

# Framing the Questions/Finding the Answers: Mental Health and the OBA

Sponsored by the OBA/CLE and OBA Lawyers Helping Lawyers Counseling Assistance Program

**DATE & LOCATION:** Oklahoma City  
November 20, 2008  
OBA Annual Meeting

**CLE CREDIT:** This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 1.5 hours of mandatory CLE Credit, including .5 hours of ethics.

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

### **Program Moderator**

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

### **PROGRAM:**

- 3:00 p.m.**      **What's Happening with Mental Health Services in Oklahoma?**  
Terri White, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma City
- 3:15**            **How is the Oklahoma Bar Association Addressing Member Mental Health Issues?**  
**A Panel Discussion**  
Mike Stewart, Bradford Health Services, Alabama  
John Albert, Mike Arnett & Associates, Oklahoma City  
Rebecca Williams, LPC, CEAP, Caba Employee Assistance Services Director, Oklahoma City  
Terri White  
Gina Hendryx, OBA Ethics Counsel, Oklahoma City
- 3:45**            **How Should OBA Members Address Lawyer Mental Health Issues?(ethics)**  
Gina Hendryx
- 4:15**            **Adjourn**

# Framing the Questions/Finding the Answers: Mental Health and the OBA

Oklahoma City  
November 20, 2008  
OBA Annual Meeting

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**THEME:**  
**TECHNOLOGY &  
PRACTICE MANAGEMENT**  
EDITOR: MELISSA DELACERDA

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## A Time to Think of Things for Which We are Thankful

By Bill Conger

I have always loved the fall season — a time of beauty with fall foliage, clear brisk weather and the smell of a fire burning. It also includes the month of November and the Thanksgiving holiday. Now that my children are grown, it is even more special because they return “home” for this holiday. The holiday is also special because it is a time of reflection; a time for us to think of those things for which we are thankful. These past few days I’ve been thinking about our profession and the men and women who are a part of it. I have found much to be thankful for.

I am thankful that we live in a country that is governed by the rule of law which no man is above.

I am thankful that there are still many of us who view our profession as a brotherhood and sisterhood of colleagues dedicated to the betterment of mankind.

More specifically, I am thankful for Bob Ravitz, Susan Otto and all the public interest lawyers, for they remind us that our profession is a noble calling.

I am thankful for Dean Larry Hellman and the faculty at the OCU School of Law for their commitment to and continued involvement in our legal community.

I am thankful for the mentors like Earl D. Mills, the late Barth P. Walker and the late Lee B. Thompson, who gave so willingly of their time to assist me in the practice of law.

I am thankful for senior lawyers such as the late H. K. Berry Sr., the late Coleman Hayes, Elliot Fenton and the late Judge Fred Daugherty who, when I was a young lawyer and they were in their prime, were wonderful role models.

I am thankful for younger lawyers like Rick Rose, Molly Bircher, Kim Warren and Luke

Gaither, whose enthusiasm reminds me that the practice of law can be fun and the future of our legal community is in good hands.

I am thankful for law students who enthuse me and give me more joy than they could possibly know.

I am thankful for lawyers like Kent Meyers, Don Nicholson and so many others who constantly give back to the profession.

I am thankful for Kent Frates, a renaissance man, who epitomizes the phrase “counselor.”

I am thankful to Bill Paul, Joe Crosthwait, Dwight Smith, Jack Brown, Mark Robertson and Jim Calloway for their service to our profession on a national basis.

I am thankful for dear friends and colleagues like Clark Mussler, Judge Valerie Couch and Barbara Kinney, whose advice and counsel I constantly seek and value.

I am thankful for Jerry Tubb for his always cosmic view of life and for John Morris Williams and all of the people at the Oklahoma Bar Association and its Board of Governors, who are the souls of our bar association.

*cont’d on page 2594*

“I have found much to be thankful for.”



*Bill Conger*

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# EVENTS CALENDAR

## NOVEMBER

- 11 **Veterans Day** (State Holiday)
- 12 **Ruth Bader Ginsburg American Inn of Court**; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Julie Bates (405) 691-5080
- 13 **Hudson Hall Wheaton Inn Pupilage Group Three**; 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact Michael Taubman (918) 260-1041
- 19-21 **OBA 104th Annual Meeting**; Sheraton Hotel, One North Broadway, Oklahoma City
- 21 **OBA Board of Governors Meeting**; 2 p.m.; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 27-28 **Thanksgiving Holiday** (State Holiday)

## DECEMBER

- 4 **Law-related Education Committee Meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack G. Clark Jr. (405) 232-4271
- 10 **OBA Clients' Security Fund Committee Meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Micheal Charles Salem (405) 366-1234
- 12 **OBA Family Law Section Meeting**; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Lynn S. Worley (918) 747-4600 or Noel Tucker (405) 348-1789
- 16 **OBA Civil Procedure Committee Meeting**; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 18 **OBA Bench & Bar Committee Meeting**; 12 p.m.; Oklahoma Bar Center, Oklahoma City and OSU 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

For more events go to [www.okbar.org/news/calendar.htm](http://www.okbar.org/news/calendar.htm)

The Oklahoma Bar Association's official Web site: [www.okbar.org](http://www.okbar.org)

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## Web Site How-To Tips for the Small Firm Lawyer

*By Jim Calloway*

**R**are is the large- or medium-size law firm that does not now have a Web site. Some Web presence is now considered to be a business essential.

For the small firm, solo practitioner or even a larger law firm lagging behind the times, it is the purpose of this article to present a primer on the basics of what one needs to know to create or improve a Web page.

Few small law firms will find that their practice is completely sustained by a Web presence. But we are fast reaching the time when Internet searches become the number one way of locating consumer goods and services. Even today, for many attorneys, a Web site is an increasingly important component of obtaining new business. It may not be that a Web site itself draws in lots of business. For many potential clients, looking for the lawyer's Web site is a qualifier. If you don't have a Web site, there may be something old-fashioned or wrong about your law practice in the eyes of many. Or, it may be something as simple as someone who doesn't have access to a telephone directory for the area and is searching for your phone number or address. In the early days of attorney Web sites, many lawyers reported receiving a number of inquiries from potential out-of-state clients who were served with papers in their locale.

Given the relative inexpensiveness of Web site creation and maintenance, it makes sense to have a Web site on a number of levels. Briefly, let's examine how to set up a Web site and the different types of Web site strategies that a lawyer might employ.

### FIRST: THE DOMAIN NAME

For the law firms that do not yet have a Web site, one of the most challenging parts is to come up with a unique and relatively short domain name. This is particularly true if your name happens to be a very common one such as Jim Smith. Law firm domain names (and domain names in general) are very significant. Picking a good domain name is very important as you may well live with it the rest of your legal career. It should be short and easy to type. Likely at some future point, you will want to change your e-mail addresses of everyone in the firm into ones incorporating the domain name. So you will see a lot of it.

For a solo practitioner with the unusual name there is still a possibility that one of the obvious domain names is available. So if your name is Cindy Schwartz, one should check the availability of *CindySchwartz.com*, *CSchwartz.com*, *SchwartzLaw.com* and *CindySchwartzLaw.com* before embarking on more creative ideas.

So how does one check the availability of a domain name?

The Internet Corporation for Assigned Names and Numbers is a non-governmental organization that oversees "top level domains." They have approved many registrars. Some of the best-known include GoDaddy and Register.com. A tech savvy bar member recommended

Verio.com to me and their services have been professional and inexpensive.

There are several online tools to check the *whois* database for .com domain names. A lawyer will want to have a .com domain name if possible. A couple of easy search tools are [www.whois.net](http://www.whois.net) and <http://whois.domain-tools.com>.

Most of the registrars will have search tools available as well.

One may ask why we encourage you to register your domain name yourself when many of the Web site hosting companies also offer as a part of their service “free” domain name registration. Your domain name can become an extremely important and valuable business asset if you develop your Web site according to its potential. The problem is that when you decide to change Web hosts or developers a few years from now, you may find that they either claim to own your domain or, because of documents you signed in a hurry, they actually do own it.

Therefore, we do not want to take the risk that the domain name registration company will somehow end up showing themselves as the official “owner” of your domain name whether or not that is supported by the “fine print” of your document. If you can find or figure out a domain name, it may well be better for the small firm lawyer to register the domain name, charge it on the credit card and then contact the Web hosting company.

On the other hand, some Web professionals may have much better ideas for good domain names than you would.

**One word of caution:** Small law firms may be tempted to name their Web site the same as the firm name, *e.g.*, SmithJonesRobertsLove.

com. One should probably consider and discuss what happens if someone leaves the firm or is appointed to the bench where their name should arguably not continue to be included with a private law firm Web page. The marketer in me wants the domain name to be SmithJonesRobertsLove.com, but the Web designer and pragmatist notes that SJRL.com or SJRLLaw.com may be less problematic when unexpected things happen. It is not like painting a new sign for the building, changing your Yellow Pages ad or buying new stationery. When a certain Web domain name and corresponding e-mail addresses have been used for decades, a great deal of value would be lost if they were discontinued.

#### NEXT: THE HOST AND DESIGN

Unless you have an information technology department and some important business reason to maintain computers constantly running and connected to the Internet 7/24/365, you will want to have your Web site hosted by a third party.

There are several options for free hosting, but these are normally not attractive for the practicing lawyer. You do not want a Web site that may often lack the bandwidth to quickly load nor do you

want to have host-added advertising associated with your Web site.

Third-party hosting allows you to place a Web site on someone else’s computer system where they are responsible for the tech support and you just handle various “easy” maintenance items such as adding and deleting e-mail addresses or changing content. Your current ISP probably provides hosting services, as do a large number of popular hosting services.

Some popular names in Web hosting include 1and1.com, verio.com, godaddy.com, Micro-



“Third-party hosting allows you to place a Web site on someone else’s computer system where they are responsible for the tech support and you just handle various ‘easy’ maintenance items such as adding and deleting e-mail addresses or changing content.”



soft Office Live Small Business and Yahoo Small Business. For further objective explanation of Web hosting see the Wikipedia entry: [http://en.wikipedia.org/wiki/Web\\_hosting](http://en.wikipedia.org/wiki/Web_hosting).

Of course, some lawyers may consider blogging as an alternative to the traditional Web site. For more information on that alternative, see *Blawg: Marketing Your Practice with a Weblog* by Jim Calloway and Tom Mighell. [www.abanet.org/lpm/lpt/articles/bot08061.shtml](http://www.abanet.org/lpm/lpt/articles/bot08061.shtml). I use a service called Typepad to host my blog, *Jim Calloway's Law Practice Tips* at <http://jim-calloway.typepad.com>.

In terms of Web site design, you'll get a much better result if you hire a professional. Horror stories abound of using your cousin's friend or your neighbor's kid to design your Web site. The basics of Web site design are pretty simple, however, and there are certainly many amateurs and students at community tech colleges who can do a decent job. The problem is locating a good one and overseeing their work. If you have someone else design your Web site, make sure there is a signed contract that all of the content design belongs to you, including such graphic elements as buttons and bars.

Companies that focus on providing Web site services for law firms include FindLaw, Lexis-Nexis, HubbardOne, ConsultWebs, Justia and PaperStreet.

Lawyers with some technical inclination and time can design their own Web sites if they are so inclined. You can design basic HTML pages within a word processor and save them as HTML.

However, you really want to use a Web design software package that will help you attach those various pages together. There are numerous free Web design programs available for download online. There are also somewhat expensive and sophisticated programs that could be mastered such as Microsoft's Front-



“If you have someone else design your Web site, make sure there is a signed contract that all of the content design belongs to you, including such graphic elements as buttons and bars.”

Page. One do-it-yourself program that has received a lot of good reviews (even though I have not tried it personally) is Web Easy Professional, which retails for \$49.95.

More information on web design software can be found by going to the *PC Magazine* and *PC World* Web sites and searching some of the Web site design product reviews.

## CONTENT

Your content is pretty much up to you. Some small firm, small-town lawyers will be happy with a static Web site that lists the basic elements such as their address and phone number, their practice areas, photographs of the lawyers, a map to their office and a few other items. This site will probably not score high with any search engine results, but will allow Web users to “verify” that you are an attorney and sophisticated enough to have a Web site. The search engines will give much higher rankings to Web sites that have

frequently updated content. One critical item to include in your Web site would be reprints of any articles one has had published in the *Oklahoma Bar Journal* or other “lawyer” magazines. This is a good way to reuse content that you have already completed and this enhances your reputation as an expert. After all, if you have been asked to write an authoritative article for lawyers, you must be an expert in a particular field.

Here are a few things that I think a law firm should have on its Web site:

- **The names and contact information** for all the attorneys, omitting e-mail addresses for those who do not regularly check e-mail.
- **A map to the office.** Unless your office is on the main street of a very small town, you should have a printable map to your office with driving directions at the bottom. I'm surprised at how many profes-

sional Web design firms omit this basic content.

- **Your practice areas.** Whether you handle many different types of cases or few, people are looking for someone who handles their kind of matter. Don't be embarrassed to use more than one term that means the same thing. Some potential client may not know what some legal terms mean.
- **Flawlessly written content with no misspellings or poor grammar**
- **Simple, clear and serious content**
- **Appropriate disclaimers.** A Web site is informational, not legal advice. You are only licensed in certain jurisdictions. No attorney-client relationship is created merely by visiting the Web site. The usual stuff.
- **Compliance with your state's ethics rules**
- **Attractive pictures and graphic elements.** You don't have to go overboard here, but the Internet is a graphic media and you need some graphics. Take some pictures.

Don't spend months perfecting the most ambitious Web site. Start simple and do it right. Make notes of what additional things you would like to do for the next version. Then add your Web address to your stationery, your e-mail signature block and your business cards.

Oh, yes, be sure and e-mail the link for your new Web site to all of the other lawyers you know who do not yet have a Web site!

## RESOURCES

ABA Legal Technology Resource Center – FYI Starting a Web site: [www.abanet.org/tech/ltrc/fyidocs/web\\_sitfyi.html](http://www.abanet.org/tech/ltrc/fyidocs/web_sitfyi.html).

Fred Faulker (Webmaster of the American Bar Association) Collected articles on LLRX.com: [www.llrx.com/authors/1070](http://www.llrx.com/authors/1070) including "Is Your Web Site Successful? Tips and Techniques to Get More Out Of Your Web," "How to Select a Web site Designer" and "How the Web Will Continue to Change How We Do Business in 2007."

## ABOUT THE AUTHOR



Jim Calloway is the director of the OBA Management Assistance Program and manages the OBA Solo & Small Firm Conference. He served as the chair of the 2005 ABA TECHSHOW board. His Law Practice Tips blog and Digital Edge podcast cover technology and management issues. He speaks frequently on law office management, legal technology, ethics and business operations.

### Assistant Federal Public Defender

FEDERAL HABEAS CORPUS DEATH PENALTY DIVISION FEDERAL PUBLIC DEFENDER ORGANIZATION WESTERN DISTRICT OF OKLAHOMA The Federal Public Defender is accepting applications for the position of Assistant Federal Public Defender in the Capital Habeas Unit. The Unit represents death sentenced prisoners in federal habeas corpus litigation proceedings throughout Oklahoma. This is a full time position located in Oklahoma City, Strong research and writing skills are absolutely necessary. Applicants must possess a commitment to poverty law or indigent criminal defense, and no less than five years experience in at least one of the following areas: lead counsel in criminal defense litigation, death penalty defense litigation, habeas corpus litigation, or complex federal court civil litigation. Capital Habeas experience desirable but not required. The position requires travel. Salary commensurate with experience and education, equivalent to salaries for Assistant U.S. Attorneys with similar experience. Qualified persons may apply by forwarding a letter of interest, resume, representative writing sample of the applicant's work product, and professional references to: Gary Farris, Administrative Officer, Office of the Federal Public Defender, Western District of Oklahoma, 215 Dean A. McGee, Suite 109, Oklahoma City, Oklahoma 73102. Application packages must be received no later than November 21, 2008. More than one position may be filled with this advertisement. *The Federal Public Defender Organization for the Western District of Oklahoma is an Equal Opportunity Employer.*



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**DO NOT MISS THIS SEMINAR**





## Three Fundamentals of the Modern Law Office

By Kenneth T. McConkey

**S**o, you are managing your own firm consisting of yourself, possibly one or two other attorneys, and a few support staff. You have always been handy with your desktop or laptop computer but you have no idea of what software you need to help run your shop, and you have very little time to devote to the research. Some business associates may have recommended that you hire a technology consultant to evaluate your business needs and recommend some products, but you are not convinced of the cost benefit. How hard can it be, right? Well, just as you often tell your clients, it depends.

The value of a trained and experienced technology consultant should not be underestimated. A consultant can bring a great deal of knowledge and experience to the table and justifiably charge for his or her services. However, if you are just looking into the basic requirements of running a law office in the 21st century, you do not need a technology consultant to get you started. This article presents an overview of various software products and related considerations in three broad conceptual areas. These three concepts are fundamental questions that do not require a high level of technical savvy to answer but should be considered. No specific application is recommended over another because in many instances, it comes down to a matter of personal preference.

### CONCEPT #1

The broadest concept, and the simplest to answer in most instances, is the choice of operating system for the office computers.

Microsoft — people tend to either love them or hate them. You may sit at either pole or somewhere in the middle, but the fact of the matter is Microsoft controls approximately 90 percent of the market when it comes to desktop computing. There are various sources placing this percentage higher or lower, but the basic premise is Microsoft currently dominates the market. Why should you care? Compatibility, that is why. Feel free to go with Microsoft or Apple, but make certain whatever software applications you will need to run have a version that is made for your operating system of choice. This is a non-issue in relation to the basic applications such as word processors and e-mail clients. Microsoft Office and WordPerfect have a version for both operating systems as do all of the most popular e-mail clients. This issue only truly applies to any specialized or favorite software programs you may want or need. If there are none of these programs, then select the operating system you are most comfortable with.

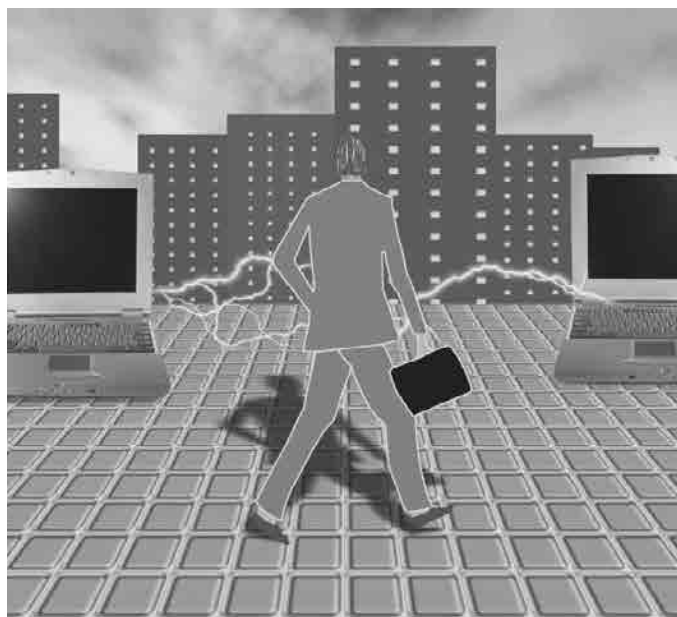
Not to be accused of discriminating, this article must mention the LINUX operating system as a third alternative. However, LINUX is an operating system that can not be explained, nor should it be, in a bar journal article. If you have a preference for LINUX, then you most likely are not reading this article to begin with. That being said, if there are any lawyer/techies out there who have a flavor for LINUX, then perhaps that is a direction you should explore. LINUX is very stable and if you are able to manage and troubleshoot the operating system, it can give you very reliable results. Further, the number of software applications compatible with LINUX is growing daily. I have recently seen some very good reviews of a new freely-distributable version of LINUX called UBUNTU<sup>1</sup> that can be installed to dual-boot with Windows XP giving you the best of both worlds. Yes, I said free.

## CONCEPT #2

How do you intend to communicate with your clients and the world when it comes to the written word? We attorneys spend a great deal of time communicating textually. If you create a document and intend to distribute it to others, you will need to ensure the others can open it. This brings me back to the concept of compatibility. On many occasions I have created documents in WordPerfect<sup>2</sup> and e-mailed them to clients only to receive a reply stating the client cannot open the document. Of course Microsoft Word<sup>3</sup> can be configured to display WordPerfect documents and vice versa, but it is not configured to do so by default.<sup>4</sup> Your client may not understand this or have the patience to make it work. That being said, WordPerfect is very popular in the court systems and in academics.

Adobe Acrobat<sup>5</sup> (a.k.a. PDF) is a common solution to this problem. It is very common to find downloadable documents on the Internet being shared in PDF format. This is because the Acrobat Reader is freely available for download on the Internet and allows a user to open and view any PDF documents, but not create them. In fact, if you intend to practice in federal court, you will have to convert your documents to PDF format for submission via the court's electronic filing system. A majority of computer users have installed the free Acrobat Reader<sup>6</sup> on their computers and have the ability to open PDFs

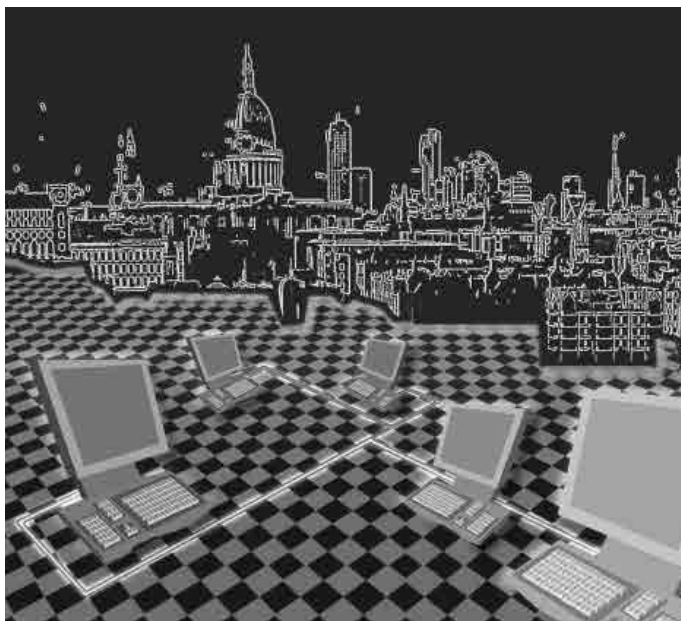
within their Web browsers. To create a PDF, or convert a Word or WordPerfect document to a PDF, you can purchase the full version of the Adobe Acrobat software. Upon installation, the full version of Acrobat incorporates itself into both Word and WordPerfect to allow you to convert a document to a PDF from within the application.<sup>7</sup> The necessity of acquiring the full version of Acrobat may be mitigated by upgrades in the newest versions of Word and WordPerfect, which include the ability to create documents in PDF format without having to purchase and install the full version of Adobe Acrobat.



“ How do you intend to communicate with your clients and the world when it comes to the written word? ”

A very useful feature of Acrobat is the ability to secure documents. The types of restrictions the built-in security allows range from preventing a document from being viewed without a password to restricting editing or printing of a document. This can be particularly valuable when transmitting documents via e-mail that contain sensitive personal identifiers such as Social Security numbers and birth

dates. While Acrobat's security features will not guarantee unbreakable control of access, it is far more secure than transmitting sensitive data in bare e-mail format. Attorneys must understand that common e-mail is not a secure means of transmission of data. Any party who has the ability to intercept the e-mail can read its contents. To safeguard sensitive data transmitted over the Internet, it must be encrypted. Using the Adobe Acrobat security features is an easy, cost-effective, entry-level means of doing this. A discussion of the multitude of other tools that exist to accomplish this is a topic for another article.



**“Hands down, the greatest feature of both applications is the ability to collaborate with others.”**

While Adobe Acrobat is a wonderful format in which to share your documents with the world, it is not a full-featured word processor. Acrobat is very good at what it does, but it does not have the breadth of capabilities you will find in Word and WordPerfect.

Rather than limiting the discussion to the top players in the word processor market, take a

look at OpenOffice.<sup>8</sup> OpenOffice has been developed in what is known as the open source software programming arena. For non-techies, that means the source code for OpenOffice is available for anyone to view and edit.<sup>9</sup> The office suite is totally free to download and use for any purpose. OpenOffice has been developed by enthusiasts who have volunteered their time over the years, over 20 in this case. OpenOffice has evolved in to a very full-featured and mature office suite. OpenOffice is an office suite in the same vein as Microsoft Office or Corel's WordPerfect Office. Did you know WordPerfect was actually part of an office suite? OpenOffice contains a word processor, spreadsheet, database, drawing and presentation application. The documents it creates are saved to an open source format. OpenOffice can also open documents in other formats such as Microsoft Office and Corel Office Suite as well as create PDFs. If you have not already committed to your office productivity software and you have a little time to experiment, I highly recommend giving OpenOffice a try. And best of all, it is free.

Finally, I want to mention two word processors that are part of a newly popular movement in software deployment, SaaS. SaaS stands for Software as a Service. In a nutshell, SaaS is software that is hosted and maintained on someone else's server out in the cloud known as the Internet. The application is accessed via your Web browser (Internet Explorer, Mozilla Firefox, etc.) Users simply point their browser to the Web address of the SaaS vendor, log in to their account and begin using the application. If you have not heard the acronym yet, you will. In the case of word processors, Google Docs<sup>10</sup> and Buzzword<sup>11</sup> are two SaaS applications worth investigating. Google obviously owns Google Docs and Buzzword is owned by Adobe. At present both applications are free but the future may bring expanded features for pay.

Both applications allow the user to create and share text documents as well as save those documents to your local hard drive. Hands down, the greatest feature of both applications is the ability to collaborate with others. When a document is created, the user allows other users of the SaaS application to view the

document by inviting them via their e-mail address. The creator can restrict the invitees' access to the document to only viewing or allow them to make edits. In this way, an attorney may share a draft with a client without actually releasing the document. Or, two or more attorneys can collaborate on authoring a document from remote locations.

Both of these SaaS applications are relatively new in their development. Although providing basic functionality as word processors, they are not ready to replace the full-featured word processors that control the market. But, look for these applications to mature and someday give Microsoft and Corel a run for their money. That being said, either one of these applications could prove a very useful tool for the attorney looking for innovative ways in which to collaborate or share documents with clients and colleagues, or store a work in progress on the Internet for access later via any Internet connection.

### CONCEPT #3

The third concept explored in this article is case management software. Case management software creates a database of your clients and your calendar and associates that with the inevitable mountain of documents created in the practice of law. There are many vendors of case management software but the big three are Practice Master,<sup>12</sup> Amicus Attorney<sup>13</sup> and Time Matters.<sup>14</sup> As stated above, no recommendation of one program above the others is made in this article because it truly comes down to a matter of personal preference. Each application has its pros and cons and all three offer a robust set of features. You will find each program has its supporters and its critics.

Case management software organizes items such as Word documents, PDFs, e-mails and case notes with their associated clients. The software can also make relevant information such as names of opposing counsel or expert witnesses in a case easy to locate. Most case management applications also incorporate some limited document management functionality. This feature is not to be confused with the capabilities that true document management software can provide, but it can be very useful for the small- to medium-sized firm that is not ready to make the dedicated document management software investment.

To be clear, this concept is not an absolute necessity. Concepts #1 and #2 must be

addressed, but this concept does not. Case management software simplifies the tasks that law firms today can accomplish by organization and diligence. But, as your caseload grows and the opportunity for multiple individuals working on the same matters increases, case management software can greatly help organize your work. There is something to be said for the ability of the lead attorney to pull up a client matter and see another attorney's notes on a phone call or deposition in which he or she was not a participant. Another useful function that is common to almost all of the case management software applications is the ability to automatically associate e-mails, both outgoing and incoming, with specific clients or matters. While a diligent attorney or paralegal might remember to save a copy of relevant e-mails, the possibility of an oversight still exists. Case management software can be configured to automatically save a separate copy of any e-mail to or from a specific person and associate it with a specific client or matter.

As with word processors, the SaaS movement has hit case management software as well. Two specific applications are Rocket Matter<sup>15</sup> and Clio.<sup>16</sup> As with the SaaS offerings under word processors, the case management SaaS applications offer fewer features than their locally installed brethren. Rocket Matter tracks your contacts, calendar and billing information. However, it does not have the functionality to associate documents with a client or matter. Clio has a similar offering of features but includes the ability to upload documents to Clio's Internet servers to be associated with clients and matters. This ability has the added benefits of allowing you to access these documents from anywhere you have Internet access while also creating backups of the uploaded files. Clio is currently in what is known as Beta version. This means it has not yet launched for prime time and is still undergoing development and testing. However, if you would like to register as a Beta user you will have the opportunity to try the application for free. Further, as Clio is still in Beta there is no final word on what the pricing for the application will be.

The main benefits of these applications are that they are accessible anywhere you can access the Internet and there is no software to install or maintain. The headaches of installation and configuration and staying current with software updates and security patches are all



handled by the SaaS provider. The hurdles to be overcome by these applications include their currently limited feature list and some users' reluctance to send their confidential and sensitive information out onto the Internet. Most users, especially attorneys, feel more comfortable when they can look at their computer and believe their data is securely stored under their watchful eye.

If you decide to try one of these SaaS applications, be sure you do your due diligence and determine the service provider's policies and procedures on data protection (in both transit and storage) and availability of service (how often they guarantee to be available; a.k.a. uptime). If a provider is not willing to guarantee it will protect your data from prying eyes or that it will be available 24/7, take your business to another provider.

This article has only scratched the surface of the myriad of decisions that must be answered in deciding which technology the law office should use. As with every adventure, it begins with the first step. Take the information and suggestions in this article and use them as the basis for developing an understanding of your options.

As a final thought, be sure you take advantage of your Oklahoma Bar Association membership. Members of the bar have access to the Management Assistance Program for suggestions and advice on law office technology as well as discounts on several software titles. Be sure to check out the bar Web site for this information.<sup>17</sup>

1. [www.ubuntu.com](http://www.ubuntu.com).
2. <http://apps.corel.com/lp/wpo/>.
3. <http://office.microsoft.com/en-us/word/default.aspx>.
4. <http://office.microsoft.com/en-us/word/HP051860731033.aspx>.
5. [www.adobe.com/products/acrobat/index.html](http://www.adobe.com/products/acrobat/index.html).
6. [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).
7. During installation, Acrobat automatically detects your word processor, e-mail and Internet browser software and incorporates itself into them allowing the user to create, attach and view PDF files.
8. [www.openoffice.org](http://www.openoffice.org).
9. The OpenOffice.org project is primarily sponsored by Sun Microsystems, which is the primary contributor of code to the Project. Other major corporate contributors include Novell, RedHat, RedFlag CH2000, IBM and Google. Further, over 450,000 people from across the globe have contributed to the software's development.
10. <http://docs.google.com>.
11. [www.buzzword.com](http://www.buzzword.com).
12. [www.practicemaster.com](http://www.practicemaster.com).
13. [www.amicusattorney.com](http://www.amicusattorney.com).
14. [law.lexisnexis.com/time-matters](http://law.lexisnexis.com/time-matters).
15. <http://rocketmatter.com>.
16. [www.goclio.com](http://www.goclio.com).
17. [www.okbar.org/members/benefits.htm](http://www.okbar.org/members/benefits.htm).

