

Oklahoma Bar JOURNAL

Volume 80 • November • April 2007

Law
Day

ALSO INSIDE

- Fair Debt Collection Practices Act
- Juvenile Court
- Members Celebrate Significant Anniversaries

THE CONTINUING EDUCATION

SPRING VACATION: A BRIEF TOUR OF ENVIRONMENTAL LAW, HANDY GUIDEBOOK INCLUDED

COSPONSORED BY THE OBA ENVIRONMENTAL LAW SECTION

APRIL 16, 2009 - OKLAHOMA BAR CENTER
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JOIN OBA/CLE AND THE OBA ENVIRONMENTAL LAW SECTION FOR UPDATES ON CURRENT
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PROTECTION IN INDIAN COUNTRY, IT'S ALL HERE.

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AND TO SIGN-UP VISIT WWW.OBAR.ORG/CLE. THIS PROGRAM WILL BE WEBCAST. FOR DETAILS, VISIT
WWW.LEGALSTAFF.COM/OBAR/WEBCAST.ASP



The New Lawyer Experience: Hit the Ground Running

Oklahoma City • April 30th

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, Oklahoma City

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

Jim Calloway

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
- Dealing with "bad news" and "bad clients"
- Technology and communication tools

Jim Calloway

Lunch provided by Oklahoma Attorneys Mutual Insurance Company

MALPRACTICE INSURANCE AND OTHER RISK MANAGEMENT ISSUES

- Phil Fraim, President, Oklahoma Attorneys Mutual Insurance Company, Oklahoma City

TRUST ACCOUNTING & LEGAL ETHICS

- The role of OBA 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, Oklahoma City

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

TECHNOLOGY

- Law office hardware
- 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

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E-mail marks@okbar.org
or call (405) 416-7026***



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¹ National Safety Council Injury Facts 2007.

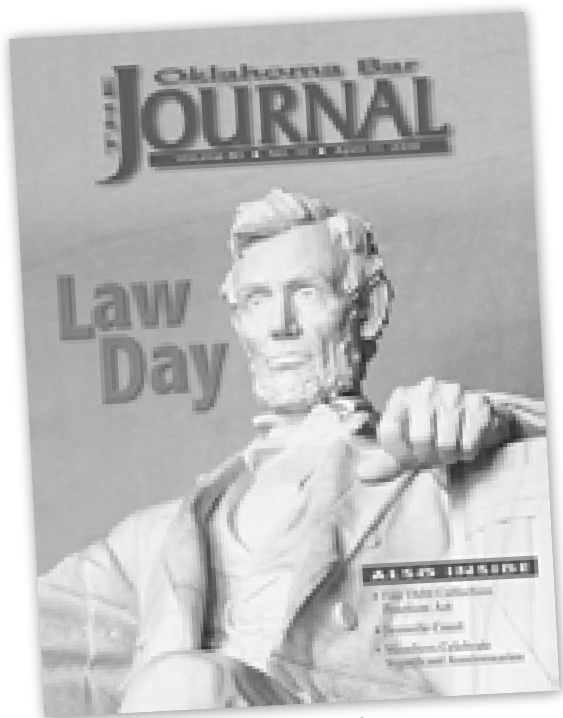
² Actively working is defined as working for at least 90 days, at least 20 hours a week at the time of enrollment.

³ Includes cost, features, eligibility, renewability, limitations and exclusions.

THEME:
LAW DAY

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WRAPS UP ANOTHER SUCCESSFUL YEAR

A Legacy of Liberty

By Jon K. Parsley

I want to begin by saying how proud I am of the turnout and the things we were able to accomplish at the OBA Day at the Capitol on March 17.

I put out the SOS, and I was honored that almost 400 attorneys heeded the call to service. The OBA had a great day and let its positions on pending legislation be known. The OBA made clear that it would not stand idly by while the rights of the citizens of Oklahoma are taken away. We advanced the cause of liberty, which began with our founding fathers and which has been refined

and guarded by other great Americans such as Abraham Lincoln.

"As a peacemaker, the lawyer has a superior opportunity of being a good man."

Abraham Lincoln

Abraham Lincoln has always been a hero of mine. That is why I am particularly excited about this year's Law Day theme. This year Law Day celebrates "A Legacy of Liberty," the

bicentennial of the birth of Abraham Lincoln — president, pioneer, politician and lawyer. The story of Lincoln, who went from a log cabin to the White House, touches on the many parts of his life — rail splitter, shop keeper, soldier and president. What is often overlooked in these stories, however, is the fact that Lincoln was a very successful lawyer. He was prosperous and popular, practicing law for more than a quarter of a century.

Lincoln made several observations about the practice of law that are still good advice today. In an 1850 lecture on the law, Lincoln acknowledged that he had been moderately successful, pointing out that the "leading rule for the lawyer as for the man of every other calling is diligence. Leave nothing for tomorrow which can be done today. Never let your correspondence fall behind. When you bring a common-law suit, if you have the facts for doing it, write the declaration at once."

He urged his listeners to practice public speaking as the lawyer's avenue to the public. "However able and faithful he may be in other respects, people are slow to bring him business if he cannot make a speech." At the same time, he cautioned young lawyers not to use speech making as an excuse not to handle the drudgery [his word] of the law.

Lincoln also encouraged lawyers to be peacemakers. "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough." As apt as those words were when Lincoln spoke them, nearly 150 years later, they still ring true.

Today, Lincoln is recognized for holding the union together and freeing the slaves. His background for his presidential decisions was formed in frontier courtrooms where he worked hard to do his best for his clients. Lincoln represents the best of the legal profession. It is an honor to recognize his bicentennial with this year's Law Day. It is also an honor that the Oklahoma Bar Association work hard to continue the "Legacy of Liberty."



Jon K. Parsley

President Parsley
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Oklahoma Bar Foundation (405) 416-7070

EVENTS CALENDAR

APRIL 2009

- 14 **OBA Women in Law Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deborah Reheard (918) 689-9281
- 16 **New Admittee Swearing-In Ceremony;** Supreme Court Courtroom; Contact: Board of Bar Examiners (405) 416-7075
- 17 **OBA Women in Law Seminar;** Reed Center, Midwest City; Contact: Deborah Reheard (918) 689-9281
- 18 **OBA Title Examination Standards Committee Meeting;** Stroud Community Center, Stroud; Contact: Kraettli Epperson (405) 848-9100
- 20 **OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 744-3011
- 21 **OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- Hudson Hall Wheaton Inn Pupilage Group Seven;** 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact: Michael Taubman (918) 260-1041
- 23 **OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: H. Terrell Monks (405) 733-8686
- 24 **OBA Board of Governors Meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 25 **OBA Young Lawyers Division Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Rick Rose (405) 236-0478
- 30 **OBA Ask A Lawyer;** OETA Studios, Oklahoma City & Tulsa; Contact: Melissa Brown (405) 416-7017
- OBA Access to Justice Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade McClure (580) 248-4675
- OBA Government and Administrative Law Practice Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Patricia A. Podolec (405) 760-3358

MAY 2009

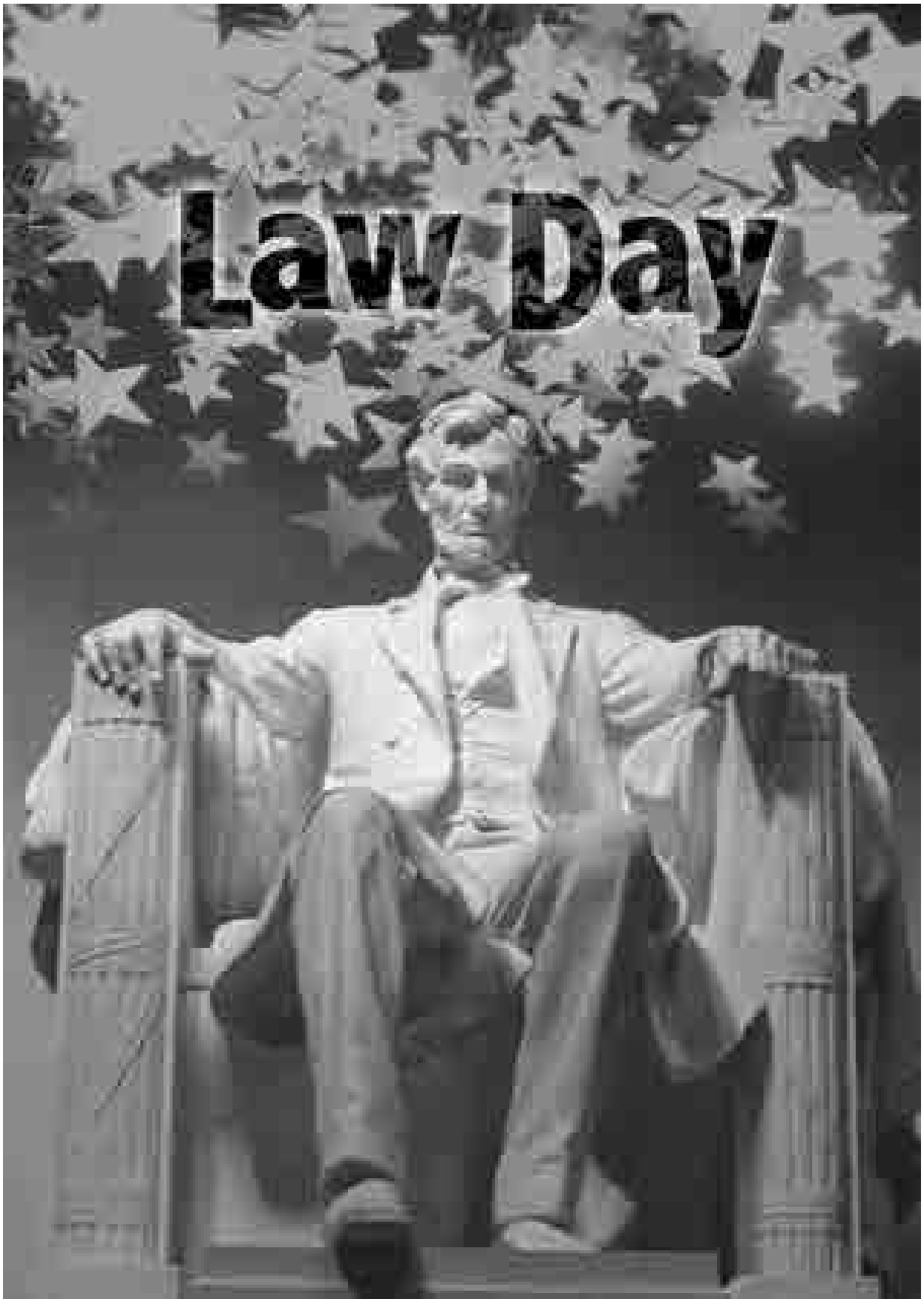
- 1 **Oklahoma Trial Judges Association Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: A.J. Henshaw (918) 775-4613

For more events go to www.okbar.org/news/calendar.htm

The Oklahoma Bar Association's official Web site: **www.okbar.org**

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LAW DAY 2009

Annual Celebration Focuses on Bridging the Past with Today

By Tina Izadi, Law Day Committee Chair

It's time for Law Day! Law Day is an exciting opportunity to educate the public about the law; the rights and liberties provided under the law; and the important work lawyers do. For over 50 years, Law Day has been celebrated both nationally and locally. The Law Day tradition was developed by Wewoka attorney and past OBA President Hicks Epton. The OBA Law Day Committee is very proud to carry these traditions forward every year. On April 30, Oklahoma will be celebrating Law Day with events and activities throughout the state.

Oklahoma is keeping its tradition in celebrating Law Day in a big way. We have continued and expanded our annual art and writing contests. Also we have put together an informative television show, highlighting the important impact lawyers have on the lives of individuals and the law. Additionally, with the help of all our attorney volunteers we will continue to offer 12 hours of nonstop free legal advice.

ASK A LAWYER TV SHOW

This year's Ask A Lawyer television program will air April 30 at 7 p.m. on OETA stations across the state. The show will feature a consumer law segment, highlighting one Oklahoman's struggle to keep his home and how his attorney is helping him navigate through this difficult time. The show will also feature and honor the story of Ada Lois Sipuel Fisher and her courageous court battle to become the first African-American admitted to the OU College of Law, highlighting the road her case paved for civil rights and laws prohibiting discrimination. The show will also

feature Chief Justice Edmondson and the winners of the Law Day contests.

A new component is being added to the Ask A Lawyer program. This year the panel discussions, featured after each segment, will be held in a town hall forum. The town hall forum is a new and exciting way to include the public in the Law Day activities. For anyone interested in participating in the town hall, the taping will be held on April 24, 2009, at the OETA studios in Oklahoma City and may contact me at tina.izadi@oag.ok.gov or AskALawyer@okbar.org for more information.

CONTESTS AND ACTIVITIES

This year's theme for Law Day is "A Legacy of Liberty – Celebrating Lincoln's Bicentennial." The art and writing contest entries centered around this year's theme, and the Law Day Committee received record number entries with more than 2,200 entries statewide. The judging was difficult as usual, given the numerous wonderful entries we received. The winners have been announced, and the winning

Ask A ★ Lawyer

Thursday, April 30

7-8 p.m.

OETA stations

FEATURING SEGMENTS ON:

- ☆ Consumer Law
- ☆ Civil Rights and
Employment Law

Hosted and
Moderated by Dick Pryor

Special Guests:

Oklahoma Supreme Court Chief
Justice James Edmondson

OBA President Jon Parsley



entries can be viewed at www.okbar.org and on page 765 of this issue. Additionally, we expanded our contests to include a YouTube video contest. Be sure to watch the winning video at www.okbar.org.

In addition to the contests we also targeted ninth and tenth graders with an online citizenship test. The 25-question multiple choice quiz is comprised of questions taken from the actual U.S. citizenship test. Students automatically receive scores and an explanation concerning the questions missed. If you are interested in testing your own knowledge, the quiz is available online at www.okbar.org.

Additionally, high school juniors and seniors were encouraged to learn more about how the law affects each of them differently after reaching the age of majority. On the Law Day Web site, the committee has provided the Legal Guide for Young Adults in Oklahoma, which is prepared by the OBA's Law-related Education Committee.

FREE LEGAL ADVICE

Final preparations are under way for the statewide Ask A Lawyer call-in event, to be held on April 30, where for 12 nonstop hours free legal advice is provided to the public. The Ask A Lawyer call-in event is one of the best ways all Oklahoma bar members can participate in the national celebration of Law Day. This annual event gives us a unique opportunity to provide a valuable community service while promoting a positive public image of attorneys and the OBA.

Callers statewide will be able to reach an attorney by calling (800) 456-8525 throughout the day on April 30. The OBA and the committee work with each county Law Day chairperson in setting up a network of local phone numbers during the broadcast. Volunteer attorneys in each participating county staff the phones and answer questions for a predetermined time period. Oklahoma and Tulsa County attorneys work together to staff the toll-free, statewide phone number from 9 a.m. - 9 p.m.

To make this community service project a success, the Law Day Committee needs your help! It takes a total of 30 attorneys for each two-hour shift to fully staff the statewide number. That effort, combined with the local county bars, creates a huge need for attorneys to step forward. To volunteer, contact your local county Law Day chairperson. The contact informa-

tion for each county Law Day chairperson and the activities planned for each county are listed in a related story in this issue.

The Law Day Committee has again committed to branch out to the Latino community by offering free legal advice in Spanish. Each shift in Tulsa and Oklahoma City will need Spanish-speaking volunteers. If you speak Spanish or know non-attorneys who would volunteer to translate, we need your help!

DIRECTIVE AND PROCLAMATION

In continuing with OBA Law Day tradition, Chief Justice Edmondson signed the Law Day directive, encouraging courts to host Law Day events. Also this year, Gov. Brad Henry signed a proclamation designating May 1, 2009, as Law Day in Oklahoma.

GET INVOLVED

Law Day provides an exciting opportunity for all of us to educate the public and remind everyone of the positive work attorneys do. We hope all of you will participate in Law Day, whether it is volunteering to provide free legal advice in your county, making a presentation to a local school group or organization, participating and recruiting town hall participants or joining us on the Law Day Committee. Planning for the 2010 celebration begins almost as soon as the 2009 celebration ends, and we need your ideas! If you'd like to join this fun, yet hardworking committee, contact me at (405) 522-2931 or at tina.izadi@oag.ok.gov. With the commitment of the Law Day Committee, county Law Day chairpersons, and the help of each and every one of you, I am confident this year's Law Day celebration will be a wonderful success! Happy Law Day!



Law Day contest winners display their artwork at a state Capitol ceremony attended by Oklahoma Supreme Court Chief Justice James Edmonson (back row, center) and Law Day Committee Chair Tina Izadi (back row, second from right). Photo: Legislative Service Bureau Photo Division



Volunteer Lawyers Needed to Give Free Legal Advice

- Several hundred attorneys needed in Tulsa and Oklahoma City
- Thursday, April 30
- 9 a.m. to 9 p.m.
- Location: OETA Studios in Tulsa and Oklahoma City
- Two-hour shifts.
- OBA provides reference guides for commonly asked questions
- Food and snacks will be served

To sign up, contact:

- Oklahoma County:
Connie Creed
(405) 236-8421
ccreed@okcbar.org
- Tulsa County:
Jason Bashforth
(918) 591-5296
jbashforth@dsda.com

Dan Crawford
(918) 749-8904
liondc@gmail.com

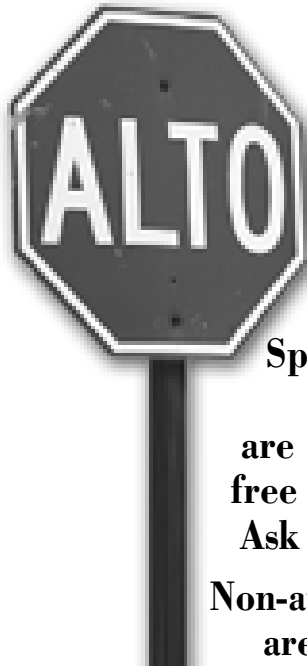
- Other Counties:

Call your Law Day Chairperson to help answer phones.



Ask A Lawyer

¿Habla Español?



**We
need
you!**

Spanish-speaking
attorneys
are needed to give
free legal advice on
Ask A Lawyer day.

Non-attorney translators
are also needed.

*The OBA is reaching out to the
Latino community, so we expect to hear
from Spanish-speaking callers.*

**When: Thursday, April 30
9 a.m. – 9 p.m. (two-hour shifts)**

**OETA Studios in
Oklahoma City and Tulsa**

To sign up:

Oklahoma City

Connie Creed • (405) 236-8421
ccreed@okcbar.org

Tulsa

Jason Bashforth • (918) 591-5296
jbashforth@dsda.com

Dan Crawford • (918) 749-8904
lionde@gmail.com

¡Alli los miramos!

ASK A LAWYER TOWN HALL FORUM

A new element is being added to the Ask A Lawyer TV show this year – a town hall forum after each segment. Panelists will answer questions and discuss issues on the topics of consumer law and equal rights in the workplace.

Taping is set for:

***Friday, April 24
Noon – 3 p.m.***

***OETA Studios
7403 N. Kelley Ave.
Oklahoma City***

**The forum is open to all OBA
members and to the public.
If you're interested in attending,
RSVP to AskALawyer@okbar.org.**

If you are interested in asking a question during the town hall forum, please submit the question in writing along with your RSVP. If your question is chosen, you will be notified at the taping and will be given an opportunity to ask your question during the panelist portion of the program.
Attire is business casual.



Law Day 2009 Contest Winners

“A Legacy of Liberty: Celebrating Lincoln’s Bicentennial”

The OBA Law Day Committee would like to thank Oklahoma educators, students and their families for participating in the 2009 Law Day contests. An all-time high of nearly 2,200 entries were received from across the state.

This year’s theme, “A Legacy of Liberty: Celebrating Lincoln’s Bicentennial,” encouraged children to explore the legacy and impact of our nation’s 16th president, Abraham Lincoln.

Art contests were offered to the younger students. The coloring contests for pre-kindergarteners, kindergarteners and transitional first graders were again a tremendous success. More than half of the total entries were coloring contest entries. First and second grade students could enter a drawing contest, while third and fourth graders could create a collage. Fifth through eighth graders could choose between entering a diorama or creative writing.

The creative free for all category for ninth through 12th graders invited students to use their imaginations and choose any medium to demonstrate the Law Day theme. The students took on the challenge and came through with outstanding results: some examples were pastel drawings, creative writing and performing original songs.

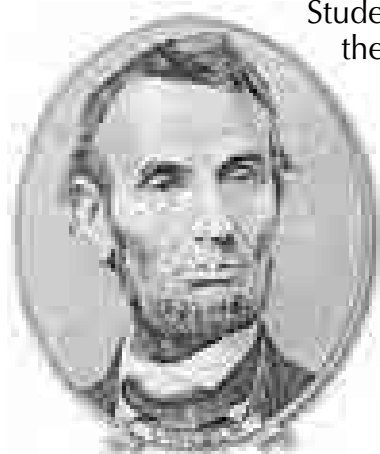
A new YouTube video contest was introduced this year.

Students were encouraged to film their own videos and upload them to YouTube.

One student was designated the “grand prize winner” for having submitted the best overall entry from all grades.

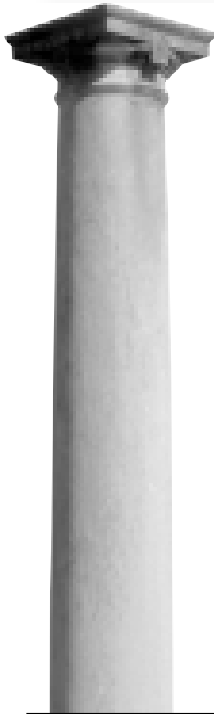
County bar associations will officially present the contest winners in their county with plaques and prize money later this school year.

**The Oklahoma Bar Journal is proud to present
the 2009 contest winners...**

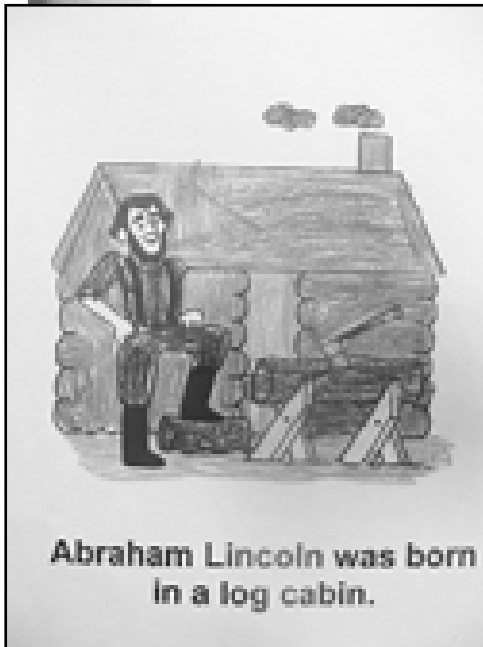
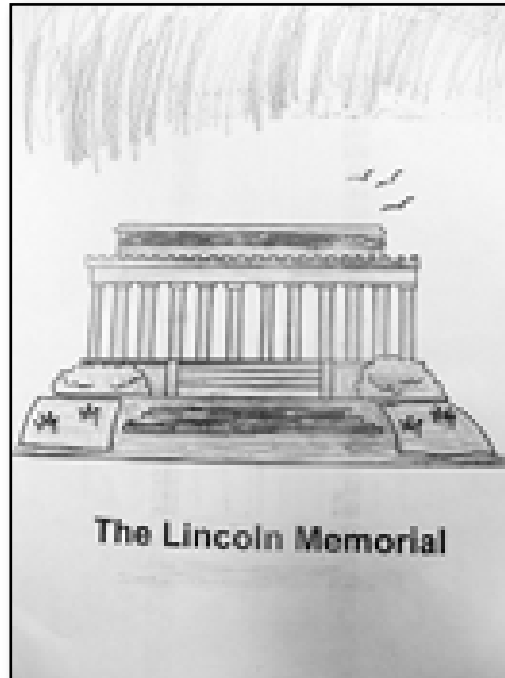




Coloring Contest Winners • Pre-Kindergarten



1st Place:
Karter Fouts
 Banner School, El Reno
 Teacher: Ms. Reed



2nd Place:
Lindsay Bennett
 Taloga School
 Teacher: Reve Cansler

Honorable Mentions:

Hailey Arnett, Collinsville Early Childhood Center
 Derek Askew, Taloga School
 Robby Bappert, Christian Heritage Academy, Del City
 Annika Bartlett, Kirk of the Hills Preschool, Tulsa
 Reanna Beckham, Fletcher Elementary
 Harmony Brakebill, George Early Childhood Center, Idabel
 Jacob Breedlove, Banner School, El Reno
 Sierra Bridges, Christian Heritage Academy, Del City
 Mallory Butler, Perkins-Tryon Elementary
 Andrew Carney, Collinsville Early Childhood Center
 Janice Carpenter, Collinsville Early Childhood Center
 Layla Czajkowski, George Early Childhood Center, Idabel
 Makayla Dirham, Deer Creek-Lamont School
 Cooper Ehlers, Christian Heritage Academy, Del City
 Harli Feaster, Taloga School
 Kadynce Gambrel, Taloga School
 Mavrik Garrison, Collinsville Early Childhood Center
 Carlie Golden, Maple Elementary, Calumet
 Lazzieri Gray, George Early Childhood Center, Idabel
 Jared Harmon, Morrison Elementary
 Collin Kendall, Fletcher Elementary
 Katie Krispense, Kirk of the Hills Preschool, Tulsa
 Macie Lancaster, George Early Childhood Center, Idabel
 Sarah Lester, George Early Childhood Center, Idabel
 Breeana Lichtenberg, Taloga School

Coloring Contest Winners • Pre-Kindergarten

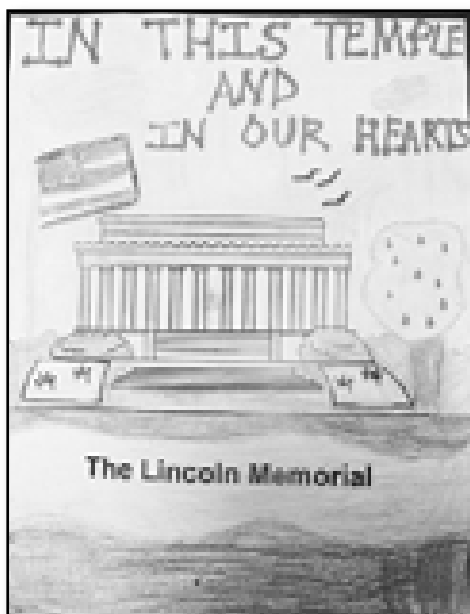
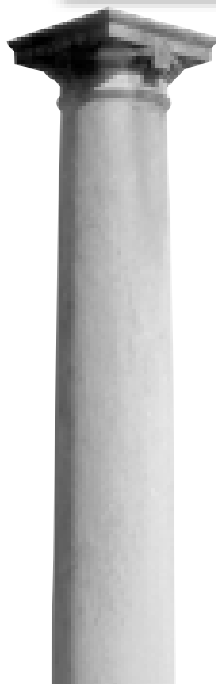


Honorable Mentions:

Desirae Lichtenberg, Taloga School
 Alyssa Love, Christian Heritage Academy, Del City
 Colton McSperitt, Collinsville Early Childhood Center
 Jacob Miller, Taloga School
 Jessica Miller, Collinsville Early Childhood Center
 Kenna Miller, Butner Elementary, Cromwell
 Aleigh Nicholson, Collinsville Early Childhood Center
 Setharae Nusz, Banner School, El Reno
 Jordyn Peavy, Christian Heritage Academy, Del City
 Lance Peters, Collinsville Early Childhood Center

Kourtnee Ragan, Maud Elementary
 Hayden Richey, Christian Heritage Academy, Del City
 Ashley Scott, Banner School, El Reno
 Erin Scott, Banner School, El Reno
 Makenzi Shamburger, Collinsville Early Childhood Center
 Katie Thomas, Taloga School
 Ryan Vanaman, Deer Creek-Lamont School
 Tiffany Wilder, Graham Elementary, Weleetka
 Tai'Micah Young, George Early Childhood Center, Idabel

Coloring Contest Winners • Kindergarten



1st Place:
Ava Pittman
 Seiling Elementary
 Teacher: Jan Smart

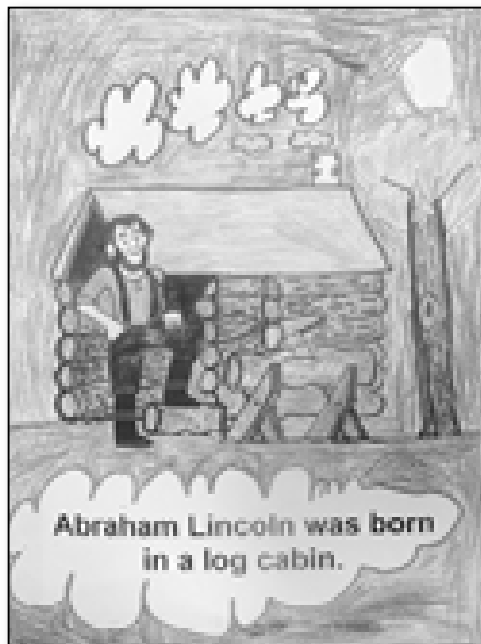
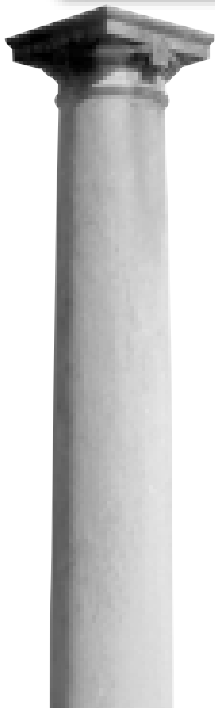
Honorable Mentions:

Kali Bennett, Pawnee Elementary
 Kenzie Bethel, Vian Elementary
 Kolton Boshers, Vian Elementary
 Aaron Camp, Maryetta School, Stilwell
 Colton Everett, Covenant Community School, Stillwater
 Daytona Hancock, Collinsville Early Childhood Center
 Sydney Johnson, Eastlake Elementary, Oklahoma City
 Alex Lopez, Vian Elementary

Abby McCurley, Seiling Elementary
 Sarah Munsell, All Saints Catholic School, Norman
 Julianna Poindexter, Vian Elementary
 Riley Ross, Maryetta School, Stilwell
 Katie Salisbury, Seiling Elementary
 Keelyn Schaefer, Covenant Community School, Stillwater
 Conner Skidgel, Pawnee Elementary
 Daylon Vaughn, Maryetta School, Stilwell
 Carstyn Webb, Cyril Elementary



Coloring Contest Winners • Kindergarten



2nd Place: **Emily Grayson**

Maryetta School, Stilwell

Teacher: Samilou Smith



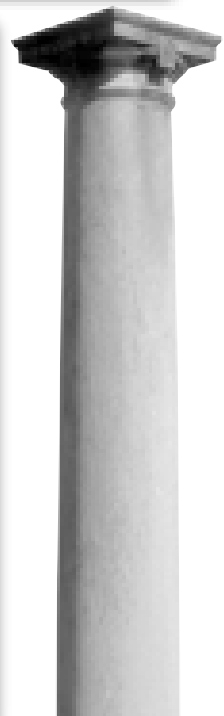
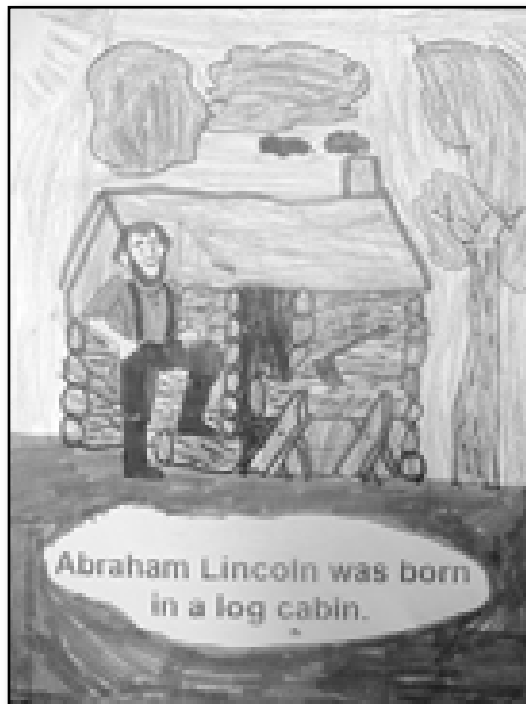
Coloring Contest Winners • Transitional First Grade



1st Place: **Karlie Jo Stanley**

Maryetta School, Stilwell

Teacher: Samilou Smith

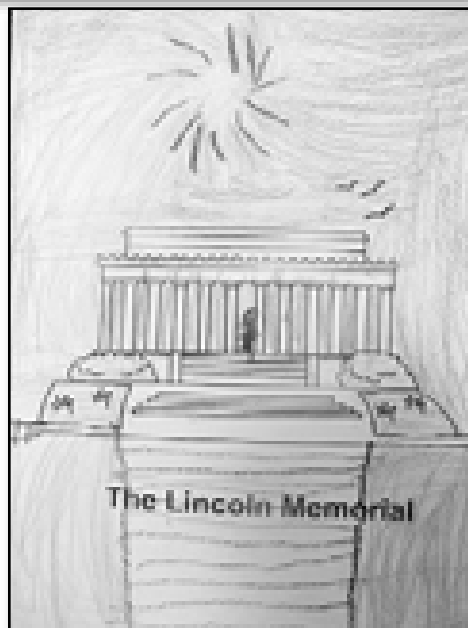


Coloring Contest Winners • Transitional First Grade



Honorable Mentions:

Kristian Brooks, Pleasant Vale Elementary, Enid
 Lacey Burch, Cordell Elementary
 Victoria Cline, Cordell Elementary
 Cal Dennett, Pleasant Vale Elementary, Enid
 Ty Dennett, Pleasant Vale Elementary, Enid
 Makenze Dixon, Cordell Elementary
 Wyatt Earley, Cordell Elementary
 Jade Gonzales, Cordell Elementary
 Parker Johnson, Cordell Elementary
 Elizabeth Kuntz, Pleasant Vale Elementary, Enid
 Gabby Gibley, Cordell Elementary
 Brennen Glover, Cordell Elementary
 Mason McClafin, Cordell Elementary
 Hayleigh Noble, Cordell Elementary
 Andrea Palmer, Cordell Elementary
 Jordan Shaffer, Cordell Elementary
 Makayla Thornton, Pleasant Vale Elementary, Enid
 Hunter Welch, Cordell Elementary
 Hannah Wilson, Cordell Elementary
 Elijah Wollman, Cordell Elementary
 Cody Woods, Maryetta School, Stilwell



2nd Place:

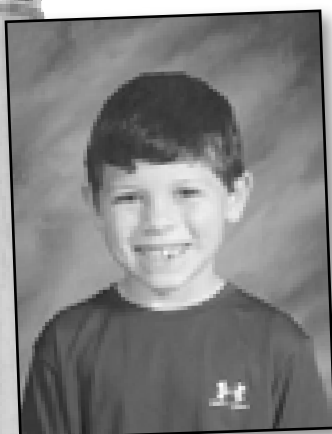
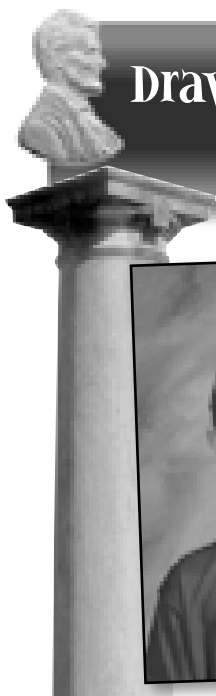
K.C. Hildeman

Cordell Elementary

Teacher: Lorry Wilkie



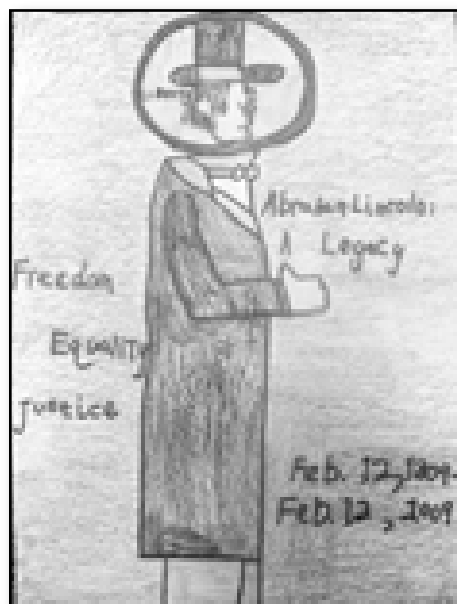
Drawing Contest Winners First Grade



1st Place:
Carson
Thompson

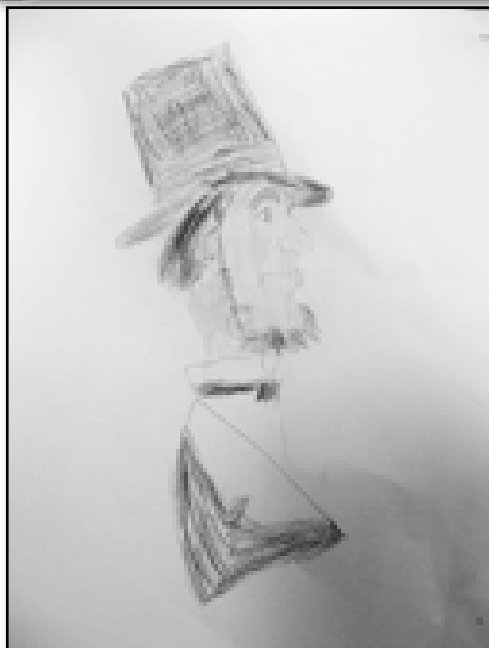
Eufaula Elementary

Teacher:
 Diana Goodwin





Drawing Contest Winners • First Grade



2nd Place: Fisher Muegge

Deer Creek-Lamont School
Teacher: Shellie Fitch

Honorable Mentions:

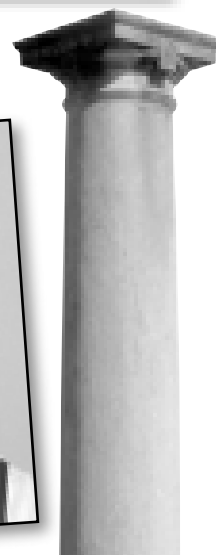
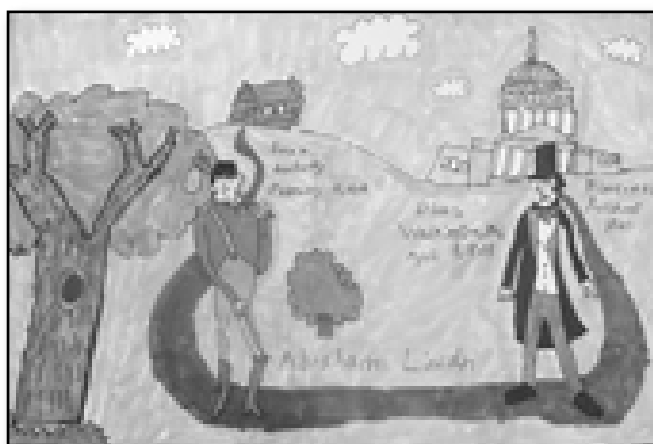
Marissa Alonzo, Eufaula Elementary
Noah Bennett, Eufaula Elementary
Isaiah Brazda, Deer Creek-Lamont School
Kiaya Burns, Eufaula Elementary
C.J. Corrente, Destiny Christian School, Oklahoma City
ReaBecca Crain, Deer Creek-Lamont School
Ashley Cumpton, Eufaula Elementary
Aliyah Dean, Destiny Christian School, Oklahoma City
Daniel Deere, Eufaula Elementary
Summer Hankla, Deer Creek-Lamont School
Brendan Hembree, Deer Creek-Lamont School
Justin Jennings, Eufaula Elementary
Monica Large, Deer Creek-Lamont School
Leslie Lopez, Lindbergh Elementary, Tulsa
Lindsey Malcolm, Deer Creek-Lamont School
Madison Peagler, Destiny Christian School, Oklahoma City
Hope Salcedo, Eufaula Elementary
Skyler Seward, Deer Creek-Lamont School
Madigan Smith, Eufaula Elementary
Myel Solorzano, Destiny Christian School, Oklahoma City
Issac Stouffer, Deer Creek-Lamont School
Christal Travis, Deer Creek-Lamont School
Avery Wade, Destiny Christian School, Oklahoma City
Jerome Walker, Lindbergh Elementary, Tulsa
Cheyenne Williams, Deer Creek-Lamont School
Gabriel Williams, Eufaula Elementary
Sierra Williams, Deer Creek-Lamont School
Honey Mae Wilson, Undercroft Montessori, Tulsa

Drawing Contest Winners • Second Grade



1st Place: Jorge Delaserna

Maryetta School, Stilwell • Teacher: Samilou Smith





Drawing Contest Winners • Second Grade

Honorable Mentions:

Dana Jeanette Andreassen, Maryetta School, Stilwell
 Emily Baldridge, Maryetta School, Stilwell
 Mason Barnes, Destiny Christian School, Oklahoma City
 Kaylee Brammer, Horace Mann Elementary, Duncan
 Maddy Burd, Pawhuska Elementary
 Lucas Contreras, Horace Mann Elementary, Duncan
 Brittany Daniel, Eufaula Elementary
 Abigail Ervin, Will Rogers Elementary, McAlester
 Alyssa Gazaway, Destiny Christian School, Oklahoma City
 Maranda Gibson, Horace Mann Elementary, Duncan
 Ryan Harrigan, St. Philip Neri Catholic School, Oklahoma City
 Cassidi Hindman, Pawhuska Elementary
 Josie Johnson, Maryetta School, Stilwell
 Chilua Keith, Deer Creek-Lamont School
 Hunter Kirkland, Maryetta School, Stilwell
 Briawna Logan, Eufaula Elementary
 Ray Matsumoto, St. Philip Neri Catholic School, Oklahoma City
 Troy McNatt, Eufaula Elementary
 Rheeanna Mendoza, Maryetta School, Stilwell
 Caroline Muegge, Deer Creek-Lamont School
 Christian Nester, Eufaula Elementary
 Logan Nichols, Davis Elementary
 Janie Poteet, Pawhuska Elementary
 Daxton Sanders, St. Philip Neri Catholic School, Oklahoma City

Ivie Schwarz, Covenant Community School, Stillwater
 Haily Seward, Deer Creek-Lamont School
 Isaiah Spurlin, Deer Creek-Lamont School
 Colt Swier, Horace Mann Elementary, Duncan
 Addison Taron, Destiny Christian School, Oklahoma City



2nd Place:

Amethyst Chitwood

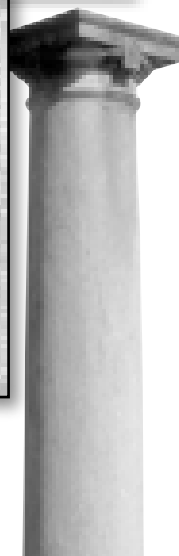
Covenant Community School, Stillwater
 Teacher: Ronda Peek

Collage Contest Winners • Third Grade

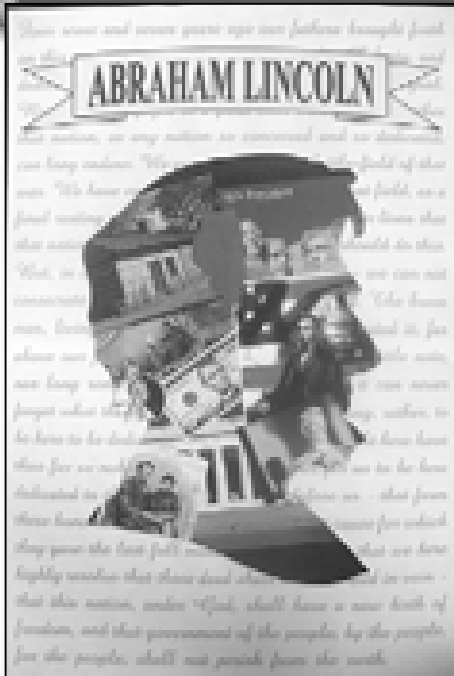


1st Place: Ethan Caldwell

Pawhuska Elementary • Teacher: Ms. Foster



Collage Contest Winners • Third Grade



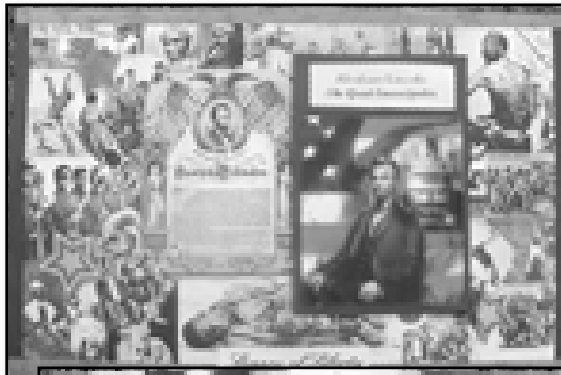
Honorable Mentions:

Macyn Anderson, Prague Elementary
 Jordan Bays, Antioch Christian Academy, Oklahoma City
 Plizia Bishop, Maryetta School, Stilwell
 Jonathan Brewer, Central Elementary, Moore
 Ryan Brown, Central Elementary, Moore
 Preston Fridrich, Prague Elementary
 Ethan Haddox, Central Elementary, Moore
 Bailey Harris, Prague Elementary
 Payton McCarty, Pawhuska Elementary
 Jesse Mills, Home School, Wagoner
 Brayden Pitner, Antioch Christian Academy, Oklahoma City
 Taylor Redden, Antioch Christian Academy, Oklahoma City
 Brandt Smith, Will Rogers Elementary, Stillwater
 Parker Terrell, Prague Elementary
 Taylor Tingley, Deer Creek-Lamont School
 Aubrie Walker, Pawhuska Elementary
 Tyger Walters, Covenant Community School, Stillwater
 Braydon Wilson, Pawhuska Elementary

2nd Place: Bryce Day

Prague Elementary

Teacher: Barbara Hutchens



Collage Contest Winners Fourth Grade

side one



side two

1st Place:

Rebekah Peek

Covenant Community School, Stillwater

Teacher: Elizabeth Albright

Collage Contest Winners • Fourth Grade



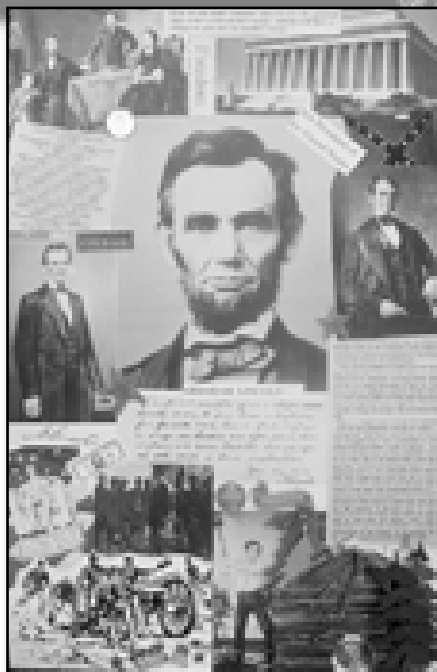
2nd Place: Sidni Blalock

Horace Mann Elementary, Duncan

Teacher: Megan Taylor

Honorable Mentions:

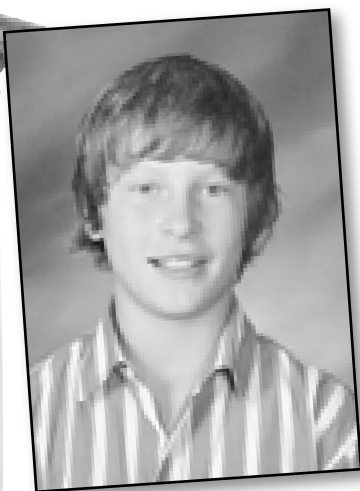
Mason Barrington, Alex Elementary
Adrian Blaynewalker, Byng School, Ada
Molly Ervin, Will Rogers Elementary, McAlester
Benjamin Hamm, Deer Creek-Lamont School
John LaPoint, Alex Elementary
Taylor Morris, Centennial Elementary, Mustang
K.C. Patterson, Covenant Community School, Stillwater
Samuel Pearson, Alex Elementary
Gabriela Perry, Truman Elementary, Norman
Steven Sheldon, Truman Elementary, Norman
Audra Smith, Prague Elementary
Cole Tolle, Deer Creek-Lamont School
Cail Williams, Centennial Elementary, Mustang
Christian Womack, Centennial Elementary, Mustang
Kennedi Wright, Truman Elementary, Norman



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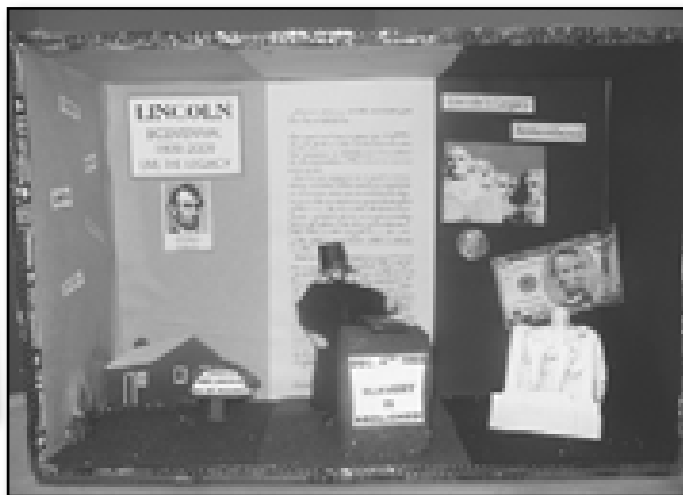


Diorama Contest Winners • Fifth Grade



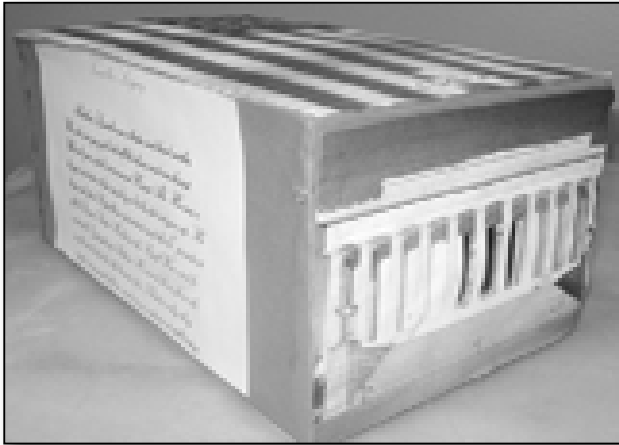
1st Place: Bo Riggs

Prague Elementary
Teacher: Barbara Hutchens





Diorama Contest Winners • Fifth Grade



2nd Place: Daren Reid

Leslie R. Fisher Elementary, Oklahoma City

Teacher: Teresa Potter

Honorable Mentions:

Kristen Hall, Bennington Elementary

Jamie Hollingsworth,

Bennington Elementary

Dallin Reese, Covenant

Community School, Stillwater



Diorama Contest Winners Eighth Grade

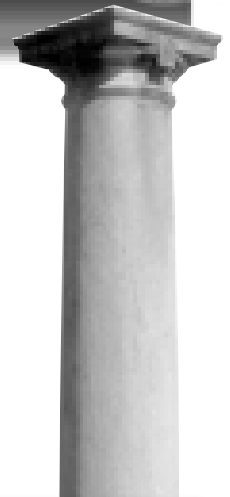


1st Place:

Brynne Coryea

Coalgate Public Schools

Teacher: Carla Wade



Honorable Mention:

Abigail Chorley,
Augustine Christian Academy, Tulsa

2nd Place:

Rachel Peek

Covenant Community School, Stillwater

Teacher: Emily Boozer



Creative Writing Contest Winners • Fifth Grade



Remembering Abraham Lincoln after 200 years

Abraham Lincoln, our 16th President, is one of the most popular presidents. He is also the tallest President. In February 12, 1809, Abraham Lincoln was born in Hodgenville, Kentucky. Throughout his childhood he loved to read and talk about politics. In 1831, he floated down the Mississippi River to New Orleans. Then one day in New Orleans, he saw a slave market. He was astonished and would never forget it again. In 1834, he became a lawyer. In 1858 in Ottawa, Illinois, Abraham ran for senate against Stephen Douglass and lost. Then Abraham ran again and this time he won and served in the House of Representatives. In 1860, Lincoln was elected President of the United States.

In 1842, Abraham married Mary Todd. They had four children: Thomas, William, Robert and Edward. The emancipation Proclamation declared freedom for the slaves. The Confederate States wanted slaves, so they broke free from the Union. So they had a war called the Civil War and it began in 1861. More than six hundred thousand soldiers died in the Civil War. Finally, the confederate States gave up and became part of the Union again in 1865.

Abraham was inaugurated for his second term in office in 1865; five days after the war had ended. Abraham and his wife Mary went to a theater to watch a play. A famous actor from the south named John Wilkes Booth, slipped into the theater and shot Abraham. The President died the next day. Later on, Booths was hunted down and killed.

I think Abraham Lincoln's legacy is for freedom for the slaves because for his whole life he was trying to get rid of slavery. Abraham Lincoln thought that each person was equal and that no man was higher than another just because their skin was darker. I also think that he is most remembered by two important events: The "Gettysburg Address" and the "Emancipation Proclamation". Throughout the past 200 years, Americans remember whenever they see the carving of Mount Rushmore, the five dollar bill and the penny. In American History, Abraham Lincoln is know and remembered for all good and honorable things that he did.



