majority of small to mid-size law firms. Nonetheless, taking some action toward recognizing the importance of work/life balance is very useful.

As individual lawyers, work/life balance goals might include organizing work so that one has a sense there is enough time in a day to effectively accomplish work-related tasks; making (and guarding) time for family commitments without feeling compromised; or participating in exercise or other hobbies we enjoy.

Addressing work/life balance at the law firm management level might include creating a committee that serves as both a resource and sounding board for work/life balance issues, or, as many now firms are doing, offering flexible working arrangements and putting less emphasis on "face-time" in the office by allowing for a "work-athome" option.8

Nationally, law firms' will-

ingness to experiment with the traditional practice model is on the rise. In large part, the experimentation relates to the inevitable need to revamp the current billable hour model and to actively explore alternatives to the billable hour.⁹ A 2006 study by the bar association of San Francisco noted a correlation between attrition and minimum billable hours. Attrition rates were lowest in firms with annual billable hours ranging from 1560 - 1850.¹⁰

The Atlanta based firm, Ford & Harrison, a 190-lawyer labor and employment law firm recently unveiled a "Year One" associate development program. Modeled after the residency programs offered in medical school, the program's central component is the elimination of billable hours requirements for the participants during their first 15 months at the firm.¹¹

The international law firm, Kirkpatrick & Lockhart Nicholson Graham LLP, has employed Jeannine M. Rupp, an organizational and social psychologist, as the firm's director of Professional and Personal Life Integration (PPLI). In the fall of 2005, the firm's PPLI initiative launched a "Balanced Hours" program.¹² The



...firms are now offering flexible working arrangements and putting less emphasis on 'face-time' in the office by allowing for a 'work-at-home' option.

> program features a clearly defined balanced hours policy, dedicated personnel to oversee implementation, development of online resources and "Balanced Hours Coordinators" to develop individual work arrangements, provide support, monitor schedules and ensure the quality of work assignments.

> Smaller firms are also taking action. The Shepherd Law Group, a five-lawyer employment boutique in Boston, recently abandoned the billable hour system entirely. Instead, the firm utilizes "up-front pricing," charging a flat annual fee or a flat price per task.¹³ Other firms have implemented work/life balance initiatives by making work/life balance the integral aspect of the firm's culture. Lowrie, Lando & Anastasi, a Boston based intellectual property firm, utilizes its 1,600 annual billable hours requirement as a marketing tool, persuading clients that an attorney billing at this rate is more responsive to client needs.¹⁴

> In Oklahoma, law firms have also taken notice of the importance of work/life balance and have adapted to changing workplace demographics, most prominently, by allowing more flex time and reduced hour arrange

ments. The law firm, Phillips McFall McCaffrey McVay & Murrah P.C., has identified the following changes in firm culture over the last decade that reflect a move toward greater work/life balance for attorneys:

Over the last 10 years, the firm has increased its flexibility with regard to billable hour requirements and flex time; added an employee mental health benefit; increased the number of social events to which spouses are invited; instituted an attorney mentoring program; and clearly communicated to attorneys its support of taking time for family (attending school plays, taking vacations, etc.).

In addition, as part of its employee benefits package, the firm offers to all attorneys and their families free counseling through *A Chance to Change Foundation*, an organization that provides mental health counseling with an emphasis on the entire family.

McAfee & Taft similarly has noted acceptance of more alternative work arrangements as reflective of changes in firm culture toward promotion of work/life balance. In addition, McAfee is using technology to allow attorneys to work from "places other than one's desk" and having more open discussions amongst attorneys about work/life balance and what that means for the individual attorneys working there.

A focal challenge continues to be eradicating any stigma associated with an attorney's choice to partake of alternative work arrangements or reduced hours arrangements. The Washington D.C. based Project for Attorney Retention includes on its Web site information for lawyers and law firms about non-stigmatized parttime programs. The numerous law blogs, empirical studies and frequent media articles also have assisted in bringing work/life balance into the mainstream of the legal profession.

For Oklahoma lawyers, the OBA has embraced the importance of work/life balance.

In 2006, the OBA created the Work/Life Balance Committee. One of the primary goals of the committee is to increase awareness about work/life balance issues and to make work/ life balance a legitimate expectation, supported and embraced by our legal culture. The committee provides work/life balance resources through its Web site, www.okbar. org/members/worklife/Default.htm.

Work/life balance is opening the door to possibility. The benefits far outweigh the misconceived costs. The movement is allowing a more diverse group of persons to succeed within the legal profession. It is a catalyst for bringing about new management styles and the much needed alternative to the billable hour system. And, work/life balance is allowing lawyers to live healthier lives while maintaining fulfillment in the practice of law.

1. United Kingdom, Employers and Work/Life Balance.

See http://www.employersforwork-lifebalance.org.uk/work/def-inition.htm.

2. Yale Law Women, a student organization at Yale Law School, now compiles a Top Ten Family-Friendly Firms list. *See* http://www. yale.edu/ylw/activism.htm. As explained by YLW "Factors determining ranking included access to and use of maternity/paternity leave policies, emergency and on-site child care, part- and flex-time work schedules, health and other benefits for same- and opposite-sex domestic partners; ratios of women partners and associates; and billable hours requirements." *Id.* Flex-Time Lawyers and *Working Mother* magazine similarly recently announced a first-time "List of the 2007 Best Law Firms for Women." See http://www.flextimelawyers.com/ best/release.pdf.

3. See Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities http://www.eeoc.gov/policy/docs/caregiving.html.

4. A number of United Kingdom Government work/life balance resources are available through the Department for Business, Enterprise and Regulatory Reform (BERR): www.berr.gov.uk.

5. For example, dual-wage-earning families are working longer hours. According to a study conducted by Catalyst, a nonprofit research and advisory organization in New York, the combined weekly work hours of wage-earning couples rose to 91 hours in 2002 – up more than 8% in just 10 years. *See* www.catalyst.org.

6. The Boston Bar Association conducted a comprehensive study that addressed the cost of attrition. The comprehensive study was one of the first to address the issue in the legal profession. The study culminated in an implementation plan for addressing work/life issues in the legal profession. See http://www.bostonbar.org/prs/wfcplan. htm.

7. Within the Oklahoma Bar Association, we have had to face the painful reality of an unprecedented number of lawyer suicides in the past few years. And, we must be mindful of the fact that the state of Oklahoma continues to receive dismal rankings regarding the overall health of her citizens. Oklahoma currently has the 14th highest level of adult obesity in the nation according to a recent report issued by Trust for America's Health.

The movement is allowing a more diverse group of persons to succeed within the legal profession.

8. The most common forms of alternative work arrangements are flex time, part time and reduced hours schedules. A good resource for alternative work arrangements is the Washington D.C.-based organization, the Project for Attorney Retention (PAR), www.pardc.org. PAR promotes "balanced hours programs" for law firms which "allow attorneys to work individually tailored, reduced schedules that are designed to meet the firm's business needs while maintaining the attorney's ability to work and to develop professionally without stigma." *See id.*

9. In 2001-2002, the ABA Commission on Billable Hours issued a report of extensive findings concerning the issues and problems posed by the billable hour system. Included in the report is information about alternative billing methods. *See* http://www.abanet.org/careercounsel/billable/toolkit/bhcomplete.pdf.

10. An executive summary of the report details these and other findings concerning attrition rates. The report is available at http://www.sfbar.org/newsroom/20060927.aspx.

11. For more information, visit the firm's Web site at http://www. fordharrison.com. A description of the program is available at

http://www.fordharrison.com/shownews.aspx?show=3068.

12. The PPLI and Balanced Hours Program are described in more detail on the firm's Web site: http://www.klgates.com. Because of the Balanced Hours Program, the firm was honored by *Working Mother* magazine, making the "2007 Best Law Firms for Women" list.

13. Information about the firm's pricing policy is available at http://www.shepherdlawgroup.com/approach_FAQ2.php.

RECENT DEVELOPMENTS & TECHNIQUES

14. The firm's mission statement is: "Celebrating an Intelligent Approach to Intellectual Property Law." See http://www.ll-a.com/ index.cfm.

ABOUT THE AUTHOR



Melanie Jester is chair of the OBA's Work/Life Balance Committee. A long time advocate for work/life balance in the legal profession, she has received the Oklahoma County Bar Association's Professional Service Award and the OBA Women In Law Mona Salyer Lambird Spotlight Award in

recognition of her efforts. Melanie serves as law clerk to Magistrate Judge Valerie Couch in the U.S. District Court for the Western District of Oklahoma.

FOR PLANNING IN 2008 Presented by: The Law Firm of Mitchel, Gaston, Riffel & Riffel, PLLC & Senior Resources & Benefits, LLC .Wednesday, May 21, 2008. Date. Location.....Cherokee Strip Conference Center, Enid, Oklahoma CPE/CLEThis program is designed to qualify for 8.0 hours of continuing professional education credit for attorneys & accountants. \$50.00 for the seminar, reservations by May 15, 2008, Tuition \$75.00 at door. Tuition includes lunch and materials. SPEAKERS: Craig Riffel, Attorney-at-Law & CPA, Enid, Oklahoma. Truitt Smith, VP American National Insurance Co, Galveston, Tx. • Warren Steinborn, RIA, Investment Advisor, Indianapolis, Indiana Ronald Philgreen, CLU, Charitable Tax Center, Shawnee Mission, www.westoklaw.com • www.warrensteinborn.com www.charitablebuckets.com The seminar will cover recent changes under the Pension Protection Act of 2006. These changes will have a significant impact on existing plans as well as creating opportunities with combo plans and traditional Defined Benefit plans. Additionally, you will also learn how your client can make their qualified plan do more and reduce the unknown realm of retirement. With the continued increase in the

The concluding seminar segment will feature "Charitable Bucket[™] strategies, using charitable trusts and family foundations that will allow your clients to sell highly appreciated assets and avoid paying capital gains tax. Two specific case histories will demonstrate that your clients should consider anew what Charitable Tax Planning can do for them.

use of Defined Contribution Plans and the decline of traditional Defined Benefit Plans participating employers and employees will enjoy more flexibility and more choices as time goes along meeting more of their retirement plan objectives.

> For Reservations: please call Jennifer Giberson, Mitchel, Gaston, Riffel & Riffel, PLLC (800) 407-9302



Update to Oklahoma's Immigration Law

An OBA/CLE Webcast Seminar

DATE: TIME: LOCATION:	June 3, 2008 10:00 a.m. Your choice - any place with a computer!
CLE CREDIT:	This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 2 hours of mandatory CLE Credit, including 0 hours of ethics. This is considered live MCLE seminar credit, not online seminar MCLE credit. Questions? Call (405) 416-7006.
TUITION:	\$100. No discounts. Register online at <u>www.legalspan.com/okbar/webcasts.asp</u>
CANCELLATION POLICY:	N Cancellations, discounts, refunds, or transfers will not be accepted.
	Program Planners/Presenters Kelly Basey, Winningham Stein & Basey, Oklahoma City Vance Winningham, Winningham Stein & Basey, Oklahoma City
PROGRAM: 10:00 a.m.	Update to Oklahoma's Immigration Law •HB 1804 Employer Duties - State •Employer Duties - Federal •Recent Developments in Employer Sanctions
11:50 p.m.	Adjourn (Includes 10-minute break)
Register online	at www.legalspan.com/okbar/webcasts.asp



Work/Life

Behind the Slash

By Sarah Glick

The Slash Effect.¹ No, it has nothing to do with electronic discovery, and it is not an ephedrine-free weight loss method. It is the latest wave in the work/life solution sea. Simply put, it is a phrase used to describe the choice many professionals are currently making to simultaneously engage in more than one career. So, one could be an accountant/painter. Or, perhaps a physician/carpenter. Or, a musician/actor/dancer—the infamous "triple threat." Or, similarly threatening, an attorney/cross-bow hunter/flautist. Well, you get the idea.

Theoretically, the number and combination of vocations is limitless. And, one's slash could include titles or roles not typically accompanied by a salary, like longshoreman/father, or executive/choir member, or farmer/ballerina/ political activist/under-water basket weaver. (Sorry. It's easy to be carried away with these things. Go ahead. I know you want to try it.) As you might expect, my introduction to this concept got me to thinking about what other jobs or roles I might use to create my very own slash effect.

If, in the span of your career as an attorney, you have never wondered—strike that—fanta-sized about another career, I envy you. (And frankly, I find your veracity more than a little suspect.) The truth, I think, is that we all have

our Walter Mitty moments. Remember him? (I can see the wheels turning in your head.) Think all the way back to your freshman lit class. "The Secret Life of Walter Mitty" is the James Thurber story about a very ordinary man living a very plain life and daydreaming about all the adventure he wishes characterized his

A few moments into each imagined scenario, Mitty is beckoned back to his mundane reality.

existence. A proofreader by trade, Mitty fantasizes about being a naval commander, an important emergency room surgeon, a murderous criminal and a wartime fighter pilot. A few moments into each imagined scenario, Mitty is beckoned back to his mundane reality.

On my most Mitty-esque days, it is tempting to conclude that—occupationally speaking—I simply chose poorly. That perhaps my life's work would have more meaning if I had opted instead to be a social worker. Or, that my too often squelched sense of adventure would be satisfied if I had gone into journalism. Maybe the change I wish to see in the world could be somehow effectuated if I were shaping minds in a classroom somewhere. Of course, I have always wanted to learn to fly a plane....

> On days where my head is a little less in the clouds, I recognize that my problem is not necessarily a wrong vocational election, but that the title on my business card does not tell the whole story. For better or worse, I have a handful of innate abilities, and a bit of education and training that have equipped

me to do exactly what I am doing. And, objectively speaking, my chosen profession is one of honor and importance. The Mitty moments constitute a reminder, though, that I have other aptitudes and interests.

Which brings me to the thing I appreciate about the slash—its capacity to help me express and acknowledge that I have other pursuits and priorities besides the practice of law. Sure, it may not be practical to sign my letters— Sarah J. Glick, attorney/amateur musician/stupendous aunt/armchair movie The Mitty moments constitute a reminder, though, that I have other aptitudes and interests.

reviewer/ sometimes runner/ compulsive cleaner—but perhaps that is not the point. Maybe the value of the Slash Effect is that it has made me stop and consider my own contentment. Contentment. An interesting word, fraught with meaning and implication in any context, including career development. In considering the notion of vocational contentment, the synonym I like best is satisfied, or the definition that means the end of desire, want or need. This contentment comes, I think, when I have acknowledged in some way all of my interests and priorities.

To be certain the Slash Effect could easily reach a point of absurdity, inducing the occupational equivalent of multiple personality disorder. At best, an over ambitious "Slasher" may find him or herself simply increasing the number of hours and responsibilities in his or her already demanding work and personal life, resulting in no more fulfillment than Walter Mitty found in his fabrications. At worst, the overused Slash could bring to bear the incompetence and slipshod work that trying to do too many things at once almost inevitably brings.

But that is where the "balance" part of work/ life balance comes in to play. Used well, the



Slash is nearly the essence of work/life balance. (Take notice, there's even one in the name.) The consideration of and participation in ALL the things that give our lives meaning is work/life balance. So, examine your list and pay attention to your daydreams and ponder what you might put behind your slash....

1. The Slash Effect has recently been made a popular point of discussion in career development forums by Marci Alboher's book *One Person/Multiple Careers: A New Model for Work/Life Success* (Warner Business: 2007).

ABOUT THE AUTHOR



Sarah J. Glick is a lawyer and Work/Life Balance Committee member practicing in the areas of civil litigation, health and employment law at Scoggins & Cross PLLC. She was admitted into the Oklahoma bar in 2001 as well as the Northern and Western Districts of Oklahoma and the 10th Circuit of Appeals. She received her undergraduate

degree from Southern Nazarene University and her J.D. from Oklahoma City University School of Law.

Sovereignty Symposium XXI Peacekeepers • June 4 – June 5, 2008

Skirvin - Hilton Hotel, Oklahoma City, Oklahoma

REGISTRATION FORM

Name	Occupation	Occupation		
Address				
City	State	Zip		
Billing Address if different from above: _				
City	State	Zip		
Nametag should read:				
E-Mail Address and/or Website				
Telephone: Office: ()	Office ()			
Fax: ()				
Tribal Affiliation (if applicable):				
If Bar Association Member- Bar #	and State			

# of Persons		R EGISTRATION FEES	Amount Enclosed
	\$250.00	Registration fee (\$275.00 <i>if postmarked after May</i> 15).	
	\$150.00	Registration for Federal, State or Tribal judges (<i>this fee is waived for Oklahoma state judges</i>).	
	\$150.00	Registration, June 5, 2008 only (<i>no one day registration for June 4</i>)	
		TOTAL AMOUNT	

Payment Method:

Check / Money Order

Credit Card (online only)

Government Voucher

(Make checks payable to Sovereignty Symposium, Inc.)

Please mail this form to:

The Sovereignty Symposium, Inc. 1915 N. Stiles, Suite 305 Oklahoma City, OK 73105

No Refunds after Thursday, May 22, 2008

To Register online please go to: www.oscn.net/sovereignty/

For Hotel Reservations please contact the Skirvin-Hilton Hotel at (405) 272-3040 by May 8th.



Work/Life

Sentenced to Life

By Caroline Larsen

The death penalty. Everyone has a different view. Some are in favor, some are against, and some beliefs depend on the circumstances involved. Not too long ago, some friends and I were discussing what method we would choose if subjected to the "ultimate penalty." I chose firing squad. Most of my friends chose lethal injection. Seriously, it is highly unlikely that anyone in that group would ever be sentenced to death. By a jury that is. But any one of us could impose our own death sentence. Death by fat. Hmmm, let me think. Bullet to the heart, I'm a goner in mere seconds, or years of weight gain, heart disease, and other complications associated with obesity? Yep, I'm sticking to firing squad. Clearly the quicker and less painful option. Don't want to pick? You don't have to. You can impose your own life sentence by incorporating healthy eating and fitness into your daily routine.

I know, I know, the last thing you want is a lecture about health. But a poor diet and sedentary lifestyle are making us sick. Not sick? When was the last time you had a headache or suffered heartburn, depression, fatigue or a sense of being overwhelmed? According to some, it's the nature of the profession: highpressure jobs and long hours lead to eating on the run and little time for exercise. But what we don't realize is that while we are busy climbing the ladder of success, we are sacrificing our health and shortening our lives.

In 2007, Oklahoma was ranked the 9th most obese state in the United States.¹ And in 2007, Oklahoma City was ranked the 15th fattest city in the nation.² Obesity is defined by a body mass index (BMI) of 30 or above. To calculate your BMI, multiply your weight in pounds by 703 and then divide that number by your height in inches, squared.³ A BMI between 18.5 to 25 refers to a healthy weight.⁴ A BMI between 25-30 refers to an individual who is overweight, and a BMI over 30 indicates obesity.⁵ In addition to BMI, another indicator of health is waist circumference. A man and woman with waist sizes of over 40 and 35 inches, respectively, have an increased risk of developing diabetes and heart disease.⁶ So now that I've bored you with numbers, let's focus on how to fix the problem and get healthy. Two things to remember: it's not rocket science and there are no "quick fixes." It all boils down to a healthy diet and regular exercise.

Three years ago, the United States Department of Agriculture published its latest recommendations for American diets.⁷ The report, which can be found at www.health.gov/ dietaryguidelines, focuses on calorie control and nutrient intake. For a sedentary woman and man between ages 31-50, the government

First, stay away from any food that your grandmother would not have eaten while growing up.

recommends consuming 1,800 and 2,200 calories a day, respectively.⁸ But remember, the more active you are, the more calories you will burn, and those calories need to be replenished to maintain a healthy weight.

Although calories are important, a daily consumption of six Snickers bars and four cans of Red Bull would be seriously inadequate. Just as important as total calorie intake is the type of food consumed. The government guidelines propose 4-5 servings a day of both fruits and vegetables, 6-8 servings of whole grains, six ounces of meat or other protein, 2-3 servings of dairy, and 2-3 servings of fat.⁹ What is a serving size, exactly? Smaller than society tells us it is.

One grain serving, for example, would be one 1-ounce slice of bread (about the thickness of your finger and the size of a CD), 1/2 cup of cooked rice or 1/2 cup of pasta.¹⁰ So that asiago cheese bagel from Panera Bread? Almost five servings!¹¹ A serving of fruit? A medium-sized piece, about the size of a baseball.¹² Dairy? A cup of milk, yogurt or 1.5 ounces of cheeseabout the size of two dominoes.13 And a 3ounce serving of meat is the size of a deck of cards¹⁴ (remember—only two "decks" a day!). But just because the government has told us what constitutes a serving, doesn't mean restaurants are listening. In a recent survey, 300 chefs were asked questions regarding what they considered "normal" portion sizes. Over half suggested pasta portions that were six to eight times larger than the government-recommended serving.15 And the same number reported that they normally serve 12-ounce steaks, twice the recommended daily amount.

In making daily food choices, I like to follow two simple rules: First, stay away from any food that your grandmother would not have eaten while growing up. I don't know about you, but my grandma didn't have access to frozen chicken quesadillas from Sam's. But if you must break this rule, try to stick to the second: don't eat anything with ingredients you cannot pronounce. Try saying disodium ethyl-



enediaminetetraacetate five times fast. If you really want chicken quesadillas, make them yourself, using whole grain tortillas, grilled chicken and fresh veggies. I know what you are thinking-who has time? You do. Here are a few simple ways to eat better even when you don't think you have time:

- *Chop.* Take a few minutes and chop onions, peppers, tomatoes, nuts or leftover meat and store in small baggies in the freezer. The veggies can be easily added to spice up grilled chicken or beef, or toss the chopped meat with some frozen veggies and soysauce for a quick stir-fry. Chopped nuts (I favor walnuts and pecans) can be used to add a little crunch to sauteed veggies or as a "breading" for chicken or fish, that can be baked or panfried with a little olive oil.
- *Bake*. Love cookies? Grandma made her own and you should too. Whip up a batch of your favorite cookies, substituting at least half of the flour with a whole wheat pastry flour. Also, substitute egg beaters for the eggs, and try omitting a couple of tablespoons of sugarchances are you won't miss it. When cool, put one or two cookies in a baggie and store the entire batch in the freezer. This way, you have instant portion control, you can grab a bag on the way to work (they will thaw by snack time), and if you are caught home alone with the cookies, you are less likely to binge if they are frozen. Also, unlike Chips Ahoy, I bet you can pronounce every ingredient in the homemade version.
- *Plan.* Planning meals, even only a day ahead, is key to a good diet. Eating every three hours or so, and incorporating snacks into your day helps prevent filling up on fast food and snacks from the vending machine. Just as you shop for your house, you should shop for the office. If daily planning is too much, once a week, bring healthy snacks and other staples needed for easy meals at work. The most important meal of the day is breakfast, so let's start there. Quick and easy breakfast options include:

- peanut butter on a slice of whole grain bread with a glass of lowfat milk;
- a carton of yogurt (I use plain yogurt and sweeten myself), with a handful of nuts or half cup of fiber rich cereal and a piece of fruit; (I keep baggies of nuts and cereal in the pantry to grab on the go)
- —whole grain cereal with lowfat milk;
- boiled eggs, whole grain toast and V8 juice.

