

# THE Oklahoma Bar JOURNAL

Volume 79 No. 23 September 13, 2008

## 104<sup>th</sup> Annual Meeting

*generations of change*



Sheraton Hotel • Oklahoma City • Nov. 19-21, 2008

### ALSO INSIDE

- 2008 Oklahoma Tax Legislation
- Bar Center East Wing  
Renovations Unveiled



# A PERFECT STORM OF OPPORTUNITY

## COMMUNICATING ACROSS THE GENERATIONS

**THURSDAY, NOV. 20**

DURING THE 104TH OBA ANNUAL MEETING

**9 A.M. - 11:40**

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### TOPICS TO BE PRESENTED:

- \* Coming waves of legal opportunity
- \* Baby Boomer and Generation X leadership styles
- \* Generational jury trends
- \* Gen X and Millennial legal professionals - how different are they?
- \* Language Matters: Inclusive communication tips
- \* Ethics and etiquette - defining your business culture
- \* Distracting behaviors defined

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### RITA MURRAY

First generation American businesswoman, Baby Boomer, speaker, TV host, Web producer, emcee, former top secret contractor, and private pilot, Rita is inspired by people who are passionate about creating and maintaining great places to work. Rita will use provocative, lively, educational, and fun multimedia to turn your everyday business leadership and communication challenges into practical solutions and waves of opportunity. You won't just prepare for change. You'll leave this session confidently saying, "Bring it on!"



# CALENDAR OF EVENTS SEPTEMBER & OCTOBER

## FALL 2008

### OBA CLE SEMINARS

**2008 WOMEN IN LAW CONFERENCE: IT'S ALL ABOUT ME; IT'S ALL ABOUT YOU: FINDING STRENGTH IN OURSELVES AND IN NUMBERS** - COSPONSORED BY THE OBA WOMEN IN LAW COMMITTEE

SEPTEMBER 18, 2008, RENAISSANCE HOTEL, TULSA

**ANATOMY FOR LAWYERS**

COSPONSORED BY THE PROFESSIONAL EDUCATION GROUP, INC.  
SEPTEMBER 19, 2008, OKLAHOMA BAR CENTER, OKC

**OFFICE 2007 OVERVIEW**

SEPTEMBER 23, 2008, OKLAHOMA BAR CENTER, OKC  
SEPTEMBER 25, 2008, RENAISSANCE HOTEL, TULSA

**A SOCIAL SECURITY CASE FROM A TO Z**

SEPTEMBER 25, 2008, RENAISSANCE HOTEL, TULSA  
SEPTEMBER 26, 2008, OKLAHOMA BAR CENTER, OKC

**NEW LAWYER EXPERIENCE - HIT THE GROUND RUNNING**

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OCTOBER 1, 2008, OKLAHOMA BAR CENTER, OKC  
OCTOBER 8, 2008, TULSA COUNTY BAR CENTER, TULSA

**INTERDISCIPLINARY COLLABORATIVE PRACTICE TRAINING**

COSPONSORED BY OKLAHOMA ACADEMY OF COLLABORATIVE PROFESSIONALS

OCTOBER 9 -10, 2008, OKLAHOMA BAR CENTER, OKC

**WORKERS' COMPENSATION UPDATE: WHERE ARE WE NOW?**

OCTOBER 13, 2008, OKLAHOMA BAR CENTER, OKC

**GOT ARRESTED**

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OCTOBER 16, 2008, OKLAHOMA BAR CENTER, OKC  
OCTOBER 17, 2008, RENAISSANCE HOTEL, TULSA

**EARLY TO BED, EARLY TO RISE: AN ATTORNEY'S GUIDE TO STAYING HEALTHY, WEALTHY & WISE**

COSPONSORED BY THE OBA WORK LIFE BALANCE COMMITTEE

OCTOBER 16, 2008, RENAISSANCE HOTEL, TULSA  
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**A SURVEY OF ATTORNEY LIENS**

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**2008 LAW OF THE WORKPLACE: UPDATES, TRENDS, AND HOT TOPICS IN THE EMPLOYMENT LAW ARENA**

OCTOBER 24, 2008, OKLAHOMA CITY, OKC  
SEPTEMBER 31, 2008, RENAISSANCE HOTEL, TULSA

**WRITING TO WIN: LEGAL WRITING THAT CREATIVELY, PERSUASIVELY, AND SUCCESSFULLY WINS CASES**

OCTOBER 29, 2008, RENAISSANCE HOTEL, TULSA  
OCTOBER 30, 2008, OKLAHOMA BAR CENTER, OKC

**THE WINNER'S CIRCLE: AN EVENING OF ETHICS, FOOD, AND RACING FUN!**

OCTOBER 31, 2008, REMINGTON PARK, OKC

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**THEME:**  
**OBA ANNUAL MEETING**

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*generations of change*  
104th Annual Meeting • Nov. 19-21, 2008

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## Make Plans to Attend the Bar Convention

By Bill Conger

As you can see, this issue of our bar journal focuses on our Annual Meeting, which will be held at the Sheraton Hotel in Oklahoma City Nov. 19 - 21. To me, the Annual Meeting is always one of our most special events, and I am really excited about this year. However, it goes without saying that the more people who attend — the better the Annual Meeting. Last year's meeting is proof positive. It was the second largest attendance we have ever had, and I thought it was one of the best I have ever attended.

The theme for the 104th OBA Annual Meeting is Generations of Change. I believe it is especially fitting because our profession is about to go through a profound change over the next 10 years. You are aware of the phenom of "baby boomers." I am one of them. The "baby boomers" represent a large segment of our profession; but, sadly, we are getting older.

Over the next 10 years many of us will be retiring and the impact on our profession will be significant because it will be the practitioners, members of the judiciary and legal educators who will be leaving. These ranks will be filled by our current law students and the younger members of our profession. Having gone from a long career in private practice to teaching in the Oklahoma City University School of Law, I have learned all too well the importance of communicating across generations. So I look forward with much anticipation and excitement to the plenary session where our keynote speaker will be Rita M. Murray, nationally and internationally known as a consultant and speaker on multi-generational relations and communications.

In addition to Rita, we are pleased to have award-winning author and news commentator

Jeffrey Toobin, who will give the keynote address at our luncheon on Thursday, Nov. 20. Among Jeff's many accomplishments is his best-selling book, *The Nine*, which is about the Supreme Court. He will be sharing with us the dynamics of the Supreme Court during a time of transition.

Immediately following the luncheon, our keynote speaker will be available for a book signing. If you don't already own his newest book, it and several others will be available for purchase at the event.

As you can see from this issue, we have much planned for your pleasure and continuing education. This is such a special time to be with your colleagues from all over the state in Oklahoma City and Bricktown with its

vibrant nightlife and excellent restaurants.

I look forward to seeing all of you in November.

### AT A GLANCE

**104th OBA Annual Meeting**  
**Nov. 19 – 21, 2008**  
**Sheraton Hotel**  
**Downtown Oklahoma City**

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without saying  
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Annual  
Meeting."**



*Bill Conger*

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is general counsel  
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# EVENTS CALENDAR

## SEPTEMBER

- 16 **OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James C. Milton (918) 591-5229
- 17 **OBA Uniform Laws Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Fred Miller (405) 325-4699
- 18 **OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
- 19 **OBA Board of Governors Meeting;** Ardmore; Contact: John Morris Williams (405) 416-7000
- 22 **OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Ann Dudley Marshall (405) 848-5715
- Hudson Hall Wheaton Inn Pupilage Group One Presenting:**  
10 Things I Wish I'd Known Before My First Trial; 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact Michael Taubman (918) 260-1041
- 23 **OBA Law-related Education Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jack G. Clark (405) 232-4271
- 24 **OBA Clients' Security Fund Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Micheal Charles Salem (405) 366-1234
- OBA Member Services Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Keri Williams Foster (405) 385-5148
- 26 **OBf Trustee Luncheon;** 12 p.m.; Summit Club, Tulsa; Contact: Nancy Norsworthy (405) 416-7048
- OBf Board of Trustee Meeting;** 1 p.m.; Summit Club, Tulsa; Contact: Nancy Norsworthy (405) 416-7048
- 27 **OBA Young Lawyers Division Committee Meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Kimberly Warren (405) 239-7961
- 29 **OBA Budget Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jon Parsley (580) 338-8764

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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# Jeffrey Toobin to Speak at Annual Luncheon

By Jeff Kelton

Jeffrey Toobin, a leading analyst in politics, media and the law will deliver the keynote address at the OBA Annual Meeting this year, Nov. 19-21 in Oklahoma City.

President-Elect Jon Parsley, who recently heard Mr. Toobin speak at the State Bar of Texas Annual Meeting, said, "Toobin's presentation was super interesting because he told little known and interesting stories of things that happen behind the scenes at the U.S. Supreme Court. Toobin is knowledgeable about his subject, and his presentation style was very energetic and captivating. Toobin even bravely fielded questions from the audience. Overall, Jeffrey Toobin was one of the best luncheon speakers I have ever seen!"

Mr. Toobin, author of the recent *New York Times* best-seller, *The Nine: Inside the Secret World of the Supreme Court*, is not only recognized for his achievements in writing but also for his unmatched coverage and analysis of some of the most important events in our history such as the O.J. Simpson trial, the Kenneth Starr investigation and impeachment of President Bill Clinton, and the disputed Florida recount of the 2000 presidential election, for which he wrote the renowned best-seller, *Too Close to Call: The 36-Day Battle to Decide the 2000 Election*. His other published works include *A Vast Conspiracy*, examining the methods of independent counsel Kenneth Starr's team and the legal proceedings of the Clinton impeachment trial and *The Run of His Life*, a close look at the

workings of the criminal justice system in the O.J. Simpson trial. While he is recognized as being seen on cable news stations giving reports and in-depth looks into legal issues, Mr. Toobin began his career in law. He received his bachelor's degree from Harvard College and earned his juris doctor magna cum laude from Harvard Law School, where he was an editor of the Harvard Law Review. Before joining the *New Yorker*, Mr. Toobin

served as an assistant United States attorney in Brooklyn. He also served as an associate counsel in the office of Independent Council Lawrence E. Walsh, an experience that provided the basis for his first book, *Opening Arguments: A Young Lawyer's First Case – United States v. Oliver North*.

He has served as a staff writer for the *New Yorker* since 1993 and in 2002 joined the CNN News Group, where he serves as a senior analyst. Prior to joining CNN, he worked with ABC News, receiving an Emmy Award in 2000 for his coverage of the Elian Gonzales custody saga.

Mr. Toobin currently lives in New York City with his wife and two children.

The Annual Luncheon takes place from noon to 1:45 p.m. Thursday, Nov. 20. Mr. Toobin will be available following the luncheon for a book signing at 2 p.m. Cost to attend is \$30 per person with Annual Meeting registration. Seating is limited, so register today. See the registration page in this issue.



# Annual Meeting Event Highlights

By Carol Manning

Wednesday ♦ November 19

## Multi-Track CLE

Having choices is always a good thing – especially when it comes to continuing legal education. You'll have four different tracks of CLE programming to choose from – Criminal Law, Family Law, Work/Life Balance and a track called Nuts and Bolts that covers basic, practical topics for new lawyers or experienced lawyers transitioning into private practice. Pick and choose individual sessions from among the tracks or zero in on just one track. Earn nine total hours of CLE credit with six hours on Wednesday from 9 a.m. – noon and 2 – 5 p.m. and for three hours on Thursday morning. Participants will receive materials for all track sessions on one very light and back-saving CD. Some materials will be available to pre-registrants before the meeting to download and use for note taking. See the CLE grid in this issue for more details.

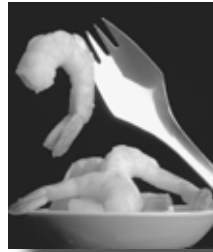


### 4 TRACKS OF CLE

Family Law  
Criminal Law  
Work/Life Balance  
Nuts and Bolts

## Life's a Beach

OBA President J. William "Bill" Conger invites you to join him for what is traditionally the best party of the OBA Annual Meeting — the President's Reception. If you've never been, the appetizers are hearty, and it's a competition to see if you can get to the large boiled shrimp before they are gobbled up by your fellow party-goers. Days on the beach are always fun, and so will be this reception that starts at 7 p.m. and ends at 9 p.m. Entertainment to get



you in that laid-back, festive mood will be provided by Chuck Allen Floyd. Each attendee receives two drink tickets. Free with Annual Meeting registration.



## Art Contest

It's back by popular demand — year 10. A great opportunity for bar members to show their creative side and compete for the honor of being named OBA Artist of the Year. Don Holladay of Oklahoma City is the reigning winner for his acrylic painting. Original, attorney-created works of art in a wide variety of media will be judged and displayed during the President's Reception and again on Thursday morning until the end of the luncheon. Artists pick up their entries following the luncheon. Contest entry fee included with registration fee. Norman attorney Shawnae Robey is coordinating this event.



## American Idol – OBA Style

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





idol form in this issue. Oklahoma City attorney Randy Grau will return again this year as the show's emcee. Who needs Simon, Randy and Paula? We'll have our own distinguished panel of celebrity judges who will award prizes to the top three. Performers need to provide their background music for one song on CD. If you're not interested in performing, come be part of the audience. The fun starts at 9 p.m. and lasts until 11 p.m. Admission free with Annual Meeting registration.



Thursday ♦ November 20

### CLE Plenary Session

The biggest business changes ever are happening in our world today, and keynote speaker Rita Murray in a session titled, "A Perfect Storm of Opportunity," will share insight into business diversity initiatives within the legal profession. She will provide practical ideas you can put to work now. Ms. Murray, who has worked with Fortune 500 companies throughout the world, brings an educational, lively and fun multimedia experience to the CLE plenary session this year. She will show you baby boomer and generation X leadership and legal professional styles, generational communication tips and Internet trends for legal professionals. Let this first-generation business woman, TV host, Web producer, emcee and former top-secret contractor help you cash in on the incoming waves of legal opportunity. Begins at 9 a.m. and ends at 11:20 a.m. This session is part of the two-day CLE package — or is priced separately.



### BARRISTER SPONSOR:

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### Annual Luncheon

Jeffrey Toobin, a leading analyst in politics, media and the law will share the inside story of the U.S. Supreme Court, which is the subject of his recent *New York Times* best-selling book. OBA awards will be presented, and the new Attorney Artist of the Year will be revealed. Time: 12 – 1:45 p.m. Cost: \$30 with Annual Meeting registration, which is required to purchase a ticket. Sign up on the printed registration form or register online at [www.okbar.org](http://www.okbar.org). A book signing will immediately follow the luncheon, and a variety of his books will be available for purchase.



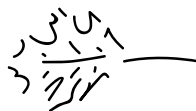
### Free Mental Health CLE Seminar

The OBA is continuing its award-winning work in the area of mental health by again offering 1 1/2 hours of free CLE (including 1/2 hour of ethics) on Thursday afternoon from 3 — 4:15 p.m. The program will be divided into three parts: 1) a quick summary of what's happening with mental health services in Oklahoma, 2) a panel discussion on how the OBA is addressing member mental health issues, and 3) advice on how you should ethically address lawyer mental health issues. The program is sponsored by OBA/CLE and the OBA Lawyers Helping Lawyers Assistance Program. Annual Meeting registration is not required to attend this program. Register by filling out the online Annual Meeting registration form or by calling Mark at (405) 416-7026.



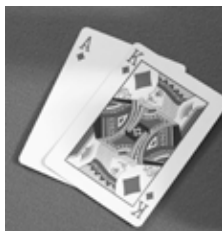
### Just Desserts

After a long day of meetings, it's time to chill out a little and relax. Enjoy some of the early receptions and then come to this event to listen to live music. In addition to the music, desserts and coffee will make this another fun Annual Meeting event held from 7:30 – 9 p.m. Free with Annual Meeting registration, and that's a pretty sweet deal!