1st Place:

Joy Rong

Covenant Community School,
Stillwater

Teacher: Elizabeth Albright

Honorable Mentions:

Dina Curtis, Evangelistic Temple School, Tulsa
Molly Lohrey, Evangelistic Temple School, Tulsa
Taron Mills, Home School, Haskell
Breanna Sharp, Evangelistic Temple School, Tulsa
Meagan Walters, Mitchell Elementary School, Tulsa



2nd Place:

Richard Scrivener

Jay Upper Elementary

Teacher: Mrs. Scrivener

**To read Richard's poem,
go to www.okbar.org.**



Creative Writing Contest Winners • Sixth Grade



1st Place: **Blaire Scott**

St. Elizabeth Ann Seton School,
Edmond

Teacher: Joanne Oltean



February 12

February 12, 1809
the date still holds as strong as twine.
For we celebrate an important day,
when a man was born who took slavery away.
Abraham Lincoln is his name,
who knew justice would win the game.
He fought, he won,
and they thought he was done.
Little did they know
we would continue the show.
Today, tomorrow and forever more,
we shall always remember the Civil War.
A man whom we shall never forget,
who helped us patch our biggest split.
A great American life story
that had its failures, but many glories.
He was brave and very true
and knew just what to do.
He stood up for what was right
even during one of the biggest blights.
Even still to this day
I never thought it would end that way.
Mr. Booth shot you dead...
oh, if only you had fled.
Although I know that is not your way,
I wish you would have fled than stayed.
Even though you're very old now
You're still the man so take a bow.
We will never forget the name you possess,
or the time of your greatest success.
Now, today it's your time to shine,
as we celebrate February 12, 1809.

2nd Place:

Finnian Bender

St. Elizabeth Ann Seton School, Edmond

Teacher: Joan Krauss

To read Finnian's poem,
go to www.okbar.org.

Honorable Mention:

Desirae Gardner, Banner School, El Reno

Creative Writing Contest Winners • Seventh Grade



Law Day Story

"I leave you, hoping that the lamp of liberty will burn in your bosoms until there shall no longer be a doubt that all men were created free and equal." This quote was given by our sixteenth president, Abraham Lincoln, in Chicago, Illinois. This quote shows that President Lincoln wanted the people to realize that no matter what color your skin was God created you equal to your neighbor.

Abraham Lincoln was born on February 12, 1809 in what is now known as LaRue County, Kentucky. He was a successful lawyer and an Illinois legislator. He was also a member of the United States Senate, but failed. He was the first Republican to become president. He was elected in the year of 1860. On March 4, 1861 he was sworn in as the 16th president of the United States of America.

His presidency was definitely not an easy one. Very shortly after he became president the American Civil War tore our country in half. The United States Constitution says that no state may secede from the union. The southern states desired succession from the union. This was the main reason the war started.

Three years after being elected president he signed the Emancipation Proclamation. This was the thirteenth amendment to the United States Constitution. This amendment stated that all slaves of the Confederate States of America should be freed if they did not join the Union before January 1, 1863.

"Of the people, by the people, for the people," President Lincoln said this on November 19, 1863 when he gave a speech now known as the Gettysburg Address. He delivered the speech at the dedication of the Soldiers' National Cemetery at Gettysburg, Pennsylvania. This speech was a major event in American History. It sent the message that this country was founded upon liberty, freedom, God, and an unselfish attitude and that our country would always be this way.

President Lincoln died a tragic death at the hands of John Wilkes Booth. He and his wife were watching a play at Ford's Theater. A gunshot was heard and confusion struck the room. They then realized President Lincoln had been shot. He was taken to the Peterson House and died that day, April 15, 1865 at the age of 56. The country mourned in the loss of a great man.

President Lincoln will definitely be honored in American History forever. He took a war torn nation and turned things around. He has many accomplishments in his life. The Lincoln Memorial signifies what he did and what he sacrificed for our country. Now two-hundred years later we remember him just like they did then. He was an honest and remarkable man with many great qualities. "Of the people, by the people, for the people," that quote really shows how he looked at our country with his courage and determination. I hope not only on February 12, Lincoln's birthday, but always will we remember what Abraham Lincoln did for our country and the American people.



**1st Place:
Patrick
Sullivan**

Duncan Middle School
Teacher: Cindy Parks

**2nd Place:
Harland
Garilli**

Canute Schools
Teacher: Danna Goss

**To read
Harland's poem,
go to
www.okbar.org.**

Honorable Mention:

Lauryn Tumpkin, Home School,
Broken Arrow

Creative Writing Contest Winners • Eighth Grade



1st Place: **Brennan Nash**

St. Elizabeth Ann Seton School,
Edmond

Teacher: Barbara Brearton

2nd Place: **Amanda Nighbor**

St. Elizabeth Ann Seton School, Edmond

Teacher: Barbara Brearton

**To read Amanda's poem,
go to www.okbar.org.**



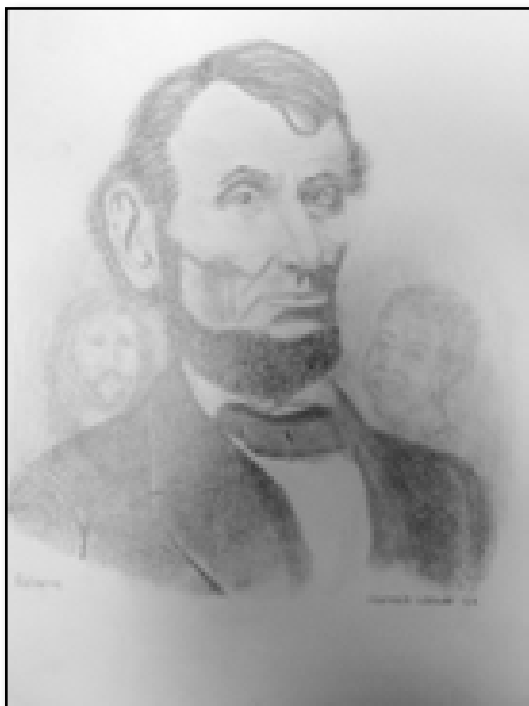
A Legacy of Liberty

Moses Williams lifted his head and took in a deep breath of fresh, autumn, 100% Virginia air. The date was September 2, 1862. Moses smiled as he thought of the previous day's events and the reaction that went through the whole Confederate States of America as a result. He thought of the white people running around checking with their neighbors to make sure it wasn't a joke being played by the paper. He thought of them looking uneasily towards the slaves' quarters on the local plantations and shuddering. He also thought of the slaves singing into the night, dancing, and joyously praising God. The reason for all of this commotion was that on September 22, 1862, President Abraham Lincoln announced the first part of a document which would change the lives of millions in the southern states of Texas, Louisiana, Florida, North Carolina, Arkansas, Alabama, Georgia, Virginia, Mississippi, and South Carolina. It was called the Emancipation Proclamation. Moses learned that the Proclamation would officially go into effect on January 1, 1863. He watched as his parents had prayed to God all through the night, thanking him for freeing them and all their brothers and sisters in Christ. He heard them thank God for helping President Lincoln see that freeing the slaves was the right thing and ask if he would bless President Lincoln and watch over him always. Moses took another deep breath and smiled as he realized President Lincoln started something much bigger than he intended by freeing the slaves. Lincoln started a legacy of liberty that would be passed down through the years by all future residents of America and would be kept sacred by all those individuals.

Honorable Mentions:

William Harjo, St. Elizabeth Ann Seton School, Edmond
Dakota Meinhardt, Canute Schools
Olivia Schick, St. Elizabeth Ann Seton School, Edmond
Damon Young, St. Elizabeth Ann Seton School, Edmond

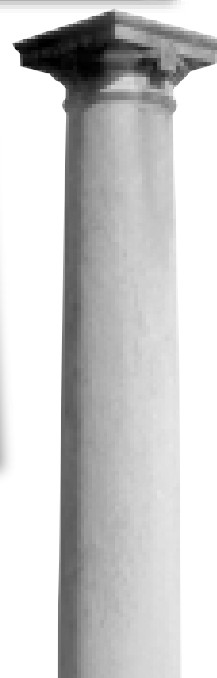
Creative Free for All Contest Winners • Ninth Grade



1st Place: **Hannah Lane Weaver**

William Bradford Christian School,
Pryor

Teacher: Marilyn Mauck



2nd Place: **Patrick Bender**

Edmond Memorial High School

Teacher: Teresa Spain

**To read Patrick's poem,
go to www.okbar.org.**

Honorable Mentions:

For Creative Writing:

Jordan Biffle, Evangelistic Temple School, Tulsa
Dory Cooper, Evangelistic Temple School, Tulsa
Megan McCool, Evangelistic Temple School, Tulsa
Hayley Sharpe, Evangelistic Temple School, Tulsa

For Art:

Jacob Blanton, Deer Creek-Lamont School
Lindsey Campbell, Deer Creek-Lamont School
Kelsey Casey, Deer Creek-Lamont School
Andrew Coufal, Deer Creek-Lamont School
Brennan Hutton, Deer Creek-Lamont School
Megan Sawyer, Covenant Community School, Stillwater



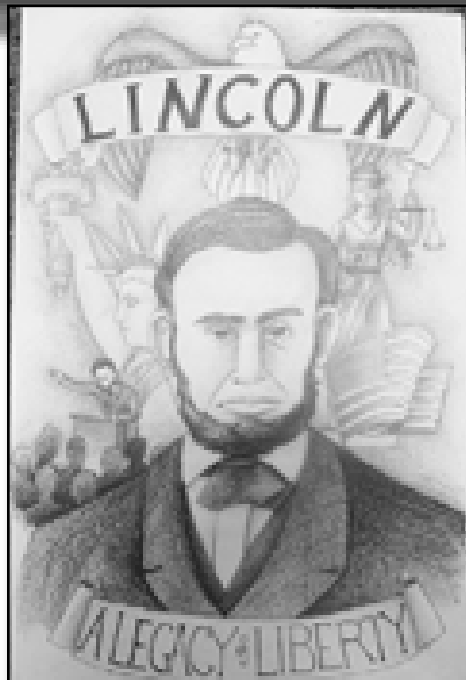


Creative Free for All Contest Winners • 10th Grade



1st Place:
Desirée Moore

Ponca City High School
Teacher: Tim Wehrle



2nd Place:
Corey St. John

Bennington Public School
Teacher: Ms. Braudrick

DVD – "President Abraham Lincoln"

Honorable Mentions:

For Creative Writing:

Caitlin Blackwell, Lawton High School
Alexander Franco, Lawton High School
Keirstin Schmidt, Lawton High School

For Art:

Jaelin Barfield, Bennington Public School
Corey Brown, Bennington Public School
Dana Hall, Bennington Public School
Morgan Thompson, Deer Creek-
Lamont School



Creative Free for All Contest Winners • 11th Grade



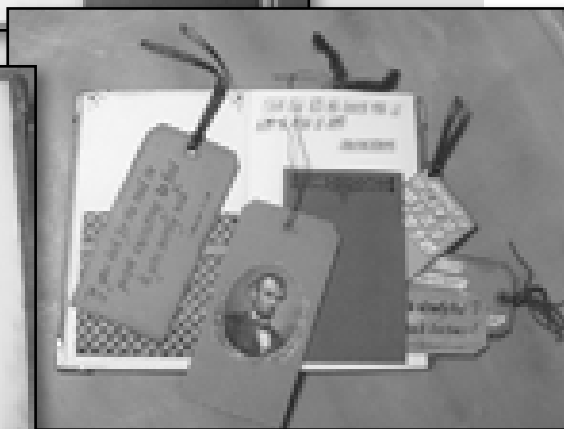
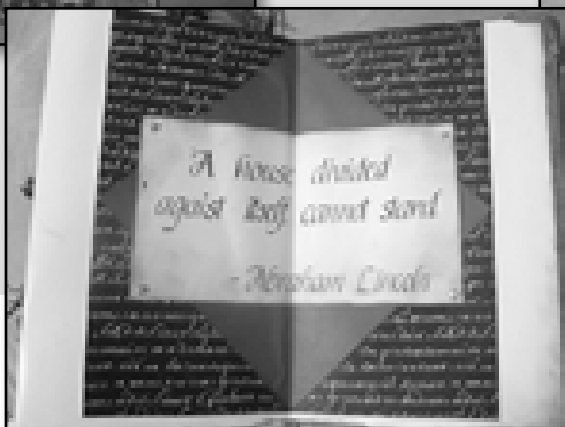
1st Place:
Danielle Coover

Immanuel-Skiatook School, Skiatook

Teacher: Rachel Keeney

(see Danielle's art - top of next page)

..... • **Danielle Coover — 1st Place**



**2nd Place:
Jessica Miller**

Ponca City High School
Teacher: Tim Wehrle

**Honorable
Mentions:**

For Creative Writing:

James Brennan, Lawton High School
Laurel Lamb, Lawton High School
Michael Wassall, Lawton High School

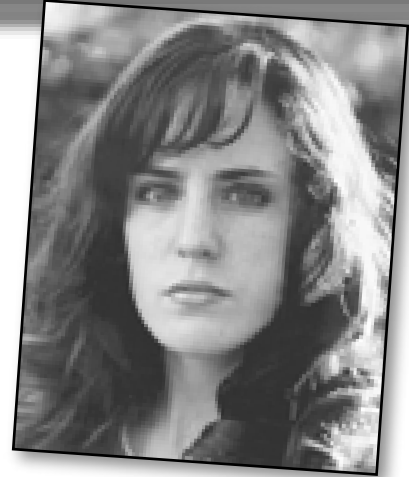
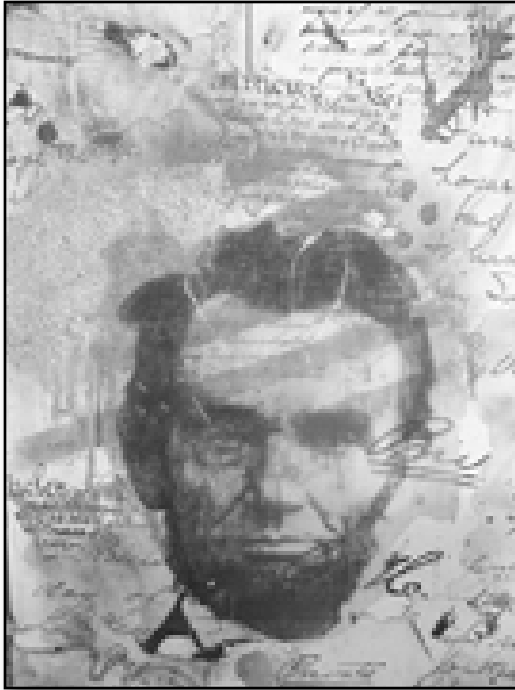
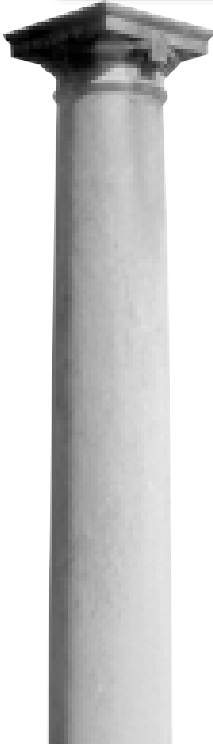
For Art:

Anna Jones, Maud High School
Lauren Smith, Barnsdall High School
Sarah Smith, Maud High School





Creative Free for All Contest Winners • 12th Grade



1st Place: **Rachel Blackwell**

Comanche High School

Teacher: Danny Blackwell

2nd Place: **Megan Beasley**

Weatherford High School

Teacher: Cindy Henderson

Honorable Mentions:

For Creative Writing:

Ashlee Minyard, Bennington Public School
Lauren Pinaroc, Bishop McGuinness High School,
Oklahoma City

Rachel Weaver, William Bradford Christian School,
Pryor

John Hart Woldum, Evangelistic Temple School,
Tulsa

For Art:

Steven Campbell, Maud High School

Julie Canfield, Comanche High School

Mary Nix, Home School, Mustang



You Tube

VIDEO CONTEST



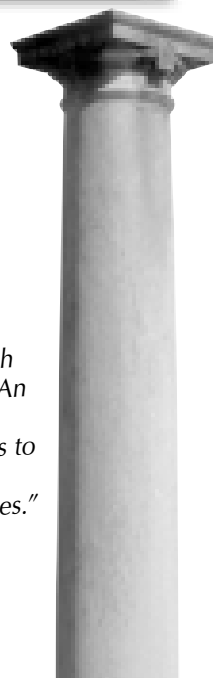
1st Place: **Alexander Knight**

Bishop McGuinness High School,
Oklahoma City

Teacher: Lynda Schaffel

**To watch Alexander's video,
go to www.okbar.org.**

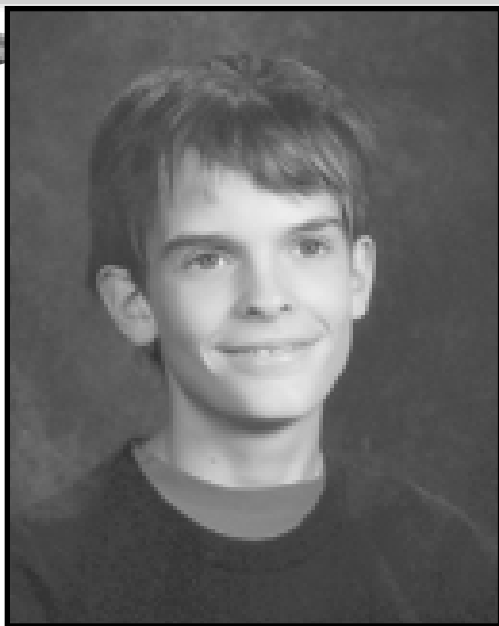
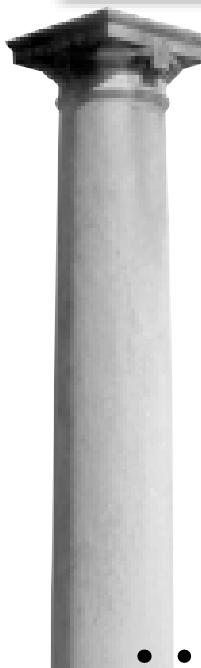
Mr. Knight, a freshman at Bishop McGuinness High School, filmed a video titled "In Lincoln's Words: An Oklahoma Tribute to Abraham Lincoln's Legacy." Watch as he "travels the state from windmill farms to the steps of the capitol to the tri-state monument, celebrating Lincoln's legacy through favorite quotes."



Honorable Mentions:

Cole Kilpatrick, Ada Junior High School
Amber Mandt and Alyssa Schultz, Central Elementary, Moore
Rachel McElmurry, Ft. Gibson Intermediate Elementary
Katie Prior, Home School, Oklahoma City
Community Christian School high school class, Norman

GRAND PRIZE WINNER



Kyle Ressel

Comanche High School

Teacher: Sue Garrett

Mr. Ressel, a junior at Comanche High School, submitted a DVD for his Law Day "creative free for all" entry. The video displayed famous Abraham Lincoln quotes and policies enacted during his presidency, followed by corresponding photos of present-day landmarks that reveal how Lincoln's legacy lives on today.

OKLAHOMA CRIMINAL DEFENSE LAWYERS ASSOCIATION
PRESENTS
ADVANCED CRIMINAL DEFENSE & CAPITAL LITIGATION
APRIL 23 & 24, 2009
Rose State Training Center 6420 S.E. 15th Street, Midwest City, OK
17 Credits, including 3 Ethics

Thursday, April 23	Friday, April 24
7:30 a.m. – 8:00 a.m. Registration	8:00 a.m. – 8:30 a.m. Registration
8:00 – 8:15 Opening remarks	8:30 – 9:45 TIM "TARZAN" WILSON (Okla. Co. Public Defender's): <i>Why childhood and poverty matter</i>
8:15 – 9:05 JOHN FLOYD (Federal Defender, Kansas), "IDAHO" JOE WARD (Austin), DALE ANDERSON (OIDS): <i>What is mitigation and how do you find it?</i>	9:45 – 10:35 PROF. JOY HADWIGER, PH.D. (Rogers State Univ., Claremore): <i>Aging populations in prison</i>
9:05 – 9:55 WINSTON CONNOR (Miami, OK): <i>NGRI litigation</i>	10:45 – 11:35 ART WILLIAMS, PH.D. (Tulsa): <i>Understanding your client's culture</i>
10:05 – 10:45 BERT RICHARD (Okla. Co. Public Defenders): <i>Batson post Snyder/Miller-El</i>	12:45 – 1:35 CINDY VIOL (OKC): <i>Incorporating capital defense tools into your regular criminal practice</i>
10:45 – 11:35 BARRY DERRYBERRY (Federal Defender, Tulsa) & MICHAEL MOREHEAD (OIDS): <i>Recent case update</i>	1:35 – 2:30 DEBBIE MADDOX (Norman): <i>Imparting your theory of mitigation to the jury</i>
11:35 – 12:25 GARY JAMES (OKC): <i>Prosecutorial Misconduct</i>	2:40 – 3:30 JOHN FLOYD (Federal Defender, Kansas): <i>Defense Initiated Victim Outreach</i>
1:30 – 2:50 PROF. SEAN O'BRIEN (UMKC School of Law): <i>ABA & Supplementary Guidelines for Mitigation</i>	3:30 – 5:00 JOHN NILAND (Texas Defender Service, Austin): <i>Thoughts on how NOT to do capital litigation</i>
3:00 – 3:50 GARY JAMES (OKC): <i>Strategic use of the media</i>	
3:50 – 5:30 FEATURING KEYNOTE SPEAKER: MARK CURRIDEN , (Vinson & Elkins, Dallas), author of <i>"Contempt of Court. The Turn of the Century Lynching That Launched a Hundred Years of Federalism."</i> (Comprises 1½ ethics credit).	

COST

MEMBERS: \$150

NON-MEMBERS: \$200

PUBLIC DEFENDER: \$100 (in groups of 5 or more registered at the same time: \$75 per)

PAYMENT

NAME: _____ BAR # & STATE: _____

ADDRESS: _____

Phone: _____ Email: _____

Check enclosed payable to OCDLA in the amount of: _____

Credit Card Amount: _____ . Am Ex. _____ MC _____ Visa _____ Discover _____

Credit Card # _____ Exp. Date _____

I certify that I am not a member of a prosecutor agency. _____

MAIL: OCDLA, PO BOX 2272, OKLAHOMA CITY, OK 73101-2272, FAX 405-239-2595

Or Email: Brandon Pointer at bdp@for-the-defense.com

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Joe Dean Adair
(918) 696-2172

Alfalfa

Marcus A. Jungman
(580) 596-3591

Atoka

Shannon Reasor
(580) 889-3343

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Jerry Lee Venable
(580) 625-4526

Beckham

Molly Priest
(580) 928-5800

Blaine

Tom Stephenson
(580) 623-7400

Bryan

Julie Cuesta
(580) 924-4032

Caddo

Jason Glidewell
(405) 247-2456

Canadian

H. David Hanes
(405) 354-2833

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Julie Austin Dewbery
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Park Medearis
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Choctaw

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Cimarron

Stanley Ed Manske
(580) 544-2571

Cleveland

Don Pope
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Coal

Trae Gray
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Teressa Stidham-Williams
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Cotton

Kathleen Flanagan
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Craig

Cassandra Coats
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and
Jillian Fuqua
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Creek

Lauren Lester Allison
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Custer

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and
Angela Marsee
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Delaware

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Julie Strong
(580) 323-1516

Ellis

Judge Joe L. Jackson
(580) 885-7601

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and
Robert R. Faulk
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Hammontree
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Harper

Jim Harkins
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Haskell

Thomas H. Conklin III
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Jefferson

Phillip R. Scott
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Johnston

Dustin Rowe
(580) 371-9561

Kay
Michael Martin
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Kingfisher
Rob Johnson
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Kiowa
William E. Gentry
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Douglas G. Dry
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LeFlore
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Timothy W. Green
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Cochran Jr.
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Mitchell A. Hallren
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Millicent Watson
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Mayer
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John R. Pevehouse
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McCurtain
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McIntosh
Breckin Wagner
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Murray
Aaron Duck
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Muskogee
P. Lance McCrary
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Noble
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Nowata
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Branstetter
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Pawnee
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and
Jill Ochs-Tontz
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Josh Reid
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Pontotoc
Meagan Brooking
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Pottawatomie
Joe Vorndran
(405) 275-0039

Pushmataha
Gerald C. Dennis
(580) 298-5082

Roger Mills
Pat VerSteeg
(580) 497-2431

Rogers
Noah Sears
(918) 342-8100

Seminole
Judge Timothy Olsen
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Sequoyah
Kent Ghahremani
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Stephens
Joshua A. Creekmore
(580) 255-8726

Texas
Peggy Carter
(580) 338-3388

Tillman
Bradford L. Benson
(580) 335-7541

Tulsa
Marvin Lizama
(918) 850-2048

Wagoner
Amy B. McFarland
(918) 485-2147

Washington
Zachary D. Hyden
(918) 336-1773

Washita
Judge Christopher
Kelly
(580) 832-3144

Woods
Westline Ritter
(580) 327-2171

Woodward
Mike Meinders
(580) 254-5551

**If your county information has changed,
please contact Melissa Brown, melissab@okbar.org.**



OBA Web Sites

What Information Do They Provide?

NEW!

www.okbar.org/oknewsbar.htm

- ▶ Designed with the needs of OBA members in mind, OKNEWSBar has been created to allow you to quickly access new Oklahoma and U.S. Supreme Court opinions as well as up-to-date legal news and law practice management tips.

www.okbar.org

- ▶ The official Web site of the Oklahoma Bar Association. It's your one-click resource to all the information you need, including what's new at the OBA, ethics opinions, upcoming CLE seminars, staff contacts, and section and committee information.

my.okbar.org

- ▶ On this site, you can do everything from changing your official address, enrolling in a CLE course, checking your MCLE credits and listing your practice areas on the Internet so potential clients can find you. The PIN number required is printed on your dues statement and can be e-mailed to you if the OBA has your current e-mail address.

www.oba-net.org

- ▶ Members-only interactive service. Free basic service with premium services available to enhance the member benefit. Lawyers are empowered to help each other through online discussions and an online document repository. You must agree to certain terms and be issued a password to participate in OBA-NET.

www.oklahomafindalawyer.com

- ▶ People from across Oklahoma visit this Web site every day in search of an attorney. How can you get your name on this list for free? Signing up is easy – log into your account at my.okbar.org and click on the “find a lawyer” link.

Fastcase at www.okbar.org

- ▶ The OBA teamed up with Fastcase in 2007 to provide online legal research software as a free benefit to all OBA members. Fastcase services include national coverage, unlimited usage, unlimited customer service and unlimited free printing — at no cost to bar members, as a part of their existing bar membership. To use Fastcase, go to www.okbar.org. Under the Fastcase logo, enter your username (OBA number) and password PIN for the myokbar portion of the OBA Web site.

Generations of Personal Injury Litigation

DATES & LOCATIONS:	Tulsa May 1, 2009 Renaissance Hotel 6808 S. 107 th E. Ave.	Oklahoma City May 8, 2009 Oklahoma Bar Center 1901 N. Lincoln Blvd.
CLE CREDIT:	This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 6 hours of mandatory CLE credit, including 1 hour of ethics.	
TUITION:	\$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date. Register online at www.okbar.org/cle . The Oklahoma City program will be webcast. For details go to www.legalspan.com/okbar/webcasts.asp . NOTE: Tuition for webcast varies from live program tuition.	
CANCELLATION POLICY:	Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged for cancellations made within four full business days of the seminar date. Cancellations, refunds, or transfers will not be accepted on or after the seminar date.	