Every meal should include protein to sustain hunger. Good sources of protein include lean meats and lowfat dairy products. Combine these with whole grains (look at the label!) which take longer to absorb into the bloodstream and you should have no problem staying awake during that deposition. Working through lunch? Leftover dinners make great lunches (get out that tupperware). Also why not try baking or grilling a couple of extra pieces of meat at dinner for the next two days' lunches? Add some cottage cheese, steamed veggies (Ziplock's new freshsteam bags work great in the office microwave) and a piece of fruit for an easy lunch. No time for dinner? That morning, take out meat, fish or poultry in the fridge to thaw. When you get home, lightly sautee on the stove with a little olive oil or grill on the "Foreman" grill for three to four minutes. While grilling, pop some frozen veggies in the microwave for five minutes. Whole wheat cous-cous made with chicken broth makes a great side dish and also takes only five minutes! Another quick favorite of mine is stirfry. In a hot wok, combine leftover brown rice and meat, fresh or frozen veggies, soysauce, nuts and eggs. Forgot to take something out? Whole grain pancakes made from a mix and scrambled eggs take mere minutes. Looking for something more sophisticated? Cooked frozen shrimp take five minutes to thaw for an instant shrimp cocktail. Add some fresh fruit and cheese with whole grain crackers and a glass of red wine (antioxidants!) for an elegant and quick meal.

Don't own a microwave or even a dish? Ok, so maybe that's exaggerating a bit, but I have several friends who eat most meals out or keep their neighborhood take-out place in business. Yes, there are even ways that you can eat better while dining out.

- *Portion control. See supra.* Most restaurants serve portions which are at least 2-3 times larger than they should be. Be aware of this and only eat the proper amount. Feeling a desire to "get your money's worth?" Think of it this way-throwing away half of your \$20 meal cost you \$10–so what. We spend more than that on diet pills and gym memberships-and this healthy tip won't cause side effects or sweat.
- *Befriend your waitperson.* While it is easy to order the grilled chicken or salmon, you may not always get what you bargained for. All too often these seemingly healthy choices arrive drowning in butter, an oily marinade or some other sauce. Talk to your waiter and ask questions. Order the meat plain without marinade. And if you are dying to try the sauce, ask for it on the side. If it's too good to pass up, dip the tines of your fork in the sauce before skewering the meat, instead of vice-versa. An easy way to get the flavor of the sauce without the mega calories (this tip works great on salad dressing too!)
- *Healthy Choices*. If you must eat on the run, there are several healthy fast food options. For breakfast, try an Egg McMuffin at McDonald's. At 300 calories, it's not an outrageous meal. Plus it has a good amount of lean protein from the egg and the Canadian bacon. To trim empty calories, remove the top half of the muffin. For additional fiber, add a fresh orange. For lunch, try the Happy Meal instead of the Big Mac Combo to save around 500 calories. If you must have the Big Mac, request only one piece of cheese.

No quick fixes, remember. A healthy diet is only half the battle. Just as important is daily exercise. According to government recommendations, individuals should aim for 60 minutes of moderate to vigorous intensity physical activity on most days.¹⁶ In addition to a good cardiovascular workout, however, you should also aim for strength training exercises, such as weight lifting, resistance band training, or pilates to build muscles and boost metabolism.

First, the cardio workout. "Moderate" intensity activity is any activity that takes as much energy as a brisk walk.¹⁷ This means walking 1.5 to 2 miles in 30 minutes, at a pace which breathing quickens and the heart beats faster.¹⁸ If you're like me, you like to do your entire workout at one time and get it over with for the day. If that's the case, try watching movies while on your home treadmill. There are tons

of movies I want to see, but never seem to have time to watch. Or if you are exercising outside, be sure and take your ipod-chocked full of your personal favorite songs. Don't have time to fit an hour long workout session into your busy routine? Good news-you don't have to. Breaking up a 60 minute workout into four 15 minutes sessions throughout the day is actually better for you because your metabolism is boosted during each interval. Live in a two story house? Try getting up a little earlier and hoofing it up and down the stairs for 15 minutes-you will be amazed at the results. Single story house? No problem-most of us have access to stairs at the office-take a 15 minute break in the afternoon and do the same thing. And as soon as you get home (before you even have a chance to think about it) change clothes and walk around your neighborhood for 15 minutes. Busy with kids? Take them alongthey need exercise too!

Too busy for even 15 minute sessions? No problem. There are lots of ways to incorporate more movement into your daily routine.

- When going to court, park on an upper level of the parking garage and walk five flights down. (and up on the way back!)
- Instead of sending an e-mail or picking up the phone, walk down the hall and talk in person-if the intended recipient is busy-that's Ok, walk back down later.
- Use the bathroom on the third floor.
- Whilesitting at your computer, do arm curls or leg extensions. Remember-the slower the better.

Whether you choose to take the stairs instead of the elevator or invest in an elliptical machine, the important thing to remember is that any activity is better than no activity. The same advice too can be given where healthy eating is concerned. Opting for a skim latte over its fullfat counterpart saves over 14,000 calories a year-that's over four pounds!¹⁹ Oklahoma City Mayor Mick Cornett agrees. Having recently lost weight, the mayor has challenged Oklahoma City residents to lose 1 million pounds in 2008. The initiative is set forth at www.thiscityisgoingonadiet.com. The Web site includes a BMI calculator, resources for nutrition and

exercise, as well as specific advice regarding behavior modification techniques and medical and surgical programs too. Registration in the program is free, and participants are given access to individual progress charts to track weight loss.

Remember, there are lots of ways to cut calories and increase activity, even on the most chaotic days. Use your imagination and have fun. Here's to life!

1. F as in Fat: How Obesity Policies are Failing in America, August 2007, www.healthyamericans.org.

2. Oklahoma City Mayor Puts City on a Diet, Associated Press, Jan. 4, 2008.

3. Strong and Healthy Oklahoma at p. 24 (2007).

4. Strong and Healthy Oklahoma at p. 25 (2007).

5. Strong and Healthy Oklahoma at p. 25 (2007).

6. Strong and Healthy Oklahoma at p. 23 (2007).

7. Dietary Guidelines for Americans (2005), United States Department of Health and Human Services, www.healthierus.gov/dietary guidelines.

8. Dietary Guidelines for Americans, ch. 2, table 3 (2005), United States Department of Health and Human Services, www.healthierus. gov/dietaryguidelines.

9. These servings are based on a 2,000 calorie a day eating plan. See Dietary Guidelines for Americans, Appendix A (2005), United States Department of Health and Human Services, www.healthierus.gov/ dietaryguidelines

10. See http://pbskids.org.

11. See www.panerabread.com.

12. See http://pbskids.org.

13. See http://pbskids.org. 14. See http://pbskids.org.

15. Oversized Portions? Blame the Chef, NY Times, November 27, 2007.

16. See www.mypyramid.gov/steps/getmoving.html.

17. See www.mypyramid.gov/steps/getmoving.html.

18. See www.mypyramid.gov/steps/getmoving.html.

19. See www.starbucks.com.

ABOUT THE AUTHOR



Caroline Larsen is from Springfield, Mo., but has resided in Oklahoma for 12 years. She received her undergraduate degree from Southwestern Oklahoma State University in Weatherford. She received her J.D. from the University of Oklahoma in 2001. She is currently employed as a law clerk

for the Honorable Robert E. Bacharach at the U.S. District Court in the Western District of Oklahoma.



Has your insurance company paid you money?

It has if you're insured with OAMIC!

28% DIVIDEND FOR 2007

OKLAHOMA

More than \$20 million in policy dividends over the past 14 years has greatly reduced net professional liability insurance costs for policyholders.

It Pays To Be An OAMIC Insured!

www.amic.com (405) 236-8205 (405) 236-8206 FAX

Know an Outstanding Teacher?

Do you know an energetic and committed teacher willing to offer students an excellent citizenship academic program? If so,OBA/LRE encourages them to visit the OBA Web site to apply for the 19th annual PACE summer institute or the new Hatton W. Sumners summer institute.



Hatton W. Sunmers Institute - Foundations of Democracy: LRE 101 Reed Center, Midwest City. June 16-20, 2008. Register by April 30

PACE Institute - Oklahoma Govt: Know Your Three Branches Reed Center, Midwest City. July 13-17, 2008. Register by May 13

For program application go to www.okbar.org/public/lre/programs or contact the OBA/LRE department at (405) 416 - 7023



Work/Life

Family Responsibility Discrimination: Recognizing Unlawful Discrimination against Family Caregivers

By Leah Avey and Tim Eisel

In May 2007, a California jury awarded over \$2.3 million in damages in a pregnancy discrimination and wrongful termination lawsuit where a female delivery driver was placed on involuntary and unpaid medical leave within an hour after she informed the employer she was pregnant and could not lift more than 20 pounds.¹ The employer simply assumed she could not continue to do her job. This is just one example in an ever growing line of cases addressing a type of discrimination referred to as "family responsibility discrimination." As courts are increasingly recognizing, sex discrimination is not just refusing to hire or promote women or paying women lower wages than men.

It also includes taking negative employment actions based on gender stereotypes, including assumptions about how workers will or should act in the workplace because of their family caregiving responsibilities.²

WHAT IS FAMILY RESPONSIBILITY DISCRIMINATION OR FRD?

Put simply, "family responsibility discrimination" is "employment discrimination against workers who have family responsibilities.³ It is a form of gender discrimination in which workers are treated worse at work because of their caregiving responsibility for children, elderly parents or ill relatives."⁴

The term is used to describe a wide variety of employer behavior, such as firing pregnant employees because they are pregnant or will take maternity leave, giving promotions to women without children or fathers rather than to more qualified mothers, giving parents work schedules they cannot meet for childcare reasons while giving non-parents flexible schedules, harassing and penalizing workers who take time off to care for aging parents or sick spouses, or fabricating work infractions or performance deficiencies to justify dismissal of employees with family responsibilities.⁵

FRD CLAIMS UNDER FEDERAL STATUTES

The concept of family responsibility discrimination is not new, but claims of this

type of discrimination are becoming increasingly more common.⁶ While family caregivers do not constitute a protected category under federal statutes, there are protections afforded under federal anti-discrimination and family leave acts.⁷ Many FRD claims are brought under Title VII of the Civil Rights Act of 1964⁸ which prohibits sex discrimination. Title VII applies to claims such as those involving treatment of women with children that is different from treatment of men with children, stereotyping of women as mothers, or denial to male caregivers of leave or benefits available to female caregivers.⁹

In *Lust v. Sealy Inc.*,¹⁰ a female sales manager brought a sex discrimination claim pursuant to Title VII alleging she was discriminated against when her employer passed her over for a promotion in favor of a male employee. The jury awarded \$100,000 in compensatory damages and \$1 million in punitive damages (later reduced) after her supervisor admitted he had not considered her for a promotion because she had children, assuming she did not want to relocate her family in spite of her repeated expressions of interest in obtaining a promotion.

Other federal statutes also provide protection against FRD. The Pregnancy Discrimination Act, a 1978 amendment to Title VII,¹¹ prohibits discrimination based on pregnancy, plans to become pregnant and childbirth. The Family and Medical Leave Act of 1993 (FMLA)¹² prohibits discrimination or retaliation against employees who have taken FMLA protected leave, and it has been used to protect employees who take leave in connection with the birth or adoption of a child or to care for a seriously ill family member.¹³

The U.S. Supreme Court was given the opportunity to examine the FMLA in the context of an FRD claim in Nevada Dep't of Human Res. v. Hibbs.14 A male employee of the state of Nevada claimed his employer violated the FMLA when it terminated him after he used FMLA leave to care for his spouse as she recuperated after a car accident and resulting surgery. The trial court granted summary judgment to the employer on the grounds that the FMLA claim against the state was barred by the 11th Amendment. The U.S. Supreme Court held that state employees may recover monetary damages in federal court in the event of a state's failure to comply with the FMLA's family care provisions. In reaching this

conclusion, the court recognized the expressed objective of the legislation to minimize "the potential for employment discrimination on the basis of sex by ensuring generally that leave is available ... on a gender-neutral basis."¹⁵ The Supreme Court found that the FMLA was designed to provide a "minimum standard of family leave for all eligible employees, irrespective of gender."¹⁶ It acknowledged the restrictive nature of a cause of action under the FMLA where recoverable damages are strictly defined and measured by actual losses and the accrual period for backpay is limited by the act's two year statute of limitations (or three years for willful violations).¹⁷

Similarly, other federal statutes, such as the Americans with Disabilities Act,¹⁸ Equal Pay Act of 1963¹⁹ and ERISA²⁰ also contain protections against these kinds of discriminatory acts.²¹

EEOC GUIDELINES: UNLAWFUL DISPARATE TREATMENT OF WORKERS WITH CAREGIVING RESPONSIBILITIES

The EEOC has recognized the growing trend of claims in this area and recently issued new guidelines addressing unlawful disparate treatment of workers with caregiving responsibilities.²² The following is an overview of the guidelines which are intended to illustrate circumstances where stereotyping or other forms of disparate treatment may violate Title VII or the prohibition under the ADA against discrimination based on a worker's association with an individual with a disability.

The guidelines do not create a new protected class and do not attempt to address every possible discrimination scenario under all statutes.²³ They address several forms of unlawful disparate treatment of caregivers, including 1) sex-based disparate treatment of female caregivers; 2) pregnancy discrimination; 3) discrimination against male caregivers; 4) discrimination against women of color; 5) unlawful caregiver stereotyping under the ADA; and 6) hostile work environments.²⁴

SEX-BASED DISPARATE TREATMENT OF FEMALE CAREGIVERS

Employment decisions that discriminate against workers with caregiving responsibilities are prohibited by Title VII if they are based on sex or another protected characteristic.²⁵ Such a claim can be proven using any of the types of evidence available in other sex discrimination cases.²⁶ Examples of relevant evidence might include:

- whether an employer asked female applicants, but not male applicants about their family situation, caregiving responsibilities or childcare arrangements;
- whether decision makers or officials made stereotypical or derogatory comments about pregnant workers, working mothers or other female caregivers;
- whether women were subject to less favorable treatment soon after the employer became aware they were pregnant;
- whether less favorable treatment was given to women after they assumed caregiving responsibilities where there was no decline in work performance;
- whether female workers without caregiving responsibilities received more favorable treatment than female caregivers based on stereotypes;
- whether an employer steered or assigned women with caregiving responsibilities to less prestigious or lower paid positions;
- whether male workers with caregiving responsibilities received more favorable treatment than female workers;
- whether statistical evidence shows disparate treatment against pregnant workers or female caregivers.²⁷

Title VII does not prohibit discrimination based solely on parental or other caregiver status, so an employer does not generally violate Title VII's disparate treatment proscription if, for example, it treats working mothers and working fathers in a similar unfavorable manner as compared to childless workers.²⁸ Yet, a Title VII violation would be shown where an employer treated female workers less favorably than males based merely on an assumption that female workers will assume caregiving responsibilities or that their caregiving responsibilities will interfere with their performance.²⁹

For example, a new mother may be perceived by her employer as being less capable and skilled than the childless female or male employees. The guidelines encourage investigators to watch carefully for changes in an employer's performance assessment that arise after a female becomes pregnant or an employee assumes caregiving responsibilities.³⁰ These assessments must be supported by specific, objective criteria or otherwise may be seen as a pretext for an adverse employment decision based on stereotypes that female caregivers should not, will not or cannot be committed to their jobs. Such stereotypes are sex-based, and adverse actions based on these stereotypes therefore violate Title VII.³¹



66 For example, a new mother may be perceived by her employer as being less capable and skilled than the childless female or male employees.

This is true even for employment decisions based on gender stereotypes made with good intentions and thought by the employer to be in the "best interest" of the employee.³² For example, an employer might assume that a working mother does not want to relocate or would not accept an increase in workload as required by a promotion opportunity and therefore fails to consider the employee for the promotion. Another example might be an employer who projects his own views that a mother should be home with her children onto a female employee and therefore does not provide the employee with meaningful assignments. The guidelines categorize such decisions as "benevolent stereotyping" and note that adverse actions based on sex stereotyping violate Title VII, regardless of the good intentions of the employer.³³

> **66** ...unlawful assumptions about working fathers and other male caregivers have sometimes led employers to deny male employees opportunities that have been provided to working women or to subject men who are primary caregivers to harassment or other disparate treatment.

Of course, employment decisions based on an employee's actual work performance, rather than assumptions or stereotypes, do not generally violate Title VII, even if an employee's unsatisfactory work performance is attributable to caregiving responsibilities.³⁴ For example, consider an employee that returns from maternity leave and begins missing work frequently because of difficulty in obtaining childcare. As a result, she misses several important deadlines and the firm loses an important client. The employee is given a written warning about her performance but her continued childcare difficulties result in further missed deadlines. The firm transfers the employee to a different department where she is excluded from high profile cases and given work with fewer time constraints. Her treatment is comparable to other employees,



both male and female, who had similar unsatisfactory performance that did not improve within a reasonable time. The guidelines state this is not a violation of Title VII, as the adverse action was based upon the employee's actual work performance rather than on assumptions or stereotypes.³⁵

An employer violates Title VII if gender is a "motivating factor" in the adverse employment decision, regardless of whether the employer was also motivated by a legitimate business reason.³⁶ However, if an employer can show it would have taken the same action even absent the discriminatory motive, the employee will not be entitled to reinstatement, back pay or damages.³⁷

PREGNANCY DISCRIMINATION

Reflecting the trend of FRD cases as a whole, the number of pregnancy discrimination complaints filed with the state and federal enforcement agencies has increased over 30 percent between 1992 and 2005.³⁸ Employers can violate Title VII by making assumptions about pregnancy, such as assumptions about commitment of pregnant workers, their ability to perform certain physical tasks or the effect of the pregnancy on job performance.³⁹ The guidelines strongly discourage employers from making pregnancy related inquiries, noting that the EEOC will generally regard a pregnancy-related inquiry as evidence of pregnancy discrimination where the employer subsequently makes an unfavorable job decision affecting a pregnant worker.⁴⁰ In addition, an employer may not treat a pregnant worker who is temporarily unable to perform some of her job duties because of pregnancy less favorably than workers whose job performance is similarly restricted because of conditions other than pregnancy.⁴¹

DISCRIMINATION AGAINST MALE CAREGIVERS

While working women have generally borne the brunt of gender-based stereotyping, unlawful assumptions about working fathers and other male caregivers have sometimes led to deny male employees employers opportunities that have been provided to working women or to subject men who are primary caregivers to harassment or other disparate treatment.⁴² For example, an employer can violate Title VII by granting female employees' requests for leave for childcare purposes while denying similar requests for male employees, or offering part-time or flexible work arrangements for females only.43 While Title VII permits employers to provide women with leave specifically for the time they are incapacitated because of pregnancy, childbirth and related medical conditions, employers may not treat either sex more favorably with respect to other kinds of leave.44 Thus, to avoid a potential Title VII violation, the EEOC employers encourages to carefully distinguish between pregnancy related leave and other forms of leave, ensuring that any leave specifically provided only to women is limited to the period that women are incapacitated by pregnancy and childbirth.45

DISCRIMINATION AGAINST WOMEN OF COLOR

Women of color who are caregivers may encounter multiple types of discrimination as when a Latino working mother is subjected to discrimination by a supervisor based on his stereotypical notions about working mothers as well as his hostility toward Latinos generally.⁴⁶ The guidelines further recognize "intersectional discrimination," meaning discrimination specifically directed toward women of a particular race or ethnicity, rather than toward all working women, resulting, for example, in less favorable treatment of black working mothers than white working mothers.⁴⁷

UNLAWFUL CAREGIVER STEREOTYPING UNDER THE AMERICANS WITH DISABILITIES ACT

The ADA prohibits an employer from discriminating against a non-disabled individual because of the individual's relationship or association with a disabled individual such as a child, spouse or parent.⁴⁸ Thus, an employer may not treat a worker less favorably based on stereotypical assumptions about the worker's ability to perform job duties satisfactorily while also providing care to a relative or other individual with a disability.⁴⁹ For example, an employer may not refuse to hire a job applicant whose wife has a disability because the employer assumes the applicant



The guidelines further recognize 'intersectional discrimination,' meaning discrimination specifically directed toward women of a particular race or ethnicity...

would have to use frequent leave and arrive late due to his caregiving responsibilities to his spouse.⁵⁰ Interestingly, though, while the ADA requires an employer to provide a reasonable accommodation (which can include part-time or modified work schedules) for qualified individuals with disabilities, an employer is not required to provide a reasonable accommodation to a person without a disability due to that person's association with someone with a disability.⁵¹ Thus, an employee would not be entitled to a modified work schedule as an accommodation to enable the employee to care for a family member with a disability.⁵²

HOSTILE WORK ENVIRONMENT

The same legal standards that apply to other forms of harassment prohibited by the federal statutes also apply to unlawful harassment directed at caregivers or pregnant workers.⁵³ Thus, employers may be liable if workers with caregiving responsibilities are subjected to offensive comments or other harassment because of race, sex (including pregnancy), association with an individual with a disability, or another protected characteristic and the conduct is sufficiently severe or pervasive to create a hostile work environment.⁵⁴

RETALIATION

Employers are prohibited from retaliating against workers for opposing unlawful discrimination, such as by complaining about gender stereotyping, or for participating in the EEOC charge process, either by filing a charge or testifying for a complaining coworker.⁵⁵ The statutory retaliation provisions protect

individuals against any form of retaliation that would be reasonably likely to deter someone from engaging in protected activity.56 The guidelines note that caregivers may be particularly vulnerable to unlawful retaliation because of the challenges they face in balancing work and family responsibilities.⁵⁷ The Supreme Court has noted that a "schedule change in an employee's work schedule may make little difference to many workers, but may matter enormously to a young mother with school age children."58 Thus, these statutes would prohibit a retaliatory schedule change, elimination of flex-timeorpart-timescheduling, or any other act that would be reasonably likely to deter a caregiver from engaging in protected activity.59

DISPARATE TREATMENT VERSUS DISPARATE IMPACT

Workers subject to disparate treatment based on a protected characteristic such as sex, pregnancy or the right to FMLA leave fall within the guidelines and may pursue a remedy under a FRD theory. But what about policies that have disparate impact on individuals involved in family caretaking activities? In a meeting before the EEOC on April 17, 2007,⁶⁰ policies were identified that disproportionately impact employees who have caregiving responsibilities, but yet do not offend federal anti-discrimination statutes.