## Viva Las Vegas Casino Night

Maybe this will be your lucky night to win it big at blackjack, roulette or craps. The good thing is if you lose a bundle, it's only play money. Musical entertainment and at least one Vegas showgirl wearing a gigantic fan headdress will make you think that you are in the city where what happens there, stays there. A drawing for wicked prizes will be held at the end of the evening. Casino night is sponsored by the Young Lawyers Division and will be from 9 p.m. – midnight. Free with Annual Meeting registration.



## Friday ♦ November 21

### President's Prayer Breakfast

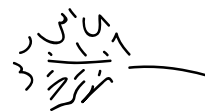
President Bill Conger invites you to join him for breakfast, a long-standing Annual Meeting tradition. Featured speaker will be Dr. Robert Gorrell, senior minister at Church of the Servant in Oklahoma City. The breakfast is from 7:30 – 9 a.m. Cost: \$20. Sign up on the Annual Meeting registration form.

### General Assembly

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

### House of Delegates

Taking place immediately following the General Assembly, the voice of the membership elects officers and Board of Governors members for 2009. Plus, they make decisions on the OBA's legislative plan and other important issues for next year.



President Conger extends special  
thanks to the Annual Meeting  
Task Force:

Debra Charles • Myra Kaufman  
John Morris Williams • Craig Combs  
Donita Douglas • Carol Manning

## Why Should You Attend the Annual Meeting?

"I recommend that lawyers attend the bar convention because you can meet other lawyers, get some CLE, get prizes and see the latest from law vendors." — *Jody Nathan, Tulsa*

"The Annual Meeting is a great opportunity to see classmates and old friends, make new acquaintances in the profession and have a wonderful experience at the same time." — *Bill Grimm, Tulsa*

"The Annual Meeting combines fun with a sense of accomplishment. It is a great place to meet and interact with lawyers and judges without the burden of a case in between – and it's a great time to find out what we can accomplish as a bar." — *Rick Rose, OKC*

"Even though I am no longer a 'leader' of the OBA, I still look forward to attending each Annual Meeting. Why? Because I enjoy seeing so many old friends and making new acquaintances from all over the state in a relaxed atmosphere. In fact, I hope to see you there this year." — *Gary C. Clark, Stillwater*

"A lawyer who has never attended the OBA Annual Meeting will be surprised how much fun it is to see colleagues you have not seen since law school, to visit with judges and lawyers in a nonadversarial venue, to attend informative CLE presentations, enjoy great food and observe talents of some colleagues who would down right surprise you. Where else can one possibly have so much fun? I am always rejuvenated after the Annual Meeting." — *Linda Samuel-Jaha, OKC*

"Last year I sang a cappella in the Idol contest, gave a nominating speech and literally caught on fire in Bill Conger's marble hallway. I come for the exorcism of the three deepest common fears of humanity — having tomatoes thrown at me, public speaking and a gruesome death. As Ian Fleming's James Bond would say, 'You only live twice — once when you're born, once when you look death in the face.' "

— *Jim Drummond, OKC/Norman*

# Get Excited about Something!

## 2008 Annual Meeting CLE Highlights

By Brandon Haynie

A few weekends ago while up in Arkansas, a buddy and I had the chance to sit with our good friend in the dugout as he was coaching his high school baseball team in a summer state tournament.

After the opponent hit a line drive through second into the outfield, the centerfielder from our friend's team let the ball roll through his legs as he went to make the play. Seeing that the opponent was already rounding third, he leisurely turned around scooped the ball, and tossed it to the cut off man with no attempt to make a play at home.

As you can imagine, our ole ball coach friend was furious and proceeded to light a fire under the kid. As he addressed the team in the dugout, his sentiment was this: "You need to get excited about something out there! How can you expect to get anything done, more less get any better, if you aren't excited about any of it?" While the kids on his team didn't seem too affected by the rousing speech, I walked away with a thought, not as a washed-up sports has-been, but from a business perspective.

What if we started asking ourselves if we ever "get excited" about improving or bettering ourselves for our profession? If the case is no and you are looking for that chance to really enjoy progressing in your practice, then OBA/CLE is bringing you nine hours of world-class CLE to choose from during the 104th OBA Annual Meeting, Nov. 19-21 at the Sheraton Hotel in Oklahoma City.

The courses offered this year bring drama, humor, enthusiasm and motivation to the table. Headlining this year's plenary session is "A Perfect Storm of Opportunity" with Rita

Murray. Scheduled on Nov. 20 from 9-11:40 a.m., this course will tackle the colliding workforce demographic, cultural and socioeconomic events that are producing 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.

Ms. Murray, who has worked with Fortune 500 companies throughout the world, brings an educational, lively and fun multimedia experience to the CLE track this year. She will show you baby boomer and generation X leadership and legal professional styles, generational communication tips, Internet trends for legal professionals, ethics and etiquette, just to name a few. Let this first-generation business woman, TV host, Web producer, emcee and former top-secret contractor help you cash in on the incoming waves of legal opportunity.



The Wednesday CLE multi-track format will be used again at this year's meeting. Members will have an opportunity to select from in



excess of 24 different sessions. Four tracks of simultaneous CLE programming will be offered: Family Law, Criminal Law, Work/Life Balance, and Nuts and Bolts.

The Family Law track will be packed with information that will address "Tips for non-Family Law Attorneys," "Parenting Coordinator Guidelines" and "New Child Support Guidelines and Family Law Technology Updates." And back by popular demand, the Family Law Ethics Players return for an encore performance. The players will no doubt powerfully illustrate important ethics issues and are a must-see for this track.

It seems that as time goes on, the world gets smaller as communication tools grow, and work and life are becoming joined at the hip. The Work/Life Balance track will prove to be beneficial by offering practical, real-world legal advice to help better manage the two as they are becoming one. This track will travel from "Paying off School Loans" and "Learning to Turn Bad Days into Good Ones," to "Substance Abuse" and "What to Do When Your Case Goes to Hell." For those looking for a balance in weighing work and home life, this track is rich in material.

Criminal Law track planner Ben Brown has put together yet another outstanding criminal law track for this year's program. Sessions cover a broad spectrum and should prove useful to all attorneys who practice criminal law: "Perceptions from the Other Side," "Representing Your Client before the Oklahoma Pardon & Parole Board," "Digital Forensic Information

from Cameras and Cell Phones," "Representing Clients before the Department of Public Safety...What Lawyers Should Expect?," "Prosecutorial Misconduct/Ineffective Assistance of Counsel...What To Avoid?" and "DNA Analysis Updates and Changes."

Looking for a track that combines quantity and quality? If so, look no further than "Nuts and Bolts" of law practice. Some highlights from this track include "Maneuvering Through DPS and the DUI Case" and "What Your Clients Need to Know About Employment Law." "Getting to Know Discovery: Tips for Civil, Family and General Practice" and "The Basics of Implementing (and Keeping) a Guardian Ad Litem" round out this powerfully charged track.

The four tracks will occur simultaneously in four meeting rooms at the Sheraton Hotel. Each track is divided into 50-minute blocks, and breaks will coincide. Attendees can mix and match programs they attend and fit together the CLE that best suits

their needs. Ethics and technology sessions are scattered throughout the day. Registrants receive materials on a CD for all Wednesday sessions, not just the sessions attended.

So at this year's Annual Meeting, join us for some quality CLE that is guaranteed to be beneficial, entertaining and educational for all that attend. Reserve your spot now with OBA/CLE, and get excited about learning again.

*Mr. Haynie is a marketing and production specialist in the OBA/CLE Department.*

## 4 TRACKS OF CLE

Family Law  
Criminal Law  
Work/Life Balance  
Nuts and Bolts

# OBA/CLE Annual Meeting 2008

**November 19, 2008 • Sheraton Hotel**

**DAY 1**

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

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

<b>Session 4</b> 2 - 2:50 p.m.	<b>The New Child Support Guidelines: What You Need to Know About Changes to the Guidelines Statute</b> Amy E. Wilson	<b>Representing Clients before the Department of Public Safety... What Lawyers Should Expect?</b>  Wellon Poe Deann Taylor	<b>What to Do When Your Case Goes to Hell (ethics)</b>  Gina Hendryx Judge Edward Cunningham	<b>Getting to Know Discovery: Tips for Civil, Family, and General Practice</b>  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> TBA	<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> TBA	<b>Life Goes to Hell - But the Law Goes On</b> 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> <i>Registration</i> 8 - 9 a.m.		
<b>OBA/CLE Plenary Session</b> 9 - 11:40 a.m.	<b>Topic:</b> <b><i>A Perfect Storm of Opportunity: Communicating Across the Generations</i></b>	<b>Featured Speaker:</b> <b><i>Rita Murray</i></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 Art Contest

By Shawnae Robey

**O**klahoma lawyers have artistic talent! Please show off your talent by submitting your pieces of art to be featured in the 2008 Annual Meeting.

The art show is part of the OBA Annual Meeting, to be held Nov. 19 – 21 at the Sheraton Hotel in downtown Oklahoma City. Original, attorney-created works of art will be on display throughout the meeting. Last year we had 28 artists enter 73 pieces of art in 10 different categories and we expect another great success this year.

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

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

The art will be on display Wednesday, Nov. 19 from 6 – 9 p.m. and Thursday, Nov. 20 from 11 a.m. – 2 p.m. Judging will take place on Wednesday from 12 – 2 p.m. No registrants will be allowed in the display room during judging.

We look forward to your participation! If you have any questions, please contact Shawnae Robey, 2008 Art Show Coordinator, at (405) 640-9353, or e-mail [artatty@okbar.org](mailto:artatty@okbar.org).

*Past President Stephen Beam presents  
Don Holladay of Oklahoma City  
the 2007 Artist of the Year Award –*

*“Central Park Lady”*

*Category: Acrylic*



# 2008 OBA ATTORNEY ART SHOW

## REGISTRATION FORM

**Deadline: Oct. 24, 2008**

(No registrations will be accepted after this deadline)

Return form with

**Annual Meeting registration fee to:**

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

Name \_\_\_\_\_

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

\*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.)



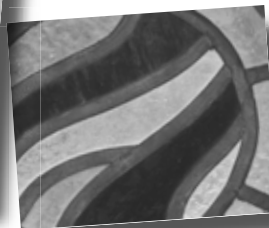
*Watercolor*



*Pottery*



*Photography*



*Stained glass*

Name of Piece	Size/Weight	Date Created	Category

# 2008 Annual Meeting Registration Form

*generations of change*  
104th Annual Meeting • Nov. 19-21, 2008

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).

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)*

# 2009 OBA Board of Governors Vacancies

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

## OFFICERS

### President-Elect

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

### Vice President

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

## BOARD OF GOVERNORS

### Supreme Court Judicial District One

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

### Supreme Court Judicial District Six

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

### Supreme Court Judicial District Seven

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



# OBA Nominating Petitions

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

## OFFICERS

### PRESIDENT-ELECT

#### **ALLEN M. SMALLWOOD, TULSA**

Petitions have been filed nominating Allen M. Smallwood for election of President-Elect of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2009.

**A total of 289 signatures appear on the petitions.**

### VICE PRESIDENT

#### **LINDA S. THOMAS, BARTLESVILLE**

Petitions have been filed nominating Linda S. Thomas for election of Vice President of the Board of Governors of the Oklahoma Bar Association for a one-year term beginning January 1, 2009.

**A total of 284 signatures appear on the petitions.**

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

## BOARD OF GOVERNORS

### SUPREME COURT

#### JUDICIAL DISTRICT SEVEN

#### **CHARLES D. WATSON JR., DRUMRIGHT**

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

**County Bar Resolutions Endorsing Nominee:**  
Creek County

#### **LOUANN MOUDY, HENRYETTA**

A Nominating Resolution has been filed nominating LouAnn Moudy for election to the Board of Governors of the Oklahoma Bar Association Supreme Court Judicial District 7 for a three-year term beginning January 1, 2009.

**County Bar Resolutions Endorsing Nominee:**  
Okmulgee County

### MEMBER-AT-LARGE

#### **STEVEN DOBBS, OKLAHOMA CITY**

Nominating Petitions and Nominating Resolutions have been filed nominating Steven Dobbs for election to the Board of Governors of the Oklahoma Bar Association, Member-at-Large for a three-year term beginning January 1, 2009.

**A total of 276 signatures appear on the petitions.**

**County Bar Resolutions Endorsing Nominee:**  
Harmon County

COMING SOON!!!

THE OKLAHOMA BAR ASSOCIATION DIVERSITY COMMITTEE PRESENTS:



DURING THE 104<sup>TH</sup> ANNUAL MEETING IN OKLAHOMA CITY, OK

Registration information will appear in future editions of the Oklahoma Bar Journal.

# www.okbar.org

Your source for OBA news.



At Home



At Work



And on the Go

# Taxation Law Section

## 2008 Oklahoma Tax Legislation

By Sheppard F. Miers Jr.

Legislation enacted in the 2008 session of the Oklahoma Legislature included the changes summarized below, which are some of the new Oklahoma state laws on taxation.

### INCOME TAX

#### *Individual Rate Reduction; State Board of Equalization Procedures*

The procedures, method and timing of revenue determinations to be made by the State Board of Equalization related to implementing decreases in the top marginal rate of individual income tax to 5.25 percent in 2009 and subsequent tax years are modified. SB 1511, §13; amending 68 O.S. Supp. 2007, §2355.1A; effective June 4, 2008.

#### *Captive Real Estate Investment Trust Rents and Interest Add Back*

For purposes of computing Oklahoma taxable income, a taxpayer shall add back otherwise deductible rents and interest expenses to a captive real estate investment trust (REIT), as defined in Internal Revenue Code section 856. SB 2034, §3; amending 68 O.S. Supp. 2007, §2358; effective Jan. 1, 2008.

#### *Federal Depreciation Add Back*

For income tax returns filed by corporations and fiduciaries after Dec. 31, 2007, federal taxable income shall be increased by 80 percent of any amount of bonus depreciation deducted under Internal Revenue Code section 168(k) pursuant to the federal Economic Stimulus Act of 2008, for assets placed in service after Dec. 31, 2007, and before Jan. 1, 2009. SB 2034, §2, amending 68 O.S. Supp. 2007, §2358.6; effective June 3, 2008.

#### *Aerospace Industry Tax Credits*

An aerospace sector employer can be allowed a nonrefundable credit equal to 50 percent of tuition reimbursed to a qualified employee for the first through fourth years of employment; and a nonrefundable credit equal to 10 percent of compensation paid to a qualified employee for the first through fifth years of employment to an employee who graduated from an Oklahoma institution or 5 percent of compensation paid for the first through fifth years of employment to an employee who graduated from an institution outside the state. A qualified employee may claim a nonrefundable personal income tax credit of up to \$5,000 per year for no longer than five years. Any credit claimed but not used may be carried over to each of the five subsequent taxable years. A qualified employee is an individual awarded an undergraduate or graduate degree from a program accredited by designated engineering and technology review organizations. HB 3239, §§1-4; adding 68 O.S. Supp. 2008, §§2357.301-2357.304; effective Jan. 1, 2009.

#### *Clean-Burning Fuel and Electric Motor Vehicle Property Credit*

The Oklahoma income tax credit for investments in qualified clean-burning motor vehicle fuel property and qualified electric motor vehicle property is extended to be effective for tax years beginning before Jan. 1, 2010. SB 1558, §1; amending 68 O.S. Supp. 2007, §2357.22; effective Jan. 1, 2009.

#### *Historic Hotel, Newspaper Plant or Structure Credit*

The income tax credit for historic properties is amended to change requirements and reporting for transfers of allowable credits, and the liability for reduction of credits by adjustment of the IRS or Tax Commission. SB 1956, §4;

amending 68 O.S. Supp. 2007, §2357.41; effective Jan. 1, 2009.