Program Planner/Moderator
Kelly Bishop, Abel Law Firm, Oklahoma City

8:30 a.m. Registration & Continental Breakfast	12:10 Professionalism and Civility in Personal Injury Litigation (ethics) Terry W. West , The West Law Firm, Shawnee
9:00 Medical Testimony in Auto Cases Ed Abel , Abel Law Firm, Oklahoma City	1:00 Preparation and Handling Mediation and Settlement Conferences in Personal Injury Cases Frank W. Frasier , Frasier, Frasier & Hickman, Tulsa
9:50 Break	1:50 Break
10:00 The Starting Line: Pre-litigation and Pre-trial Preparation in Personal Injury Cases Luke Abel , Abel Law Firm, Oklahoma City	2:00 Evidence of "Other Similar Incidents" in Personal Injury Cases James E. Frasier , Frasier, Frasier & Hickman, Tulsa
10:50 The Checkered Flag: Developing a Trial Plan in Personal Injury Cases Bradley C. West , The West Law Firm, Shawnee	2:50 Adjourn
11:40 Networking lunch (included in registration)	

Generations of Personal Injury Litigation

<input type="checkbox"/> Tulsa May 1, 2009	Full Name _____ Firm _____ Address _____
<input type="checkbox"/> Oklahoma City May 8, 2009	City _____ State _____ Zip _____ Phone () _____ E - Mail _____
<input type="checkbox"/> Materials only \$80	Are you a Member of OBA? <input type="checkbox"/> Yes <input type="checkbox"/> No OBA Bar# _____ Make Check payable to the Oklahoma Bar Association and mail entire page to: CLE REGISTRAR, P.O. Box 53036 Oklahoma City, OK 73152 For <input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> AMEX <input type="checkbox"/> Discover Fax (405) 416-7092 Phone (405) 416-7006 or Mail Credit Card# _____ Exp.date _____ Authorized Signature _____
Register online at www.okbar.org	

LAW DAY 2009

County Bar Association Activities

★ Adair County Bar Association

The Adair County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

★ Alfalfa County Bar Association

The Alfalfa County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-9 p.m. on April 30.

★ Bryan County Bar Association

The Bryan County Bar Association is sponsoring contests for local school children with a coloring contest for kindergarten through third graders, a poster contest for grades fourth through sixth, an essay contest for seventh through ninth graders, and an essay contest for 10th through 12th graders. Attorneys will also be visiting local schools during the month leading up to Law Day. During the week leading up to Law Day, members of the county bar will write articles for publication in a local newspaper, with one article appearing each day before and on Law Day. An advertisement will run in the local newspaper with a group photograph of the Bryan County Bar Association. The Bryan County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal

questions by phone from 7-8 p.m. on April 30. It will begin participating in the "Wills for Heroes" program as part of its Law Day activities.

Finally, the association has created a committee to put together a centennial biographical sketchbook of all local attorneys who have practiced in Bryan County since 1957 to supplement an earlier biographical sketchbook done for the bicentennial. The project is scheduled to be completed before Law Day.

★ Canadian County Bar Association

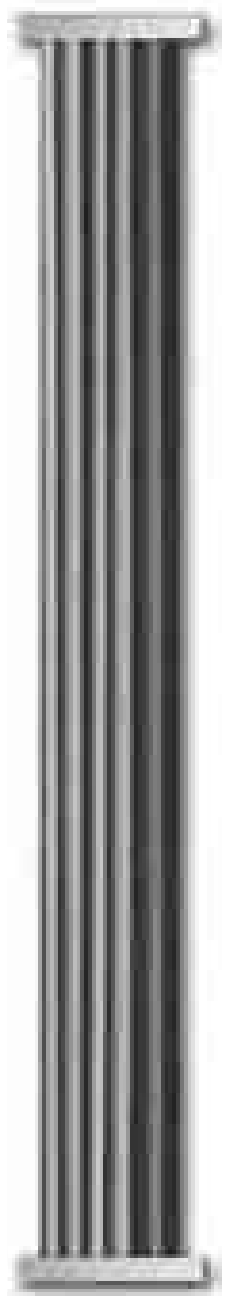
The Canadian County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-9 p.m. on April 30.

★ Cherokee County Bar Association

The Cherokee County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone on April 30. In addition, "Ask A Lawyer" programs will be held at Northeastern State University and the Cherokee Nation Tribal complex the week leading up to Law Day.

★ Choctaw County Bar Association

The Choctaw County Bar Association will participate in the Tri-County Law Day Banquet (along with McCurtain and Pushmataha counties) the evening of May 2. Lt. Gov. Jari Askins will deliver the keynote address.



★ **Cimarron County Bar Association**

The Cimarron County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-9 p.m. on April 30.

★ **Cleveland County Bar Association**

The Cleveland County Bar Association, in recognition of the Law Day theme for this year, "A Legacy of Liberty: Celebrating Lincoln's Bicentennial," is hosting a symposium/open forum on April 29 from 7-8:30 p.m. This event will be held at the city council chambers in Norman. Speakers will open the symposium by providing information regarding Lincoln's contributions in the areas of equality, civil rights and the right to vote. Following these presentations, there will be an open forum discussion comparing and contrasting Lincoln's suspension of the writ of habeas corpus in 1861 to the 2008 Supreme Court case dealing with the Guantanamo Bay detainees. To date, Cleveland County District Judges William C. Hetherington, Tom A. Lucas and Lori Walkley; Court of Civil Appeals Judge Glenn D. Adams; Court of Criminal Appeals Presiding Judge Charles Johnson; and Sen. John Sparks, a Norman attorney, have consented to serve on the forum panel. This event will be open to the public and broadcast on the City of Norman local access channel. In addition to the above, visits to all local schools who make a request will be made by participating attorneys providing information to local students. Local attorneys and judges will be writing articles for the *Norman Transcript* from April 27 through May 1. These articles will highlight the current impact of Lincoln's legacy in the areas of equality, civil rights and the right to vote. The Cleveland County Bar Association will participate in the Ask A Lawyer program from 6:30-8 p.m. on April 30 in conjunction with the statewide event aired on OETA. A reception will be held on May 1 from 5-7 p.m. to conclude all events.

★ **Craig County Bar Association**

The Craig County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6-8 p.m. on April 30. Additionally, the bar will host a drawing contest for countywide elementary students using the theme "A Legacy of Liberty: Celebrating Lincoln's Bicentennial."

★ **Custer County Bar Association**

The Custer County Bar Association will be participating in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6-8 p.m. on April 30. Volunteers are also arranging to give a presentation to high school seniors at Weatherford High School, Clinton High School and Thomas High School during the week of April 27. The high school presentations will cover the topics highlighted in the OBA handbook, "You're 18 Now - It's Your Responsibility!" for the purpose of informing and educating our young adults and soon-to-be adults on the rights and responsibilities that come with attaining legal age.

★ **Garfield County Bar Association**

The Garfield County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 5:30-8 p.m. on April 30. An essay and poster contest will also be held for local schools. Several lawyers have volunteered to participate in Lawyers in the Classroom events at local schools. A local county bar fundraiser for Legal Aid has been planned, and a newspaper ad will be running.

★ **Garvin County Bar Association**

The Garvin County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6-8 p.m. on April 30.

★ **Grant County Bar Association**

The Grant County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

★ **Johnston County Bar Association**

Johnston County will hold an essay contest for local third grade students. Savings bonds will be awarded as prizes.

★ **Kay County Bar Association**

The Kay County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6-8 p.m. on April 30. For additional information,

please contact Michael P. Martin at (580) 765-9967.

★ **Kingfisher County Bar Association**

The Kingfisher County Bar Association will be celebrating Law Day on May 4 with a noon luncheon in the main courtroom of the Kingfisher County Courthouse. Activities and presentations at the luncheon include a Law Day speaker; a memorial presentation to the family of longtime Kingfisher County Bar member Tom Baker, who passed away in 2008; presentation of the Law Day Award; and dedication of the new courtroom.

★ **LeFlore County Bar Association**

The LeFlore County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

★ **Lincoln County Bar Association**

The Lincoln County Bar Association will celebrate Law Day by holding its annual Law Day picnic at the Chandler Senior Citizens Center on May 1.

★ **Marshall County Bar Association**

Marshall County will be celebrating Law Day 2009 on May 4 beginning with activities at the courthouse for the 5th grade social studies classes from Madill Elementary. The activities will include a mock trial where the students will participate in all areas of the court system, a presentation with question and answer time with District Court Judge John Scaggs and an election using the Marshall County Election Board machines with election information from the county secretary along with other election activities. The bar will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

★ **Mayes County Bar Association**

The Mayes County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions from 6:30-8 p.m. on April 30. The association will also send speakers to various elementary schools in Mayes County to teach children about how the law affects the world we live in. Each elementary student will have the opportunity to enter an

art contest and their "creations" will be put on display at the Mayes County Courthouse.

★ **McCurtain County Bar Association**

Law Day activities will include a radio call-in show on the morning of May 2 and also sending speakers to the local schools in the last two weeks of April and first two weeks of May. The big highlight will come on the evening of May 2 at the Tri-County Law Day Banquet (for McCurtain, Choctaw and Pushmataha counties). Lt. Gov. Jari Askins will deliver the keynote address.

★ **Muskogee County Bar Association**

The Muskogee County Bar Association will offer free legal advice to the public at Arrowhead Mall on April 30.

★ **Okfuskee County Bar Association**

The Okfuskee County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

★ **Oklahoma County Bar Association**

• **Law Day Luncheon – May 1,
Sheraton Hotel, Oklahoma City**

The Oklahoma County Bar Association is sponsoring the luncheon this year featuring Oklahoma Supreme Court Justice James R. Winchester. Drawing on his varied experiences as a practicing attorney, district court judge, U.S. administrative law judge and justice of the Oklahoma Supreme Court, Justice Winchester will bring a unique perspective to this year's Law Day theme. The inaugural presentation of the Howard K. Berry Award will take place at this year's luncheon. There will also be a recognition of the *Journal Record's* "Lawyers in Leadership," presentation of the *Journal Record* Award, and presentation of the Liberty Bell Award. The centerpiece stuffed animals will be donated to several of the police departments in Oklahoma County. Tickets are available by calling the OCBA at (405) 236-8421.

• **Ask A Lawyer Program – April 30
at OETA**

Volunteers will be handling phone calls from 8:45 a.m. to 9 p.m. Lance Lefell will

be chairing this subcommittee with assistance from Mike Krasnow.

- **Law Day Mentoring**

The Central Oklahoma Association of Legal Assistants (COALA) will be sponsoring approximately 20 high school students who will mentor with judges, attorneys and legal assistants during the morning of May 1. Students will then attend the Law Day Luncheon and tour the Oklahoma County Courthouse.

- **Douglass High School Moot Court Team**

The OCBA Douglass High School Task Force will sponsor the moot court team members at the Law Day Luncheon where they will be recognized for their outstanding efforts this year.

- **Civic Speakers**

The OCBA Law Day Committee is providing lists of speakers at various civic clubs and other venues in Oklahoma County. These groups have been contacted in an attempt to provide legal speakers during the Law Day week.

For more information, visit www.okcbar.org.

- ★ **Pittsburg County Bar Association**

The Pittsburg County Bar Association began its celebration of Law Day with a dinner on March 31 at Pete's Place that featured a guest speaker. The association will participate in the Ask A Lawyer Program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30. The association will conclude its Law Day activities by participating in the annual golf outing at McAlester Country Club on May 1.

- ★ **Pushmataha County Bar Association**

The Pushmataha County Bar Association will participate in the Tri-County Law Day Banquet (along with Choctaw and McCurtain counties) the evening of May 2. Lt. Gov. Jari Askins will deliver the keynote address.

- ★ **Rogers County Bar Association**

The Rogers County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

- ★ **Seminole County Bar Association**

The Seminole County Bar Association's annual Law Day activities are scheduled for April 28. This year's festivities are especially important because Justice Rudolph Hargrave will be recognized for 60 years of active participation in the Oklahoma Bar Association. David L. Boren, president of the University of Oklahoma, is scheduled to appear at the luncheon to introduce Justice Hargrave.

- ★ **Sequoyah County Bar Association**

The Sequoyah County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6-8 p.m. on April 30.

- ★ **Stephens County Bar Association**

On May 1, the Stephens County Bar Association will sponsor its annual Law Day Luncheon. This year's event will be held at Duncan Golf and Country Club. The luncheon begins at 11:45 a.m. and features University of Oklahoma College of Law Dean Andrew M. Coats as the keynote speaker. During the luncheon, the James C. Benson and Liberty Bell awards will be presented to those individuals who have made outstanding contributions to their community. Following the luncheon, the Stephens County Bar Association will have its annual James Patterson Memorial Golf Tournament at The Territory.

- ★ **Tulsa County Bar Association**

- **Law Day Luncheon – May 1**

Award-winning author and Harvard professor of English and American literature John Stauffer is the Law Week Luncheon keynote speaker. In November 2008, professor Stauffer released the new tome *Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln*. The book has been praised for its most insightful portrait of either Lincoln or Douglass in years. The book tells the moving story of the two men who dominated 19th century American life – as allies across the racial divide, friends who drew common inspiration from hard scrabble beginnings and a love of language, and fellow travelers on the road of American self-making.

- **Naturalization Ceremony**

This year's Law Week festivities kicked off with the co-sponsoring of a naturalization ceremony where dozens of Oklahomans will become U.S. citizens and will for the first time in their lives begin to enjoy this nation's legacy of freedom and justice. The ceremony took place April 8 at the federal court building, District Court for the Northern District of Oklahoma. The festivities included the singing of our national anthem by Tulsa's own favorite singer Booker Gillespie of Doerner, Saunders, Daniel & Anderson LLP. TCBA Law Week Chair Marvin G. Lizama spoke on behalf of the TCBA concerning his own experiences with the naturalization process. Mr. Lizama was born in Honduras, Central America, and became a naturalized U.S. citizen in 1992.

- **The Community Law Fair**

This year's law week theme honors President Abraham Lincoln's legacy of liberty. This legacy includes the preservation of our nation by the promulgation of our shared beliefs for freedom and justice and a sense of community that unites us all. On April 25, the Law Week Committee will host a Community Law Fair at the Promenade Mall from 10 a.m.-2 p.m. TCBA sponsors the Law Fair to provide an opportunity for Tulsa-area charitable and legal services organizations to gather together in a public way to show and explain the diverse and strong efforts being made to provide such services.

- **Lawyers in the Library**

This event will be held on Monday, April 27 from 9 a.m.-4 p.m. at the Tulsa County Law Library. Volunteer lawyers are asked to sign up for a one- or two-hour time slot, but can assist for any length of time if they are not available for a full one-hour period. Consultations are 15 minute sessions offered on a walk-in basis. Volunteer attorneys do not assume pro bono obligations or representations of the counseled patrons.

- **Ask A Lawyer**

Our annual Ask A Lawyer call-in program will be held on Thursday, April 30 from 9 a.m.-9 p.m. at the Tulsa OETA studios.

Volunteers should expect to receive all kinds of legal (and a few non-legal) questions, but "cheat sheets" are provided, and you can always ask a fellow attorney for help if you get a question outside your area of expertise.

- **The Student Art/Poetry/Writing Contest**

Each year, the TCBA hosts student art/poetry/writing contests as part of our annual Law Week activities.

- **Free CLE**

A free CLE will be held as part of Law Week 2009 activities at the TCBA on May 8.

- **Mock Trial for Elementary School Children**

The TCBA's Law Week Committee will be coordinating the "Gold E. Locks v. The Bears" mock trial presentation for elementary school children during Law Week 2009.

- **Liberty Bell Award**

The Liberty Bell Award will be presented at the Law Week Luncheon on May 1. This award recognizes a non-lawyer individual or entity for outstanding service to the community in striving to provide access to justice for all. Contact Chair Judge Richard Woolery at (918) 227-4080 or richard.woolery@oscn.net for additional information about this award or to add nominations for future consideration.

- ★ **Washington County Bar Association**

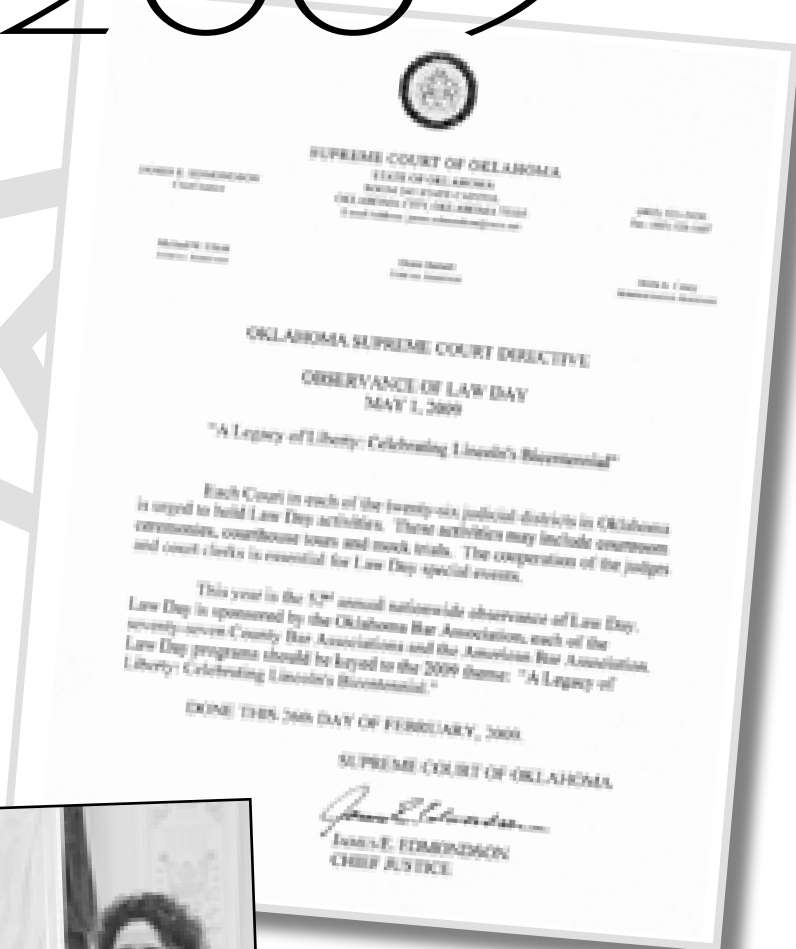
The Washington County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 6:30-8:30 p.m. on April 30. Additionally, we will be participating in "Lawyer for a Day" to allow the local high school seniors the opportunity to shadow an attorney or judge for a day or afternoon to experience what it is like to be a lawyer.

- ★ **Woodward County Bar Association**

The Woodward County Bar Association will participate in the Ask A Lawyer program in conjunction with the statewide campaign to answer legal questions by phone from 7-8 p.m. on April 30.

LAW DAY

2009



OBA President Jon Parsley and OBA Law Day Committee Chair Tina Izadi witness Chief Justice James Edmondson (seated) signing the directive.

STATE OF OKLAHOMA



EXECUTIVE DEPARTMENT

Proclamation

Whereas, the people of the State of Oklahoma are entitled to the highest quality of government and to the most efficient administration of its affairs;

Whereas, it is the duty of the Governor to see that the laws of the State are faithfully executed and that the public interest is promoted;

Whereas, on June 15, 2009, the people of the State of Oklahoma adopted a resolution to observe "Taco Day" as a day to celebrate the rich and diverse cultural heritage of the State;

Now, therefore, I, Brad Henry, Governor of the State of Oklahoma, do hereby proclaim Friday, May 1, 2009, as

"Taco Day"

in the State of Oklahoma;

and urge the citizens, businesses and institutions to observe this occasion in peace and strength, and to enjoy the rich and diverse cultural heritage of the State.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed.



I am at the Capitol, in the City of Oklahoma,
this 31st day of March, in the
Year of our Lord one thousand nine
hundred and twenty nine.

Brad Henry
Governor



THE LEGAL *Affair* 2009

The Legal Affair 2009

Saturday, April 25, 2009

Reception at 6:30 p.m. ❀ Dinner at 7:15 p.m.
Skirvin Hilton Hotel, Downtown Oklahoma City

Black tie preferred

❀ **Honoring** ❀

William Burkett

Justice Marian P. Opala Award
for Lifetime Achievement in Law

Cathy Christensen '86

Community Service Award

Richard Coulson '68

Distinguished Law Alumnus

Donna Suchy '99

Outstanding Young Alumna

Hall, Estill, Hardwick, Gable, Golden & Nelson
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June 11-13, 2009 • Tanglewood Resort – Lake Texoma

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

Registrant's Name: _____ OBA#: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____ E-Mail: _____

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

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

Circle One

Early-Bird Attorney Registration (**on or before May 28, 2009**) \$175

Late Attorney Registration (**May 29, 2009 or after**) \$225

Early-Bird Attorney & Spouse/Guest Registration (**on or before May 28, 2009**) \$275

Late Attorney & Spouse/Guest Registration (**May 29, 2009 or after**) \$325

Spouse/Guest Attendee Name: _____

Early-Bird Family Registration (**on or before May 28, 2009**) \$325

Late Family Registration (**May 29, 2009 or after**) \$375

Spouse/Guest/Family Attendee Names: **Please list ages of children.**

Spouse/Guest: _____ Family: _____ Age: _____

Family: _____ Age: _____ Family: _____ Age: _____

Materials on CD-ROM only Total: \$ _____

Thursday, June 11 • Golf With the BOG • 18 Hole Golf (_____ of entries @ \$60 ea.) Total: \$ _____

Friday, June 12 • Nine Hole Golf (_____ of entries @ \$40 ea.) Total: \$ _____

Total Enclosed: \$ _____

**Make check payable to the Oklahoma Bar Association. MAIL Meeting Registration Form to:
CLE REGISTRAR, P.O. Box 53036, Oklahoma City, OK 73152. FAX Meeting Registration Form to (405) 416-7092**

For payment using ☐ VISA ☐ Master Card ☐ Discover ☐ AmEx

CC: _____

Expiration Date: _____ Authorized Signature: _____

No discounts. Cancellations will be accepted at anytime on or before May 28, 2009 for a full refund; a \$50 fee will be charged for cancellations made on or **after May 29, 2009. No refunds after June 5, 2009.**

Call 1 (800) 833-6569 for hotel reservations. Ask for the special OBA rate.