#### ABOUT THE AUTHOR



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## So You Think You Can Dance? Avoid the Conflict of Interest Trap

By Phillip D. Fraim and Alison A. Cave

It is said that some lawyers have never met a conflict they cannot resolve (in their own mind anyway). This is not unlike the reality television show, “So You Think You Can Dance,” where some of the contestants obviously think they can dance, but it is in their mind only.

The temptation of multiple representations can pose an enticing prospect. After all, an increased fee without dealing and negotiating with another lawyer, especially in a situation where your client is actually encouraging it in order to economize fees and to promote easy resolution of issues, is hard to resist. But resist you must! The risks of trying to serve more than one client are sizeable.

You are probably thinking about situations where the transactional matter is simple and the interests of all parties seem obviously aligned. This might seem true — at least initially — but it is amazing how the seeming alignment falls apart when the deal goes south. Please carefully consider this fallout.

What is the first step in avoiding a conflict of interest? Every law office should have a conflict of interest procedure and system in place. Even the law office which has one and only one attorney may fail to remember having represented a person a few years back when a new party approaches the attorney for assistance in a matter against that former client. The attorney may have expended several valuable hours on the matter before realizing there is a conflict with a former client. These expended unbillable hours can be precious to a solo practitioner.

The conflict of interest system can range from a sophisticated software program to a card file. However, even the most expensive system is of no benefit if the procedure is not followed or the system is not maintained. The effectiveness of the system is actually dependent upon the efficiency of the user. Conflicts need to be checked prior to the attorney agreeing to undertake the legal project and the request for conflict check by the attorney should be an automatic initial response to a new case.

What information needs to be contained in the system? Every conflict of interest system needs to include every client represented by the attorney and in addition to your client, all other protected persons, such as spouse, partners, shareholders, directors and officers of corporations in your list. If additional parties are brought into the matter at a later time, they should be added to the list as well. Also include all names such as the former or maiden name of a client should this client’s name change at a later time, as well as any other pertinent parties.

When a lawyer joins a law firm or simply creates a partnership with another lawyer or lawyers, or when two law firms combine, it is absolutely critical that each lawyer provide a complete list of past and present clients which is then combined into a master list so that conflicts can be checked. Likewise, when new staff

members are employed who may have worked for other law firms, they should check the law firm's list of clients to see if by working on a case for the lawyer a conflict could develop from data they obtained on the opposing party while working at the previous firm.

Identifying potential conflicts of interest before they occur is important since one of the essential elements in the law practice is loyalty and independent judgment to your client. A violation of these essential elements can result in a bar disciplinary action or a legal malpractice action. By its very essence, a conflict of interest will involve an attorney being unable to have complete loyalty or provide independent judgment to the client, because of prior knowledge obtained from another client which may work to the detriment of another client. Thus, the Oklahoma Rules of Professional Conduct can be critically instructive to the lawyer in identifying potential conflicts of interest and in what types of situations a conflict may arise. In particular, Rules 1.7 through 1.11 of the Oklahoma Rules of Professional Conduct and the comments thereto specifically address the issues of conflicts of interest and the attorney's responsibility to his or her client when such a conflict arises.

In what types of situations do conflicts of interest occur? The attorney can run into conflict of interest problems if the attorney attempts to represent multiple parties such as a husband and wife in a divorce, buyer and seller in a business transaction, or estate and personal representative or beneficiaries in a probate, if any of them have diverse interests. Also, if the attorney has a business interest with the client, diverse interests in subsequent legal matters could surface. Also, be wary of providing advice to both a business entity and investors in the entity.

Resolution of a conflict of interest requires the lawyer to take a number of steps and often depends on the stage of representation. If the conflict is apparent prior to representation, the lawyer must decline representation unless the conflict is consentable. If the conflict does not become apparent until after representation has been assumed, the lawyer must withdraw unless again the conflict is consentable. Generally, the lawyer must: 1) identify the client or clients; 2) ascertain whether a conflict of interest exists; 3) determine whether the representation may be assumed notwithstanding the existence of a conflict (in other words, is the

conflict consentable at which point the attorney must obtain the informed consent and confirm the consent in writing); 4) if the conflict is consentable, the lawyer must consult with the client or clients, provide full disclosure of the conflict, and obtain written consent to represent the client or clients. Rule 1.7 of the Oklahoma Rules of Professional Conduct. Satisfying "full disclosure" requirements should probably include painfully making sure all parties comprehend the ramifications so that the consent is not based upon inadequate disclosure or a mistaken understanding. Memorialize oral explanations with written summaries.

What is a consentable conflict? Determining whether a conflict is consentable depends on the circumstances. Certainly, when multiple parties have interests that are fundamentally antagonistic, the conflict could not be consentable as it would be impossible for the attorney to represent each party's best interest. In other words, the lawyer will have to evaluate each situation on the facts and the interests of the clients to determine whether the conflict is one in which the clients' interests are generally aligned for mutual benefit or if their interests are antagonistic.

Malpractice claims can and do arise from attorneys failing to adequately advise of their non-representation of parties where there is a conflict situation. This can occur when husband and wife both come to see the attorney about a divorce. They start out in complete agreement on everything and decide they only need one attorney. The attorney states, "I will only represent one of you which is Mr. Husband, but I will prepare a property settlement in accordance with your agreement. Ms. Wife, you need to have the property settlement reviewed by another attorney of your choosing." The attorney should confirm *in writing* to the non-client that the attorney is not representing Ms. Wife's interests as well as that Ms. Wife has the right to and should have separate counsel review the terms of the property settlement.

Conflicts can also occur when both buyer and seller come together to meet with the attorney. The attorney says, "I am not representing you, Mr. Seller because I am representing Ms. Buyer. Mr. Seller, you need to seek independent counsel to represent your interests." Mr. Seller says, "That's okay, you are fine." The attorney then proceeds, believing the attorney

has fully advised Mr. Seller of the non-representation. Mr. Seller, on the other hand, believes that since it was stated the attorney was fine that the attorney is now protecting Mr. Seller's interests as well. Confirm *in writing* prior to the execution of any documents that you are representing the non-client and again encouraging the non-client to seek independent counsel. Some attorneys put a paragraph to this effect in the document they are preparing that is executed by the parties. Don't fall into the trap of being merely a "facilitator" of a transaction. The last thing you want is to be accused of being "the lawyer for the deal."

Successful transactional lawyers do facilitate deals, but they do so without cutting corners and deal with any perceived conflicts up front.

In business transactions, a conflict can occur in a variety of ways. Any time an attorney owns a business with a client and provides legal services or advice regarding that business, a conflict can occur. Additionally, most professional liability policies exclude coverage for situations in which an attorney provides legal services or advice concerning a business enterprise in which the attorney is an owner or manager.

An example of a business transaction with a client is when the attorney solicits a loan from the client. In *State ex rel. Oklahoma Bar Ass'n v. Arthur*, 1999 OK 97, 991 P.2d 1026, an attorney performed some estate planning legal services for an elderly couple. Based upon the information the attorney learned during his representation of the couple, he solicited a total of three unsecured loans from the elderly couple. The loans were not in writing. There was no evidence that the attorney had advised the couple to seek independent counsel to protect the couple's interest. Moreover, there was no confirmation in writing that the couple was given informed consent as required by Rule 1.8 of the Oklahoma Rules of Professional Conduct. In this case, the attorney's use of information relating to the estate planning representation violated the attorney's duty of loyalty to his client.

Another example of a conflict in a business transaction is when the attorney is providing service to more than one party. For example, an



“ In business transactions, a conflict can occur in a variety of ways. ”

attorney has a long-term client, Mr. Developer, who is in business development. The attorney agrees to act as an escrow agent for the business project as well as continue to perform legal services for Mr. Developer. Mr. Developer receives \$20,000 from Mr. A to secure financing for the project. The \$20,000 had been borrowed from Mr. B. The attorney drafts an escrow agreement which provides that should the business development fail; the attorney will pay the escrow to Mr. B. The money was deposited into attorney's trust account. The project failed. Mr. Developer and Mr. B made conflicting demands for the escrow. This scenario is based upon an actual bar disciplinary case in which the attorney paid himself for attorney fees incurred as a result of work for the long-term client on the business development and then paid the remainder to long-term client. The terms of the escrow agreement required Mr. B to receive the escrow funds if the project failed and not Mr. Developer or the attorney. The attorney testified that he felt his first obligation was to Mr. Developer. *State ex rel. Oklahoma Bar Ass'n v. Williams*, 1995 OK 130, 911 P.2d 905. See also, *State ex rel. Oklahoma Bar Ass'n v. Malloy*, 2001 OK 101, 37 P.3d 874 (attorney disciplined for representing three parties to a joint venture without disclosing

potential conflict of interest).

Successive representation of relatives in different areas of law can create a conflict of interest. An attorney was retained by a woman, Ms. C, to represent her in a criminal matter. The attorney advised Ms. C that he also represented Ms. C's mother in a guardianship case involving minor grandchildren two years prior to the arrest of Ms. C. The guardianship involved the grandmother attempting to obtain guardianship of Ms. C's children. The attorney believed that Ms. C's mother had abandoned the guardianship proceeding. However, the attorney never withdrew from the guardianship which was pending. The attorney received a waiver from Ms. C but not from Ms. C's mother, who was also a client. The attorney advised Ms. C that he would not pursue the guardianship action. Additionally, the attorney told Ms. C that he would not reveal the nature of Ms. C's arrest to Ms. C's mother. Apparently, Ms. C's mother inquired about the guardianship shortly after the attorney's representation of Ms. C. Ms. C's mother received a letter from a staff person that the guardianship was on hold because the attorney had been unable to locate and serve Ms. C and then disclosed that Ms. C had been arrested for indecent exposure. The Oklahoma Supreme Court found that it should have been readily apparent that any information that this attorney learned from Ms. C would be helpful to Ms. C's mother in the guardianship case against Ms. C and detrimental to Ms. C in the same guardianship case. *State ex rel. Oklahoma Bar Ass'n v. McGee*, 2002 OK 32, 48 P.3d 787.



“ In the domestic law arena, a number of circumstances arise in which a conflict of interest can occur. ”

In the domestic law arena, a number of circumstances arise in which a conflict of interest can occur. In *Wallis v. Wallis*, 2003 OK CIV APP 77, 78 P.3d 562, a mother obtained independent counsel for her children in a divorce action. The mother paid for the children's counsel's services. The father filed a motion challenging the filings made by the children's counsel. Part of the basis for this challenge was the potential conflict of interest since the children's counsel was being paid by the mother, a party to the divorce action. The trial court removed the children's counsel and appointed a Guardian Ad Litem to represent the children's interests. In so doing, the trial court found that a neutral appointment was essential given the danger of exposing the children to biased interests of their parents. The Court of Appeals affirmed the trial court's ruling.

Another circumstance that may occur is when a potential client telephones the attorney concerning a possible divorce action. In *State ex rel. Oklahoma Bar Association v. Blackburn*, 1991 OK 35, 812 P.2d 379, the attorney spoke with the wife about representing her in a divorce action. As would be common in discussing a possible divorce action, the attorney and the wife discussed the finances of the parties, requests for child support and alimony, and custody considerations. Twelve days later, the attorney wrote the wife and advised her that he would be representing her husband in the divorce action. The attorney filed a petition on behalf of the husband. The wife filed a motion to dismiss. The husband picked up his file and the

attorney took no further action in the matter. However, the Oklahoma Supreme Court did sanction the attorney because he should have recognized the potential for a conflict of interest in his representation of the husband after having conversed with the wife concerning the divorce proceeding.

The same situation can occur if an attorney represents one party in the divorce and 10 years later represents the opposite party in a motion to modify custody. Another example which attorneys often overlook as a potential conflict is when a couple comes to one attorney to draft a pre-nuptial agreement. The attorney cannot protect both parties interests in this setting – an attorney can serve but one master. *State of Oklahoma ex rel. Oklahoma Bar Ass'n v. McNaughton*, 1986 OK 25, 719 P.2d 1279, 1282. The attorney must advise one party that he or she cannot represent that party with regard to the pre-nuptial agreement. The attorney should confirm *in writing* to the non-client that the attorney is not representing that party's interests as well as that party has the right to and should have separate counsel review the terms of the pre-nuptial agreement.

Perhaps the most notorious conflict of interest in a domestic law matter is when an attorney engages in sexual relations with a party whom the attorney is representing in a dissolution of a marriage. In *State of Oklahoma ex rel. Oklahoma Bar Ass'n v. Sopher*, 1993 OK 55, 852 P.2d 707, the court found that this type of conduct warranted discipline. In making this determination the court quoted from a Colorado case, *People v. Zeilinger*, 814 P.2d 808 (Colo. 1991), the following:

Aside from the consequences on the respondent's own life and professional practice, engaging in a sexual relationship with a client undergoing a divorce may destroy chances of a reconciliation, and blind the attorney to the proper exercise of independent judgment. There is also a significant danger that when the division of property or the custody of minor children is contested, the attorney may himself become the focus of the dissolution or custody proceedings, be called as a witness, and thereby inflict great harm on the client. *Id.* at 810.

As these examples demonstrate, an attorney can quickly fall into a conflict trap, some of which can be avoided by having a conflict of interest system in place and faithfully utilizing the system each time before agreeing to represent a new client. Other situations require the attorney to stop and think about the potential for a conflict developing during the representation of their client or clients. These situations usually involve dual representations, e.g. representing the borrower and lender, mortgagor and mortgagee, vendor and vendee, administrator and estate, multiple plaintiffs or multiple defendants, or husband and wife. In other words, a conflict of interest can occur in any area of law that you may practice. The best advice is to avoid a possible conflict of interest from the beginning and represent only one party. Otherwise, the attorney may be faced with being required to withdraw in the middle of a legal matter resulting in a compromise to the client or clients. Avoid the temptation and avoid a bar disciplinary action or a malpractice claim.

#### ABOUT THE AUTHORS

Phil Fraim has served as president of Oklahoma Attorneys Mutual Insurance Company (OAMIC) since 1993. He joined the company in 1989 as vice president and treasurer. Phil began his insurance career in 1982 with Wausau Insurance Companies. He has served as past president of the National Association of Bar Related Insurance Companies (NABRICO) and is active in the ABA Standing Committee on Lawyers Liability Insurance, speaking and writing on topics such as "The Hazard: Suing to Recover Fees", "Handling the Difficult Client" and "Underwriting Difficult Exposures in Lawyers Professional Liability Insurance."

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## Metadata - What Is It and What Are My Ethical Duties?

*By Jim Calloway*

An attorney looks in his inbox and finds a long-awaited settlement proposal from opposing counsel attached to an e-mail. The attorney opens the document and hits the print command. While the document is printing, the attorney eagerly looks at the monitor for details. "Good, the settlement figure is probably still too high, but very close to reasonable." The document is quite short, actually. How long could drafting it have taken? Idly, the attorney clicks on the properties tab and sees the document was open on opposing counsel's computer for three hours.

"Wait," the attorney thinks. "Didn't I get that metadata scrubber utility? They said it could be used to look at metadata, too. He locates the icon and clicks on it. In a few moments, he is reviewing the revision history of the document. It looks like several documents were combined and then a lot of deletions were made at the end. The lawyer pulls up a large block of deleted text and begins to read, "Notes. Client is desperate to recover something and not face the PR disaster of receiving nothing at trial. Offer \$100K. But get it settled before end of month even if we have to take half that."

The lawyer sits up with a cold chill, quickly closing the document. Then he stands up and starts pacing the room. What had the lawyer done? What was the lawyer supposed to do going forward? Was there something wrong with taking advantage of this information? Why does he already feel guilty? Finally, with a flash of anger, he thinks, "Why was that opposing lawyer dumb enough to send me that information?"

As the above example should illustrate, every lawyer needs to understand a few basic things about metadata. The legal ethics implications of metadata "mining" are no longer just of interest to the lawyers processing electronic discovery or the ethics mavens.

There is little dispute at this point over the pervasiveness of metadata that can be contained in digital documents and other computer-generated files. It is important to understand that for computer files, that "deleted" often does not really mean gone. This has been obvious for some time to those of us who have learned the magic of the Ctrl + Z (Undelete) keystroke combination. I smile almost every time I use it.

In many law firms, proposed documents are circulated among lawyers by e-mail with each adding their own comments or suggestions. These comments from other lawyers in the firm attached to the document are ultimately deleted and never meant to be communicated outside of the office. But these comments might be revealed by anyone with a copy of the docu-

ment. Document revisions may be revealed by using the right tools.

The ethical implications of one lawyer examining the metadata in a file received from another lawyer have generated a lot of discussion. This article will cover the legal ethics opinions issued so far and give you tips on how to avoid exposing confidential information unintentionally via metadata.

Let us note that these concerns are not present when examining the metadata contained in digital documents produced as a part of the discovery process. It is now considered routine to examine important documents that are a part of the evidence if there is an issue that might be explained with metadata. Metadata scrubbing of the electronic files received from a client related to litigation might be viewed very critically by the courts.

#### JUST EXACTLY WHAT IS METADATA?

Simply put, metadata is data about data. For our purposes, we will refer to metadata as any data that is contained in a digital file (such as an e-mail, spreadsheet or word processing document) that is not readily apparent when normally viewing the file. For example, none of us are surprised that when we view a document, we can click on the "Properties" tab for more information, like the number of words in the document or the date it was last edited. But there are other types of metadata that can be viewed with special tools.

For more detailed explanatory information on metadata, see the Wikipedia entry at <http://en.wikipedia.org/wiki/Metadata>.

Here is a more official (and non-wiki-editable) example of the lawyer's concerns:

"Metadata may reveal who worked on a document, the name of the organization that created or worked on it, information about prior versions of the document, recent revisions, and comments inserted in the document during drafting or editing, the committee said. The hidden text may reflect editorial comments, strategy considerations, legal issues raised by the client or

the lawyer, or legal advice provided by the lawyer." ABA/BNA Lawyers' Manual on Professional Conduct 21 Current Rep. 39 (2004)

“The ethical implications of one lawyer examining the metadata in a file received from another lawyer have generated a lot of discussion.”



There is nothing nefarious about metadata. But, there has been a great deal of discussion about acceptable uses of metadata in the legal ethics community.

One of the early opinions about metadata was issued after a highly publicized situation where a Florida law firm examined a pleading that was electronically mailed to them and located, according to press accounts, deleted comments between attorneys and some comments that had been given to the attorneys by the client. The lawyer who directed that the document be e-mailed was unaware of metadata issues and was said to have been persuaded by a lawyer in the other firm to e-mail the pleading instead of faxing the document. Depending on your point of view, this may appear to be either a sneaky and underhanded trick by one lawyer or a lapse in judgment by the transmitting lawyer because many were

aware of metadata. (The issue has been widely known and discussed since 1998.)

But, before we get to Florida's response to this issue, let's cover existing ethics opinions on this topic in chronological order. The issue as it is framed today is 1) if one receives a document from opposing counsel, is it appropriate to examine the document's metadata? and 2) if one becomes aware a document so received contains revealing metadata, what should be done in response? Is one required to either disregard it or reveal the discovery to opposing counsel immediately?

The first legal ethics opinion about metadata came out in December 2001. New York State Bar Opinion 749 stated, "A lawyer may not make use of computer software applications to surreptitiously 'get behind' visible documents or to trace e-mail." It is probably instructive to recall that at about this time ethics opinions were being promulgated saying that lawyers should not use unencrypted e-mail for client communication either. Those opinions were later withdrawn or revised.

Approximately three years later, the New York State Bar came out with Opinion 782. In this opinion it was acknowledged that when sending documents by e-mail, "a lawyer must exercise reasonable care to ensure that he or she does not inadvertently disclose his or her client's confidential information." The opinion restated the rule of Opinion 749 as "an obligation not to exploit an inadvertent or unauthorized transmission of client confidences or secrets."

This would not be the last opinion to consider metadata transmission as unintended, inadvertent or unauthorized; even though the sender clearly intended to transmit the document, although perhaps without full understanding of the implications or existence of metadata.

In December 2005, the Florida Bar Board of Governors asked for an ethics opinion on the mining of metadata from electronic documents. The Florida Board of Governors made national headlines in the legal press when this matter first came to their attention as several members were quoted as saying they had never heard of metadata. At the same meeting where the board asked for an ethics opinion, the board also voted unanimously for a motion to express its sentiment that metadata mining is some-

thing lawyers should not do. *Florida Bar News*, Jan. 1, 2006.

In August 2006, the American Bar Association weighed in with Formal Opinion 06-442. This was viewed by many as a rejection of both the New York approach and the anticipated opinion from Florida. Formal Opinion 06-442 stated:

"The Model Rules of Professional Conduct do not contain any specific prohibition against a lawyer's reviewing and using embedded information in electronic documents, whether received from opposing counsel, an adverse party, or an agent of an adverse party. A lawyer who is concerned about the possibility of sending, producing, or providing to opposing counsel a document that contains or might contain metadata, or who wishes to take some action to reduce or remove the potentially harmful consequences of its dissemination, may be able to limit the likelihood of its transmission by 'scrubbing' metadata from documents or by sending a different version of the document without the embedded information."

In September 2006, Florida Ethics Opinion 06-2 was released after much anticipation. The ethics group stated "[a] lawyer who is sending an electronic document should take care to ensure the confidentiality of all information contained in the document, including metadata." But they also determined, in accordance with the opinion of the Florida Bar Board of Governors, that a recipient lawyer should not examine a document for metadata.

The Alabama Bar issued Ethics Opinion Number: 2007-02 on March 14, 2007. This rather informally written opinion adopted the New York Bar position. "[T]he Commission believes that an attorney has an ethical duty to exercise reasonable care when transmitting electronic documents to ensure that he or she does not disclose his or her client's secrets and confidences.... Just as a sending lawyer has an ethical obligation to reasonably protect the confidences of a client, the receiving lawyer also has an ethical obligation to refrain from mining an electronic document....The unauthorized mining of metadata by an attorney to uncover confidential information would be a violation of the Alabama Rules of Professional Conduct." The commission does note a "possible" exception in the case of documents

## ETHICS OPINIONS ON METADATA

NYSBA Opinion 749

<http://tinyurl.com/3lvzta>

NYSBA Opinion 782

<http://tinyurl.com/4rwyvh>

ABA Formal Opinion 06-442

No longer available without payment of \$7.50 fee or annual subscription here:

[www.abanet.org/cpr/pubs/ethicopinions.html](http://www.abanet.org/cpr/pubs/ethicopinions.html)

Florida Opinion 06-2

<http://tinyurl.com/sefk3>

Alabama Formal Opinion 2007-02

[www.alabar.org/ogc/fopDisplay.cfm?oneId=412](http://www.alabar.org/ogc/fopDisplay.cfm?oneId=412)

District of Columbia Opinion 341

[www.dcbar.org/for\\_lawyers/ethics/legal\\_ethics/opinions/opinion341.cfm](http://www.dcbar.org/for_lawyers/ethics/legal_ethics/opinions/opinion341.cfm)

Maryland Bar Ethics Docket No. 2007-09 is available to members only

Arizona Bar Opinion 07-03

[www.myazbar.org/Ethics/opinionview.cfm?id=695](http://www.myazbar.org/Ethics/opinionview.cfm?id=695)

Pennsylvania Bar Association Opinion 2007-500 is available to members only

Colorado Bar Ethics Opinion 119

Disclosure, Review, and Use of Metadata (May 17, 2008) <http://tinyurl.com/5wscmj>

received via electronic discovery. This opinion rests on some questionable assumptions. The assumption is made that the only reason one might look at metadata would be to discover confidential client communication and attorney work product. But, in fact there are many other reasons to examine metadata, including discovering the date of creation or transmission of documents.

The District of Columbia Bar in Opinion 341 adopted a “look before you leap” approach. This opinion states:

“A receiving lawyer is prohibited from reviewing metadata sent by an adversary only where he has actual knowledge that the metadata was inadvertently sent. In such instances, the receiving lawyer should

not review the metadata before consulting with the sending lawyer to determine whether the metadata includes work product of the sending lawyer or confidences or secrets of the sending lawyer’s client.”

Actual knowledge seems to incorporate a very high standard. One has to consider whether many lawyers would view this opinion as a “green light” to generally review metadata in almost all circumstances.

Next to issue an opinion was the Maryland Bar, with Ethics Docket No. 2007-09, which stated: “[s]ubject to any legal standards or requirements (case law, statutes, rules of procedure, administrative rules, etc.), this Committee believes that there is no ethical violation if the recipient attorney (or those working under the attorney’s direction) reviews or makes use of the metadata without first ascertaining whether the sender intended to include such metadata.”

This opinion was heavily influenced by the fact that Model Rule of Professional Conduct Rule 4.4(b), which states that “[a] lawyer who receives a document relating to the representation of the lawyer’s client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender,” was never adopted in Maryland.

Pennsylvania soon followed with Pennsylvania Opinion 2007-500, which could be termed indecisive. After reviewing the existing opinions, the committee concluded that “it would be difficult to establish a rule applicable in all circumstances and that consequently the final determination of how to address the inadvertent disclosure of metadata should be left to the individual attorney and his or her analysis of the applicable facts.”

And, in November 2007, Arizona joined those jurisdictions that endorsed the idea that, while it was the responsibility of the transmitting lawyer not to send out some types of metadata, it was the also the responsibility of the lawyer who receives it not to look at it. The opinion states:

“Under Arizona’s version of ER 4.4(b), a “lawyer who receives a document and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender and preserve the status quo for a reasonable period of time in order to permit the sender to take

protective measures.” While it might be argued that ER 4.4(b) is inapplicable because the document was not inadvertently sent, only the metadata embedded therein, we think that is an insubstantial distinction. If the document as sent contains metadata that reveals confidential or privileged information, it was not sent in the form in which it was intended to be sent, and the harm intended to be remedied by ER 4.4(b) is the same.”

Earlier this year the Colorado Bar issued Ethics Opinion number 119 (May 17, 2008.)

In it, the Colorado committee concluded that the primary responsibility is on the transmitting lawyer not to send out metadata. It stated:

“The Committee concludes that the ABA, Maryland, and District of Columbia opinions are better reasoned, and that the New York, Arizona, Alabama, and Florida opinions are based on incorrect factual premises regarding the nature of metadata. Thus, the Committee concludes that a Receiving Lawyer generally may ethically search for and review metadata embedded in an electronic document that the Receiving Lawyer receives from opposing counsel or other third party.”

....

“A Receiving Lawyer who receives electronic documents or files generally may search for and review metadata. If a Receiving Lawyer knows or reasonably should know that the metadata contain or constitute Confidential Information, the Receiving Lawyer should assume that the Confidential Information was transmitted inadvertently, unless the Receiving Lawyer knows that confidentiality has been waived. The Receiving Lawyer must promptly notify the Sending Lawyer. Once the Receiving Lawyer has notified the Sending Lawyer, the lawyers may, as a matter of professionalism, discuss whether a waiver of privilege or confidentiality has occurred. In some instances, the lawyers may be able to agree on how to handle the matter. If this is not possible, then the Sending Lawyer or the Receiving Lawyer may seek a determination from a court or other tribunal as to the proper disposition of the electronic documents or files, based on the substantive law of waiver.”

Colorado, with the benefit of improved understanding of the nature of metadata and the prior opinions to review, seems to have a quite logical and practical position. First, it is the responsibility of the transmitting attorney not to send out metadata containing confidential information. Secondly, there is no justification for an artificial rule prohibiting lawyers from looking at metadata as the vast majority of it is benign and involves no confidential information. Third, if a review of metadata reveals what appears to be confidential information, the receiving attorney should assume that it was sent unintentionally and notify the opposing counsel. Then the attorneys may be able to enter an agreement as to how to handle the information. Failing that, then the courts may be called upon to determine if any confidentiality has been waived or if some other appropriate order is required.

## CONCLUSION

There’s no doubt that examining the metadata behind opposing counsel’s e-mail or transmitted documents seems unseemly and inappropriate to many. But the existence of metadata is a fact. It is a fact we will have to deal with, just as we have to deal with the fact that people make mistakes.

In this writer’s view, the problem with the opinions seeking to restrict viewing of metadata is that they attempt to impose a standard uniquely on the legal profession. Nothing restricts viewing of metadata in documents by private investigators, law enforcement officers, computer forensic examination professionals and every other individual without a law license, even the lawyer’s clients. What if the lawyer’s client in the first example had requested the document be forwarded to the client, examined the document’s metadata and then sent instructions to counteroffer at 50 percent without even telling the lawyer what happened?

Even if a consensus developed that lawyers should not look at metadata, can one assume the risk that the lawyer on the opposing side, or someone else, will not look?

In this writer’s view, the key is to avoid sending out documents with metadata that could disclose confidential information. Comparing metadata to a wrongly sent fax or e-mail is questionable and the idea that lawyers will be prohibited from examining metadata while parties, law enforcement officers and private

## GUARDING AGAINST METADATA DISASTERS

There are many possible solutions to the issue of disclosing metadata. Some combination of the following may work best for your office. Obviously purchasing a metadata scrubber utility and using it is the best option.