#### *Railroad Reconstruction and Replacement Credit*

The income tax credit allowed for qualified railroad reconstruction and replacement expenditures is amended to provide that the limitation on an allowable credit (50 percent of qualifying expenditures) calculated by multiplying a dollar amount (\$2,000) by the number of miles of railroad track owned or leased in the state shall be subject to a taxpayer election in 2009 and later years. The election would allow the taxpayer to increase the credit limitation three times, subject to the taxpayer claiming only one-third of the credit in any one taxable period, and a taxpayer electing to so increase the limitation shall not be granted additional credits during the period of such election. SB 1799, §1; amending 68 O.S. Supp. 2007, §2357.104; effective Nov. 1, 2008.

#### *Biodiesel Facility Credit*

The income tax credit for investment in biodiesel facilities is amended to provide that if the credit exceeds the amount of income taxes due, the unused credit may be carried forward as a credit against subsequent income tax liability for a period not exceeding five years. SB 1956, §5; amending 68 O.S. Supp. 2007, §2357.67; effective July 1, 2009.

#### *Oklahoma Tourism Development Act*

The Oklahoma Tourism Development Act providing for income and sales tax credits for approved companies entering into a tourism project agreement is amended to apply to digital media facility project agreements and to modify qualifying cost amounts. SB 1956, §§8-13; amending 68 O.S. Supp. 2007, §2357.35-2357.40; effective July 1, 2009.

### **SALES AND USE TAX**

#### *Exemption; Sales to School Foundations*

A sales tax exemption is allowed for sales of tangible personal property made before July 1, 2014, by or to nonprofit local public or private school foundations which solicit money or property in the name of any public or private school or public school district. SB 1956, §2; amending 68 O.S. Supp. 2007, §1356; effective July 1, 2009.

#### *Exemption; Sales of Food; Medical Scholarship Organizations*

A sales tax exemption is allowed for sales of food and snack items to or by a section 501(c)(3) exempt organization whose primary purpose is providing funding for scholarships in the medical field. HB 1387, §2; amending 68 O.S. Supp. 2007, §1356; effective July 1, 2009.

#### *Exemption; Sales to Hospice Facilities*

A sales tax exemption is allowed for sales of tangible personal property or services for use solely on construction projects for section 501(c)(3) exempt organizations for hospice facilities providing care for low-income individuals. HB 1387, §2; amending 68 O.S. Supp. 2007, §1356; effective July 1, 2009.

#### *Exemption; Events Supporting Hospitals*

A sales tax exemption is allowed for sales of tickets and admissions to events held by section 501(c)(3) exempt organizations that support general hospitals licensed by the State Department of Health. HB 1387, §2; amending 68 O.S. Supp. 2007, §1356; effective July 1, 2009.

#### *Exemption; NRA Supporting Foundation*

A sales tax exemption is allowed for sales of tangible personal property to a section 501(c)(3) exempt foundation which raises tax-deductible contributions in support of a wide range of firearms-related public interest activities of the National Rifle Association of America and other organizations that defend and foster the Second Amendment, and to or by a grassroots funding program for sales related to events to raise funds for such a foundation. HB 1387, §2; amending 68 O.S. Supp. 2007, §1356; effective July 1, 2009.

#### *Exemption; Railroad Rolling Stock Sales*

A sales tax exemption is allowed for sales before July 1, 2014, of rolling stock (locomotives, autocars and railroad cars) sold or leased by the manufacturer, regardless of whether the purchaser is a public services corporation and common carrier of property or passengers by railway, for use or consumption by a common carrier directly in the rendition of public service. SB 1956, §3; amending 68 O.S. Supp. 2007, §1357; effective July 1, 2009.

### *Exemption; Sales to Conservancy District*

Sales of personal property or services to the Central Oklahoma Master Conservancy District shall be exempt from sales tax. SB 1511, §12; amending 68 O.S. Supp. 2007, §1356; effective June 4, 2008.

### *Florists Source of Sale*

The Streamlined Sales and Use Tax System is amended to provide that the sourcing of all sales by florists shall be the business location of the florist, i.e. the origin source rather than the destination source, until Jan. 1, 2011. SB 1511, §11; amending 68 O.S. Supp. 2007, §1354.27; effective June 4, 2008.

## **ESTATE TAX**

### *Affidavit in Lieu of Estate Tax Return*

When the net estate of a decedent is equal to or less than the applicable exemption, a simplified return or affidavit prescribed by the Tax Commission may be filed instead of a full estate tax return. Prior law provided that such an affidavit could be used only when all property passed to lineal descendants. SB 1148, §2; amending 68 O.S. Supp. 2007, §815; effective July 1, 2008.

### *Release of Bank and Financial Accounts Without Notice To Tax Commission*

The authority to release and pay bank and financial institution accounts of a decedent's estate without notifying the Tax Commission is increased from \$5,000 to \$50,000 for decedents dying in 2008, and to \$100,000 for decedents dying in 2009. SB 1148, §1; amending 68 O.S. 2001, § 812; effective July 1, 2008.

## **GROSS PRODUCTION TAX**

### *Deep Well Exemption*

The gross production tax exemption for production of oil and gas from deep wells providing for a 48-month exemption for wells with a depth of 15,000 to 17,499 feet, and a 60-month exemption for wells with a depth of 17,500 feet or greater is extended from July 1, 2008 to July 1, 2011. SB 1658, §1; amending 68 O.S. Supp. 2007, §1001; effective June 3, 2008.

### *Oil and Gas Price Determinations; Disallowance of Exemptions*

The method by which the Tax Commission is to determine the "average annual index price" of oil and gas for purposes of the disallowance

of certain gross production tax exemptions (deep well, inactive well, enhancement project incremental production, new discovery, three-dimensional seismic shoot gross production tax exemptions not applicable when oil exceeds \$30 per barrel, and gas exceeds \$5 mcf) is modified. The calculation of the average annual index price of oil shall be determined by multiplying the West Texas Intermediate close price by a defined historical "index price ratio" and of gas by multiplying the Henry Hub 3-Day Average Close Price by a defined historical "index price ratio." HB 1387, §1; amending 68 O.S. Supp. 2007, §1001; effective Jan. 1, 2009.

## **AD VALOREM TAX**

### *Protested Tax Escrow; Taxpayer Directed Investment*

In cases where the amount of protested ad valorem taxes is in excess of \$15,000, the taxpayer may elect to choose the type of investment and where the protested taxes will be deposited as long as the investment is of a type authorized for the county, the depository qualifies as a county depository and it is located in the applicable county. HB 3229, §1; amending 68 O.S. 2001, §2884; effective July 1, 2008.

### *Delinquent Tax Penalty*

Delinquent ad valorem taxes shall be subject to a late payment penalty of 5 percent per month until paid with respect to taxes that are due on property located in a dependent school district in a county with a population of less than 75,000, for a non-individual taxpayer when tax has been paid delinquent for two or more separate and consecutive years, and the value of the property exceeds \$500,000. SB 1956, §6; amending 68 O.S. Supp. 2007, §2913; effective Jan. 1, 2009.

### *Increment Districts; Private Use of Public Entity Property*

The provisions requiring property of a public entity in an increment district leased to or operated for private use to be assessed by the county assessor as if the property were taxable, for the public entity to pay or require the user of the property to pay ad valorem tax or an in lieu of payment are modified and made more detailed in application. HB 3352, §4; amending 62 O.S. Supp. 2007, §861; effective Nov. 1, 2008.



### *Platted Subdivision Lot Valuation*

The use value of a lot in any platted subdivision shall be deemed to be the fair cash value of the underlying tract of land platted, divided by the number of lots contained in the platted addition or subdivision until the lot is conveyed to a bona fide purchaser, or the lot with buildings on it is used other than as a sales office, or leased. A purchaser of a lot for purposes of constructing and selling a home or building on it shall not be deemed a bona fide purchaser. A lot held for longer than two years before construction may be considered by the county assessor to have been conveyed to a bona fide purchaser. The cost of property required to be dedicated to public use shall not be used by the county assessor in the valuation of real property for assessment purposes. SB 958, §1, amending 68 O.S. Supp. 2001, §2817; effective May 9, 2008.

### *Constitutional Amendment; Ad Valorem Tax Exemptions*

A proposed amendment of the Oklahoma Constitution will be referred to voters for approval, to provide that no person shall be allowed to file for any ad valorem tax exemption provided for in Article 10 of the Oklahoma Constitution for any year or years prior to the person filing the original application for such exemption with the county assessor; and or eligibility for an applicable exemption to be established as required by law. The Legislature would be authorized to pass additional laws to implement this section of the Constitution. HB 3354 directs referendum for voter approval on an amendment adding a new Section 22A, Article X, Oklahoma Constitution.

## **ECONOMIC DEVELOPMENT; TAX OR FINANCIAL INCENTIVES**

### *Quality Jobs Program Act*

The Oklahoma Quality Jobs Program Act is amended to provide that a qualifying "basic industry" for which state payments may be received for increased jobs includes a professional sports team or club primarily engaged in participating in live sporting events before a paying audience, which may or may not operate its own arena, stadium or other facility for presenting such events, subject to specified requirements. SB 1819, §§1-3; amending 68 O.S. Supp. 2007, §§ 3603, 3604, 3606; effective April 17, 2008.

### *Oklahoma Local Development and Enterprise Zone Incentive Leverage Act*

The Oklahoma Local Development and Enterprise Zone Incentive Leverage Act is amended to modify definitions and the type of local governmental entity eligible for state and local government matching payments, to amend the prohibition against matching payments and other requirements of the act. SB 1943, §§1-6, amending 62 O.S. Supp. 2007, §§841-847; effective May 20, 2008.

### *Military Base Protection and Expansion Incentive Act*

The Military Base Protection and Expansion Incentive Act is amended to expand the purposes for which bonds may be issued and modify requirements for application of the act. SB 1943, §§7-12; amending 74 O.S. Supp. 2007, §§5062.31-5062.36; effective May 20, 2008.

### *Oklahoma Quality Jobs Incentive Leverage Act*

The threshold for investment of a qualifying establishment under the Oklahoma Quality Jobs Incentive Leverage Act is increased from \$50 Million to \$100 Million. SB 1891, §2; amending 68 O.S. Supp. 2007, §3653; effective Nov. 1, 2008.

## **TAX PROCEDURE**

### *Voluntary Compliance Initiative (Tax Amnesty Program)*

The Oklahoma Tax Commission is authorized and directed to establish a Voluntary Compliance Initiative (VCI) for specified eligible taxes. A taxpayer shall be entitled to a complete waiver of penalty, interest or other collection fees due on eligible taxes if the taxpayer voluntarily files delinquent tax returns and pays the taxes due during the period of the VCI. The time in which voluntary payment by a taxpayer may be made under the VCI is the period beginning Sept. 15, 2008, and ending Nov. 14, 2008. The "eligible taxes" to which the VCI applies include income tax, sales tax, use tax, franchise tax, gross production tax and petroleum excise tax, withholding tax, gasoline and diesel tax, mixed beverage tax and privilege tax (bank in lieu tax), the tax liability for which was due and payable for any tax period ending before Jan. 1, 2008. For delinquent tax not paid in the VCI period, the Tax Commission shall impose the delinquent penalty for nonpayment. However, the prescribed penalty will not apply for taxpayers not eligible for the VCI or if the taxpayer has timely filed a protest of an assessment or is otherwise in a contested matter before a court of competent jurisdiction. The Tax Commission is authorized to enter into written payment programs or agreements with

taxpayers that will avoid penalty, interest or collection fees under the VCI. SB 2034, §1; adding 68 O.S. Supp. 2008, §216.3; effective June 3, 2008.

## TAX AND FISCAL POLICY

### *Start Date of Dynamic Revenue Forecasting Extended*

The starting date for the Tax Commission to make revenue estimates using a dynamic revenue estimating model taking into consideration changes in economic activity as a result of proposed legislation and consequent revenue gains and losses due to factors such as taxpayer behavior, employment and business investment is extended until on or before Dec. 31, 2009. SB 1511, §4; amending 68 O.S. Supp. 2007, §118; effective June 4, 2008.

### *Integrated Tax System*

The Oklahoma Tax Commission is authorized to enter into a lease-purchase agreement and other agreements necessary for the acquisition of an integrated tax system; payments for such agreement will be made from any monies available to the Tax Commission; and the Tax Commission will enter into revenue generating contracts. An Oklahoma Tax Com-

mission and Office of State Finance Joint Computer Enhancement Fund is to be created in the State Treasury for funding the integrated tax system and similar computer projects. HB 1387, §5, (not codified) and §6, adding 68 O.S. Supp. 2008, §265; effective June 2, 2008.

### *Revenue Loss Estimates Tax Incentive Districts*

Sponsoring governmental entities shall notify the Oklahoma Tax Commission of creation and/or dissolution of incentive districts and increment districts. The Tax Commission and Oklahoma Department of Commerce shall make an estimate of annual revenue loss resulting from all matching payments made pursuant to statute. HB 3352, §1; adding 62 O.S. Supp. 2008, §867.1; effective Nov. 1, 2008.

## ABOUT THE AUTHOR

Sheppard F. Miers Jr. is a shareholder in the Tulsa office of Gable & Gotwals and practices in the areas of federal and state taxation. The author acknowledges assistance he received on the subject of this article from Alicia Emerson, senior policy analyst, research division, Oklahoma Senate.

## "Professional Advocate(s) of the Year"

The Criminal Law Section is seeking nominations for its prestigious "Professional Advocate of the Year" awards. These awards will be presented to the Prosecutor and the Defense Attorney who best exemplifies the criteria listed below. Nominations may be made by any member of the bar, even if you are not a member of the Criminal Law Section of the OBA. In that this is a professional award, Prosecutors nominate Defense Attorneys and Defense Attorneys nominate Prosecutors.

**Defense Attorney: Professional Advocate of the Year:** The recipient of this award must be an Oklahoma attorney who practices criminal defense (Federal or State) in Oklahoma and is recognized as an ethical and professional advocate who defends and protects the constitutional rights of his/her individual client. The recipient should be an individual who exhibits *superior advocacy skills* before the court either at the trial or appellate level and consistently shows professionalism, courtesy, and respect to opposing counsel in the spirit of the adversarial system.

**Prosecutor: Professional Advocate of the Year:** The recipient of this award must be an Oklahoma attorney who represents the government in criminal prosecutions (Federal or State) in Oklahoma and is recognized as an ethical and *professional prosecutor* who exercises prosecutorial discretion in an equitable manner towards the community as a whole. The recipient should be an individual who exhibits superior advocacy skills before the court either at the trial or appellate level and consistently shows professionalism, courtesy, and respect to opposing counsel in the spirit of the adversarial system.

**SUBMISSION GUIDELINES:** Send nominations to Mike Wilds via wilds@nsuok.edu on or before 5:00 p.m., October 15h, 2008. Please include any anecdotes or individual achievements that substantiate the nomination. The award recipients will be recognized at the Criminal Law Section Annual Luncheon Meeting during the OBA Bar Convention to be held in Oklahoma City on November 19th from noon until 1:00 p.m. Feel free to contact Mike Wilds at (918) 449-6532 should you have questions or recommendations.

# OBA Unveils East Wing Renovations at Open House

Sept. 11, 2008 • Oklahoma Bar Center

With the renovations to the east wing of the Oklahoma Bar Center completed, an open house was held to show off the results. Bar members were invited to come take a look at the finished product. While construction displaced 22 bar center employees for nine months, the project was an undertaking that took years of planning.