One example is an employer's policy against telecommuting. In an age when the Internet provides access to many services and information from any location, many employees would rather work from home so that they may provide care for their dependent children. However, an employer may have legitimate reasons for prohibiting the telecommuting arrangement, such as avoiding an unsupervised workforce, efficiency concerns or the increased distractions of home versus those at the office. A uniformly applied prohibition on telecommuting, although it may impact those

with caregiving responsibilities more directly, is not in violation of law protecting against discriminatory employer conduct.⁶¹

The same legal standards that apply to other forms of harassment prohibited by the federal statutes also apply to unlawful harassment directed at caregivers or pregnant workers. Another unprotected impact might be felt through an employer's strict attendance policy. Such a policy might have a disparate impact for those with caregiving responsibilities. For instance, employees may be impacted who need to arrive late after dropping a child off at school or who may care for a disabled individual. Each must still adhere to the attendance policy. Flexible scheduling for parents or a scheduling accommodation for someone associated with a disabled individual is not required under Title VII or the ADA. Although caregivers might be more obviously impacted, again, no protection is afforded when a policy is uniformly administered.⁶²

Some employers pay part-time workers performing the same kind of work a proportionately lower salary than those working full-time. Under a family responsibility theory, part-time workers claim that they should be "paid proportionately to full-time workers and receive equally challenging and interesting assignments."⁶³ Does the Equal Pay Act guarantee equal pay for equal work, or proportionate pay and equal work for an employee?⁶⁴ Should a part-time female employee be compared to a part-time male employee under the EPA, or compared to a male employee who performs the same job on a full-time basis? In Lovell v. BBNT Solutions,65 the court held as a question of fact whether a full-time employee was the proper comparator for a plaintiff with a reduced schedule, and that a prima facie case based on the full-time comparator was not precluded. In contrast, the court in *Ilhardt v. Sara Lee Corp.*⁶⁶ (Title VII case) found that "full-time employees are simply not similarly situated to part-time employees . . . part-time employees work fewer hours and receive less pay and fewer benefits."67 Therefore, depending on the facts of the case and the proper comparator, it is not a foregone conclusion that the practice of paying parttime employees less will survive a claim of disparate impact.

RECOMMENDATIONS FOR EMPLOYERS

Given the increased attention to these issues and the growing number of caregivers in the marketplace, employers should review their workplace policies and practices to ensure a non-discriminatory work environment. Policies relating to attendance and leave should be reviewed to ensure leave requests are considered on a gender neutral basis. Hiring and promotion criteria should be related to business needs and not based on false assumptions about commitment or productivity. Work assignments should be handed out based on objective criteria and caregivers should be offered the same opportunity as other workers to receive promotions, high profile or meaningful assignments, or specialized training. Performance reviews, bonuses and raises should be based upon clear work objectives and pay policies should be equitable.⁶⁸

In addition, employers should consider revising their anti-harassment policies to specifically include discrimination directed toward caregivers as prohibited harassment. Harassment training should include programs to assist managers and decision makers in recognizing and preventing FRD in the workplace. It is also important that caregiver harassment complaints be taken seriously and handled in accordance with the employer's established policies and procedures for handling other types of harassment complaints.

Given the changing demographic of the labor force, employers should consider offering quality, non-stigmatized reduced hours, flexible schedules or part-time positions. Other options might include telecommuting programs or other non-traditional working environments.⁶⁹ By being proactive in addressing these issues in the workplace, employers can prevent unlawful family responsibilities discrimination in their workplace and avoid the liability that comes along with it.

1. Yaire Lopez v. Bimbo Bakeries USA Inc., (Cal. Super. Ct., San Francisco County) (May 27, 2007).

2. Gender stereotyping is often associated with working mothers and triggered when an employee announces her pregnancy, takes or returns from maternity leave, or requests or adopts a flexible or part time schedule after becoming a mother. Even so, caregiving responsibilities are not limited to childcare and include caring for elderly or sick parents, spouse or other relatives. Also, while females are still responsible for the majority of caregiving, men are increasingly taking a greater role in these responsibilities and thus are vulnerable to the same kinds of discrimination. See Current Law Prohibits Discrimination Based on Family Responsibilities & Gender Stereotyping, Summer 2006, www.worklifelaw.org/pubs/IssueBriefFRD.pdf, at 1-2.; EEOC Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities, www.eeoc.gov/policy/docs/caregiving.html, at 3 (noting that between 1965 and 2003, the amount of time men spent on childcare nearly tripled, and men spent more than twice as long performing household chores in 2003 as they did in 1965).

3. Work Life Law Center, a Center of UC Hastings College of the Law, www.worklifelaw.org/.

4. Current Law Prohibits Discrimination Based on Family Responsibilities & Gender Stereotyping, supra note 2.

5. www.worklifelaw.org, *supra* note 3.

6. As of 2005, the number of FRD cases filed in the past decade increased by nearly 400 percent over those filed in the previous decade. *Current Law Prohibits Discrimination Based on Family Responsibilities & Gender Stereotyping*, supra note 2, at 4.

7. Even without a statute that expressly prohibits FRD, employees are protected by several statutes from discrimination based on caregiv-

ing obligations including Title VII of the Civil Rights Act of 1964, the Pregnancy Discrimination Act, the Family and Medical Leave Act, Americans with Disabilities Act, Equal Pay Act and ERISA. Frequently Asked Questions about FRD, www.worklifelaw.org/FRDFAQ.html. See also www.worklifelaw.org/pubs/Model_Policy_for_Employers.pdf at 7 (compiling list of applicable statutes and examples of case law involving claims based on various statutes).

8. 42 U.S.C. § 2000e - 2000e-16 (as amended).

9. Frequently Asked Questions about FRD, www.worklifelaw.org/ FRDFAQ.html.

10. 277 F. Supp.2d 973 (W.D. Wis. 2003), aff'd 383 F.3d 580 (7th Cir. 2004).

11. 42 U.S.C.S. § 2000e et seq.

12. 29 U.S.C. §§ 2601 et seq.

13. Frequently Asked Questions about FRD, supra note 9.

14. 538 U.S. 721 (2003).

15. Id. at 740, n.2.

16. Id. at 737.

17. Id. at 740.

18. 42 U.S.C. §§ 12101 et seq. 19. 29 U.S.C. § 206(d).

20. Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq.

21. See also Back v. Hastings on Hudson Union Free School District, 365 F.3d 107 (2d. Cir. 2004) (finding denial of tenure for a female school psychologist violated 42 U.S.C. § 1983 where she had received positive performance reviews until she became a mother and was thereafter subjected to comments by her supervisors such as it was "not possible for [her] to be a good mother and have this job" and they "did not know how she could perform her job with little ones.").

22. The Guidelines can be found at www.eeoc.gov/policy/docs/ caregiving.html.

23. For instance, the Guidelines note that an employer may also have specific obligations toward caregivers under other federal statutes, such as the FMLA or under state or local laws. Id. at 2. It is also important to note that the Guidelines only address intentional disparate treatment discrimination and do not address disparate impact discrimination. Of course, a seemingly neutral policy that has a disparate impact on caregivers may be evidence of sex discrimination. For example, rules that workers cannot use sick days to care for sick family members; restrictions on leave or absences within certain periods of time; compensation structures that reward (or penalize) employees based on the number of hours they work rather than productivity or performance during working hours; and definitions of "full-time" jobs as requiring 50 or more hours per week. See Current Law Prohibits Discrimination Based on Family Responsibilities & Gender Stereotyping, supra, note 2, at 3.

24. Guidelines, supra note 22, at 1-2.

25. Id. at 5.

26. Id. at 4. The Guidelines state that while comparative evidence may be useful, it is not necessary to establish a violation. Rather, cases should be resolved on the totality of the evidence. Id. at n.43.

27. Id. at 5. 28. Id. at 6. 29. Id. at 6. 30. Id. at 11. 31. Id. 32. Id. at 9. 33. Id. at 9-10. 34. Id. at 9. 35. Id. at 9. 36. Id. at 7. 37. Id. 38. Current Law Prohibits Discrimination Based on Family Responsibilities & Gender Stereotyping, supra note 2, at 4 and n. 31. 39. Guidelines, supra note 22, at 12. 40. Id. 41. Id. 42. Id. at 14. 43 Id 44. Id. 45. Id. 46. Id. at 15. 47. Id. 48. 42 U.S.C. § 12112(b)(4).

49. Guidelines, supra note 22, at 16.

50. Id.

51. Alex B. Long, Employment Law and Work-Life Balance, at 8 (seminar paper citing 42 U.S.C. § 12112(b)(5)) BEST OF OBA/CLE 2006, Oklahoma Bar Assoc. 2006.

52. Id. (citing 29 C.F.R. app. § 1630.9).

53. See Guidelines, supra note 22, at 17.

54. Id.

55. Id. at 18.

56. Id.

57. Id.

58. See id. at 18 (citing Burlington N. & Santa Fe Ry. Co. v. White, 126 S. Ct. 2405, 2415 (2006)).

59. Guidelines, supra note 22, at 18.

60. Perspectives on Work/Family Balance and the Federal Equal Employment Opportunity Laws, Meeting of April 17, 2007, Remarks of Zachary D. Fasman, www.eeoc.gov/abouteeoc/meetings/4-17-07/fasman. html

61. Id.

62. Id.

63. Id.

64. Id. Fasman states that the disparate impact when an employee "does not commit equal time to his work endeavors" is not discriminatory even though the population of part time workers is disproportionately composed of women with childcare responsibilities.

65. 295 F.Supp. 2d 611, 619 (E.D.Va. 2003).

66. 118 F.3d 1151 (7th Cir. 1997).

67. Id. at 1155.

68. www.worklifelaw.org/pubs/Model_Policy_for_Employers. pdf, at 5.

69. www.worklifelaw.org/WorkplaceRedesignFlexibility.html There is substantial evidence that workplace flexibility enhances employee satisfaction and job performance and that employers can thus benefit by adopting such flexible workplace policies by, for example, saving money on retention costs. See Guidelines, supra note 22. at 4.

ABOUT THE AUTHORS



Leah M. Avey is an associate with Whitten, Burrage, Priest, Fulmer, Anderson & Eisel. She graduated with honors from Oklahoma City University School of Law in 2007 and is admitted to the Oklahoma. Western District and Tenth Circuit bars. She currently practices primarily in the area of employment law.



Timothy D. Eisel is a partner with Whitten, Burrage, Priest, Fulmer, Anderson & Eisel. He received his J.D. with honors from the University of Oklahoma College of Law in 1992. He has significant experience litigating employment matters and is a frequent speaker at human resource seminars on a wide variety of topics.





To get your free listing on the OBA's lawyer listing service!

Just go to *www.okbar.org* and log into your myokbar account.

Then, click on the "Find a Lawyer" Link.




Mistakes We Make under Pressure

By Dr. Wenona R. Barnes

State of stress in America released by the American Psychological Association (APA), finds that money and work are the biggest stressors for almost three-quarters (74%) of Americans. That's up from 59 percent for both last year. In June 2005, ABA Director Robert A. Stein reported that one out of every four lawyers suffers from the effects of stress. Between 20 to 25 percent of lawyers suffer from stress so severe it impairs their practice. Why are we all so stressed? Pressure.

We all face pressure in our daily lives both personally and professionally. There are enough pressures on attorneys; it's critical to be aware of the danger signals for the three deadly disorders you face...drug and alcohol addiction, depression and suicide.

There are many different studies and statistics to stand behind our concerns. The ABA Commission on Lawyers Assistance Programs research shows that while 10 percent of the public suffer from alcoholism, almost 20 percent of the legal profession (1 in 5 lawyers) suffers from alcoholism. These higher rates of alcoholism in lawyers also explain the higher rate of clinical depression. There is a definite relationship between alcohol and depression. Statistics from the ABA research show that approximately 30 percent of all depression cases are alcohol induced. When a lawyer stops drinking and remains sober for an extended period, depression disappears because alcohol is a drug that operates as a central nervous system depressant. Additionally, Michael Cohen, executive director of Florida Lawyers Assistance Program has presented some startling statistics...over one-third of attorneys say they are dissatisfied and would choose another profession if they could. Attorneys have the highest rates of depression and suicide of any profession. He also cited a study of Canadian lawyers that showed suicide to be the third leading cause of death for attorneys, behind only cancer and heart disease.

So if pressure is leading us to stress, to the point of addictions and depression, we have to do a better job of handling our pressures. The key is putting ourselves into a better position for handling the pressure whenever the pressure comes into our life. Kevin Sweeney, a leadership expert, identifies seven mistakes we make when we are under pressure. Let's look at the mistakes he lists in more detail, and that in turn can lead us in the right direction.

MISTAKE #1

Putting yourself into a known position of pressure.

Look ahead, when you have that important trial or presentation, get to the courthouse or presentation room early. Survey the room, feel prepared and re-check your evidence or audio visuals. If something is amiss, you have time to fix it.

How many times have we seen someone rush into the room at the last minute only to find they are missing something or have something in the physical set up of the room go wrong, and there is no time to fix it?

Now, the person feels they are under extreme pressure. This pressure is self induced, if they would have gotten there earlier, the problem they had could possibly be 'no sweat.'

Leave early for an important client meeting so that you can get stuck in traffic and still be on time. Traffic jams happen; we all know which route is most susceptible to a traffic problem. When you are going to take that route, leave early.

Don't schedule meetings too close together. Yes, we are busy, but how many times have

you sat in a meeting that is running over looking at your watch feeling your blood pressure rise because you know you are going to be late to your next meeting? So what happens? You quit listening to the meeting you are in and then you are late to your next meeting. This causes you to be at less than your best in both meetings. Remember, YOU put yourself in this position, don't do that. Think ahead; avoid putting yourself into a known position of pressure. You can control the situation by putting yourself into a position for success.

MISTAKE #2

Failing to prepare to handle pressure.

Spend some time thinking about what you would do if something goes wrong. We want to think positive, but experience has shown us from time to time the unexpected happens. Unexpected, I say if you have thought about it, it is not unexpected. This thought process alone relieves some of the pressure. Flight crews consistently practice for the day when something goes wrong, the day they lose an engine or hydraulic pressure, so that when that day happens they are prepared. This makes it a lot less stressful and allows you to be able to concentrate more fully on the task at hand.



Leave early for an important client meeting so that you can get stuck in traffic and still be on time. In business we tend to allow ourselves to think we are way too busy to stop and think about alternatives, but if you look at the people who are the most successful, they are the ones prepared for the unexpected — Join that group!

MISTAKE #3

Being afraid to make a decision under pressure.

When we get under pressure it is very easy to be afraid to make a decision because you are afraid to make the wrong decision. Trust yourself, if you have prepared you will make a good decision. You don't have to make a

'perfect' decision; you just have to make a good decision.

Under pressure you typically have alternatives, pick one, and don't worry about it. Sure some alternatives are better than others, but more than one of the alternatives is more often than not acceptable. What will increase the pressure is not making a decision.

MISTAKE #4

Failing to address pressure when it happens.

When we are under pressure it is very easy to let your mind wonder onto something else that doesn't have anything to do with the situation at hand, don't let that happen. Focus on the task at hand and clear out all the extraneous thoughts from your mind. Ignore the immaterial and focus on what you need to do to address the pressure you are under.

Have you ever been in a meeting where you are going over some tough decisions; decisions that will have important repercussions for your organization? The conversation in the meeting turns to something that has nothing to do with the task at hand. This will just increase the pressure of the meeting. Be the one to take the meeting back to the tough questions. Putting off pressure does not alleviate it and actually tends to increase the pressure. When you are the one in the organization that is recognized as the person who effectively deals with When you get that reputation for being the best teammate, what will that do for you? A minimum of three things: 1) Everybody will want to be on your team, you will get the best

pressure by taking it head on and doing the right thing under pressure, you will receive the respect of your peers, subordinates will want to be on your team, and superiors will realize you are the one to go to when the pressure is on. Properly addressing pressure head on will advance your career.

MISTAKE #5

Failing your teammates when under pressure.

When you see that look of pressure on the face of one of your teammates, help them. Don't be the one that runs the other way. From time to time, we all are going to be under pressure, when we are under pressure we need the support ofour teammates. Helping your teammate under pressure will set the precedent for them to help you when you get that look of pressure



The dictionary says self confidence is belief in one's own ability, power or judgment.

on your face. The old saying goes, you are only as good as your weakest link. When a teammate cannot function properly, your team has a broken link and will not be effective. The broken link will increase the pressure on the rest of your team for normal operations substantially. People on the team will be called upon to do multiple jobs. If you address the pressure quickly you will alleviate the pressure on your team and become known as a great teammate. The teammate everybody wants to have. talent. 2) Everybody will realize they have to give you the best value because everybody wants to be on your team. You will never those infamous hear words, "that's not my job, somebody else" get because everyone will realize that they have to give you the best value or you will get somebody to replace them. 3) You have the best talent and the best value on your team, you will have the highest productivity, and you will have the pinnacle team all because you have the reputation of being a great teammate under pressure. Someone that is supportive and will cover your teammates backside.

MISTAKE #6

Losing your confidence under pressure.

If you have gone over your case, you have prepared, you have learned to focus on the right thing at the right time in the right order, and you have learned to ignore the immaterial, you have set yourself up. Now just believe in your ability under pressure. The dictionary says self confi-

dence is belief in one's own ability, power or judgment. Self confidence is a state of mind where you think of a situation in terms of I can, I will, I expect and I did it.

When our society looks at professional athletes we expect them to perform in the crucial situation in the game because "they get paid to do that." When you talk to professional athletes, they expect to perform in the crucial situation in the game because they have prepared and they are confident in their abilities. In pressure situations, in our personal or professional lives, we should think of pressure in the same vein as professional athletes. If we have prepared then expect yourself to excel. Expect to be able to handle the pressure. Once you get to the level of expect, you will be surprised at how quickly you will be able to say, "I DID IT!"

MISTAKE #7

Believing that pressure won't happen to you.

Expect to be put under pressure might sound trite at first, but stop and think about it. Is it a shock to our system whenever we are put under pressure? If we were a salesperson, wouldn't we expect to have that sales call that will make the difference between making our quota or not? If we were a project manager, wouldn't we expect to have a problem on the project at some point in time? If we worked in Human Resources, don't we expect to have that pressure packed counseling session or tough interview at some point in time?

We often try to avoid pressure which is a normal human flight or fight response, but when it does happen don't let it crush you. Expect it, and then deal with it.

Attorneys are a lot like counselors; we have had to deal with many crisis situations or emergencies. We have to be able to successfully handle pressures when others are falling apart. We have to handle the pressures, and in doing so, you will give the others around you a sense of calmness that they may desperately need.

Expect pressure, it will happen no matter how hard we try to avoid it. Just take a deep breath then handle it. When you feel you are caving under pressure – stop, think, collect your wits.

ABOUT THE AUTHOR



Wenona R. Barnes is CEO and a counselor at LifeFocus Counseling Services. She works with the OBA's Lawyers Helping Lawyers Program. She founded LifeFocus in March 2004 and has been in the field for 18 years. She obtained her doctoral degree in psychology from Carrington University in

2003, a master's degree in human relations from the University of Oklahoma in 1994, and a bachelor of arts degree in criminal justice from Cameron University in 1991. Her true passion is enjoying her family.



LAWYERS HELPING LAWYERS



If you need help coping with emotional or psychological stress please call 1 (800) 364-7886. Lawyers Helping Lawyers is confidential, responsive, informal and available 24/7.





Work/Life Balance

What We Have Here is a Failure to Communicate: Cross-Cultural Communication 101 for Lawyers

By Teresa Rendon and Michael Duggan

We shared our perspectives as attorney and court interpreter in writing this article. We started with the premise that communication between attorney and client is difficult from its inception, already primed for misunderstanding. The communication difficulty increases with every difference between the attorney and the client, running the gamut from differences of gender and language to culture. Attorneys who enter the attorney/client relationship knowing that these differences may impair client communications will be prepared to overcome the difficulties and build better relationships.

SHE'S OFF TO SEE THE WIZARD

Dorothy comes in with a slip-and-fall. Bang! Lawyer Wizard instantly forms a negligence elements checklist in his mind. Examination of client begins. While Dorothy rambles on about supervisor Art, Wizard is only half listening. His focus is on wrenching out of this pathetically non-legal morass, the elements he needs for a successful case. Client, not dumb, is halflistening to Wizard. In her mind, she is wondering, "Why did he just cut me off about Art? He's the cause of the whole thing. Is this guy stupid?"

Is any of this fun? We think not. Both edges of this chasm are bewildered at what is going on. Clients feel as though lawyers could not care less about their stories or their feelings while lawyers believe clients don't know or care about all the work they do for them. Clients feel like lawyers don't respect their intelligence or integrity; lawyers sense clients don't respect their knowledge and skills. Clients become angry, then bitter; lawyers become hurt, then cynical. Neither side understands why the other acts as he or she does.

Lack of communication is the number one complaint of attorneys' clients.¹ It is the number one source of bar complaints nationwide.² Lawyers rank first on the list of most distrusted professions.³ Americans, touted as the most litigious people in the world, actually seek out lawyers only as a grudging last resort. Businesses selling forms and software for do-ityourself law have become a growth industry, while lawyer jokes are as popular as ever. One colleague tells us that of his disgruntled criminal defendant clients, they reserve their most intense animus for him—much more than any prosecutor, judge or jury.

Lawyers respond with an equally healthy disrespect for their clients. We sit in our offices and swap war stories about the four dreaded words heard all too often from clients: "Oh, by the way." Halfway through a case, the client drops a bomb which destroys everything. We sympathetically roll our eyes as we joyfully wallow in our little pool of dysfunctionanother beautiful case ruined by the client. The "wise" lawyer either ignores the client's ceaseless calls or shunts them to an underling. There are a hundred matters to attend to that are more important than fielding irrelevant questions or hopelessly trying to explain legally complex concepts to a lay person. The client is a significant obstacle to our doing what we should be doing-prosecuting the client's case.

The sad truth is that while Wizard might end up with a well-drafted complaint, he is likely to know very little about what he needs to know about the case. A good lawyer knows the hundred directions a case can go in after it's filed. If Wizard could get inside client Dorothy's head, know everything she knows, there could never be any "Oh, by the way" bomb. Plus her knowledge and experience might

open up vistasa product liability angle, a sexual harassment claim, punitive damages, etc. Wizard has effectively destroyed all rapport and trust with Dorothy and set himself up for the future disasters that he will later blame on anoth-"ungrateful er client." Wizard forgot rule number one: The client knows more

also reflects on gender differences in these conversational styles with the goal of creating lines of effective communication between men and women. While these authors have been accused of being overly simplistic, essentialist, even misogynistic, they suggest something significant and fundamental about communication: gender exerts a ponderous influence on the ways humans send and receive information. Another popular author and presenter, Ruby Payne,⁶ offers a view on communication between members of various socio-economic classes. Her premise — that people in poverty share a single mindset — supports a deficit

able barriers between the two genders. Debo-

rah Tannen's work You Just Don't Understand⁵

66 ... gender exerts a ponderous influence on the ways humans send and receive information.

theory of poor people which cavalierly ignores systeminequities ic and overly simplifies complex individuals. Pavne does, however, suggest an important point of view: socio-economic class is a filter through which we transmit and receive

about the case than the lawyer.

IF MEN ARE FROM MARS AND WOMEN ARE FROM VENUS, WHAT PLANET ARE LAWYERS FROM?