HOTEL REGISTRATION FORM



Registrant's Name: _____ Phone: _____

Address: _____ City/State/Zip: _____

Spouse/Guest/Family Attendee Names: _____

Name Age, if under 21

Name Age, if under 21

Name Age, if under 21

HOTEL INFORMATION

~~~~~  
Arrival Day/Date: \_\_\_\_\_ Departure Day/Date: \_\_\_\_\_ No. of People: \_\_\_\_\_

**Please check room preference:** \_\_\_\_\_ Single Condo \$99 \_\_\_\_\_ New Hotel Room \$123

\_\_\_\_\_ Smoking Room \_\_\_\_\_ Non-Smoking Room Special Requests: \_\_\_\_\_

#### FRIDAY, JUNE 12, 2009

##### CHILDREN ACTIVITIES (3 yrs. & up)

9:30 am - 11:30 am: Age Appropriate Crafts

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

11:30 am - 1 pm: Story Time (lunch included)

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

1 pm - 3 pm: Supervised Swimming

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

7:30 pm - 10:30 pm: Movies & Popcorn

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

#### SATURDAY, JUNE 13, 2009

9:30 am - 11:30 am: Age appropriate games

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

11:30 am - 1 pm: Story Time (lunch included)

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

1 pm - 3 pm: Supervised Swimming

\_\_\_\_\_ No. \$13 each child \$ \_\_\_\_\_

**TOTAL for Children** \$ \_\_\_\_\_

*Private babysitting available for children*

*3 and under \$14 per hour, arrange at front desk.*

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Credit Card No. \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

Expiration Date: \_\_\_\_\_ HOTEL DEADLINE: MAY 28, 2009

#### SPOUSE/GUEST ACTIVITIES

##### FRIDAY, JUNE 12, 2009

9:30 am: Golf

**(call for tee time)**

\_\_\_\_\_ No. Golfers 9/\$40 \$ \_\_\_\_\_

\_\_\_\_\_ No. Golfers 18/\$60 \$ \_\_\_\_\_

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Cancellations of activities will be accepted 48 hours before arrival date.

**CANCELLATION  
PENALTY IF ROOM  
NOT CANCELLED  
BY 6 P.M.  
JUNE 8, 2009**

# OBA SOLO and SMALL FIRM CONFERENCE

JUNE 11-13, 2009 TANGLEWOOD RESORT LAKE TEXOMA

## DAY 1 • Friday June 12

**Come  
& Enjoy  
the Fun!**

|                                       |                                                                                                 |                                                                                                                        |                                                                                        |
|---------------------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 8:25 a.m.                             | <b>Welcome</b><br>Jon Parsley<br>OBA President                                                  |                                                                                                                        |                                                                                        |
| 8:30 a.m. – 9:20                      | <b>50 Tips in 50 Minutes</b><br>Ross Kodner,<br>Nerino Petro, Jim Calloway                      |                                                                                                                        |                                                                                        |
| 9:20 a.m.                             | <b>Break</b>                                                                                    |                                                                                                                        |                                                                                        |
| 9:30 a.m. – 10:20 a.m.                | <b>Practice Killers:<br/>Six Things That Can<br/>Kill Your Practice</b><br>Nerino Petro         | <b>The Paper LESS™ Office:<br/>Practicing Lean &amp; Green</b><br>Ross Kodner                                          | <b>Search &amp; Seizure<br/>Primer and Update</b><br>Jim Drummond                      |
| 10:20 a.m..                           | <b>Break</b>                                                                                    |                                                                                                                        |                                                                                        |
| 10:30 a.m. – 11:20 a.m.               | <b>Your Online Persona-<br/>What Does the Internet<br/>Think of You?</b><br>Jim Calloway        | <b>Military Law<br/>Developments Relating<br/>to Family Law</b><br>Bill LaSorsa                                        | <b>Using Speech<br/>Recognition &amp;<br/>Digital Dictation</b><br>Nerino Petro        |
| 11:20 a.m..                           | <b>Break</b>                                                                                    |                                                                                                                        |                                                                                        |
| 11:30 a.m. – noon<br>(30 min session) | <b>Don't Let Hard Times<br/>Drag You Down</b><br>Julie Rivers                                   | <b>Federal Estate<br/>Tax Update</b><br>Steven W. Novak, Daniel H. McCarthy                                            | <b>25 Handy<br/>Websites</b><br>Jim Calloway                                           |
| Noon                                  | <b>LUNCH BUFFET</b>                                                                             |                                                                                                                        |                                                                                        |
| 1:00 p.m. – 1:50 p.m..                | <b>Multitasking Gone Mad — Coping in a Wired, Demanding, Distracting World</b><br>Irwin D. Karp |                                                                                                                        |                                                                                        |
| 1:50 p.m.                             | <b>Break</b>                                                                                    |                                                                                                                        |                                                                                        |
| 2:00 p.m. – 3:00 p.m..                | <b>Overcoming<br/>Procrastination — How<br/>to Break the Habit</b><br>Irwin D. Karp             | <b>Tightwad Technology for<br/>Tough &amp; Trying Times:<br/>Better Word,<br/>Outlook &amp; Acrobat</b><br>Ross Kodner | <b>Top 10 Mistakes in<br/>Estate Planning</b><br>Steven W. Novak<br>Daniel H. McCarthy |



## DAY 2 • Saturday June 13 • Tanglewood Resort

|                                                                                          |                                                                                                                          |                                                                                              |                                                                                                            |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| 8:25 a.m.                                                                                | <b>Welcome</b> — John Morris Williams, OBA Executive Director                                                            |                                                                                              |                                                                                                            |
| 8:30 a.m. – 9:20 a.m.                                                                    | <b>Money and Ethics: Potential Pitfalls When Handling Client Funds</b><br>Gina Hendryx — Ethics                          |                                                                                              |                                                                                                            |
| 9:20 a.m..                                                                               | <b>Break</b>                                                                                                             |                                                                                              |                                                                                                            |
| 9:30 a.m. – 10:20 a.m.                                                                   | <b>Buying Law Office Technology 101: How to Buy Right and Spend Smart</b><br>Ross Kodner                                 | <b>Overcoming Procrastination — How to Break the Habit (REPEAT SESSION)</b><br>Irwin D. Karp | <b>Starting/Restarting a Law Practice Panel</b><br>Nerino Petro, Lou Ann Moudy, Chuck Chesnut, Mark Hixson |
| 10:20 a.m.                                                                               | <b>Break</b>                                                                                                             |                                                                                              |                                                                                                            |
| 10:30 a.m. – 11:20 a.m.                                                                  | <b>My “Paperless” Bankruptcy Practice</b><br>Elaine Dowling                                                              | <b>A Lawyer’s Guide to Understanding Medical Records</b><br>Martha Rupp Carter               | <b>Oklahoma Family Wealth Preservation Act</b><br>Ben Kirk Jr. — Moderator                                 |
| 11:30 a.m.                                                                               | <b>Lunch — No Speaker — Hotel Checkout</b>                                                                               |                                                                                              |                                                                                                            |
| 12:30 p.m. – 1:20 p.m.                                                                   | <b>New Child Support Guidelines: Déjà Vu All Over Again</b><br>Amy Wilson                                                | <b>Finding Sanity in the Practice of Law</b><br>Chuck Chesnut                                | <b>Negotiating with Insurance Companies in These Trying Times</b><br>Brad West                             |
| 1:20 p.m.                                                                                | <b>Break</b>                                                                                                             |                                                                                              |                                                                                                            |
| 1:30 p.m. – 2:20 p.m.                                                                    | <b>From Chaos to Cases: Case Management Systems are Practice Power Tools</b><br>Ross Kodner, Nerino Petro & Jim Calloway |                                                                                              | <b>50 Marketing Tips in 50 Minutes Panel</b><br>Mark Robertson – Moderator                                 |
| 2:20 p.m.                                                                                | <b>Break</b>                                                                                                             |                                                                                              |                                                                                                            |
| 2:30 p.m. – 3:30 p.m.                                                                    | <b>What’s Hot and What’s Not in Running Your Law Practice</b><br>Ross Kodner, Nerino Petro & Jim Calloway                |                                                                                              |                        |
|       |                                                                                                                          |                                                                                              |                                                                                                            |
| <b>Spend some vacation time with your family and still get all your CLE for the year</b> |                                                                                                                          |                                                                                              |                                                                                                            |

Law Offices of Kevin M. Zlock & Mindy J. Snyder, P.C.

**By: Mindy J. Snyder, Esquire**

Attorney I.D. No. 57764

1705 Langhorne-Newtown Road

Victorian Commons, Suite #6

Langhorne, PA 19047 (215) 968-1800

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IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA  
DOMESTIC RELATIONS DIVISION

ROEE TOLEDANO : NO. A06-08-62908-D-33

v. : IN DIVORCE

KATHERINE RAYNEE NITZEL : ATTORNEY I.D. #57764

---

**NOTICE BY PUBLICATION**

TO: Katherine Raynee Nitzel

This is a Complaint requesting divorce, alleging that the marriage is irretrievably broken and the parties have lived separate and apart. An Affidavit of these allegations, required by Section 3301(d) of the Divorce Code has been filed with the Prothonotary of Bucks County.

**NOTICE TO DEFEND AND CLAIM RIGHTS**

You have been sued in Court. If you wish to defend against these claims, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a Decree of Divorce or Annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

BUCKS COUNTY BAR ASSOCIATION  
135 East State Street  
Doylestown, Pennsylvania 18901  
(215) 348-9413 or (800) 273-2929

**COUNSELING NOTICE**

THE DIVORCE CODE OF PENNSYLVANIA REQUIRES THAT YOU BE NOTIFIED OF THE AVAILABILITY OF COUNSELING WHERE A DIVORCE IS SOUGHT UNDER ANY OF THE FOLLOWING GROUNDS:

- |                      |   |                                                                                                                                |
|----------------------|---|--------------------------------------------------------------------------------------------------------------------------------|
| Section 3301 (a) (6) | - | Indignities                                                                                                                    |
| Section 3301 (c)     | - | Irretrievable breakdown, Mutual Consent                                                                                        |
| Section 3301 (d)     | - | Irretrievable breakdown, Two year separation, where the Court determines that there is a reasonable prospect of reconciliation |

A list of certain professionals is available for inspection in the Branch Office of the Prothonotary in the Domestic Relations Section, 30 East Court Street, Doylestown, Pennsylvania 18901.

# LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM



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





# The Fair Debt Collection Practices Act: A Tenth Circuit Primer

By Laurie A. Lucas and Alvin C. Harrell

Thirty years ago, Congress enacted the federal Fair Debt Collection Practices Act (FDCPA or act) to regulate reported abuses in the consumer debt collection industry.<sup>1</sup> The act has two related goals: protecting consumers from unscrupulous debt collection practices while providing a level playing field for ethical debt collectors.<sup>2</sup> In 1986, the act was amended to specifically include lawyers collecting third-party debts.<sup>3</sup> In *Heintz v. Jenkins*, the United States Supreme Court held that the act applies to attorney litigation activities directed at debt collection.<sup>4</sup> This article is offered as a research tool for those subject to act's requirements,<sup>5</sup> focusing on the last 20 years of case law in the Tenth Circuit United States Court of Appeals. Other key issues under the act not yet addressed by the Tenth Circuit also are included, as well as a discussion of recent legislative amendments.

As reflected in these developments, the results of the FDCPA have been a mixed bag. Although FDCPA-related complaints to the Federal Trade Commission (FTC) and FDCPA litigation have increased in volume, the resulting movement toward a focus on technicalities in the act may indicate that many of the serious abuses originally targeted by the act have become rarer. The trend, however, toward more arcane analyses in resolving ordinary collection disputes puts at risk the ethical debt collector, more than the unscrupulous operator. Moreover, these problems with the FDCPA appear to be percolating just as the United States economy is imposing unprecedented burdens on the debt collection system with respect to issues that affect millions of consumers and the solvency of major private and public institutions.<sup>6</sup>

## FRAMEWORK FOR FDCPA ACTIONS

The FDCPA regulates third-party "debt collectors" by prohibiting conduct while attempting to collect a consumer "debt" that would harass or abuse,<sup>9</sup> deceive or mislead,<sup>10</sup> or be considered unfair or unconscionable<sup>11</sup> to the consumer. The act also requires that the debt collector make certain disclosures to the consumer regarding the debt and the verification procedures for the alleged debt.<sup>12</sup> Determining whether the act applies to any particular case thus requires answering two predicate questions: was the defendant a "debt collector" as defined by the act, and was the alleged "debt" for consumer purposes.

In addition, standing to sue under the FDCPA does not require a finding of actual damages,<sup>13</sup> since statutory damages also are allowed.<sup>14</sup> Most courts have found that a FDCPA plaintiff

is entitled to recover only a single \$1,000 statutory damage award and not \$1,000 per violation,<sup>15</sup> in addition to actual damages and attorney's fees. Obviously, the latter can be sizeable, representing a major litigation risk for the defendant. Equitable relief is not available to plaintiffs,<sup>16</sup> and the act has a one-year statute of limitations measured from the date the plaintiff last had notice of any FDCPA violations.<sup>17</sup> Although the Tenth Circuit has not yet ruled directly on the issue, most courts treat the FDCPA as a strict liability statute, allowing statutory damages and attorney's fees for technical violations, even in the absence of actual harm.<sup>18</sup>

Venue requirements under the act require the filing of actions in the "judicial district" where the real property is located if the action is against real property, or in other cases at the location of the consumer's residence at the time the action is filed, or where the contract was signed that created the alleged debt.<sup>19</sup> The act also allows the debt collector to assert a bona fide error defense, although the defense is narrow and has limited application.<sup>20</sup> In addition, the Tenth Circuit has held that "the FDCPA...is a remedial statute, [and as such] it should be construed liberally in favor of the consumer."<sup>21</sup> Moreover, the standard in most of the circuits and apparently in the Tenth Circuit for evaluating many of the alleged violations under the act is the "least-sophisticated consumer" standard,<sup>22</sup> a low threshold for a FDCPA plaintiff.

### FDCPA DEFINED TERMS

What constitutes a "debt" under the act has been the subject of much litigation. In *Ladick v. Van Germert*,<sup>23</sup> the Tenth Circuit, determining that condominium assessments are "debts" under the FDCPA, adopted a two-part inquiry used in the Seventh Circuit U.S. Court of Appeals for determining whether an obligation qualified as a debt.<sup>24</sup> Part one of the inquiry evaluates whether the "obligation" emerged from "a voluntary consumer transaction;" part two evaluates whether the voluntary consumer transaction was "primarily for personal, family, or household purposes," because not every voluntary transaction with a consumer will be primarily for those purposes.<sup>25</sup> This test casts a wide (but not unlimited) net.

Reflecting this, the law in the Tenth Circuit on this issue is varied. In *Beaton v. Reynolds, Ridings, Vogt and Morgan*,<sup>26</sup> the court found that the plaintiff, a self-employed public accountant

who had purchased accounting publications for business use, could not bring a FDCPA action against the law firm attempting to collect the debt because the debts were commercial in nature.<sup>27</sup> The court rejected the plaintiff's argument that because she was also a "consumer," her debts as a sole proprietor were covered by the act.<sup>28</sup> In addition, courts have consistently held that child support payments are not "debts" under the FDCPA.<sup>29</sup> In *Snow v. Riddle*,<sup>30</sup> the Tenth Circuit also held that an extension of credit is not required for an obligation to be a debt, and therefore a check constitutes a debt if it is otherwise for consumer purposes.<sup>31</sup> A recent case also found that attempts to secure replacement checks, after the original checks had been lost, was an attempt to collect a "debt" under the act.<sup>32</sup> Finally, a request for attorney's fees in an otherwise properly filed state eviction action did not qualify as a debt under the act.<sup>33</sup> Pursuing a judicial foreclosure action, however, does.<sup>34</sup>

To qualify as a "debt collector" under the act, the person or entity must have as its principal purpose the collection of consumer debts or must regularly collect or attempt to collect consumer debts.<sup>35</sup> As noted above, lawyers may qualify as "debt collectors" under the act. How courts make this determination varies, with some looking specifically at the volume of the collection work a firm handles,<sup>36</sup> while others focus on the percentage of debt collection work relative to the overall business of the firm,<sup>37</sup> and still others look at the relationship between the firm and the creditor.<sup>38</sup> Thus, there is little consistency on this issue.

The act also includes several exemptions to the definition.<sup>39</sup> Tenth Circuit precedent on the issue has dealt primarily with whether those exemptions are applicable. For example, a creditor attempting to collect a debt that it originated was not considered a debt collector because that activity is specifically exempted under the act.<sup>40</sup> Another case held that a student loan held by a guarantor was covered by the exemption for collections "incidental to a bona fide fiduciary obligation or a bona fide escrow arrangement,"<sup>41</sup> because the defendant was a holder of loans purchased under the Federal Family Education Loan program, making the holder a "fiduciary."<sup>42</sup> In *Scoles v. Spellings*,<sup>43</sup> the court held that the United States Secretary of Education was not a debt collector because the act exempts "any officer or employee of the United States or any State to the extent that collecting...any debt is in the performance of his official duties."<sup>44</sup>

The Financial Services Relief Act of 2006<sup>45</sup> (2006 amendments) added an exemption to the act's definition of "debt collector" for private entities operating bad check enforcement programs, if the private entity "is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision, and control of [same]."<sup>46</sup> The applicability of this exemption also depends on the type of checks being collected; the amendment excludes six categories.<sup>47</sup> Private entities collecting checks in a program exempted under the 2006 amendments are still required to include a validation notice in the initial communication with an "alleged offender," but that notice is not the same as that required for other debt collectors under FDCPA section 1692g.<sup>48</sup> The requirements for the exemptions under the 2006 amendments are technical and should be reviewed carefully by those relying on them. Likewise, the consumer's attorney should make sure that any debt collector claiming an exemption is qualified for the exemption, has complied with the appropriate disclosure provisions, and is collecting a debt that is excluded from the otherwise applicable FDCPA requirements. In *Del Camp v. Kennedy*,<sup>49</sup> for example, a bad check collection case initiated before the 2006 amendments were enacted, the Ninth Circuit U.S. Court of Appeals held that one of the nation's largest debt collection agencies involved in bad check diversion programs was not entitled to sovereign immunity in a California class action alleging, among other things, violations of the FDCPA.



## PROHIBITED ACTIONS

As noted above, under the FDCPA debt collectors must refrain from engaging in abusive collection practices. Care should be taken since actions that violate one of the act's prohibitions are likely to form the basis for alleging a violation of another. Thus it is common for complaints to allege multiple FDCPA violations, making it very difficult for the defendant to have confidence in the likelihood of prevailing on all issues. All it takes for the plaintiff to prevail, and recover statutory damages and attorney's fees, is to win the argument on one such issue.

Cases interpreting the prohibition against harassment or abuse are common. For example, a recent case held that it was not harassment when a debt collector made four phone calls attempting to collect a debt over a seven-day period.<sup>50</sup> Nor was it harassment or abuse when that same debt collector elected not to leave a telephone message when making those calls.<sup>51</sup> But the fact that this case went to trial (and resulted in a reported decision) reflects how far the FDCPA litigation has come from the more egregious behavior that was cited as indicating the need for the act. Even the common

use of automated calling devices by debt collectors has become an issue, since a debt collector who leaves a message may violate the act by indicating that the call is from a debt collector.<sup>52</sup> Of course, not indicating that the call is from a debt collector also may violate the act's requirement that the debt collector disclose in communications with the consumer that the debt collector is "attempting to collect a debt and that any information obtained will be used for that purpose."<sup>53</sup>

This disclosure requirement is frequently referred to as the act's "mini-Miranda" requirement; the disclosure is required in the "initial written [or initial oral] communication with the consumer."<sup>54</sup> The requirement was amended in 1996 to also require the disclosure in "subsequent communications" with the consumer.<sup>55</sup> In the 2006 amendments, however, the requirement was changed again, to exclude the disclosure requirement from "formal legal pleadings made in connection with a legal action."<sup>56</sup> In addition, the Tenth Circuit has held that the disclosure need not be included in verbal communications to a consumer's attorney "when the matters required to be disclosed would be clear to an attorney from the communication viewed in context."<sup>57</sup> Failure to include the required disclosure also violates the act's prohibition against making false or misleading representations.

Other common allegations involving the prohibition against false or misleading representations include misrepresentations as to the correct amount of the debt,<sup>58</sup> falsely representing that an attorney is involved in the collection process<sup>59</sup> and threatening to take an action that

is illegal or unintended.<sup>60</sup> One case on this issue found that filing a lawful foreclosure action was not a violation of the act: there was no false representation, because the debt collector intended to file and in fact had filed the action.<sup>61</sup> Again, it is instructive as regards the evolution of the FDCPA that this seemingly self-evident proposition had to be litigated all the way to the Tenth Circuit. Another case held that an attempt to collect a time-barred debt was not a false representation under the act, because the statute of limitations bars only judicial remedies related to the debt and the collection letter did not threaten litigation; the court distinguished cases that did threaten such litigation as possibly constituting a violation.<sup>62</sup>

A debt collector also may violate the act by actions that are considered unfair or unconscionable. For example, it is a violation to request a payment not otherwise “authorized by the agreement creating the debt or permitted by law.”<sup>63</sup> However, a request for attorney’s fees in a foreclosure action when a flat-fee arrangement had been made previously with the creditor was not considered an unfair practice, since the attorney’s fees were allowed under state law.<sup>64</sup> Also, the repossession of a consumer’s car with personal property inside, pursuant to an enforceable security interest, was not an unfair practice violation because the act’s prohibition against taking any property in which there is no “present right to possession” was held to be inapplicable to “the incidental taking of personal property within the car at the time it was repossessed.”<sup>65</sup> The vagueness of the act’s terminology, together with its strict liability attributes, means that such cases can go either way, providing an incentive to attack customary and ordinary practices along with the abuses targeted by the act.

## REQUIRED DISCLOSURES

One of the most litigated sections of the act is the validation of debts section.<sup>66</sup> In its initial communication with the consumer or within five days thereafter, the debt collector must inform the consumer of the following: how much the consumer owes; who the creditor is that claims the debt; how the consumer may

“A consumer also may elect to send the debt collector a cease-and-desist letter under section 1692c(c), which is different from a validation request.”

dispute the validity of the debt; that the consumer may make a written request requiring the debt collector to furnish proof, or verification, that the consumer owes the debt; and that the consumer may make a written request for the name and address of the creditor that originated the debt if the current creditor is not the same.<sup>67</sup>

The consumer’s request for verification of the debt must be in writing in order

to be effective.<sup>68</sup> The creditor’s validation notice also must be *effectively* conveyed to the consumer and not merely included in the body of a collection letter or other initial communication. Validation notices that are contradicted or overshadowed by other information in a collection letter may violate the act.<sup>69</sup> If the initial notice is in compliance, however, subsequent communications that may overshadow the validation notice do not necessarily constitute a violation.<sup>70</sup>

The FDCPA requires the debt collector to cease communication with the consumer upon receiving the debtor’s written request for verification, until the validation is provided.<sup>71</sup> The 2006 amendments clarify though that (absent a validation request) the 30-day period in which to request validation is not a grace period for the debtor, and “collection activities and communications that do not otherwise violate” the act may continue during the 30-day period so long as those activities do not “overshadow” or create “inconsistencies” with the consumer’s validation rights.<sup>72</sup> As noted, the 2006 amendments also expressly exclude “formal pleading[s] in a civil action” from the definition of “initial communication,” negating the need to include the validation disclosures in such pleadings.<sup>73</sup> Three United States Courts of Appeals have held that it is not a violation for the debt collector to elect not to verify the debt after receiving a consumer’s written verification request, if the debt collector instead stops all collection attempts.<sup>74</sup>