- Assess the situation. If this is a new document you have created this week and only you have worked on it, there may be no potentially problematic metadata contained in it.
- Fax or snail mail rather than e-mail.
- Copy all text (Ctrl +A, Then Ctrl + C) and Paste it (Ctrl + V) into a blank document. Note: This will carry some metadata, but not Track Changes or Deleted Comments.
- Copy all text (Ctrl +A, Then Ctrl + C) and Paste Special - Unformatted Text into a blank document. Note: You lose the metadata, but all of the document formatting as well. This works great for pasting text into an e-mail, but not so well for heavily formatted legal document.)
- Every time you send an e-mail attachment that you have created or edited, send it out in PDF format (with rare exceptions) Note: PDF files will contain some metadata, but that limited amount is unlikely to cause trouble. This is not practical when you are co-authoring a document with another. With co-counsel, you just need to discuss the issue. With opposing counsel, you need to use a metadata scrubber.
- Microsoft Word 2002 — Review white paper at <http://tinyurl.com/5gtpv6> but consider upgrading or buying a metadata scrubber.
- Microsoft Word 2003 (and other MS Office products) – Download and install The Remove Hidden Data tool for Office 2003 and Office XP <http://tinyurl.com/567r6t>.
- Microsoft Word 2007, Excel 2007 and PowerPoint 2007 – Remove hidden data tools are built in. No separate download required. See Microsoft instructions for Document Inspector feature online at <http://tinyurl.com/29ql2o> (Note: Computer forensics experts tell us the results from the free Microsoft tools listed above are imperfect.)
- Corel WordPerfect – Upgrade to Versions X3 or X4 which have the “publish without metadata” feature. WP versions 9 and higher have the “publish to PDF” option built in as well. (WP has less potentially dangerous metadata than MS Word.)
- Purchase a third-party metadata scrubber and use it. There are many such products, but we direct the smaller firm’s attention to the Metadata Assistant from [www.payneconsulting.com](http://www.payneconsulting.com). At a purchase price of \$79 per license, this product will also allow you to view the metadata in other files. (Direct link to retail version — <http://tinyurl.com/e2zef>. Enterprise version for more than 20 workstations available as well.)

detectives will be free to do so seems artificial at best. The Colorado rule that one must disclose receiving confidential information via metadata before acting on it seems to strike a rational balance.

The best rule is for law firms to develop best practices internally to keep metadata from “escaping” in the first place. Using PDF format for e-mail attachments generally instead of Word, WordPerfect, Excel or PowerPoint will go a long way toward alleviating the problem.

It is often the case to conclude legal analysis of an emerging issue with a note that we will have to watch for future opinions and developments for more instruction. Here, we take a contrary view. It would be better for lawyers, clients and the judiciary if this issue simply “went away” as all law firms strive to never transmit electronic files that might unintentionally disclose confidential information.

*Author’s note: the opinions contained herein are those of the author only and not the Oklahoma Bar Association. In fact, they may not be the opinion of the author next week.*

### ABOUT THE AUTHOR



Jim Calloway is the director of the OBA Management Assistance Program and manages the OBA Solo & Small Firm Conference. He served as the chair of the 2005 ABA TECHSHOW board. His Law Practice Tips blog and Digital Edge podcast cover technology and management issues. He speaks frequently on law office management, legal technology, ethics and business operations.

Mark Your Calendar and Register Today

# ANNUAL CRIMINAL LAW SECTION LUNCHEON

Petroleum Club, 100 North Broadway, Oklahoma City

Wednesday, November 19, 2008, NOON-1:30 P.M.



Oklahoma Lieutenant Governor Jari Askins has graciously accepted our invitation to deliver the keynote speech for the Annual Luncheon of the Criminal Law Section of the Oklahoma Bar Association, to be held at the Petroleum Club on Wednesday, November 19, during the Annual Meeting. Seating is limited, so register today!

The luncheon menu is upgraded this year and includes filet mignon and chicken as well as other succulent accoutrements.

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## Registration Form

Last Name (Print) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

OBA Number: \_\_\_\_\_

### Registration Check appropriate boxes):

\$15 — Criminal Law Section Member attending the luncheon

\$20 per guest if accompanied by a member. Guest Name: \_\_\_\_\_

\$30 — Nonmember (includes section membership for 2009)

\$\_\_\_\_\_ Total Enclosed

### Payment (Select One):

Check \_\_\_ Visa \_\_\_ Master Card \_\_\_ Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature required: \_\_\_\_\_

**Remit form and payment to Jenny Barrett, Membership Coordinator  
OBA, P.O. Box 53036, Oklahoma City, OK 731522 or fax to (405) 416-7001**





## Pocket Guide to Obtaining Vital Records in Oklahoma

By Gary E. Payne and Kelly Baker

Every lawyer in Oklahoma has or will eventually receive a request for help in obtaining birth, death, marriage, divorce or driving records. The following information provides the basic resources necessary to obtain certified vital records in Oklahoma. (Brief mention is made on obtaining historical records although this subject would require a more exhaustive narrative than this article can offer).

### BIRTH AND DEATH CERTIFICATES

The Vital Records Division of the Oklahoma State Department of Health<sup>1</sup> issues certified copies of Oklahoma birth certificates and death certificates. Helpful information can be obtained from the agency Web site.<sup>2</sup> (Records are maintained from 1908.)

Birth records are not subject to open record nor available for public inspection. Only the subject of the record, immediate next of kin, or an authorized agent may request a certified copy. Authorized agents must obtain a statement signed by the subject of the record releasing the record to the agent or provide a statement that the agent is working in the best interest of the subject. In addition to a complete application, a valid government-issued photo identification and proper fees are required.

A birth father who is not shown on his child's birth certificate is not entitled to receive a copy of the certificate. Paternity must be established and filed before he is able to obtain a copy.

If a child is born out-of-wedlock, a full copy of the certified birth certificate can only be obtained by the mother (if the child is a minor), a legal guardian, the adult subject of the record, by an attorney for the purposes of adoption or

by a court of competent jurisdiction. Otherwise a "short" certified copy will be issued.

Any death record can be requested upon receipt of a complete application, the proper fee and presentation of current valid government-issued photo identification.

Currently, fees for birth and death records are \$15 per record. Amendments to a birth record (*e.g.* adoption, paternity, legal name changes) are subject to an additional processing fee of \$25. Applications may be obtained at any Vital Record office or online. Uncomplicated records can usually be obtained in person at a Vital Record office in less than an hour or through the mail in 4-6 weeks. Delays can occur if the applications are not complete, copies of IDs are not included or proper fees are not attached.

A "Certificate of Adoption" form may be obtained from the Vital Records office or from a court clerk. If it has been completed and certified by the court clerk prior to submission to Vital Records, it will be considered acceptable in lieu of a Decree of Adoption. A search of records cannot occur until proper fees have been received, therefore an application may be required to be filed and fees paid before

“ Often, a delayed birth certificate alone will not be sufficient evidence to obtain desired services or benefits. ”



a record can be searched, reviewed and specific instructions issued. Questions can be directed to Vital Records via e-mail at AskVR@health.ok.gov.

Amendments to the medical section of a death certificate (e.g. cause of death) are done at no charge when the attending physician or medical examiner submits appropriate documentation. Amendments to the demographic section are \$20. Families are encouraged to review the information prior to it being submitted by a funeral home to assure the information is correct (e.g. legal name, birthday, surviving spouse, occupation, etc.). Should this information need to be amended, contact the Vital Records office to determine what documentation will be required along with a statement from a funeral home to make the correction.

If a decedent did not die due to natural causes or was less than 18, the Medical Examiner (ME) will be required to at least review the case. If further inquiry is required by the ME (e.g. toxicology), a death certificate will be filed with a pending cause of death. The cause of death will be amended upon receipt of the death certificate from the medical examiner, but this can often take several months. A certified death certificate with a pending cause of death will often suffice as proof of death, but may not be enough for insurance purposes or serve to satisfy a grieving family.

A request for a certified death or birth certificate can be made online using a credit card through *VitalCheck*. Vital Check Express Certificate Service is the officially authorized remote ordering service for records obtained from OSHD.<sup>3</sup> According to its Web site, a

certified copy of a birth or death certificate can be obtained in about a week. There are other web-based for profit services that will obtain records as well. *VitalCheck* does charge a \$10.95 upcharge over and above the regular fee.

Information to obtain vital records from other states can be obtained from the National Center for Health Statistics.<sup>4</sup>

#### **TYPES OF BIRTH CERTIFICATES AND SPECIAL REQUIREMENTS**

There are several different types of birth certificates in Oklahoma that attorneys may be called upon to obtain or explain. They are as follows:

##### *Delayed Birth Certificate*

Under Title 63 O.S. §1-313, when the birth of a person born in this state is registered more than one year after the birth, the certificate is marked “delayed” and shows on its face the date of the delayed registration. Issuance of a delayed birth certificate is subject to certain evidentiary requirements set forth in OAC 310:105-3-2. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate. A record filed prior to a child’s 10th birthday will require two supporting records. After the 10th birthday, three supporting records will be required. Each of these must be from independent sources and established more than 10 years prior to the filing of the delayed certificate. Each source should indicate the correct age or date of birth. At least two of the records should reference the birthplace and at least one

parentage. All facts presented will be investigated for authenticity.

Often, a delayed birth certificate alone will not be sufficient evidence to obtain desired services or benefits. Many state and federal agencies will require the same evidence that was provided to Vital Records to originally obtain the delayed certificate. Any request to file a delayed birth certificate is carefully scrutinized because of attempts to establish a record for purposes of committing fraud. Delayed birth records will not be filed if the subject of the record is determined to be deceased.

#### *Stillborn Child Certificate*

A fetal death (a.k.a. stillbirth) certificate is filed when a child who is at least 20 weeks gestation dies prior to the complete expulsion or extraction and shows no signs of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, irregardless of whether the cord has been cut or the placenta attached. In this case a stillbirth certificate will be filed with the Vital Records Division. This record contains elements of both a birth and a death certificate including a cause of death. The record is not required to have a first or middle name. [For clarification, if a child should be born and show any sign of life, then both a live birth certificate and a death certificate would be filed. In this type case, a stillbirth certificate would not be filed.]

A certified copy of a fetal death/stillbirth certificate is \$15 and may only be requested by a parent. A copy of the parents' IDs will be required in addition to the completed application. (For clarification, if a child should be born and take only one breath and have only one heartbeat observed, then both a live birth certificate and a death certificate would be filed. In such cases, a stillbirth certificate would not be filed.)

The 2008 session of the Oklahoma legislature passed an amendment to 69 O.S. §1-301 that provides for the issuance of a memorial *Certificate of Birth Resulting in Stillbirth*. This memorial certificate is abstracted from the original fetal death/stillbirth certificate and is not proof of a live birth. It may only be requested by a parent and requires the submission of a complete application and a copy of parents' IDs. The memorial certificate will be available beginning Nov. 1, 2008 for a fee of \$15.

#### *Heirloom Birth Certificate*

Pursuant to 63 O.S. §1-316a the State Department of Health provides heirloom birth certificates for a fee of \$35. A heirloom birth certificate is 11" x 14" with a dark blue trim, bearing a silver and gold seal, depicting a view of the State Capitol Dome and is suitable for framing. The certificate reflects the child's name, date of birth, place of birth and names of the parents. The fee includes the issuance of a standard issued certified birth certificate as well. Sales of the heirloom certificate support the Child Abuse Training and Coordination Program.

#### **MARRIAGE LICENSES**

The court clerks of the various counties of Oklahoma maintain marriage license records. A marriage license can be obtained through the office of any court clerk in Oklahoma. After the marriage is performed, the license is to be returned "without delay" to the court clerk or judge who issued the license.<sup>5</sup> To obtain a certified copy of a marriage license, it is necessary to know the name of the county where the parties were married and contact the court clerk of that county.<sup>6</sup> There are various for profit Internet sites that will obtain copies of marriage licenses.

Several Internet sites offer information about marriages in Oklahoma and its preceding territories. Some of these sites are free and some are fee based.<sup>7</sup> Generally, this information is available from 1880. The records available are primarily bride and groom registries that cite the book and page number or other information about the recording of the original documents.

#### **DIVORCE RECORDS**

Currently, 13 Oklahoma county court clerk offices are accessible through the Oklahoma Supreme Court Network, a free Internet based service.<sup>8</sup> Divorce records are available through this network but they do not go back to creation of statehood. There are several Internet for profit companies that will obtain certified divorce records from Oklahoma courts. The county where the divorce was granted must be known.<sup>9</sup>

#### **DRIVING RECORDS**

The Records Management Division of the Oklahoma Department of Public Safety<sup>10</sup> is responsible for receiving, processing, and maintaining all documents and records related to driving records and traffic collisions. These

documents and records are submitted by Oklahoma's state and local law enforcement agencies.

### SCHOOL RECORDS

Attorneys are sometimes asked to assist in obtaining school records to be used for verification to obtain such things as birth certificates and passports to help determine heirship or establish mental fitness.

Generally, individual student school records are confidential and cannot be published except for certain elements used for statewide statistical reports and other data requirements of the State Department of Education. The Oklahoma Open Records Act, at 51 O.S., Section 24A.16 provides an exemption to the open records act for individual student records.

In recent years, school districts have revisited the customary practice of publishing student directories and other publications that might contain a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student.

Any educational agency or institution making public directory information must now give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's or guardian's prior consent or the student's consent if 18 years of age or older.

The preliminary step in obtaining any individual student record is to identify the school district attended by the student. There is no central depository of student records in Oklahoma. School districts are not contiguous with city boundaries and there may be several school districts in a county. The name of the school district is required. The name of a particular school within a district is very helpful as well. Once this information is known, a person over 18 who was once a student within that district can obtain their records. A parent or

guardian of a person under 18 can also obtain school records.

### MISCELLANEOUS

Under Section 23, Title 72 of the Oklahoma Statutes, individuals, administrators or guardians who assert a qualification relative to military service may obtain certified copies of marriage licenses, divorce decrees, birth certificates and death certificates free of charge.

The Oklahoma State Bureau of Investigations, is the central repository for Criminal History Record Information (CHRI) for the state of Oklahoma. For a fee of \$14 a criminal background report can be obtained on any individual who has committed a crime in Oklahoma. All requests for CHRI must include at least the full name and date of birth of the subject to be searched. Additional identifiers such as aliases (*i.e.* maiden names, nicknames) and social security numbers, if known, should be provided resulting in a more complete search of the Criminal History Record files.<sup>11</sup>

The Oklahoma Genealogical Society has several publications regarding territorial and Indian Nation vital statistics.<sup>12</sup> This includes some information about the church, marriage and burial information of the Choctaw Nation; Index to probate records of Oklahoma County from 1895 to 1920, and Oklahoma County marriage records from 1899 to 1920. The society Web site also gives links to other historical societies in Oklahoma.

Ancestry.com and other fee based membership sites allow searches for marriages as well as births and deaths.

There are several official and unofficial LDS Family History Centers in Oklahoma that offer genealogy resources, including census records, death records, family history records, obituaries, marriage records, vital records, court records, and various other public records. Some of them are:

Lawton  
923 Hilltop Drive  
(405) 355-9946

Muskogee  
3008 East Hancock Rd.  
(918) 687-8861

Norman  
Imhoff Rd. & Highway 9  
(405) 364-8337

Oklahoma City  
5020 NW 63rd  
(405) 721-8455

Stillwater  
1720 East Virginia  
(405) 372-8569

Tulsa  
12110 East 7th St.  
(918) 437-5690

## SUMMARY

Laws allowing public access to vital records are changing because of concerns for privacy as well as national security reasons. With the technology now available, methods and costs of acquiring documents are also changing. In the future, attorneys will be more frequently asked to assist clients in obtaining personal records. Hopefully the utilization of the Web resources cited in this article will be a useful tool for assisting clients.

1. Vital Records Division,  
Oklahoma State Dept. of Health, 1000 NE 10th St.  
Oklahoma City, OK 73117-1299  
Telephone: (405) 271-4040 or (877) 817-7364  
Fax: (866) 550-1852  
E-mail: AskVR@health.ok.gov  
Lobby Hours: 8:30 A.M. to 4:00 P.M. Monday - Friday with the exception of state recognized holidays  
Satellite Information (for certificate pick-up only)  
Tulsa Health Department,  
Central Regional Health Center  
315 S. Utica, Tulsa, OK
2. [www.ok.gov/health/Birth\\_and\\_Death\\_Certificatesindex.html](http://www.ok.gov/health/Birth_and_Death_Certificatesindex.html)
3. [www.oklahomadeathcertificate.com/](http://www.oklahomadeathcertificate.com/)
4. [www.cdc.gov/nchs/howto/w2w/w2welcom.htm](http://www.cdc.gov/nchs/howto/w2w/w2welcom.htm)
5. 43 O.S., §5 et seq.
6. This site lists the addresses of the court clerks of Oklahoma as well as other information. The author does not vouch for the accuracy of this information: [www.usmarriagelaws.com/search/united\\_states/oklahoma/index.shtml#counties](http://www.usmarriagelaws.com/search/united_states/oklahoma/index.shtml#counties)
7. One fee based site: <http://marriagedatabase.com/oklahoma/marriage-records.htm>. Most of the fee based sites will charge about \$30 to obtain a certified copy of a marriage license. Again, you must know the proper county. An example of a free site is: [www.genwed.com/state/okgen.htm](http://www.genwed.com/state/okgen.htm)
8. [www.oscn.net/applications/oscn/start.asp?viewType=DOCKETS](http://www.oscn.net/applications/oscn/start.asp?viewType=DOCKETS)

9. One fee based service: [www.divorcerecordsusa.com/state/dusa\\_oklahoma.html](http://www.divorcerecordsusa.com/state/dusa_oklahoma.html)

10. [www.dps.state.ok.us/recm/](http://www.dps.state.ok.us/recm/) Requests may be mailed directly to:

Department of Public Safety

Attn: MVR

P.O. Box 11415

Oklahoma City, OK 73136 or call (405) 425-2059 with questions.

The MVR is available for: \$13 per certified record, or

\$10 per uncertified record. (NOTE: the Department does not accept personal checks for driving records.)

11. [www.ok.gov/osbi/Criminal\\_History/](http://www.ok.gov/osbi/Criminal_History/)

12. Oklahoma Genealogical Society, P.O. Box 12986, Oklahoma City, OK 73157-2986, [www.okgensoc.org/publications.htm](http://www.okgensoc.org/publications.htm)

## ABOUT THE AUTHORS



Gary E. Payne is the chief administrative law judge for the Oklahoma State Department of Health. He is a 1969 graduate of the University of Oklahoma College of Law. He served eight years in the Oklahoma House of Representatives, 10 years as an appellate administrative law judge on the Board of Review for the Oklahoma Employment Security Commission and has been a part time municipal judge for three cities. In addition, Judge Payne serves as the Appeals Review Officer for the Oklahoma State Department of Education Due Process Review program.



Kelly Baker is the director of Center for Health Statistics at the Oklahoma State Department of Health. She received a MPH in Biostatistics from the University of Oklahoma in 1994. Ms. Kelly currently serves on the Executive Committee of the National Association of Public Health Statistics and Information Systems (NAPHSIS) as Member-at-Large.



## Technology Enhances Services Provided by Court Clerks

By Lisa S. Lambert

In the last two decades, court clerks' offices throughout Oklahoma have evolved from handwriting in docket books to using software programs, which are at the leading edge of technology in this country to record the work of the courts. Several counties, Cleveland, Garfield, Logan, Oklahoma, Payne and Tulsa, have used the Oklahoma Court Information System (OCIS) with its public Web site at [www.oscn.net](http://www.oscn.net).

The mainframe computerization began in 1994 and moved to OCIS in 1999. OCIS allows county court clerks to provide appearance docket, accounting, party data and event information in every case type filed in our court. In Payne County the court's fiscal year 2008 gross collection was in excess of \$4.6 million of which \$3.7 million was paid to 31 various state and local agencies. Most customers do not realize that in the last decade the courts have become a collection office for many state agencies and the accounting portion of OCIS is critical to the efficient daily operation of the county court clerk.

OSCN is user friendly, and finding a case in the 13 counties on the software is easy. At [www.oscn.net](http://www.oscn.net), the user searches dockets by party names. The user can also view daily cases filed and judges' dockets.

In 2001, imaging capabilities were added to OCIS making it possible to image all documents filed in a court case. Those documents

are available to download and print by clicking on the blue hyperlink associated with each entry on the case appearance docket at [www.oscn.net](http://www.oscn.net). Availability to the Web site is limited only at times when maintenance is being performed. With a few exceptions, all documents in public cases (juvenile, mental health, guardianship and adoptions cases are closed) are available at this Web site. Civil, small claims, felony, misdemeanor, traffic, probate, domestic and licenses appearance docket and documents are readily available.

In July 2008, Creek, Cleveland, Kingfisher, Muskogee and Payne Counties began accepting credit and debit card payments for court costs as

part of a pilot program. The Supreme Court and Administrative Office of the Courts provided the expertise in contracting with the various credit card companies, provided an Internet vendor and created the software for management of this new payment procedure.

“OSCN is user friendly,  
and finding a case  
in the 13 counties  
on the software is easy.”

This program currently allows these counties to accept VISA and MasterCard, and soon American Express and Discover cards.

The Supreme Court has promulgated SCAD-08-51, which provides that cash bonds, appraiser fees, publication fees and certain other types of payments cannot be made by credit or debit card. The purpose of the SCAD order is to minimize the amount of vendor fees the court fund will be required to pay to the credit card companies. The vendor fee is 2.5 percent, and the fee is passed on to all the state and local agencies for which the court clerk collects.

The next frontier for caseload management software will be the merger of OCIS and Kellpro. Kellpro dockets can be viewed at [www.odcr.com](http://www.odcr.com). The merger will provide the best features of both systems, and once it is accomplished, all 77 counties will be using the same court caseload software.

New innovations are on the horizon. Chief Justice James R. Winchester and his predecessor, Justice Joseph M. Watt, along with the entire Supreme Court, are actively leading the way to provide new technologies and procedures for the state courts. In 2006, Justice Yvonne Kauger chaired the long-range planning committee for the state courts, and many recommendations of that committee are in the works at this time. I expect that electronic filing and paperless files are in the near future.

#### ABOUT THE AUTHOR



Lisa S. Lambert is the court clerk for Payne County. She has served in that position since January 1993.



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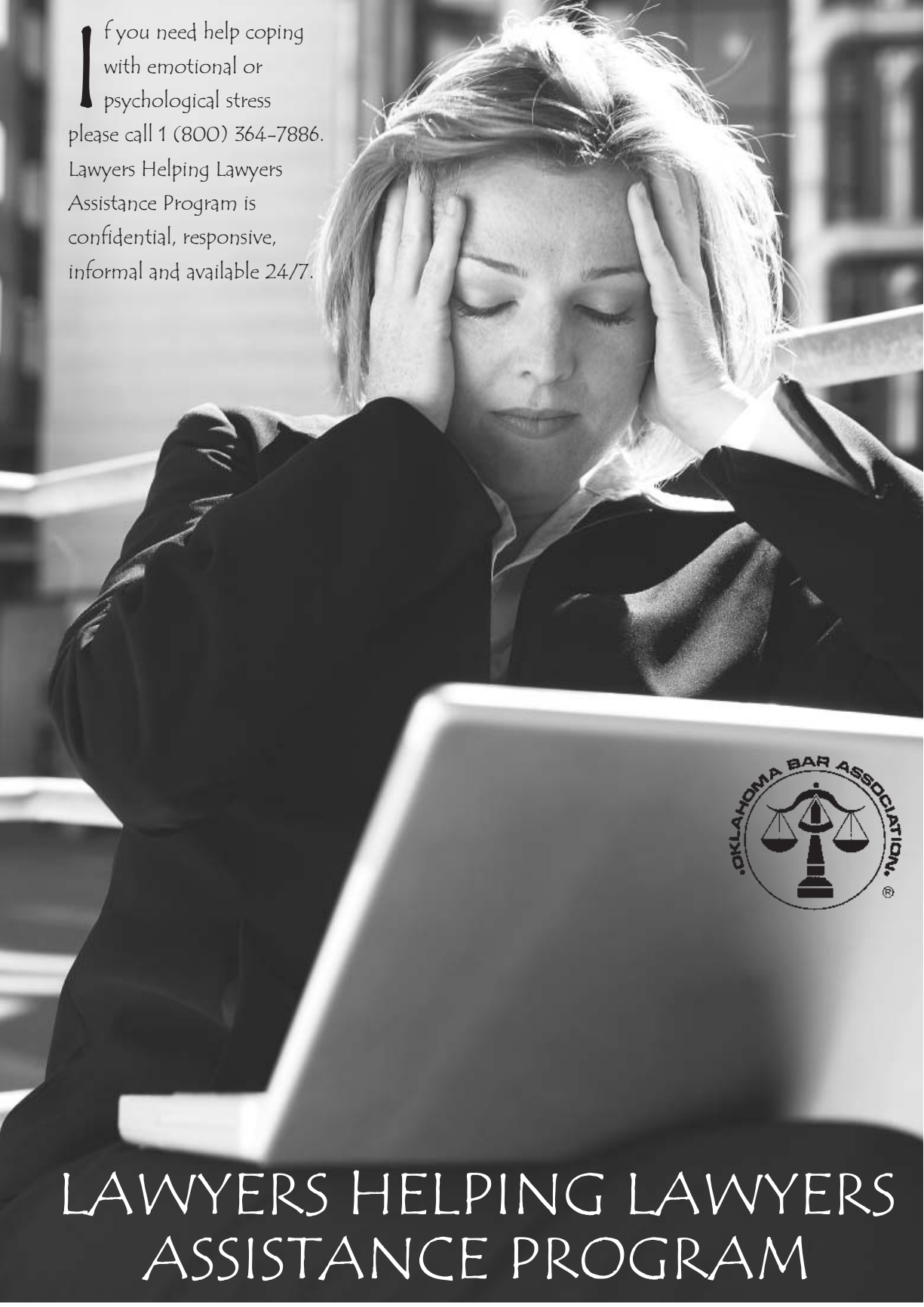
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## The Future of the Legal Profession: A Small Firm Point of View

By M. Joe Crosthwait Jr.

In the spring of 1989, I attended an OBA-sponsored Leadership Conference in the then newly completed and now-named Marvin Emerson Hall at the Oklahoma Bar Center. In the keynote speech, a prominent Oklahoma lawyer and outstanding leader opined that the day of the solo and small firm practitioner was coming to its inevitable and not particularly scenic sunset. The new dawn would bring, he said with great confidence if not complete clarity, an era of national, international and supranational law firms, some with a population perhaps approaching that of New York City and they would soon displace all the little people, i.e. the solo and small firms. I had this mental image of a giant Pacman devouring the ghosts, one to five at a time.

Indeed, he correctly observed that the big firms were getting bigger as the rapid spurt of globalization was at its cusp. All the while, solo firms still had only one lawyer and small firms still only had two to five lawyers. And everyone was complaining that we had too many lawyers and getting more every day!

Having been a solo or in a small firm since the inception of my practice not too long before Richard Nixon resigned the presidency, such a notion, as he so convincingly argued, at once confused and terrified me. What if this prognostication were right? What if this radical transformation were indeed in the offing? What if what I did was no longer relevant and my clients were drawn inexorably to the black hole of "The Big Firm"? What would become of my clients who were terrified of heights and the elevators that took them there? What would I do for a living??

I had concluded early in the Nixonian-era (my college days) that I wanted to be a solo or small firm practitioner and, like Groucho Marx, knew that I would never choose to be a member of any club that would have me as a member. I am, like most solo and small firm practitioners, a lousy passenger. I want to sit in the driver's seat with wheel in hand and foot on accelerator and drive. Would I now become a displaced lawyer who must undergo vocational rehabilitation and perhaps years of behavioral modification and psychological counseling in order to survive, let alone thrive?

Or could it just be, oh please say it's so, that the Great Prognosticator was wrong?

Thankfully, once I regained my composure from these horrible imaginings and awakened from what I knew, even as I experienced it, must only be a bad dream, I recouped my

sense of the dual universes – one comprised of solo and small firm lawyers and the one with everyone else.

Then, as now, approximately two-thirds of all private practice attorneys in the United States are in solo or small firms and right at half are pure solos. Significantly, those percentages have not changed meaningfully since at least the Missouri Bar Survey in 1957.

That, of course, is not to say that the mega-sized and global firms haven't emerged as a phenomenon of globalization or that the nature of solo and small firms has not also evolved. Indeed, a lot has happened to alter the course and nature of legal services, who provides them and how. And like just about everything, it is the Internet and the ensuing globalization that have been the primary moving forces making the world a much smaller and faster place.

But wait! Could it be that the Great Prognosticator's prophecy was correct but premature? After all, Bill Gates famously said that we tend to overestimate the amount of change over the short term and underestimate it over the long term.

Flash back to the Nixonian-era – Manual and an increasing number of electric typewriters, carbon paper, white out, the 8-cent stamp (par avion was extra), no UPS or FedEx, legal size paper, real shorthand, no legal assistants (but experienced secretar-



**“Then, as now, approximately two-thirds of all private practice attorneys in the United States are in solo or small firms and right at half are pure solos.”**

ies), dial telephones and smoking in the courthouse!! Never mind the demurrer docket on Friday mornings. Lawyers read abstracts and issued opinions and actually prepared residential real estate contracts. No cable, the Internet was used by 14 nerds, and what computers there were required special cooling rooms. Who'd have think we'd be where we are now? The lesson is that the best prognostication is only a guess.

So here are my “prognostications” of the unforeseeable future of the profession and the impact these imagined changes might well have on the solo and small firm lawyers.

First is the rule that demographics is destiny. At this point in time, nearly 40 percent of the lawyers in America will age out as the baby boomers go bust over the next 15 years or so. A disproportionate number of this group is the white male. Increasingly, and through no small effort of many, the number of women and persons of color and ethnicity have grown. But thus far, women tend to not remain in the profession as long and neither group has attained the median income level and partner status of the white male counterparts. And, of course, two-thirds of those aging

out are in solo and small firm practices. Big question: Will they be replaced, and if so, by whom? And will they be doing the same thing and representing the same folks on the same things?

That brings us, or me at least, to the subject of legal education. The general trend is up in law school applications and enrollment, although not with the same up slope of the last three decades. And my bet is there will not be enough in total new admittees to keep up with the boomers' bust. That said, the credentials of incoming students continue to improve. Demographics, however, suggests a net drop in the total number of lawyers with current trends. Moreover, the average new attorney has college and law school indebtedness of \$100,000 plus and the stratospheric starting salaries for new associates which make the front pages applies to an arguably insignificantly low percentage of new lawyers. The average salaries of associates other than those selected for the highest paying jobs are barely sufficient to service the debt and sustain a very modest lifestyle. Public service lawyers and pro bono fall early victim to this paradigm. The implications of these trends for the profession generally and the solo and small firm practitioners specifically are, in a word, sobering.

On the flip side is the fact that many main street people still prefer the services of the main street lawyer. Many areas of practice such as family law, estate planning and probate, personal injury and workers' compensation, and small business representation lend themselves

as well to solo and small firms as to larger firms, and in many cases, are a better fit. But much of this type of practice is increasingly being done pro se and by self-help lawyering and provided by unregulated "document preparers" and otherwise is not creating the robust market that it has been in the past.