John Gray's bestseller "Men Are from Mars, Women are from Venus"⁴ is based on the premise that men's and women's vastly distinct communication styles erect seemingly impassinformation. What these authors omit is that people communicate based not on one single factor but a complex, almost kaleidoscopic set of factors: gender, race, ethnicity, religion, culture, language and socio-economic status, among many others.

While clients come in all shapes, colors and creeds, the population of lawyers does not reflect the composition of society as a whole. Despite an increase in minority enrollment in law schools, U.S. lawyers continue to be more likely to be male (73%) and white (88.8%).⁷ Although race and gender are immutable characteristics and are therefore not within the lawyer's control, what is within the lawyer's control is her openness to clients who are different than she and her willingness to adopt an attitude of cultural sensitivity. In other words, to borrow a rather trite but appropriate phrase, try to imagine walking in that person's shoes. If we, as lawyers, are to communicate effectively with our clients, appropriate attention should be given to each client's unique set of characteristics.

THE CHALLENGE OF LANGUAGE

Lawyers are often accused of speaking a foreign language to our clients. We use terms such as *voir dire, nisi prius, guardian ad litem, pro bono,* which frequently do more to confuse than

to elucidate. If this is true for our English-speaking clients, how much more incomprehensible are these terms to clients whose English is limited? Since 22.3 percent of Oklahomans who speak a language other than English speak English either "not well" or "not at all,"⁸ it is likely that many Oklahoma lawyers will have a non- or limited English speaker in their offices at one time or another. We have the challenge of explaining certain important, often emotionally

charged topics to a person whose English is still evolving. One common mistake that is made by persons who have had little experience with the acquisition of a second language is assuming that the person who is politely listening to every word understands us perfectly. After all, Vinh (substitute Jose, Vladimir, Rene or Mohammed) is nodding his head, isn't he? We therefore precipitously assume that he is thoroughly following our explanation of his case.

Adults who immigrate to the United States experience enormous pressure to learn English. They must fill out job applications, enroll their children in school, maneuver around a

Now that the state of Oklahoma requires certification of courtroom interpreters, community colleges are offering programs of study to train them.

city with street and highway signs in English, etc., all high stakes activities. They often resist exposing their lack of English comprehension for fear of appearing ignorant, uneducated or "fresh off the boat." In a valiant effort to save face, many adults will nod or say "yes" to statements which they don't completely understand; after all, they have a 50 percent chance of being right. When attorneys are explaining legal matters to limited English-speaking clients without the benefit of an interpreter, they should assess their clients' understanding by asking questions from time to time as they progress through the conversation. They should ask questions that call for more than a "yes-no" answer, such as "What days do you want to visit your son?" instead of "Do you know when you want to visit your son?" In my 10 years' experience as a federal courtroom interpreter, I have discovered that the very worst of all questions are the ones with tag answers

such as "You don't know when you want to visit your son, do you?" Although such questions are very popular on cross-examination, there is often no clear answer even for fluent English speakers. If the client has trouble with even short, simply phrased questions, the attorney should find an interpreter. However, even if the client answers appropriately, he or she may still not be able to handle the complex, high-stress atmosphere of courtroom English. The client

may have developed survival language skills in English, but not yet mastered the more academic aspects of the language.

Research on how adults and children learn English as a second language⁹ may shed light on the reasons for some of our clients' behavior. It reveals that at first language learners are in a receptive phase that lasts from one month to one year in which they are listening to English and speaking very little. They begin to develop survival English which is the oral language necessary to satisfy their basic needs and to function in the school environment. This type of English may take three to five years to develop. In an overlapping pattern, they are

also learning cognitive academic language, the type of language needed to understand school subjects. This language may take as long as seven to nine years to master. Although most of the immigrant adult clients in an attorney's office will most likely not be in school full time and the pressure to speak English right away is greater, the sequence in which they learn the English language is similar. They first learn oral language in order to navigate successfully in an

English-speaking world. They learn to greet the checker in the grocery store, to say "good morning" to the boss, and to utter "excuse me" as they make their way through a crowd. That does not mean that theyknowenough English to understand а trust agreement, a visitation schedule or a deed. Even if the client has strong

oral English, a prudent attorney would also want to find out if the client would benefit by having a translation of the document in question.

When considering hiring an interpreter, the attorney should carefully consider the interpreter's qualifications. Just because a person speaks fluent Spanish does not mean that he or she can interpret legal terms accurately. An inquiry should be made into the interpreter's academic background and prior interpreting experience. Now that the state of Oklahoma requires certification of courtroom interpreters,10 community colleges are offering programs of study to train them. An interpreter emerging from one of these programs would be expected to interpret competently in a court of law. Using the clients' minor children to interpret, even just for attorney-client conversations is not recommended, especially in divorce cases where children already suffer

Our message as lawyers is an important one which must be communicated with care. guilt and anxiety. Parents aren't likely to be completely forthcoming in front of their children, and if they are, how harmful must that be for the children?

THROUGH THE CULTURAL SENSITIVITY LENS

Culture is in the air we breathe as individuals living in society. It is in our family structure, our rules, roles, customs, values, problem-solving approaches and communica-

tion styles. My clients for the past 20 vears have been migrant and seasonal farm workers, the majority of whom are Latino whose culture is very different than my own. When I first began to practice law, I had an idyllic vision of my law office as a peaceful place to work where could communicate with clients without interrup-

tion. My Latino clients showed me a different way. First of all, rarely did they come in alone. Most of my clients appeared in my office with at least three or four family members and possibly a neighbor or two. Babysitters were not the norm, so children of all ages appeared and continue to appear in my office. Mothers and fathers handled several tasks at once while discussing with me their legal problems. This polychronism or multi-tasking is a trait very different from the lock-step, one task at a time approach of many Euro-Americans. At first, I found this behavior disconcerting and a bit disrespectful, but now I think nothing of it. Instead, I now observe other clients who come in all by themselves and find it unfortunate that they have no one with whom to share the weight of their troubles.

Another adjustment I made concerned telling my clients when their court date was and confirming that I would see them on that day





at that time. At first I found it annoying that my clients never told me that they would be there for sure. They always said, "Si Dios quiere" ("If God wills it"). I thought they were being flaky or unsure and always felt like squeezing a decisive "yes" out of them. Now I know how this behavior fits into a culture where fatalism is a common trait and in which it is considered arrogant to put one's will before that of God's.

These are just my observations gleaned from over two decades of representing mostly Latino migrant farm workers; certainly it is not my wish to create or foster stereotypes. Instead, I offer them as a way of showing how my lens as a middle class lawyer blurred my view of a culture and how that view could have interfered with my relationship with my clients.

I would offer the following suggestions for working with clients whose culture is not your own¹¹:

- 1. Assume nothing.
- 2. Inquire about specific behaviors, values, attitudes and perspectives which seem confusing to you;
- 3. Be sensitive to any signs of spirituality or religiosity so that you may respect the client's beliefs;
- Do not insist on eye-to-eye contact which is considered a sign of disrespect in many cultures;
- 5. Be slow to judge.

CONCLUSION

Our message as lawyers is an important one which must be communicated with care. Our Rules of Professional Conduct exhort us to "keep [our] client[s] reasonably informed about the status of a matter and promptly comply with reasonable requests for information."¹² To accomplish this, we must truly listen to our clients and remove as many cultural and linguistic barriers as possible.

1. ABA report cited in *Why not Fire Attorneys? An Economic Approach to Ethical Sanctions,* Stanford Law Review, Stepehen Bene, April, 1991, at 909.

2. E.g., in West Va., Communication Bar Complaints outnumbered all other complaints put together (*West Virginia Lawyer*, Annual Report of the Lawyer Disciplinary Board 2006, March/April, 2007); same result in Missouri (Loyola of Los Angeles Law Review, Winter 2004, 809); Oregon: "[communication] most common kinds of complaint..", Oregon State Bar Bulletin April, 2006, 27.

3. *The Harris Poll*[®] #61, August 8, 2006, accessed at http://www. harrisinteractive.com/harris_poll/ index.asp?PID=688.

4. John Gray, Ph.D., Men are from Mars, Women Are from Venus: A Practical Guide for Improving Communication and Getting what You Want in Your Relationships, New York: Harper Collins Publishers, 1992.

5. Deborah Tannen, You Just Don't Understand, New York: Harper Collins Publishers, 2001.

6. Ruby Payne, A Framework for Understanding Poverty

7. ABA Lawyer Demographics, *The lawyer Statistical Report*, American Bar Foundation, 2004.

8. Current Population Survey (CPS), U.S. Census Data.

9. Heidi Dulay, Marina Burt & Stephen Krashen, Language Two, New York: Oxford University Press, 1982, p. 3; Sandra Lee McKay & Sau-ling Cynthia Wong, Language Diversity: Problem or Resource?, Boston: Heinle & Heinle Publishers, 1988; Colin Baker, A Parents' and Teachers' Guide to Bilingualism, Clevedon: Multilingual Matters Ltd., 2000; Susan J. Dicker, Languages in America, Clevedon, Multilingual Matters Ltd., 1996.

10. 2005 O.S.L. 427.

11. The Volunteer Lawyers Project, *Best Practices Manual for Guardians Ad Litem*. http://www.ptla.org/vlp/culture.htm, 2/17/2006, p. 3.

12. Rules of Professional Conduct, Communication, Rule 1.4 (a).

ABOUT THE AUTHORS



Teresa Rendon has been the farm worker attorney at Legal Aid Services of Oklahoma Inc. for 15 years. She is a commissioner on the Oklahoma Human Rights Commission and a member of the Oklahoma Bar Association's Diversity Committee. Ms. Rendon, a former bilingual

teacher at Oklahoma Public Schools and current doctoral student in educational studies at OU, is an adjunct professor at OCU in the sociology/criminal justice department where she teaches courses on diversity.



Michael Duggan is a staff attorney in the Senior Division at Legal Aid Services of Oklahoma. He received his B.A. from Columbia University, and has worked as a journalist, and then editor and publisher of an international trade magazine, before founding a related trade association and growing it to 1,100

corporate members in 22 countries. After a two-year stint driving a cab in Las Vegas, he earned his J.D. from Oklahoma City University.

WORK/LIFE BALANCE INTERNET RESOURCES

o help lawyers navigate the vast resources on work/life balance, here is a list of Web sites recommended by the Oklahoma Bar Association's Work/Life Balance Committee:

JD Bliss

Provides resources to attorneys seeking greater career satisfaction and work/life balance and to law firms seeking to improve attorney retention. JD Bliss offers webinars on work/life balance topics. A unique feature of the Web site is a work/life balance calculator, a tool that calculates the impact of billable hours on a lawyer's personal life.

www.jdblissblog.com

Jim Calloway's Law Practice Tips Blog

Jim Calloway, director of the OBA's Management Assistance Program, offers practical advice and numerous resources about law practice management and the Internet and technology as applicable both to professional and personal needs.

http://jimcalloway. typepad.com/

The Center for Work/life Law

University of California Hastings College of Law works to identify and prevent Family Responsibilities Discrimination.

www.uchastings.edu/ ?pid=3624

Project for Attorney Retention

A Washington D.C.-based organization that has conducted extensive studies of part-time work in law firms and developed best practices recommendations based on these studies.

www.pardc.org

Legal Sanity

A blog that provides practical information, ideas and advice on remaking the everyday practice of law to achieve optimal outcomes, professional and personal success and work/life balance.

www.legalsanity.com

Flextime Lawyers

A national consulting firm advising law firms, corporations and lawyers on work/life balance.

www.flextimelawyers.com

Lawyers With Depression

A Web site created for lawyers with depression by a lawyer with depression. This Web site includes a number of helpful resources for lawyers with depression, including a substantial list of research and interesting articles written about depression.

www.lawyerswith depression.com

Ms. JD

An online community designed to provide a forum for dialogue and networking among women lawyers and aspiring lawyers. The Web site is founded by female law students from across the country. Bloggers include judges, law school deans and practitioners who have found nontraditional ways to practice law.

http://ms-jd.org/home

Oklahoma Work/Life Balance

The OBA committee adopted the slogan, "The Law: Love It, Don't Leave It," and its Web site offers a collection of special interest articles, feature stories about Oklahoma lawyers, sample workplace policies that facilitate work/life balance and links to assistance programs for lawyers and judges — including the free crisis counseling service for OBA members.

www.okbar.org/ members/worklife/ Default.htm

Top 100 List

For additional law-related blogs or "blawgs," the ABA recently compiled a top 100 list. The blawgs are listed by categories. Specific to work/life balance issues, the list includes a category called, "Your So-Called Life."

www.abajournal.com/ magazine/aba_journal_ blawg_100

Time to Submit Award Nominations

It's time to recognize your deserving fellow lawyers and organizations with a nomination for an OBA Award. This year's awards will be presented at the Annual Meeting to be held Nov. 19 - 21, 2008, in Oklahoma City.

"There is something special about being recognized by one's peers in your profession," said OBA Awards Committee Chair Gary C. Clark. "The OBA understands the importance of honoring those who serve as role models for us all."

It only takes a few minutes to nominate colleagues who have performed outstanding work or who exemplify the very best attributes of the legal profession. Nominations

are sought for individual lawyers as well as outstanding county bar associations and committees. Bar members, nonmembers and groups such as county bar associations are all welcome to submit nominations. It doesn't matter if the nominee is from one of the major metropolitan areas or from a small town – the Awards Committee takes this factor into consideration.

"Remember, in order to win, a nomination must be submitted," said Mr. Clark. "We've kept the nomination process simple. We ask you to follow through and make sure the committee knows about the people and organizations you think are worthy of these prestigious awards."

No special forms are required to make a nomination, but a

form is available at www.okbar.org if you would prefer to use it. If you want more information or need help getting started, nomination suggestions are also available online. Here are some things to keep in mind.

- The entire nomination letter, supporting materials, clippings, secondary letters and attachments included may be no longer than five single-sided, 8 1/2" x 11" pages. No exceptions!
- The name of the person or organization making the nomination should be included in the nomination.
- A one- or two-page letter is sufficient to make a nomination. A form is available on www.okbar.org but is not required.

• County bar associations are encouraged to nominate themselves and their bar members.

- Each nomination must be entered in only one category, but may be considered for other categories.
- Nominations may be e-mailed as a Word, WordPerfect or PDF attachment. Confirmation of electronic receipt will be sent. Please do not send duplicate copy via fax or mail. Send e-mail to melissab@okbar.org.
- Coming soon, a form-filled PDF will be available at www.okbar.org to make the nomination process even easier.

Nominations must be received by Wednesday, Aug. 13, 2008.



2008 Awards

TRAILBLAZER AWARD

to an OBA member of members who by their significant, unique visionary efforts have had a profound impact upon our profession and/or community and in doing so have blazed a trail for others to follow

> OUTSTANDING COUNTY BAR ASSOCIATION AWARD for meritorious efforts and activities

JOE STAMPER DISTINGUISHED SERVICE AWARD

to an OBA member for long-term service to the bar association or contributions to the legal profession

NEIL E. BOGAN PROFESSIONALISM AWARD

to an OBA member practicing 10 years or more who for conduct, honesty, integrity and courtesy best represents the highest standards of the legal profession

HICKS EPTON LAW DAY AWARD for individuals or organizations for noteworthy Law Day activities

GOLDEN GAVEL AWARD for OBA Committees and Sections performing with a high degree of excellence

LIBERTY BELL AWARD for non-lawyers or lay organizations for promoting or publicizing matters regarding the legal system

OUTSTANDING YOUNG LAWYER AWARD for a member of the OBA Young Lawyers Division for service to the profession

EARL SNEED AWARD

for outstanding continuing legal education contributions Award of Judicial Excellence for excellence of character, job performance or achievement while a judge and service to the bench, bar and community

FERN HOLLAND COURAGEOUS LAWYER AWARD

to an OBA member who has courageously performed in a manner befitting the highest ideals of our profession

OUTSTANDING SERVICE TO THE PUBLIC AWARD

for significant community service by an OBA member Award for Outstanding Pro Bono Service by an OBA member Nominations must be received by Wednesday, Aug. 13, 2008.

JOHN E. SHIPP AWARD FOR ETHICS

to an OBA member who has truly exemplified the ethics of the legal profession either by 1) acting in accordance with the highest standards in the face of pressure to do otherwise or 2) by serving as a role model for ethics to the other members of the profession

ALMA WILSON AWARD

for an OBA member who has made a significant contribution to improving the lives of Oklahoma children

New Attorneys Take Oath

B oard of Bar Examiners Chairperson Douglas W. Sanders of Poteau announces that 94 applicants who took the Oklahoma Bar Examination on Feb. 26-27 were admitted to the Oklahoma Bar Association on Friday, April 25. Oklahoma Supreme Court Chief Justice James R. Winchester administered the Oath of Attorney to the candidates at a swearing-in ceremony at the State Capitol. A total of 112 applicants took the examination.

Other members of the Oklahoma Board of Bar Examiners are Donna West Smith, vicechairperson, Miami; Debora B. Barnes, Tulsa; Peggy B. Cunningham, Yukon; Tom A. Frailey, Chickasha; Frank H. Jaques, Ada; W. Scott Mason III, Cordell; Sally Mock, Oklahoma City; and J. Ron Wright, Muskogee.

New admittees are:

Nathan D. Adams Jacob S. Aldridge Ira Wayne Allison Paola Marie Alvarez Christopher Gene Anderson Kimberly Dawn Anthony John Phillip Archer Jennifer Sheridan Baker Anthony R. Behar Erin Leigh Bixler John Roy Blevins Christopher Michael Boring David Michael Box Michael Addison Branch Leslie Karin Brier Jahyme Arthur Brown Mary Rodgers Bundren Patrick Ryan Busby Kalan Leigh Chapman Andrea Lynn Chism Dorie Ann Christian Eric John Cook Aaron Trey Corbett

Phillip Douglas Countryman Alison Lucille Cox Annie Dai Lee Matthew Davis Cheryl Ann Dixon Lauren Nicole Donald Tyler Anthony Dorsett Michael Stephen Duggan Nicole Rae Fincham Kevin Jon Finlay Luis Enrique Flores James M. Forgotson III Linque Hilton Gillett Gloria Dean Goudge Patrick Hatfield Green Rebekah Lee Guthrie Amy H. Harrison Andrew Lange Hayes Jordan Elijah Helmerich Kelly Anne Hensley Ryan Johnson Ryan C. Johnson Megan Elizabeth Jones

Erin Jones-Slatev Michael Edward Kelly Timothy Scott Kittle Kevin Patrick Knightly Robiejoe Houston Lambert Zachariah Oak Lindsey China Matlock Joel Rodger Curtis Mattson David Norris Mayo John Walker McBee **Justine Elizabeth McIntosh** Julia Holman Messitte Lindsay Denece Mills Darick Chaka Morton Nida Nadir Melinda Dawn Nelson Robert Clarence Newark III Richard Kyle Nuttall Chanteau Orr **Richard Michael Parr** Shelly Ann Perkins Beau Delaney Phillips Gilbert Joseph Pilkington Jr. Jonathan Michael Pitcher Daniel Amir Hossain Reich Amy Etta Reimer Jacqueline Cathryn Rhodes Nathan Daniel Richter Audra Ilene Moore Rytter Matthew Gabriel Sanchez Scott Thomas Sawyer Jason Travis Seay Matthew Bennett Sellers Pamela Lewis Shaw Jimmy Dale Speed Heidi Marie Steinfadt Aaron Ray Stiles Jessika Michelle Tate Kelly Finan Tomlinson Nicholas Craig Tricinella Shamika Solola Webb David Micah Wilkie Jonathan Tyler Willey Michelle Lynnette Williams Quincy Leigh Williams Shad Kelly Withers Matthew Sloan Wood Jason Troy Worley

New bar admittee Aaron Corbett signs the Roll of Attorneys.





The Oklahoma City University law students take their Oath of Attorney in the Supreme Court Courtroom at the State Capitol.

PHOTO HIGHLIGHTS

Rule of Law Conference April 11, 2008 • Oklahoma City University



OBA President Bill Conger, Judge Vicki Miles-LaGrange, Dean Janet K. Levit and OSU President Burns Hargis



OCU President Tom McDaniel



OBA Governor Jack Brown, Rep. Ryan Dean Kiesel and Judge William C. Wantland



Judge Lee R. West



OBA Governor Donna Dirickson, President-Elect Jon Parsley, Past President Stephen Beam and Patricia Presley

BAR NEWS

2009 OBA Board of Governors Vacancies

Nominating Petition Deadline: 5 p.m. Friday, Sept. 19, 2008

OFFICERS

President-Elect

Current: Jon K. Parsley, Guymon Mr. Parsley automatically becomes OBA president Jan. 1, 2009 (One-year term: 2009) Nominee: **Allen M. Smallwood, Tulsa**

Vice President

Current: Michael C. Mordy, Ardmore (One-year term: 2009) Nominee: **Linda S. Thomas, Bartlesville**

BOARD OF GOVERNORS

Supreme Court Judicial District One

Current: Brian T. Hermanson, Ponca City Craig, Grant, Kay, Nowata, Osage, Ottawa, Pawnee, Rogers and Washington counties (Three-year term: 2009-2011) Nominee:

Supreme Court Judicial District Six

Current: Robert S. Farris, Tulsa Tulsa County (Three-year term: 2009-2011) Nominee:

Supreme Court Judicial District Seven

Current: Alan Souter, Bristow Adair, Cherokee, Creek, Delaware, Mayes, Muskogee, Okmulgee and Wagoner counties (Three-year term: 2009-2011) Nominee: **Charles D. Watson Jr., Drumright**

Member-At-Large

Current: Julie E. Bates, Oklahoma City (Three-year term: 2009-2011) Nominee:

Vacant positions will be filled at the OBA Annual Meeting Nov. 19-21. Terms of the present OBA officers and governors listed will terminate Dec. 31, 2008.

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.

OBA Nominating Petitions

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

OFFICERS

PRESIDENT-ELECT

ALLEN M. SMALLWOOD, TULSA

Petitions have been filed nominating Allen M. Smallwood for election of President-Elect of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2009. Fifty of the names thereon are set forth below:

O. B. Johnston III, J. Duke Logan, Pete Silva Jr., Ronald R. Wallace, George P. Nelson, Renee L. Waisner, Sidney M. Conway, Robert R. Nigh Jr., Eric O. Johnston, Mark D. Lyons, Graydon D. Luthey Jr., Thomas P. Nally, Stephen D. Beam, Deborah A. Reheard, Julie E. Bates, Robert S. Farris, Jerry L. McCombs, Brian T. Hermanson, Harry A. Woods Jr., D. Kent Meyers, C. Michael Barkley, Douglas W. Sanders Jr., Jon K. Parsley, John F. McCormick Jr., James E. Frasier, Robert J. Bartz, G. Reuben Davis, Gerald L. Hilsher, Kurt G. Glassco, Malcolm E. McCollam, John H. Tucker, Carlye O. Jimerson, Colin H. Tucker, Jo Anne Deaton, Robert B. Sartin, W. Brad Heckenkempber, William R. Grimm, James M. Sturdivant, Ronald N. Ricketts, Allen E. Barrow Jr., Randal D. Morley, Donna J. Priore, Joseph R. Farris, Kenneth L. Brune, William G. LaSorsa, William B. Jones, Jack L. Brown, E. Terrill Corley, Thomas F. Ganem and J. Daniel Morgan.