*The new board room features a custom-made table and 50-inch plasma screen TVs to enhance video and conferencing capabilities.*

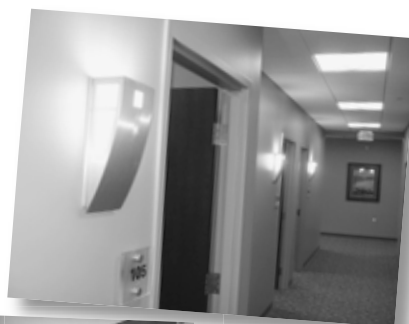


*A waiting area outside the hearing room features photographs from the Oklahoma State Capitol.*



*The Professional Responsibility Commission now has its own hearing room.*

*New light fixtures brighten the hallways.*



*Photos of OBA past presidents adorn the hallway outside the board room.*



*The president's conference room functions as a meeting room for use at the bar president's disposal.*



*Newly remodeled restrooms feature granite countertops and glass tile walls.*



*New employee break room.*



*The Oklahoma Bar Foundation also has a new home in the east wing.*



*OBA past presidents Harry Woods, Mike Evans and Bill Grimm were recognized at the Open House for initiating and following through with the renovation project.*



*The Kerr Conference Room is located close to the former Kerr Library and functions as a small meeting room.*



*OBA President Bill Conger cuts the ribbon to show off the new board room.*

*The east wing elevator has been moved to the southeast corner of the bar center.*



# Canadian County Mediation Services

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**Civil Justice Attorney**  
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# The Annual Meeting is Tomorrow

By John Morris Williams

I probably look at the Annual Meeting differently than most of you. For me it is a time when a fair amount of planning and hard work culminates into what is hopefully a good time for all of you. In July, I start reminding our leadership, committees and sections that for the OBA staff the "Annual Meeting is tomorrow." It is the first Tuesday in September, and I am late in getting this article to the communications staff. It should have been done in the third week of August.

The keynote speaker has been chosen, the hotel is long reserved, the publicity is planned, and the CLE is set. All that we need is for each of you to come and enjoy what is expected to be a great meeting. We have a few "special details" that I think everyone will enjoy and a lot of what we usually do.

## DELEGATES CRITICAL

Right now we are trying to get all of the delegates identified from the county bar associations. If you have already reported your delegates to us, many thanks. This information is critical so that we can get the Annual Meeting books prepared and printed. The lead time on

this is significant, and your cooperation is gratefully appreciated.

“... it is essential that every county be represented.”

The House of Delegates this year will have at least one contested election, and it is essential that every county be represented. As ordered by the Oklahoma Supreme Court, the Rules Creating and Controlling the Oklahoma Bar Association set up the governing mechanism for our association. The bylaws provide added detail. In summation, they require the House of Delegates to meet at least once a year. The House of Delegates is the governing body of the association. When the House of Delegates is not in session, the Board of Governors has oversight of the operation of the bar association. However, the Board of Governors is bound to follow the dictates of the House of Delegates.

Thus, the House of Delegates is a critical component of our association. With an active and engaged House of Delegates, the voices of the membership are given a unique opportunity to have input on the operation of the bar association and on our legislative agenda. We have worked the past few years to try to make delegate reporting easier. We accept facsimile copies, electronic copies if we can verify the sender's e-mail address and paper copies. I know that many of you are busy, but it is critical that we get the delegate reports in as soon as possible so that we can ensure representation of all 77 counties. If you are a county bar president and have not returned your delegate list, please do so now. If you did not receive the form or have misplaced it, please call or e-mail me. I will get you the required form.

## REGISTER TODAY

For the OBA staff, the Annual Meeting is tomorrow. For you, you have a bit longer. However, do not tarry. We consistently sell out the annual luncheon and other venues will have limited seating. This year we have best-selling author Jeffrey Toobin speaking. I have read his book, *The Nine*, and am very excited about

hearing him speak. The CLE presentation topics are excellent. Especially worthy of mention is the plenary session on generational differences. There is a true generational divide within our membership. Come hear about how that is not necessarily a bad thing!

I started out saying that I perhaps look at the Annual Meeting a bit different than most of you. The truth is that the parts of it I love are the same for all of us. It is a great time to catch up with old friends, have some fun, hear some good speakers and once again come together as an association and do the association's business. I look forward to seeing you tomorrow (at least that is when it is in my mind) at the Annual Meeting!



To contact Executive Director Williams,  
e-mail him at [johnw@okbar.org](mailto:johnw@okbar.org)

*generations of change*

104th Annual Meeting • Nov. 19-21, 2008



## Oklahoma Bar Journal Editorial Calendar

### 2008

- October  
**Guardianship**  
Editor: Stephen Barnes  
[barneslaw@alltel.net](mailto:barneslaw@alltel.net)  
Deadline: May 1, 2008
- November  
**Technology/Practice Management**  
Editor: Melissa DeLacerda  
[melissde@aol.com](mailto:melissde@aol.com)  
Deadline: Aug. 1, 2008
- December  
**Ethics & Professional Responsibility**  
Editor: Martha Rupp Carter  
[mcarter@tulsa-health.org](mailto:mcarter@tulsa-health.org)  
Deadline: Aug. 1, 2008

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

### 2009

- January  
**Meet Your OBA**  
Editor: Carol Manning
- February  
**Immigration**  
Editor: John Munkacsy  
[johnmunk@sbcglobal.net](mailto:johnmunk@sbcglobal.net)  
Deadline: Oct. 1, 2008
- March  
**Privacy**  
Editor: Melissa DeLacerda  
[melissde@aol.com](mailto: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](mailto:rieman@enidlaw.com)  
Deadline: Jan. 1, 2009
- August  
**Bankruptcy**  
Editor: Judge Lori Walkley  
[lori.walkley@oscn.net](mailto:lori.walkley@oscn.net)  
Deadline: May 1, 2009
- September  
**Bar Convention**  
Editor: Carol Manning
- October  
**Criminal Law**  
Editor: Pandee Ramirez  
[pandee@sbcglobal.net](mailto:pandee@sbcglobal.net)  
Deadline: May 1, 2009
- November  
**Family Law**  
Editor: Leslie Guajardo  
[lguajardo@swolaw.net](mailto:lguajardo@swolaw.net)  
Deadline: Aug. 1, 2009
- December  
**Ethics & Professional Responsibility**  
Editor: Jim Stuart  
[jtstuart@swbell.net](mailto:jtstuart@swbell.net)  
Deadline: Aug. 1, 2009

# New Lawyers & Renewing Lawyers

By Jim Calloway, Director, OBA Management Assistance Program

The New Lawyer Experience is a free program that the Oklahoma Bar Association provides each spring and fall several days after each new group of lawyers is sworn in. This fall the program will be held Oct. 1, 2008 in Oklahoma City and Oct. 8, 2008 in Tulsa. As it turns out, the audience is not limited to recent admittees. Often over half of the attendees are lawyers who have been practicing a while. Some are lawyers who have been practicing for a couple years and others have been for decades.

Many law school graduates still have little training about how to operate a business. This program attempts to address that need. To assist in that goal, we have also created our Starting a Law Practice Web Directory, which is online at [www.okbar.org/members/map/practice.htm](http://www.okbar.org/members/map/practice.htm).

But many things have changed since some of us first hung out a shingle. Law office technology is one obvious area of great change. This not only includes those of us who have had to learn to use digital research tools instead of relying totally on books. It also includes practice management software, scanning, e-filing, digital file management and using the Internet to market your law practice.

But other changes in the practice of law are just as significant if not so obvious. One of these is client expectations

for delivery of services and attorney-client communication. Even communication between lawyers has changed. Long gone are the days when one would receive a piece of correspondence, dictate a response and drop it in the mail, knowing that it would be at least a couple of days before a reply could be expected.

Information technology advances have changed how we all think about communication. How many of us have had the interesting experience of receiving a phone call asking why we haven't read and replied to an e-mail sent an hour or so before? As we examine the way we all communicate, it has become clear that establishing the rules for client communications and making sure that the client's expectations match those of the lawyers is a critical element in a successful attorney-client relationship.

So, since we first started this program in April 2006, we have found that attending is a benefit not only for new lawyers, but also for "renewing" lawyers. We recommend this program for experienced lawyers who are seeking to improve their practices or are leaving employment to open their own practices.

While there are many public misconceptions about the legal profession, it is clear that Oklahoma lawyers are committed to serving their clients and

solving problems. Hopefully, this free program gives everyone an opportunity to think about how they serve their clients and how they can improve their business operations.

Oklahoma Supreme Court Justice Steven W. Taylor will cover some of his observations on professionalism in the practice of law and OBA Ethics Counsel Gina Hendryx will discuss trust accounting and legal ethics.

This program has taken shape with the strong support and sponsorship of Oklahoma Attorneys Mutual Insurance Company. Not only will they provide lunch for all of the attendees, but OAMIC President Phil Fraim has been a strong supporter of this concept. We also appreciate the Tulsa County Bar Association providing their facilities for the Tulsa edition of this program.

While the program is free, we do ask that you preregister. You may e-mail [marks@okbar.org](mailto:marks@okbar.org) or call Mark at (405) 416-7026. The outline for the program accompanies this article and you can find more details including the time of each presentation online at [tinyurl.com/5nt5t6](http://tinyurl.com/5nt5t6).

Whether you are a brand-new lawyer or a renewing lawyer, we hope to see you at *The New Lawyer Experience*.

# The New Lawyer Experience: Hit the Ground Running

**Oklahoma City • Oct. 1st and Tulsa • Oct. 8th**

## **OPENING A BUSINESS**

- Resources for starting a law practice
- Being an employee versus the business owner
- Business entity selection
- Physical location/practice setting options
- Liability insurance and other aspects of risk management
- Business planning

*Jim Calloway, Director, OBA Management Assistance Program, OKC*

## **PROFESSIONALISM IN THE PRACTICE OF LAW**

- Your actions and appearance
- Dealing with clients
- Dealing with other attorneys
- Dealing with the Courts

*Honorable Justice Steven W. Taylor  
District 2, Oklahoma Supreme Court, OKC*

## **MANAGEMENT - MANAGING YOUR FINANCES, YOUR FILES, AND YOUR STAFF**

- Profit, loss, and the importance of good financial reports
- Establishing practice areas
- Setting fees
- The importance of building work flow systems and tracking work in progress
- Client file management
- Billing (retainers, mechanics of billing, "alternative billing," getting paid)
- Disaster Planning

## **THE CRITICAL NATURE OF GOOD COMMUNICATION**

- Client communications - Easy in theory, often hard in practice
- Establishing reasonable client expectations
- Communication and dealing with other attorneys
- Communication with the court
- Technology and communication tools
- Dealing with "bad news" and "bad clients"

*Jim Calloway, Director, OBA Management Assistance Program, OKC*

## **TRUST ACCOUNTING & LEGAL ETHICS**

- The role of Ethics Counsel
- The Role of OBA General Counsel
- Most common questions of the Ethics Counsel
- Trustworthy Trust Accounts
- File and document retention
- Ethical issues facing small firm lawyers
- Simple guidelines for ethical conduct
- Ethics resources
- Q&A

*Gina Hendryx, OBA Ethics Counsel, OKC*

## **MARKETING**

- Developing a marketing plan
- Ethical marketing strategies
- Differences in marketing vs. public relations
- Budgeting - Marketing on a tight budget or no budget
- Generating referrals - Word of mouth is your best marketing tool
- Advertising: From the newspaper to the Yellow Pages
- Internet-based marketing (So many options!)
- Analyzing your marketing efforts

*Jim Calloway, Director, OBA Management Assistance Program, OKC*

## **TECHNOLOGY**

- Law office hardware, from computers to copiers to phones
- The small law firm technology software shopping guide
- Practice management software
- Using technology to provide better client services
- The Internet and the 21st Century lawyer  
— Online research and other resources
- Mobile phones, PDAs and other gadgets. What do you really need?
- Q & A

*Jim Calloway, Director, OBA Management Assistance Program, OKC*

**Preregistration required.  
E-mail [marks@okbar.org](mailto:marks@okbar.org)  
or call (405) 416-7026.**

# Taking on Matters Adverse to Former Clients

By Gina Hendryx, OBA Ethics Counsel

Over the next three issues, this column will delve into the ethical considerations faced when the lawyer takes on a matter that is adverse to a former client. The lawyer's duty to protect information relating to the representation of a client does not end with the termination of the attorney/client relationship. However, former clients are not automatically "off limits" just by the mere fact that they once were represented by the lawyer. Oklahoma Rule of Professional Conduct (ORPC) 1.9 sets out the duty owed to a former client and when an adverse representation will constitute a conflict of interest: "(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing."

Section (a) states two instances when a representation adverse to a former client will result in a conflict of interest. The new representation may not be in the same matter nor may it be in a *substantially related* matter in which your current client's

interests are adverse to your former client.

**“Representing a new client against a former client in the same matter is prohibited.”**

Representing a new client against a former client in the same matter is prohibited. This is a fairly easy concept to grasp. Comment [1] to Rule 1.9 gives the following illustrations to define the "same" matter: "Under this rule, for example, a lawyer could not properly seek to rescind on behalf of a new client a contract drafted on behalf of the former client. So also a lawyer who has prosecuted an accused person could not properly represent the accused in a subsequent civil action against the government concerning the same transaction. Nor could a lawyer who has represented multiple clients in a matter represent one of the clients against the others in the same or a substantially related matter after a dispute arose among the clients in that matter, unless all

affected clients give informed consent."

The lawyer's obligations of loyalty and confidentiality to the former client continue even though the representation may have ended satisfactorily or as a result of termination by the client. Lawyers are not free to "switch sides" and must continue to maintain loyalty to the first client regardless of the circumstances surrounding the outcome of the prior representation.

Whether the two matters are "substantially related" is a more difficult concept to grasp when determining if a conflict exists. Comment [3] to ORPC 1.9 states that matters are "substantially related" for purposes of this rule if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter. The substantial relationship test comes from caselaw on disqualification. In *T.C. Theatre Corp. v. Warner Bros. Pictures*, 113 F.Supp. 265 (S.D.N.Y. 1953), the court stated that the former client need show no more than that the matters embraced within the pending suit wherein his former attorney appears on



behalf of his adversary are substantially related to the matters or cause of action wherein the attorney previously represented him. Lawyers should evaluate the commonality of issues between the present and former matter to determine if there is a substantial risk that confidential factual information obtained in the prior representation would be detrimental to the former client in the subsequent matter. Comment [3] suggests evaluating "the nature of the services the lawyer provided the former client and information that would in ordinary practice be learned by a lawyer providing such services."

If the subsequent representation does not involve the same matter or a substantially related matter, a lawyer may take on a matter adverse to a former client. Where these conditions are met, courts have held no conflict exists even when the representation

is extremely antagonistic and detrimental to the former client. Examples include rulings that a lawyer may:

- Negotiate on the other side of the table from a former client. *Crystal Homes Inc. v. Radetsky*, 895 P.2d 1179 (Colo 1995).
- Side against a former client in civil litigation. *In re Cap Rock Electric Cooperative Inc.*, 35 S.W.3d 222 (Tex. Ct. App. 2000).
- Prosecute a defendant that the lawyer previously represented in a wholly unrelated criminal case. *State v. Camacho*, 406 S.E.2d 868 (N.C. 1991).
- Defend an accused murderer on the theory that a former client from an unrelated case committed the crime. *Daniels v. State*, 17 P.3d 75 (Alaska Ct. App. 2001).

Source: ABA/BNA Lawyers' Manual on Professional Conduct.

If the subsequent representation does involve the same matter or a substantially related matter, the attorney should undertake the representation unless the former client has consented to same in writing. The informed consent should explain in clear terms the potential conflict and the probable use of confidential information. The lawyer should encourage the former client to seek legal counsel before giving consent to the adverse representation.

In parts two and three of this series, the conflicts with former clients that arise when lawyers move between firms and motions to disqualify counsel will be discussed.

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

The Oklahoma Bar Association Family Law Section seeks nominees for the following awards to be presented at its annual meeting on November 20, 2008.

**Outstanding Family Law Attorney for 2008**

**Outstanding Family Law Judge for 2008**

**The Phil and Noel Tucker Outstanding Guardian Ad Litem Award for 2008**

Nominees should have made significant contributions to the practice of family law in Oklahoma in 2008, or over an extended period of time. Please submit your nominations and a brief description of the reasons for your nomination by October 17, 2008, to: OBA Family Law Section, Nominations and Awards, c/o David A. Tracy, 1701 S. Boston Ave., Tulsa, Oklahoma 74119.