There are also appearing more regulatory issues that may hit solo and small firms disproportionately. While we tend to think of global-

ization and multi-jurisdictional practice as within the primary concern of larger firms, it is in fact the solo and small practice which is least prepared to take full advantage of these enormous changes. Likewise, there is increasing pressure for compliance with such regulations as the so-called gatekeeper laws that will create a regulatory burden on all and especially solo and small firms.

Solo and small firm practitioners were early and ardent adopters of the new technologies brought about by the computer and the Internet and have continued to adopt and adapt to these technologies in ways the Great Prognosticator of 1989 could not have reasonably imagined. They have been in no small measure the tonic to energize the solo and small firm practice and keep them not only competitive, but ahead of the game. Reduced costs and enhanced productivity continue to advantage all lawyers, but especially solo and small firms. For example,

research and marketing tools, among the most expensive overhead expenses of solos and smalls, have become basically cheap and easy. Individual attorneys are able to market their



**“ Many areas of practice such as family law, estate planning and probate, personal injury and workers' compensation, and small business representation lend themselves as well to solo and small firms as to larger firms... ”**

unique abilities and experiences with the same market penetration as large firms. Geographics and location will of course continue to dictate to some extent how large firms are and where they are. That is not to say, however, that solo and small firm practitioners in smaller communities are not subject to all of the other competitive forces both in and out of the profession.

Not to be ignored is the impact of all of this on the "organized" bar...the licensing bars as well as the voluntary bars. The latter will of course have to continue to generate and demonstrate their value. The so-called "patriotic membership" will in my estimation diminish proportionately to the boomers. The mandatory bars that fail to provide "value-added" service will be at risk of a division into the licensing component and the rest that would be purely voluntary. Again, the Internet and the change of relationship interaction will be a big driver. Bars will have to justify themselves as never before. They will have to be relevant and responsive.

So what does the future of the solo and small firm practitioner look like nearly a decade into the new millennium? About the same as it did going in to the last decade of the last millennium.

The big prediction: The dual universes of the large and global firms on the one hand and the solo and small firms on the other will continue to travel through time in parallel. Both universes will experience a growth in market through increased demand as well as a slightly diminished supply of lawyers. There will be more opportunities created for all new lawyers as the boomers go on to their great reward and/or retirement, golf or whatever it is they do and will do. Some hopefully will choose to hang around and continue to practice or provide other services now denominated, "the second season of service."

The continuing and incoming solo and small firm practitioners who will thrive are those who continue to leverage their practice with technology and through personal and profes-

sional development. That is, they will need to be not only the best of what they do, but the only ones who do what they do. Solo and small firm practitioners will no longer be viewed as just lawyers but rather the persons who act much like personal general counsels as the legal landscape becomes increasingly complex, guiding their clients to expertise when they themselves lack it. They will be in a sense "Jiminy Crickets." (Boomers remember that, right?!)

They will also need to develop a greater "multidisciplinary" background in order to compete with the larger firms which possess concentrated abilities. And they must continue to innovate and maximize the use of technology in all aspects of their practice, promotion and management.

And as a profession, we must assure the most efficient and affordable means of educating lawyers. Nothing less than the quality and independence of our profession are at risk as the best and brightest in the middle tiers might opt for alternative careers if we don't. We must have the best and the brightest in our profession.

And finally, the solo and small firm practitioners who will succeed "big" will be those who follow the teaching of Benjamin Franklin: "Tend thy shop and thy shop will tend thee."

#### ABOUT THE AUTHOR



Joe Crosthwait received a B.A. in 1971 from OU and a J.D. from OCU in 1974. He is a past president of the Oklahoma County Bar Association and the Oklahoma Bar Association and is currently president of the National Conference of Bar Presidents. He has served on and been chair of both the OBA's and the ABA's Standing Committees on Solo and Small Firms.

## NOTICE OF JUDICIAL VACANCY

The Judicial Nominating Commission seeks applicants to fill the following judicial office:

**Associate District Judge  
Fourth Judicial District  
Woodward County, Oklahoma**

This vacancy is created by the retirement of the Honorable Joseph P. Marak, Jr. on Dec. 31, 2008.

**[To be appointed an Associate District Judge, an individual must be a registered voter of the applicable judicial district at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, the appointee must have had a minimum of two years experience as a licensed practicing attorney, or as a judge of a court of record, or combination thereof, within the State of Oklahoma.]**

Application forms can be obtained on line at **www.oscn.net** or by contacting Tammy Reaves, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521-2450, and should be submitted to the Chairman of the Commission at the same address **no later than 5:00 p.m., Monday, Dec. 1, 2008. If applications are mailed, they must be postmarked by midnight, Dec. 1, 2008.**

Robert C. Margo, Chairman  
Oklahoma Judicial Nominating Commission

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## 2008 Award Recipients

### OBA Awards:

#### Individuals for Whom Awards are Named

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

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

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

**MAURICE MERRILL** — Dr. Maurice Merrill served as a professor at the University of Oklahoma College of Law from 1936 until his retirement in 1968. He was held in high regard by his colleagues, his former students and the bar for his nationally distinguished work as a writer, scholar and teacher. Many words have been used to describe Dr. Merrill over the years, including brilliant, wise, talented and dedicated. Named in his honor is the Golden Quill Award that is given to the author of the best written article published in the *Oklahoma Bar Journal*. The recipient is selected by the OBA Board of Editors.

(cont'd on page 2566)



### OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD

**Melissa Peros, Oklahoma City  
University School of Law**

Melissa Peros is a third-year law student at Oklahoma City University School of Law. She graduated from the University of California-San Diego in 2005, where she earned an undergraduate degree in biochemistry and chemistry. There she was a member of the Chemist's Society, the Revelle College Council, the Chancellor's Organization of Allied Students, the Associated Student Government and was a full-time orientation ambassador for two years. She served as president of the Revelle College Council and the Chancellor's Organization of Allied Students her senior year. She worked for a year as a systems data analyst for Centrihealth Inc. and assisted in creating a pharmacy and ontology system used in hospitals around the world.

At OCU, she was a secretary of the Merit Scholars and chaired the faculty appreciation luncheon for two years. She also was the secretary of the Intellectual Property Society and has been a member of the *OCU Law Review* for two years. Currently, she is a member of the



Ruth Bader Ginsburg American Inn of Court and Phi Delta Phi International Legal Honors Fraternity. She worked as a legal clerk for Hayes Legal Group beginning in March of her 1L year. She obtained her legal intern license from the Oklahoma Supreme Court in March 2008. Ms. Peros received CALI awards in Contracts I, Civil Procedure II, Property, Criminal Law, Law and Medicine, Criminal Procedure, Constitutional Law II, Agency and Unincorporated Business Associations and Corporations.



**OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD**

**Blake Pinard, University of Oklahoma College of Law**

Blake Pinard, a third-year law student at the OU College of Law, was born and raised in Oklahoma City. He attended OU for his undergraduate work, graduating summa cum laude with degrees in letters and economics. Prior to law school, he served three years on the executive board for The Big Event, a charity organization focused on supporting the Oklahoma City non-profit community. He was awarded the Letzeiser Award Silver Medal for outstanding OU seniors and was a member of the Pe-et Top Ten Senior honor society.

At the OU College of Law, Mr. Pinard serves as an articles editor for the *Oklahoma Law Review* and as the Class of 2009 representative to the American Bar Association. He is a William T. and James T. Comfort Scholar and has received American jurisprudence awards in Civil Procedure I, Contracts I, Legal Research and Writing I, Legal Research and Writing II, Property, Torts I, Torts II and Trademarks. Mr. Pinard received the Best Speaker Award and Second Best Brief (§ 4) Award in the first year moot court competition and competed in the Warren E. McGee National Civil Rights Moot

Court Competition. Mr. Pinard is student member of the Ruth Bader Ginsburg Inn of Court. His recent research into the intersection of copyright and the First Amendment will be published in a forthcoming note in the fall 2008 issue of the *Oklahoma Law Review*.

After graduating from law school in May, Mr. Pinard will serve as law clerk for Judge Joe Heaton of the U.S. District Court for the Western District of Oklahoma.



**OUTSTANDING LAW SCHOOL SENIOR STUDENT AWARD**

**Melissa Taylor, University of Tulsa College of Law**

Melissa Taylor is a third-year law student at the TU College of Law. She graduated from OU with degrees in classics and letters. Before starting law school, she taught Latin at an Oklahoma City middle school.

Ms. Taylor currently serves as production editor of the *Tulsa Law Review*, student ambassador, and member of the Phi Delta Phi honors fraternity and Public Interest Law Society. She is also active as a volunteer in Tulsa Lawyers for Children and the Tulsa County Bar Association's Lunch Buddy program. She is also a member of the Council Oak/Johnson-Sontag American Inns of Court.

Ms. Taylor's article, "Categorical vs. Game-Specific: Adopting the Categorical Approach to Interpreting 'Permits Such Gaming,'" was published in the *Tulsa Law Review*. Her other honors include the John Hager Award for Excellence in Torts, the Judge Brett Criminal Law award, the Gable Gotwals Outstanding First Year Student award and CALI awards in Civil Procedure I, Contracts, Torts, Criminal Law, Federal Income Taxation, Legal Drafting (Contracts), and Decedents' Estates and Trusts.

Upon graduation, Ms. Taylor will join the transaction division in the Tulsa law firm Gable Gotwals.

### EARL SNEED CONTINUING LEGAL EDUCATION AWARD

#### Julie Simmons Rivers, Oklahoma City

Julie Simmons Rivers received a B.S. from OSU and a J.D. from the OU College of Law. She is a partner in Family Law Solutions PC in Oklahoma City. She is also owner of Empowering Transitions PC, where she provides coaching services to both laypeople and lawyers. She practices primarily in the areas of family law and appellate law.

Ms. Rivers is an active member in the OBA Family Law Section and is a past chair. She is the current chair of the Oklahoma Academy of Collaborative Professionals. She was the 1996 and 1998 recipient of the Robert Spector Award, and she is also the 1999 recipient of the Family Law Section's Outstanding Family Lawyer award. She currently writes, and has for several years, the family law portion of the annual recent developments seminar materials.

She has contributed significant time to the training and education of members of the OBA. She is most recognized for her annual presentation in the area of family law updates at the OBA/CLE Recent Developments seminar. Ms. Rivers has also presented multiple times in the area of collaborative law.

When not practicing law and participating in CLE events, she enjoys glass blowing.

"Through her work, it is easy to recognize her devotion to knowing, understanding and embracing the law in her own practice, and she shares that knowledge unselfishly," her nominator said.



### JUDICIAL EXCELLENCE AWARD

#### Judge Doyle Argo, Oklahoma City

Judge Doyle Argo has proudly served the bench, bar and community for 30 years. After graduating from OU with a political science degree, he joined the U.S. Air Force. He attained the rank of colonel and served his country in Guam, Thailand and Vietnam. After graduating from OU with his law degree, he worked as an assistant district attorney, general counsel of the OBA and part-time municipal judge. In 1987, he was appointed as a magistrate judge for the Western District of Oklahoma.

"His professionalism makes him a role model for judges. He is at work and working hard during business hours and beyond; his intellectual capacity is second to none; he listens courteously and well to every lawyer or litigant who appears before him; renders thoughtful and comprehensive decisions and never loses his temper. He is truly dedicated to respect for the law and exemplifies model judicial conduct," read his award nomination.

He has served as president of the Cleveland County Bar Association and of the William J. Holloway Jr. American Inn of Court. He also has served as a member of the board of directors of the Oklahoma County Bar Association.

His nominator said, "Judge Argo is a person of impeccable character. Frequently lawyers and judges experience ethical dilemmas that are not susceptible to easy answers. Judge Argo is an invaluable resource for the bench and bar on such issues. In part this is due to Judge Argo's thorough knowledge of ethical rules and restrictions from his days as general counsel for the OBA. But this is also due to Judge Argo's wonderful common sense and his integrity and strength of character."



## JUDICIAL EXCELLENCE AWARD

Judge Vicki Robertson, Oklahoma City

For the past two years, Judge Vicki Robertson has been the presiding administrative judge for Oklahoma County. She recently served as president of the Oklahoma Judicial Conference and is a member of the Oklahoma Trial Judges Association. She served as president of the Oklahoma County Bar Association in 2005. She is a master in the Robert J. Turner American Inn of Court and serves on the Oklahoma City Public Schools Foundation. Judge Robertson is the recipient of the 2007 State Trial Judge Award from the Oklahoma Chapter of the American Board of Trial Advocates. She has been a speaker at both the OBA and the OCBA's CLE seminars and a guest lecturer at the OCU School of Law.

Judge Robertson graduated from OU with a bachelor's degree in mathematics, a minor in economics and a teaching certificate. She received her J.D. from OCU in 1978, worked for the Holloway Dobson law firm for 16 years, where she was named a partner and received the Martindell Hubbell AV rating. Judge Robertson effectively managed the firm's workers' compensation practice, honing her organizational skills as evidenced by the efficiency with which she maintains her courtroom. She was appointed as special judge in 1996. After three years as special judge, she was appointed district judge and ran unopposed in 2002. She chaired the OBA's Credentials Committee to the Oklahoma House of Delegates, served the Oklahoma County Bar as vice president and on its board of directors.

"Candor and respect are mandates in her courtroom. This is not a one-way street. She requires the utmost candor and respect from attorneys and litigants and in turn, treats lawyers and litigants with the same candor and respect. Judge Robertson's courtroom

demeanor is widely admired by the bar," her nominator said.



## LIBERTY BELL AWARD

Central Oklahoma Association of Legal Assistants, Oklahoma City

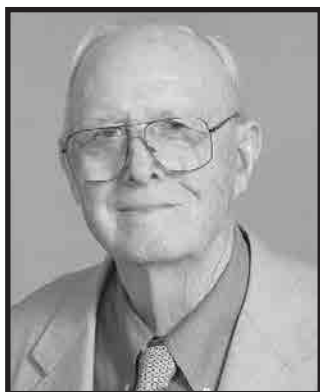
The Central Oklahoma Association of Legal Assistants has a demonstrated record of accomplishment and achievement in promoting and publicizing matters regarding the legal system, both in central Oklahoma and across the state. Many lawyers and law firms, whether their respective practices center on litigation or transaction work, are absolutely dependent on their paralegals in communicating with clients, drafting legal documents, correspondence and pleadings, investigation and research, drafting and organizing client documents and attorney work product and other substantive matters. This allows their lawyer colleagues to devote more time and attention to legal analysis, strategy and client development.

COALA provides monthly CLE education meetings, publishes a newsletter six times a year, sponsors seminars and workshops, and imposes stringent CLE requirements in maintaining membership status. For more than 20 years, members have established and maintained high standards of professional conduct that has reflected positively both on their organization and members as well as the Oklahoma legal profession.

The association routinely participates in the OBA's Annual Meeting by staffing a booth to share information about their profession. Members also work for months to help plan and present the Oklahoma County Bar Association's Law Day activities. Specifically, COALA matches judges, lawyers and paralegals with high school students to introduce the students to law office practices and procedures. They

also gave students personalized guided tours of the courtroom at the Oklahoma County Courthouse, the Oklahoma County Clerk's Office and the Oklahoma County Jail. COALA members treated the aspiring law students and paralegals to the OCBA's Law Day luncheon.

For more than 10 years, COALA members have supported the essential and urgent work of Positive Tomorrows, a high-profile, non-profit entity that serves children in crisis in the Oklahoma City area by providing education and family support services. Upon learning that Positive Tomorrows had lost significant public funding in the past year, they started Christmas in August this year to help provide students with backpacks filled with school supplies.



### **JOE STAMPER DISTINGUISHED SERVICE AWARD**

**Bob E. Bennett, Ada**

This year, Bob Bennett received his 50-year pin, signifying 50 years of honorable service as a member of the OBA. Mr. Bennett is highly regarded locally both in and out of the legal profession.

He served his country valiantly in many capacities for a lengthy period of time. From 1947 to 1958, he served in the Oklahoma National Guard. From 1950 to 1952, he served in the U.S. Army. He had tours of duty in Japan and Korea. He continued his military career in the U.S. Army Reserve from 1960 to 1962.

He has served the legal community in many capacities as well, including: president of the Pontotoc County Bar Association, OBA Board of Governors, OBA vice president, chair of the Probate Code Committee, member of the American Bar Association, fellow of the American College of Trust and Estate Counsel, fellow of the Oklahoma Bar Foundation, fellow of the

American Bar Foundation, member of the Oklahoma Health Lawyers Association and member of the National Association of College and University Attorneys. He is active in the Ada Rotary Club where he has served as president. He is also a life member and contributor to the United Way of Ada.

"Bob exemplifies what every lawyer should strive to be. His integrity, character, honesty and work ethic illustrate only the highest of standards," his nominator said.



### **ALMA WILSON AWARD**

**Renee DeMoss, Tulsa**

Renee DeMoss has made a significant impact on the Tulsa County Bar Association as well as the OBA for the past 20 years. In 2006, first as president-elect and then as president of the TCBA, she began a new program that will impact at-risk children in Tulsa for years to come.

In 2006, she developed a program through which the TCBA and Hamilton Middle School could work together to better the lives of its students, 90 percent of whom live below the poverty line. Each grade at Hamilton focuses on a particular professional field. The sixth grade class focuses on law and government, which is why TCBA's involvement was important.

Ms. DeMoss organized and coordinated a career fair at Hamilton. Representatives from all sectors of law and government attended, including police officers, city councilors, state representatives, lawyers, court reporters, judges, legal assistants, deputy sheriffs and probation officers. Each group provided information to the students about their respective jobs and was available to answer specific questions from the students.

Ms. DeMoss started a mentoring program at the school with a few volunteers acting as lunch buddies for students. The goal was to increase the number of lawyers participating so that each sixth grader would have a mentor to eat lunch with each week.

She also nominated the sixth grade teachers at Hamilton for the TCBA "Liberty Bell" award, which was presented to the teachers at the annual TCBA Law Day Luncheon. In addition, she coordinated "job shadowing" for 10 Hamilton sixth grade students, which allowed some of the students to spend the morning at a law firm and some to spend the morning at the federal courthouse.

The second annual career fair at Hamilton in 2008 was even more successful, and the mentoring "lunch buddy" program was a true success. Seventy-one individuals with careers in law and government were individually matched with sixth grade Hamilton students. In addition, one of the Hamilton sixth grade teachers taught a social studies curriculum developed by the ABA, "We the People," which was provided to the teacher by the TCBA.

"Renee has started a relationship with Hamilton that will last for years to come. Renee's commitment to helping the children of Hamilton and reaching out to these at-risk children has created a new community outreach program for the TCBA which will have a significant impact on all the children who come through Hamilton. And without Renee's drive and initiative, this wonderful program would not have come into being. The Alma Wilson Award was made for Renee DeMoss," her nominator said.



## ALMA WILSON AWARD

### Judge Richard A. Woolery, Sapulpa

Judge Richard Woolery is a special judge of the district court of Creek County. He graduated from UCO in 1973 and obtained his law degree from TU in 1973. After admission to the bar, he maintained a private general practice in Tulsa and Sapulpa. He also served as the municipal judge for Sapulpa for 14 years.

Judge Woolery was a champion of children long before CASA was a presence in Creek County. CASA (Court Appointed Special Advocates) is a volunteer organization that helps represent the best interests of abused and neglected children in court. After training, the volunteers are appointed to deprived cases and serve as the judges' eyes and ears outside the courtroom. For a CASA program to thrive, it is essential to have the full support of judges like Judge Woolery.

When he was assigned the juvenile docket, he knew that CASA would be vital to his decision making. He immediately started promoting the idea in the community and made his courtroom available for planning meetings. He was also valuable in recruiting advisory board members and volunteers. Initially, starting the CASA program was met with resistance. Judge Woolery was instrumental in achieving community acceptance and support of CASA as an important part of providing children in Creek County with safe, permanent homes.

His commitment and support are the key reasons for the success and expansion of CASA in Creek County. Judge Woolery has now sworn in more than 40 CASA volunteers who are serving 90 children.

"All of us in Creek County, especially our children, are better off because of the dedication and determination of this man to

make the county a better place," his nominator said.



**FERN HOLLAND  
COURAGEOUS LAWYER AWARD**

**Robert J. McCarthy, Oklahoma City**

Robert McCarthy graduated from the University of Montana School of Law in 1988 and has been admitted to practice in Montana, Idaho, Oregon, Washington and Oklahoma.

Recently, he has served as a field solicitor for the Department of the Interior in both Oklahoma and California. He has written numerous scholarly articles, including most recently a comprehensive history and analysis of the Bureau of Indian Affairs, published in 2004 by the *Brigham Young University Public Law Journal*.

Mr. McCarthy gave testimony last year in the long-running *Cobell v. Kempthorne* class-action suit that sought accounting of Indian trust funds held by the government. The action was filed in 1996 in the U.S. District Court for the District of Columbia on behalf of some 300,000 Native Americans for whom the government held trust funds derived mostly from leases of Indian lands and minerals over the course of 120 years. Oklahoma is home to an estimated 53,000 of the plaintiffs.

As field solicitor, Mr. McCarthy was an attorney for the trustee with an obligation of loyalty to the beneficiaries of the trust. In this capacity, he was subpoenaed by the *Cobell* plaintiffs to testify in the liability phase of the trial. He testified, in part, that he had disclosed gross mismanagement to the secretary of the interior, later to the inspector general, eventually leading to audits that verified his claims. In further testimony, he identified a secret agency document that acknowledged a vaunted new accounting system that was "nothing more

than a database of disinformation." His own observation of lease mismanagement, he testified, was that "essentially, funds collection was on the honor system."

In the wake of his disclosures, he was hounded out of the Interior Department and the federal service. He testified that he had been locked out of his office after his initial disclosures to the inspector general and was threatened with dismissal just one day after he notified the department that he had received the subpoena.

Thanks in part to Mr. McCarthy's selfless act of integrity, the court recently awarded the plaintiffs judgment in the amount of \$455 million. The court also ruled that the judgment represents only the amount of money likely collected by the government and not distributed to the Indians. The plaintiffs are still free to sue for damages, including amounts owed to the Indians but never collected by the government. In addition, hundreds of tribal governments currently are seeking an accounting of funds collected by the government from leases of tribal land. Mr. McCarthy is and was an active member of the OBA throughout these proceedings.

"He truly exemplified the ethics of the legal profession by acting in accordance with the highest standards in the face of pressure to do otherwise. In doing so, he served as a role model for ethics to other members of the profession," his nominator said.



**GOLDEN GAVEL AWARD**

**OBA Work/Life Balance Committee  
Melanie Jester, Chair**

Formed initially as a task force and made into a standing committee in 2006, the Work/Life Balance Committee has worked to advance professional and personal life integration as an

accepted norm of our state's legal culture. The committee has taken direct action to eliminate express and implicit bias associated with working professionals' needs to manage the competing demands of career, family, personal and societal obligations in the intense and often stressful field of law.

The committee maintains a page on the OBA Web site devoted to work/life balance issues. The page offers a host of information to help attorneys accomplish professional development and growth while also achieving fulfillment in their personal lives. The information provided includes sample work/life balance employment policies and practices, practical advice on work/life balance issues and substantive articles related to this topic.

The committee is frequently requested to speak on various work/life balance topics at CLE programs offered throughout the state. Other committee activities include sponsoring CLE programs in Tulsa and Oklahoma City in October and planning a work/life balance CLE track for the 2008 Annual Meeting. The committee is also involved in the promotion of health awareness. They sponsored a fun walk at the OBA's 2007 Annual Meeting with the proceeds going to the Lawyers Helping Lawyers Foundation.

More recently, the committee was responsible for a special issue of the *Oklahoma Bar Journal* which featured articles covering a range of work/life balance issues including national and local law firm practice trends, EEOC regulatory trends affecting employee rights in the area of work/life balance, parenting tips for working professionals, and how to maintain physical and mental health and well-being.



**NEIL E. BOGAN  
PROFESSIONALISM AWARD**

**Judy Hamilton Morse, Oklahoma City**

Judy Hamilton Morse received her B.A. from OU in 1968. She returned to OU in 1977 to attend law school as a widow with two young sons. She received her law degree in 1979, graduating at the top of her class.

After graduation, Ms. Morse joined the Oklahoma City firm of Crowe & Dunlevy, later serving as its first female president and as the first female chair of its litigation department. She was the co-chair of the very successful 1998 Legal Aid Fund Drive. She volunteered as director and former chair of the Oklahoma Appleseed Center for Law and Justice and as a panel member of Oklahoma Lawyers for Children. She has been a member of one or more OBA committees for nearly 30 years. She is past president of the Oklahoma Bar Foundation, a trustee of the American Inns of Court Foundation and a member of the William J. Holloway American Inn of Court. She also serves on the Admissions and Grievance Committee for the U.S. District Court for the western district of Oklahoma.

She has been listed in the Best Lawyers in America for 10 consecutive years and last year was inducted into the Litigation Counsel of America. She received the Mona Lambird Spotlight Award for Outstanding Achievement in the legal profession in 2001. She is also a two-time honoree of the Journal Record's "50 Making a Difference."

"Anyone who knows Judy knows that although she feels compelled to volunteer for worthy causes, her greatest passion is spending time with her four children and two grandchildren. And that's a shining example of work-life balance," her nominator said.



**JOHN E. SHIPP AWARD  
FOR ETHICS**

**Ronald Main, Tulsa**

“His leadership and sense of direction to all those lawyer members and lay members who serve on the various panels of the PRT (Professional Responsibility Tribunal) is invaluable... I need to point out that but for his effort and risking his own investment, the TCBA would not have the property and building which house TCBA today,” read the award nomination for Ronald Main.

Mr. Main served six years on the Professional Responsibility Commission and is concluding his six years on the Professional Responsibility Tribunal. He has recently been chief master. These two entities work to maintain the honesty and integrity of the legal profession. He has been of lengthy service to the Tulsa County Bar Association, the OBA House of Delegates, the editors of the *Oklahoma Bar Journal*, the Board of Governors and the Oklahoma Bar Foundation. Mr. Main’s current committee service includes Bench & Bar and Ethics. He is also a fellow and former trustee of the Oklahoma Bar Foundation and a fellow of the American Bar Association. Legal Services of Eastern Oklahoma Inc. gave him the President’s Award in 2001 and he served as a board member and vice president of the organization.

His nominator said, “I would respectfully suggest that Ron Main’s 44 years at the bar and his contributions thereto to our profession come with great personal sacrifice on his part which Main has willingly given... I think we can all agree that Ron Main has set the standard for other attorneys to follow.”



**TRAILBLAZER AWARD**

**Judge Thomas S. Landrith, Ada**

In the 1990s, Judge Thomas Landrith became tired of the revolving door of drug and alcohol offenders in his courtroom. Ten years ago, less than one year after the Oklahoma Drug Court Act was passed, the frustration felt by Judge Landrith led him to start a drug court program in Pontotoc County. It was the first in Oklahoma to follow the drug court act. It also was the first rural drug court in the nation. Judge Landrith, however, also faced stiff opposition to his drug court within his county.

However, since then it has proven to be a success and has been named twice as outstanding Drug Court of the Year in Oklahoma. The recidivism rate for Pontotoc County is 8.68 percent, compared to the national average of 17 to 18 percent.

“Starting a drug court program is one thing; making it successful is quite another. It takes vision, hard work, perseverance and personal commitment. Judge Landrith has that vision and commitment. It is not just a matter of judicial system dollars and cents saved; it is a safer community and lives and families restored. In his own words, ‘this is the single most important thing’ he has ever done,” said his nominator.

Judge Landrith is involved in all phases of the program, and he is the driving force behind the program’s progress evaluation and crisis intervention phases of the drug court program. He presides on the bench every other Friday for two to three hours, addressing the progress, or lack thereof, of the 210 or more drug court participants in attendance. He makes time for the participants and has an open door policy. He invests personal time and money to ensure the program’s success. Crises are common with the participants. If a crisis occurs in the middle of the night, the drug court team knows they



can contact Judge Landrith for assistance any time of day or night.

The trail he blazed has led to similar drug court programs in Hughes and Seminole counties. Most drug court programs in Oklahoma follow the policies and procedures manual written by Judge Landrith and his Pontotoc County drug court team. In 1999, the first drug court convention was held in Ada with Judge Landrith and his team hosting the event. He speaks statewide on the topic of creating and maintaining a successful drug court program.



## OUTSTANDING COUNTY BAR AWARD

### Cleveland County Bar Association

The Cleveland County Bar Association has a long history of excellence and its members continued this tradition by maintaining a busy schedule this year.

In October 2007, the county bar hosted a luncheon for five visiting Russian judges who came to learn about criminal jury trials. The judges toured the Cleveland County Courthouse and attended a mock voir dire process.

In December, the bar presented a \$13,000 check to the Thunderbird Clubhouse of Norman at its new site groundbreaking. The Thunderbird Clubhouse assists chronic mental health clients with rehabilitative training in basic health, living and employment skills.

In February, the CCBA held a reception for Charlotte Nelson's retirement. In recognition of her service and dedication to the Board of Bar Examiners, she was presented with a resolution.

The CCBA is always looking to reinforce the strength of the association and foster its growth. The Young Lawyers Division hosted a mixer to

encourage new membership and to conjure up new ideas to involve the newest lawyers.

This spring, the CCBA worked to raise awareness of Law Week. Members of the bar wrote articles that appeared in the *Norman Transcript*. They also spoke in classrooms at local schools and participated in the Ask A Lawyer program. The program provided free legal advice to many residents of the community. T-shirts were sold throughout the week with the proceeds going to help fund community-based awards.

The annual CCBA Barristers Bowl "Motion to Strike" was held in July to provide fun, fellowship, visibility and support for the bar and \$10,000 was raised to benefit local organizations that provide services for youth.

The CCBA also meets monthly and provides a half-hour CLE credit for those in attendance. The session is taught by lawyers who have expertise in the subject area presented.

In addition to the CLE opportunities at its monthly meetings, the CCBA sponsored its annual trip to Las Vegas in search of fun, fellowship, education and aspirin (after the first evening). While there, members availed themselves of several hours of CLE credits.



## OUTSTANDING COUNTY BAR ASSOCIATION

### Pontotoc County Bar Association

On May 1, 2008, the Pontotoc County Bar Association featured activities to increase public awareness of the role of attorneys in the community and provide assistance to community members. Bar members received calls for free legal advice for citizens in celebration of Law Day from 6-9 p.m. The event was advertised on a local radio station and local newspapers. Fliers were also distributed for the event and caller response was doubled from previous years due to the increased publicity.