A total of 289 signatures appear on the petitions.

VICE PRESIDENT

LINDA S. THOMAS, BARTLESVILLE

Petitions have been filed nominating Linda S. Thomas for election of Vice President of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2009. Fifty of the names thereon are set forth below:

J. William Conger, Stephen D. Beam, William R. Grimm, Harry A. Woods Jr., Melissa DeLacerda, Gary C. Clark, Charles D. "Buddy" Neal Jr., John Gaberino Jr., Jon K. Parsley, Mike Mordy, Cathy Christensen, Charles E. Geister, Renee DeMoss, David K. Petty, Robert Farris, Jack L. Brown, W. Mark Hixson, James T. Stuart, Donna Dirickson. Jerry L. McCombs, Brian Hermanson, Julie Bates, Keri G. Williams, William G. LaSorsa, Robert Sartin, Mart Tisdale, Luke Adams, Allen E. Barrow, William E. Farris, Jan Grant-Johnson, Peggy Stockwell, James Drummond, Laura McConnell-Corbyn, D. Faith Orlowski, D. Scott Pappas, Michael W. Hogan, Brett Cable, Jimmy Goodman, Brooke S. Murphy, David Pomeroy, John Munkacsy, Dietmar Caudle, Kendra Robben, Alan Durbin, John W. Doolin, Robert J. Fries, P. Scott Buhlinger, Susan C. Worthington, Bradley A. Gungoll and Tanavia Hubler.

A total of 253 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee: Comanche, Payne and Washington County

BOARD OF GOVERNORS

SUPREME COURT JUDICIAL DISTRICT SEVEN

CHARLES D. WATSON JR., DRUMRIGHT

Petitions have been filed nominating Charles D. Watson Jr. for election of the Board of Governors of the Oklahoma Bar Association Supreme Court Judicial District 7 for a three-year term beginning January 1, 2009.

County Bar Resolutions Endorsing Nominee: Creek County

FROM THE EXECUTIVE DIRECTOR

Balance By John Morris Williams

I applaud our Board of Editors for dedicating this issue to work/life balance. Most of us are probably type "A" personalities and could use a bit of balance. The practice of law is stressful, often tedious and at times even heartbreaking. Litigators may deal with tragic fact patterns and clients who have suffered catastrophic injuries or are facing loss of liberty. Often the stakes are high and the outcome dependant upon hours of preparation. To suggest that we not work hard in such situations is unrealistic. On the other hand, to not take care of yourself and the rest of your team is not wise either. To put it bluntly, dead and disabled lawyers do not provide good representation.

During the last five years, I have become acutely aware of the price of lawyers not taking care of themselves. Not all physical and mental health issues can be avoided. Not every substance abuse issue is practice related. However, being mindful of stress levels and how sedentary your life has become is a good way to begin a selfexamination of your mental and physical health.

In the age of increasing overhead and billable hour requirements, it is tempting

to just forge on. The truth is that it is good business to take care of yourself. Your practice is you, it is not some object that can be neglected until a slow day when it can be aired out or polished. Your practice is about what mental attributes that you bring to the table for your clients. If you are in poor physical health, if you are suffering from mental health or substance abuse issues, or if you are just too exhausted to give your best — your practice is suffering whether you want to admit it or not.

In other words, a vacation, hobby or other healthy diversion might just end up saving your life or at least making you a better practitioner because you are rested and alert.

The fact is, you will do better work and enhance your livelihood by being at your best performance level. In other words, a vacation, hobby or other healthy diversion might just end up saving your life or at least making you a better practitioner because you are rested and alert. I have witnessed enough great lawyers to know this is true. Not only will you feel better, it will probably help you to enhance your bottom line. Taking care of yourself is good business.

Many stories are told about death bed regrets always excluding, "I wish I had spent more time at the office." I usually like being at the office. It is fun. The people are interesting, and there is always something interesting going on. Most of the time it is much more interesting than my personal life. Therein lies the problem. We must enlarge our venue, venture out into a world not summed up by a good closing argument and just be people. For me that is hard to do. The law makes such a neat package where the rules are certain, and I get to be part of something I like to think is bigger and better than I am individually. The truth is that it is our vocation. It is admirable that we are called to our profession with such devotion. The greater truth is that it is killing some of us before our

time and making some of the rest of us just miserable at times.

Recently I read a book that suggested that within each of us is a perfect person that has been transformed into something less because of the trauma of everyday life. I suspect that is true to some degree. My suggestion is take a break from everyday life. Find a time and place that restores you, invigorates you and helps you find balance in body, mind and spirit. If the entire legal system collapses because you took a day off or a vacation, I would be more than surprised.

The lure of work is seductive, the guilt of not billing more is present, the calling of the next docket is ever present. Surely if you are capable and bright enough to sustain our legal system, you could figure out how to take a day off and sustain your body and your mind. In the end it is good business for all concerned for you to find balance in your life and your practice.

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

Oklahoma Bar Journal Editorial Calendar

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

2009

- January Meet Your OBA Editor: Carol Manning
- FebruaryImmigration Editor: John Munkacsy johnmunk@sbcglobal.net Deadline: Oct. 1, 2008
- March Privacy Editor: Melissa DeLacerda melissde@aol.com Deadline: Oct. 1, 2008
- April Law Day Editor: Carol Manning
- May Oil & Gas and Energy Resources Law Editor: Julia Rieman rieman@enidlaw.com Deadline: Jan. 1, 2009
- August Bankruptcy Editor: Judge Lori Walkley lori.walkley@oscn.net Deadline: May 1, 2009
- September
 Bar Convention
 Editor: Carol Manning
- October Criminal Law Editor: Pandee Ramirez pandee@sbcglobal.net Deadline: May 1, 2009
- November Family Law Editor: Leslie Guajardo lguajardo@swolaw.net Deadline: Aug. 1, 2009
- December Ethics & Professional Responsibility Editor: Jim Stuart jtstuart@swbell.net Deadline: Aug. 1, 2009

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

Technology & Stress: Good Tools or Bad Tools

By Jim Calloway, Director, OBA Management Assistance Program

Does today's technology make your life easier? Several years ago I wrote about the paradox that we use a lot of technology to make our lives easier and yet many of us seem to suffer from more stress and a greater compromised quality of life today. These thoughts struck a chord with many readers and over the years I have received many reprint requests for that article. Sometimes it was printed with no changes, but sometimes it was edited. I kept track of some of the changes that I liked. So, for this work/life balance theme issue of the Oklahoma Bar Journal, it seemed like a good idea to give you the 2008 updated version of my observations about technology and stress.

Perhaps we do not have so much stress if you take the long historical view. A caveman fleeing a pack of hungry predators experienced real stress. Certainly that is more stressful than a lawyer being late to a motion docket, even if the case was dismissed. So does all of this new technology add stress to our lives? Absolutely. Then would removing it reduce our stress? No. I believe it would have the opposite effect. Can you recall life before fax machines? (Not to mention e-mail.) Communications technology vanishing might be good for courier services and the U.S. Postal Service, but too many of our business models now rely on the Internet and electronic communications.

So let's think about using our technology more wisely.

CALLOWAY'S RULES OF TECHNOLOGY AND STRESS

THE KEY POINT: USING TECHNOLOGY SPEEDS UP THE PACE OF EVERYTHING

The purpose of almost all technology is to do things faster, and often better, than we humans can.

In simpler times, getting to work an hour early meant an hour of uninterrupted time to prepare for the day. Interaction with those outside the office was limited because their phones were not yet answered. being Now, through the technological magic of e-mail, faxes and mobile phones, you can get to work early and have a halfdozen negative interactions with others before the day even officially starts. We all can, and therefore do, run at a faster pace. And if you let the technology set your pace, it will make you run faster and faster.

To survive in a law practice, you have to learn how to set your own pace.

LIVING IN A TECHNOLOGICAL SOCIETY IS STRESSFUL

Technology eases our lives in many ways, but it also is demanding and time-consuming. Realizing its benefits generally requires knowledge and understanding.

When you depend on a device to do something for you, can you still do it when the device is inoperable? If there was a power failure in the manual typewriter era, you could light a few candles and keep going. When there's no power, today's law office is shut down. The same is true when a machine is broken or "the network is down." Automated phone systems may be a money saver for the company you call, but you expend time and energy to navigate through the menus. In fact, many of the benefits of e-commerce revolve around forcing the consumer to enter data that previously was entered by clerical staff on the company's payroll.

We live in a society that provides a constant flood of information. From hundreds of cable TV channels to the Internet to the mobile phone, there is more information pushed at you each day than you can possibly retain and manage. How could anyone manage it all? For most of us the term "information management" would be better described as "information triage."

There is little wonder that today many of us feel like we are trying to take a drink of water from an open, spewing fire hydrant as we look for an answer. There's just too much.

TECHNOLOGY ALWAYS INVOVLES TRADE-OFFS

Technology may give us great benefits, but it also can take ... and take ... and take some more.

There is certainly no free lunch where law office technology is concerned. You may implement technology that does a marvelous job for you, but it still has to be purchased and installed. Plus, it's mostly useless with investing in training and maintenance.

One of the big stressful aspects of technology today is knowing that you have a tool right at your fingertips that will do the task you need done right now, but not knowing how to make it do so. You likely do not even have all the features of your mobile phone committed to memory and are a rare person indeed if you have mastered your word processing software. But investing hours in training sessions learning how to use your technology can be just as frustrating as not knowing how to work the program in the first place — especially when there is "real work" still to be done backing up at the office.

Without the context of facial expressions, voice tone and other cues, a lot of misunderstanding

arose.

The reality is we pay for the benefits of technology. You can reduce your stress just by understanding and accepting that premise. Celebrate when technology allows you to land a new client from across the country who would have never heard of you in the pre-Internet days. Then when you spend 45 minutes reading online help files, cryptic instruction manuals and third-party books to learn how to do a task in "only" a minute, try to accept that as well. Besides, hopefully next time it really will only take you a minute to do the task.

DEALING WITH CHANGES GENERATES STRESS AND TECHNOLOGY WILL ALWAYS BE CHANGING

Technology expands, improves and changes.

Dealing with change is always stressful.

Computers in the law office clearly make certain tasks, like billing, much easier. But it seems that as soon as you master one part of technology, there is an improvement or an upgrade that requires you change how you operate. This seemingly constant process of learning, then relearning and then learning anew all over again has lead many to rebel and refuse to change.

Lewis Carroll described the way many of us feel in Alice's Adventures in Wonderland: "You have to run as fast as you can to stay where you are."

INFORMATION TECHNOLOGY DISTANCES THE HUMAN ELEMENT IN COMMUNICATIONS

Certainly you can get a laugh from an e-mail from a friend or be touched by a warm voice-mail from your spouse.

But we learned in the early days of e-mail that there was more to interpersonal communications than the words. Without the context of facial expressions, voice tone and other cues, a lot of misunderstanding arose. E-mailers soon adopted emoticons, like little smiley faces, to improve their communications.

As we communicate more and more by e-mail, we should be aware of this fact. If you sit in your office with the door closed and send out directions by e-mail all day, your staff will feel more job stress and will not function well as a team. Good teams are based on relationships and understanding. It is difficult to create or nurture a relationship via e-mail.

Younger citizens stay connected constantly via instant messaging or applications like Twitter. Some of them would argue that it helps them stay closer to and more connected with their friends. "Texting" has been added to our vocabulary whether you like it or not. We have to recognize that those who grew up with these tools may respond to them in different ways. But I still see the "texters" making physical contact when they meet together, whether it is a handshake, a hug or a hard shove (in the case of adolescent boys.)

My opinions are certainly influenced by my experiences and stage in life. But the practice of law can be isolating and I caution that we guard against our technology making that more so.

YOU CAN BE CONNECTED ALL THE TIME AND YOU CANNOT BE CONNECTED ALL THE TIME

With relatively inexpensive investments in technology you can be literally be available to your clients and to your work projects 24/7. This is not, of itself, bad. Using a laptop or personal digital assistant to make use of otherwise unproductive time is a good thing. Being able to check in with the office electronically when you are home with an illness can be a good thing, too.

But lawyers tend to be highly motivated, highly focused individuals. Fifty- to 60-hour work weeks are not uncommon. Current technology allows you to work around the clock from wherever you may be. You can check the office e-mail from home at night after the family goes to bed. You can track down your staff or other attorneys at odd hours with their mobile phone numbers. You can access your office files remotely. You can, quite literally, work all the time.

You can — but you can't.

Using the tool when it helps and not using it when it detracts is the key...

We human beings are not machines. We cannot stay focused on work for too long without a break. When we try to do it, we begin to function erratically. We lose our tempers. We lose our objectivity. We make mistakes. We manifest the results of our stress in many different ways.

SO WHAT CAN WE DO ABOUT THIS?

You need to set your own pace and recognize that the use of technology tools will pressure you to speed up your pace. You need to adopt a triage approach to the flood of information you receive every day. You cannot handle it all. You must practice prioritization, which may be the most important job and life skill of the 21st century.

You need to give some thoughts to the trade-offs and negative consequences of your technology instead of just blindly accepting them.

Do not let technology tools to convince you to undertake more than you can handle. You can only safely handle so much work. It is very important to not let your technology's capabilities lure you into agreeing to do more than you can or should do. We all need to practice saying "no" or, at least, "not now."

You need to give yourself permission and time for fun and recreation. Lying on the sofa watching an old movie you love is not being lazy; it is recharging your batteries.

GOOD TOOL, BAD TOOL

Technology gives us a set of tools. These are new tools and powerful tools. But they are still tools—our tools. And we should control our tools.

We have decisions to make about how to use our technology tools. Using the tool when it helps and not using it when it detracts is the key—that and always knowing when it is time to hit the "off" switch.

THE OBA SUMMER GET-A-WAY

June 19-21, 2008 Tanglewood Resort on Lake Texoma

OBA Solo & Small Firm Conference

YLD Midyear Meeting Estate Planning, Probate and Trust Section Midyear Meeting

Register online at www.okbar.org

Plan a get-a-way with the OBA!

Spend some vacation time with your family and still get all your CLE for the year

Come

& Enjoy

the Fun!

The OBA Summer Get-A-Way OBA Solo & Small Firm Conference

and YLD Midyear Meeting

June 19-21, 2008 • Tanglewood Resort – Lake Texoma

Register online at **www.okbar.org** or return this form.

Registrant's Name:	OBA#:		
Address:	City/State/Zip:		
Phone:	Fax:E-Mail:		

List name and city as it should appear on badge if different from above:

Registration Fees: Registration fee includes 12 hours CLE credit, including one hour ethics. Includes all meals Thursday evening Poolside Buffet; Breakfast Buffet Friday & Saturday; Buffet lunch Friday & Saturday; Friday evening Ballroom Buffet.

	Circle Oi	ie
Early-Bird Attorney Registration (on or before May 30, 2008)	\$17	75
Late Attorney Registration (May 31, 2008 or after)	\$22	\$225 \$275
Early-Bird Attorney & Spouse/Guest Registration (on or before May 30, 2008)	\$22	
Late Attorney & Spouse/Guest Registration (May 31, 2008 or after)	\$32	25
Spouse/Guest Attendee Name:		
Early-Bird Family Registration (on or before May 30, 2008)	\$32	25
Late Family Registration (May 31, 2008 or after)	\$37	75
Spouse/Guest/Family Attendee Names: Please list ages of children.		
Spouse/Guest: Family:	_Age:	
Family:Age: Family:	_Age:	
Materials on CD-ROM only	Total: \$	
Thursday, June 19 • Golf With the BOG • 18 Hole Golf (of entries @ \$50 ea.)	Total: \$	
Friday, June 20 • Nine Hole Golf (of entries @ \$35 ea.)	Total: \$	
	Total Enclosed: \$	
Make check payable to the Oklahoma Bar Association. MAIL Meeting F CLE REGISTRAR, P.O. Box 53036, Oklahoma City, OK 73152. FAX Meeting Registration		
For payment usingVISA or Master Card: CC:		
Expiration Date: Authorized Signature:		-

No discounts. Cancellations will be accepted at anytime on or before May 30, 2008 for a full refund; a \$50 fee will be charged for cancellations made on or **after May 31, 2008**. No refunds after June 17, 2008. Call 1 (800) 833-6569 for hotel reservations. Ask for the special OBA rate.

OBA Solo & Sm	nall Firm Conferen	ce and YLD Midye	ar Meeting
June 19-21, 2008 • 1	langlewood Resort	- Lake Texoma 🏼 🔸	(800) 833-6569