# August Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Aug. 22, 2008.*

## **REPORT OF THE PRESIDENT**

President Conger reported he attended the July board meeting, Aug. 4 special board meeting, Annual Meeting conference call, taught the Chinese students and lawyers about the American jury trial system with Judge Valerie Couch, reception for the Chinese students and lawyers, closing banquet for the Chinese students and lawyers and the first session of the OBA Leadership Academy.

## **REPORT OF THE VICE PRESIDENT**

Vice President Mordy reported he attended the dinner with the delegation from China, July Board of Governors meeting, Lawyers Helping Lawyers Committee meeting and OBF meeting.

## **REPORT OF THE PRESIDENT-ELECT**

President-Elect Parsley reported he attended the dinner and reception for Tianjin Bar Association and law students from Nankai University, July board meeting, special board meeting on Aug. 4, 2008 (via telephone), National Conference of Bar Presidents meeting, ABA Annual Meeting in New York City, OBA Annual

Meeting planning meeting and Texas County Bar Association Meeting.

## **REPORT OF THE PAST PRESIDENT**

Past President Beam reported he attended the July board meeting, Aug. 4 special board meeting, ABA Annual Meeting in New York City, ABA House of Delegates and Civil Procedure Committee meeting. He asked for background information about the Leadership Academy.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Williams reported that he attended the Annual Meeting Task Force meeting, Board of Governors special meeting, National Association of Bar Executives/ National Conference of Bar Presidents meeting in New York City, 50-year OBA member certificate presentation in Pontotoc County, Lawyers Helping Lawyers Committee meeting and OBA directors meeting. He participated in a conference call with legal aid representatives regarding a potential funding loss, produced a diversity program for NABE, participated on a panel for NCBP on court privacy issues, made a presentation

to the entering class at the OU law school and welcomed Leadership Academy participants. For board members he reviewed events planned for the Sept. 11 open house.

## **BOARD MEMBER REPORTS**

**Governor Bates** reported she attended the dinner and reception for the Chinese delegation, July board meeting, special board meeting on Aug. 4 and OBA Awards Committee communications and nomination matters. **Governor Brown** reported he attended the dinner and reception for Tianjin Bar Association and law students from Nankai University, July board meeting, special board meeting on Aug. 4 (via telephone), OBA Bench and Bar Committee meeting, ABA Annual Meeting, ABA Judicial Division Meeting, OBA Annual Meeting planning meeting and numerous committee meetings. **Governor Christensen** reported she attended the dinner and reception for Tianjin Bar Association and the visiting law students from Nankai University, July board meeting and the special board meeting on Aug. 4 via telephone. **Governor Dirickson** reported she attended the July meeting of

the Board of Governors, Aug. 4 special meeting of the Board of Governors, Lawyers Helping Lawyers Committee meeting and the Custer County Bar Association monthly meeting.

**Governor Farris** reported he attended the dinner and reception for Tianjin Bar Association and law students from Nankai University, July board meeting, special board meeting on Aug. 4 (via telephone), ABA Annual Meeting and ABA House of Delegates Meeting in New York City and presented a CLE seminar for Legal Aid Services of Oklahoma to volunteer attorneys from The Williams Companies Inc. and the Hall Estill law firm. **Governor Hermanson** reported he attended the July Bench and Bar Committee meeting, dinner and reception for the Tianjin Bar Association and the law students from Nankai University, July board meeting, Aug. 4 special board meeting, and ABA annual meeting in New York City. He also presented a CLE on opening statements for the Oklahoma County Criminal Defense Lawyers Association. **Governor Hixson** reported he attended the dinner and reception for representatives of the Tianjin Bar Association and law students from the Nankai University School of Law, July board meeting, special board meeting of Aug. 4 (via telephone), Canadian County bar social hosted by Rick J. Henthorn and Abbie M. Fisher and Canadian County Bar Association August business meeting and CLE. **Governor McCombs** reported he attended the dinner and reception at the bar center, July board meeting,

special board meeting via telephone and the McCurtain County Bar luncheon.

**Governor Reheard** reported she attended the Thursday night reception, Friday board meeting, special board meeting via conference call and the Bench and Bar Committee meeting. **Governor Souter** reported he attended the July board meeting, Board of Governors special meeting, dinner and reception for the Chinese delegation and dinner with the participants of the Leadership Academy. **Governor Stockwell** reported she attended the July board meeting and the Cleveland County Bar Association Executive Committee meeting. **Governor Stuart** reported he attended the dinner and reception for the Chinese delegation, July board meeting, special board meeting (by telephone), Pottawatomie County Bar meeting and the OBA Awards Committee meeting.

#### **LAW STUDENT DIVISION LIAISON REPORT**

LSD Chair Janoe reported division Vice-Chair Jenny Jackson attended the July meeting and reception for the Chinese law students.

#### **BOARD LIAISON REPORTS**

Governor Brown reported the Bench and Bar Committee is nearing the end of a two-year project and a summary is being prepared.

#### **GENERAL COUNSEL REPORT**

A written status report of the Professional Responsibility Commission and OBA disciplinary matters was

submitted for the board's review.

#### **INVESTMENT POLICY CHANGES**

Investment Committee Chairperson Jon Trudgeon reported the OBA's investment policy needed to be updated, and he reviewed proposed changes. The board voted to strike the last sentence of paragraph VI.1.B that required board approval of any action taken by the investment manager. The board approved the resolutions recommended by the Investment Committee as amended. Mr. Trudgeon also recommended that next year new members be appointed to this committee, which is a board committee and not an OBA standing committee.

#### **LAWYERS HELPING LAWYERS REQUEST TO CHANGE PROGRAM NAME**

Executive Director Williams reported the committee proposed a compromise in a name change that retains its long-standing Lawyers Helping Lawyers name that is well known with the nationally recognized Lawyers Assistance Program name. The board approved the committee's suggestion of changing the name to the Lawyers Helping Lawyers Assistance Program. It was noted a foundation to help support the program has been created.

#### **LEGAL INTERN COMMITTEE REPORT AND LICENSED LEGAL INTERN EXAMINATION STANDARDIZED TESTING PROTOCOLS**

Governor Farris reported the committee completed

work on a new examination for prospective licensed legal interns and has adopted standardized testing protocols, which will be used at all three law schools. The board approved the committee report.

#### **RULES GOVERNING DISCIPLINARY PROCEDURES RULE 1.4**

Executive Director Williams reported a revision to the rule is proposed to eliminate a card mailed annually to each lawyer requesting the name of the bank or banks in which the lawyer carries any trust account as a step toward turning this requirement into a paperless procedure. The board approved the rule change and voted to submit to the Supreme Court for its consideration.

#### **OKLAHOMA RULES OF PROFESSIONAL CONDUCT RULE 1.15**

Executive Director Williams reported changes to Rule 1.15 regarding safekeeping property have been proposed to eliminate the need for annual reporting, instead allowing for reporting only when a trust account is opened, closed, changed or modified. The OBA would provide online access and/or paper forms for members to comply with reporting provisions. Executive Director Williams said this could be another member benefit that will save time; however, it will take two to three years to perfect the system. The board approved the proposed rule change and voted to submit to the Supreme Court for its consideration.

#### **APPLICATION FOR ORDER TO STRIKE NAMES FOR FAILURE TO PAY 2007 DUES**

The board authorized Executive Director Williams to file an application for an order to strike names of suspended OBA members who have not paid 2007 dues.

#### **APPLICATION FOR ORDER TO STRIKE NAMES FOR FAILURE TO COMPLY WITH 2006 MCLE REQUIREMENTS**

The board authorized Executive Director Williams to file an application for an order to strike names of suspended OBA members who have not complied with 2006 MCLE requirements.

#### **AMENDMENT OF ARTICLE VII OF RULES CREATING AND CONTROLLING THE OBA**

Executive Director Williams reported as a result of a recommendation by the OBA's audit firm to remove the director of administration from the list of approved check signors, the OBA implemented the recommendation as standard procedure. Executive Director Williams said this proposed amendment formalizes that procedure change. The board approved the amendment to Article VII.

#### **LHL TRAVEL TO NATIONAL MEETING**

Executive Director Williams reported this year's national meeting for lawyers assistance programs will be held in Little Rock, Ark. He said the Lawyers Helping Lawyers chairperson is interested in attending, and it would be beneficial for two LifeFocus staff members to attend. It was noted that with the meeting's close proximity to Oklahoma City, transportation costs will be low. The board approved sending three people to the national meeting and potentially a fourth person at Executive Director Williams' discretion.

#### **YLD MOCK TRIAL COMMITTEE REQUEST**

The board approved the Young Lawyers Division Mock Trial Committee's request to award a one-time bonus to Mock Trial Coordinator Judy Spencer in appreciation for her past performance. Funding will come from the committee's budget.

#### **EXECUTIVE SESSION**

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

#### **NEXT MEETING**

The board will hold its next meeting in Ardmore on Friday, Sept. 19, 2008.

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

# Invest in Innovation

Oklahoma attorneys are invited to invest in innovation — innovation to secure the legal rights of vulnerable adult citizens and keep them safe. All you need to do to invest in innovative new programs formed to help protect this segment of aging adults from abuse, neglect and exploitation is to become a Fellow of the Oklahoma Bar Foundation. OBF provides start-up funding to new organizations dedicated to helping keep our aging population safe through legal avenues. Your help is needed to continue the work.

Every year the incidence rates for Alzheimer's and other forms of dementia rise, and more individuals with cognitive disabilities live their lives in communities rather than institutional settings; the need to guard them from abuse, neglect and exploitation has become a critical issue. Oklahoma aging advocate Rowena Scott-Johnson recognized this need and created an innovative new solution called Oklahoma Advocates for Vulnerable Adults or OCAAVA. Working with the DHS Aging Services Division, Ms. Scott-Johnson advocated passage of a bill which created the program. In spite of the legislative mandate, no start-up funding was provided by the legislature.

After 'languishing on the books' for some time, the OCAAVA program is off and

running. All that was missing was funding to enable the program to properly begin — for coordinators to be hired, volunteers to be recruited and trained. Collaboration between a variety of agencies, organizations and concerned advocates was key to the establishment of OCAAVA as a nonprofit. Funding to get the first local program started was provided by a grant from the Oklahoma Bar Foundation and the vision has become reality — Oklahoma's vulnerable adults have become safer and better served.

**A case for innovation presented by Judge Larry A. Jones:** As a judge who handles adult guardianships and who is very familiar with the Court Appointed Special Advocate (CASA) program for minors, I was anxious to see the OCAAVA vision become reality. In making decisions affecting vulnerable adults (as well as children) we judges can never have too much information. We often need all the information we can get, but it needs to be the right information. We need to know what is really going on concerning vulnerable adults. Certainly, the attorneys are often present and can provide information, but it is information that is filtered by their client's wishes - whether that client is a petitioner seeking guardianship over a vulnerable adult, or is the vulnerable adult himself. Consequently,

information is often presented in the manner best suited to serve the client's desires and not necessarily what may be in the vulnerable adult's best interests. This is where OCAAVA can prove to be an invaluable resource for the court.

My first OCAAVA appointment did not fit the usual scenario. An elderly person was an 'heir-at-law' to a decedent in a probate case. There was a will, but this particular elderly person was not among the named devisees or legatees of the will. Information was provided that this person was probably incapable of understanding anything about the probate procedures or even to be able to acknowledge notice. No one seemed certain about this person's exact condition, her competence or desire to object to the probate proceedings. In addition, this person did not live in the immediate area, but a few counties away. The usual sources the court might turn to, such as the local public defender, were not practical due to the time and distance involved. A private attorney might have been appointed as guardian ad litem but this could have taken resources away from the elderly person or at the very least taxed the willingness of a pro bono attorney, and perhaps for no good reason.

The court was able to turn to the OCAAVA program. The work of the OCAAVA volun-

teer exceeded my expectations. The report received was very thorough and went beyond the primary (to me) issue of the probate case as the volunteer saw a need for a guardian to be appointed and other needed social services to be explored to assist this vulnerable adult and the nursing care provider. Though these matters were outside my jurisdiction, steps were begun to have these services made available through the county where the person resided.

The OCAAVA result? I got the information I needed to proceed with the probate case and the vulnerable adult may now receive valuable services to assist in their supervision, care and welfare. I urge other judges to utilize this valuable resource. In fact, I'm certain OCAAVA will serve as a model for the entire nation. It is of no cost to the court or the vulnerable adult, yet the benefit to our vulnerable citizens will prove to be priceless.

**How OCAAVA Works:** The OCAAVA Association supervises local program sites based on judicial districts and three judicial districts already have agreements in place and judges are beginning to actively appoint cases to OCAAVA volunteers. The innovative new program is the only such program in the nation and we hope to see it replicated. The program is young without expansive financial resources and your assistance is needed to continue expansion so more can be served.

A booklet of OCAAVA volunteer contact information has been compiled with skills and interests included so judges considering an appointment can select an individual who might bring added skills to the table for the benefit of the vulnerable adult. Many of the volunteers are retired professionals — among them are attorneys, gerontologists, a certified financial planner, a social worker, a long-term care ombudsman and there is always room for more. Volunteer Sue Moore states, "I think we, as a culture, are judged by the way we treat the most vulnerable of our society. Adults who cannot care for themselves are some of the most vulnerable and deserve legal protections. I am glad to contribute



my time to that effort of OCAAVA."

**You can help by becoming an OBF Fellow :** Please consider becoming an OBF Fellow today and invest in innovation so that vulnerable Oklahomans will be able to live safe from harm and exploitation. To become a Fellow, simply invest the nominal amount of \$100 per year over the next ten years in the Fellows Program. Your tax-deductible contribution amounts to less than \$10 per month. Special discounts are offered to newer lawyers and are detailed on the enrollment form that follows. It's just that simple ... the return is unlimited, and the benefits are priceless. If you are already a Fellow, we encourage you to perpetuate your ongoing support as a Sustaining Fellow by continuing your annual contributions after the initial pledge is complete, or better yet, please consider increasing your level of support by becoming a distinguished Benefactor Fellow on the enrollment form that follows.

*Judge Larry Jones, Special Judge 7th Judicial District, addressing the OCAAVA Annual Meeting.*



*OBF President-Elect Richard Riggs and Director Nancy Norsworthy accept an appreciation award during the annual OCAAVA conference. Mr. Riggs thanked attendees on behalf of the attorneys of Oklahoma who make OCAAVA funding possible.*



# 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)*

***“Invest in Innovation  
— Become an OBF  
Fellow Today”***

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!***



# Legal Services Corporation: Now More Than Ever

By William H. Hoch

Some of you may recall the presidential election slogan, "Nixon. Now More Than Ever." The same can be said about a critical agency formed during the Nixon administration in 1974: the Legal Services Corporation (LSC). Established in 1974 with bipartisan congressional support and the endorsement of the Nixon administration, LSC was intended to meet a tremendous need to make effective legal services available to Americans otherwise unable to afford such services. Today, LSC is needed now more than ever as the need for legal services for poor Americans has never been greater. According to recent studies, over 80 percent of the civil legal needs of the poor are not being met. LSC is a fundamentally sound and conservative program, one that facilitates the peaceful resolution of disputes and reinforces respect for the rule of law.

LSC was created to ensure that all Americans have access to a lawyer and the justice system for civil legal issues regardless of their ability to pay. The LSC provides direct grants to independent local legal services programs chosen through a system of competition. LSC currently funds approximately 170 local programs serving every county in the United States and its terri-

tories. These local LSC offices provide direct services to more than 1 million constituents who struggle to get by on incomes below or near the poverty line. LSC clients include the working poor, veterans, family farmers and people with disabilities. However, LSC funding comes under repeated attacks in Congress.