To celebrate the Law Day theme of "Democracy in Action," bar members held a mock presidential election at area junior high schools. The members spoke with students about the election process. Students were able to cast their own votes and gave spirited speeches on behalf of their respective candidates. More than 500 students received realistic election ballots to cast their votes. The results of the mock election were announced later at the schools.

The bar association hosts several social events in order to foster advantageous social and working relationships between its members. Monthly lunch meetings are held with guest speakers. Also, a "Summer Social" meeting is held every year for attorneys who have busy lunch schedules.

The bar also hosts an annual summertime gathering for attorneys called Sheep Creek. All members attend as well as judges from the Oklahoma Supreme Court and members from the state and federal judiciary.



## HICKS EPTON LAW DAY AWARD

### Bryan County Bar Association

To celebrate the heritage of Law Day, this year the Bryan County Bar Association scheduled several activities. First, the BCBA sponsored contests for local school children. These contests included: a coloring contest for kindergarten through third graders, a poster contest for grades fourth through sixth, an essay contest for seventh through ninth graders and an essay contest for 10th through 12th graders. The essay topic for seventh through ninth graders was, "How important are the presidential elections to Oklahoma and to your life?" The topic for 10th through 12th graders was, "How do elections impact the law and legal process on a national, state and local

level, and how can changes affect your rights and lives?"

This year's Law Day school contest was a huge success. There were more than 500 entries for the kindergarten through third grade coloring contest; more than 30 entries for the essay contest for seventh through ninth graders; and more than 40 essay entries for the 10th through 12th graders. Individual winner certificates were also made by the BCBA to deliver to each student winner. These individual certificates were personally delivered to that student's school before the end-of-year awards ceremony so that the student would receive recognition.

This year the BCBA donated money to winners for first, second and third places for each category. The bar also received \$100 in gift certificates from a local business to give as an award for fourth place.

Approximately 15 Bryan County attorneys visited with local school classes over a two-month period in April and May to celebrate Law Day. Each Bryan County school had a local attorney visit to donate a minimum of one hour of time to explain Law Day and why it is celebrated, what attorneys do, how they become licensed and how those attorneys seek to help people. Some schools allowed attorneys to speak to multiple classrooms, while other schools held assemblies with seventh through 12th graders present to ask questions. The volunteer attorneys collectively donated more than 20 school hours.

Several local attorneys contributed articles to the *Durant Daily Democrat* that ran during the week preceding Law Day. The newspaper articles ranged on topics from superdelegates and their purpose to initiative referendum to term limits.

Finally, on May 1, members of the BCBA participated in the statewide Ask A Lawyer call-in program from 6-7 p.m. Locally, the BCBA invited citizens to participate in the local Ask A Lawyer program from 6-7 p.m. at an attorney's office in Durant. Citizens were invited to stop by to speak personally with an attorney who could give free legal advice.



## HICKS EPTON LAW DAY AWARD

### Tulsa County Bar Association

The Tulsa County Bar Association did much to elevate public awareness of Law Day and to increase involvement in its Law Day activities. Following the Law Day theme of "Elections-Democracy in Action," the TCBA co-sponsored a naturalization ceremony where members gave speeches to the new citizens as well as to elementary students about the honor of citizenship and the opportunities available to all U.S. citizens.

With assistance from the OBA's Law-related Education Committee, the TCBA sponsored a tour of the State Capitol for Hamilton Middle School students, where they got the chance to meet the governor and the lieutenant governor.

The bar also had 18 volunteers assist 44 Tulsa County Law Library patrons with free legal advice and referral services. Also, the TCBA presented a mock trial for local elementary students to give them a first exposure to lawyers and trials in the hope that they overcome the "TV lawyers" stereotype. The event was a great success. Another mock trial was held for high school students using students from the Lakeside Home, a group home for juveniles adjudicated in the juvenile courts. Lakeside students shared stories about how they got into the court system and the lessons learned from it.

In May, TCBA volunteers provided free legal advice to 754 callers for the Ask A Lawyer event. Also in May, the bar sponsored a community law fair at a local mall. The event provided mall visitors with information about the TCBA, as well as information from other area charitable groups and legal services organizations. Also at the fair, the winners of the student poster, poetry and photo contests were announced.

TCBA volunteers spoke to 26 different Tulsa County schools and addressed more than 500 students during the 2007-2008 school year for Lawyers in the Classroom.



## OUTSTANDING YOUNG LAWYER AWARD

### Christopher L. Camp, Tulsa

Chris Camp graduated from the TU College of Law in 1999, where he was on the Dean's List. He received his B.A. in English education from TU in 1995, where he was a member of the President's Ambassador Council Honor Society and the recipient of an Army ROTC/TU Military Science Scholarship Grant and the General Dynamics Award for Outstanding Leadership.

He has been recognized by his peers as an emerging leader in the legal profession in Oklahoma. He was elected to several key leadership positions in the OBA, including seats on the Board of Governors and the House of Delegates. In 2007, he served on the American Bar Association's House of Delegates as the only delegate from Oklahoma under the age of 40. Beginning in 2001, he was elected to a seat on the board of directors of the OBA Young Lawyers Division. Currently, he is the immediate past chair of the division. He was elected by the Tulsa County Bar Association as an alternate delegate for 2008-2009. He has been active in more than a dozen other OBA and TCBA committees, the Oklahoma Trial Lawyers Association and the American Association for Justice. He is a barrister with the Hudson Hall Wheaton chapter of the American Inns of Court and serves on the TU College of Law Alumni Board of Directors. Mr. Camp was nationally recognized by the American Association for Justice for a sizeable jury verdict he won for two local homeowners in 2006. In May 2008 he was selected by *The Journal Record* for its "Achievers Under 40" award and scholarship.

Mr. Camp was key in organizing and implementing the Wills for Heroes program that is designed to provide free of charge wills and powers of attorney to firefighters and law enforcement personnel across Oklahoma. He has also performed fundraising for the Tulsa Ronald McDonald House. He has volunteered with the Oklahoma Bar Foundation's High School Mock Trial Program and helped build the OBA/Habitat for Humanity "Justice House." He is a member of the Rotary Club of Tulsa.



### OUTSTANDING SERVICE TO THE PUBLIC

**S. Douglas Dodd, Tulsa**

Doug Dodd served in the military as a missile launch control officer in the U.S. Air Force. In 1981, he graduated from TU with a degree in speech: radio and television, and spent 14 years in radio and television journalism at KOTV and KTUL before obtaining his J.D. from the TU College of Law.

Mr. Dodd specializes in media and communications law with an emphasis on First Amendment and defamation issues. He has lectured both attorneys and journalists on open meetings and open records issues, and is actively involved in the Media Law Resource Center's Defense Counsel Section.

Mr. Dodd's public service has earned him the well-deserved respect of the Tulsa community, especially on issues of public education. Notably, he was a hard-working, highly respected, visible and credible voice for the Tulsa School Board from 1990 to 2001, serving as its president from 1994-96. He also served as chairman of the board of the American Diabetes Association and received the Dr. Charles H. Best Award from the organization. He has served on the boards of the Citizen CPR organization and the Foundation for Tulsa Schools, and as

an elder in his church. In May, the TU Alumni Association presented Mr. Dodd with the inaugural W. Thomas Coffman Community Service Award for his extraordinary service promoting public education.

His commitment to public service has also been demonstrated by his willingness to be a candidate for House of Representatives for the 1st Congressional District. Although he has not been successful, he always waged a clean, honorable and decent campaign, focusing on issues important to the 1st District.



### OUTSTANDING PRO BONO SERVICE

**Jim Webb, Oklahoma City**

Jim Webb received his B.A. from Austin College. He received his J.D. from Washington University in 1993, where he was a member of the Order of the Coif, associate editor of the *Washington University Law Quarterly* and was a recipient of the Amandus Brackman Award for Excellence in Appellate Advocacy.

Mr. Webb joined the firm of McAfee & Taft in 1995 after practicing for several years in Denver. He serves as co-chair of the firm's Recruiting Committee and Associate Committee. His responsibilities in those roles include helping coordinate the firm's recruiting activities and helping new lawyers assimilate into the life of the firm.

He is actively involved in the Oklahoma City legal and business community and contributes a substantial amount of time providing pro bono legal services on all types of matters, particularly to persons with serious mental and/or physical disabilities. He currently serves as general counsel of Oklahoma Youth Symphonies, as a member of the board of directors of the 5207 Western Foundation, Oklahoma Outreach Foundation and the Center of Family

Love. Mr. Webb also serves as a volunteer attorney for the DHS Safe Haven Program. He also volunteers time each week to work directly with transplant patients at the Nazih Zuhdi Transplant Institute at Integris Baptist Medical Center.

He is a member of the board of directors of the Oklahoma County Bar Association, and serves on its Fee/Grievance and Work/Life Balance committees. He serves on the Lawyers Helping Lawyers, Rules of Professional Conduct and Legal Assistant Committees for the OBA.

Mr. Webb was recently awarded the OCBA Community Service Award. He was also recognized for his professional and civic contributions to the state by being named to the *Journal Record's* list of leadership in law nominees.

He was nominated for the OBA's Outstanding Pro Bono Service Award by a former pro bono client.



**MAURICE MERRILL  
GOLDEN QUILL AWARD**

**Sarah J. Glick, Oklahoma City**

Sarah Glick receives the Maurice Merrill Golden Quill Award for her article titled, "Behind the Slash," which appeared in the May 10, 2008, issue of the *Oklahoma Bar Journal*. As part of the Work/Life Balance theme issue, Ms. Glick's article explores the developing trend toward simultaneously pursuing multiple careers as a way to fulfill the desire for broad experience and contentment. With humor and insight, Ms. Glick calls Oklahoma lawyers to consider their other interests and talents as part of the work/life balance equation.

Ms. Glick received her bachelor's degree in human relations in 1997 from Southern

Nazarene University where she served as a resident advisor. She spent a post-graduate year as a nanny before enrolling at Oklahoma City University School of Law as a Hatton W. Sumners Scholar. During law school, Ms. Glick worked as a student clerk for Judge Reta Strubhar at the Oklahoma Court of Criminal Appeals.

Upon completion of her law degree from OCU in 2001, Ms. Glick began her litigation practice with McKinney & Stringer PC. As part of her own search for broad experience, Ms. Glick accepted the general counsel position at the Oklahoma House of Representatives, and then returned to private practice as an associate in business litigation/transactions at Cheek & Falcone PC (formerly Cheek & Gelnar PC). She is currently immersed in the practice of health care law with Scoggins & Cross PLLC, where she is a civil litigator/employment lawyer/health care lawyer.

In an attempt to balance her work and life, Ms. Glick enjoys hanging out with her nieces and nephew, belonging to a fantastic dinner club and singing in the shower. She also serves as a volunteer with Oklahoma Lawyers for Children, a board member for Oklahoma County Champions for Children and a member of the OBA Work/Life Balance Committee. And, she reluctantly appears in the OBA's annual Singing Ethics CLE presentation.



**MAURICE MERRILL  
GOLDEN QUILL AWARD**

**Phil R. Richards, Tulsa**

Phil Richards receives the Maurice Merrill Golden Quill Award for his article titled, "Oklahoma Bad Faith Basics," which appeared in the Aug. 9, 2008, issue of the *Oklahoma Bar Journal*.

Mr. Richards graduated from the OU College of Law in 1983. He began his practice as an assistant district attorney in Duncan. In 1984, he returned to his home town of Tulsa to practice civil law, joining a firm in which he became a partner in 1988.

In 1997, he formed the law firm that is now Richards & Connor. Trial work, primarily representing businesses and insurers, has been the focus of his practice. As a result, he has tried cases to juries in both state and federal courts throughout Oklahoma. He has also litigated insurance coverage matters in Arkansas.

His practice areas include insurance coverage litigation, insurance bad faith defense, the defense of claims involving significant injuries or economic loss, and commercial litigation in state and federal court.

He has taught continuing education programs on insurance coverage, bad faith law and trial practice. He has also authored papers on topics including insurance coverage, bad faith, trial practice and constitutional jurisprudence. Published decisions in cases he has handled include matters of insurance coverage, bad faith liability, ERISA, medical malpractice, governmental liability, tort liability and commercial litigation.

(cont'd from page 2552)

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

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

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

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

# OBA Governance

## 2009 Transitions

### 2008 President

**J. William Conger, Oklahoma City**

**O**CU General counsel and distinguished lecturer in law; of counsel and founder of Hartzog Conger Cason & Neville, Oklahoma City; OU, B.A., 1967; Louisiana State University School of Law, 1967-68; OU College of Law, J.D., 1971; member of OBA, Oklahoma County Bar Association and ABA; member of OBA Board of Governors, 2003-2005, vice president 2006; recipient, 2004 John E. Shipp Award for Ethics; recipient, 2004 President's Award for Outstanding Service to the OBA; chair, OBA Task Force on Tort Reform; chair, Bar Center Facilities Committee; vice chairman, Bench and Bar Committee (2005); member, Access to Justice Advisory Committee; member, Work/Life Balance Committee; Oklahoma County Bar Association past president and former director; former chair of Oklahoma County Bar Law Day Committee and Fee Grievance and Ethics Committee; former chair of Oklahoma County Bar Legal Aid Fundraising Drive; member of Oklahoma County Bar Task Force for Work/Life Balance and numerous other county bar committees; trustee and benefactor fellow of Oklahoma Bar Foundation; fellow, American College of Trial Lawyers; fellow of American Bar Foundation; master emeritus of William J. Holloway Jr. Inn of Court; past president, past counselor, former member of Executive Committee of William J. Holloway Jr. American Inn of Court; recipient of Presidents Award, 1999; Service Award, 2000; Presidents Award, 2001; Professionalism



Award, 2002; past president, board of trustees of Heritage Hall School, past trustee of Heritage Hall School; former director, Speck Home for Boys; member of Oklahoma Museum of Art Legacy Campaign; recipient, Professor of the Year, OCU School of Law (2004-2005).

### 2009 President

**Jon K. Parsley, Guymon**

**J**on K. Parsley is a sole practitioner in Guymon. He received a Bachelor's degree from Central State University in Edmond in 1991. Mr. Parsley received his Juris Doctor Degree from the University of Oklahoma College of Law. He was admitted to the Oklahoma Bar Association in 1994. His practice is very general with an emphasis in litigation. He is also admitted to practice before the U.S. District Court for the Western District of Oklahoma. Mr. Parsley was the chairperson of the OBA Young Lawyer's Division in 2002. He was then elected as the Governor from District 4 and served on the OBA Board of Governors from 2004-2006. Mr. Parsley is a member of the American Bar Association, Oklahoma Association for Justice, and the American Association for Justice. Mr. Parsley is a benefactor fellow of the Oklahoma Bar Foundation.



# 2009 Nominees

## President-Elect

Allen M. Smallwood,  
Tulsa

Allen M. Smallwood is a solo criminal defense practitioner in Tulsa. He received a B.S. from Oklahoma State University in 1972 and his J.D. from the University of Tulsa College of Law, 1974. He has been a member of the Oklahoma Bar Association and the Tulsa County Bar Association since 1975. Prior to obtaining his degrees, Smallwood served in the United States Marine Corps 1966-1968. He is a two time past president of the Tulsa County Bar Association and former director of the Tulsa County Bar Foundation. He has been or is a member of the American Inns of Court, Council Oak Chapter, OBA Board of Governors, Oklahoma Judicial Nominating Commission, Tulsa Criminal Defense Lawyers Association, National Association of Criminal Defense Lawyers, Fellow, Oklahoma Bar Association, Fellow, American Bar Foundation and Fellow, American Association for Justice. In addition to serving, he has received numerous awards such as the TCBA Golden Rule Award, OBA Award for Ethics, President's Award for Service to the Centennial Committee - TCBA, TCBA Neil E. Bogan Award for Professionalism, OBA Neil E. Bogan Award for Professionalism and ABA General Practice, Solo & Small Firm Division Donald C. Rikli Solo Lifetime Achievement Award (2006).



## Vice President

Linda S. Thomas,  
Bartlesville

Linda S. Thomas received her Juris Doctorate from the University of Tulsa College of Law in 1994, and was admitted to the Oklahoma Bar Association in September 1994. She is a solo practitioner



in Bartlesville engaged in the general practice of law, concentrating in the area of juvenile and family law. She is a trained mediator and Guardian Ad Litem. In 2007, Ms. Thomas was appointed by Governor Brad Henry as a lifetime member of the Oklahoma Child Abuse Training and Coordination Council. She served on the Oklahoma Bar Association Board of Governors from 2003-2005, and has served on the Board of Trustees for the Oklahoma Bar Foundation since 2006. Ms. Thomas received the OBA President's Award at the 2007 Annual Meeting for her service as chairperson of the OBA 2007 Leadership Task Force, and is currently co-chair of the 2008-09 Leadership Academy. She is a member of the Washington County Bar Association, the American Bar Association, the OBA Family Law Section and the OBA Women in Law Committee. She has served on numerous OBA committees, including the Women in Law Committee, Law Day Committee, Budget Committee, Strategic Planning Task Force, Centennial Task Force and Access to Justice Committee. She is a past president of the Washington County Bar Association and continues to be an active part of the WCBA. She has been a Fellow of the Oklahoma Bar Foundation since 2001, and a Benefactor Fellow since 2004. She is also an Oklahoma Fellow of the American Bar Foundation.

## Supreme Court Judicial District One

Charles W. Chesnut, Miami

Charles W. (Chuck) Chesnut is a sole practitioner in Miami. He received a B.B.A. from OU in 1974 and his Juris Doctor degree from OU in 1977. His main areas of practice are real estate, probate and estate planning. He is a member and past president of the



Ottawa County Bar Association. He served as United States Magistrate Judge (part-time) for the U. S. District Court, Northern District of Oklahoma from 1983-1987. He was a Temporary Panel Judge for the Oklahoma Court of Appeals in 1991-1992. He is a past member of the Board of Directors of the OBA Young Lawyers Division. He is a sustaining member of the Oklahoma Bar Foundation, was a Trustee



of the OBF from 1993-2000 and served as President of the OBF in 1999. He is a member of the Real Property Law, Estate Planning and Probate, and Law Office Management and Technology Sections (Chairman, 2005) of the OBA and has been a member of a number of OBA Committees.

## Supreme Court Judicial District Six

**Martha Rupp Carter, Tulsa**

**M**artha Rupp Carter has spent 28 years practicing law through public service and handling local government legal issues. Since June 2004, Carter has served the Tulsa City-County Health Department as its general counsel. She graduated from Oklahoma State University with a B.A., honors in



English, and obtained her Juris Doctor degree from the University of Oklahoma College of Law in 1980. Prior to her positions now, Carter worked as an associate attorney in private practice with the law firm Sonberg and Waddell for five years. She also served in the City of Tulsa Legal Department for nineteen years, as Tulsa's City Attorney for the last four years of her service. Carter is an International Municipal Lawyers' Association Government Law Fellow, the first Oklahoman recognized. She has participated for many years on the Tulsa County Bar Association Executive Committee with two terms as secretary, one as treasurer, vice-president, president-elect and president. She currently serves as its past president. She served the Tulsa County Bar Foundation as its vice-president. Carter is a member of the Oklahoma Bar Association Board of Editors, the Oklahoma State Chairperson for the International Municipal Lawyers' Association and an adjunct settlement judge for the U. S. District Court for the Northern District of Oklahoma. She is a recipient of the 2004 Mona Lambird Spotlight Award and a Tulsa County Bar Association Golden Rule honoree.

## Supreme Court Judicial District Seven

**Charles D. Watson Jr., Drumright**

**C**harles D. Watson Jr. is a solo practitioner in Drumright. He has been actively engaged in the general practice of law since 1969, 34 years of which were in partnership with his father, Doyle Watson. Mr. Watson is a graduate of the University of Oklahoma College of Law and is a Lifetime Sustaining Fellow of the Oklahoma Bar Foundation. His previous OBA service includes membership on the OBA Rules of Professional Responsibility Committee, service as an Associate Bar Examiner, membership on the OBA Professional Responsibility Commission, and multi-term service as a Governor-member of the OBA Board of Governors.



## Supreme Court Judicial District Seven

**Lou Ann Moudy, Henryetta**

**L**ou Ann Moudy is a sole practitioner in Henryetta. Lou Ann received her Juris Doctor in 1989 from the University of Oklahoma College of Law. Her practice is focused on family and small business issues, but as a solo general practitioner, she has many areas of interest.



Lou Ann has been very active in her local bar associations and at the state level. While practicing in Woodward, she served as the president of the Woodward County Bar Association, and has done the same for Okmulgee County since returning to her hometown. She served as director of the OBA Young Lawyers Division from 1994-2000, and was chairperson of the division in 2001. Lou Ann has been a member of several OBA committees and served on the 2006 National Mock Trial Host Committee. When she is not at the office,

Lou Ann enjoys tennis, golf, church, civic activities and keeping up with her nephews.

## Member-At-Large

Steven Dobbs, Oklahoma City

Steven Dobbs is a managing attorney of Dobbs & Middleton and staff counsel for the Farmers Group of Companies. He received a B.A. in 1973, Master of Public Administration in 1974, both from the University of Missouri and his J.D. from the University of Oklahoma College of Law in 1979.



He was admitted to the Oklahoma Bar Association in 1980 and is able to practice before the United States Supreme Court, the Tenth Circuit Court of Appeals, and the Western, Eastern and Northern Federal District Courts in Oklahoma. Dobbs has remained active in the OBA through service on the Legal Ethics Commit-

tee, Legal Ethics Advisory Panel, Rules of Professional Conduct Committee, Professionalism Committee and has been a moderator and speaker at OBA Continuing Legal Education programs. He has worked on volunteer assignments for Lawyers for Children and also serves on the Professional Responsibility Tribunal as the Presiding Chief Master. Governor Keating appointed him to consecutive terms on the Oklahoma Dental Board from 1997 to 2003 where he was elected president in 2002, becoming the first and only non-dentist ever elected president of that board. Dobbs was a recipient of the Oklahoma Bar Association's 2003 John E. Shipp Award for Ethics. He served a term as the Ward 8 City Councilman for Oklahoma City and continues to serve Oklahoma City as the current chairman of the Board of Adjustment. He was a Corporal in the U.S. Marine Corps and was awarded two Purple Hearts for combat related wounds while in Vietnam. He and his wife Lisa reside in Oklahoma City. Lisa is the director of finance for the American Red Cross-Central Oklahoma Chapter.

**Got e-mail?**

Check your official mailing address & add your e-mail address

Go to <http://myokbar.org/Login>

- Use your new OBA number & PIN number to enter this password-protected portion of the OBA's Web site
- OBA member e-mail addresses are for the exclusive use of the association and are not for sale to outside sources nor are they considered to be public record

# 2009 OBA Board of Governors Vacancies

**Nominating Petition Deadline was 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: **Charles W. Chesnut, Miami**

### **Supreme Court Judicial District Six**

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

### **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**  
**LouAnn Moudy, Henryetta**

### **Member-At-Large**

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

## **Summary of Nominations Rules**

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

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

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

See Article II and Article III of OBA Bylaws for complete information regarding offices, positions, nominations and election procedure.

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.



# 104th OBA Annual Meeting Sheraton Hotel, Oklahoma City Nov. 19-21, 2008

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

## TUESDAY, NOVEMBER 18

OBA REGISTRATION.....4 – 8 P.M.  
*Sheraton Lobby*

OKLAHOMA FELLOWS OF  
THE AMERICAN BAR  
FOUNDATION.....6:30 – 9:30 P.M.  
*Skirvin Hilton Hotel*

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

*See seminar program for speakers  
and complete agenda*

CRIMINAL LAW                      18th Century Ballroom  
FAMILY LAW                              Plaza Ballroom  
WORK/LIFE BALANCE                      Green Country  
NUTS & BOLTS                      20th Century Ballroom

## WEDNESDAY, NOVEMBER 19

OKLAHOMA FELLOWS OF THE AMERICAN BAR  
FOUNDATION.....8 – 9 A.M.  
*Skirvin Hilton Hotel*

ART SHOW REGISTRATION..... 8 A.M. – 5 P.M.  
*Mall Pavillion, OBA Registration Desk*

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

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

BOARD OF BAR  
EXAMINERS..... 8:30 – 11:45 A.M.  
*Frontier*

OU COLLEGE OF LAW  
ALUMNI RECEPTION  
AND LUNCHEON..... 11:15 A.M. – 1:30 P.M.  
*Petroleum Club*

OUTSTANDING SENIOR LAW SCHOOL STUDENT  
AWARD  
*Blake Pinard*

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

OUTSTANDING SENIOR LAW SCHOOL STUDENT  
AWARD  
*Melissa Taylor*

OCU SCHOOL OF LAW  
ALUMNI LUNCHEON..... NOON – 1:30 P.M.  
*19th Century Ballroom*

OUTSTANDING SENIOR LAW SCHOOL STUDENT  
AWARD  
*Melissa Peros*

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CRIMINAL LAW SECTION  
LUNCHEON ..... NOON – 1:30 P.M.  
*Petroleum Club*

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MCLE COMMISSION ..... 2 – 3:30 P.M.  
*Boardroom*

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BOARD OF GOVERNORS MEETING ..... 2 – 4 P.M.  
*Kiamichi*

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LEGAL INTERN COMMITTEE ..... 2:30 – 3:30 P.M.  
*Great Plains*

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FRIENDS OF BILL W. .... 5 – 6 P.M.  
*Frontier*

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

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PRESIDENT'S RECEPTION  
– LIFE'S A BEACH ..... 7 – 9 P.M.  
*(Free for everyone with meeting registration)*  
*Century Ballroom*

*Kick back, relax and enjoy a day at the beach with President Bill Conger. Each attendee receives two free drink tickets.*

ENTERTAINMENT: *Chuck Allen Floyd*

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AMERICAN IDOL - OBA STYLE ..... 9 – 11 P.M.  
*Plaza Ballroom*

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

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## THURSDAY, NOVEMBER 20

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PRO BONO BREAKFAST ..... 7:30 – 9 A.M.  
*18th Century Ballroom*

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AMERICAN COLLEGE OF  
TRUST AND ESTATE COUNSEL ..... 8 – 9:30 A.M.  
*Green Country*

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PROFESSIONALISM  
COMMITTEE BREAKFAST ..... 8 – 9 A.M.  
*Frontier*

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

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

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

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OKLAHOMA ASSOCIATION  
FOR JUSTICE ..... 8:30 A.M. – 4 P.M.  
*Cox Center Room 3*

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FAMILY LAW SECTION ..... 8:30 A.M. – 4:45 P.M.  
*Cox Center Ballroom A*

PROGRAM:

Issues In Domestic Violence: View from the Prosecutorial and Judicial Perspectives

Practical Considerations in Identifying Domestic Abuse and Representing the Victim

The Hidden Law: Unpublished Family Law Opinions

Recent Developments in Family Law

SPEAKERS:

*Judge Lisa Bloch Rodwin*

*Lynn S. Worley*

*Amy E. Wilson*

*David Tracy*

*Robert G. Spector*

*Carolyn S. Thompson*

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

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OBA/CLE PLENARY  
SESSION ..... 9 – 11:40 A.M.  
*Plaza Ballroom*

**EARL SNEED AWARD**

*Julie Simmons Rivers, Oklahoma City*

**FEATURING:**



**Rita Murray**  
Leadership coach

TOPIC: *A Perfect Storm of Opportunity:  
Communicating across the Generations*

**BARRISTER SPONSOR:**

*OBA Litigation Section*

**ESQUIRE SPONSOR:**

*Oklahoma Attorneys Mutual Insurance Co.*

**ACCESS TO JUSTICE**

COMMITTEE ..... 9:15 – 10:45 A.M.  
*Great Plains*

**OBA RULES AND BY-LAWS**

COMMITTEE ..... 10 – 10:30 A.M.  
*Boardroom*

**ESTATE PLANNING, PROBATE**

AND TRUST SECTION ..... 10 – 11:45 A.M.  
*Red Carpet*

TOPIC: *Recent Developments in Estate Planning,  
Probate, Trust and Guardianship Law  
(Approved for 1 hour CLE credit)*

**OBA RESOLUTIONS**

COMMITTEE ..... 10:45 – 11:45 A.M.  
*Boardroom*

**OBA ANNUAL LUNCHEON  
FOR MEMBERS, SPOUSES**

AND GUESTS ..... NOON – 1:45 P.M.  
*Century Ballroom  
(\$30 with meeting  
registration)*

**OBA ARTIST OF THE YEAR**

*(to be announced at the luncheon)*

**JUDICIAL EXCELLENCE AWARD**

*Judge Doyle Argo, Oklahoma City  
Judge Vicki Robertson, Oklahoma City*

**LIBERTY BELL AWARD**

*Central Oklahoma Association of Legal Assistants  
(COALA)*

**JOE STAMPER DISTINGUISHED SERVICE AWARD**

*Bob E. Bennett, Ada*

**ALMA WILSON AWARD**

*Renee DeMoss, Tulsa  
Judge Richard A. Woolery, Sapulpa*

**FERN HOLLAND COURAGEOUS LAWYER AWARD**

*Robert McCarthy, Oklahoma City*

**GOLDEN GAVEL AWARD**

*OBA Work/Life Balance Committee,  
Melanie Jester, Chair*

**NEIL E. BOGAN PROFESSIONALISM AWARD**

*Judy Hamilton Morse, Oklahoma City*

**JOHN E. SHIPP AWARD FOR ETHICS**

*Ronald Main, Tulsa*

**FEATURING:**



**Jeffrey Toobin**  
Law, media and  
political analyst

TOPIC: *The Nine: Inside the Secret World of the  
Supreme Court*

**SPONSOR: LEGAL DIRECTORIES PUBLISHING INC.**

JEFFREY TOOBIN BOOK SIGNING ..... 2 – 3 P.M.  
*(Books available for purchase) Kiamichi*

**ALTERNATIVE DISPUTE**

RESOLUTION SECTION ..... 2 – 3 P.M.  
*Cox Center Room 15*

WOMEN IN LAW COMMITTEE ..... 2 – 3:15 P.M.  
*Frontier*

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OKLAHOMA CRIMINAL DEFENSE  
LAWYERS ASSOCIATION .....2 – 4 P.M.  
*Cox Center Ballroom D*

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BANKRUPTCY AND  
REORGANIZATION SECTION .....2 – 4 P.M.  
*Cox Center Room 16*

SPEAKERS:

*Steven W. Bugg*, McAfee & Taft,  
Oklahoma City

*Judy Hamilton Morse*, Crowe & Dunlevy,  
Oklahoma City

*Gary M. McDonald*, Doerner Saunders  
Daniel & Anderson, Tulsa

*Andrew R. Turner*, Conner & Winters,  
Tulsa

TOPIC: *SemCrude: Status of Bankruptcy Case  
and Rights of Producers*  
(Approved for 2 hours CLE credit)

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GOVERNMENT AND  
ADMINISTRATIVE LAW SECTION .....2 – 4 P.M.  
*Wine Room*

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REAL PROPERTY SECTION .....2 – 4 P.M.  
*Cox Center Ballroom E*

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LAW OFFICE MANAGEMENT AND  
TECHNOLOGY SECTION .....2 – 4 P.M.  
*Cox Center Room 17*

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2008-2009 OBA  
LEADERSHIP ACADEMY.....2 – 5 P.M.  
*Plaza North Ballroom*

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COUNCIL ON JUDICIAL  
COMPLAINTS .....2 – 5 P.M.  
*Private Dining Room*

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OKLAHOMA BAR FOUNDATION  
BOARD OF TRUSTEES .....2:30 – 5:30 P.M.  
*Green Country*

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OBA/CLE AND LAWYERS  
HELPING LAWYERS ASSISTANCE  
PROGRAM PRESENT FRAMING  
THE QUESTIONS/FINDING  
THE ANSWERS: MENTAL  
HEALTH AND THE OBA .....3 – 4:15 P.M.  
(OBA Annual Meeting *Plaza South Ballroom*  
*registration not required*  
*for admission*)

PROGRAM:

What's Happening with Mental Health  
Services in Oklahoma?