HOTEL REGISTRATION FORM



Registrant's Name:	Phone	e:			
Address:	dress: City/State/Zip:				
Spouse/Guest/Family Attendee Nar	mes:				
Name		Age, if under 21			
Name		Age, if under 21			
Name		Age, if under 21			
~~~~~ I	HOTEL INFORMAT	[ION ~~~~~			
Arrival Day/Date:	Departure Day/Date:	No. of People:			
Please check room preference:	Single Condo \$99	New Hotel Room \$123 Tower Su	ite \$134		
Smoking Room	Non-Smoking Room	Special Requests:			
FRIDAY, JUNE 20, 2008           CHILDREN ACTIVITIES (3 yrs. & c           9:30 am - 11:30 am: Age Appropriate Crafts          No. \$12.50 each child	קי) 9:30 am: Go	SPOUSE/GUEST ACTIVITIES FRIDAY, JUNE 20, 2008 If S50 (call for tee time)			
11:30 am - 1 pm: Story Time (lunch included) No. \$12.50 each child \$		. Golfers 9/\$35 \$ . Golfers 18/\$50 \$			
1 pm - 3 pm: Supervised Swimming No. \$12.50 each child \$ 7:30 pm - 10:30 pm: Movies & Popcorn No. \$12.50 each child \$		RECREATIONAL ACTIVITIES door Swimming Pools & Jacuzzi • 2 Lighted Tenn Yayground & Volleyball Court • Croquet & Badmi Lake Texoma Striper Fishing			
SATURDAY, JUNE 21, 200           9:30 am - 11:30 am: Age appropriate games          No. \$12.50 each child           \$           11:30 am - 1 pm: Story Time (lunch included)	)8	 TRANQUILITY SPA Featuring: Massage Therapy, European Facials,			
No. \$12.50 each child         S           1 pm - 3 pm: Supervised Swimming            No. \$12.50 each child         S		Body Wraps, Airbrush Tanningplus much more Call 1 (800) 833-6569 Ext. 2664			
TOTAL for Children S Private babysitting available for c 3 and under \$10 per hour, arrange at	hildren See v	efore June 18 to make spa appointm www.tanglewoodresort.com for mor reational activities and spa informa ions of activities will be accepted 48 hours before	re hotel ation.		
Attn: Teresa, 290 Tanglewo Fax (903 Make check payable to the Tanglewood R VISA Master ( Credit Card NoAuthorized	3) 786-2128. esort. If paying by credit card pl Card Discover AMX	CANCELLAT PENALTY IF F NOT CANCE BY 6 P.1 JUNE 16, 2	ROOM LLED M.		

# Making Life Better for Others

By Dan Murdock, OBA General Counsel

During the recent past, I had the opportunity to visit the University of Oklahoma College of Law. During this visit, I entered the Dick Bell Courtroom and was immediately overwhelmed by the majestic beauty of the facility. No one else was in the courtroom, and because it was spring break, the law school was virtually void of students. I sat down and just appreciated the moment — as I looked out the beautiful windows of the east side of the courtroom and imagined the great trials that had taken place in legal history.

I felt very insignificant and began to think that my work was not in keeping with the significance and majesty of this courtroom. I began to think of what had I done in my career that might make me worthy of, or equal, to the magnitude of the work of so many others.

As I look back, I see many things that I have not done. I have not found the cure to a disease. I have not designed a device that improved the efficiency of business. I have not written a book that brought joy to millions. My theatrical performances have not been award winners, nor will I be written about in the history books. I will never solve many or any of the problems of the world.

I questioned the impact of my professional life on the

world. I then mentally slapped myself, causing me to get away from the feelings of inadequacies that I was experiencing.

I began to think more realistically about what I, as a lawyer, had accomplished. My career is like that of most other lawyers. There have been things that have been done that made life better for others. How many lawyers feel the same way? Lawyers and most people are not going to accomplish the things that I mentioned earlier. But there are many, many things that are done daily that make a difference in the lives of countless other people.

I began to think more realistically about what I, as a lawyer, had accomplished.

I was talking with someone I recently met in a social setting. We were comfortable in talking to each other, and she quickly expressed frustration about not being able to make a difference in the world. I told her that most of us are not going to make a difference in the large world. This is one time we do not need to think globally.

She was depressed about this, and I tried to help by telling her that she was making a difference with this person, with that person and with others. I told her she was making a difference because she was. I then began to think about some of my own advice.

Lawyers make a difference every day in the lives of so many. Each day lawyers protect the constitutional rights of the accused or protect the public by prosecuting those who violate the law. Lawyers also provide pro bono services to those who because of economic or social barriers cannot afford or secure adequate legal counsel. Lawyers assist those in the business world and provide services to the legal needs of those businesses. The list goes on and on.

Do not dwell on what you have not done, but think about the impact you have made on at least one life by being a lawyer. Maybe that one experience is enough to tell us that we are making a difference. Trust me, we are.

#### BAR FOUNDATION NEWS

# Shining a Bright Light on the Legal Profession

Lawyers are giving individuals. Think about the lawyers you know. How many of them serve on nonprofit boards in the towns where they live and also donate generously to nonprofit organizations? How many do pro bono work or volunteer time to Legal Aid, or Tulsa and Oklahoma Lawyers for Children? Without a doubt, lawyers give generously of their time, talents and resources across the charitable spectrum. They work diligently to transform lives through the law.

The Oklahoma Bar Foundation, as the charitable arm of the Oklahoma Bar Association, is in a unique position to help Oklahoma lawyers in their charitable efforts. The foundation focuses its energy on helping lawyers give back to the community, and serves as a charitable clearing house for many worthy organizations in promoting legal justice in Oklahoma. By supporting the OBF, the efforts of individual attorneys to transform lives through charitable legal causes are multiplied and maximized.

As the OBF works to help lawyers give to the public, it works at the same time to

shine a bright light on the legal profession, which throughout its history has struggled with its public image, often ranking with used car salesmen as the least respected profession. The OBF supports issues and causes which reflect positively on lawyers in general, such as civil legal aid to Oklahoma's poor and elderly; children's legal aid, and child abuse and advocacy programs; family law programs and senior protection and education projects; lawrelated education for school children and the public; judicial education programs; crime victim programs; and special disaster relief aid. While the public benefits from these programs and services provided by OBF funding, lawyers benefit from the positive public impact of the charitable awards, and the satisfaction of helping to transform lives through the law.

OBF is now accepting applications for 2008 grant awards. Through funding provided in large part by Oklahoma lawyers, the lives of many Oklahomans across the state have been improved by OBF support. Here are stories of three Oklahoma citizens who benefited from programs supported by OBF in 2007.

#### TEEN COURT — COMANCHE COUNTY

Teen Court is an early intervention program for first-time youth offenders in Lawton. Every year, approximately 150 teens stand in front of a jury of their peers, as their cases are heard and sentences rendered in a courtroom setting. The program ensures teens are held accountable for their actions, while at the same time helps them develop positive attitudes and self-esteem, and educates them on the judicial process.

In the spring of 2007, 14-year-old Mike went to Teen Court facing charges of possession of marijuana and assault and battery. After his case was presented, his peer jurors sentenced him to perform 50 hours of community service, write an essay on the effects of taking drugs and perform Teen Court jury duty. Mike completed his community service hours by helping build houses for homeless families at Habitat for Humanity, and he continued to volunteer regularly at Habitat for Humanity after completing his service. He served as a Teen Court juror, and his research on the effect

of drugs made him acutely aware of the dangers it presents; he no longer uses illegal drugs. Mike has now set a career goal to learn the carpentry trade, and intends to enter the construction business when he graduates. Mike's life was completely turned around by the opportunities that Teen Court gave him.

#### CENTER FOR CHILDREN AND FAMILIES INC. — CLEVELAND COUNTY

Matt came to CCFI in Norman seeking supervised visitation with his 4-year-old daughter Lilly, following a high-conflict divorce with Lilly's mother, Julia. Julia had cut off all contact between Matt and Lilly after the divorce, moved to a town several hours away from where Matt lived, and quickly entered into a new relationship with another man. Julia told Lilly that Matt was a bad daddy and didn't love her anymore, and attempted to replace Matt as Lilly's father with her new husband. Lilly became very hurt and confused, and didn't understand what was going on. Julia was caught up in her own emotional turmoil and didn't realize how she was damaging her daughter.

Matt was ultimately awarded supervised visitation with Lilly through CCFI. He began the visitation with Lilly at CCFI after over a year without contact with her. They began to re-establish their relationship through weekly supervised visits. CCFI staff coached Matt on how to restore his bond with Lilly, and their relationship blossomed. After many laughter-filled supervised visits, the two moved on to supervised custody exchanges, and now enjoy spending time together every Sunday. With CCFI services in place, Lilly has the benefit of a safe, consistent and loving relationship with her father, free from the damaging effects of the turmoil between her parents.

#### FAMILY SHELTER OF SOUTHERN OKLAHOMA FOR VICTIMS OF DOMESTIC VIOLENCE — LOVE COUNTY

Ruby, a cheerful woman in her 80s, had been married for 50 happy years when her first husband passed away. Shortly after his death, Ruby met her second husband, who quickly swept her off her feet and convinced her to marry him. After the marriage, he soon revealed himself to be a con man and abuser. He had all of Ruby's assets put in his name and began to threaten Ruby and her family. When she first went to the family shelter, Ruby appeared very frail, but over time it became apparent that adequate resources and guidance was all Ruby needed. While staying in the safe, confidential location offered to her, the shelter staff was able to assist Ruby with obtaining a divorce, Social Security benefits, low income housing and necessities for her new home. Although Ruby's husband at first attempted to terrorize everyone involved in assisting her, he has finally left everyone alone,

and Ruby is living safely and happily on her own.

After her experience, Ruby became a strong advocate for other women in her position. Ruby accompanies the family shelter group to the Oklahoma capitol to argue for stronger laws and more funding for domestic violence and victim organizations. Ruby will celebrate her 85th birthday in June, and thanks to the family shelter staff, she will enjoy that birthday without the stress of her abusive ex-husband and the threat of domestic violence.

#### OBF IS CURRENTLY ACCEPTING 2008 GRANT APPLICATIONS

You can help Oklahoma lawyers transform lives through the law and help broaden the reach of OBF grant funding by referring qualified programs to OBF. Funding goes to a wide variety of charitable programs benefiting Oklahomans, and the OBF looks forward to funding new programs in 2008 that will further enhance education and access to legal justice for all Oklahoma citizens. More than \$7.5 million has been awarded to charitable programs by the OBF since its founding in 1946, with grants exceeding \$880,000 awarded in 2007. Application information for OBF grants is available to download from the Oklahoma Bar Association Web site at www.okbar.org/ obf — click on OBF forms and go to the grant application.

<b>OBF</b> ₽						
Fellow Enrollment Form						
O Attorney O N	Jon-Attorney					
Name:						
Name:	ue) County					
Firm or other affiliation:						
Mailing & Delivery Address:						
City/State/Zip:						
Phone:Fax:	E-Mail Address:					
I want to be an OBF Fellow <u><b>now</b></u> – Bill Me Later!						
Total amount enclosed, \$1,000						
\$100 enclosed & bill annually						
New Lawyer 1st Year, \$25 enclosed & bill as stated YES -						
New Lawyer within 3 Years, \$50 enclosed & bill as stated & agree to become a member						
I want to be recognized as a <b>Sustaining Fellow &amp;</b> will continue my annual gift of <b>at least \$100</b> – ( <i>initial pledge should be complete</i> )						
I want to be recognized at the leadership level of Benefactor Fellow & will annually contribute at least \$300 – (initial pledge should be complete)						
Signature & Date:	OBA Bar #:					
Make checks payable to: Oklahoma Bar Foundation • P O Box 53036 • Oklahoma City OK 73152-3036 • (405) 416-7070						
OBF SPONSOR:						
<i>I/we wish to arrange a time to</i>						
<i>distribution to the Oklahoma l</i>	0					
contact information is listed above.						
Many thanks for your support & generosity!						

# Stewardship: Bringing out the Best in You and in Others

By Heidi J. Long

# What we have done for ourselves alone dies with us. What we have done for others and the world remains and is immortal - Albert Pine

My father, a minister, indoctrinated me from an early age with a strong concept of stewardship. In my family, stewardship has always meant much more than that. It means being a good steward (or manager) of all assets entrusted to your care for the betterment of the whole, whether it is money, natural abilities, time, family or your intellect.

As I have aged (or matured, as I like to call it), I have passed through different phases in my life at times being a better steward of my assets than at other times. As I reflect on these different phases in my life, it is remarkable that during those phases when I was a good steward, life was healthy and rewarding. It is during those phases when I was a not-so-good steward that I was challenged by different crises and plagued by constant doubts about my purpose in life.

My unscientific observations have been confirmed by actual surveys taken nationwide by various bar associations. In 2002, the Oklahoma County Bar Association conducted a survey of its members and noted a link between those attorneys who provide pro bono or community service and those attorneys who report the highest satisfaction with their work/life balance. So in an effort to make the most of my short time on this earth, I have resolved to utilize those assets entrusted to my care in the most productive way to society. using my skills to help those less fortunate is a natural fit.

One of the first pro bono cases I took was through Oklahoma Lawyers for Children. I was asked to represent a young boy born addicted to crack cocaine and his maternal uncle who was his guardian.

One of the final services I performed was to prepare paperwork and received a hearing date. The only hitch was that I was nine months

So in an effort to make the most of my short time on this earth, I have resolved to utilize those assets entrusted to my care in the most productive way to society.

One easy way for me to use my natural abilities, my intellect, my money and my time for the greater good is to do pro bono legal work. I love the practice of law and pregnant and going to deliver before the hearing. I explained to the uncle that another lawyer in my firm could handle the hearing. (In actuality, the uncle could have appeared pro se.) Nonetheless, he insisted on waiting six weeks for me to return from maternity leave to conduct the hearing.

On the day of our appointed court appearance, it became obvious why the uncle and young boy desired to see me again. They presented me with a mishmash of pink wrapping paper and bows and inside a purple dress, hat and bloomers for my new baby girl. The only baby gift I received from a client. I immediately went home, dressed my daughter in it and took pictures. Although she looked like a giant grape, the outfit was one of my favorites and my daughter wore it often.

When we look through baby pictures, I tell my daughter the story of the baby gift. I explain to her how the clients had no business utilizing their meager funds to purchase it, but this was their way of thanking me for taking the case for free. This part always confuses her, but give me the opportunity to teach her the value of stewardship so that she too may grow to live a healthy and rewarding life.

Ms. Long is a member of the Access to Justice Committee and is a lawyer with Holladay & Chilton PLLC in Oklahoma City.



#### YLD MIDYEAR MEETING

The YLD Midyear Meeting will be held from June 19-21, in conjunction with the annual Solo and Small Firm Conference at Tanglewood Resort on Lake Texoma. The event offers outstanding CLE, social events and networking opportunities.

Early bird registration is May 30.

#### THE NEW LAWYER EXPERIENCE

On May 6, YLD members participated in "The New Lawyer Experience: Hit the Ground Running" CLE event at the Oklahoma Bar Center. The full-day event provided support and instruction about the most common organizational, management, marketing, financial, ethical and technological issues facing solo practitioners. YLD Directors Shawnae Proctor Robey and Joe Vorndran were on hand to provide OBF Fellow information to attendees.

#### YLD DIRECTORS VISIT NATION'S CAPITAL

YLD Directors Kimberly Warren, Molly Bircher and Doris Gruntmeir (also the ABA District Representative) represented Oklahoma at the ABA Spring Conference, April 17-20 in Washington, D.C. The ABA Section of Litigation was meeting in D.C. during the same time as well as ABA Day at the Capitol. The ABA/YLD Spring Conference provided extensive networking opportunities for young lawyers, a forum for CLE and professional development programming, and a Diversity Summit.

Friday's programming started with an entertaining and informative plenary session entitled "Real to Reel: Images of Ethics and Professionalism in the Courtroom" presented by the ABA Section of Litigation. The session paired movie clips with ethical issues providing an entertaining look at serious issues facing lawyers. The day continued with excellent CLE programming, including an Introduction to Securitized Lending, Changes in Anti-Trust Law, Presenting Winning Legal Arguments to Administrative and Trial Judges, Resolving Business Disputes with China, and Positioning Yourself for a Promotion. The ABA Journal co-sponsored a Writers Workshop that addressed writing for publications. The

afternoon continued with CLE programming opportunities including International Trade Law, Pursuing Careers in Mediation/Arbitration, False Claims Act/Qui Tam Litigation, Working as a Lawyer Outside the USA, and a practical panel discussion on Preparing for Your First Trial. That evening, conference attendees were treated to a dinner and reception at Union Station.

The meeting was capped off with the YLD Summit entitled "Diversity: the Next Generation." This summit provided an opportunity for round table discussions on dealing with diversity issues including how to not only promote and retain diversity within the legal profession, but also how to ensure the voices of those diverse members of the profession are heard.



YLD Director/ABA District Representative Doris Gruntmeir, YLD Chair Kimberly Warren and YLD Treasurer Molly Bircher at the ABA/YLD Midyear Meeting

### YLD WELCOMES NEW ATTORNEYS

On April 25, 94 new lawyers were sworn in in the Supreme Court Courtroom at the State Capitol. There were three ceremonies at 9, 10 and 11 a.m. Ceremony highlights included speeches by Chief Justice James R. Winchester and OBA President J. William Conger. YLD Chairperson Kimberly Warren also spoke at the ceremony, encouraging young lawyers to become involved in bar activities.

Immediately following each ceremony, the YLD hosted a reception for the new members and their families and friends. Light refreshments and snacks were served.

The YLD hosted a reception in Tulsa for the new

admittees on Wednesday at the Sonoma Bistro & Wine Bar. The Oklahoma City event is scheduled for Thursday, May 15 at Mickey Mantle's Steakhouse from 6 - 8 p.m. All lawyers are invited to attend this informal event. The YLD will provide food and beverages, as well as information on how to become involved in YLD committees and activities.

# **Print or Electronic?**

### You now have a choice.

Continue receiving your printed *Oklahoma Bar Journal* court issues (two per month) in the mail – **or** receive an e-mail with a link to the electronic version instead. Mailed copies stop. There's no dues reduction, but you save some trees.

If you want the electronic version of the court issues and didn't indicate that on your dues statement go online to http://my.okbar. org/Login and sign in. Click on "Roster Info" to switch to electronic. Be sure your e-mail address is current.



Want the print version? No need to do anything.

# Calendar

# May

- 15 OBA Legal Intern Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
- 16 OBA Access to Justice Committee Meeting; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade A. McClure (580) 248-4675
- 19 OBA Alternative Dispute Resolution Section Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma; Contact: Andrea Braeutigam (405) 744-3305 or Michael A. Simpson (918) 582-8877
- 20 OBA Civil Procedure Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 21 OBA Member Services Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Keri Williams Foster (405) 385-5148

- 22 OBA Bench and Bar Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
  - OBA Paralegal Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Joseph H. Bocock (405) 235-9621

23

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

**OBA CLE Music Ethics Committee Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027

26 Memorial Day (State Holiday)



28

**OBA Uniform Laws Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Frederick Heins Miller (405) 325-4699



## June

5

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

**OBA Board of Editors Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carol Manning (405) 416-7016
# june cont'd

12 OBA Bench and Bar Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211

> **OBA Professionalism Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Sharisse O'Carroll (918) 584-4192

- 13 OBA Family Law Section Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Lynn S. Worley (918) 747-4610
- 17 Civil Procedure Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 19-21 OBA Solo & Small Firm Conference; Tanglewood Resort on Lake Texoma; Contact: (405) 416-7050
- 20 OBA Board of Governors Meeting; Tanglewood Resort on Lake Texoma; Contact: John Morris Williams (405) 416-7000
- 26 OBA Bench and Bar Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211

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



# July

- 4 Independence Day (State Holiday)
- 9 **OBA Diversity Committee Meeting**; 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Linda L. Samuel-Jaha (405) 290-7030
- 10 OBA Professionalism Committee Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Sharisse O'Carroll (918) 584-4192
- 11 OBA Access to Justice Committee Meeting; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade A. McClure (580) 248-4675
  - **OBA Family Law Section Meetin**g; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Lynn S. Worley (918) 747-4610
- 15 Civil Procedure Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 17 **OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: H. Terrell Monks (405) 733-8686
- 18 OBA Title Examination Standards Committee Meeting; 9 a.m. Oklahoma Bar Center, Oklahoma City; Contact: Kraettli Epperson (405) 840-2470
- 21 OBA Alternative Dispute Resolution Section Meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma; Contact: Andrea Braeutigam (405) 744-3305 or Michael A. Simpson (918) 582-8877

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.

# FOR YOUR INFORMATION



Volunteers answer calls for advice at the Oklahoma County phone bank.

#### **Volunteers Create Successful Law Day**

Hundreds of lawyers across Oklahoma joined together May 1 to answer phone calls for free legal advice to celebrate Law Day. This year, lawyers in 38 counties answered more than 2,300 calls for advice. This was the 30th year the OBA has coordinated this community service. Oklahoma City attorney Giovanni Perry serves as OBA Law Day Committee chair.



#### **Tulsa Attorney Appointed to Civil Appeals Court**

Gov. Brad Henry recently appointed Deborah Ann Browers Barnes to the Oklahoma Court of Civil Appeals. She will fill the vacancy created when Justice John Reif was appointed to the state Supreme Court.

Judge Barnes is a 1983 graduate of the OCU School of Law. Prior to her appointment, she served as staff attorney for Retired Justice Ralph Hodges from 1985-1989, was in private practice in Tulsa and served as corporate attorney for Transok Inc. and general counsel for ONEOK Inc. and Seminole Energy Services LLC.

"Her breadth of experience makes her a great fit for the Court of Civil Appeals, and I know she will serve the court with honor and integrity," said Gov. Henry.

#### Diversity Committee Presents Scholarships

The OBA Diversity Committee recently awarded four law school graduates \$1,000 scholarships to cover the cost of attending a seven-week long bar exam review course. The scholarships were awarded based on academic achievement, community service and an expression of need. Pictured are (from left) OBA Diversity Committee Chair Linda Samuel-Jaha, OBA Diversity Committee Scholarship Chair Teresa Rendon, OCU graduate Teofilo Andres Diaz, ŎU graduate Mark Myles and OCU graduate Reginald Smith. The fourth scholarship was awarded to TU graduate Rachel Gusman.





**Bar Journals Take Summer Vacation** 

Look for the next bar news edition of the Oklahoma Bar Journal (with color cover) to be published Aug. 9. You'll still be receiving court material in June and July. Deadline for submissions for the next news issue is July 21.

#### **OBA** Member Resignations

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

Allen Frederick Bennett OBA No. 20031 501 Lindell Blvd. Delray Beach, FL 33444

John Kenworthy Rentz OBA No. 19613 720 N. Post Oak Road, Suite 500 Houston, TX 77024

#### **OBA Member Reinstatement**

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

Amy Foster Mangrum OBA No. 16683 9119 S. Darlington Ave. Tulsa, OK 74137

# BENCH & BAR BRIEFS

Kalos

T.S. Magistrate Judge **Ronald Howland** received the 2008 Journal Record Award at the Oklahoma County Bar Association Law Day luncheon on May 1. The award recognizes attorneys for service to the legal profession and the community. Judge Howland's career began as a night clerk for the FBI while working his way through the Oklahoma City University School of Law. He clerked for several state and federal judges and served as a federal prosecutor as well as in private practice before his initial appointment as a federal magistrate in 1978. He retired from his judicial post in March. The retired U.S. Army colonel's judicial career included overseeing critical preliminary matters in the Oklahoma City bombing case. The newspaper also recognized 26 members of the Oklahoma County bar, who were honored as recipients of Journal Record Leadership in Law awards.

Mark D. Brown, partner in the firm of Brown & Brown PC, was the recipient of the University of Central Oklahoma's Liberal Arts Adjunct of the Year award. The award was presented by the dean of the College of Liberal Arts, Pamela Washington. Mr. Brown has served UCO in both an adjunct and fulltime capacity since 1985.