A consumer also may elect to send the debt collector a cease-and-desist letter under section 1692c(c), which is different from a validation request.<sup>75</sup> One court held that a letter from the consumer requesting the debt collector to



cease-and-desist collection efforts on “all accounts” did not extend the act’s prohibition against continuing contact with a consumer as to future debts, as section 1692c(c) only covers the consumer’s current debts and not debts subsequently assigned to the debt collector.<sup>76</sup> Similarly, continued contact with the consumer after having knowledge that the consumer was represented by counsel could violate the act, but there is no violation if the contact was made with respect to debts that were assigned later, even with knowledge of the representation regarding past debts.<sup>77</sup>

## OTHER CURRENT ISSUES

There are several other current issues that merit discussion. One concerns the application of the *Rooker-Feldman*<sup>78</sup> doctrine to FDCPA actions. A trend that had been emerging under FDCPA case law was to assert a defense that a plaintiff’s FDCPA action was barred by the doctrine if the FDCPA action was based on a state court judgment, because the doctrine does not permit federal court review of a state court’s judgment.<sup>79</sup> The United States Supreme Court recently narrowed the scope of this doctrine,<sup>80</sup> however, arguably negating many of the benefits to defendants asserting it in this context.

For example, in *Carvana v. MFG Financial Inc.*,<sup>81</sup> the district court found that the *Rooker-Feldman* doctrine did not apply to a FDCPA action alleging improper venue in a related state court collection action because the state court action was not final.<sup>82</sup> The *Carvana* court also noted that the holding would be the same even if the state court judgment was final because the FDCPA violation “did not arise from the state court judgment, but instead arose from the practices Defendants employed in collecting the underlying debt....and issues no invitation to this court to overturn prior state court judgments.”<sup>83</sup> Similarly, in *McCammon v. Bibler, Newman & Reynolds, P.A.*,<sup>84</sup> the court stated that the *Rooker-Feldman* doctrine does not bar a FDCPA action based on illegal collection practices that were independent of the state court judgment.<sup>85</sup> In sum, the *Rooker-Feldman* doctrine remains a viable affirmative defense to a FDCPA claim if the FDCPA claim is based on or “inextricably intertwined” with a final state court judgment,<sup>86</sup> but likely will fail if the FDCPA claim is based on actions by the debt collector that were independent of the state court judgment.

Another current issue concerns the act’s bona fide error defense.<sup>87</sup> The Tenth Circuit has held that in order to prevail under this affirmative defense, the debt collector must prove that the alleged violation of the act was “1) unintentional, 2) a bona fide error, and 3) made despite the maintenance of procedures reasonably adapted to avoid the error.”<sup>88</sup> The court held that the “intent prong” of the defense requires proving only “that the violation was unintentional, not that the underlying act itself was unintentional.”<sup>89</sup> The defense, therefore, “covers mistakes of law,”<sup>90</sup> but only if the mistake was reasonable, an inquiry which “will often turn on the debt collector’s due diligence practices.”<sup>91</sup> The Tenth Circuit noted that most bona fide error defenses assert clerical mistakes and not mistakes of law, but concluded that the inquiry can be adapted to evaluate legal mistakes.<sup>92</sup> The key is whether the debt collector “himself...[has] employed procedures to avoid committing an error, and those procedures must have been reasonably adapted to avoiding the core *legal* error that occurred.”<sup>93</sup> The Tenth Circuit ruling adds to a split in the United States Courts of Appeals on this issue.<sup>94</sup>

Finally, another split in the circuits has emerged over whether the individual owners of a limited liability corporation engaged in debt collection can be treated as debt collectors under the act without piercing the corporate veil. In *Brumelow v. the Law Offices of Bennett and Deloney, P.C.*,<sup>95</sup> the court confronted the issue when a plaintiff filed a class action against the law firm collecting the debt, and also the principal shareholders in the firm individually, for attempting to collect amounts for a bad check not authorized under Utah law.<sup>96</sup> The court noted the split in the circuits on this issue,<sup>97</sup> but also noted that another district court in Utah had found personal liability against a sole shareholder of a firm without requiring the plaintiff to pierce the corporate veil.<sup>98</sup> The court noted, “There is no doubt that in a generic sense a person who authors collection letters, supervises collection activities, and is the sole attorney in a debt collection firm is a ‘debt collector’ as defined by the [plain language] of the FDCPA.”<sup>99</sup> The court acknowledged that the effect of this position could be to “abrogate the protections of the corporate form for individuals engaged in debt collection through a corporation[.]”<sup>100</sup> After lamenting the lack of guidance on this issue in the Tenth Circuit,<sup>101</sup> the *Brumelow* court distinguished and rejected the Seventh

Circuit's position<sup>102</sup> and held that the act's "broad language"<sup>103</sup> requires a holding that piercing the corporate veil is not required if there is sufficient personal involvement in the debt collection activities of the firm.<sup>104</sup>

## CONCLUSION

Several basic points are apparent from this review of the FDCPA case law in the Tenth Circuit. Courts, in the common law tradition, often have attempted to ameliorate the "rough edges" of the act by the use of common sense and traditional legal reasoning. But the FDCPA is not a traditional statute. The act combines vague terminology, technical requirements, statutory damages, attorney's fees and (in most circuits) a low threshold for demonstrating consumer confusion (the least-sophisticated consumer standard). This is a potent combination for generating litigation over ordinary business practices. As a result, a great deal of FDCPA litigation does not involve the more egregious violations originally targeted by the act.

It is hard to avoid the conclusion that the FDCPA has gone awry. The courts' efforts to navigate a middle ground often devolve into arcane legal analyses that bear little resemblance to the act's intended purposes. At a time when the nation is already facing a debt crisis, this creates damaging and unnecessary costs and uncertainties for the financial markets, consumers, and the legal profession. It is time for Congress, the courts, regulators and the legal profession to face up to the problems that have been created in the name of "fair" debt collection.

1. Federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p (as amended 2006).

2. 15 U.S.C. § 1692(e).

3. See Alvin C. Harrell & Laurie A. Lucas, "Attorneys and the Fair Debt Collection Practices Act," 60 OKLA. B.J. 2597 (1989). Debt collectors also may be vicariously liable for the acts of their attorneys in the debt collection process. See *Ditty v. Checkrite*, 973 F.Supp. 1320, 1335 (D. Utah 1997).

4. 514 U.S. 291 (1995). This is the only United States Supreme Court opinion on the FDCPA.

5. For more background on the evolution of the FDCPA, see Bruce N. Menkes & Anna-Katrina S. Christakis, "The FDCPA Takes a New Direction: Federal Review of State Court Litigation Practices," 63 Bus. Law. 717 (2008) (examining the relation between state and federal debt collection laws and also the bona fide error defense under the act); Elwin Griffith, "The Challenge of Communicating with the Consumer and Validating the Debt Under the Fair Debt Collection Practices

Act," 55 KAN. L. REV. 61 (2006) (providing a case review and discussion of the complexities of complying with the FDCPA); Alvin C. Harrell, "Twenty More Ways to Avoid Liability under the Federal Fair Debt Collection Practices Act," 52 CONSUMER FIN. L. Q. REP. 71 (1998) (discussing violations under the act and how to avoid them); Alvin C. Harrell, "Twenty Ways to Avoid Liability Under the Federal Fair Debt Collection Practices Act," 50 CONSUMER FIN. L. Q. REP. 109, 110, 85 (1996) (same).

6. See, e.g., Donald C. Lampe, Fred H. Miller & Alvin C. Harrell, "Introduction to the 2008 Annual Survey of Consumer Financial Services Law," 63 BUS. LAW. 561; Alvin C. Harrell, Commentary: "The Subprime Lending Crisis — the Perfect Credit Storm?," 61 CONSUMER FIN. L.Q. REP. 626 (2007).

7. See 15 U.S.C. § 1692a(6) (defining "debt collector" as "any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another."). When this article uses the term "debt collector" it means a third-party debt collector, as defined by the FDCPA, and not the original creditor collecting its own debt. But see 15 U.S.C. § 1692a(6) ("[T]he term [debt collector also] includes any creditor who, in the process of collecting his own debts, uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts.") (emphasis added).

8. 15 U.S.C. § 1692a(5) ("The term 'debt' means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family or household purposes, whether or not such obligation has been reduced to judgment.")

9. See 15 U.S.C. § 1692d(1)-(6) (listing six violations considered to constitute harassment or abuse under the act, and also noting that the list is not exhaustive).

10. See 15 U.S.C. § 1692e(1)-(16) (listing 16 violations considered false or misleading under act, and also noting that the list is not exhaustive).

11. See 15 U.S.C. § 1692f(1)-(8) (listing eight types of conduct considered a violation of this section, and also noting that the list is not exhaustive).

12. See 15 U.S.C. § 1692g(a)(1)-(5).

13. See *Robey v. Shapiro, Marianos & Cejda, L.L.C.*, 434 F.3d 1208 (10th Cir. 2006) (holding same). An interesting bankruptcy issue was recently addressed by the Tenth Circuit: who has standing to bring an FDCPA action — the debtor or the bankruptcy trustee? See *Smith v. Rockett*, 522 F.3d 1080 (10th Cir. 2008) (reversing and remanding the district court's holding that FDCPA claims filed after a bankruptcy action belong to the bankruptcy trustee and not the debtor, because the Chapter 13 debtor, unlike a Chapter 7 debtor, retains ownership of his or her property and therefore also has ownership (standing to sue) of the FDCPA claim). One court held that the spouse of a deceased consumer had standing to sue because allegations of violations made by

the debt collectors against her personally were included in the complaint. *Burdett v. Harrah's Kansas Casino Corp.*, 260 F.Supp. 2d 1109 (D. Kan. 2003). But see *McDaniel v. South Assocs., P.C.*, 325 F.Supp. 2d 1210 (D. Kan. 2004) (the plaintiff was never an obligor on the note that was the subject of the claim, so a FDCPA action was not available since the plaintiff not a "consumer" under the act). The act defines "consumer" as "any natural person obligated or allegedly obligated to pay any debt." 15 U.S.C. § 1692A(3). See also *Bitah v. Global Collection Servs.*, 968 F.Supp. 618, 621 (D. N.M. 1997) (consumers include "not only the actual debtors, but their spouses, parents (minors), guardians, executors, and administrators.") (citations omitted).

14. 15 U.S.C. §§ 1692k(a)(1)-(2)(A) (allowing actual and statutory damages up to \$1,000 and also damages for class actions set at "the lesser of \$500,000 or 1 per centum of the net worth of the debt collector."). See also *Harris v. Anderson, Crenshaw & Assocs., LLC*, No. 07-CV-01328, 2008 U.S. Dist. LEXIS 30145, \*10-12 (D. Colo. Apr. 14, 2008) (offer to settle claim for \$1001, which was rejected, did not moot the action as the plaintiff also alleged actual damages, so the defendant's offer "was not an offer of complete relief.") (citations omitted).



15. See e.g., *Wright v. Fin. Servs. Inc.*, 22 F. 3d 647 (6th Cir. 1994); *Harper v. Better Bus. Servs. Inc.*, 961 F.2d 1561 (11th Cir. 1992). The Tenth Circuit has not specifically ruled on this issue, although a recent holding noted that the act “permits the recovery of statutory damages up to \$1,000” implying that it would rule in accord with the other circuits. *Robey v. Shapiro, Marianos & Cejda, L.L.C.*, 434 F.3d 1208, 1212 (10th Cir. 2006) (emphasis added). See also *Wayne v. U.S. Dep’t of Educ.*, 915 F.Supp. 1143, 1145 (D. Kan. 1996) (“[P]laintiff’s damages under the FDCPA are limited to actual damages...plus statutory damages not exceeding \$1,000.”) (emphasis added).
16. *Zsamba v. Cmty. Bank*, 56 F.Supp. 2d 1207 (D. Kan. 1999) (the court denied an injunction to stop the sale of “Spy Guy,” a horse offered as collateral on a farm debt). See also *Ditty v. Checkrite, Ltd.*, 973 F.Supp. 1320 (D. Utah 1997) (equitable relief not available).
17. 15 U.S.C. § 1692k(d). See *Johnson v. Riddle*, 305 F.3d 1107, 1114 (10th Cir. 2002) (“a suit filed on the one-year anniversary of accrual of the claim is filed “within” one year[.]” This opinion also includes discussion of the federal procedural requirements.); *Billsie v. Brooksbank*, 525 F.Supp. 2d 1290, 1294 (D. N.M. 2007) (“[C]ourts measure from the date the plaintiff gained notice of the last alleged violation.”); *Campos v. Brooksbank*, 120 F.Supp. 2d 1271 (D. N.M. 2000) (the statute of limitations did not bar an action brought for violations made during the course of litigation because the violations were within the one-year limit, even though the FDCPA litigation was initiated outside the statutory time limit). See also *Mitchell v. Surety Acceptance Corp.*, 838 F.Supp. 497 (D. Colo. 1993) (amended pleading stating a claim that arose from conduct that was the subject of an original complaint was not barred by act’s statute of limitations).
18. 15 U.S.C. § 1692k(a). See also *Billsie v. Brooksbank*, 525 F.Supp. 2d 1290, 1293 (D.N.M. 2007) (“[C]ourts generally treat the FDCPA as a strict liability statute.”) (citations omitted).
19. 15 U.S.C. § 1692i. See *Martinez v. Albuquerque Collection Servs. Inc.*, 867 F.Supp. 1495 (D. N.M. 1994) (proper venue is debtor’s place of residence if contract creating the debt was oral; debt collector vicariously liable for its attorney’s improper venue selection).
20. See 15 U.S.C. § 1692k(c) (“A debt collector may not be held liable...if debt collector shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.”).
21. *Johnson v. Riddle*, 305 F.3d 1107, 1117 (10th Cir. 2002) (citations omitted).
22. The Tenth Circuit has not ruled directly on this issue in a published opinion; however, the district courts have applied the least-sophisticated consumer standard. See *Ferree v. Marianas*, No. 97-6061, 1997 U.S. App. LEXIS 30361 (10th Cir. Nov. 3, 1997); *Billsie v. Brooksbank*, 525 F.Supp. 2d 1290 (D. N.M. 2007); *Kvassay v. Hasty*, 236 F.Supp. 2d 1240 (D. Kan. 2002); *Shorty v. Capital One Bank*, 90 F.Supp. 2d 1330 (D. N.M. 2000); *O’Conner v. Check Rite, LTD.*, 973 F.Supp. 1010 (D. Colo. 1997); *Martinez v. Albuquerque Collection Servs. Inc.*, 867 F.Supp. 1495 (D. N.M. 1994). See also *Johnson v. Statewide Collection*, 778 P.2d 93 (Wyo. 1989) (applying the least-sophisticated consumer standard in a state court proceeding).
23. 146 F.3d 1205 (10th Cir. 1998), cert. denied, 525 U.S. 1002 (1998).
24. *Id.* at 1206-07 (citing *Newman v. Boehm, Pearlstein & Bright, Ltd.*, 119 F.3d 477 (7th Cir. 1997)). There may be limited precedential value to this holding, as the Tenth Circuit has not had the occasion to use the framework in any subsequent ruling, but it provides a useful heuristic for evaluating whether a debt may be subject to the act.
25. See, e.g., *Berman v. GC Servs. Ltd. P’ship*, 146 F.3d 482, 486 (7th Cir. 1998) (finding that while a debt for unemployment insurance arose from a voluntary consumer transaction, it was not a debt under the FDCPA).
26. 986 F.Supp. 1360 (W.D. Okla. 1998).
27. *Id.* at 1362.
28. *Id.* See also *Zsamba v. Cmty Bank*, 63 F.Supp. 2d 1294 (D. Kan. 1999) (loan was primarily used to purchase a farm truck and other business expenses, and therefore was not a consumer debt under the act).
29. See *Brown v. Child Support Advocates*, 878 F.Supp. 1451 (D. Utah 1994).
30. 143 F.3d 1350 (10th Cir. 1998).
31. This holding is in accord with most of the federal circuits. See, e.g., *Duffy v. Landberg*, 133 F.3d 1120 (8th Cir. 1998), cert. denied, 525 U.S. 821 (1998) (dishonored checks are “debts” under the act — an extension of credit is not required); *Bass v. Stolper, Koritzinsky, Brewster & Neider, S.C.*, 111 F.3d 1322 (7th Cir. 1997); *Ryan v. Wexler*, 113 F.3d 91 (7th Cir. 1997), cert. denied, 522 U.S. 914 (1997); *Charles v. Lundgren & Assoc.*, 119 F.3d 739 (9th Cir. 1997), cert. denied, 522 U.S. 1028 (1997); *Brown v. Budget Rent-A-Car Sys., Inc.*, 119 F. 3d 922 (11th Cir. 1997). Under the UCC, a check creates an obligation to pay (and therefore a “debt”), even if not issued in a credit transaction. See UCC § 3-414.
32. *Kvassay v. Hasty*, 236 F.Supp. 2d 1240 (D. Kan. 2002).
33. 278 F.Supp. 2d 1202 (D. Colo. 2003) (a legal action to evict a tenant is not a transaction for a consumer purpose and therefore is not a “debt” under the act).
34. *McDaniel v. South & Assocs., P.C.*, 325 F.Supp. 2d 1210 (D. Kan. 2004) (citing *Heintz v. Jenkins*, 514 U.S. 291 (1995)) (court rejected argument that action was an enforcement of interest in property through a deed of trust and not debt collection because a state court foreclosure action had been filed).
35. See *supra* note 7.
36. See *Cacace v. Lucas*, 775 F.Supp. 502 (D. Conn. 1990) (attorney was a debt collector because the volume of debt collection cases was high).
37. See *Von Schmidt v. Kratter*, 9 F.Supp. 2d 100 (D. Conn. 1997) (court considered percentage of debt collection work by the attorneys).
38. See *Stojanovski v. Strobl & Manoogian*, 783 F.Supp. 318 (E.D. Mich. 1992) (the on-going relationship between the law firm and the creditor indicated that debt collection was “regular”).
39. 15 U.S.C. § 1692a(6)A-F. The 2006 amendments also expanded the exemptions in another section. See 15 U.S.C. § 1692p (exemption for bad check enforcement programs). See also *infra* notes 45-49 and accompanying text.
40. *Zsamba v. Cmty Bank*, 63 F. Supp. 2d 1294 (D. Kan. 1999) (Act’s § 1692a(6)F(ii) exemption applied because the bank was attempting to collect a debt it had originated). See also *Smith v. Argent Mortgage Co., L.L.C.*, 447 F.Supp. 2d 1194, 1199-1200 (D. Colo. 2006).
41. 15 U.S.C. § 1692a(6)F(i).
42. *Davis v. United Student Aid Funds Inc.*, 45 F.Supp. 2d 1104 (D. Kan. 1998).
43. 2008 U.S. Dist. LEXIS 28545 (W.D. Okla. Apr. 8, 2008).
44. *Id.* at \*6 (citing 15 U.S.C. § 1692a(6)(C)).
45. Pub. L. No. 109-351, 120 Stat. 2006 (codified at 15 U.S.C. § 1692p).
46. 15 U.S.C. § 1692p(a)(B).
47. 15 U.S.C. § 1692p(b)(1)-(6).
48. 15 U.S.C. § 1692p(a)(2)(C).
49. 517 F.3d 1070 (9th Cir. 2008). See also *Rosario v. Am. Corrective Counseling Servs., Inc.*, 506 F.3d 1039 (11th Cir. 2007) (denying sovereign immunity to debt collector in similar case).
50. *Udell v. Kansas Counselors Inc.*, 313 F.Supp. 2d 1135 (D. Kan. 2004). See 15 U.S.C. § 1692d(5) (prohibits certain telephone activity).
51. *Udell*, 313 F. Supp. at 1143-44. See 15 U.S.C. § 1692d(6) (requires “meaningful disclosure of caller’s identity”).
52. See 15 U.S.C. § 1692c(b) (restrictions on communications with third parties about collection activities).
53. See 15 U.S.C. § 1692e(11). See *Foti v. NCO Fin.*, 424 F.Supp. 2d 643 (S.D. N.Y. 2006) (caller’s message requesting call back about “business matter” violated the act); *Hosseinzadeh v. M.R.S. Assocs, Inc.*, 387 F. Supp. 2d 1104 (D. Cal. 2006) (caller’s message requesting a call back about “important information” violated the act). Cf. *Biggs v. Credit Collections*, No. CIV-07-0053-F, 2007 U.S. Dist. LEXIS 84793, at \*9 and \*12-13 (W.D. Okla. Nov. 15, 2007) (no violation when the consumer called the debt collector and the debt collector failed to make the disclosure) (unpublished opinion).
54. 15 U.S.C. § 1692e(11).
55. Consumer Credit Protection Act, Pub. L. No. 104-208, 110 Stat. 3009 (prior to the 2006 amendments).
56. Financial Services Relief Act of 2006, Pub. L. No. 109-351, 120 Stat. 2006.
57. *Dikeman v. Nat’l Educators Inc.*, 81 F. 3d 949, 951 (10th Cir. 1996), cited with approval in, *Evory v. RJM Acquisitions Funding, L.L.C.*, 505 F.3d 769, 774 (7th Cir. 2007) (“[T]he “unsophisticated consumer” [the standard used in the Seventh and the Eighth Circuits] standpoint is inappropriate for judging communications with lawyers...[.]”). See also, *Guerrero v. RJM Acquisitions, L.L.C.*, 499 F.3d 926 (9th Cir. 2007) (same) (Fletcher, J., dissenting). But cf. *Sayyed v. Wolpoff & Abramson*, 485 F.3d 226 (4th Cir.) (The act applies to communications with a consumer’s lawyer).
58. 15 U.S.C. § 1692e(2)(A). See, e.g., *Ditty v. Checkrite*, 973 F.Supp. 1320, 1329 (statement in a letter requesting amounts in exchange for “Legal Consideration for Covenant Not to Sue” would mislead the least-sophisticated consumer). Cf. *O’Connor v. Check Rite, LTD.*, 973 F. Supp. 1010, 1016 (D. Colo. 1997) (offer to settle made in a letter would not deceive the least-sophisticated consumer that a legal action had been filed).
59. 15 U.S.C. § 1692e(3). See *Bitah v. Global Collection Servs. Inc.*, 968 F.Supp. 618 (D. N.M. 1997) (attorney who sends out collection letters on his or her letterhead without any meaningful involvement violates the act).
60. 15 U.S.C. § 1692e(5). See, e.g., *O’Connor v. Check Rite, LTD.*, 973 F.Supp. 1010, 1017-18 (D. Colo. 1997) (letter sent by an attorney not licensed in the state where the consumer resided was not threatening an action that could not be taken); *Russey v. Rankin*, 911 F.Supp. 1449

(D. N.M. 1995) (debt collector filing litigation in its own name on debts taken in a contingency fee arrangement violated New Mexico law and therefore the FDCPA); *Kolker v. Duke City Collection Agency*, 750 F.Supp. 468 (D. N.M. 1990) (same).

61. *Cook v. Chase Manhattan Mortgage Co.*, 509 F.Supp. 2d 986 (D. Utah 2007), *aff'd*, *Cook v. Chase Manhattan Mortgage Co.*, No. 07-4089, 2007 U.S. App. LEXIS 27575 (10th Cir. Nov. 29, 2007) (unpublished opinion).

62. *Shorty v. Capital One Bank*, 90 F.Supp. 2d 1330 (D. N.M. 2000).

63. 15 U.S.C. § 1692f(1). See *Ditty v. Checkrite*, 973 F.Supp. 1320, 1328 (D. Utah 1997) (letter requesting payment of debt and additional amounts in exchange for a "Covenant not to Sue" violated Utah law and therefore the FDCPA). This may also violate 15 U.S.C. § 1692e(2)(A). See *supra* note 59 and accompanying text.

64. *Robey v. Shapiro, Marianos & Cejda, L.L.C.*, 434 F.3d 1208 (10th Cir. 2006).

65. *Larranaga v. Mile High Collection & Recovery Bureau Inc.*, 807 F.Supp. 111, 112-13 (D. N.M. 1992). See 15 U.S.C. § 1692f(6)(A).

66. See Jerry D. Brown, "Painting a Mustache on the Mona Lisa — How Tinkering with the Validation Notice Will Get You Every Time," 53 CONSUMER FIN. L.Q. REP. 42 (1999) (analyzing such cases).

67. 15 U.S.C. §§ 1692g(A)(1)-(5).

68. *Smith v. Argent Mortgage Co., L.L.C.*, 447 F.Supp. 2d (D. Colo. 2006) (citing to the plain language of the act, 15 U.S.C. § 1692g(b)); *O'Connor v. Check Rite, LTD.*, 973 F.Supp. 1010 (D. Colo. 1997) (continued collection efforts after a verbal request for verification are not a violation).

69. See *O'Connor*, 973 F.Supp. at 1015 (letter with validation notice on the reverse side but with a clear reference to the notice on the front of the letter was not a violation).

70. *Ditty v. Checkrite, LTD.*, 973 F.Supp. 1320 (D. Utah 1997).

71. *McDaniel v. South & Assocs., P.C.*, 325 F.Supp. 2d 1210 (D. Kan. 2004) (failure to cease collection activity violated the grace period after request for validation made). But cf. *infra* note 73 and accompanying text (30-day period is not a grace period).

72. 15 U.S.C. § 1692g(b) (as amended).

73. 15 U.S.C. § 1692g(d). See *supra* note 57 and accompanying text.

74. See *Wilhelm v. Credico Inc.*, 519 F.3d 416 (8th Cir. 2008); *Jang v. A.M. Miller & Assocs.*, 122 F.3d 380 (7th Cir. 1997); *Smith v. Transworld Sys. Inc.*, 953 F.2d 1025 (6th Cir. 1992).

75. See 15 U.S.C. § 1692c(c) (ceasing communication section).

76. *Udell v. Kansas Counselors Inc.*, 313 F.Supp. 2d 1135 (D. Kan. 2004) (the court relied on the plain language in the FDCPA and FTC informal staff opinions and the argument that "all accounts" did not necessarily indicate that future debts were included in the cease and desist request).

77. *Id.* at 144 (citations omitted).

78. See *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 483 (1983). See generally Eugene J. Kelley Jr., John L. Ropiequet & E. Jason Tremblay, "The Rooker — Feldman Doctrine: An Analysis of Its Application in Today's Legal Environment," 61 CONSUMER FIN. L.Q. REP. 559 (2007).

79. See Bruce N. Menkes & Anna-Katrina S. Christakis, "Federal and State Fair Debt Collection Practices Law Developments," 62 BUS. LAW. 723, 725-27 (2007) (discussing the strategic value of the *Rooker-Feldman* doctrine to debt collectors).

80. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 284 (2005) ("The *Rooker-Feldman* doctrine...is confined to...cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.").

81. 547 F.Supp.2d 1219 (D. Utah 2008), *vacated, in part, on other grounds, Caravan v. MFG Fin. Inc.*, No. 2:07-CV-00128, 2008 U.S. Dist. LEXIS 46993 (D. Utah, June 17, 2008).

82. *Id.* at 1224 (citing *Guttman v. Khalsa*, 446 F.3d 1027 (10th Cir. 2006)).

83. *Id.*

84. 493 F.Supp. 2d 1166 (D. Kan. 2007). See also, *McCammon v. Bibler, Newman & Reynolds, P.A.*, 515 F.Supp. 2d 1220, 1230 (D. Kan. 2007).

85. *McCammon*, 493 F. Supp. 2d at 1170.

86. See *Johnson v. Riddle*, 305 F.3d 1107, 1116 (10th Cir. 2002) ("*Rooker-Feldman* does not apply to non-parties" and therefore would not cover "state court default judgments.").

87. See *supra* note 20.

88. *Johnson v. Riddle*, 443 F.3d 72, 727-28 (10th Cir. 2006). See also *McDaniel v. South & Assocs., P.C.*, 325 F.Supp. 2d 1210 (D. Kan. 2004) (whether the bona fide error defense is available is a fact question for a jury).

89. *Johnson*, 443 F.3d at 728; *Caputo v. Prof'l Recovery Servs. Inc.*, 261 F.Supp. 2d 1249 (D. Kan. 2003) (same).

90. *Johnson*, 443 F.3d at 728 (citations omitted).

91. *Id.* at 729.

92. *Id.*

93. *Id.* at 730. See also *McDaniel v. South & Assoc., P.C.*, 325 F.Supp. 2d 1210, 1219 (D. Kan. 2004) (whether debt collectors entitled to a defense in a case of clerical error is a fact question for a jury).

94. The Second, Eighth and Ninth Circuit Courts of Appeals have held that mistakes of law are not covered by the bona fide error defense. See *Pipiles v. Credit Bureau of Lockport Inc.*, 886 F.2d 22 (2d Cir. 1989); *Picht v. Jon R. Hawks, Ltd.*, 236 F.3d 445 (8th Cir. 2001); *Baker v. G.C. Servs. Corp.*, 677 F.2d 775 (9th Cir. 1982). The Seventh Circuit has ruled in accord with the Tenth. See *Nielsen v. Dickerson*, 307 F.3d 623 (7th Cir. 2002).

95. 372 F. Supp. 2d 615 (D. Utah 2005).

96. *Id.* at 616.

97. *Id.* at 618 (citing *White v. Goodman*, 200 F.3d 1016 (7th Cir. 2000) (piercing the corporate veil required before there can be personal liability)); *Pettit v. Retrieval Masters Creditors Bureau Inc.*, 211 F.3d 1057 (7th Cir. 2000) (same).

98. *Id.* See *Ditty v. Checkrite, Ltd. Inc.*, 973 F.Supp. 1320 (D. Utah 1997).

99. *Brumbelow*, 372 F. Supp. at 618.

100. *Id.* at 619.

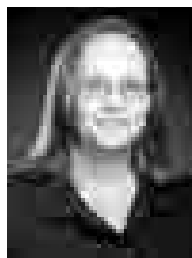
101. *Id.* at 621. ("[I]f only the Tenth Circuit had given me some guidance on this issue! But after having carefully considered the arguments, I must spurn Judge Posner in favor of my own colleague.").

102. *Id.* at 621-22 (citations omitted).

103. *Id.* at 621.

104. *Id.* at 622. Question of whether two shareholders were "debt collectors" was not resolved but motion for summary judgment was denied. This case was recently followed by the Sixth Circuit in *Kistner v. The Law Offices of Michael P. Margefsky, L.L.C.*, 518 F.3d 433 (6th Cir. 2008).

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# Maybe We Should Just Do Away with Juvenile Court

*By Lawrence L. Langley*

**W**ith juvenile delinquency court, that is. We have a separate court system for young people who are accused of committing crimes, but it seems a legitimate question to ask is whether a separate system is necessary. Having a separate docket creates extra work for court clerks, judges, prosecutors, defense attorneys — pretty much anybody who has to deal with law violators, while the benefit to the juvenile law breaker appears minimal. Perhaps all parties could be served best by having a single criminal system.

The official theory behind having a separate court for child criminals makes sense. They do what they do because they don't really understand the consequences of their actions or have the maturity to make rational decisions, so let's take them by the hand and help them grow up to be law abiding citizens. Of course, the official theory really has very little to do with how juvenile courts actually came into being . . .

## **HISTORICAL REVIEW<sup>1</sup>**

At the time of statehood, criminals were criminals, period, the end. Oklahoma subscribed to the traditional common law view of criminal capacity — that children under seven years of age were not capable of committing crimes, and from seven to 14, there was a rebuttable presumption that they were not capable. This view is preserved in 21 O.S. 152:

All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven years.
2. Children over the age of seven years, but under the age of 14 years, in the absence of

proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness. . . .

So all persons from 14 on up who broke the law were subjected to a single criminal process, regardless of age. And the children from seven to 14 were subjected to the same criminal process if the court found the presumption of incapacity had been rebutted.

The first "juvenile court" in the U.S. was created in Chicago in 1899. Social activists of the time perceived that children accused of crimes were being treated either too harshly or too leniently, depending on one's point of view. Children who were incarcerated were treated badly. The jails were unsanitary and crowded, and the child criminals were not separated from the adult criminals, so the children were abused and/or taught how to be proper criminals.

And because conditions in the jails were so bad, courts were loath to jail children unless they had done something truly serious. But there were no alternative treatments or services, so a child who did not get put in jail had noth-

ing happen to him or her at all. What the social reformers wanted was a separate place for children to go where they could be (depending on one's point of view) taught traditional values and molded into productive citizens, protected from adult criminals or simply controlled.

The first step taken by reformers had been the "House of Refuge." In 1825, the city of New York City created a separate correctional institution for children. A court hearing was not required, and a child could be placed there by a constable or by a parent. There was no determinate sentence — once committed, a child stayed until someone thought they were ready to be released or until they came of age at 18 (for boys) or 21 (for girls). Although the idea was attractive and spread rapidly to other cities, conditions in the Houses of Refuge were no improvement over conditions in the jails. The focus was on security and control, not education, and the institutions were run like adult jails. They were just as unclean as the jails and the discipline was exceedingly strict. The children were used for forced labor, with the profits going to the maintenance of the institutions.

And then came *People v. Turner* (IL 1870), in which the Illinois Supreme Court ruled that a child who was placed in the Chicago House of Refuge was being punished, not helped, and was entitled to the due process protections of criminal law. This ruling brought children back into the adult courts, where, again, the courts did not like to incarcerate them. So reformers in Chicago conceived of a special court just for children, with a separate judge, a separate courtroom and separate records; and with the focus to be on the best interests of the children. And the first "juvenile court" was instituted.