How is the OBA Addressing Member  
Mental Health Issues?

How Should OBA Members Address  
Lawyer Mental Health Issues? (*ethics*)

MODERATOR:

*Clif Gooding*, The Gooding Law Firm PC,  
Oklahoma City

SPEAKERS:

*Terri White*, Oklahoma Department of  
Mental Health and Substance Abuse  
Services, Oklahoma City

*Mike Stewart*, Bradford Health Services,  
Alabama

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

*Gina Hendryx*, OBA Ethics Counsel,  
Oklahoma City

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DIVERSITY COMMITTEE FORUM .....3 – 4:30 P.M.  
*Red Carpet*

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

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FINANCIAL INSTITUTIONS  
SECTION .....3:30 – 4:30 P.M.  
*Great Plains*

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MINERAL LAW SECTION .....4 – 6 P.M.  
*Cox Center Room 18*

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DIVERSITY COMMITTEE  
RECEPTION.....4:30 – 5:30 P.M.  
*Red Carpet*

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FRIENDS OF BILL W.....5 – 6 P.M.  
*Frontier*

---

WORKERS' COMPENSATION  
SECTION .....5 – 7:30 P.M.  
*Mickey Mantle's Steakhouse  
7 S. Mickey Mantle Dr.*

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HEALTH LAW SECTION .....5 – 7 P.M.  
*Kiamichi*

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OKLAHOMA BAR FOUNDATION  
RECEPTION.....6 – 7:30 P.M.  
*Hartzog Conger, Cason & Neville Law Firm  
16th Floor, Bank of Oklahoma Plaza,  
201 Robert S. Kerr, Transportation  
between Sheraton and BOK Plaza is provided*

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YLD BOARD OF DIRECTORS  
ANNUAL MEETING.....6:30 – 7:30 P.M.  
*Room 312*

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LAW STUDENT DIVISION.....7 – 8:30 P.M.  
*Green Country*

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JUST DESSERTS .....7:30 – 9 P.M.  
*(Free for everyone Plaza Ballroom  
with meeting registration)*

*Satisfy your sweet tooth with a divine selection of  
desserts and coffee.*

ENTERTAINMENT: *Jazz entertainer Justin Echols*

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YLD CASINO NIGHT ..... 9 P.M. – MIDNIGHT  
*(Free for everyone Century Ballroom  
with meeting registration)*

**SPONSOR: OBA YOUNG LAWYERS DIVISION**

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## FRIDAY, NOVEMBER 21

PRESIDENT'S PRAYER  
BREAKFAST.....7:30 – 9 A.M.  
*(\$20 with meeting registration) Plaza Ballroom*

FEATURING:



**Dr. Robert Gorrell**  
**Church of the Servant,**  
**Oklahoma City**

TOPIC: *Living an Epic Life*

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YLD FELLOWS BREAKFAST .....7:30 – 9 A.M.  
*Kiamichi*

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OBA REGISTRATION..... 8 – 10 A.M.  
*Century Ballroom Foyer*

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OKLAHOMA BAR ASSOCIATION  
GENERAL ASSEMBLY ..... 9 – 10 A.M.  
*Century Ballroom*

**TRAILBLAZER AWARD**  
*Judge Thomas S. Landrith, Ada*

**OUTSTANDING COUNTY BAR AWARD**  
*Cleveland County Bar Association  
Pontotoc County Bar Association*

**HICKS EPTON LAW DAY AWARD**  
*Bryan County Bar Association  
Tulsa County Bar Association*

**OUTSTANDING YOUNG LAWYER AWARD**  
*Christopher L. Camp, Tulsa*

**OUTSTANDING SERVICE TO THE PUBLIC AWARD**  
*S. Douglas Dodd, Tulsa*

**OUTSTANDING PRO BONO SERVICE**  
*Jim Webb, Oklahoma City*

**MAURICE MERRILL GOLDEN QUILL AWARD**  
*Sarah J. Glick, Oklahoma City  
Phil R. Richards, Tulsa*

**PRESIDENT'S AWARDS**  
*(to be announced)*



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GENERAL ASSEMBLY  
SPEAKERS:

*Chief Justice*  
*James R. Winchester*  
**Oklahoma  
Supreme Court**



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

*J. William Conger*  
**President**



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INDIAN LAW SECTION ..... 10 A.M. – NOON  
*Frontier*

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

*Jon K. Parsley*  
**President-Elect, Presiding**



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BALLOT COMMITTEE ..... 11 – 11:30 A.M.  
*Boardroom*

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2008-2009 OBA  
LEADERSHIP ACADEMY..... 1 – 6 P.M.  
*Plaza North Ballroom*

# OBA/CLE Annual Meeting 2008

November 19, 2008 • Sheraton Hotel

**DAY 1**

	Family Law	Criminal Law	Work/Life Balance	Nuts & Bolts
WEDNESDAY Registration 8 - 9 a.m.	Program Planner/ Moderator Amy E. Wilson	Program Planner/ Moderator Ben Brown	Program Planner/ Moderator Leslie Lynch Melanie J. Jester	Program Planners/ Moderators Lindsey Andrews Eric Schelin
Session 1 9 - 9:50 a.m.	Cocktail Party Family Law Tips for the Non-Family Law Attorney  Rees Evans David Echols Eileen Echols	Perceptions from the Other Side  Charles Sifers David Prater Judge Virgil C. Black Catherine Burton Marny Hill Carol Iski	Substance Abuse - Spotting the Signs in Our (Friends and) Colleagues and Tips on What to Do to Protect Our Practice (and Their Lives)  Glenn Mirando	Maneuvering Through DPS and the DUI Case  Amy Ellingson
Session 2 10 - 10:50 a.m.	Legislative Update  Noel Tucker Julie Rivers	Representing Your Client before the Oklahoma Pardon & Parole Board  Mike Arnett Susan Loving J.D. Daniels	How to Pay Those Law School Loans (and Other Debts) while Saving For the Future  Melinda Olbert	Commencing the Estate Administration Process  Jack L. Brown
Session 3 11 - 11:50 a.m.	Parenting Coordinator Basics: How to Get a PC Appointed, PC Authority, and Reading PC Reports  Jerry Perigo	Digital Forensic Information from Cameras and Cell Phones  Mark R. McCoy	Find Joy in Life - To Make Bad Days Practicing Law a Little More Tolerable  Linda King Ryan Cunningham Rodney Cook	How to Play Nice in the Sandbox: Tips on Professionalism, Civility and Etiquette (ethics)  Members of YLD

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

Session 4 2 - 2:50 p.m.	The New Child Support Guidelines: What You Need to Know About Changes to the Guidelines Statute  Amy E. Wilson	Representing Clients before the Department of Public Safety... What Lawyers Should Expect?  Wellon Poe Deann Taylor	What to Do When Your Case Goes to Hell (ethics)  Gina Hendryx Judge Edward Cunningham	Getting to Know Discovery: Tips for Civil, Family, and General Practice  John Echols Amy Howe Matt McDevitt
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# OBA/CLE Annual Meeting 2008

<i>cont'd</i>	<i>Family Law</i>	<i>Criminal Law</i>	<i>Work/Life Balance</i>	<i>Nuts &amp; Bolts</i>
<b>Session 5</b> 3 - 3:50 p.m.	<b>Best Web Sites for Family Lawyers</b> Jim Calloway	<b>Prosecutorial Misconduct/Ineffective Assistance of Counsel... What To Avoid?</b> Chris Blair	<b>Navigating the Intersection of Work &amp; Life - Charting Organizational and Individual Success</b> Jannine Rupp Ellen Ostrow	<b>The Basics of Implementing (and Keeping) a Guardian Ad Litem</b> David Echols Eileen Echols
<b>Session 6</b> 4 - 4:50 p.m.	<b>Family Law Ethics Players (ethics)</b> Donelle Ratheal Jay Buxton Rees Evans Phil Tucker Noel Tucker Eileen Echols	<b>DNA Analysis Updates and Changes</b> Mary Long	<b>Life Goes to Hell - But the Law Goes On</b> Judge Patricia Parrish Jim Chastain Jim Calloway Joe Ashbaker	<b>What Your Clients Need to Know About Employment Law</b> Erica Anne Dorwart

4:50 p.m. ADJOURN

**November 20**

**DAY TWO**

<b>THURSDAY</b> Registration 8 - 9 a.m.		
<b>OBA/CLE Plenary Session</b> 9 - 11:40 a.m.	<b>Topic:</b> <b>A Perfect Storm of Opportunity: Communicating Across the Generations</b>	<b>Featured Speaker:</b> <b>Rita Murray</b> Workforce demographic, cultural and socioeconomic events are colliding to produce the biggest business changes ever experienced in the United States, Canada and many other developed countries. Using a provocative and insightful look at the successful business diversity initiatives in the legal profession, this presentation will provide practical ideas you can put to work now.



# 2008 Annual Meeting Registration Form



Please complete a separate form for each registrant.

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

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

### Check all that apply:

- Judiciary  OBF Fellow  OBF Past President  OBA Past President  YLD Officer  YLD Board Member  YLD Past President
- Board of Bar Examiner  2008 OBA Award Winner  Delegate  Alternate  County Bar President: County \_\_\_\_\_

### YES! Register me for the 2008 Annual Meeting, November 19, 20 & 21, in Oklahoma City.

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

- MEMBER:  \$50 through Oct. 24; \$75 after Oct. 24..... \$ \_\_\_\_\_
- NEW MEMBER (Admitted after Jan. 1, 2008):  Free through Oct. 24; \$15 after Oct. 24..... \$ \_\_\_\_\_
- LAW STUDENT DIV.  \$25 through Oct. 24; \$35 after Oct. 24..... \$ \_\_\_\_\_
- I will submit an entry (or entries) in the Art Contest. (Submit art registration form by Oct. 24.  
 Entry fee included in meeting registration.)

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

- WED. & THURS.: CLE Multitrack ( \_\_\_ [0 or 1] ticket @ \$150 through Oct.24; \$175 after Oct. 24;  
 and Plenary \$50 for new members through Oct. 24, \$75 after Oct. 24) ..... \$ \_\_\_\_\_
- THURSDAY: CLE Plenary only ( \_\_\_ [0 or 1] ticket @ \$75 through Oct. 24; \$100 after Oct. 24;  
 \$25 for new members through Oct. 24, \$50 after Oct. 24)..... \$ \_\_\_\_\_
- THURSDAY: Annual Luncheon ( \_\_\_ number of tickets @ \$30 each) ..... \$ \_\_\_\_\_
- FRIDAY: President's Prayer Breakfast ( \_\_\_ number of tickets @ \$20 each)..... \$ \_\_\_\_\_
- Please check here, if under the Americans with Disabilities Act you require specific aids or services during your visit to the OBA Annual Meeting.  Audio  Visual  Mobile (Attach a written description of your needs.)

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

- WEDNESDAY: Law School Luncheon – (check one)  OCU  OU  TU  
 ( \_\_\_ number of tickets @ \$30 each..... \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

**THREE WAYS TO REGISTER**

- **MAIL** this registration form with payment or credit card info to:  
 OBA Annual Meeting  
 P.O. Box 53036  
 Okla. City, OK 73152
- **FAX** this registration form with credit card information to: (405) 416-7092.
- **ONLINE** at [www.okbar.org](http://www.okbar.org)
- **CANCELLATION POLICY** Full refunds will be given through Nov. 7. No refunds will be issued after deadline.

### PAYMENT OPTIONS:

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

### HOTEL ACCOMMODATIONS:

Fees do not include hotel accommodations. For reservations contact: Sheraton Hotel at (405) 235-2780. Call by Oct. 26 and mention hotel code: OK BAR for a special room rate of \$94 per night. For hospitality suites, contact Craig Combs at (405) 416-7040 or e-mail: [craigc@okbar.org](mailto:craigc@okbar.org).

# 2008 OBA ATTORNEY ART SHOW

## REGISTRATION FORM

Return form with  
Annual Meeting registration fee to:

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

Name \_\_\_\_\_

OBA Number \_\_\_\_\_

\*E-mail \_\_\_\_\_

(\*Must be submitted to receive additional information and forms)

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

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

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

*The following categories of art will be judged:*

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



*Watercolor*



*Pottery*



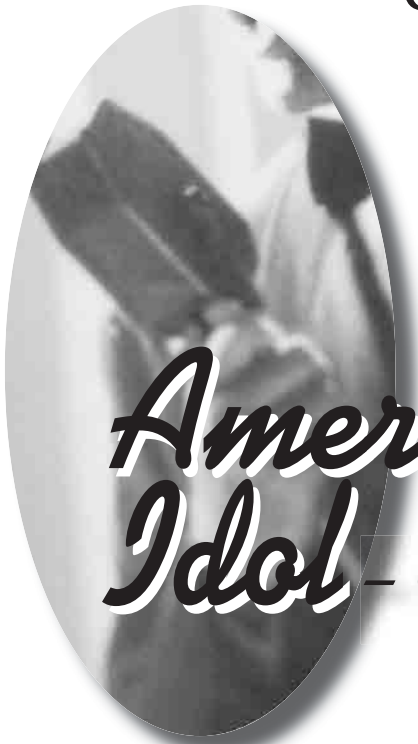
*Photography*



*Stained glass*

Name of Piece	Size/Weight	Date Created	Category

OBA Annual Meeting Event  
Wednesday, Nov. 19, 2008  
9 – 11 p.m.



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

Fill out the form below and submit.

or print and mail to: American Idol – OBA Style,  
OBA, P.O. Box 53036, OKC 73152

Fax to: 405.416.7089 • Scan & e-mail to: [idol@okbar.org](mailto:idol@okbar.org)

Name of act: \_\_\_\_\_

Your Name: \_\_\_\_\_

OBA #: \_\_\_\_\_

E-mail address: \_\_\_\_\_

If group, names of other performers:

\_\_\_\_\_ OBA # (if applicable) \_\_\_\_\_

\_\_\_\_\_ OBA # (if applicable) \_\_\_\_\_

\_\_\_\_\_ OBA # (if applicable) \_\_\_\_\_

\_\_\_\_\_ OBA # (if applicable) \_\_\_\_\_

*Questions: E-mail [idol@okbar.org](mailto:idol@okbar.org)*

# OBA Annual Meeting on the Web

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

## Bar Business

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



## Online Registration

- Annual Meeting Registration form
- Forms available for American Idol — OBA Style and the OBA Attorney Art Show

## Don't forget:

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

## Sign up online for CLE registration.

To participate in CLE tracks, Annual Meeting registration is required. Registration is not required to attend the Lawyers Helping Lawyers Assistance Program Panel discussion.



# Get Involved — Volunteer for an OBA Committee

One of my first duties as your president next year is to keep the momentum of our committees going by appointing new members. And this year I'd like to make a special appeal to those of you who have never served on a committee before. We need you. We need your fresh ideas; we need your involvement to keep the direction of our committees moving forward.

We became lawyers to make a difference, and committee work is a way we can enhance our practice and our profession in so many ways. Videoconferencing equipment in Tulsa makes it convenient to be linked with Oklahoma City and saves so much time (if you don't live in Guymon).

Indicate your willingness to serve — or to be reappointed — by logging onto [www.okbar.org](http://www.okbar.org) and under Other News, click 2009 Committee Sign Up. Another option is to complete the form below and return it to me by **Dec. 12, 2008**, by mail, fax or e-mail.

Jon Parsley, President-Elect

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## Standing Committees

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- |  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Access to Justice</li> <li>• Awards</li> <li>• Bar Association Technology</li> <li>• Bar Center Facilities</li> <li>• Bench and Bar</li> <li>• Civil Procedure</li> <li>• Clients' Security Fund</li> <li>• Communications</li> <li>• Disaster Response and Relief</li> <li>• Diversity</li> <li>• Evidence Code</li> </ul> | <ul style="list-style-type: none"> <li>• Group Insurance</li> <li>• Law Day</li> <li>• Law-related Education</li> <li>• Law Schools</li> <li>• Lawyers Helping Lawyers Assistance Program</li> <li>• Lawyers with Physical Challenges</li> <li>• Legal Intern</li> <li>• Legislative Monitoring</li> <li>• Member Services</li> <li>• Paralegal</li> </ul> | <ul style="list-style-type: none"> <li>• Professionalism</li> <li>• Rules of Professional Conduct</li> <li>• Solo and Small Firm Conference Planning</li> <li>• Strategic Planning</li> <li>• Unauthorized Practice of Law</li> <li>• Uniform Laws</li> <li>• Women in Law</li> <li>• Work/Life Balance</li> </ul> |
|--|--|--|

Note: No need to sign up again if your current term has not expired. Check [www.okbar.org/members/committees/](http://www.okbar.org/members/committees/) for terms

Please Type or Print

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_ OBA # \_\_\_\_\_

City \_\_\_\_\_ State/Zip \_\_\_\_\_

FAX \_\_\_\_\_ E-mail \_\_\_\_\_

Committee Name	Have you ever served on this committee?	If so, when? How long?
1st Choice _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
2nd Choice _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
3rd Choice _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Please assign me to only one committee.

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

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

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Mail: Jon Parsley • c/o Oklahoma Bar Association • P.O. Box 53036  
 • Oklahoma City, OK 73152-3036 • Fax: (405) 416-7001 • E-Mail: [debbieb@okbar.org](mailto:debbieb@okbar.org)



# Interesting and Useful Web Sites 2008

By Jim Calloway, Director, OBA Management Assistance Program

For this month's management and technology theme issue of the bar journal, my Law Practice Tips column will highlight several interesting and useful Web sites. (Note that they do not have to fit in *both* categories.) These are not just for the legal profession. So feel free to go to [www.okbar.org](http://www.okbar.org) for the online version of this column and send the link to any friends or acquaintances. And of course, the online version of the column has live links that make it easier to visit the sites.

First up is **Howstuffworks.com**. This site is hardly new. It was founded by North Carolina State University professor Marshall Brain in 1998 and has won numerous awards. But it is still tops in providing simple explanations for an incredible variety of topics, along with many interesting articles and top 10 lists. Whether it is a lawyer who doesn't understand something involved with a case or a parent wanting to answer a child's question and maintain the illusion of being all-knowing for another few years, a quick search on this site gives you information that you can

understand and explain to another individual.

Another classic site is **dictionary.com**, which along with its sister site, **thesaurus.com**, is a great resource for wordsmiths. But for online dictionary power search, check out **OneLook.com**, where you can drop in a word or phrase and search more than 900 online dictionaries, including some pretty obscure and technical ones.

Have you heard about others watching movies or TV shows online for free, but always thought they were probably doing something illegal? Check out **hulu.com**, a joint venture of NBC Universal and News Corp. "Limited commercial interruptions" pay the bills, so it is free and legal. Most importantly, the movies, TV shows and other clips are clear and sharp when viewed full screen on a computer monitor. Don't try using this site at work or you'll soon be castigated by your co-workers as a bandwidth hog. (Viewing probably won't work well with the Internet connection at work anyway.) But if you forgot to set the digital video recorder and missed *The*

*Daily Show* or *Late Night with Conan O'Brien*, here's the place to find this week's episode. There are a surprising number of full-length movies there as well.

**FixYa.com** is an online community of individuals who will help you fix and troubleshoot your broken products from automobiles to electronics.

Speaking of free online help, if you are a WordPerfect user in a Word world, don't forget about **WordPerfect Universe** ([www.wpuniverse.com](http://www.wpuniverse.com)) where WordPerfect users and experts share tips and assist each other with problem solving and advanced techniques.

**Kayak.com** remains my favorite Web site for travel searches, including airline travel. It does not have the ability to bid blind for extremely cheap hotels and car rental, like **Priceline.com**. But the ability to search seven or eight airlines at once, mark possibilities as your favorites and then go back to the favorites for the final culling is a real timesaver.

If you're interested in the opinions of others before you book your travel,

**TripAdvisor.com** has a large collection of reviews and other information about hotels, cruises and restaurants.

If you're having trouble finding the 800 number for a business, you can always visit [www.hardtofind800numbers.com](http://www.hardtofind800numbers.com).

Would you like an online document repository to share computer files like documents, photos, videos with groups of others? Well, **drop.io** (<http://drop.io>) will allow you to set one up in few moments. It requires no technical expertise. You can allow others to upload documents or set a password where only you can upload them. The only catch is that you have to set a time frame so that if no one has downloaded a document for a specified time frame, like six months, the entire repository self-destructs just like in *Mission Impossible*.

**WebMD.com** is probably the best-known free online medical research site. If you'd like to overdose on medical research sites, you can check out a column that the South Carolina Bar's Practice Management Advisor Courtney Kennaday and I wrote on that topic here: <http://tinyurl.com/6dwx9y>.

I've probably mentioned this one in this space before, but the motherload of all online reference sites is **RefDesk.com**. Everyone should visit this site at least once and slowly scroll down the main page just so you

“Everyone should visit this site at least once and slowly scroll down the main page just so you know all of the resources that can be located there.”

know all of the resources that can be located there.

I seem to have an unhealthy fascination with the **Official Seal Generator**. ([www.says-it.com/seal](http://www.says-it.com/seal)). The site allows somebody with no training whatsoever to design a seal or coat of arms. There are many images that can be incorporated and options to change the colors and create all sorts of different designs. Once you finish, there is a file that you can download to your computer. The real entertainment would come if you would go to your local hobby store and buy some of the paper that allows you to print and iron these images onto t-shirts and other articles of clothing.

**Addictomatic.com** allows you to create custom Web pages with the latest Internet

buzz about any topic. So if you have an interest in a particular movie star or software application, this can be your one-stop shop for all the latest on the subject. It searches numerous news sites from across the Web and compiles the latest headlines for your page.

I tried to avoid “legal” Web sites for this column, but don't forget **OKNewsBar** ([www.okbar.org/oknewsbar.htm](http://www.okbar.org/oknewsbar.htm)), which is our constantly updated news service powered by RSS newsfeeds. I say it is just like having free electronic advance sheets for Oklahoma appellate court and U.S. Supreme Court opinions.

Of course, it's hard for me to include a collection of Web sites in the *Oklahoma Bar Journal* without mentioning that **Jim Calloway's Law Practice Tips Blog** (<http://jimcalloway.typepad.com>) has practice management content updated almost every week as well as links to Web sites and other resources. There's even a feature on the site now so you can subscribe and receive the postings by e-mail.

Finally, if you would like to have a directory of a huge number of useful Web sites that is very well organized, I direct you to **Allmyfaves.com**. This is a simply incredible collection. For time wasters, check out entertainment or the weekly faves.

# Taking on Matters Adverse to Former Clients (Part 3)

By Gina Hendryx, OBA Ethics Counsel

This is the third installment of a three-part series on conflicts with former clients. The following will address the remedies available to the aggrieved client who believes his former attorney is acting improperly by representing a current client against the former client's interests.

If the adverse counsel does not agree that a conflict exists with his current representation, the former client's remedy is to file a motion to disqualify the lawyer from the matter. Motions to disqualify are used to remove another party's counsel from the case. Motions to disqualify can be both a tactical tool as well as a legitimate means to remove a lawyer from a case. The complaining party generally argues that the other counsel has obtained confidential information about the person during a prior representation that could be used to his detriment in the present matter. Also, courts may *sua sponte*, in the interests of justice, decide that a lawyer should be disqualified. *Restatement (Third) of the Law Governing Lawyers* § 6 cmt.i (2000).

When considering a motion to disqualify counsel, the court will hold an evi-

dentiary hearing to determine if a conflict exists sufficient to disqualify a party's counsel. *Piette v. Bradley & Leseberg*, 1996 OK 124, 930 P.2d 183. The court may weigh several factors when considering a motion to disqualify counsel.

- Prejudice to the complaining party if the lawyer remains as counsel in the case.
- Hardship to the current client.
- Standing of the proponent to bring the motion.
- Timing of the motion (unreasonable delay in bringing of the motion).

The Oklahoma Supreme Court has stated that "[t]he right to the assistance of counsel includes the right to be represented by a legal practitioner of one's own choosing." *Towne v. Hubbard*, 2000 OK 30, 3 P.3d 154, 160. "Legal practitioners are not interchangeable commodities. Personal qualities and professional abilities differ from one attorney to another, making the choice of a legal practitioner critical both in terms of the quality of the attorney-client relationship and the type and skillfulness of the professional services

to be rendered." *Id.* This rationale confirms that the motion for disqualification will be scrutinized with a balancing of interests involving several competing considerations.

In *The Prospective Investment and Trading Company LTD. v. GBK Corporation*, 2002 OK CIV APP 113, 60 P.3d 520, the Oklahoma Court of Civil Appeals reviewed a disqualification order from the trial court. In this case, the trial court had disqualified a law firm from representation because of its prior involvement with one of the parties.

The court set forth the standard and analysis to be employed when seeking disqualification based upon prior representation in a substantially related matter as defined in Rule 1.9 of the Oklahoma Rules of Professional Conduct. The Court of Civil Appeals affirmed the existence of an attorney-client relationship and a substantial relationship between the former and current representation.

Generally, only current or former clients who would be adversely affected if the lawyer remains in the case have standing to seek the lawyer

or law firm's removal. However, there may be some circumstances where the lawyer's continued involvement will prejudice the fairness of the proceedings thus requiring removal.

*Restatement (Third) of the Law Governing Lawyers* § 6 cmt.i (2000). To argue this exception for threatened prejudice, the non-client must show how the continued involvement of the lawyer will actually prejudice the proceeding. *Colyer v. Smith*, 50 F. Supp. 2d 966 (C.D. Cal. 1999).

If considering a motion to disqualify, the aggrieved party should file for disqualification as soon as possible after discerning the problem. Circumstances to consider when determining if the timing is reasonable include length between filing and knowledge of the potential conflict, whether the aggrieved party was represented by counsel during the interim, why the delay occurred and if the delay will result in prejudice to the client of the conflicted lawyer. A party who knowingly delays in filing a motion to disqualify may be deemed to have waived the objection to the continued representation.

Courts will weigh all these factors when considering whether to disqualify a counsel or a law firm from a case. General principles of attorney selection versus client confidences will be balanced to ensure fairness and justice.

*Have an ethics question? It's a member benefit, and all inquiries are confidential. Contact Ms. Hendryx at ginah@okbar.org or (405) 416-7083; (800) 522-8065.*

## Oklahoma Bar Journal Editorial Calendar

### 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
- February  
**Immigration**  
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.*

# INSURANCE, TORT & WORKER'S COMPENSATION UPDATE

PROGRAM PLANNER/MODERATOR:  
REX TRAVIS

NOVEMBER 20, 2008  
DURING OBA CONVENTION  
COX CONVENTION CENTER  
REGISTRATION BEGINS @ 8:30AM


\$150 - OAJ MEMBERS

\$195 - NON MEMBERS

*PLEASE ADD \$30 FOR REGISTRATIONS RECEIVED AFTER NOVEMBER 15*

PARTICIPANTS WILL EARN 6 HOURS OF MANDATORY CLE CREDIT,  
INCLUDING 1 HOUR OF ETHICS.

REGISTER & PAY ONLINE @ [WWW.OKFORJUSTICE.ORG](http://WWW.OKFORJUSTICE.ORG)  
OR CONTACT THE OKLAHOMA ASSOCIATION FOR JUSTICE OFFICE  
405.525.8044



**ANNUAL OCU LAW ALUMNI LUNCHEON**  
Oklahoma Bar Association Annual Meeting

12:00 p.m.  
WEDNESDAY, NOVEMBER 19, 2008

The 19th Century Ballroom  
2nd Floor  
The Sheraton Oklahoma City Hotel

Registration is required. Tickets are \$30.  
To register please contact Jackie Weekley at (405) 208-5197  
or e-mail [lawevents@okcu.edu](mailto:lawevents@okcu.edu).

FEATURED SPEAKER  
**Richard E. Coulson**  
Professor of Law Emeritus

**OCU**  **LAW**

OBA/CLE presents

# Show Me the Money: Damages in Oklahoma

<b>DATES &amp; LOCATIONS:</b>	<b>Oklahoma City</b>	<b>Tulsa</b>
	December 12, 2008 Oklahoma Bar Center 1901 N. Lincoln Blvd.	December 19, 2008 Renaissance Hotel 6808 S. 107th East Ave.

**CLE CREDIT:** This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 6 hours of mandatory CLE credit, including 0 hours of ethics.

**TUITION:** \$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date. Register online at [www.okbar.org/cle](http://www.okbar.org/cle). The Oklahoma City program will be webcast. For details go to [www.legalspan.com/okbar/webcasts.asp](http://www.legalspan.com/okbar/webcasts.asp).