Two OBA members were among the eight people honored by the Oklahoma Court Appointed Special Advocates Association for dedicating their time to helping abused and neglected children. Judge Richard A. Woolery of Sapulpa was named Judge of the Year, and Michael Kulling of Stillwater was named Attorney of the Year.

**Stephen R. Ward**, a shareholder in the Tulsa office of Conner & Winters LLP, has been named as a trustee of the Rocky Mountain Mineral Law Foundation, one of the nation's largest educational foundations dedicated to natural resources laws and policy issues. Mr. Ward has a legal practice that focuses on federal Indian law, environmental law and energy law.

**Tohn Papahronis**, attorney and shareholder with McAfee & Taft, was selected as an author in the recently released book, "Inside the Minds: Employee Benefits and Executive Compensation Client Strategies." The book, which is co-authored by employee benefits attorneys from around the nation, provides an insider's perspective on constructing compensation plans, establishing employment terms, evaluating severance benefits and utilizing incentive and equity compensation. The book is available for purchase online at www.aspatore.com.

James C. Shaw of Miller Dollarhide was appointed to the Roster of Commercial Arbitrators of the American Arbitration Association. Mr. Shaw has served as the sole arbitrator in matters ranging from consumerrelated disputes to large, complex commercial disputes.

**T**rowe & Dunlevy has elected **Roger A. Stong** as president, and selected to serve on the firm's executive committee are William H. Hoch, Cynda C. Ottaway, Anton J. Rupert and Terry M. Thomas. Mr. Stong earned a bachelor's degree from the University of Virginia, a master's in business administration from OU and a law degree from Indiana University School of Law in 1985, where he graduated cum laude. He is an experienced business lawyer, whose practice focuses on corporate, securities and bankruptcy reorganization law. He has served as chairman of the OBA Business and Corporate Law Section. Mr. Hoch, a graduate of Catholic University of America, serves as director at Crowe & Dunlevy where he concentrates his practice in the areas of bankruptcy, commercial litigation, copyright and trademark infringement, antitrust and related

litigation. He is the former chair of the American Bar Association's Commission on Homelessness & Poverty from 2001 to 2005. A frequent speaker and writer, Ms. Ottaway has published works for the American College of Trust and Estate Counsel (ACTEC) and The Oklahoma Editor. She has served in various leadership roles in ACTEC including service on the board of regents and as immediate past chair of the Professional Responsibility Committee. A fellow of the American College of Trial Lawyers, Mr. Rupert has been practicing law in Oklahoma City for more than 25 years. His principle areas of practice include construction project disputes, commercial disputes and product liability and toxic tort litigation. Mr. Thomas is a director in Crowe & Dunlevy's Tulsa office where he has substantial experience as a litigator and trial lawyer. In his 25-year career, he has successfully tried business matters involving contracts, insurance policies, corporate ownership and governance, real property rights, trade secrets, construction disputes, fiduciary obligation and creditors' rights.

L awton native Deborah (Toland) Appel was admitted to the bar of the U.S. Supreme Court in a ceremony presided over by Chief Justice John Roberts and with all eight justices of the Supreme Court present. Ms. Appel maintains a private practice specializing in federal government contract law. She is admitted to the bar in the states of Oklahoma, Colorado and New York. She may be reached at Deborah.Appel@verizon.net or (646) 320-0774.



The Edmond law firm of Lee & Associates welcomes Tracy A. Case to its practice. Ms. Case is a 1991 graduate of OCU. She supervised the foreclosure division and REO asset division for The CIT Group before becoming director of operations and general counsel for one of the largest independent real estate brokerages in the state of Oklahoma. Ms. Case has also worked in the abstracting and title examination field and is experienced in the management of commercial real estate closings. At Lee & Associates, she will practice primarily in the areas of real estate, commercial and collections, and has been appointed managing attorney for the firm.

McAfee & Taft has expanded its tax and family wealth practice group with the addition of **Susan B. Shields.** Her practice focuses on wealth transfer tax planning, business planning for closely held family businesses, estate and trust administration, business entity formation, and the formation and administration of tax-exempt organizations. Ms. Shields is a graduate of Stanford University and the UCLA School of Law and is a member of the American College of Trust and Estate Counsel, Oklahoma City Estate Planning Council, State Bar of California, and the Oklahoma County, Oklahoma and American bar associations. She is also a frequent speaker and author on a variety of taxation issues including estate planning, probate and nonprofits and has served as an adjunct professor of law in estate planning at the OU College of Law.

lassWilkin PC in Tulsa Jannounces that Chad **M.** Neuens has joined the firm in an of counsel capacity. He graduated from OU with a B.B.A. in finance. He received his J.D. from Creighton University in 1990. Mr. Neuens has more than 17 years of professional experience in commercial and civil litigation, including property damage, consumer product safety, subrogation, fire liability, products liability, water rights, construction, eminent domain, personal injury, environmental and toxic tort claims.

The Zurawik Law Firm announces that John Paul Truskett has joined the firm as a litigation attorney. He received his J.D. in 2004 and his undergraduate degree in psychology/pre-law in 2001, both from TU. While at TU law, he served as a symposium and articles editor for the *Tulsa Journal of Comparative and International Law.* He was an invitee and graduate of the 2007 OBA Leadership Conference. He is chairelect for the Tulsa County Bar Association's Young Lawyers Division, and was recently elected to serve on the board of the OBA Young Lawyers Division. His practice will focus on civil litigation, including personal injury and product liability matters.

Glendening, McKenna and Prescott announces that Jason A. Robertson has joined the firm as a partner. Mr. Robertson is a 1997 graduate of OCU School of Law. His general area of practice is litigation. The firm name has been changed to Glendening, McKenna, Prescott & Robertson.

rowe & Dunlevy anunces that attorneys Adam W. Childers, Chris J. Kirt, David M. Sullivan and Christopher B. Woods have been named directors of the firm. Mr. Childers practices labor and employment law in the litigation department of the firm's Oklahoma City office. He earned a J.D. from the OU College of Law in 2000, where he graduated with honors and was a member of the Order of the Barristers. He also attended the summer program at the Queens College at Oxford University in Oxford, England. He is a member of Phi Beta Kappa, the Board of Visitors for the College of Arts and Sciences at OU and is a member of Leadership Norman's 2007-2008 class. Mr. Kirt focuses his practice in the areas of real estate, finance, commercial and general corporate law. A 2000 graduate of the OU College of Law, he graduated with highest honors and

was named to the Order of the Coif. Based in the Tulsa office, he provides counsel to several banks in commercial lending transactions, including healthcare and real estate loans. He also represents a Fortune 500 company in a variety of commercial and real estate transactions, including its landlord-tenant relationships and purchases and sales of real estate. A registered patent attorney, Mr. Sullivan is a member of the firm's intellectual property and technology practice group. His practice is primarily directed at obtaining and enforcing patent rights for his clients, who range from Fortune 500 companies to small start-ups with emerging technology. He routinely assists clients with the negotiation of software licenses, consulting contracts and joint development agreements. He is a graduate of OSU's school of chemical engineering and the OU College of Law. Mr. Woods serves in the firm's Tulsa office where he concentrates his practice in the areas of commercial litigation, commercial transactions and electronic commerce. He has experience in complex business litigation involving contract, real estate, insurance and class action lawsuits. He has been published in Business Law Today, The Oklahoma Law Review, The Oklahoma Bar Journal, The Consumer Finance Law Quarterly Report, and The Law of Modern Payment Systems and Notes. He graduated first academically in his law school class at OU.

Bridges, Young, Matthews & Drake PLC announces Tanya B. Spavins has become a member of the firm. Ms. Spavins is a 1997 graduate of the TU College of Law and is licensed in Oklahoma, Tennessee and Arkansas. She focuses her practice in the areas of employment law and civil litigation and can be reached at tanyaspavins@ bridgesplc.com.

Thomas M. Ladner and Christine D. Little announce the formation of their new law firm, Ladner & Little PLLC, located at 320 S. Boston Ave., Suite 1026, Tulsa, 74103. Before establishing their new firm, Mr. Ladner and Ms. Little both served as directors and shareholders of a Tulsa firm with an extensive litigation practice in federal and state courts. They have a combined 40 years of experience involving a wide range of legal issues, including business, oil and gas, employment, domestic relations and custody, guardianship, legal malpractice defense and insurance defense, and have broad experience in appellate practice and alternative dispute resolution. The firm's phone number is (918) 582-3032.

Winters, King & Associates Inc. announces that **Wesley Carter** has joined the firm as an associate. Mr. Carter holds a B.S. in criminal justice from Northeastern State University. He received his J.D. with honors from the TU College of Law in December 2006, where he also served as an editor of the *Tulsa Law Review*. He joins the nonprofit corporate law section of the firm. Judge Kenton W. Fulton of the Oklahoma Workers' Compensation Court announces that he has been selected as an administrative law judge with the Social Security Administration in Springfield, Mo., effective May 2008. Judge Fulton served as a judge of the Workers' Compensation Court since July 1996, and served four years as its presiding judge.

able Gotwals announces Jthat Richard M. **Carson** has joined the firm in its Tulsa office as of counsel. Mr. Carson has represented individuals as well as large and small companies for the past 17 years in a broad array of corporate, commercial and environmental matters. From 1999-2008, he was a member of the in-house legal department of The Williams Companies Inc., working extensively on various types of complex financial and commercial agreements, securities, environmental, transactional and aviation matters. His recent experience focused on the formation, initial public offerings and subsequent growth of two master limited partnerships. He received a J.D. from the OU College of Law and a bachelor of science degree from TU. His legal practice is in the areas of corporate finance, securities law, corporate law, oil and gas, commercial transactions, mergers and acquisitions, environmental and aviation law.

**G**ary W. Crews announces that the firm of Gary W. Crews PLLC is moving

its offices to 1723 E. 71st St., Tulsa, 74136. Mr. Crews is a graduate of Auburn University and the TU College of Law. The firm's practice areas include estate planning, probate, adult guardianship, and business and corporate law. He may be reached at gcrews@att.net.

CAfee & Taft has Lopened a new office in Tulsa. Forming the core of the new office are Tulsa attorneys John A. Burkhardt, Reuben Davis, Bill G. Freudenrich, Charles Greenough, Gerald L. Hilsher, Frederic "Nick" Schneider, Barry Smith and Susan E. Walker. Mr. Burkhardt has more than 25 years of experience representing clients in a broad range of business and complex commercial litigation matters. He is a 1980 graduate of the TU College of Law, a barrister with the Council Oak/Johnson-Sontag American Inn of Court, and a member of the Tulsa County, Oklahoma and American bar associations and the Oklahoma Trial Lawyers Association. Mr. Davis' practice focuses on litigation of complex business cases. A 1973 graduate of the OU College of Law, he has held leadership positions with both the Tulsa County and Oklahoma bar associations. He is also very active in the Tulsa community, currently serving as president of the Tulsa County Sheriff's Association, and on the board of directors of 12 & 12, Boy Scouts of America Southern Region and Downtown Tulsa YMCA. Mr. Freudenrich is an employee benefits attorney focusing on retirement plan design, deferred compensation, mergers and acquisitions, plan terminations, leased employees, selfinsured medical plan design, COBRA and HIPAA compliance. He is a 1988 graduate of the TU College of Law and a member of the Tulsa County, Oklahoma and American bar associations. Mr. Greenough's practice is concentrated in the areas of mergers and acquisitions, commercial transactions, complex licensing and contract matters, corporation organization and governance and commercial litigation. He is a 1987 graduate of the OU College of Law and a member of the Tulsa County and Oklahoma bar associations. Mr. Hilsher is a seasoned litigator whose practice is primarily trial and appellate work in complete commercial litigation, business torts, environmental litigation, employment litigation and white collar criminal defense. Prior to entering private practice, he served as an assistant district attorney in Austin, Texas, an assistant U.S. attorney in charge of the Organized Crime Drug **Enforcement Task Force** in Tulsa, and as deputy assistant secretary for law enforcement at the U.S. Treasury Department. Mr. Schneider's practice is focused in the areas of commercial litigation and employment and labor law. Prior to entering private practice, he worked as a law clerk to Allen E. Barrow, chief judge of the U.S. District Court for the Northern District of Oklahoma, and as a legislative assistant for U.S.

Sen. Henry Bellmon in Washington, D.C. He is a 1972 graduate of the TU College of Law. Mr. Smith is a litigator, healthcare lawyer and health advocate. His experience in these areas, as well as his previous experience serving as general counsel and senior vice president of administration for a large health system in Tulsa, have earned him appointments to numerous task forces and committees examining healthcare public policy issues. In 2004, he was appointed to a nine-year term on the Oklahoma State Board of Health, where he currently serves as president. He is a 1987 graduate of the OU College of Law. Ms. Walker's practice is primarily focused on the rapidly growing and highly regulated field of healthcare law. In addition to advising clients on administrative and regulatory matters such as fraud and abuse, self-disclosure and compliance, she also consults with hospitals, physicians and other healthcare facilities on operational matters and provides legal assistance concerning a wide range of business transactions. She is a 1984 graduate of the OU College of Law.

**Jim Beeby** announces that he has accepted a U.S. Department of State position in Iraq as the deputy advisor, legal framework and legislation (coordination and contracts). He will be working out of the Iraq Transition Assistance Office, which is charged with facilitating Iraq's transition to self-sufficiency and in maintaining an effective diplomatic presence in Iraq. Previously, he started a legal field office for International Justice Mission in Zambia, representing widows and orphans who were the victims of property grabbing, prosecuting sexual violence cases and training government prosecutors on best practices.



homas (T.L.) Cubbage III of Covington & Burling LLP in Washington, D.C., gave a presentation on "Litigation Armor: Protecting the Company, Its Officers and Its Directors," at the ERISA Industry Committee Annual Major Employers' Legal Forum held in Washington. He addressed defensive measures that employee benefit plans, sponsors and fiduciaries may take to mitigate potential ERISA litigation risks. The presentation and discussion focused in particular on risks posed by current ERISA class action trends.

Dan L. Holloway and Marissa T. Osenbaugh of Holloway, Bethea & Osenbaugh PLLC were speakers at the All Church Ministries Conference for the Assemblies of God. They spoke regarding "Legal Issues Facing the Church." Mr. Holloway spoke about the issue of civil liability concerns for churches dealing with sexual predators. Ms. Osenbaugh spoke about the issue of general civil liability for churches, including defamation, tort and premise liability.

**hris Paul** of Joyce and Paul PLLC made a presentation at the Energy Telecommunications and Electrical Association (ENTELEC) 2008 annual meeting in Houston titled, "SCADA and Security Issues — Beyond the Hacker Threat." The presentation was a follow-up to 2006 and 2007 ENTELEC papers that discussed emerging regulatory and legal issues involving supervisory control and data acquisition systems. The 2008 presentation focused on security issues, including emerging regulatory guidance, which should help companies evaluate their needs but also establish practices against which any security failure may be judged.

**ennis G. Chappabitty** of Sacramento, Calif., was a presenter at the Federal Bar Association 33rd annual Indian Law Conference held in Albuquerque, N.M. He presented on a variety of issues as they relate to the advocacy of the rights of individual Indians under the Indian Civil Rights Act in a panel discussion titled, "Revisiting Civil Rights in Indian Country Four Decades After the Indian Civil Rights Act." His paper titled, "40 Years of Living on the Fault Line – The Collision of Tribal Sovereignty and the Civil Rights of Tribal Members – When and Where Will the Big One Happen?" focused on the frustration of tribal members confronting civil rights violations by their own tribal governments and the prospect of congressional action to amend the Indian Civil Rights Act.

**L**ee M. Holmes of Holmes, Holmes & Neisent PLLC spoke at the Tulsa Estate Planning Forum on the topic of how to avoid malpractice when Medicaid is involved. Mr. Holmes is certified as a certified elder law attorney by the National Elder Law Foundation, which is accredited by the American Bar Association. He focuses his practice on Medicaid for nursing home qualification, Medicaid qualification for at-home help and prescriptions, special needs trusts and preserving Medicaid benefits after inheritance or personal injury settlement.

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:

Melissa Brown Communications Dept. Oklahoma Bar Association P.O. Box 53036 Oklahoma City, OK 73152 (405) 416-7017 Fax: (405) 416-7001 or E-mail: barbriefs@okbar.org

Articles for the Aug. 9 issue must be received by July 21.

# CIVIL-COMMERCIAL MEDIATION TRAINING

# OKC • May 30 - June 1

Approved for 24 hours of M.C.L.E. credit

This course is lively and highly participatory and will include lecture, group discussion, and simulated mediation exercises

Cost: \$595 includes all materials

This course is specifically designed for attorneys interested in developing a mediation practice or enhancing their skills in the ADR area

This course fulfills the training requirements set forth In the District Court Mediation Act of 1998

> Contact: **The Mediation Institute** (405) 607-8914 James L. Stovall, Jr. 13308 N. McArthur Oklahoma City, OK 73142

# Coverage That's **Right For You**

More than 150,000 attorneys trust CNA, the largest writer of Lawyers Professional Liability Insurance in the nation, for their coverage needs. Exclusively offered through Pearl in Oklahoma, our program provides you with one of the broadest and most reliable plans on the market today.

## PEARL INSURANCE

One or more of the CNA companies provide the products and/or services described. The information is intended to present a general overview for illustrative purposes only. CNA is a service mark registered with the United States Patent and Trademark Office. Copyrigh © 2008 CNA. All rights reserved. Pearl is the exclusive agent for CNA LPL in OK.

www.pearlinsurance.com | 800.322.2488

# IN MEMORIAM

Jerome H. (Jerry) Blumenthal of Oklahoma City died April 17. He was born Oct. 8, 1928, in Dallas, but was raised in Oklahoma City. He graduated from Capitol Hill High School in Oklahoma City in 1945. He served in the U.S. Army. He was a 1956 graduate of the OU College of Law.

Tames William (Jim) Connor of Bartlesville died March 24. He was born Aug. 21, 1932, in Seminole. His family moved to Tulsa in 1938, graduating from Marquette High School in 1950. He attended St. Benedict's College in Atchinson, Kan. After graduating in 1954, he entered the U.S. Army, serving with the 9th Infantry Division in Germany. After returning to the states, he graduated from the OU College of Law in 1959. He then took the job of assistant county attorney in Bartlesville. He was elected county attorney for the 1961-1962 term of office. Upon leaving office, he began his private practice with Charles W. Selby, where he continued practicing under the firm now known as Selby, Connor, Maddux and Janer until the time of his death. In 1962, he was elected to the Oklahoma House of Representatives, where he served for eight years. He served as minority floor leader for Govs. Henry Bellmon and Dewey F. Bartlett. He was active in the Bartlesville community as a member of the Bartlesville Jaycees, the Bartlesville Chamber of Commerce, the Daybreak Rotary Club, Hillcrest Country Club and several other organizations. Memorial contributions may be made to Marquette Catholic School in Tulsa.

Tames Preston England of Yukon died March 16. He was born Dec. 31, 1918, in Celera. He graduated from Capitol Hill High School in Oklahoma City in 1937. He joined the U.S. Army in 1944 and served through 1946. He served in the 417th Infantry 76th Division assigned to a heavy mortar platoon as well as serving as an artillery driver and scout as his division fought through France, Belgium, Luxembourg and Germany. During the fighting in Germany, he was wounded and awarded a Purple Heart. Upon discharge from the Army, he worked for the Veterans Administration in Oklahoma City and attended OCU. He was admitted to the OBA in 1951. During his career, he worked for the Air Force and served as counsel to the judge advocate general and procurement law attorney for the Department of the Air Force at Tinker Air Force Base and at Wright Patterson Air Force Base in Dayton, Ohio. He later became chief counsel, DCASR in Dallas, and then on to Washington, D.C., where he served as the assistant counsel at the defense supply agency, contract administration service, at the Pentagon.

**Tharles Larry McLane** of •Oklahoma City died Feb. 25. He was born July 22, 1930, in Bristow. He attended OU, where he received a bachelor of business administration, a master of business administration and a law degree. He was licensed as a CPA in Oklahoma in 1952 and was admitted to the OBA in 1958. He served in Korea in the USAF Auditor General. He practiced law in Oklahoma City as a partner in the then-named firm of Fellers, Snider, Baggett and McLane and was a partner in the Houston office of Peat Marwick Mitchell, now KPMG. He was a member of the American Bar Association, the American Institute of CPAs, the Oklahoma Society of CPAs and the Texas Society of CPAs. Memorial donations may be made to Westminster Presbyterian Church in Oklahoma City or Presbyterian Urban Missions in Oklahoma City.

**reorge Ford Short** of Okla-Choma City died April 7. He was born April 19, 1927, in Ponca City. Raised in Durant, he studied at Southeastern State College. He joined the U.S. Naval Air Cadet Program in 1945. He later attended Louisiana Polytechnic Institute; Southwestern University in Georgetown, Texas; and OU, where he received his law degree in 1950. Upon graduation, he joined the law firm of Pierce, Couch, Mock and Duncan. He later formed the firm of Short,

Barnes, Wiggins and Margo. He was a member of numerous legal organizations, including serving a term as OBA vice president and Oklahoma City Jury Trial Association president. He received many awards for his contributions to the legal community, including the Journal Record Award and the OBA Distinguished Service Award. Memorial contributions may be made to Westminster Presbyterian Church in Oklahoma City or the Oklahoma Bar Foundation.

aniel Haskell Wert of Oklahoma City died April 29. He was born Oct. 25, 1966, in Oklahoma City. He graduated from Vanderbilt University in 1989 with a degree in German. He attended the Goethe Institute of Germany, completing the comprehensive language fluency course. Music was always important in his life, and he organized three bands: The Scholars during high school, Chapter 7 while in college and Street Lethal while living in Los Angeles in the early 1990s.

He was a percussionist as well as an acoustic and electric guitar performer. After working at Haskell Lemon Construction Company and General Materials, he attended OU to earn his J.D. He worked at the Oklahoma County District Attorney's Office, where he created the post-conviction unit and wrote the protocol for its operation. Memorial contributions may be made to the Dan Wert Memorial Fund, Casady School, P.O. Box 20390, Oklahoma City, 73156.

#### THE TRUST COMPANY OF OKLAHOMA



	The Oklahoma Bar Association presents			
Current Federal Regulatory Issues for Financial Institutions and Technology Service Providers				
DATE & LOCATION:	Oklahoma City May 15, 2008 Oklahoma Bar Center 1901 N. Lincoln Blvd.			
CLE CREDIT:	This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 8 hours of mandatory CLE credit, including 1 hour of ethics. For course approval in other states, contact the CLE Registrar. This program has been approved for Texas credit.			
TUITION:	\$225 for early-bird registrations received with payment at least four full business days prior to the seminar date; \$250 for registrations received within four full business days of the seminar date. Register online at <u>www.okbar.org/cle.</u> This program will be webcast. For details go to <u>www.legalspan.com/okbar/webcasts.asp.</u> <b>No discounts.</b>			
CANCELLATI POLICY:	ON Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged for cancellations made within four full business days of the seminar date. Cancellations, refunds, or transfers will be accepted on or after the seminar date.			
	Program Planner/Moderator Laura Pringle, Pringle & Pringle, Oklahoma City			
Program:				
8:30 a.m.	Registration and Continental Breakfast			
9:00	Current Compliance Issues Jane Anne Batjer, Assistant Counsel, Federal Reserve Bank of St. Louis, MO			
9:50	Break			
10:00	Current Issues for National Banks and Related Entities Randy Ryskamp, District Counsel, Office of the Comptroller of the Currency, Dallas			
10:50	Break			
11:00	Information Technology Rules and Guidances Hub Thompson, Southern District Lead IT Expert, Office of the Comptroller of the Currency, Dallas			
11:50	Networking lunch (included in registration)			
12:10 p.m.	Federal Regulatory Issues Impacting Banks and Technology Service Providers Steve Zachary, Regional Counsel, Federal Deposit Insurance Corporation, Dallas			

1:00	Contracting and Information Security Issues Lynn Pringle, Pringle & Pringle, Oklahoma City		
1:50	Break		
2:00	Current Intellectual Property Issues in the Business of Banking Neal Rogers, Attorney at Law, Oklahoma City		
2:50	Break		
3:00	Ethics for Lawyers Who Represent Financial Institutions and Related Organizations (ethics) Laura Pringle Dean Lawrence Hellman, Oklahoma City University School of Law, Oklahoma City		
3:50	Break		
4:00	Controlling State Law/Federal Preemption Issues Dudley Gilbert, Legal Counsel, Oklahoma State Banking Department, Oklahoma City		
	Dudley Gilbert, Legal Co		king Department, Oklanoma Ory