- In fact, if Congress discontinued funding for LSC, then Legal Aid Services of Oklahoma (LASO) would lose 52 percent of its current funding. This would mean:
- LASO would be unable to serve 10,000 low-income Oklahomans, based on 2007 statistics (19,000 Oklahomans received legal services from LASO in 2007).
- LASO would help 22,000 fewer family members and almost 10,000 fewer children based upon 2007 statistics.
- In 2007, 53 percent of LASO's total case closures involved family law and domestic violence (10,000) - 5,200 of those cases/clients would go underserved or unserved.
- Over 1,100 of LASO's 2,100 cases involving housing assistance would potentially receive no legal assistance. These include homeless families, families whose

landlords use improper means to evict and those very low income or disabled clients who may lose housing assistance due to bureaucratic error, among others reasons.

- More likely than not, LASO would be forced to close most, if not all, of its satellite offices to the point that only Oklahoma City, Tulsa and the intake hotline would be assured of continuing. Meaningful services to Oklahoma's rural poor would be jeopardized by such funding cuts.
- Many beneficiaries of LSC funding are formerly middle-class, who have become poor because of age, disaster, unemployment, illness or the breakup of a family. Historically, more than two-thirds of legal aid clients have been women, most of them mothers with young children. Interestingly, mothers with young children also make up the single fastest growing population group among America's homeless.

In these tough economic times, LSC needs our help - now more than ever.

*Mr. Hoch practices at Crowe and Dunlevy in Oklahoma City and is an OBA Access to Justice Committee member.*

## EXAM SURVIVAL KITS DISTRIBUTED

With the bar exam quickly approaching, the YLD Board of Directors assembled bar exam survival kits at its July meeting. Gabe Bass, Emmy Hufnagel, Jennifer Kirkpatrick and Rick Rose passed out roughly 224 kits on July 29 in Oklahoma City, and Christopher Camp and Roy Tucker passed out the survival kits on July 30 in Tulsa. Though few were actually excited to take the bar exam, many were grateful for the essentials provided by the YLD.



*Emmy Hufnagel and Gabe Bass pass out kits in OKC.*

## SWEARING-IN CEREMONY SCHEDULED

The admission ceremony for new admittees will be held on Thursday, Sept. 25 at 9, 10 and 11 a.m. in the House of Representatives at the State Capitol. A reception following the ceremony will be on the second floor

Rotunda and the signing of the roll will be in the Supreme Court hallway on the second floor.

## WANT TO GET INVOLVED IN THE YLD?

We're looking for motivated individuals who would like to serve on or lead several YLD committees next year. The YLD board is currently reviving old and creating new committees for next year. We are looking for innovative ideas and suggestions for new projects. Our best project ideas always come from individuals who are passionate about a particular cause. YLD liaisons to OBA committees are also needed to help make our projects even more successful.

This year, we are especially interested in establishing more community-minded projects as well as getting our name out into the community more.

Descriptions of the YLD committees are online at [www.okbar.org/members/yld/committee.htm](http://www.okbar.org/members/yld/committee.htm).

Nominate yourself or provide names of potential young attorneys who would enjoy these leadership positions. You can specify a particular committee that you are interested in or just let us know that

you would be interested in helping in some way.

If you have any suggestions or particular areas of interest, please contact Chair-Elect Rick Rose at [rrose@mahaffeygore.com](mailto:rrose@mahaffeygore.com) or (405) 236-0478 with your ideas.

## BOARD MEMBERS VISIT NEW YORK

A YLD delegation attended the American Bar Association Annual Meeting in New York City last month. Kimberly Warren, Molly Bircher, Roy Tucker and Robert Faulk represented Oklahoma young lawyers in the ABA/YLD Assembly. Doris Gruntmeir also attended as the District 24 (Oklahoma and Arkansas) Representative to the ABA/YLD. Assembly business included presentations by ABA sections, elections of new officers, the presentation of year-end awards and debating several resolutions. In addition to attending assembly meetings, the representatives were also able to sightsee and meet with other young lawyers from across the country.





OKLAHOMA BAR ASSOCIATION  
Law-related Education Division

# LAWYERS IN THE CLASSROOM

**"If you would thoroughly know anything, teach it to others."  
– Tryon Edwards**

**T**he OBA/LRE Lawyers in the Classroom program has returned and needs you to go back to school and present law-related topics to students at all levels. A training session is available at the Oklahoma Bar Center and is open to anyone interested. We will provide you with tips for speaking with students, classroom presentations and lesson plans to guide your visit.

***Attorneys from anywhere in Oklahoma are welcome.***

If you'd like to be a Lawyers in the Classroom volunteer, please fill out and return the form below.

**Lesson topics include:** Contracts Law — Constitution and Bill of Rights — Rules and Law — Fourth Amendment — First Amendment — On to Adulthood (With booklet, "You're 18 Now - It's Your Responsibility!") — INFORM (Information Now for Oklahomans Rejecting Meth) — Criminal Law — Careers in Law (With brochure)

## LAWYERS IN THE CLASSROOM VOLUNTEER FORM 2008-09

Training Session(optional) Thursday, October 2, 2008, 9 a.m. — 12 p.m. at the Oklahoma Bar Association

Title: \_\_\_\_\_ Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### CHECK ALL THAT APPLY:

- ☐ **I would like to be a Lawyers in the Classroom speaker. I am interested in speaking on the following topic(s)** (Circle all that apply): Contracts/Constitution & Bill of Rights/Rules and Law/Fourth Amendment First Amendment/On to Adulthood/Meth Awareness/Criminal/Careers in Law/Other
- ☐ **I am willing to speak** (Circle all that apply) In my county/in neighboring counties/outside my area/statewide
- ☐ **I have participated in Lawyers in the Classroom in the past.**
- ☐ **I would like to attend the Lawyers in the Classroom training session Thursday, October 2, 2008**

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



# Calendar

## September

- 16 OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James C. Milton (918) 591-5229
- 17 OBA Uniform Laws Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Fred Miller (405) 325-4699
- 18 OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: H. Terrell Monks (405) 733-8686
- 19 OBA Board of Governors Meeting;** Ardmore; Contact: John Morris Williams (405) 416-7000
- 22 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Ann Dudley Marshall (405) 848-5715
- Hudson Hall Wheaton Inn Pupilage Group One Presenting:** 10 Things I Wish I'd Known Before My First Trial; 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact Michael Taubman (918) 260-1041
- 23 OBA Law-related Education Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jack G. Clark (405) 232-4271
- 24 OBA Clients' Security Fund Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Micheal Charles Salem (405) 366-1234
- OBA Member Services Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Keri Williams Foster (405) 385-5148
- 26 OBF Trustee Luncheon;** 12 p.m.; Summit Club, Tulsa; Contact: Nancy Norsworthy (405) 416-7048
- OBF Board of Trustee Meeting;** 1 p.m.; Summit Club, Tulsa; Contact Nancy Norsworthy (405) 416-7048
- 27 OBA Young Lawyers Division Committee Meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Kimberly Warren (405) 239-7961
- 29 OBA Budget Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jon Parsley (580) 338-8764

# October

- 2 OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Melanie Jester (405) 609-5280
- 7 Death Oral Argument;** James T. Fisher — D-2008-460; 10 a.m.; OCU School of Law
- 10 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 Hudson Hall Wheaton Inn Pupilage Group Two;** 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact Michael Taubman (918) 260-1041
- 17 OBA Lawyers Helping Lawyers Committee Meeting;** 11:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Tom C. Riesen (405) 843-8444
- 21 OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James C. Milton (918) 591-5229
- 23 OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: H. Terrell Monks (405) 733-8686
- 24 OBA Board of Governors Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 25 OBA Mock Trial Committee Meeting – Student Clinic;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Judy Spencer (405) 755-1066



# November

- 13 OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- 17 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Ann Dudley Marshall (405) 848-5715
- 18 OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James C. Milton (918) 591-5229
- 19 OBA Board of Governors Meeting;** 2 p.m.; Sheraton Hotel, One North Broadway, Oklahoma City; Contact: John Morris Williams (405) 416-7000



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

### **Inaugural OBA Leadership Academy Class Meets**

The first OBA Leadership Academy class held its initial meeting last month at the Oklahoma Bar Center. The 28 participants took part in training activities to build teamwork, success and leadership while teaching them how to keep their newly acquired skills. Participants are Melinda L. Aliza-



deh-Fard, Lauren Allison, Lindsey Andrews, Todd W. Blasdel, Anthony L. Bonner Jr., Christine Cave, Robert Faulk, Diane A. Hammons, Kimberly Hays, Cory Hicks, Carrie E. Hixon, Tanayia Hubler, Tina Izadi, Annette Jacobi, Lindsay McDowell, LeAnne McGill, Sharisse O'Carroll, Deborah Scott Pappas, Amber Peckio-Garrett, Richard Rose, Briana Ross, Megan Simpson, Robert Raymond Snow, Justin Stout, Christian Szlichta, Jeff Trevillion, Judge Russell Vaclaw and Jennifer White.

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### **Jay Attorney Appointed to Bench**

Terrell Crosson of Jay has been selected as a special judge in Rogers County. The appointment fills the vacancy created by Judge L. Joe Smith's retirement. Judge Crosson was employed as an assistant district attorney in Delaware County. He previously worked in the Craig County district attorney's office. His responsibilities will primarily be domestic cases.

### **YLD to Welcome New Attorneys**

The OBA Young Lawyers Division will host a reception next month honoring the newest OBA members. The event is scheduled for Thursday, Oct. 2 at 5:30 p.m. at Mickey Mantle's Steakhouse in Oklahoma City. All lawyers are invited to attend this informal event. The YLD will provide food and beverages, as well as information on how to become involved in YLD committees and activities. Questions? Call John Weaver at (405) 841-7123.

### OBA Member Reinstatements

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

Rodney A. Bassel  
OBA No. 587  
2208 W. Park Row, Suite 106  
Pantego, TX 76013

William Harvey Hinkle  
OBA No. 4229  
1730 W. Virgin St.  
Tulsa, OK 74127

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### Easter Selected as Special Judge

Oklahoma City attorney Donald L. Easter has been chosen as Oklahoma County's newest special judge. He will handle the mental health and protective order docket. Judge Easter, a Yukon resident, is a former Oklahoma County prosecutor who had been in private practice since 1982.

### OBA Member Reinstatements

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

Rodney A. Bassel  
OBA No. 587  
2208 W. Park Row, Suite 106  
Pantego, TX 76013

Mekalaradha Masilamani  
OBA No. 18289  
P.O. Box 697  
Florham Park, NJ 07932

Robert John Meyer  
OBA No. 18779  
P.O. Box 444  
Falls City, NE 68355

Jeffrey Kim Reeds  
OBA No. 10117  
P.O. Box 609  
Deale, MD 20751

Michael Charles Shulman  
OBA No. 8220  
10505 South I.H. 35, No. 428  
Austin, TX 78747

## NOTICE OF JUDICIAL VACANCY

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

**District Judge  
Twelfth Judicial District, Office 1  
Craig, Mayes and Rogers Counties**

This vacancy is due to the retirement of the Honorable James D. Goodpaster effective September 1, 2008.

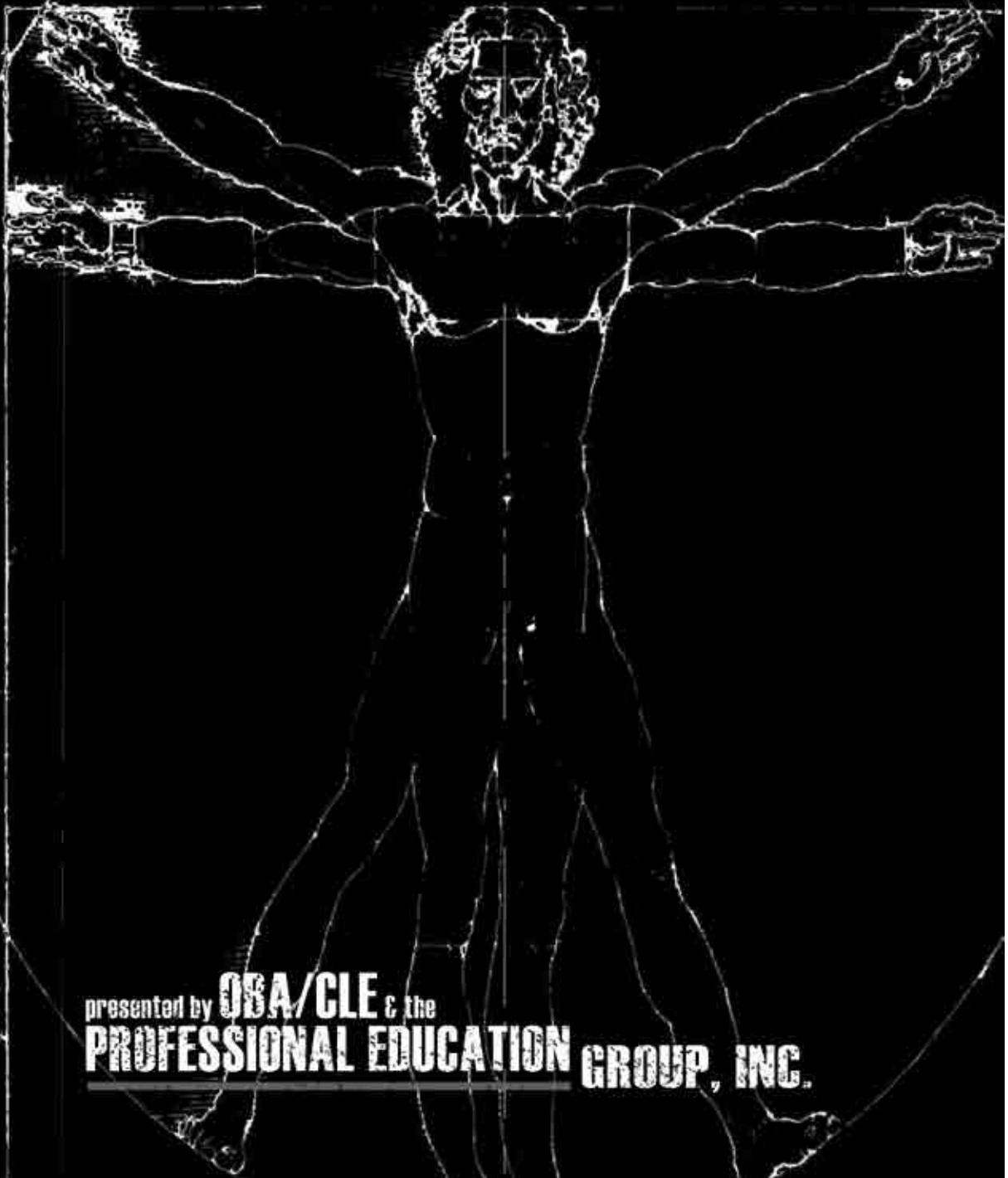
**To be appointed to the office of District Judge for the Twelfth Judicial District, Office 1, one must be a legal resident of Craig, Mayes or Rogers County at the time (s)he takes the oath of office and assumes the duties of office. Additionally, prior to appointment, such appointee shall have had a minimum of four years experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma.**

Application forms can be obtained by contacting Tammy Reaves, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521-2450, or on line at **www.oscn.net** and must be submitted to the Chairman of the Commission at the same address **no later than 5:00 p.m., Friday, September 26, 2008. If applications are mailed, they must be postmarked by midnight, September 26, 2008.**

Glenn A. Devoll, Chairman  
Oklahoma Judicial Nominating Commission



# ANATOMY FOR LAWYERS



presented by **OBA/CLE** & the  
**PROFESSIONAL EDUCATION GROUP, INC.**

# September 19, 2008

## Oklahoma City, OK

### Oklahoma Bar Center

#### 1901 N. Lincoln Blvd.

**CLE Credit:** The OBA MCLE Commission has approved this course for 6.5 hours mandatory CLE credit & .5 hours of ethics.

**\$225** for early-bird registrations received with payment at least four full business days prior to the seminar date; **\$250** for registrations received within four full business days of the seminar date. Register online at [www.okbar.org](http://www.okbar.org). No discounts.

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.