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

### Program Planner/Moderator

Margaret Clarke, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa

<b>8:30 a.m.</b>	<b>Registration &amp; Continental Breakfast</b>	<b>11:10</b>	<b>Deposing and Cross-Examining Experts: How to Prepare for Examination of Expert</b> David Russell, Rodolf & Todd, Tulsa
<b>9:00</b>	<b>What is Your Case Worth? Evaluating Whether or Not to Take the Case</b> <b>Oklahoma City Program</b> Jennifer DeAngelis, Brewster & DeAngelis, Tulsa <b>Tulsa Program</b> Guy Fortney, Brewster & DeAngelis, Tulsa	<b>12:10</b>	<b>Networking lunch</b> (included in registration)
<b>10:00</b>	<b>Break</b>	<b>12:40</b>	<b>How to Bust the Punitive Damage Cap Without Getting Busted on Appeal</b> Doug Stall, Stall Law Firm, Tulsa
<b>10:10</b>	<b>Defending Economic Damages in Employment</b> Steve Broussard, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa	<b>1:40</b>	<b>Break</b>
		<b>1:50</b>	<b>Defending the Daubert</b> Kerry Lewis, Rhodes, Hieronymus, Jones, Tucker & Gable, Tulsa
		<b>2:50</b>	<b>Adjourn</b>

# Show Me the Money! Damages in Oklahoma

**Oklahoma City**  
**December 12, 2008**

**Tulsa**  
**December 19, 2008**

**Materials only \$80**  
**Pub # 362**

Full Name \_\_\_\_\_  
 Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone (        ) \_\_\_\_\_ E - Mail \_\_\_\_\_  
 Are you a Member of OBA?  Yes  No OBA Bar# \_\_\_\_\_  
 Make Check payable to the Oklahoma Bar Association and mail entire page to: CLE REGISTRAR, P.O. Box 53036 Oklahoma City, OK 73152  
 For  Visa or  Master Card Fax (405) 416-7092 Phone •(405) 416-7006 or Mail  
 Credit Card# \_\_\_\_\_ Exp.date \_\_\_\_\_  
 Authorized Signature \_\_\_\_\_

# October Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Oct. 24, 2008.*

## REPORT OF THE PRESIDENT

President Conger reported he attended the Southern Conference of Bar Presidents annual meeting in Annapolis, Work/Life Balance Committee meeting, special board meeting of Oct. 3, Annual Meeting planning session, National Conference of Bar Presidents dinner, YLD New Admittees reception and Association of Black Lawyers reception.

## REPORT OF THE VICE PRESIDENT

Vice President Mordy reported he attended the Board of Governors meeting in Ardmore, special board meeting telephonically, Budget Committee meeting telephonically and gave brief remarks at the swearing-in of new OBA members.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Parsley reported he attended the Southern Conference of Bar Presidents annual meeting in Annapolis, 2009 Annual Meeting planning meeting, budget meeting with staff regarding the 2009 budget, Budget Committee meeting, 2009 budget public hearing, special Oct. 3 board meeting, Board of Governors social

event and Texas County Bar Association meeting. He also researched possible keynote speakers for next year's OBA Annual Meeting.

## REPORT OF THE PAST PRESIDENT

Past President Beam reported he attended the Boiling Springs Institute in Woodward, Ardmore board meeting and social events, two Custer County Bar Association meetings, Southern Conference of Bar Presidents in Annapolis, ABA GP/SOLO Division fall meeting in Santa Fe, N.M., Budget Committee meeting and Custer County Bar Association fall golf outing.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported that he met with Legislative Monitoring Committee Chair Duchess Bartmess to discuss the upcoming session, Justice Colbert to discuss the proposed rule change on temporary permits, Family Law Section leadership to discuss online service for the FLS Manual, building contractor and others regarding lighting issues in the remodeled space, and he met with vendors regarding a new LHLAP service contract. He reported that he attended the

Southern Conference of Bar Presidents meeting, Budget Committee meeting, Supreme Court conference on rule changes for trust account reporting and removing the director of Administration from check signing authority, Wind Walker dedication at the Attorney General's office, LHLAP Committee meeting, directors meeting, budget hearing, Thursday night board social event, Trustee meeting for the Group Insurance Trust, staff monthly celebration and had a telephone conference with YLD chair-elect regarding project for next year.

## BOARD MEMBER REPORTS

**Governor Bates** reported she attended the September board meeting, special board meeting, Work/Life Balance Committee meeting and the OBA YLD new admittees reception. **Governor Brown** reported he attended the special board meeting on Oct. 3, site visit for ABA Judicial Division and National Jury Symposium at Fordham Law School in New York City. He co-chaired OBA Bench and Bar Committee meeting and authored CLE program materials for the OBA Annual Meeting. **Governor Christensen**

reported she attended the September board meeting in Ardmore and lunch with Mike and Christy Mordy at their home, Board of Governors special meeting, swearing in of the new attorneys with Vice President Mordy and Oklahoma County Bar board meeting. She co-chaired the Bench and Bar Committee meeting and helped at the OBA Women in Law Conference. **Governor Dirickson** reported she attended the dinner with the Carter County Bar Association, September board meeting in Carter County, lunch with Mike and Christy Mordy, special Board of Governors meeting in October and Custer County Bar Association monthly meeting. **Governor Farris** did not attend the meeting but submitted his report in writing. He reported that he attended the reception and dinner with the Carter County Bar, September Board of Governors meeting, lunch with Mike and Christy Mordy at their home, Tulsa County Bar Foundation Fellows reception and Tulsa County Bar Association Board meeting. **Governor Hermanson** reported he attended the reception and dinner with the Carter County Bar, lunch with Mike and Christy Mordy, September Board of Governors meeting, special Board of Governors meeting, ABA General Practice, Solo and Small Firm Division's fall meeting in Santa Fe, N.M., October meeting of the Kay County Bar Association, OBA Law-related Education Committee meeting, OBA Member Services Committee meeting and Oklahoma Court of Criminal Appeals Special Committee on Okla-

homa Uniform Jury Instructions – Criminal meeting. He also wrote an article for the OBA Criminal Law Section's newsletter on recent U.S. Supreme Court decisions. **Governor Hixson** reported he attended the reception and dinner with the Carter County Bar, September Board of Governors meeting, lunch with Mike and Christy Mordy, Clients' Security Fund Committee meeting and Canadian County Bar Association luncheon and CLE. **Governor McCombs** reported he attended the Carter County Bar reception and dinner, lunch with Mike and Christy Mordy, board meeting in Carter County, special board meeting via phone conference and McCurtain County Bar meeting. He also wrote a letter of appreciation to Mike Cawley with the Noble Foundation and addressed concerns raised at September board regarding trust accounts and potential bank failure. **Governor Reheard** reported she attended the September social event in Ardmore, September board meeting and special board meeting. She was the moderator for the OBA/Oklahoma Criminal Defense Lawyers Association co-sponsored CLE and moderated a session at the Women in Law Conference. **Governor Souter** reported he attended the social event with Carter County Bar Association, September board meeting, special board meeting and Work/Life Balance Committee. **Governor Stockwell** reported she attended the September board meeting, special board meeting, Budget Committee meeting, Cleveland County Bar Asso-

ciation Executive Committee regular meeting, Cleveland County Bar Association monthly meeting and CLE, Access to Justice Committee meeting and Lawyers Helping Lawyers Assistance Program meeting.

## **YOUNG LAWYERS DIVISION REPORT**

Governor Warren reported she attended the lunch with Mike and Christy Mordy, September board meeting, September YLD board meeting and ABA/YLD Fall Conference in San Diego.

## **SUPREME COURT LIAISON REPORT**

Justice Taylor reported that the Supreme Court justices will be electing the new chief justice during the first week of November. He also announced that there will be a reception honoring outgoing Chief Justice Winchester on Tuesday, Nov. 18, 2008, at the Renaissance Hotel.

## **LAW STUDENT DIVISION LIAISON REPORT**

LSD Treasurer Nathan Milner reported they have reserved a room during the Annual Meeting, and they are encouraging their members to register for the Annual Meeting. In addition, the division is having a membership drive. Chairperson Janoe had a meeting at OU on Thursday and a meeting is scheduled at OCU on Monday. President Conger offered his assistance and was invited to attend the meeting.

Although Chairperson Wayne Janoe was absent, he submitted his report electronically. He reported that he attended the September



board meeting and social event, OLSD Executive Committee Annual Meeting planning meeting at OU Law School and the OLSD meeting of OU students.

### **GENERAL COUNSEL REPORT**

A written status report of the Professional Responsibility Commission and OBA disciplinary matters was submitted for the board's review.

### **COURTHOUSE BOOK PROJECT**

President Conger announced that attorney Kent F. Frates and photographer David Fitzgerald are working on a coffee table book to be published by Graphic Arts Publishing, Portland, Ore. The book will feature history as well as stories about judges, attorneys and famous Oklahoma trials which have occurred at the Oklahoma courthouses.

Oklahoma County Clerk Carolyn Caudle and other county officers statewide are talking about getting involved with the project, which will take up to a year and a half to complete. Believing that there will be a large interest in the book, President Conger proposed that the OBA purchase some of these books. President Conger will send board members more information.

### **TAXATION LAW SECTION RESOLUTION/ LEGISLATIVE PROPOSAL RE: ESTABLISHMENT OF A STATE OFFICE OF ADMINISTRATIVE TAX HEARINGS**

Kenneth Hunt, Taxation Law Section chairperson, discussed the reasoning for

the creation of the State Office of Administrative Tax Hearings. He advised that these changes are in line with the ABA model and that at least 32 states have a system of independent administrative review of state tax matters. Mike Miers, chairperson of the task force working on this legislative proposal, noted that there were two government employees on the task force, one being OTC Commissioner Thomas Kemp, who opposes the changes, believing that the current system is fair and works fine. The board voted to send the resolution to the House of Delegates with a "do pass" recommendation.

### **TAXATION LAW SECTION RESOLUTION FOR HOUSE OF DELEGATES RE: ESTABLISHING AND MAINTAINING AN APPEALS OFFICE WITHIN THE OTC**

Kenneth Hunt explained that this proposal is only necessary if the resolution to establish a State Office of Administrative Tax Hearings is passed. The board voted to send the proposed resolution to the House of Delegates with a "do pass" recommendation. Governor Hixson abstained from voting.

### **CIVIL PROCEDURE COMMITTEE RESOLUTION/ LEGISLATIVE PROPOSAL RE: AMENDMENTS TO 12 O.S. 2001, SECTION 2005 RELATING TO SERVICE OF PROCESS AND SECTION 3237 RELATING TO THE AWARD OF THE EXPENSE OF FILING THE MOTION**

James Milton, Civil Procedure Committee chairperson,

advised that the amendment to 12 O.S. 2001, Section 2005 is a housekeeping item. Discussion was held regarding approving these two sections separately and Executive Director Williams explained the publication requirements in the Bylaws and the Rules of the House of Delegates do not allow for voting separately on different sections of the same resolution. Mr. Milton reviewed the proposed change to 12 O.S. 2001, Section 3237. The board voted to send the proposed resolution to the House of Delegates with a "do not pass" recommendation.

### **CIVIL PROCEDURE COMMITTEE RESOLUTION TO AMEND DISTRICT COURT RULE NO. 5, PARA. F, NO. 7 (PAYMENT OF JURY FEE) AND AMEND THE SCHEDULING ORDER AND PRETRIAL CONFERENCE ORDER**

James Milton, Civil Procedure Committee chairperson, introduced the resolution and discussed the reasoning behind the amendments. The board voted to send the resolution to the House of Delegates with a "do pass" recommendation.

### **PROPOSED 2009 OBA BUDGET**

President Conger announced that the discussion of the 2009 budget be held in executive session.

### **TRUST ACCOUNTS IN FAILED BANKS**

President Conger advised board members that he was unable to attend the meeting that was held regarding this issue due to the short notice, but will make contact with

them and find out the results. Discussion followed as to the FDIC-insured limits and whether IOLTA accounts are covered.

#### ANNUAL MEETING

President Conger said that he is looking forward to the Annual Meeting and encouraged all the board members to attend the President's Prayer Breakfast on Friday morning to hear Rev. Robert Gorrell.

#### EXECUTIVE SESSION

The Board of Governors voted to go into executive session. They met in executive session and voted to come out of executive session.

#### NEXT MEETING

The board will meet at the Sheraton Hotel in Oklahoma City on Wednesday, Nov. 19, 2008, in conjunction with the OBA Annual Meeting.

*For summaries of previous meetings, go to [www.okbar.org/obj/boardactions](http://www.okbar.org/obj/boardactions)*

## FROM THE PRESIDENT

*cont'd from page 2508*

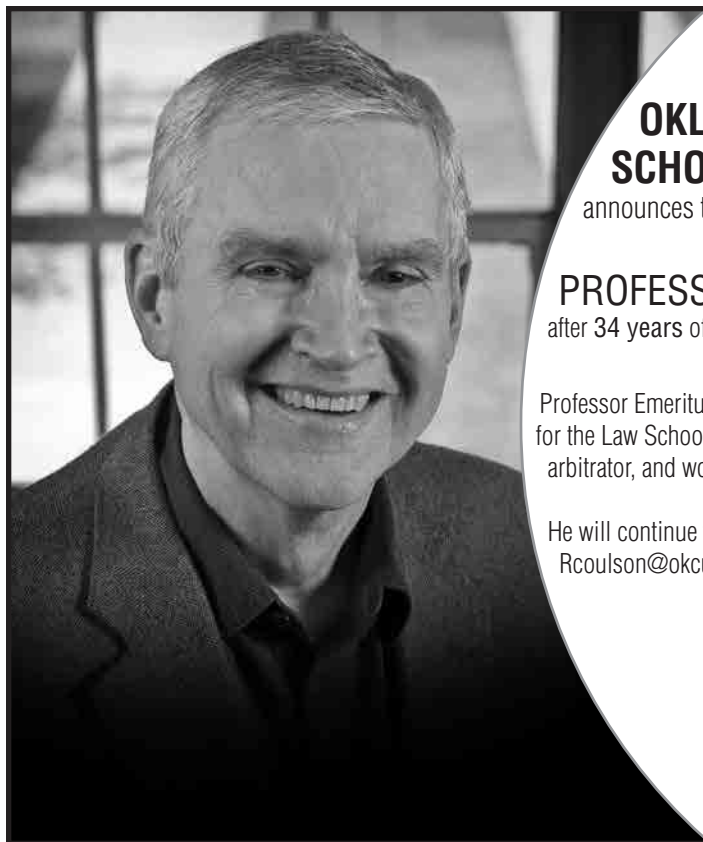
I am thankful for a federal judiciary in Oklahoma that is not aloof to our legal community but has always been an active participant in the affairs of our profession.

I am thankful for a state judiciary that does so much with so little and, in spite of the pressures of our elective process, maintains an independence in decision-making which is so vital to our system of justice.

Finally, I am thankful for all of you, my brothers and sisters of the bar.

These are just a few thoughts. I encourage you to give some thought and reflection as to what you might be thankful for and, if you are so moved, let me hear from you.

Have joy!



### OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW

announces the retirement of

### PROFESSOR RICHARD E. COULSON

after 34 years of teaching including 3 years as dean.

Professor Emeritus Coulson will occasionally teach for the Law School, continue his work as a commercial arbitrator, and work as an independent scholar.

He will continue to use his OCU email address:  
Rcoulson@okcu.edu.



OKLAHOMA CITY UNIVERSITY  
SCHOOL OF LAW

# As Time Goes By

Officers and Trustees of the Oklahoma Bar Foundation look forward to seeing you at OBF events to be held in conjunction with the OBA Annual Meeting, Nov. 19 through 21. OBF will celebrate the 25th anniversary of Oklahoma IOLTA at the annual meeting, as the voluntary IOLTA program was started in Oklahoma in 1983. Of the more than \$8.4 million in grant awards made by OBF to date, only \$500,000 had been awarded prior to the historic establishment of the program. Since IOLTA became a mandatory program only a few years ago in 2004, grant awards have increased by \$2,865,810.

**The OBF Fellows Reception** will be a special celebration of grants, growth and Oklahoma lawyers transforming lives. Please plan to join this *Casablanca* themed event to be held at the beautiful downtown Oklahoma City offices of Hartzog, Conger, Cason & Neville. We will commemorate the 25 years of the OBF's mission to promote justice, advance legal education, and fund critical legal services. The *Casablanca* theme is not a random one – the OBF has a few things in common with the film. This 1940s era movie was not expected to be anything out of the ordinary; it was just one of dozens of pictures that were routinely churned out by Hollywood every year during that time. The film, however, went on to win

three Academy Awards, including Best Picture, and consistently ranks near the top of the list of the greatest films of all time. Like *Casablanca*, the Oklahoma Bar Foundation was not expected to be anything exceptional, but thanks to the support of Oklahoma lawyers, it is rapidly growing into an amazing organization of which all Oklahoma lawyers can be proud. Further, "As Time Goes By," it becomes more and more evident how special the many participants of the Fellows program truly are. This special group of lawyers and concerned supporters of the law have made a personal investment in the improvement of legal services and educational programs in Oklahoma.

You can catch a ride in the OBF Fellows limo to the reception or walk the short distance from the Sheraton Hotel to the 16th Floor of the Bank of Oklahoma Plaza for fun, food, entertainment and fellowship. The limo runs continuously from the Sheraton to the reception from 5:45 p.m. to 8 p.m. on Thursday, Nov. 20. We look forward to hosting you.

## WIN OKC THUNDER NBA TICKETS

Visit the **OBF Hospitality Suite Number 1215** on Wednesday and Thursday evenings, Nov. 19 and 20. Don't forget to stop by the OBF Exhibit Booth earlier in the day to learn how to win

OKC Thunder\* tickets and pick up extra OBF Fellows Enrollment forms. Become a part of the Fellows team and enhance your chances to win. Pledge to become a Fellow, or sign up a new Fellow if you are already a member. And if your Fellows pledge is already complete, upgrade to Sustaining Fellow status to increase your odds of winning, or even better, become a distinguished Benefactor Fellow and maximize your chances to win while serving as an example for all to follow. All contributions received from this contest will be used to carry out the ongoing mission of "Lawyers Transforming Lives through the advancement of education, citizenship and justice for all."

Please plan to attend the OBF events during the Annual Meeting. The OBF wants to thank you in person for your contributions to the Fellows program and other generous gifts, your participation and cooperation with the Oklahoma IOLTA program, and for remembering OBF through cy pres awards. With your help, more than \$8.4 million has gone to help so many Oklahoma citizens, and this is only the beginning. The OBF has much to celebrate this year, and we encourage you to take part in the celebration of the work being done on behalf of all Oklahoma lawyers. Let's play it again, and help OBF do remarkable things in the future!



# FELLOW ENROLLMENT FORM

Attorney    Non-Attorney

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

Firm or other affiliation: \_\_\_\_\_

Mailing & Delivery Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

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

Total amount enclosed, \$1,000

\$100 enclosed & bill annually

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

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

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

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



Signature & Date: \_\_\_\_\_ OBA Bar #: \_\_\_\_\_

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

OBF SPONSOR: \_\_\_\_\_

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

***Many thanks for your support & generosity!***

# Habitat for Humanity Homeowners Receive Free Legal Services

By Laurie W. Jones

"The most enjoyable aspect of this project for me was certainly the personal interaction with the client. It is tremendously gratifying to assist someone with important decisions and to counsel about and discuss issues of ultimate importance: questions of one's mortality, deepest values and concerns for those she loves the most, and then to be able to actually help that person have some confidence that those deeply held values will be carried out through her estate plan."

Stephen Eck, now director of Planned Giving at Oklahoma Christian University, is describing his experience working on the Habitat for Humanity Wills Project last year as a law student at Oklahoma City University School of Law. The project pairs Central Oklahoma Habitat for Humanity homeowners and OCU law students, who prepare basic wills, advance directives and powers of attorney for the homeowners under the supervision of a lawyer licensed in Oklahoma, at no charge. The project was started by Kelly Baldrate, an OCU adjunct faculty member and a member of Habitat's homeowner selection committee. Last year, 14 OCU law students prepared wills and estate planning documents for Habitat homeowners, and a number of

law students will provide the same services this year.

Over the past six months, Mr. Eck and another law student met with their homeowner client three times. He recounts that she was "very energetic" in the process. She provided them with the deed to her home, insurance policies, retirement accounts, and names and addresses of family members. The law students prepared an advance directive, simple power of attorney and a basic will for the client. To participate in the project, students are required to have completed the wills course at OCU and to participate in additional training with the supervising attorneys. Mr. Eck was also enrolled in an estate planning course at OCU while working on the project. The estate planning course gave him "a fantastic understanding of proper drafting and practical concerns to work through with the client."

Central Oklahoma Habitat for Humanity provides affordable housing for hard-working, limited-income families. New homes are built by volunteers who donate their time, money and materials. Each completed home is then sold to a qualifying family at no profit and with no interest. Prospective homeowners must have a stable gross annual income of at least \$16,000 and must be willing and able to contribute 300

hours volunteering in some capacity with Habitat. Applicants undergo an extensive screening process and are selected based upon level of need, willingness to become partners in the program and ability to repay the loan.

Support services offered to the homeowners include a three-part Homeowners College that covers topics such as the legalities of owning a home, homeowners insurance, property taxes, city code enforcement, household budgeting, home maintenance and repair, and lawn care. Now, these homeowners can also protect their assets and provide for their families through estate planning documents prepared by the law students, supervised by volunteer lawyers who are faculty members at OCU.

The project allows students to put classroom learning to use for real clients with real needs. It introduces the students to a lawyer's ethical requirement of pro bono service. Moreover, it enhances access to legal services for those unable to pay but in need of basic estate planning documents to protect deeply held values and a new home.

*Ms. Jones is a member of the OBA Access to Justice Committee.*

**YLD BOARD MEMBERS  
ATTEND NATIONAL  
CONFERENCE**

OBA/YLD Directors Kimberly Warren and Doris Gruntmeir attended the American Bar Association Young Lawyers Division Fall Conference in San Diego, Calif., for three days in October. The ABA/YLD Fall Conference provided extensive networking opportunities for young lawyers, a forum for CLE and professional development programming.

The conference started on Thursday evening with a welcome reception. Friday's programming started with a timely and informative speaker: Captain Jack spoke on the value of the (military) code of conduct and its practical application. The dean of the University of Detroit School of Law also spoke on their innovative "Project Salute." This project takes professors and law students on a national road tour in a mobile (Winnebago) law office stopping to assist veterans in filing for benefits and training local attorneys to do the same. More information on this program may be found at [www.law.udmercy.edu](http://www.law.udmercy.edu).

The military theme of the conference continued providing opportunities for one-on-one financial planning and career

counseling, as well as CLE programming including etiquette before a judge, Guantanamo detainees and the right to fair trial, same-sex marriage, the anatomy of an appeal and a Supreme Court update with renowned scholar Erwin Chemerinsky. A ticketed luncheon provided a unique insight into the road to becoming general counsel with guest speakers including the GC from the San Diego Chargers and Padres. That evening, conference attendees were treated to a dinner and reception on the U.S.S. Midway, the longest serving aircraft carrier in U.S. Navy history.

The meeting was capped off with the reveal of this year's public service project: Voices Against Violence. The program is a call to action for young lawyers around the country to join forces and end domestic violence. The Voices Against Violence video on teen dating violence and domestic violence awareness and prevention toolkit as well as other information on the program may be found on the ABA/YLD Web site at [www.abanet.org/yld/dv/](http://www.abanet.org/yld/dv/). In addition to her role as one of the OBA delegates to the Fall Conference, Director Gruntmeir carried out her responsibilities as the ABA/YLD district representative for Oklahoma and Arkansas.

**RECEPTIONS HONOR  
NEW BAR MEMBERS**

On Sept. 25, 307 new attorneys were sworn in at the House of Representatives Chamber at the State Capitol. Following the opening remarks by Chief Justice James R. Winchester and OBA Vice President Michael Mordy, OBA/YLD Chair-Elect Richard Rose briefly spoke, urging honorees to become active in the YLD and other OBA committees and sections. Immediately after each of the three swearing-in ceremonies, the YLD held a reception in the Capitol rotunda for the new admittees and their families and friends in attendance.

The YLD hosted a less formal reception and happy hour at Mickey Mantle's Steakhouse in the Bricktown area of Oklahoma City on Oct. 2. A second reception was held at Leon's in Tulsa on Oct. 9. Thanks to everyone who turned out to honor our new admittees. Also, very special thanks go to Molly Bircher and John Weaver for coordinating the well-attended events.



# Calendar

## December

**4 Law-related Education Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack G. Clark Jr. (405) 232-4271



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

**19 OBA Board of Governors Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000

**12 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Lynn S. Worley (918) 747-4600 or Noel Tucker (405) 348-1789

**20 OBA Young Lawyers Division Committee Meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Kimberly Warren (405) 239-7961

**16 OBA Civil Procedure Committee Meeting;** Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229

**25-26 Christmas Holiday** (State Holiday)

**18 OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and OSU 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

## January

**1-2 New Year's Holiday** (OBA Closed)

**9 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Lynn S. Worley (918) 747-4600 or Noel Tucker (405) 348-1789

**19 Martin Luther King Jr. Day** (State Holiday)

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

## November

**11 Veterans Day** (State Holiday)

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

**13 Hudson Hall Wheaton Inn Pupilage Group Three;** 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact: Michael Taubman (918) 260-1041

**19-21 OBA 104th Annual Meeting;** Sheraton Hotel, One North Broadway, Oklahoma City

**21 OBA Board of Governors Meeting;** 2 p.m.; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: John Morris Williams (405) 416-7000

**27-28 Thanksgiving Holiday** (State Holiday)

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



**Cheyenne Attorney Fills  
Judicial Vacancy**

Pat VerSteege of Cheyenne was appointed associate district judge for the 2nd Judicial District in Rogers Mills County. Judge VerSteege succeeds Gale F. Smith, who retired.

"It is my privilege to appoint Pat VerSteege to the bench," said Gov. Brad Henry. "He has the keen intellect, temperament and commitment to justice needed to be an excellent jurist."

Judge VerSteege graduated in 1973 from Missouri State University, where he also earned an M.B.A. in 1976. He graduated from OCU School of Law in 1979. He has served as an assistant district attorney in western Oklahoma for many years, most recently as first assistant district attorney in the 2nd District.

**Workers' Compensation  
Judge Sworn In**

Judge Bob Lake Grove of Oklahoma City was recently sworn in as a workers' compensation judge. Judge Grove graduated from the OU College of Law and was admitted to the OBA in 1966.

**Lawyers Helping Lawyers Assistance Program  
Enters into Contract with New Service Provider**

In an effort to provide the best services possible to OBA members, the Lawyers Helping Lawyers Assistance Program has entered into a contract with CABA Inc. to provide services for its existing crisis intervention program.

The program will continue to provide up to six hours of crisis counseling at no cost to bar members. The toll-free number (800) 364-7886 for the program remains the same. Calls will be answered 24 hours a day 365 days a year by a licensed or certified counselor.

"The OBA added crisis counseling as a member benefit in 2006 in response to a high number of its bar members taking their own lives," LHLAP Chairperson Tom Riesen said. "We've had a committee for a much longer time that reaches out to members with substance abuse problems, but the counseling has expanded help to OBA members experiencing emotional or stress-related problems."

Referrals for further counseling by trained professionals or to the committee for peer assistance will remain unchanged. Callers need to identify themselves as OBA members to access services of counselors across the state. As has always been the case, all calls and communications are strictly confidential and no identifying information will be provided to the OBA or anyone else without a release from the member requesting services.

Lawyers and judges who wish to make third-party referrals are also encouraged to utilize the toll-free number. Third-party referrals are also assured strict confidentiality.

CABA Inc., in business for more than 20 years, is located in Oklahoma City and has a client base in 27 states throughout the southwest.

**Stillwater Attorney Appointed to Bench**

Gov. Brad Henry appointed Steve Kistler of Stillwater as associate district judge for the 9th Judicial District in Payne County. Judge Kistler succeeds Robert M. Murphy Jr., who recently resigned.

"Steve Kistler will be an excellent district judge," the governor said. "It is my pleasure to make this appointment to the bench."

Judge Kistler graduated from OSU in 1972 and earned his J.D. from the OU College of Law in 1976. He was employed by the FBI in New Orleans and New York City before becoming an assistant district attorney in Payne County.



### **OBA Honored for Mediation Program**

The OBA Law-related Education Department was recognized with a DOVES award for its partnership with the Oklahoma Supreme Court's Early Settlement Program. Together they have developed Peaceful Resolutions for Oklahoma Students (PROS) manuals for elementary and secondary teachers. Student manuals for both levels were introduced this year at our regional and state trainings. The DOVES award is given to programs that help promote the Volunteer Mediators throughout Oklahoma.



*Ralph Bauer, director, Early Settlement - Southwest Program, presents OBA/LRE coordinator Jane McConnell with the DOVES award at the Annual Volunteer Mediator Conference held Oct. 2 at OSU- Oklahoma City.*

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### **Young Lawyers Help Students Prepare for Mock Trial**

Students and teachers from across the state attended clinics last month to gear up for this year's high school mock trial competition. The OBA Mock Trial Committee hosted the two free statewide clinics to help prepare participants for the upcoming season. Sixteen schools attended the Oklahoma City clinic held on Oct. 14 at Western Heights High School. Attorneys who volunteered were Jennifer Bruner, Joe Carson, Michael Denton, Scott Inman, Erin Moore, Mark Osby and Jacob Rowe. The Tulsa Clinic was held on Oct. 16 at the TU Business Law School with nine schools from the northern part of the state attending. Nicole Longwell and Amanda Thrash volunteered their time to encourage many first-time participants. The student/teacher/attorney coach clinics are held each year preceding the posting of the new case on Nov. 1.

### **OBA Member Resignations**

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

Gloria Carter Estlin  
OBA No. 19801  
5230 E. 88th Pl.  
Tulsa, OK 74137

Janet M. Reasor  
OBA No. 10937  
2230 Tangley St.  
Houston, TX 77005

David William Welch  
OBA No. 9450  
536 N. Mosley Road  
St. Louis, MO 63141

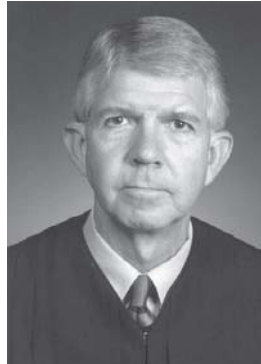
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### **Bar Center Holiday Hours**

The Oklahoma Bar Center will be closed Tuesday, Nov. 11 in observance of Veterans' Day. The bar center will also close Nov. 27 and 28 for the Thanksgiving holiday.



*James E. Edmondson*



*Steven W. Taylor*

### **New Chief Justice and Vice Chief Justice Elected**

The Oklahoma Supreme Court elected Justice James Edmondson to serve as chief justice and Justice Steven Taylor to serve as vice chief justice. Their terms of office begin on Jan. 1, 2009. The swearing-in ceremony will be held Jan. 15, 2009, at 2 p.m.