4:50	Adjourn		nancial Institutions and
4:50	Adjourn nt Federal Regula		nancial Institutions and
4:50	Adjourn nt Federal Regula	tory Issues for Fi ology Service Pro	nancial Institutions and
4:50	Adjourn nt Federal Regula	tory Issues for Fir ology Service Pro ^{Full Name} Firm	nancial Institutions and
4:50 Curre	Adjourn nt Federal Regula Techno	tory Issues for Fir ology Service Pro ^{Full Name} Firm	nancial Institutions and oviders
4:50 Curre □ Oklahoma May 15, 200	Adjourn nt Federal Regula Techno City	tory Issues for Fir ology Service Pro ^{Full Name} Firm Address	nancial Institutions and oviders
4:50 Curre	Adjourn nt Federal Regula Techno City	tory Issues for Fin ology Service Pro Full Name Firm Address City	nancial Institutions and
4:50 Curre Oklahoma May 15, 200 Oklahoma B	Adjourn nt Federal Regula Techno City ²⁸ Bar Center	tory Issues for Fin ology Service Pro Full Name Firm Address City Phone ( )	nancial Institutions and oviders
4:50 Curre Oklahoma May 15, 200 Oklahoma B	Adjourn nt Federal Regula Techno City ²⁸ Bar Center	tory Issues for Fir ology Service Pro Full Name Firm Address City Phone ( ) Are you a Member of OBA? □ Y Make Check payable to the Okla	nancial Institutions and oviders
4:50 Curre Oklahoma May 15, 200 Oklahoma E Materials o Pub #325	Adjourn nt Federal Regula Techno City ²⁸ Bar Center	tory Issues for Fin   ology Service Pro   Full Name   Firm   Address   City   Phone ()   Are you a Member of OBA?   Y   Make Check payable to the Oklato: CLE REGISTRAR, P.O. Box	nancial Institutions and oviders StateZip E - Mail /es □ No OBA Bar# ahoma Bar Association and mail entire page
4:50 Curre Oklahoma May 15, 200 Oklahoma E Materials o Pub #325	Adjourn nt Federal Regula Techno City ⁰⁸ Bar Center nly \$80	tory Issues for Fin ology Service Pro	nancial Institutions and oviders StateZip E - Mail fes □ No OBA Bar# ahoma Bar Association and mail entire page 53036 Oklahoma City, OK 73152

The Oklahoma Bar Association presents

# **Making Your Case With A Better Memory**

Tulsa	Oklahoma City
May 21, 2008	May 22, 2008
Renaissance Hotel	Oklahoma Bar Center
6808 S. 107 th E. Ave.	1901 N. Lincoln Blvd.
	May 21, 2008 Renaissance Hotel

- **CLE CREDIT:** This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 8 hours of mandatory CLE credit, including 0 hours of ethics. For course approval in other states, contact the CLE Registrar.
- **TUITION:** \$225 for early-bird registrations received with payment at least four full business days prior to the seminar date; \$250 for registrations received within four full business days of the seminar date. Register online at <u>www.okbar.org/cle.</u> No discounts.

**CANCELLATION** Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged **POLICY:** for cancellations made within four full business days of the seminar date. No requests for refunds or cancellations will be accepted on or after the seminar date.

#### Paul Mellor

Paul Mellor is a nationally known memory training consultant who has a "passion about this subject." As president of Success Links, he presents seminars on strengthening memory, has written extensively on memory improvements and has been featured and quoted in several media, including *Newsweek*, the *Wall Street Journal*, the *San Diego Union-Tribune, CBN Television*, and *USA Today*. A popular radio and television guest demonstrating his technique, Paul's skills have helped thousands of professionals to be more persuasive, more influential, and more powerful with the use of trained memory. A graduate of Western Carolina University, Paul was a finalist in the 2006 USA Memory Championship in New York City.

#### 8:30 a.m. Registration and Continental Breakfast

#### 9:00 Deposition Demonstration

Introduction with demonstration displays the lightning speed of a trained memory. You will see the ease of remembering information from a deposition. Emphasis is placed on why we forget and how we can remember.

- 10:15 Break
- 10:30 How to Speak Without Notes to Jurors

Discover secrets on how to present a case without notes. Learn step-by-step techniques on how to draft your remarks, prepare your mind and deliver a powerful presentation. To keep the jury in the palm of your hand, you'll have to let go of your notes

12:15 p.m. Networking lunch (included in registration)

	Using the two step during cross exam		e the skill in remembering to ask key questions ustrations help reinforce the proficiency when
2:00	Break		
2:15	<b>Professional Set</b> You will learn the techniques and fo	ttings FACIAL formula to quickly remer ocusing on recalling the names co correctly matching a name to a fa	Clients in Presentations, and in Other nber a name. Attention is placed on concentrat prrectly. Use of pictures and examples create a ace. You will learn how to remember first name
4:30	Adjourn		
Making			
	sance Hotel		
☐ Oklahoma City May 22, 2008		Address	
	-		State Zip
May 22	-	City	StateZip E - Mail
May 22	, 2008	City Phone ( )	
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl	E - Mail
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail	E - Mail Yes □ No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date
May 22	, 2008	City Phone ( ) Are you a Member of OBA? □ Make Check payable to the Okl to: CLE REGISTRAR, P.O. Bo For □ Visa or □ Master Card F or Mail Credit Card#	E - Mail Yes D No OBA Bar# lahoma Bar Association and mail entire page x 53036 Oklahoma City, OK 73152 Fax (405) 416-7092, Phone •(405) 416-7006 Exp.date

## SERVICES

**OF COUNSEL LEGAL RESOURCES** — **SINCE 1992** — Exclusive research & writing. Highest quality: trial and appellate, state and federal, admitted and practiced U.S. Supreme Court. Over 20 published opinions with numerous reversals on certiorari. **MaryGaye LeBoeuf** (405) 728-9925, marygaye@cox.net.



INTERESTED IN PURCHASING PRODUCING & Non-Producing Minerals; ORRI; O & G Interests. Please contact: Patrick Cowan, CPL, CSW Corporation, P.O. Box 21655, Oklahoma City, OK 73156-1655; (405) 755-7200; Fax (405) 755-5555; E-mail: pcowan@cox.net.

#### HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATION

Board Certified Diplomate — ABFE Life Fellow — ACFE

Court Qualified Former OSBI Agent FBI National Academy

Arthur D. Linville (405) 636-1522

PHYSICIANS FOR QUALITY has been providing credible, board certified, practicing physicians and health care professionals as experts to plaintiff and defense attorneys since 1986. PFQ is the most cost-effective, experienced choice available. 1-800-284-3627, email: kim@pfq.com, visit: www.PFQ.com.

**APPEALS and LITIGATION SUPPORT** — Expert research and writing by a veteran generalist who thrives on wide variety of projects, big or small. **Cogent. Concise.** Nancy K. Anderson, (405) 682-9554, nkanderson@hotmail.com.

**TRAFFIC ACCIDENT RECONSTRUCTION INVESTIGATION • ANALYSIS • EVALUATION • TESTIMONY** 25 Years in business with over 20,000 cases. Experienced in automobile, truck, railroad, motorcycle, and construction zone accidents for plaintiffs or defendants. OKC Police Dept. 22 years. Investigator or supervisor of more than 16,000 accidents. Jim G. Jackson & Associates Edmond, OK (405) 348-7930

CIVIL APPEALS, RESEARCH PROJECTS, BRIEF WRIT-ING, DISCOVERY ISSUES & LITIGATION SUPPORT. Experienced former federal law clerk will handle state and federal appeals, draft motions and briefs and assist in trial preparation. Amy H. Wellington (405) 641-5787, E-mail: awellington@cox.net.

## SERVICES

CONSULTING ARBORIST, tree valuations, diagnoses, forensics, hazardous tree assessments, expert witness, depositions, reports, tree inventories, DNA/soil testing, construction damage. Bill Long, ISA Certified Arborist, #SO-1123, OSU Horticulture Alumnus, All of Oklahoma and beyond, (405) 996-0411.

## MEDICAL MALPRACTICE

Board-certified doctor expert witnesses, all specialties: \$500 flat rate referral. In house case review by veteran MD specialists, \$750 flat rate, opinion letter, no extra charge. Fast, easy, safe since 1998. www.MedMalExperts.com (888) 521-3601

OKLAHOMA PARALEGAL ASSOCIATION'S Annual Seminar May 31, 2008 Northeastern State University, Broken Arrow. 5 CLAE Credits, lunch Provided \$50 Member, \$55 Non-Member, \$25 Student. Contact Ann @ (405) 232-7777 or visit our website at www.okparalegal.org for registration information.

OKLAHOMA CITY ATTORNEY SEEKS BANKRUPT-CY REFERRALS. 32 years experience in representing debtors in Chapters 7, 11, 12 and 13. Has made two oral arguments before the 10th Circuit Court of Appeals; One before the Three Judge Panel, the other before the Court en banc. Certified in the Northern and Western Districts of Oklahoma, Referral fees offered as may be allowed by the bankruptcy code. Contact: Kenneth L. Peacher, 4101 Perimeter Center Drive., Suite 200, Oklahoma City, OK 73112, Telephone: (405) 917-5000; Facsimile (405) 917-5005.

#### **OFFICE SPACE**

PREMIER LOCATION. Two Exclusive offices and 750 sq. ft. open space of A+++ Professional Suites now available within the Financial District of Oklahoma in Edmond. Furnished & Unfurnished, Board Room, Conference Center, Kitchen, Private Parking, Security, Park-like environment. By appointment only. Call (405) 348-0909. www.FinancialDistrictOK.com.

PERIMETER CENTER OFFICE COMPLEX, located at 39th and Tulsa currently has available offices ranging in size from 1,110 - 4,487 square feet. We also have executive suites from \$280 to \$425 per month. Please call (405) 943-3001 for appointment, or stop by M-F between the hours of 8:00 a.m.-5:00 p.m.

50 PENN OFFICE LOCATION - 1 office suite available for sub-lease with access to conference room, copier, phone, and high speed internet. Call Bill at (405) 664-8877.

## **OFFICE SPACE**

OFFICE BUILDING IN BETHANY, OK FOR SALE. 2500sf divided into 2 suites. One suite is currently leased until August 2009. Building is steel with brick veneer built in 2000. 22 parking spaces and large lighted sign. Asking \$199k. Call (405) 206-3338.

GREAT DOWNTOWN OKC LOCATION — TWO OFFICES AVAILABLE FOR SUBLEASE Receptionist, phone, copier, fax, law library, kitchen, conference room and DSL internet. Call Denise at (405) 236-3600 or come by 204 N. Robinson, Suite 2200.

SPACIOUS OFFICE (17 x 16) MID-TOWN – NW 13TH & DEWEY. Partially furnished.Secretarial bay also available. Parking, fax, copier, automated voice mail system, Wireless Internet, law library/conference room, kitchen. (405) 525-0033 or gjw@flash.net.

LUXURY OFFICE SPACE- One executive suite available, with fireplace, crown molding and beautiful finishes. A fully furnished reception area, conference room, and complete kitchen are included, as well as a receptionist, high-speed internet, fax, cable television and free parking. Completely secure. Prestigious location at the entrance of Esperanza located at 153rd and North May, one mile north of the Kilpatrick Turnpike and one mile east of the Hefner Parkway. \$1,200 monthly. Contact Gregg Renegar (405) 285-8118.

YUKON SPRING CREEK OFFICE BUILDING — 1 professional office available for sub-lease with access to conference room, copier, and high speed internet. Beautiful and convenient location. Call (405) 354-7227.

#### **POSITIONS AVAILABLE**

SMALL NW OKC FIRM is seeking a motivated legal assistant to become an integral part of this growing civil and family law practice. Applicant should have excellent organizational & communication skills. (experience in family law is a plus). Duties include preparation of pleadings, assisting with draft discovery responses, calendaring/docketing & billing through use of the Tabs program. Salary commensurate with experience and performance. If interested, please email your resume to nwokclaw@yahoo.com.

LARGE OKLAHOMA INSURANCE COMPANY is seeking a Legal Assistant for our Oklahoma City office. Must have completed an ABA approved legal assistant program plus have two years of experience as a legal assistant, or an equivalent combination of education and experience. Applicants must be willing and able to fulfill any and all job-related travel. Salary commensurate with experience. Excellent benefit package includes paid vacation, sick leave, paid holidays and health, dental and life insurance. Send resume to: Box "X," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152. EEO/AA Employer.

## **POSITIONS AVAILABLE**

OIL AND GAS ATTORNEY - Samson, one of the largest independent exploration and production companies in the oil and gas industry, is seeking to fill two attorney positions in its headquarters in Tulsa, Oklahoma. These positions provide a broad range of legal services to the company. Such services center upon the exploration and production activities of the company including, lease analysis, poolings, unitizations, easements, surface damages, geophysical operations, royalty payment and working interest owner issues, title work, acquisitions, and a broad range of oil and gas contracts. Samson will consider both Staff Attorney and Senior Counsel level applicants. Staff Attorney applicants must have at least 3 years of contractual, business and/or litigation experience, either in-house or with a recognized law firm, with exposure to the oil and gas industry being strongly preferred. Senior Counsel applicants must have at least 8 years of experience, either in-house or with a recognized law firm, with significant oil and gas experience being required and specific involvement in the exploration and production segments of the industry being preferred. Attorneys must be a current member of the Oklahoma, Texas, Arkansas, Louisiana or Colorado Bar Associations. Samson offers an excellent compensation package with the opportunity to participate in an incentive bonus program, and receive comprehensive and competitive benefits. Qualified candidates are asked to apply online at www.samson.com.

CONTRACT ATTORNEY WANTED - Small, boutique, south Tulsa law firm seeking a contract attorney with experience in estate planning, probate and research and drafting memoranda regarding estate issues, probate and taxation. Wealth transfer taxation experiences a plus. Applicants must be detail oriented with a quick learning ability; possess excellent computer skills. Please fax cover letter, resume with references, writing sample and salary requirements to (918) 495-3954.

COLLINS, ZORN & WAGNER, PC., an AV-rated Oklahoma City firm specializing in civil rights, employment law and insurance defense cases seeks an experienced research and writing attorney. Strong academic and writing skills required. Please submit a writing sample, resume and salary requirements to Jodi S. Casey at 429 N.E. 50th, Second Floor, Oklahoma City, Oklahoma 73105 or e-mail all documents to jodi@czwglaw.com.

ATTENTION: LEGAL ASSISTANTS & SECRETARIES! — SUSAN FREW & COMPANY/TRC STAFFING SERVICES is seeking qualified candidates for 7 direct hire positions in OKC's most prestigious law firms located NW OKC & downtown. Degree or certification preferred; strong typing, WordPerfect, Word & Excel, + 2 years legal experience, a must. \$30K to \$40K (DOE) + great benefits. Our services are totally free to you! Apply at www.trcstaffing.com; email resume to libby.chambers@trcstaffing.com; OR, fax to (405) 842-9512. EOE.

## **POSITIONS AVAILABLE**

TRIAL COURT ADMINISTRATOR/ 14th JUDICIAL DISTRICT — General summary: The trial court administrator is appointed by and serves at the pleasure of the district and associate district judges of Tulsa and Pawnee Counties. The duties of the court administrator are to assist the presiding judge of the judicial district in the performance of his/her administrative duties. Under the general direction of the presiding judge with collaboration from judges, the state Administrative Office of the Courts and county departments, this position performs administrative duties including personnel management, budgeting, purchasing, fiscal control, interpreter services and jury management. Qualifications: To be eligible for appointment, an applicant shall possess at least one of the following minimum qualifications: Be an attorney licensed to practice law in this state; Have a bachelor's degree in court management, or an equivalent degree; or Have at least ten (10) years' experience in management with substantial supervisory responsibility; and be a graduate of the Institute for Court Management. Salary: Equivalent to that of a Special Judge, currently \$100,500. Submit an original and 4 copies of your resume to: Court Administrator's Office, Tulsa County Courthouse, Room 637, 500 S. Denver, Tulsa, OK 74103 or send one copy of your resume electronically to ann.domin@oscn.net. Resumes must be received by 5:00 p.m. on May 16, 2008. The State of Oklahoma is an equal opportunity employer.

EXPERIENCED LEGAL ASSISTANT - NW OKC Law Firm handling diverse civil litigation, including medical malpractice, toxic tort and securities arbitration cases, seeks an experienced legal assistant. Strong litigation support, organizational and computer skills a must. Compensation package commensurate with experience. Send resume, references and salary requirements to dpeters@woskalawfirm.com or fax to (405) 285-9350.

ASSISTANT DISTRICT ATTORNEY POSITIONS AVAILABLE: 8th District Attorney Mark L. Gibson is taking applications for Assistant District Attorneys in Kay County. Experience is preferred, but entry-level applicants will be considered as well. Successful applicants will possess self-motivation, good organizational, communication, and computer skills. Contact Mark L. Gibson at 201 South Main, Newkirk, OK, 74647, by E-Mail at mark.gibson@dac.state.ok.us, or by fax at (580)362-2335. Time is of the essence!

LEGAL RECORDS MANAGER. Up to \$39k. FT + state benefits. Manages admin hearings, process and serves as docket clerk. Requires Associates & 18 mos. of legal exp or 3 ½ yrs of legal exp. Preferences may be given for; Legal records mgmt, court clerk or docket clerk exp, Case Logistix and/or paralegal or legal assistant exp. Download application from Web site. Deadline: May 16, 2008. 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**

PUBLIC DEFENDER JOB DESCRIPTION :ISSUE DATE: 05-01-08 CLOSING DATE: 05-16-08 The Public Defender is responsible for all civil and criminal matters wherein the Court appoints him/her for tribal members in need of services. The Public Defender shall provide legal representation, upon order of the court, to indigent defendants in tribal court criminal proceedings; indigent respondents in tribal court juvenile proceedings; children as guardian ad litem in tribal court juvenile proceedings; respondents of tribal court protective orders; guardians in tribal court guardianship proceedings; adoptive parents in tribal court adoption proceedings; or assistance to victims of violence or abuse. The Public Defender shall provide recommendations, advice, and referrals regarding protective orders, criminal defense and child custody matters; Perform all duties and responsibilities necessary and proper in order to effectively provide assistance and representation. QUALIFICATIONS: Member of the Oklahoma Bar Association and Cheyenne and Arapaho Tribes Bar Association. This is a position that initially will be five (5) days a month, at a minimum. It is anticipated this will develop into a full time position. Salary is negotiable based on experience. SEND RESUMES TO: Cheyenne and Arapaho Trial Court P.O. Box 102. Concho, OK 73022-0102

REQUEST FOR PROPOSALS (RFP) - Attorney/Consultant (Not to exceed fourteen (14) months) - The Cheyenne-Arapaho Tribes have received a federal grant from the Department of Justice to revise and update the Tribes Law and Order Code. The Attorney will be responsible for revising and updating the Law and Order codes that were enacted in 1987. The Attorney will conduct research necessary to collect laws that have been enacted by previous Legislation after 1987, arrange and reorganize the original Law and Order Codes, allow for changes and additions enacted by previous legislation, and include ordinances enacted after that date. REQUIREMENTS: The individual must possess extensive experience with Indian Law, completion of a Juris Doctorate from an accredited Law School, and membership in the Oklahoma Bar Association. Proposals may be sent to: CHEYENNE-ARAPA-HO TRIBES ATTN: CHRISTINE MORTON, PRO-CUREMENT SPECIALIST P.O. BOX 38 CONCHO, OKLAHOMA 73022

AV-RATED DOWNTOWN OKC LAW FIRM seeks associate with 3-8 years experience in civil defense litigation. Must be self motivated. Send resume, writing sample and salary requirements to: Box "HH," Oklahoma Bar Association, P.O. 53036, Oklahoma City, OK 73152.

VERY HEAVY CASE LOAD IN EXPANDING AV-RATED TULSA DEFENSE FIRM has created a need for an associate attorney. New Grad or up to 3 years experience considered. Good salary, firm-paid health/life/ disability/prescription drug insurance + 401(k). Send resume via fax to (918) 582-5504 or E-mail lawofficerecruit@yahoo.com. All inquiries will be kept strictly confidential

### **POSITIONS AVAILABLE**

APPEALS — Family Lawyer with 28 years experience available for family law appeals, including divorce/dissolution, appeals, motions to modify. Reasonable flat fees. Contact Virginia Henson at vhensonatty@gmail.com or (405) 642-0970. More than 20 reported cases.

ASSISTANT CITY ATTORNEY. Litigation Attorney, Salary: \$55,993-\$79,144 Annually DOQ. This full-time position will represent the City in various capacities, preparing and presenting cases in State and Federal Courts; appearing before the City Council, administrative agencies, arbitration hearings; preparing legal opinion and ordinances; reviewing tort claims; performing legal research; and writing briefs. Experience in municipal government and real property law desired. Work assignments are subject to change as determined by the City Attorney due to work load and needs of office. A minimum of three (3) years experience as a practicing attorney required. See job announcement at (www.cityof.lawton.ok.us) for additional requirements. Applicants for the position must have graduated from an accredited law school, be a member in good standing in the Oklahoma Bar Association and admitted to or eligible for immediate admission to practice in the U.S. District Court for the Western District of Oklahoma and the Tenth Circuit Count of Appeals. Interested applicants should submit an application, resume, law school transcript, and 2 samples of legal writing filed in legal proceedings. Apply to the City of Lawton Human Resources Department, 1405 SW 11th Street Lawton OK 37501 (580)581-3392 EOE DS.

ASSISTANT ATTORNEY GENERAL, Litigation Section. Applicant shall be licensed to practice law in Oklahoma and all federal courts with zero to three years experience. Seeking attorney to handle case load consisting of state and federal litigation. Excellent research and writing skills necessary. Requires use of WordPerfect. Some travel possible. See website www. oag.ok.gov for more details. Send resume and writing sample to W.A. Drew Edmondson, Attorney General, 313 N.E. 21st Street, Oklahoma City, OK 73105. Salary range commensurate with experience in accordance with the office pay scale.

DOWNTOWN OKC LAW FIRM is seeking a litigation attorney with strong research and writing skills, with 0-4 years experience. Send resume and writing samples in confidence to: Box "GG," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, 73152.

## **POSITIONS AVAILABLE**

RUBENSTEIN BRYAN MCCORMICK & PITTS in Edmond, OK seeks a motivated lawyer with at least two years experience in business litigation and transactions. Send resume and writing sample to Mike Rubenstein at 1503 E. 19th Street, Edmond, OK 73013.

RICHARDS & CONNOR, an AV-rated Tulsa firm, is seeking a self-motivated, ambitious attorney with 0 - 3 years experience in civil trial practice. Applicant should have strong writing skills and be willing to devote the time and effort necessary to provide quality legal services to clients requiring a high level of service. Send resume to Administrator, 525 S. Main St., 12th Fl., Tulsa, OK 74103.

#### BOOKS

THE LAWBOOK EXCHANGE, LTD. Buys, sells and appraises all major law book sets. Also antiquarian, scholarly. Reprints of legal classics. Catalogues issued in print and online MasterCard, Visa and AmEx. (800) 422-6686; fax: (732) 382-1887; www.lawbookexchange.com.

#### **CLASSIFIED INFORMATION**

CLASSIFIED RATES: One dollar per word per insertion. Minimum charge \$35. Add \$15 surcharge per issue for blind box advertisements to cover forwarding of replies. Blind box word count must include "Box _____, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152." Display classified ads with bold headline and border are \$50 per inch. See www. okbar.org for issue dates and Display Ad sizes and rates.

DEADLINE: Tuesday noon before publication. Ads must be prepaid. Send ad (e-mail preferred) in writing stating number of times to be published to:

#### Brandon Haynie, Oklahoma Bar Association P.O. Box 53036, Oklahoma City, OK 73152 E-mail: brandonh@okbar.org

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.

# Practical Tips for Hard-Working Parents By Noel J. Jacobs and Anne K. Jacobs

Although both work roles and family relationships can bring much joy, many parents feel pangs of guilt or, worse, resentment as schedules intensify and work roles increase. While parents truly have power over which activities are essential and which are negotiable, we often feel pushed from behind rather than in control. So, we are here to encourage you:

Take control! Learn to practice work and life balance by design in your lives, so you feel less stressed and can enjoy your work and family roles more. Here are 10 practical ways to do that, adapted partly from a 2001 study of 41 couples who considered themselves successful at balancing work and family.¹

10. IDENTIFY THE BEST IN YOUR WORK AND YOUR FAMILY Figure out why you initially fell in love with your partner, your kids and your job. Remember the best and dedicate yourself to keeping it!

9. TAKE CONTROL OF DECISIONS Plan ahead, for both the big activities and the mundane daily strategies. Think and consciously decide what you are and are not going to do.

8. FEEL GOOD ABOUT YOUR WORK You have something important to offer the world through your work. Appreciate your contribution and look for the meaning you have created in it.

7. FEEL GOOD ABOUT

**YOURSELF** Taking care of yourself is as important as taking care of your job or family. Value time in all three domains. As difficult as it may seem, make time for yourself every day without guilt.

6. WORK TOGETHER FOR YOUR FAMILY If you're in a relationship, work with your partner to develop common, agreeable strategies for managing home and child responsibilities so you both feel better at work.

S. SIMPLIFY Learn to say "No, thanks. We have enough _____." (like "activities," or "stuff," or "timewasters" or "complicated recipes!")

4. DON'T LET WORK RUIN FAMILY TIME Just as family members can interrupt a work day, jobs can bleed into home life if we're not careful. Boundaries protect both.

3. FEEL GOOD ABOUT YOUR FAMILY The home is intended to be the safe haven in the hectic world. Your family is the most important part of your home! Make sure you appreciate the good. Pay attention to the good things your kids and partner do and let them know you are proud.

2. PRIORITIZE FAMILY FUN Plan for it — and then enjoy it. Let yourself be a kid with your partner and kids! Even simple things like card games can be fun (and cheap) when we let ourselves have fun.

1. BE WILLING TO RETHINK YOUR STRATEGIES Times change and strategies need to change. Don't let the idea that you should do it because you've always done it keep you from making good changes to bring balance back when it's lost.

1. Haddock, S., Zimmerman, T., Ziemba, S., & Current, L. (2001). Ten adaptive strategies for family and work balance: Advice from successful families. Journal of Marital and Family Therapy, 27 (4), 445-458.

Noel J. Jacobs, Ph.D. is a practicing health service psychologist and an assistant professor of psychology at Southern Nazarene University (SNU) in Bethany.

Anne K. Jacobs, Ph.D. works as a project coordinator with the Terrorism and Disaster Center of the National Child Traumatic Stress Network. The doctors Jacobs are parents to two incredible twin girls and strive daily to practice what they preach.

> Let yourself be a kid with your partner and kids!



1204