**You will learn:** How to "parse" medical jargon \* The difference between soft tissues: muscles, ligaments, and tendons \* The mechanism of trauma to the neck, back, knee and upper extremity \* The nature and limitation of- and the difference between- today's common diagnostic tests (x-rays, CT scans, Myelograms, and MRIs.)

**Speaker:** Professor Sam Hodge, a professor at Temple University, brings boundless enthusiasm and unique expertise to the topic of anatomy. He is a skilled litigator who has taught medical topics for 15 years. Using computer images and creative hands-on engineering of medical and anatomical models, he takes you right into the operating room and dissection lab to teach you about anatomy and trauma.



#### Program:

8:00 a.m.	Registration & Continental Breakfast	11:30	Diagnostic Tests for Back Injuries *Why physicians order x-rays, CT scans, and MRIs and the difference between the tests
8:30	Overview of Human Anatomy * Key terms for understanding medical reports * Difference between ligaments, tendons, and muscles as well as other key body parts such as joints, and the central and peripheral nervous systems	12:00 p.m.	Networking lunch (included with registration)
9:30	The Back *The Spine *Why the spine has four curves *Different parts of the vertebrae, discs, and spinal cord *Which parts are more prone to injury	12:30	The Upper Extremity *Shoulder *Elbow problems *Hand problems
10:00	Break	2:00	Break
10:15	The Back - continued *Spinal cord and nerve roots *Back injuries *Spinal surgery - laminectomy, disectomy, fusion, and foraminotomy	2:15	The Knee and Hip *What bones and soft tissues make up the lower extremity *Differences between the ligaments *Types of knee and hip surgery, repair and replacement *How trauma happens *Diagnostic tests *Capitalizing on diagnostic images
		3:45	Adjourn



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**NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT  
OF PAUL D. HOGAN, SCBD #5435  
TO MEMBERSHIP IN THE OKLAHOMA BAR ASSOCIATION**

Notice is hereby given pursuant to Rule 11.3(b), Rules Governing Disciplinary Proceedings, 5 O.S., Ch. 1, App. 1-A, that a hearing will be held to determine if Paul D. Hogan should be reinstated to active membership in the Oklahoma Bar Association.

Any person desiring to be heard in opposition to or in support of the petition may appear before the Professional Responsibility Tribunal at the Oklahoma Bar Center at 1901 North Lincoln Boulevard, Oklahoma City, Oklahoma, at 9:30 a.m. on **Thursday, November 6, 2008**. Any person wishing to appear should contact Dan Murdock, General Counsel, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Oklahoma 73152, telephone (405) 416-7007, no less than five (5) days prior to the hearing.

**PROFESSIONAL RESPONSIBILITY TRIBUNAL**

# Kudos

**J**udge Stephen Friot was honored by Sister Cities International Oklahoma City chapter at its Global Vision Award Ceremony. Sister Cities International is a nonprofit citizen diplomacy network that creates and strengthens partnerships between U.S. and international communities. **Judge Robert Henry** was a guest speaker at the event.

**B**arbara Ann Bartlett was presented with the 2008 Outstanding Collaborative Professional Award at the Oklahoma Academy of Collaborative Professionals annual meeting. OACP is a group of lawyers, mental health professionals and financial planners offering a process to arrive at a positive and constructive settlement in divorce.

**A**ndrew Kernan was presented the Outstanding Young Military Service Lawyer Award by the U.S. Army. The award was presented at the American Bar Association Annual Meeting. The ABA Young Lawyers Division annually names a recipient from each branch of service. Captain Kernan serves as Chief of Current Operations for XVIII Airborne Corps, Multi-National Corps-Iraq. He leads a team

of four lawyers and one paralegal in round-the-clock staffing at the Corps Joint Operations Center. He also investigated allegations of abuse of detainees by Iraqi Security Forces.

**J**ohn B. Johnson Jr. is among six Tulsans who will be inducted into the Tulsa Hall of Fame for their contributions to the community. Mr. Johnson is a partner in the firm of Johnson, Jones, and Dornblaser, Coffman & Shorb. In 1989, he received the OBA's Outstanding Service to the Public Award. An Oklahoma native, he is a past president or board chairman of Boston Avenue United Methodist Church, the then-Metropolitan Tulsa Chamber of Commerce, The Rotary Club of Tulsa, Southern Hills Country Club and the Summit Club. He is the president of The First Tee of Tulsa. He is a past director or trustee of Philbrook Museum of Art, the American Red Cross, Oklahoma City University and Holland Hall School.

**M**ichael W. Mitchel has been appointed by Gov. Brad Henry to serve a nine-year term as a member of the Board of Regents for the Rural University System of Oklahoma. RUSO was created to govern the six regional universities in Oklahoma. Mr. Mitchel received his J.D. from OU in 1973 and currently serves as a senior partner in the law firm of Mitchel,

Gaston, Riffel & Riffel in their Woodward office.

**T**he Oklahoma District Attorneys Association named **Greg Mashburn** the state's outstanding district attorney for 2008. He was cited for his integrity in office and his state leadership role in lobbying for legislation and money for prosecutors, as well as his successes in the courtroom. Mr. Mashburn is serving his first term as district attorney for Cleveland, Garvin and McClain counties. Additionally, **Mike Gahan** was outstanding assistant district attorney for 2008. He is an assistant district attorney in Canadian County.

**F.** Thomas Cordell of Chickasha was elected secretary/treasurer for the Federation of Defense & Corporate Counsel at its annual meeting in Banff National Park, Alberta, Canada. **Sarah J. Timberlake** of Oklahoma City also was named to the Board of Directors. Members of the federation practice civil defense litigation are general counsels, risk managers and insurance claims professionals from throughout the world.

**M**ike Voorhees has been elected to the Board of Directors of the Oklahoma Foundation for Medical Quality. OFMQ is the Medicare Quality Improvement Organization in Oklahoma

and provides free expert resources to healthcare providers to help improve the way healthcare is delivered so that patients have better health outcomes. Mr. Voorhees is a member of the Oklahoma City firm Shelton Voorhees Law Group.

OBA Legal Intern Committee Chair **Terrell Monks** recognizes committee members **Terra Bonnell, Pat Brown** and **Carol Kinser** for their dedicated volunteer efforts and exceptional contributions. The committee recently completed several years work on a new examination for prospective licensed legal interns and created standardized testing protocols.

Election results for the Oklahoma County Bar Association's 2008-2009 Board of Directors have been announced. They are President-Elect **Judge Bryan Dixon**, Vice President **Mack K. Martin**, Law Library Trustee **Sarah Jernigan** and 2011 Directors **Todd Blasdel**, Judge **Lisa K. Hammond**, **Don Holladay**, Judge **Hamilton Morse**, Judge **Barbara Swinton** and **Jim Webb**.

The Oklahoma County Bar Association Young Lawyers Division has announced its officers for the 2008-2009 year: Chair **Lindsey Willis-Andrews**, Chair-Elect **Denise Cramer**, Vice Chair **Brandon Long**, Secretary **Jonice Meizure** and Treasurer **Amy Howe**.

## On The Move

The law office of Nelson & Choate announces its relocation to 925 NW 6th St., Oklahoma City, 73106; (405) 606-8620; Fax: (405) 606-8621. The firm's areas of practice include civil litigation, contract law, real property law, probate and estate planning.

**Debra A. Charles** has taken the position of general counsel for the Administrative Office of the Courts, Supreme Court of Oklahoma. Ms. Charles received her J.D. in 1995 from OU. She is active in numerous OBA organizations, including chair of the Member Services Committee, member of the Annual Meeting Planning Committee for 2007 and 2008, and vice chair of the National High School Mock Trial Championship Task Force. Also active in the Oklahoma County Bar Association, she was the recipient of three outstanding director awards from the OCBA/YLD. Ms. Charles has also served as an ABA delegate. She may be reached at (405) 522-7875.

**Robertson Cornell** announces that **Jill Walker-Abdoveis** has joined the firm as an associate. She graduated summa cum laude from OU with bachelor's degrees in letters and international and area studies. She received her J.D.

magna cum laude from Seattle University in 2005 and practiced in Seattle before coming to Robertson Cornell. Her practice will primarily focus on family law, including divorce litigation, post-decree matters and adoptions. She may be reached at (918) 382-9332 or [jill@tulsadivorce.com](mailto:jill@tulsadivorce.com).

**Andrews Davis** announces that attorneys **David Pardue, Ronald Tracy, Peter Scimeca** and **Mark Pordos** have joined the firm. All attorneys were previously with the firm of Eagleton & Nicholson. Mr. Pardue joins Andrews Davis as a shareholder. He was admitted to the OBA in 1972 and obtained his J.D. from OU. He practices in the areas of oil and gas, construction litigation, medical licensing disputes, bankruptcy and real estate. Mr. Tracy joins Andrews Davis as an associate. He was admitted to the California bar in 1995 after graduating from Loyola Law School. He was admitted to the OBA in 1997. He practices in the areas of oil and gas, general commercial litigation, family law and general civil litigation. Mr. Scimeca joins Andrews Davis as an associate. He was admitted to the OBA in 2007 after graduating from OCU School of Law. He practices in the area of civil and criminal litigation. Mr. Pordos joins Andrews Davis as of counsel. He was admitted to the OBA in 1985 after graduating from OU. His office is located in Chandler, where he practices in the areas of civil litigation, divorce, custody, probate, wills and trusts, guardian-

ship, oil and gas, real estate, contracts, business law and corporate law.

**McAfee & Taft** announces the addition of associate attorneys **Laine E. Baker** and **Bonner J. Gonzalez**. Ms. Baker practices in the areas of commercial finance, real estate, mergers and acquisitions, divestitures, stock sales and purchases, corporate governance and general corporate operations. She is a 2005 summa cum laude graduate from the OCU School of Law, where she was named "Oklahoma City University Alumni Outstanding Graduate," was president of the Student Bar Association, founded the Corporate Law Association and was the recipient of numerous honors. Mr. Gonzalez practices in the areas of business and tax planning, tax-advantaged activities, complex business transactions, family wealth and estate planning, and local, state and federal taxation. He is a 2004 honors graduate from the OU College of Law, where he was named to the Order of the Coif. He also holds a master of laws degree in taxation from New York University. **D. Keith McFall** has also joined the firm. He represents clients in complex business transactions, mergers and acquisitions, major real estate and development projects, and commercial financing. His experience extends across a broad range of industries, including banking and finance, real estate development, energy, restaurant and sports. Prior to joining McAfee & Taft, he was a shareholder and

director with Phillips McFall McCaffrey McVay and Murrah.

**Barbara Ann Bartlett** has changed her office location to 2123 S. Atlanta Pl., Suite 100, Tulsa, 74114. This office will function as a dispute resolution facility and features SmartBoard technology to assist in memorializing goals, options and agreements.

**Hall, Estill, Hardwick, Gable, Golden & Nelson PC** announces that **Johnathan L. Rogers** has joined the firm as an associate in the Tulsa office. Mr. Rogers graduated from OU with special distinction and received a J.D. with highest honors from the OU College of Law. His practice areas include employment litigation and labor and employment. Before joining Hall Estill, he was law clerk to Judge James H. Payne of the U.S. District Court for the Eastern District of Oklahoma.

**Crowe & Dunlevy** announces the return of **Miles Tolbert**, former secretary of the environment for Oklahoma, who will head the firm's environmental practice group. Mr. Tolbert was appointed as Oklahoma's fourth secretary of the environment by Gov. Brad Henry in 2003. As secretary, he accelerated the clean up at the Tar Creek area, the nation's largest superfund site. He first joined Crowe & Dunlevy in 2000. He is a graduate of Harvard Law School (J.D., 1991) and Stanford University (B.A., 1987).

**Donald L. Kahl** has been named executive director of the Equal Rights Center in Washington, D.C. The Equal Rights Center is a comprehensive civil rights organization dedicated to identifying and combating discrimination in housing, employment, public accommodations and government services. Formerly a shareholder with Hall, Estill, Hardwick, Gable, Golden & Nelson, Mr. Kahl has spent the last four years as senior counsel to the Washington Lawyers' Committee for Civil Rights and Urban Affairs. He may be reached at (202) 370-3201 or [dkahl@equalrightscenter.org](mailto:dkahl@equalrightscenter.org).

**Emily J. Hufnagel** has joined Bass Law Firm in the firm's Edmond office. She practices in the areas of business law, real estate, estates and trusts, and litigation.

**Cheek & Falcone** announces that **Robert E. Norman** and **Jeffrey M. Love** have joined the law firm. Mr. Norman is affiliated with the firm in an of counsel capacity. His practice focuses on employment, business, consumer credit, real estate and tort law. As an OU graduate, he received a B.A. in letters and earned a J.D. in 1991. Mr. Love joined the firm as an associate attorney last year. His practice includes general litigation, real estate, bankruptcy, complex commercial litigation and complex environmental litigation. He graduated from OU in 1992 with a bachelor of arts in letters. He received his J.D. from OU in 1995.

and was a member of the Oklahoma Law Review.

**H**artzog Conger Cason & Neville announces that **Jacquelyn V. Duffy** has joined the firm as an associate. Ms. Duffy received her J.D. in 2007 from OU, where she was a member of the National Moot Court Team and the ABA National Appellate Advocacy Competition Team. She was also a member of the Dean's Council and the Luther Bohanon American Inn of Court. She holds a B.S. cum laude in business administration and a B.A. cum laude in Spanish, both from Washington & Lee University in Lexington, Va. She also studied at Brasenose College, University of Oxford, and at El Puerto de Santa Maria and Madrid, Spain. Her practice will focus on litigation.

**T**he Securities and Exchange Commission has appointed **Steve Korotash** to serve as the associate regional director for enforcement in the commission's Fort Worth regional office. Mr. Korotash, who served previously as the office's chief trial attorney, will now oversee all of the office's enforcement activities in the Southwest. Prior to joining the commission, he served as congressional liaison for the nation's U.S. Attorneys. He also has served as a federal prosecutor in Oklahoma City and the first assistant district attorney in Oklahoma County. He received an LL.M. degree in securities regulation from Georgetown University Law Center in 1993. He received

a J.D. with honors from OCU in 1978.

**D**on G. Pope & Associates PC announces that **Brant M. Elmore** has joined the firm as an associate. Mr. Elmore comes to the firm from Angela Ailles & Associates/State Farm Insurance. He handles all general practice areas including bankruptcy, general civil litigation defense, personal injury, family law, probate and estate planning, business law, juvenile law, criminal law and appellate cases. He may be reached at (405) 360-7555 or belmore@pope-law.com.

## At The Podium

**T**imothy C. Dowd addressed the 54th annual Rocky Mountain Mineral Law Institute in Snowmass, Colo., in July on the topic of "Clearing Title of Long-Lost Mineral Owners." Mr. Dowd's primary industry of practice is the preparation of oil and gas title opinions, drafting industry contracts and oil and gas litigation.

**D**avid J. Hyman spoke at the American Health Lawyers Association's 2008 Annual Meeting in San Francisco in July. The topic of his presentation was, "Non Physician Practitioners: The Legal Issues Affecting a Growing Segment of the Healthcare Delivery Workforce." Mr. Hyman is the vice chair of the association's

physicians organizations practice group.

**T. Douglas Stump** spoke at the American Immigration Lawyers Association 2008 Annual Conference in Vancouver, Canada. Mr. Stump presented a discussion on Freedom of Information Act litigation with the Department of Homeland Security.

**A**dministrative Law Judge **Jay L. Harrington** and **Martha F. Oakes** and **Natasha M. Scott**, assistant general counsels for the Oklahoma Tax Commission, presented a mock hearing to the Oklahoma Society of Enrolled Agents at the third annual Tax Forum in Oklahoma City. The hearing was conducted on the denial of a sales tax credit provided by the "Sales Tax Relief Act" to illustrate how a protest hearing is conducted.