In the beginning, informality was the watchword. The "children's courts" were not criminal courts and they were designed to help children, not punish them, so there was no perceived need for the procedural formality of the criminal courts. Proceedings were conducted in a relaxed atmosphere and judges had wide discretion to do just about anything they wanted to do. After all, they were acting under the doctrine of *parens patriae*, so it seemed reasonable for them to be able to do all the things parents could do, and with the same freedom.

But with the passage of time, the U.S. Supreme Court began to take up juvenile cases, and their rulings made clear that juveniles accused of

breaking the law had to be given the same procedural protections given to adults. They might not be going to prison, but they were still being locked up, and anyone who is being deprived of their freedom is entitled to due process of law, said the court. Over time, the court ruled that juveniles were entitled to:

In certification hearings, representation by counsel, a meaningful hearing and access to the materials considered by the court in making a decision — *Kent v. United States*, 383 U.S. 541, 16 L.Ed.2d 84, 86 S.Ct. 1045 (1966).

In juvenile adjudications, representation by counsel, notice of the charge, confrontation and cross-examination of witnesses, protection against self-incrimination and appellate review — *In re Gault*, 387 U.S. 1, 18 L.Ed.2d 527, 87 S.Ct. 1428 (1967); and proof beyond a reasonable doubt — *In re Winship*, 397 U.S. 358, 25 L.Ed.2d 368, 90 S.Ct. 1068 (1970).

The Supreme Court declined to insist upon jury trials in delinquency cases — *McKeiver v. Pennsylvania*, 403 U.S. 528, 29 L.Ed.2d 647, 91 S.Ct. 1976 (1971) — but in Oklahoma, the state Legislature has added that to the list of procedural protections. 10 O.S. 7303-4.1.

## THE CURRENT SITUATION

At the present time, there is little difference between the prosecution of a criminal case and the prosecution of a delinquency case. The terminology of a juvenile court proceeding, where a child is accused of violating the law, is different from that of a district court criminal proceeding, where a grown-up is accused of violating the law, but the steps are basically the same:

|                                 |                            |
|---------------------------------|----------------------------|
| <b>Instead of:</b>              | <b>Say:</b>                |
| Arrest Warrant                  | Detention Order            |
| Jail                            | Detention                  |
| Information                     | Petition                   |
| Trial                           | Adjudicatory Hearing       |
| Plea of Guilty or<br>No contest | Stipulation                |
| Plea Bargaining                 | Plea Bargaining            |
| Conviction                      | Adjudication               |
| Sentencing                      | Disposition                |
| Department of<br>Corrections    | Office of Juvenile Affairs |

And the *purpose* of a delinquency proceeding is basically the same as that of a criminal proceeding. The statute (10 O.S. 7301-1.2) nods to rehabilitation and to the personal and social



growth of children and so on, but it starts out like this:

The purpose of the laws relating to juveniles alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency. 10 O.S. 7301-1.2.

And isn't that what criminal law is pretty much all about — to promote public safety and reduce crime?

Another issue that comes up with juveniles is when a minor is accused of something so bad we want to treat him or her like an adult. There are several ways we deal with that type of situation. For some crimes, the Legislature has made that determination for us. Under the Youthful Offender Act (10 O.S. 7306-2.1 et seq.), there are many crimes for which a minor is treated as an adult and the burden is put upon the child to persuade the court that he or she should be treated as a juvenile. In 10 O.S. 7306-2.5, any person 13 years of age or older who is accused of first degree murder is treated the same way as an adult is treated. A 13 or 14-year-old can ask the adult court to transfer them to the juvenile court, but an older child, 15 through 17, is not even given that option: They are adults, period.

In 10 O.S. 7306-2.6, there are two lists of crimes — one for persons 15 or older and one for persons 16 or older — for which juveniles are to be treated as adults.<sup>2</sup> The youthful defendant has the option of asking to be treated as a juvenile, and if such a motion is filed, the court holds a special hearing prior to the adult preliminary examination and decides how the accused shall be treated — as an adult or as a child.

And for a felony charge not on any of the lists, there is still certification. Under 10 O.S.

7303-4.3, the state can ask the court to determine that a juvenile accused of an act that would be a felony if an adult had done it should be prosecuted as an adult. The court then holds a special hearing prior to the adjudicatory hearing and decides how the accused shall be treated — as a child or as an adult.

In either situation — deciding whether to move a person from the juvenile court to the adult court, or from the adult court to the juvenile court — the court is required to consider the same factors: the seriousness of the offense, whether the offense was a property crime or a crime against a person, the maturity level of the accused, the accused's previous history, the prospects for the adequate protection of the public, the likelihood of rehabilitation in the juvenile system, and whether the accused was an escapee from an institution at the time of the offense.<sup>3</sup>

## THE PRACTICAL REALITIES

Of all the arguments made for having a separate adjudication process for juveniles, none is compelling.

### *Labeling*

It is said that if the public knew a child had been accused of a crime, then the child would be treated differently by the public. Then the child would react differently to the public, and the result would be a downward spiral of self-fulfilling prophecy — the child labeled as a criminal becomes one. And the

way to prevent labeling is said to be confidentiality: If the public does not know a child has broken the law, then the public will not label the child and the child will not react, etc.

The first problem with this idea is that the people who matter to the juvenile — his or her family and peer group — do know what has happened, and will the reactions of those

“...once committed, a child stayed until someone thought they were ready to be released or until they came of age at 18 (for boys) or 21 (for girls).”



persons not be the ones with the greatest impact on the child?

The second issue with labeling is that as time has gone by, the Oklahoma Legislature has approved more and more publicity of delinquent behavior. Of course, every felony file is public record, regardless of the age of the accused. So if the defendant is a juvenile who has been certified as an adult, or a juvenile who is charged as an adult under the statutory scheme, then his or her name is published and the whole community knows about it. And while the Legislature has provided generally that juvenile records are to be kept confidential, there is a list of exceptions: if a juvenile has already been adjudicated delinquent, then a second accusation is not confidential; if an accusation is a felony offense against a person or a felony offense with a dangerous weapon, then the accusation is not confidential; if an accusation would be a felony if an adult did it, then the arrest record is not confidential, regardless of the outcome of the case. Also, traffic, wildlife, boating, city court records and tobacco related charges are not confidential.<sup>4</sup>

So we have a situation where a relatively small number of in-between incidents are confidential, while the really serious stuff — which is guaranteed to catch the public eye — and the minor stuff — which is the great majority of incidents — are public record. The Legislature is clearly more concerned with the protection of the public than with any issue of labeling of the child.

As another aspect of confidentiality, delinquency trials are closed hearings. Except that “all persons having a direct interest in the case” are allowed to attend. 10 O.S. 7303-4.2(A)(1). This includes the victim, who has the right to be present or to designate someone to be present for them. Also, hearings related to a second or subsequent delinquency proceeding against a juvenile are public proceedings. 10 O.S. 7303-4.2(A)(2). Again, the Legislature is clearly more concerned with the protection of the public than with any issue of labeling of the child.

#### *Diversion*

The term “diversion” in this context refers to anything that is done with a juvenile short of filing a court proceeding. In deferred prosecution agreements, the state agrees not to file a juvenile proceeding and the juvenile agrees to comply with certain requirements — restitution, community service, curfew, counseling,

whatever is seen as appropriate under the circumstances of the case. Sometimes, after a stipulation or finding of guilt, the court will defer adjudicating a juvenile as delinquent for a period of time, again with certain rules of probation. There are various programs available to the court for first offenders, drug issues, etc.

But diversion is not unique to juvenile proceedings, it is also common in adult criminal proceedings. Deferred prosecution agreements allow a prosecutor to place an accused on probation without the filing of information and to impose rules of conduct. (22 O.S. 305.1 et seq.) Deferred judgments allow the court to place an accused on probation without a finding of guilt or conviction after a plea or verdict has been entered and to impose rules of conduct. (22 O.S. 991c.) A recent issue of the *Oklahoma Bar Journal* was devoted to various diversion programs as alternatives to incarceration, programs such as Drug Courts, Mental Health Courts and Community Sentencing. (Vol. 78, No. 30, Nov. 3, 2007.)

#### *Treatment*

This term has to do with the question of what to do with a juvenile if he or she is adjudicated delinquent. This issue, of course, has nothing to do with what adjudicative procedure should be used to get to that point.

#### *Procedural Issues*

There are no separate procedural issues. An accused in juvenile court in Oklahoma is given the same procedural protections as an accused in adult court. And plea bargaining is conducted in juvenile court just as it is in adult court.

### **HOW IT COULD WORK**

Every person accused of breaking the law could be charged by information. Pleas, plea bargains and trials would be conducted the way they are now. If there is a finding of guilt for a youthful defendant, then the full spectrum of available programs can be considered by the district court: all the post-adjudication programs that are now available to the juvenile court for delinquents and all the post-convictions programs used with adults, depending on what is appropriate for a particular defendant.

The Legislature has already pointed the way with the Youthful Offender Act (10 O.S. 7306-2.1 et seq.). For certain specified crimes (first degree murder and those listed in footnote

two), a regular felony information is filed, but if the accused pleads to the charge or is found guilty, then there is a pre-sentence investigation, a disposition hearing and a treatment plan, and the court's sentence is administered by the Office of Juvenile Affairs until the person is discharged or reaches the age of 18 (or, sometimes, 19), at which time the person can be transferred from the Office of Juvenile Affairs to the Department of Corrections. A similar approach would work if all juveniles were being prosecuted in adult criminal court. The convicted person would have a determinate sentence and the transfer between correction systems would be a simple administrative issue instead of the present bulky court transfer process. Hopefully, defendants below a certain age (18? 16? 14?) would be incarcerated separately from older defendants.

An obvious question is, what to do with the really young offenders, the 10-year-olds and 11-year-olds and so on? The response is, that is an unanswered question even with the system we have now. None of the programs available to the Office of Juvenile Affairs is suitable for really young offenders. An argument might be made that they should be handled as deprived children — with mental health issues, maybe, or at the very least due to lack of supervision — but the Department of Human Services does not have the resources to deal with them either. These child offenders are taken on a one-by-one basis and everybody just tries to do the best they can with them.

## SUMMING UP

In every prosecution there are two questions. The first one is, "Did the accused actually do what he or she is accused of having done?" If the answer to that question is, "No," then the case is over. But if the answer to the first question is, "Yes," then the second question is, "What do we do with this person?" The first question is about the adjudication of guilt and it is the same for every accused, regardless of their age: for both adults and juveniles, we ask the trier of fact, "Did they do it?" The second question is about the disposition of the case and it is different for every accused, regardless of their age. For both adults and juveniles, the answer to the disposition question depends not just on the accused's age, but upon all the accused's circumstances — age, education, employment, criminal history, drug involvement, family support and ability to make restitution.

For question number one, we treat everybody the same, and for question number two, we treat everybody differently. For both questions, there is no reason to have a system for persons under 18 that is separate from the system for persons over 18.

In *McKeiver v. Pennsylvania*, 403 U.S. 528, 29 L.Ed.2d 647, 91 S.Ct. 1976 (1971), Justice Blackmun said, "If the formalities of the criminal adjudicative process are to be superimposed upon the juvenile court system, there is little need for its separate existence. Perhaps that ultimate disillusionment will come one day; but for the moment, we are disinclined to give impetus to it." 403 U.S. 528, at 551. Maybe, almost 40 years later, that day has now come.

1. Drawn from Elrod and Ryder, *Juvenile Justice*, Aspen Publishing, 1999.

2. Any person 15, 16 or 17 years of age who is charged with:

1. Murder in the second degree;
2. Kidnapping for the purpose of extortion;
3. Manslaughter in the first degree;
4. Robbery with a dangerous weapon or attempt thereof;
5. Robbery with a firearm or attempt thereof;
6. Rape in the first degree or attempt thereof;
7. Rape by instrumentation or attempt thereof;
8. Forcible sodomy;
9. Lewd molestation;
10. Arson in the first degree or attempt thereof;

11. Any offense in violation of Section 652 of Title 21 of the Oklahoma Statutes, (shooting with intent to kill, assault and/or battery with a deadly weapon, etc.) shall be held accountable for his acts as a youthful offender.

is prosecuted as an adult. 10 O.S. 7306-2.6(A).

The same goes for any person 16 or 17 years of age who is charged with:

1. Burglary in the first degree or attempted burglary in the first degree;
2. Battery or assault and battery on a state employee or contractor while in the custody or supervision of the Office of Juvenile Affairs;
3. Aggravated assault and battery of a police officer;
4. Intimidating a witness;
5. Trafficking in or manufacturing illegal drugs;
6. Assault or assault and battery with a deadly weapon [Yes, I know that is covered under #11 in the other list.];
7. Maiming;
8. Residential burglary in the second degree after two or more adjudications that are separated in time for delinquency for committing burglary in the first degree or residential burglary in the second degree;
9. Rape in the second degree;
10. Use of a firearm while in the commission of a felony. 10 O.S. 7306-2.6(B).

3. 10 O.S. 7303-4.3(B) for removing to the adult court; 10 O.S. 7306-2.6(F)(3) for removing to the juvenile court.

4. All of this is in 10 O.S. 7307-1.2.

## ABOUT THE AUTHOR



Lawrence Langley has been involved with juvenile law for 30 years as, at different times, judge, prosecutor and defense attorney. He is currently an assistant district attorney in Adair County.

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*Norman*

David Swank  
*Norman*

Ralph L. Wampler  
*Norman*

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William H. Wilson  
*Lawton*

**GARVIN COUNTY**

Wilfred L. Barber  
*Lindsay*

**GRANT COUNTY**

John C. Drennan Jr.  
*Medford*

**KAY COUNTY**

L. Enloe Baumert  
*Ponca City*

Charles W. Casey  
*Ponca City*

John Wesley Raley Jr.  
*Ponca City*

**LEFLORE COUNTY**

Harrell F. Followell  
*Poteau*

**LINCOLN COUNTY**

John Romig Smith  
*Meeker*

**LOGAN COUNTY**

Frank W. Davis  
*Guthrie*

**MAJOR COUNTY**

James A. Wilkinson  
*Fairview*

**MAYES COUNTY**

Roy H. Wells  
*Locust Grove*

**MUSKOGEE COUNTY**

Dave L. Blakeburn  
*Muskogee*

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*Oklahoma City*

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Murray Cohen  
*Oklahoma City*

Donald Lew Cooper  
*Oklahoma City*

Frederick Page Dobson  
*Oklahoma City*

Marjorie P. Downing  
*Oklahoma City*

Theodore Marinus Elam  
*Oklahoma City*

Gary Frank Fuller  
*Oklahoma City*

Larry Dow Hartzog  
*Oklahoma City*

J. Richard Kunkel  
*Oklahoma City*

Earl D. Mills  
*Oklahoma City*

Barry D. Mock  
*Oklahoma City*

Homer Paul  
*Edmond*

David G. Probst  
*Oklahoma City*

Francis Eugene Ray  
*Oklahoma City*

Grey W. Satterfield Jr.  
*Oklahoma City*

Barry Ray Simms  
*Oklahoma City*

Claude S. Woody Jr.  
*Oklahoma City*

James Arthur Worrell  
*Oklahoma City*

**OKMULGEE COUNTY**  
John David Maley  
*Okmulgee*

**POTTAWATOMIE COUNTY**  
James Chas Winterringer  
*Shawnee*

**TULSA COUNTY**  
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*Broken Arrow*

Charles Edward Biederman  
*Tulsa*

Bill Dean Borders  
*Tulsa*

Robert Morris Butler  
*Tulsa*

Samuel Phillips Daniel Jr.  
*Tulsa*

Ollie W. Gresham  
*Tulsa*

Meredith E. Hardgrave  
*Tulsa*

John M. Imel  
*Tulsa*

Bert M. Jones Jr.  
*Tulsa*

James Nicholas Khourie  
*Tulsa*

Joseph Lapan  
*Bixby*

Edward L. Leonard  
*Tulsa*

George W. Owens  
*Tulsa*

Robert Melvin Peterson  
*Tulsa*

James E. Poe  
*Tulsa*

Christopher L. Rhodes III  
*Tulsa*

Gerald Gordon Stamper  
*Tulsa*

Byron Dana Todd  
*Tulsa*

Stephen Jay Zeligson  
*Tulsa*

**OUT OF STATE**  
Michael W. Atkins  
*Rochester, IL*

Robert Allen Baker Sr.  
*Jacksonville, FL*

James Ervin Brazell  
*Asheville, NC*

James L. Burton  
*East Lyme, CT*

Jack G. Bush  
*Red River, NM*

Paul E. Degraffenreid  
*Mears, MI*

William G. Fisher  
*Costa Rica, FO*

Jack A. Forsbach  
*Los Angeles, CA*

Charles L. Hirlinger  
*Lake Kiowa, TX*

Ronald Joseph Jacobs  
*Dowagiac, MI*

Gus J. Karey  
*Dallas, TX*

Ralph James May Jr.  
*The Woodlands, TX*

Stanley Richard Medsker  
*Englewood, CO*

Thomas B. Preston  
*Memphis, TN*

Herbert Norton Standeven  
*Gunter, TX*

Rex Stuckey\*  
*Irving, TX*

James Roll Tourtellotte  
*Santa Fe, NM*

*\*Has recently passed.*



**Gungoll, Jackson, Collins, Box & Devoll, P.C.  
Welcomes Wade D. Gungoll**

Gungoll Jackson is pleased to announce that Wade D. Gungoll has joined the Firm. While he will office primarily out of the Firm's Oklahoma City office, he is well positioned to serve the Firm's clients across the state. Wade graduated with distinction from Yale University and earned his juris doctorate at Columbia Law School. In addition to his experience in energy and natural resources litigation, Wade also practices general commercial litigation, school law, and public finance. Wade brings an extraordinary ability to analyze legal issues and develop desired solutions. His addition is a further example of Gungoll Jackson's commitment to providing exceptional service to its clients.

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# High School Mock Trial Committee Wraps Up Another Successful Year

The 2008-2009 Oklahoma High School Mock Trial Competition included 45 teams from across the state of Oklahoma. This year's competition culminated in the Oklahoma High School Mock Trial Championship with a repeat face-off between Del City's Christian Heritage Academy and Ada High School. The preparation and ability of both teams was inspiring, with Christian Heritage Academy defeating Ada High School by a slim margin on a 3-2 decision. Previous state champion Christian Heritage Academy will have the honor of once again representing Oklahoma at the National High School Mock Trial Championship to be held in Atlanta in May.

The top finishing teams for the 2008-2009 competition are: in third place, Ada High School (white team); fourth, Broken Arrow High School; fifth, Atoka High School; sixth, Catoosa High School; seventh, Clinton High School; and eighth, Okarche High School. More than 800 students participated in the state mock trial program.

"It is the dedication and effort put forth by teacher coaches, attorney coaches and students, as well as the efforts



*Mock Trial Committee members pose with Mock Trial Coordinator Judy Spencer (seated).*

of volunteer judges and lawyers that make this program a success year after year. This is such a great opportunity for those of us in the legal profession to share our skills and give high school students a unique look into the components of trial — witnesses, opening, closing, direct and cross examination," said Mock Trial Committee Chair Jennifer A. Bruner.

Severe winter storms created an added hurdle for competitors this year that caused several rounds to have to be rescheduled. The Mock Trial

Committee, Young Lawyers Division and Oklahoma Bar Foundation salute all the volunteers, including those who offered their time, on short notice, to cover the rescheduled rounds.

This year's Mock Trial Committee members are Chairperson Jennifer A. Bruner, Executive Vice Chairperson Erin Moore, Immediate Past Chairperson Rachel McCombs, Vice Chairperson/Oklahoma City Trial Site Coordinator Christian D. Szlichta, Vice Chairperson/Tulsa Trial Site Coordinator

*(continued on next page)*

Marsha Rogers, Vice Chairpersons Case Development  
Marsha Rogers and Nicole M. Longwell and Mock Trial Coordinator Judy Spencer. Other Mock Trial Committee members are Lindsey Andrews, Dessa Baker-Inman, Jim Buxton, Joe Carson, Christine Cave, Scott Inman, Antonio L. Jeffrey, Jacob L. Rowe and Amanda Thrash.

It is the donation of time and energy by hundreds of judges and lawyers across this state that make this program possible. The following is a list of those individuals who were so gracious to volunteer their time and experience to high school students who are likely to become the future leaders of this state.

#### **ATTORNEY COACHES**

Frank Allison  
Jackie Jo Appelman  
James Baker  
Shawn Bass  
Lauren Boling  
Clifton Brockman  
Terry Brockman  
Rita Cantrell  
Greg Daniel  
Jennifer Drywater  
Julie Eades  
Don Ellis  
Tim Gay  
Tim Guten  
Christy Halley  
Randall Hendrickson  
Laurie Hess  
Jennifer Holtz  
Amber Horn  
Scott Howland  
Dawn Reitan Kirkland  
Susan Laird  
Catina Lamkin  
Daman Lawhorn  
Jeff Miller  
Kim Mixon  
Tim Perrin  
Mark Phillips  
Tammy Prilliman  
David Roberts

Kenny Smitherman  
Randall Stout  
Jennifer Strong  
David Studebaker  
Tom Thomas  
Michael Thompson  
Laurie Thornley  
Rex Wood  
Forrest Wood  
Dennis Wright  
Kory Wright

#### **TRIAL SITE COORDINATORS**

Lindsey Andrews  
Jennifer Bruner  
Deresa Gray Clark  
Lisa Cosentino\*\*  
Robert Duran Jr.  
Judy Fitzer  
Antonio Jeffrey  
Dana Jim  
Brenda Nipp  
Chanteau Orr  
Mark Osby  
Scott Pappas  
Jim Pettis  
Marsha Rogers\*\*\*\*  
Kelly Smakal  
Judy Spencer  
James Stuart  
Christian Szlichta\*\*  
Leah Terrill-NesSmith\*\*  
Amanda Thrash

#### **FINAL PRESIDING JUDGE**

Judge Edward  
Cunningham

#### **FINAL SCORING JUDGES**

Judge David B. Lewis  
Judge Dana L. Rasure  
Judge Millie Otey  
Judge Daman Cantrell  
Judge Kenneth Dickerson

#### **PRESIDING JUDGES**

Lana Russell  
Kurt Schneiter  
Mark Schwebke  
Judge Steven Shreder  
Pete Silva  
Kelly Smakal  
Maribeth Snapp  
Chris Szlichta  
Allison Thompson

Russell Uselton  
David Vanmeter  
Brad West  
Randall Wiley

#### **SCORING PANELISTS**

Teddy Abbott\*\*  
Christopher Arledge  
Elaine Arnold  
Chris Barrow  
Jeff Baum  
Mindy Beare  
Terry Bigby  
Katherine Bolles  
Lacy Boyles  
Georgina Brown  
David Bryar  
Bill Burkett  
Sharon Byers  
Joe Carson  
Dietmar Caudle  
Eric Cavett  
Shannon Cazonni  
Tammy Childers  
Billie Chrz  
Sharon Cole  
Steve Coleman  
Kristen Cook\*\*  
Melissa Cornell  
Rick Couch  
Carol Cowan\*\*  
John Cramer\*\*  
Chace Daley  
Michael Denton\*  
Jared Desilvey\*\*  
Jessica Dickerson  
Ken Sue Doerfel  
Ken Dominic  
Catherine Doud  
Melinda Dunlap  
Rob Duran\*\*  
Blake Dutcher  
David Dykeman  
Kent Eldridge  
Selim Fiagome\*\*\*  
Jennifer Flexner  
David Francy  
Rodney Freed  
Trevor Furlong  
Michael H. Githens  
Tia Goodman  
Paul Gouge  
Mark Graziano  
Elaine Green  
Debra Hackler  
Stephen Hale





*Judges Daman Cantrell, Dana L. Rasure, Edward Cunningham, David B. Lewis, Millie Otey and Kenneth Dickerson presided over the Mock Trial state championship.*

Janna Hall  
 Scott Hall  
 Suzanne Heggy\*  
 Mark Hixon  
 Arthur F. Hoge III  
 Michon Hughes  
 Brandy Inman  
 Jennifer Jackson  
 Antonio Jeffrey\*\*  
 Keith Jennings  
 Luwana John  
 Rick Johnson  
 Lauren Wilson Johnston  
 Joe Jordan  
 Jennifer Kern  
 Jennifer Kirkpatrick  
 Claudia Kovar  
 Mike Kulling  
 Scott Landon  
 Patrick Layden  
 Nick Leach  
 David Leavitt  
 Mike Lewis  
 Nicole Longwell  
 Jim Lowell\*  
 Leslie Lynch  
 Major Marshall  
 Jim Marshall  
 Neal Martin  
 Scott McCann  
 Jim McClure

Jeff McGrew  
 Park Medearis  
 Jaye Mendros  
 Melissa Middleton  
 Tim Mills  
 Anne Mize\*\*\*\*  
 Thomas Mortensen  
 Lou Ann Moudy\*\*  
 Sal Munoz  
 Shannon Muret  
 Becki Murphy  
 Jim Myles  
 Jimanne Newbury  
 Judge Rebecca  
 Nightingale  
 Chrissi Nimmo\*\*  
 Michael Norns  
 Mike Novotny  
 Elizabeth Odell  
 Susan Osborn  
 Jim Palinkas  
 Wayne Patterson  
 Mark Peregrin  
 Jeremy Pittman  
 Sonja Porter\*\*  
 Cori Powell  
 Doug Price  
 Scott Ray  
 Chris Reser\*\*  
 Kenneth Rhoads  
 Todd Riddles

Julie Rivers  
 Staci Roberds\*\*  
 Ryan Roberts\*  
 Moura Robertson  
 Joe Rogers  
 Tim Rogers  
 Jacob Rowe\*\*\*  
 Lana Russell  
 Linda L. Samuel-Jaha  
 Kurt Schneider  
 Mark Schwabke  
 Natasha Scott  
 Pete Silva  
 Kim Slinkard  
 Reginald Smith  
 Angie Smith  
 Sara Smith  
 Ashley Smith  
 Angela Smith  
 Richard Smotherman  
 Paul Sowinski  
 Cliff Stark  
 Taylor Stein  
 Kim Stevens\*  
 Sheila Stinson  
 Joshua Stockton  
 Kristan Strubhar  
 Michael Taubman  
 Katie Templeton  
 Andrew Tevington  
 Laura Thomas  
 Carolyn S. Thompson  
 Jennifer Thompson  
 Amanda Thrash\*\*  
 Shelley Tipps\*\*  
 Ray Tompkins  
 Jill Tontz  
 Roy Tucker\*\*  
 Scott Tully  
 Le'shawn Turner  
 Joe Vorndran  
 Jill Walker-Ambdovis  
 Joe Weaver  
 Jackie Wells  
 Brian Wilderson  
 Randall Wiley  
 Betty Williams  
 Chuck Woodstock  
 Patrick Wyrick  
 \* Served twice  
 \*\* Served three times  
 \*\*\*Served four times

# Changes to the Web

By John Morris Williams

During his tenure, Past President William R. Grimm created a task force to look at all of our communication methods. The Communications Task Force made specific recommendations that called for us to change the way we do business. One of the recommendations was to allow members to opt out of the printed versions of the *Oklahoma Bar Journal*. Today nearly 2,700 members receive their bar journal in electronic format only. The savings are not substantial, but this does reflect a growing trend and results in lower postage and less paper being utilized.

The task force also created an editorial policy for our E-news and changed the name of our Public Information Department to Communications Department to emphasize the goal of greater communications. In the information age it is important to utilize all the vehicles available to communicate to our members and the public about the work and happenings at the OBA.

A very critical part of the task force review was our Web site. In addition to the work of the task force, an outside audit was performed

by the ABA and a survey was taken of the entire membership. The audit and the task force both recognized that improvements in our Web site would enhance our communications. It was recommended that Web management and content be consolidated so that content could be more rapidly communicated to our members. Also, the report called for the redesign of the Web site.

Since the release of the report in August 2007, work has been undertaken to implement those portions of the task force report that were adopted by the Board of Governors. Web content and site management have been consolidated in the new position of Web site coordinator. The staff person assigned to this position is responsible for day-to-day updates of the site, editing content from various sources and developing content with the goal of having fresh and relevant content on our Web site everyday.

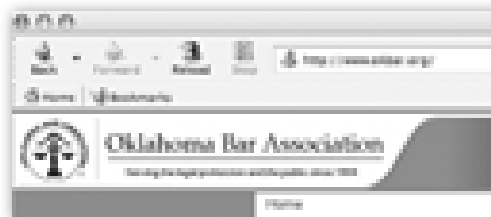
Another goal is to develop a comprehensive calendar for use by the legal community. It is our plan to develop a centralized calendar that will have essential information on important

events. The purpose here is to reduce scheduling

conflicts and assist in planning for everyone in the legal community, especially our valuable volunteers.

Last month Morgan Estes was hired to be the Web site coordinator. Morgan comes with a wealth of experience in the technology information world. I probably did not say that right but, he knows Web site stuff — if you know what I mean. With Morgan on board we now have the capacity to consistently put new and updated information on our Web site on a daily basis. In the weeks and months ahead, you should be noticing changes to our Web site. At first, we are in the process of ensuring that all of our content is current, relevant and correct. We have formed an internal editorial board so that all departments are involved in creating and telling the OBA story online. Next, we will be looking at a redesign of our Web site to make it more user-friendly.

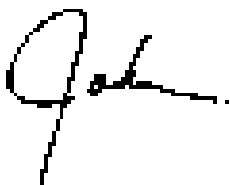
A hot item in Web technology at the current time is the use of reader input and comments. We are looking at how to integrate this into our site. Input and news from our members is extremely



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important, and we invite you to give us your ideas and news stories. Many lawyers across this state are doing extraordinary things, and we want to tell the story. An example of such content is the recent story we ran on Joel Carson being elected chair of the state Board of Mental Health and Substance Abuse Services. Obviously, we cannot publish everything to the site. However, if you have content that you wish to have published, let us know, and we will take a look at it.

It is a new day in communications at the OBA! Our great Communications Department will still be here to do what they do so well in our printed products. With the addition of a dedicated staff person to our Web site, it is our goal to provide greater service to our members and the public through our Web site. If you have not done so, I encourage you to put [www.okbar.org](http://www.okbar.org) on your list of favorites and visit us every day. Watch us as we grow and expand. Tell us what you want to see on our Web site. Stay tuned. Great things are going to be happening on the OBA Web site!



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

## Oklahoma Bar Journal Editorial Calendar

### 2009

- May  
**Oil & Gas and Energy Resources Law**  
Editor: Julia Rieman  
[rieman@enidlaw.com](mailto:rieman@enidlaw.com)  
Deadline: Jan. 15, 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 Taylor  
[leslietaylorjd@gmail.com](mailto:leslietaylorjd@gmail.com)  
Deadline: Aug. 1, 2009
- December  
**Ethics & Professional Responsibility**  
Editor: Jim Stuart  
[jtstuart@swbell.net](mailto:jtstuart@swbell.net)  
Deadline: Aug. 1, 2009