Justice Edmondson was appointed to the Supreme Court on Dec. 2, 2003, by Gov. Brad Henry. He previously served as a district judge for the 15th Judicial District from 1983 to 2003. A native of Muskogee, he served in the U.S. Attorney's office and the Muskogee County

District Attorney's Office before being appointed to the bench. He is a graduate of Georgetown University Law Center and Northeastern State University.

Gov. Henry appointed Justice Taylor to the Supreme Court on Sept. 23, 2004. Justice Taylor served as a district judge from 1994 to 2004 and as an associate district judge from 1984 to 1994. He is a graduate of the OU College of Law and OSU.

### **New Delegates and Alternates Announced**

Additional delegates and alternates have been added since the list was last published in the Oct.11 bar journal. The new additions are:

<b>County</b>	<b>Delegate</b>	<b>Alternate</b>
Caddo	Virgil L. Upchurch	John Paul Buzbee
Grady	David L. Perryman	Ryland L. Rivas
Johnston	Laura Corbin	Dustin Rowe

### **Need to Jazz Things Up a Bit?**

One of the most delectable events at the OBA Annual Meeting is the Just Desserts soiree, where guests will be treated to an endless assortment of sweets, coffee and music. Make it a point to stop by and enjoy the entertainment of local jazz performer Justin Echols. The event will take place Thursday, Nov. 20 from 7:30-9 p.m. at the Sheraton Hotel in downtown Oklahoma City. It's free with Annual Meeting registration, and that's a pretty sweet deal!



# Kudos

The Williams Companies Inc., Hall, Estill, Hardwick, Gable, Golden & Nelson PC and Legal Aid Services of Oklahoma will be recognized for a partnership they have formed by the Washington, D.C.-based Pro Bono Institute. **James Bender**, Williams senior vice president and general counsel, will accept the award on behalf of the partnership on Nov. 13 in New York City. Williams' legal department was selected to receive the award for their partnership representing low-income and elderly Oklahomans with civil legal problems, such as end-of-life planning and guardian ad litem services, with Hall Estill and Legal Aid. The CPBO Pro Bono Partner Award, presented by Corporate Pro Bono, a national partnership project of the Association of Corporate Counsel and the Pro Bono Institute, recognizes unique pro bono partnerships between in-house corporate legal departments, law firms and public interest organizations.

**Karen Rieger** received Norman's sixth annual ATHENA Award, which is presented to individuals for professional excellence in his or her profession and commitment to the community. Ms. Rieger is

a director in Crowe and Dunlevy's Oklahoma City office, where she serves as the chair of the healthcare practice group. She was presented with the award at the Assistance League of Norman.

**Ron D. Burton** was inducted into the Duncan Public Schools Foundation's Hall of Fame. Mr. Burton was employed by OU as an accountant from 1968 to 1970 and was the OU Foundation treasurer from 1970 to 1978 and president from 1978 to 2007. He has also received numerous honors for serving the legal profession and the Norman community.

**Edna Mae Holden** was honored by Gov. Brad Henry at the 33rd annual Governor's Arts Awards. Ms. Holden received the Governor's Award, which recognizes individuals for longtime leadership and significant contributions to the arts across Oklahoma. She currently serves on the board of directors of the Greater Enid Arts & Humanities and runs Holden Art & Law art gallery in Enid. She has raised over \$250,000 to fund albums, art shows, educational programs and many events that have increased public awareness and understanding of Oklahoma history, heritage and the arts.

**Kevin J. Kuhn** was elected president of the Faculty of Federal Advocates, an

organization of federal bar practitioners that serves as a liaison between the federal bench and the practicing bar and its members to provide pro bono legal services to pro se civil litigants in the district of Colorado.

The American Academy of Estate Planning Attorneys announced that estate planning attorney **Jerry E. Shiles** has been awarded the Academy Fellow designation. The Fellow program recognizes academy members in the estate planning, trust, tax planning, guardianship, probate and estate administration fields.

**James W. Connor Jr.** was inducted as a Fellow in the American College of Trial Lawyers at the organization's annual meeting in Toronto, Ontario, Canada.

**John A. Kenney** was inducted as a Fellow of the American College of Trial Lawyers at the organization's annual meeting in Toronto, Ontario, Canada.

# On The Move

The Tulsa law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile announces that **Meredith Dibert Lindaman, Mary**

**E. Armstrong** and **Keith B. Bartsch** have joined the firm as associates. Ms. Lindaman graduated from the TU College of Law after receiving a B.S. degree in journalism and broadcasting from OSU. While in law school, she was president of the Law & Medicine Society, a member of the Phi Delta Phi Legal Honor Society, a member of the Dean's Honor roll, served on the *Energy Law Journal* and was awarded the Order of the Barrister's for excellence in oral advocacy. Her practice is focused on medical malpractice defense and general civil litigation. Ms. Armstrong graduated with honors from the TU College of Law in 2008. She received her undergraduate education at Central State University, where she graduated summa cum laude with a B.S. degree in nursing. While in law school, she received Awards of Excellence in health law, bioethics and the law, elder law and administrative law. Ms. Armstrong's practice is focused in the areas of medical malpractice defense and insurance defense. Mr. Bartsch's practice emphasizes civil litigation, insurance defense, personal injury and Indian law. He graduated with honors from the TU College of Law in 2008 earning a certificate in Native American Law. He received his B.S. from The Citadel in 1982 and an M.S. in human resources management from Webster University in 1990. While in law school, he served on the staff of the *Tulsa Law Review*. He is the 2007-08 recipient of TU's Marcy Lawless Service Award. Prior to practicing as a civil

litigation attorney, Mr. Bartsch completed a 23-year career as a regular U.S. Air Force officer, retiring in the grade of lieutenant colonel.

**H**artzog Conger Cason & Neville announces that **Matthew W. Brockman** has joined the firm as an associate. Mr. Brockman received his J.D. in 2008 from the OU College of Law, where he was a Comfort Scholar and listed in Order of the Coif and Order of Barristers. He holds a B.B.A. in international business from OU. He also studied at Brasenose College, University of Oxford, England, and at Instituto Universitario de Investigación en Estudios Norteamericanos, Alcalá, Spain.

**M**cAfee & Taft announces that recent law school honor graduates **Trent O. Bridges, Rachel Kirk Evans, Ryan L. Lobato, Andrew S. Long, Kristin M. Simpsen** and **Joshua W. Solberg** have joined the firm as associates. Mr. Bridges is a transactional lawyer whose practice encompasses corporate and securities matters and a broad range of business transactions. While at the TU College of Law, he served as editor in chief of the *Tulsa Law Review* and was the recipient of numerous awards and scholarships including multiple CALI awards. Prior to entering law school, he was a business development manager with Boise Cascade Corporation for five years. Ms. Evans is a transactional attorney whose practice is concentrated in business and commercial transactions, oil and gas, corporate and

securities, and real estate law. The 2008 OU College of Law honors graduate served as the assistant managing editor for the *Oklahoma Law Review* and is the recipient of numerous awards and scholarships. She was co-founder and vice president of the Association of International Petroleum Negotiators OU Student Chapter. Mr. Lobato's practice encompasses all areas of intellectual property, including trademarks, copyrights, patents, software and computer law, Internet law, unfair competition and trade secrets. He is an honors graduate from the University of Notre Dame Law School. Prior to embarking on a legal career, he attended the U.S. Naval Academy, earning his degree in computer science with an emphasis in network architecture, and served on active duty for six years as an officer in the U.S. Navy onboard nuclear fast attack submarines. During his service, he was officially certified by the Department of Naval Reactors as a nuclear engineer. Mr. Long is a trial lawyer whose practice is concentrated in the areas of labor and employment law, insurance litigation and mass torts litigation. While attending the OU College of Law, the honors graduate and Comfort Scholar served as managing editor of the *Oklahoma Law Review*. He also holds a B.S.B.A. in computer information systems and an M.A. in communication from the University of Arkansas. Ms. Simpsen is a trial lawyer whose practice is concentrated in the area of labor and employment law, counseling and representing

businesses in employment-related litigation. She is an honors graduate from the OU College of Law, where she was also a member of the *Oklahoma Law Review*. Mr. Solberg is a trial lawyer who counsels and represents businesses in all areas of labor and employment law, including litigation matters involving all types of wrongful discharge claims, claims related to employment agreements, and other disputes arising from the employer-employee relationship. An honors graduate from the TU College of Law, he served as editor of the *Tulsa Law Review*. He is also the recipient of numerous awards including nine CALI awards for academic excellence.

The Tulsa law firm of Joyce & Paul PLLC announces that **Chris K. Miller** has joined them as an associate. Mr. Miller earned his B.S. in mechanical engineering from OSU in 2005 and his J.D. from the TU College of Law in 2008. He is currently a certified engineering intern and is a member of the American Society of Mechanical Engineers. While studying law at TU, Mr. Miller was an *Energy Law Journal* staff member and he earned certificates in public policy and natural resources, energy and environmental law.

Gable Gotwals announces that **Brandon C. Bickle** has joined the firm as an associate in the Tulsa office. Mr. Bickle earned his B.S. cum laude in social science and history from Rogers

State University in 2004 and minored in business administration. He obtained his J.D. with highest honors from TU in 2008, where he was actively involved with the Board of Advocates, placed in several appellate-style moot court competitions and received numerous CALI Excellence for the Future awards. His emphasis is in the areas of complex litigation and bankruptcy.

**Marty Ludlum** is now the assistant professor of legal studies at UCO. His new address is Department of Finance, 100 N. University Drive, Edmond, 73034. He can be reached at mludlum@uco.edu.

Crowe & Dunlevy has named **Elliot P. Anderson, Reagan E. Bradford, Jordan K. Field, Kristin L. Huffaker, Christopher B. Keim, Matthew S. Panach** and **Evan G. E. Vincent** associates in the firm's Oklahoma City office. Mr. Anderson will focus his practice in the areas of business and commercial litigation and probate. He is a graduate of Pepperdine University School of Law in 2006 and received his B.A. from OU in 1998. Mr. Bradford's areas of practice include energy and natural resources as well as trial and litigation. He graduated from the OU College of Law in 2008 and received his B.A. from OU in 2005. Mr. Field concentrates his practice in the areas of taxation, corporate and securities, employee benefits and ERISA, and healthcare law. He graduated from the

University of Virginia School of Law in 2008 and received his B.S. from OSU in 2005. Ms. Huffaker focuses her practice in the area of litigation and trial practice. She graduated from the OU College of Law in 2008 and received her B.A. from OU in 2005. Mr. Keim's practice areas will include healthcare litigation, insurance, administrative law, and general litigation and trial practice. He graduated from the OU College of Law in 2008 and received his B.A. from Southwestern Oklahoma State University in 2005. Mr. Panach focuses his practice in the areas of labor and employment law, litigation and trial practice. He graduated from the University of Arkansas School of Law in 2008 and received his B.S. from OSU in 2005. Mr. Vincent's practice will focus on general litigation, appellate practice and intellectual property. He received both his J.D. in 2008 and his B.S. in 2005 from OU.

DeBee Gilchrist PC announces that **Brian C. Beatty** has joined the firm. Mr. Beatty graduated from the U.S. Military Academy at West Point with a B.S. in economics and received his J.D. from the OCU School of Law. He joins the firm's practice in the area of aviation law. Prior to embarking on his legal career, he served as a captain in the U.S. Army and deployed to combat in support of Operation Iraqi Freedom as a field artillery officer.

Phillips McFall McCaffrey McVay & Murrah has shortened its name to Phillips

Murrah and has added four lawyers to its downtown headquarters: **Robert Haupt, Randy Henning, Catherine Campbell** and **Bobbak "Bobby" Dolatabadi**. A graduate of the OCU School of Law, Mr. Haupt also holds diplomas from the University of Chicago, OBU and Seinan Gakuin University in Fukuoka, Japan. His law practice focuses on trial litigation with an emphasis in civil rights, real estate, corporate and insurance matters. Mr. Henning is a trial attorney who has practiced law for 23 years. He graduated from OU and received his J.D. from the OCU School of Law in 1984. He also previously served as assistant city attorney to the city of Lawton. Ms. Campbell is an appellate attorney who rejoins the firm after serving for two years as a law clerk for Judge Jerome A. Holmes of the 10th Circuit U.S. Appeals Court. She received her undergraduate degree from the University of Colorado in 1987 and her J.D. from the OU College of Law in 1991. Her practice focuses on appellate, litigation and insurance matters. Mr. Dolatabadi joins the transactional department. A graduate of the OU College of Law, he received the Rayburn L. Foster Scholarship and was a merit scholar. His practice areas include corporate, mergers and acquisitions, business, and real estate and land use.

The Oklahoma City firm of Rife Walters & Bruehl announces **Jamie Bruehl** is a new partner and that **Neel K. Natarajan** and

**Lauren E. Karim** have joined the firm as associates. Ms. Bruehl received her J.D. with distinction from the OU College of Law in 2002 and her B.B.A. cum laude from OU in 1999. She is a member of the Defense Research Institute, the Oklahoma Association of Defense Counsel, Oklahoma Lawyers for Children and CASA. Mr. Natarajan received his J.D. from the OU College of Law in 2007 and his B.A. from the University of Kentucky in 2003. He is a member of the Robert J. Turner Inn of Court. Ms. Karim received her J.D. from the OU College of Law in 2008 as well as her B.A. from OU in 2004. She is also a member of the Robert J. Turner Inn of Court.

**F**ellers, Snider, Blankenship, Bailey & Tippens PC announces three associates to the firm: **C. Eric Shephard** and **Tyler J. Mantooth** in the Oklahoma City office and **Laura A. Van Tuyl** in the Tulsa office. Mr. Shephard received his B.A. from OU in 2005 and J.D. from OCU in 2008. His primary focus will be civil litigation. Mr. Mantooth received both his B.S. in 2005 and his J.D. in 2008 from OU. His primary focus will be on intellectual property law. Mr. Mantooth is a member of the American Intellectual Property Law Association. He is licensed to practice before the U.S. Patent and Trademark Office and is a Registered Professional Engineer in Training. Ms. Van Tuyl received her B.B.A. in management in 2005 with distinction at OU and her J.D. at the University of Texas School of Law in 2008. She

was the executive editor of the *Texas Review of Entertainment and Sports Law* from 2007 to 2008. Her primary focus will be on general litigation.

The Stillwater firm of Hert, Baker & Koemel announces that **Jon Ihrig** and **Drew Ihrig** will serve in a counsel role. Jon Ihrig earned his undergraduate degree from OSU and later graduated with his J.D. from OCU in 1974. He is also a board member and past president of the Electric Cooperative Bar Association, a national organization of attorneys representing rural electric cooperatives in legislative, governmental and operating activities. Drew Ihrig is a 2002 OSU graduate with his bachelor's in marketing and earned his J.D. in 2006 from OCU. He is a member of the Stillwater Rotary and Young Professionals of Stillwater.

**John Graves** announces the opening of his new firm, the Law Office of John H. Graves PLLC. He will continue to focus on representing clients involved in civil litigation, matrimonial litigation, as well as private and tribal governments regarding gaming law and economic development issues. Mr. Graves is a 2003 graduate of the OU College of Law. His mailing address is 2119 Riverwalk Drive, Suite 161, Moore, 73160 and his office address is 116 W. Main Street in Norman. He can be reached at (405) 684-6735.

**H**ammons, Gowens, & Associates announces that **Whitney D. Robison** has joined the firm. Ms.

Robison is a 2008 magna cum laude graduate of the OCU School of Law where she was presented the Dean's Award for Outstanding Service to the Law School. She also earned several CALI awards. She was vice president of her graduating class, an ambassador and a student member of the William J. Holloway Jr. American Inn of Court. She graduated summa cum laude from OCU in 2004 with a degree in criminal justice and sociology.

**Kent Siegrist** has moved his office to 9 E. 4th St., 900 Reunion Center, Tulsa, 74103-5115. He continues his practice preparing oil and gas title opinions. He also practices in business law, real estate, estates, trusts and litigation.

**Randall E. Long** has joined the firm of Rhodes, Hieronymus, Jones, Tucker and Gable as an associate. His areas of emphasis include civil litigation, appellate practice, employment law and insurance defense. Mr. Long earned his B.A. in 2005 from OSU and his J.D. with highest honors from the TU College of Law in 2008. He served as a senior staff member to the *Tulsa Law Review* and is a member of Phi Delta Phi legal fraternity.

**Pignato, Cooper, Kolker & Roberson PC** announces the addition of **Raella D. Dyke, C. Dayne Mayes** and **Clayton B. Bruner**. Ms. Dyke received her undergraduate degree from OSU and her J.D. from the OU College of Law. Mr. Mayes received his undergraduate degree and

his J.D. from OU. Mr. Bruner received his undergraduate degree from Southwestern Oklahoma State University and his J.D. from the OU College of Law. They will concentrate on areas of general civil litigation and insurance defense.

**Jeff Curran** is now the head of litigation for McGivern Gilliard and Curthoys' Oklahoma City office. He has co-authored a book published by Thomson West titled, "Expert Witnesses: Motor Vehicle and Accident Reconstruction Cases," which was published this month. He can be reached at 701 N.W. 63rd, Suite 201, Oklahoma City, 73116; (405) 843-3233, ext. 108.

**Tracy Pierce Nester** announces the opening of her law office at 201 E. 10th St. Plaza, Edmond, 73034. She will be continuing her practice in insurance defense, commercial and employment litigation.

**Denker and Butler PLLC** announces that **Sara Mata Zuhdi** has joined the firm as an associate attorney. Ms. Zuhdi earned her undergraduate degree in 2004 from St. Gregory's University and her J.D. from the OU College of Law in 2008. She may be reached at (405) 946-5533 or sara@denkerbutler.com.

**St. John, Griffin & Krieg S PLLC** announces that **Danielle Fielding** and **Heather Glaze** have joined the firm as associates. Ms. Fielding received her B.A. in business administration

from UCO. She received her J.D. from the OCU School of Law in 2008. She will focus her practice on oil and gas, Indian land titles, probate and general civil matters. She may be reached at dfielding@sgklawoffices.com. Ms. Glaze received her B.S. in science from East Central University. She received her J.D. from OCU School of Law in 2008. She will focus her practice on adoption, guardianship, oil and gas, probate and general civil matters. She may be reached at hglaze@sgklawoffices.com. The firm's offices are at 1219 Classen Drive, Oklahoma City, 73103. They may be reached at (405) 242-2700.

**Intel Corp.** announces that **Brian Huseman** has joined its Washington, D.C. office as a manager of global public policy. Mr. Huseman will focus on trade, competition and consumer policy issues. He previously served as chief of staff at the Federal Trade Commission, where he worked on competition and consumer protection issues. He is a graduate of the OCU School of Law. He may be reached at 1634 Eye St., NW, Suite 300, Washington, D.C., 20006; brian.huseman@intel.com; (202) 626-4391.

**DeBee Gilchrist PC** announces that **Brian T. Fagan** and **Barrett J. Knudsen** have become shareholders. Mr. Fagan earned his undergraduate degree from TU and holds a law degree from the TU College of Law. He has been associated with the firm since 2001 and practices primarily in transaction, business and

tax matters. Mr. Knudsen earned his undergraduate degree from ORU and holds a law degree from the OU College of Law. He has been associated with the firm since 1998 and practices in the area of aviation title, registration and finance law.

**Lawrence R. Scott** announces that he has relocated his law office to 19 N. Broadway in Edmond. His mailing address is P.O. Box 1159, Edmond, 73083-1159. He can be reached at (405) 715-2779. He will be continuing his practice in general law, with an emphasis in criminal defense and creditor litigation.

**H**all, Estill, Hardwick, Gable, Golden & Nelson PC formed an alternative fuels law practice group. The decision was made to form the group in anticipation of the need for legal counsel on a broad range of issues ranging from intellectual property and site acquisition for new companies to navigating new energy related tax codes and other legal matters stemming from the emerging alternative and renewable energy industry.

## At The Podium

**U**CO professor **Marty Ludlum** recently gave a presentation about the global cost of living at the Oklahoma

Global Education Conference in Tulsa.

**Gary W. Farabough** addressed the annual meeting of the Metropolitan Health Care Self Insured Group in September in Oklahoma City. He spoke on current workers' comp issues. Mr. Farabough's primary practice area is labor law, workers' compensation defense and defense of general liability claims in all courts.

**Dennis G. Chappabitty** was a keynote speaker at "The People's Council 2008," sponsored by the Washington Indian Civil Rights Commission and the Blackfeet Nation, Montana, in Grand Mound, Wash. Mr. Chappabitty's address emphasized the modern clash between the protection of tribal sovereignty and the need to protect the civil rights of individual tribal members through amendments of the federal Indian Civil Rights Act. He was also a member on a plenary panel titled, "The Interplay between the Indian Civil Rights and the Protection of Tribal Sovereignty." He also presented a session titled, "A Difficult Challenge: Litigate Indian Civil Rights Cases and Divide the Community or Heal and Unify the Indian Community by Alternative Legal Advocacy?" at a conference sponsored by the Northwest Justice Project, a legal aid organization located in Washington state.

**Joseph B. Miner** was the featured speaker for the CLE presentation titled, "Collection Law: The Good, The Bad and the Profitable in Oklahoma." Mr. Miner also spoke on various topics including the Fair Debt Collections Practices Act, going to court on a typical collection action and post-judgment collection procedures. He practices creditor-consumer/collection law, defense of Fair Debt Collection Practices Act violations and has been a featured speaker at numerous seminars and CLE presentations dealing with debt collection and retail/commercial collection law.

*Compiled by Chris Porter*

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

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Communications Dept.  
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Oklahoma City, OK 73152  
(405) 416-7017  
Fax: (405) 416-7089 or  
E-mail: [barbriefs@okbar.org](mailto:barbriefs@okbar.org)

**Articles for the Dec. 13 issue must be received by Nov. 24.**

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**M**ichael William Cunningham of Watonga died Oct. 8. He was born March 1, 1948, in Washington, D.C. He was a graduate of Southwestern Oklahoma State University and the OCU School of Law. He practiced in Watonga. **He retired as a chief warrant officer in 1994 from the Oklahoma National Guard judge advocate general division after 23 years.** He served as Oklahoma District 4 assistant district attorney and was associate district judge of Blaine County for two terms. Memorial contributions may be made to the American Cancer Society or the Oklahoma Humane Society.

**R**ichard Lawrence Gossett of McAlester died Oct. 25. He was born April 28, 1926, in Lansing, Mich. He grew up there and attended Michigan State University and then received his J.D. from TU. He was a founding partner in the Stipe, Gossett and Stipe Law Firm and practiced law in McAlester for more than 40 years. **He had also served in the U.S. Navy during World War II and was stationed in the South Pacific.** Memorial contributions may be made to the American Cancer Society, specifically for pancreatic cancer research.

**L**loyd Payton Jr. of Muskogee died Oct. 27. He was born June 24, 1933. He grew up in Fort Gibson. After high school he attended college at Oklahoma A & M in Stillwater. **Following college he joined the U.S. Air Force. While stationed at Lackland Air Force Base in San Antonio, he served in the air police while stationed in Tucson.** Following his discharge from the Air Force, he returned home to Oklahoma living initially in the Tulsa area. While in Tulsa, he enrolled in law school at TU and graduated in 1961. After graduation from law school, he came to Muskogee to begin a career as an attorney. His practice began in the Muskogee County Attorney's office. However, this lasted only a short time until he followed his passions and lived out the remainder of his practice defending the rights of others for over 47 years. He was a member of several professional organizations which included being a 32nd degree Scottish Rite Mason and a Shriner. Memorial contributions may be made to the Aniridia Foundation International, 930 Madison Ave., Suite 314, Memphis, Tenn. 38163, or [www.aniridia.net](http://www.aniridia.net).

**V**ernon Smythe of Oklahoma City died Aug. 29. He was born Dec. 5, 1953, in Prichard, Ala. He graduated from Xavier University with a B.A. in political science. In 1981, he graduated from the OU College of Law. He was a member of the Kappa Alpha Psi fraternity.

**C**harles Michael Sullivan of Manassas, Va., died March 5. He was born Nov. 15, 1955, in Roanoke Rapids, N.C. After earning the rank of Eagle Scout in high school he pursued his degree at The Citadel in Charleston, S.C., graduating in 1977 with a B.A. in political science. He was actively involved in the Citadel Alumni Association. **After graduation he joined the U.S. Army for a tour of six years, during which time he earned the Good Conduct Medal.** In 1985 he earned his law degree from the OCU School of Law and in 1986 he began practicing law with the Womble, Carlisle, Sandrich and Rice firm in Winston Salem, N.C. In 1995 he joined the Social Security Administration, where he served as a dedicated employee until the time of his death. He started as an attorney advisor in the Huntington, W.Va., office where he worked until 1998. He then transferred to Falls Church, Va., where he was employed as an

appeals officer in the Office of Disability, Adjudication and Review, Office of Appellate Operations. Additionally, he served as an acting administrative appeals judge until 2006, at which time he transferred to a position as a

federal reviewing official. He received numerous awards as an outstanding Social Security Administration employee, including being awarded the Brookings Institute Congressional Fellowship where he received

an outstanding commendation from Congressman Virgil Goode for work as his congressional aide.

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NOTICE OF FINANCIAL  
INSTITUTIONS AND  
COMMERCIAL LAW SECTION  
ANNUAL MEETING AND  
ELECTION OF OFFICERS

Thursday, November 20, 2008, 3:30 P.M.

(During Annual Bar Convention)

Sheraton Hotel, One North Broadway,  
Oklahoma City, OK 73102

*Kiamichi Room-2nd Floor*

(Convention Hotel-Downtown OKC)

AGENDA

- I. Call to Order
- II. Roll Call and Declaration of Quorum
- III. Review Consideration for Approval of Minutes from 2007 Annual Meeting
- IV. Chairperson's Report
- V. Treasurer's Report
- VI. Program Officer's Report
- VII. Review and Discussion of Bylaws - no Amendments Proposed
- VIII. Election of Officers for 2009
- IX. Discussion of Plans for the Year
- X. Membership open floor suggestions, questions and comments
- XI. New Business
- XII. Adjournment

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**Briana Ross, JD '06**, Outstanding Junior Alumna



**Wednesday, November 19, 2008 • 12:00 – 1:30 p.m.**

The Red Carpet Room, The Sheraton Downtown  
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Reservations Required, Tickets \$30

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**Speaker**

The Honorable  
Carlos J. Chappelle, JD '81

**“Stories From The Bench:  
Hollywood Couldn't  
Script This Stuff”**

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# OBA Web Sites

## What Information Do They Provide?

**NEW!**

### **[www.okbar.org/oknewsbar.htm](http://www.okbar.org/oknewsbar.htm)**

- ▶ Designed with the needs of OBA members in mind, OKNEWSBar has been created to allow you to quickly access new Oklahoma and U.S. Supreme Court opinions as well as up-to-date legal news and law practice management tips.

### **[www.okbar.org](http://www.okbar.org)**

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

### **[my.okbar.org](http://my.okbar.org)**

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

### **[www.oba-net.org](http://www.oba-net.org)**

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

### **[www.oklahomafindalawyer.com](http://www.oklahomafindalawyer.com)**

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

### **Fastcase at [www.okbar.org](http://www.okbar.org)**

- ▶ The OBA teamed up with Fastcase in 2007 to provide online legal research software as a free benefit to all OBA members. Fastcase services include national coverage, unlimited usage, unlimited customer service and unlimited free printing — at no cost to bar members, as a part of their existing bar membership. To use Fastcase, go to [www.okbar.org](http://www.okbar.org). Under the Fastcase logo, enter your username (OBA number) and password PIN for the myokbar portion of the OBA Web site.

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# Just for Fun

By Jeff Nix

Given the two choices, working on some important law thing or looking for humor, I chose the latter. The AT&T Real Yellow Pages December 2007 issue actually features the headings below. Obviously the yellow pages are laid out by a spacing formula with no editing for irony. Here are some real headings...the accompanying commentary is fictional. Enjoy.

Buildings-Burglar...They advertise?

Burglar-Bus...We take the 8:17 south, burgle, come back on the 9:27...

Christmas-Churches...For those who just go that once a year

Clothing-Clowns...You know who you are

Credit-Cremation...Over-use of a credit card

Document-Dog...Rover, fetch me that Wiggins agreement

Drainage-Drinking...Lie under the beer keg and open the spigot

Drywall-Ear...Covered by worker's comp?

Fire-First...Fire, Ready, Aim...

Fish-Fitness...Doesn't all that swimming work?

Foods-Forklift...Sign your portions might be too big

Garage-Garbage...That old Ford Pinto

Granite-Grass...Lasts forever, never needs mowing

Hair-Handyman...Hey...he's a "barber."OK?

Helium-Hobby...Balloon animals

Hose-Hospice...Come on — it's a hose already

Laser-Laundries...Now that's clean

Lawn-Leather...John Deere chaps and vest



Liquor-Loans...A sign you might have a problem

Margarita-Marriage...Won't last past the hangover

Money-Monuments...That bright yellow Hummer

Monuments-Mortgages...Payments on that bright yellow Hummer

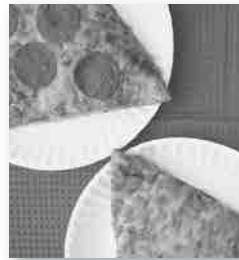
Needlework-Novelties...Velvet Elvises?

Optometrist-Overhead...What you are paying on every visit

Oxygen-Packaging...Fancy name for "balloon"

Personal-Pest...Jiminy Cricket

Pest-Pet...Jiminy Cricket's trained flea



Pizza-Plastic...How you pay Domino's?

Plumbing-Police...Sir, just drop that plunger and step back

Police-Poultry...K-9 Chicken

Safety-Sand...Right under the Jungle Jim

Sausages-School...You don't want to know

Skin-Snow...Dandruff

Sod-Sound..."Plop"...wet sod sound, "splat"

Tattooing-Tax...For making us look at those stupid things

Tax-Taxicabs...Take you right to H&R Block, and it's deductible

Teeth-Telephone...Hard to dial — won't catch on

Termite-Thrift...Set aside a 2x4 for a rainy day

Transmission-Trapper...Speed bump

Trash-Travel...Plaid shorts, striped tank top, flip flops

Wedding-Weight...25 pounds less than now

Weight-Welding...That cream pie and your thighs

Wood-Wrecker...Termite

Youth-Zoos...Featuring the "Saggy Pantsed Sullen Teen" and the "Brain Dead Texter"

*Mr. Nix practices in Tulsa.*