**G**arvin Isaacs presented a lecture and demonstration on cross examination at the Western Trial Advocacy Institute at the University of Wyoming School of Law. He also taught at the National College for Criminal Defense at Mercer School of Law in Macon, Ga., and presented a lecture with demonstration of closing argument in a murder case.

**E**ric L. Johnson recently moderated and presented "Legal Update 2008" at the national Non-Prime Auto Financing Conference in Ft. Worth, Texas. Mr. Johnson gave automotive finance industry executives an overview of the latest legal



developments for lenders, car dealers and automotive finance companies. He represents national finance companies and a wide range of businesses and financial institutions, providing consumer credit compliance advice on federal and state laws and regulations.

**J**anie Simms Hipp recently served as lead instructor for a workshop titled, "International Workshop on Air Pollution Law: Encouraging Environmental Compliance through Incentive and Regulation," held in Istanbul, Turkey, in August. The workshop was held as part of the Middle East Peace Process and included Core

Party environmental agency representatives from Jordan, Israel and Palestine. The workshop was hosted by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency and the University of Arkansas Fayetteville.

**C**hris A. Paul co-presented at the 2008 Annual Conference for the Process Control Safety Forum at Torrey Pines in La Jolla, Calif. The presentation discussed cross standard compliance for process systems including those used for operating utilities, pipelines and industrial facilities. The conference was focused this year on security issues.

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

Melissa Brown  
Communications Dept.  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152  
(405) 416-7017  
Fax: (405) 416-7089 or  
E-mail: [barbriefs@okbar.org](mailto:barbriefs@okbar.org)

**Articles for the Oct. 11 issue must be received by Sept. 22.**



## ASSISTANT CITY ATTORNEY— ENID

The City of Enid, Oklahoma (Pop. 48,000) invites applications for the position of Assistant City Attorney. The Assistant City Attorney is responsible for the administration of the self-insured worker's compensation program, including the defense of cases. In addition, the position acts as prosecutor for municipal adult and juvenile court, working closely with police officers, judges, court personnel, and citizens. Further responsibilities include advising the municipality concerning business transactions, claim liability, advisability of prosecuting or defending lawsuits, legal rights and obligations, and general questions of legality; performing extensive legal research; interpreting laws, rulings, and regulations; labor relations or negotiations, drafting ordinances, contracts, and city policies. We seek an Assistant City Attorney with a Juris Doctorate and a license to practice law in Oklahoma. A background or previous years experience in prosecutorial, worker's compensation, and municipal law is preferred. Annual Salary Range: \$47,357.39 - \$68,143.61. Competitive benefits package. Deadline: **5:00pm, Sept. 30, 2008**. Send Resume: City of Enid — Human Resources, P.O. Box 1768, Enid OK, 73702. Questions: (580) 234-0400 ext. 1450. Website: **[www.enid.org](http://www.enid.org)**. The City of Enid is an Equal Opportunity and Drug Free Employer.



## FACULTY SHOWCASE SERIES



Kickoff event featuring  
Rex Zedalis, professor of law  
**"The Contours of Developing  
Iraqi Oil and Gas Law"**

**Tues., Sept. 23  
5:30 p.m. Lecture  
6:00 p.m. Reception**

Mabee Legal Information Center;  
John Rogers Hall; 3120 E. 4th Place

*Free and open to the public;  
One hour of free CLE credit available*

*Future lectures will be held at noon with one hour of  
CLE credit available for \$20. Lunch will be provided.*

**Oct. 29 - Dr. Robert Spoo, TU associate professor of law  
Dec. 3 - Carrie Basas, TU assistant professor of law  
Jan. 21 and Feb. 25 - TBD**

*For more information on upcoming faculty lectures,  
including CLE registration, contact Vicki Jordan at  
(918) 631-2429 or [vicki-jordan@utulsa.edu](mailto:vicki-jordan@utulsa.edu)*

*The University of Tulsa is an EEO/AA Institution.*

**L**aura Lea Cross of Edmond died Aug. 16. She was born Oct. 6, 1945, in Corpus Christi, Texas. She graduated from Pawnee High School in 1963 and received a diploma in nursing from Hillcrest Nursing School in Tulsa in 1966. She went on to earn both bachelor and master of science degrees from OU. She received a gubernatorial appointment to the Board of the Oklahoma Health Systems Agency from 1982-1984. She continued her education and earned her J.D. from OCU in 1988. Throughout her career, she received numerous awards and recognition. Among her honors was a Hatton W. Sumners Foundation Fellowship in 1985, the first-ever OU College of Nursing Outstanding Alumni Award in 2006 and an OBA Women in Law Spotlight Award in 2005. She was a founding partner of the Oklahoma City law firm of Scoggins and Cross. She has served as an officer for a number of health law committees and organizations. She co-chaired the Governor's Task Force on Bioethics and was a member of the Attorney General's Taskforce on End of Life Care. She was District Nurses Association president and served on the board of the Oklahoma Nurses Association. In 2004, she was diagnosed with aggressive ovarian cancer and worked

tirelessly with numerous organizations to promote awareness of ovarian and gynecologic cancers. Memorial contributions may be made to the Cross Palliative Care Nursing Program. Checks may be made payable to the OU Foundation and sent to the OU College of Nursing, c/o Lindsey Manning, 1100 N. Stonewall Ave., Oklahoma City, 73117.

**J**ames Robert (Bob) Fuson of Oklahoma City died June 20. He was born July 11, 1934. He graduated from OU, receiving both B.A. and M.A. degrees. He attended law school at the University of Texas and received his L.L.B. in 1961. After graduation, he worked for the Oklahoma City law firm of Tomerlin & High. He served as an assistant attorney general for Oklahoma Attorneys General Mac Q. Williamson and Charles Nesbitt in the capacity of bond commissioner, attorney for the Alcoholic Beverage Control Board and various other state agencies from 1962-1966. From 1966 until his retirement in 1991, he worked for the Municipal Counselor's Office of the City of Oklahoma City, serving in many capacities but particularly as a deputy municipal counselor, division head and as the counsel for the Oklahoma City Airport Trust. In addition to his practice of law, he

enjoyed his extensive collections of great literature and classical music. Memorial contributions may be made to the Anglican Church of the Holy Cross, 10509 N. Council Rd., Oklahoma City, 73162.

**D**avid A. Kline Jr. of Oklahoma City died July 22. He was born Sept. 27, 1923. He was admitted to the Oklahoma bar in 1949. His first jobs were as a law clerk for Federal Judges W.R. Wallace and Ross Rizley, after which he became a federal court special master from 1952-1961. From 1961-1969, he was first assistant U.S. attorney for the Western District of Oklahoma. From 1972-1983, he was a bankruptcy judge for the Western District and then went into private practice with his son, operating under the name Kline and Kline. For many years, he was involved with Legal Aid Services of Oklahoma and was president of the board in 1974. While a bankruptcy judge, he was a member of the National Conference of Bankruptcy Judges and was that organization's president from 1977-1978. Also during his tenure on the bench, he was instrumental in many of the legislative changes that were made to the U.S. bankruptcy code. He was also an adjunct professor at OCU School of Law from 1980-1984, where he taught bankruptcy law.

**J**ohn Edward Lively of Wewoka died Aug. 5.

He was born Oct. 31, 1951, in Dallas, Texas. He graduated from the University of Texas with honors, majoring in history and philosophy. He was an honor graduate of Austin Presbyterian Theological Seminary, where he earned a master of divinity degree. He was ordained as a minister of word and sacrament in the United Presbyterian Church in 1980. For nearly 30 years, he served as pastor of the First Presbyterian Church of Wewoka. Following his seminary training, he enrolled at OCU School of Law, where he graduated three years later. In addition to serving as pastor of his church, he simultaneously practiced law with the firm of Huser, Huser and Lively in Wewoka and served as municipal judge and chief prosecutor for the Seminole Indian Nation. Memorial donations may be made to the Goodland Presbyterian Boys Home, 1216 N. 4200 Rd., Hugo, 74743; or to the Eben-Ezer Baptist Church, 7329 EW 145th St., Holdenville, 74848.

**R**obert Dudley Looney Sr. of Oklahoma City died July 26. He was born March 25, 1919, in Tishomingo. He earned his bachelor's and law degrees from OU and was admitted to the bar in 1941. **He served in the U.S. Coast Guard and was commissioned as an Ensign and later attained the rank of Lieutenant. He was stationed in the North Atlantic and based in**

**Greenland during World War II.** After the war, he moved to Oklahoma City, where he practiced law with Looney, Watts, Looney, Nichols and Johnson until his retirement in 2001. He was elected to the American College of Trial Lawyers and the International Academy of Trial Lawyers, among many other state and federal associations. He was one of the founders of the OBA Lawyers Helping Lawyers program. He was a loyal member of the OKC Downtown Rotary Club, serving as president and later elected district governor. Memorial donations may be made to The Western Club, 5207 N. Western Ave., Oklahoma City, 73118; Westminster Presbyterian Church, 4400 NW Shartel Ave., Oklahoma City, 73118; or the charity of your choice.

**G**rover Cleveland Spillers Jr. of Tulsa died Aug. 2. He was born Dec. 29, 1917, in Tulsa. He graduated from Tulsa Central High School in 1935, majored in history and English at Dartmouth College and then attended law school at the University of Texas. **During World War II he was a 1st Lieutenant in the U.S. Army, 19th Tactical Air Command.** In 1942, he was admitted to the bar and practiced law with his father for many years. Known by his friends as Cleve or G.C., he was admired for his wide-ranging interests, especially history, literature and music. He was a member of the Lightning Sailing Club, Tulsa Garden

Center and Up with Trees. He cultivated and planted many of the scarlet oaks in Tulsa, often driving around town during droughts to water "his" trees. Memorial contributions may be made in his name to the Oklahoma Nature Conservancy, Tulsa Historical Society or the charity of your choice.

**W**alter Charles Tegeler Jr. of Tulsa died on Aug. 12. He was born June 23, 1939, in Pawhuska. He attended OSU where he was a member of the Kappa Sigma fraternity. He graduated from the TU College of Law in 1965 and practiced law his entire life. A lifelong OSU Cowboy season ticket holder, he attended all but two home football games in the last 50 years. He is a past president of the Germany American Society of Tulsa (GAST) and served seven years as president of the GAST Building Corporation, several years as chairman of GAST Oktoberfest and in other leadership capacities. He was a member of Boston Avenue United Methodist Church and the Heritage Sunday School class. He was proud to be an Eagle Scout, recipient of the God and Country Award and attendee to the 1954 International Boy Scout Jamboree. Memorial donations may be made to the MDA/ALS Center at 4221 S. Western, Suite 5015, Oklahoma City, 73109 and the German American Society of Tulsa, 1429 Terrace Dr., Tulsa, 74104.

## 7.5 MCLE

Credit Hours Approved by Oklahoma MCLE Commission

### Review of the Medical Record for Medical Malpractice

Presented by

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8am-4pm

OKC: Renaissance Hotel (10 North Broadway) Sept. 20th

Tulsa: Embassy Suites Hotel (3332 So. 67th East Ave.) Sept. 27th

limited seating-Register NOW

#### **Agenda**

How to systematically review a medical record. • The hospital admission process and documents generated. • The steps involved in executing a doctor's order and areas of potential liability. • Identifying the applicable standards of care and determining compliance. • Where to locate the documentation needed to support your case. • Case Studies.

**Speakers** Timothy J. Pickens RN., MSN., CLNC., JD.

Louis R. Sanchez RN., BSN., CLNC

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# A DAY WITH THE JUDGES: Medical Liability Issues

**Friday, October, 24, 2008, St. Francis Hospital, Tulsa, Oklahoma**

### SESSION I

8:45 – 9:15 a.m.

9:15 – 9:45 a.m.

9:45 – 10:15 a.m.

10:30 – 11:00 a.m.

11:00 – 11:30 a.m.

11:30 – 12:00 noon

### SESSION II

1:00 – 1:30 p.m.

1:30 – 2:00 p.m.

2:00 – 2:30 p.m.

2:30 – 3:00 p.m.

3:00 – 3:30 p.m.

3:30 – 4:00 p.m.

4:00 p.m.

**Moderators:** Justice Marian P. Opala, and Dr. Lee Schoeffler, President, OSMA

**If Sued, What Should the Doctor Do?** Carl Hook, MD, CEO, PLICO

**Informed Consent and Informed Refusal in Oklahoma,** Justice M. Opala

**Expert Witness: Ethical & Liability Issues,** Judge John Fischer

**Public Health: All Hazard Preparedness,** Commissioner Dr. Michael Crutcher

**End of Life: Ethical & Liability Issues,** Attorney General Drew Edmondson

**Tort Reform Update,** Senator Glenn Coffee, Co-President Pro Tempore

**Moderators:** Justice Marian P. Opala, and Mr. Ken King, CEO, OSMA

**Medical Negligence, Trial & Appeal,** Judge Kenneth L. Buettner

**Patient Safety, Quality and Never Event Medical Errors,** Dale W. Blatzler, MD

**Unprofessional Medical Conduct,** Gerald Zumwalt, MD, Secretary, OSBMLS

**Criminalization of Negligence,** Dr. Curtis E. Harris, MS, MD, JD, FCLM

**SSA Disability Determination,** S. Sandy Sanbar, MD, PhD, JD, Program Chairman

**PANEL: Medical Liability Case Presentations and Q&A's,** All Available Speakers

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# A Rainy Stormy Day in Blaine County

By Judge Mark Moore

It was a cool and misty overcast spring day in Watonga, the county seat of Blaine County. Rain showers had fallen intermittently in the morning with claps of thunder shaking the Blaine County Courthouse.

The Blaine County District Court was convening an initial appearance criminal docket in the afternoon in the second floor courtroom. I called the docket and advised the defendants appearing for the first time of their constitutional and statutory rights. When we got to the Day case, Allison Lafferty, our assistant district attorney,

asked the defendant if her name was spelled correctly on the information.

The name on the information was Rainee Stormee Day. When the defendant stated that her name was spelled correctly, I asked her if she had any proof that was her correct name. She said she had the papers in her purse. The defendant began searching her purse and pulled out a piece of paper. Jim Long, an attorney from Enid, was in the courtroom and volunteered to check the paper. He indicated the document was only a petition to

change the defendant's name.

The defendant dug deeper into her purse. She pulled out an order, signed by Judge Hetherington in Cleveland County, which changed her name to Rainee Stormee Day. When asked why she had changed her name, Rainee said that she had gone to Disneyland and while there she had decided to change her name.

I later contacted Judge Hetherington to find out what he was thinking when he changed a person's name to Rainee Stormee Day. Judge Hetherington said he

had tried to talk Rainee out of changing her name, but was unsuccessful. Judge Hetherington said more interesting name changes involve gender changes when Larry changes to Lucy or Andy to Alice!

Only in Blaine County district court on a rainy stormy day would appear a person by the name of Rainee Stormee Day!

*Judge Moore is associate district judge in Blaine County.*

*Editor's Note: Have a short, funny, intriguing or inspiring story to share? E-mail submissions to carolm@okbar.org.*

“Only in Blaine County district court on a rainy stormy day would appear a person by the name of Rainee Stormee Day!”





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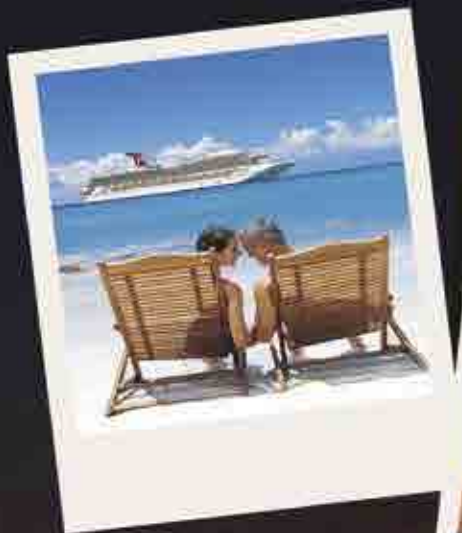
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*ull night at sea.*

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