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

### 2010

- January  
**Meet Your OBA**  
Editor: Carol Manning
- February  
**Indian Law**  
Editor: Leslie Taylor  
[leslietaylorjd@gmail.com](mailto:leslietaylorjd@gmail.com)  
Deadline: Oct. 1, 2009
- March  
**Workers' Compensation**  
Editor: Emily Duensing  
[emily.duensing@oscn.net](mailto:emily.duensing@oscn.net)  
Deadline: Jan. 1, 2010
- April  
**Law Day**  
Editor: Carol Manning
- May  
**Commercial Law**  
Editor: Jim Stuart  
[jtstuart@swbell.net](mailto:jtstuart@swbell.net)  
Deadline: Jan. 1, 2010
- August  
**Access to Justice**  
Editor: Melissa DeLacerda  
[melissde@aol.com](mailto:melissde@aol.com)  
Deadline: May 1, 2010
- September  
**Bar Convention**  
Editor: Carol Manning
- October  
**Probate**  
Editor: Scott Buhlinger  
[scott@bwrlawoffice.com](mailto:scott@bwrlawoffice.com)  
Deadline: May 1, 2010
- November  
**Technology & Law Practice Management**  
Editor: January Windrix  
[janwindrix@yahoo.com](mailto:janwindrix@yahoo.com)  
Deadline: Aug. 1, 2010
- December  
**Ethics & Professional Responsibility**  
Editor: Pandee Ramirez  
[pandee@sbcglobal.net](mailto:pandee@sbcglobal.net)  
Deadline: Aug. 1, 2010

# Home Sweet Office

By Jim Calloway, Director, OBA Management Assistance Program

Most lawyers work from home from time to time, often in the evenings or on weekends.

But more lawyers are now working from home on a full-time basis.

In fact, in March 2009, *The Washington Post* ran a story titled "Recession Sends Lawyers Home - Firms Trade Brick-and-Mortar Prestige for a Better Business Model." The story profiles attorney Geoff Willard, who left his job as a partner at DLA Piper, a very large and prestigious law firm, to try a career alternative. He joined a "virtual" law firm and now works at his home in a room adjacent to the kitchen and family room. The bottom line for Mr. Willard is that he reduced the rate he billed his clients by 25 percent and reduced his work week from 60 to 85 hours per week at DLA Piper to a more comfortable 40 to 50 hours per week. Ninety percent of his clients made the move with him. He estimated that under the old system

he netted about 30 percent of his billings as profit and under the new system he retains about 85 percent.

You can read the rest of Mr. Willard's story at <http://tinyurl.com/dadgq4>.

Admittedly, this situation turned out to be a really perfect example of how a home office might work well. Mr. Willard's clients knew him and his qualifications as he had represented them for a

substantial amount of time. He was able to offer them a significant reduction in his billing rates as an inducement. They were probably already used to communicating with him primarily by telephone or e-mail.

This is far from the stereotype that some have of a home-office lawyer grabbing a rag to wipe the jelly and crumbs off the kitchen table so the client can sign their retainer agreement. But it seems clear to me that home practice or virtual practice is a path that more and more lawyers are considering.

Quality of life, the high cost of monthly overhead and the number of hours most lawyers work per week are all factors in this. Let's just take a ballpark figure of 50 percent of gross revenues going for overhead. That's not really an unreasonable figure if it is total overhead, including irregular items like CLE, replacement hardware and some new furniture from time to time. That means if you worked a normal week, the first half of the week is to pay the staff and other overhead and the last half is for you, after your per-



sonal “overhead” and taxes are paid. Of course, any client who fails to pay their bill comes out of your “half,” not the overhead. Is there really any wonder why so many lawyers routinely work nights and weekends?

And, is there any wonder a lawyer might want to work less and take home more?

Years ago, when everything was less expensive, including legal fees, home-practicing lawyers were often looked down on by the rest of the profession unless they had a good reason, like semi-retirement, disability or a need to spend more time parenting than full-time lawyering would allow. I recall the first lawyer I ever heard announce that he was going to do this — carefully explaining to a group of us that since he was going to do nothing but research and write appellate briefs, he could always meet with the clients in the office of the lawyers who did the trial work. It was therefore a waste of money to pay office overhead. Even with a “good” explanation, not everyone was convinced — or maybe they were just a little envious.

Today, however any skilled lawyer with a laptop, an Internet connection and a phone has the requirements for most legal work covered. Toss in a printer, scanner and copier and you are fully equipped. (Although for very small jobs, scanning and then printing can avoid the need for a copier at that moment.)

But a home office shouldn't be put together too cheaply. For example, a law-

yer who works some evenings at home can make do with a rather inexpensive combo printer-fax-copier-scanner if he chooses.

There's always the heavier hardware at the office for big jobs. But the full-time home-office lawyer, particularly one who may have to frequently make several copies of thick documents, doesn't want a machine that doesn't have an automatic sheet feeder or requires the lawyer to hand sort copies instead of automatically sorting them into different trays by itself. No matter what the practice setting, there's no reason to waste that sort of lawyer time week after

“Except in very rare circumstances, it is not a good idea to meet with clients in one's home anyway.”

week. It is better to go with a decent scanner, such as a Fujitsu ScanSnap S1500, and then a printer with a document sheet feeder and a few trays to collocate the copies.

The problem for new lawyers starting out is that building a practice from a home office is somewhat challenging. It is one thing for Mr. Willard's clients to hear that he has changed his work location and is going to be charging him less. It is another for a client to hire a

lawyer for the first time without visiting a law office that looks like a law office.

Except in very rare circumstances, it is not a good idea to meet with clients in one's home anyway. Too many legal matters involve issues that could get emotional, and you do not want clients showing up at your home demanding to speak with you during the evening meal.

Various business models have been lumped together under the label virtual office, but many include a person who can answer the phones and take messages when the lawyer is occupied and a location where client interviews can be conducted on an “as-needed” basis.

Some home-based lawyers work out arrangements with lawyers they know to rent or borrow a conference room from time to time. One *quid pro quo* might be agreeing to do routine filing at the courthouse in return for using a spare conference room from time to time.

Libraries offer conference room availability in some cities. And a quick meeting on a matter without confidential communications to be overheard can be held in a local coffee shop.

Mail and package delivery is another issue for the home-based lawyer. For example, it is a bad idea to put one's home address on court pleadings. One lawyer I visited with in my office recently told me she has worked out a very inexpensive deal with FedEx-Kinko's for a mail-drop service. The address was given a suite number even though it was

really only a mail box and, as a part of the service, they e-mail her anytime they sign for a certified mail or parcel delivery.

Some lawyers simply cannot be successful in a home-based practice. I visited with a lawyer who confessed, "If I tried that, I'd work an hour, then do yard work for a while, then decide to cook something for lunch, and before you know it, my day would be gone."

There are some lawyers who could not imagine practicing law without a secretary and other staff. But there are also going to be more lawyers who just need a laptop, an Internet connection and a quiet place to work.

Chuck Newton has long championed the "no office" style of practice on his "Ride the Third Wave blog" at

<http://stayviolation.typepad.com>:

I have taken the liberty of coining our type of firm as "Third Wave law firms" or "Third Wave practices." We work from our homes or from cubicles or small shared offices free from the confines of standardization, centralization, concentration, synchronization and bureaucracy, which has primarily contributed to the dissatisfaction of lawyers with the practice of law. We live, support and fight for diverse lifestyles. We do not employ other lawyers or staff so much as we operate within these adhocracies or fluid organizations in which we as attorneys and firms come together only to work on specific cases or tasks. In other words, we are freelancers. We survive not on libraries,

expensive associates, in-house computer systems, and high rise offices of marble and mahogany, but off the Internet, online research, and information. (from his blog)

When you read Mr. Newton's words, it seems like there should be some inspirational music playing in the background.

Let me be clear. I am not advocating for or against this type of practice setting. But it is clear that with the economic upheavals at hand and a generation of younger lawyers who resist the idea of regularly being trapped in an office 60 hours a week, there are going to be some for whom this business model holds much appeal. There will probably be several versions of new innovative lawyer-business models emerge in the near future.

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At Home



At Work



And on the Go

# Breaking Up Should Not Be So Hard to Do

By Gina Hendryx, OBA Ethics Counsel

When Neil Sedaka recorded the 1962 hit "Breaking Up is Hard to Do," it is doubtful that he was pondering the dissolution of a law partnership or the withdrawal of a lawyer from one firm to join another. However, the words ring just as true when applied to the professional relationships of lawyers. Years ago, the legal employment ladder began with law students getting that first job as a summer clerk, followed up the next summer as a legal intern, then upon graduation, hired as an associate, and retiring as a partner. And... all within the same firm! "These days," on the other hand, "the legal profession too often looks and feels like the children's game of musical chairs. Rarer and rarer, if not quite an extinct species is the lawyer who practices in the same firm throughout his or her professional career." Davis and Glen, *Musical Chairs: When a Lawyer Makes a Lateral Employment Move*, N.Y.L.J., Nov. 26, 1990, at p. 1.

Supreme Court Justice William Rehnquist noted that "Institutional loyalty appears to be in decline. Partners in law firms have become increasingly 'mobile,' feeling much freer than they did, and

having much greater opportunity that they formerly did to shift from one firm to another and take revenue-producing clients with them." Rehnquist, *The Legal Profession Today*, 62 Ind. L.J. 151,152 (1987).

Past the hurt feelings, emotional upheaval, and tension surrounding a law firm departure, exists the very pragmatic issues of client and revenue source retention. What was once an amiable professional relationship can become a heated and protracted legal battle. Lawyers and law firms need to be aware of the ethical and contractual issues presented by the split of an association. The following will outline constructive ways to navigate the ethical dilemmas posed by lawyer lateral movements and firm splits.

**To Whom Does the Client Belong?** Neither the individual attorney representing a client nor the firm has a possessory interest in a client. It is the client's exclusive right to choose to stay with the firm or transfer his business to the departing attorney. "A client has the right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services." See e.g., *Bray v.*

*Squires*, 702 SW2d 266 (Texas CtApp 1985).

**Who Notifies the Client of the Lawyer's Departure?** "A lawyer who is departing one law firm for another has an ethical obligation, along with responsible members of the law firm who remain, to assure that those clients are informed that she is leaving the firm. This can be accomplished by the lawyer herself, the responsible members of the firm, or the lawyer and those members jointly." *ABA/BNA Lawyer's Manual on Professional Conduct*, Withdrawal and Termination, 91:705. This notification should be given in a timely manner so that the client may decide who will represent her.

**What Information May I Give My Clients About My Move?** ABA Formal Ethics Opinion 99-414 lists the following information that should be given to a client by the departing attorney prior to the attorney actually leaving the firm.

- 1) Limit the notice to clients with active matters over which the lawyer has direct professional responsibility.
- 2) Do not urge the client to leave the firm and follow

the lawyer. However, the departing lawyer may indicate her willingness and ability to continue the legal representation of the client.

- 3) Make it clear that the decision belongs to the client.
- 4) Do not disparage the former firm.

The lawyer and former firm may give joint notice of the impending departure to all clients that the lawyer has had direct professional responsibility. Either way, ethics rules require timely notification to affected clients.

**May I Contact Other Clients of the Firm?** Because an attorney has an ongoing professional relationship with her current clients, notification of an impending move

does not violate Oklahoma Rule of Professional Conduct 7.3 on client solicitation. However, a lawyer is prohibited from having an in-person solicitation with firm clients with whom she does not have an ongoing professional relationship. "A lawyer does not have a prior professional relationship with a client sufficient to permit in-person or live telephone solicitation solely by having worked on a matter for the client along with other lawyers in a way that afforded little or no direct contact with the client." ABA Formal Ethics Opinion 99-414 (1999). After leaving the firm, an attorney may contact prospective clients through written or recorded communications subject to the limitations in Rules 7.1 and 7.3.

**Be Aware of Applicable Law in Addition to Ethics Opinions.** It must be stressed that ethics opinions do not govern issues of law. Unfair competition, improper use of firm secrets, and luring of clients all hold potential civil liability and should be thoroughly researched when determining conduct.

If the client decides to go with the departing lawyer, the confirmation should be reduced to writing and submitted to the lawyer and the firm. Generally, the client's file, property, and funds should go with the client.

*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.*

### **NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF JOHN ROBERT SEELYE, SCBD #5509 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 John Robert Seelye 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, May 14, 2009**. Any person wishing to appear should contact Janis Hubbard, First Assistant 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**



# March Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, March 20, 2009.*

## NEW STAFF MEMBER

Morgan Estes was introduced as the OBA's Web services coordinator, a newly created position.

## REPORT OF THE PRESIDENT

President Parsley reported he attended the February board meeting, Administration of Justice Task Force meeting, General Counsel Search Committee meeting, Oklahoma County Bar Association meeting, district-wide legislative meeting in Texas County, OBA Day at the Capitol and OBA Teacher of the Year presentation. He also reviewed and approved various OBA position statements, participated in multiple media interviews about pending issues and held a press conference regarding pending legislation.

## REPORT OF THE VICE PRESIDENT

Vice President Thomas reported she attended the OBA board dinner and board meeting, Administration of Justice Task Force meetings, OBA Day at the Capitol and Washington County Bar Association monthly meeting and CLE. She also spoke with and e-mailed several lawyers and judges regarding tort reform, SB 997 and other bills of particular interest.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Smallwood reported he attended the February board dinner and board meeting, ABA Bar Leadership Institute in Chicago on March 12 – 13 and worked with the OBA Administration of Justice Task Force and General Counsel Search Committee.

## REPORT OF THE PAST PRESIDENT

Past President Conger reported he attended the Bar Center Facilities Committee meeting, Administration of Justice Task Force meetings and OBA Day at the Capitol.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the Administration of Justice Task Force meetings, Bar Center Facilities Committee meeting, Bar Leadership Institute in Chicago, monthly staff celebration, Supreme Court Teacher of the Year presentation and participated in Day at the Capitol. He spoke at the Custer County Bar Association luncheon meeting, Cleveland County Bar Association luncheon meeting and to the OBA Law Student Division members at the OU College of Law.

## BOARD MEMBER REPORTS

**Governor Brown** reported he attended the OBA board

dinner and board meeting, Administration of Justice Task Force meeting, OBA Bench and Bar Committee meeting and Oklahoma Bar Foundation Board of Trustees meeting.

**Governor Carter** reported she attended the February Board of Governors dinner and board meeting, Tulsa County Bar Association Executive Committee meeting, TCBA board meeting and OBA Day at the Capitol. She facilitated a meeting between international women attorneys from Pakistan, Syria, Singapore, Oman, Sierra Leone and Ivory Coast with Tulsa County district judges, and she wrote an article for the *Oklahoma Bar Journal*. **Governor Chesnut** reported he attended the February board dinner and board meeting, OBA Day at the Capitol, Diversity Committee meeting and reviewed documents associated with the Administration of Justice Task Force meetings. **Governor Christensen** reported she attended the February board meeting, Guardianship Task Force meeting, OBA Bench and Bar Committee meeting, Oklahoma County Bar Association meeting and planning sessions with Women in Law Chairperson Deb Reheard, Vice Chairwoman Alison Cave and CLE Director Douglas. **Governor Dirickson** reported she attended the February board meeting, Custer County Bar Association

monthly meeting, OBA Day at the Capitol and Administration of Justice Task Force meeting. She participated in a Women in Law Committee meeting and a Solo and Small Firm Conference Planning Committee meeting and conducted a legislative breakfast in Custer County for area legislators and attorneys to meet and discuss upcoming legislation. **Governor Dobbs** reported he attended the February board meeting, Professionalism Committee meeting, Civil Procedure Committee meeting, OBA Day at the Capitol and legislative reception. **Governor Hixson** reported he attended the February board meeting, Canadian County Bar Association luncheon and CLE presentation and was a scoring panelist for the Oklahoma High School Mock Trial Competition. **Governor McCombs** reported he attended the February board meeting, McCurtain County Bar Association luncheon and OBA Day at the Capitol with four members of his firm. He also voted on position papers presented to the board, e-mailed county bar members with updates on current legislation and e-mailed reports of contacts with certain legislators to the local bar. **Governor Moudy** reported she attended the Board of Governors dinner and board meeting. **Governor Reheard** reported she attended the February board dinner and board meeting, two Administration of Justice Task Force meetings, OBA Day at the Capitol, authored an OBA position paper opposing resolutions to change the Judicial Nominating Commission, chaired the Women in Law Committee meeting

and finalized plans for April 17 CLE program, "The Law Practice Stimulus Package." **Governor Stockwell** reported she attended the February Board of Governors meeting, two Administration of Justice Task Force meetings, Cleveland County Bar Association Executive Committee meeting, CCBA monthly meeting and CLE, Judge Gaston's retirement reception and OBA Day at the Capitol. **Governor Stuart** reported he attended the February board dinner and board meeting, OBA Day at the Capitol and Administration of Justice Task Force meeting. He also reviewed and voted on miscellaneous position papers.

#### **REPORT OF THE YOUNG LAWYERS DIVISION**

Governor Rose reported he attended the OBA board dinner and board meeting, OBA Day at the Capitol and YLD meeting. He also passed out bar survival kits to the law students taking the bar exam.

#### **SUPREME COURT LIAISON REPORT**

Attending the board meeting in place of Vice Chief Justice Taylor who was on a law-related education trip, Chief Justice Edmondson thanked the OBA for its hospitality the previous evening. He commented that the OBA had good participation for its Day at the Capitol event, which was reflected by the large number of the lawyers who stopped by to sign the guest book in his office.

#### **WOMEN IN LAW CONFERENCE**

Governors Reheard and Christensen briefed the board on the upcoming

event, designed to appeal to lawyers of both genders, set for April 17, 2009.

#### **GENERAL COUNSEL'S REPORT**

A written status report of the Professional Responsibility Commission and OBA disciplinary matters for February 2009 was submitted for the board's review.

#### **2008 CLE ANNUAL REPORT**

CLE Director Douglas reviewed highlights of the Continuing Legal Education Department's 2008 annual report. She pointed out surveys show high marks in quality of programs and speakers. Net revenue was \$195,831.96 that was less than 2007, but greater than 2006. She said new for CLE in 2008 were 22 original programs that were offered via Webcast, which allow topics more narrow in scope to be offered. She complimented Ethics Counsel Gina Hendryx and MAP Director Calloway on their quality programming. She noted Hendryx leads Calloway in revenue produced. Discussion continued about accommodations that were available to OBA members affected by the economic downturn. Board members expressed their gratitude for the good work of CLE Director Douglas and her staff members.

#### **AMENDMENT TO NOTICE AND OBJECTION PROCEDURE TO OBA BUDGETARY EXPENDITURES**

The board voted to approve adding the sentence, "No member exercising rights under this policy shall suffer any discrimina-

tion or retaliatory treatment as a result of exercising such rights.” to the notice and objection procedure.

## **LEGISLATION**

President Parsley updated board members on pending legislation. Executive Director Williams reported many members are asking questions, and he encouraged board members to stay current on legislative activity. President Parsley said OBA Day at the Capitol was a complete success with a large turnout both at the Capitol and at the reception.

## **BUILDING UPDATE**

Executive Director Williams reported the large office west of the lobby has been remodeled into two offices, one for the new Web services coordinator. He said new furniture has been installed for some offices in the newly remodeled east wing, including a new table in the Kerr Conference Room. Three people in the east wing are still without new furniture. He said CLE Director Douglas is involved in looking at samples for improvements suggested for Emerson Hall. An alternate way to display the 77 county courthouse photos will likely be found.

## **SALE OF OBA VEHICLE**

President Parsley proposed the OBA change from owning a vehicle driven by the OBA general counsel to providing the person in that position with a vehicle allowance. The board voted to authorize Executive

Director Williams to sell the vehicle used by the former general counsel.

## **INVESTMENT COMMITTEE**

President Parsley said in the past the Board of Governors’ Investment Committee worked on an as-needed basis; however, there is a greater need for continuing service. The board voted to activate the Investment Committee with the expectation that it would remain active throughout the year.

## **POLICY FOR SUBMITTING RULE CHANGES TO THE SUPREME COURT**

President Parsley reviewed recent circumstances that suggest that a more specific procedure for submitting rule changes to the Oklahoma Supreme Court be developed. The board voted to table action until proposed language could be drafted.

## **SUPREME COURT ORDER RE: PROPOSED RULE 31**

It was noted that the Supreme Court did not approve proposed amendments to the Rules for District Courts of Oklahoma.

## **JUDICIAL NOMINATING COMMISSION PROCEDURES**

The board approved the procedures used in the past to carry out elections of two lawyer members to the Judicial Nominating Commission.

## **SOLO AND SMALL FIRM CONFERENCE**

MAP Director Calloway thanked Governors Reheard and Dirickson for their assis-

tance in programming planning for the conference set for June 11 – 13 at Tanglewood Resort on Lake Texoma. He reviewed the agenda of events and briefed the board on the out-of-state speakers who are coming. Board members were encouraged to fill out the conference registration form in their binders.

## **CLE CRUISE**

President Parsley reported that because the OBA’s first CLE cruise to Mexico several years ago was so popular, he requested that another be planned for his year as president. The cruise is set for July 11 – 16, departing from Galveston with ports in Cozumel and Progreso. Unfortunately despite all the creative promotion efforts, the economy has not been favorable and the number of OBA members participating is low. CLE Director Douglas said the OBA has released the hold on its cabin block; however, OBA members can still sign up to go at the advertised price if cabins are available.

## **EXECUTIVE SESSION**

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

## **NEXT MEETING**

The Board of Governors will meet at the Oklahoma Bar Center in Oklahoma City on Friday, April 24, 2009.

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

# Building on the Spirit of Law Day — The Oklahoma High School Mock Trial Program

By Richard A. Riggs

In *Oklahoma Bar Journal* articles this year I have taken, and will continue to take, the opportunity to highlight the work of some of the Oklahoma Bar Foundation's grant recipients. It is only through the great work of its grant recipients that the foundation carries out its purpose: *Lawyers Transforming Lives through the Advancement of Education, Citizenship and Justice for All*.

Law Day is a particularly appropriate occasion to recognize a grant recipient whose mission reflects the spirit of that day — the Oklahoma High School Mock Trial Program. Law Day is an occasion to celebrate the rule of law in our society. In 2009, this celebration honors the bicentennial of Abraham Lincoln's birth and takes note of Lincoln's dedication to the law. The Mock Trial Program takes this message to heart throughout the year in not only educating young people about the law and its role in our society but also in affording them opportunities for direct experience in seeing how the law is imple-

mented and the role of lawyers in that enterprise. The Oklahoma Bar Foundation has supported this program with grants in 2008 and previous years that total more than \$700,000.

The Mock Trial Program is sponsored by the Young Lawyers Division of the Oklahoma Bar Association. For the past 29 years this program has given high school students opportunities to participate in mock legal proceedings under the guidance of teacher and attorney coaches. The mock trials are heard by judges, in actual courtroom settings, and student performance is evaluated by panels of lawyers. Every public and private high school in Oklahoma is eligible to participate. In the 2008 – 2009 competition, 45 teams and approximately 720 students participated. Competition was held at 26 trial sites under the supervision of 51 teacher coaches and 57 attorney coaches. The competition culminated in the finals held on March 3 in the Bell

Courtroom at the OU Law Center, where Christian Heritage Academy of Del City edged out Ada High School to capture its second consecutive Mock Trial championship. Christian Heritage was coached by Jerrod Eischen, a teacher at the school, and OBA member Jennifer Miller. Teacher Angie Dean and attorney Frank Stout coached the Ada team. Christian Heritage will now move on to represent Oklahoma in the national competition, which will be held next month in Atlanta.

This program is organized and operated through a YLD committee chaired by Jennifer Bruner. Other committee members are Rachel McCombs, Marsha Rogers,

*(continued on next page)*

“For the past 29 years this program has given high school students opportunities to participate in mock legal proceedings...”

Erin Moore, Christian Szlichta, Nicole Longwell, Lindsey Andrews, Dessa Baker-Inman, Jim Buxton, Joe Carson, Christine Cave, Antonio Jeffrey, Scott Inman, Amanda Thrash and Jacob Rowe. Integral to the program's success are the enthusiastic contributions of Mock Trial Coordinator Judy Spencer. Congratulations to committee members, staff and all the teachers, attorneys and judges who generously contributed their time to make this program a success again this year. A testament to the program's lasting effect on participants is the fact that four current committee members participated in the Mock Trial Program as students.

If you have any doubt about whether the Mock Trial Program imparts an appreciation of the rule of law and its application, I invite you to review the 2008 – 2009 program materials, which can be found at [www.okbar.org/public/mocktrial](http://www.okbar.org/public/mocktrial). These are the materials provided to the students as they begin their work in the program. You will see that this year's case involved a felony murder charge relating to the alleged manufacture and possession of methamphetamine. To prepare their cases, the students are armed with a wealth of relevant materials, including applicable statutes and case law, witness

statements and, importantly, detailed scientific and sociological information regarding methamphetamine, its effects on users and efforts to stop its manufacture and use. The students are challenged to consider legal concepts and their possible application to the factual circumstances which, themselves, may be unclear or disputed. This is hard work. However, it provides the kind of challenge that lawyers face daily and, for many of us, makes the practice of law interesting. It is unfortunate that few outside the profession appreciate either the nature of this work or its difficulty, but I am confident that numbered among those few are students who have participated in the Oklahoma High School Mock Trial Program.

The Oklahoma Bar Foundation was pleased to support the Oklahoma High School Mock Trial Program with a 2008 grant of \$50,000. With interest rates at historic lows, returns on IOLTA accounts are expected to be dramatically reduced in 2009. Accordingly, funding of OBF programs through the contributions of OBF Fellows is more important than ever. To further the work of such worthy organizations as the Oklahoma High School Mock Trial Program, I encourage you, if you have not already done so, to

become an OBF Fellow. Becoming an OBF Fellow entails a modest financial commitment, 100 percent of which is dedicated to worthy law related organizations. What better way is there to show the public spirit of Oklahoma lawyers?

In his address to the Young Men's Lyceum on Jan. 27, 1838, Lincoln issued the following call:

...Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap — let it be taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs; — let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation...

The Young Lawyers Division of the Oklahoma Bar Association is heeding this call through the Mock Trial Program, and the Oklahoma Bar Foundation is honored to be able to provide financial support. Please consider how you can join in these efforts.

*Richard Riggs is president of the Oklahoma Bar Foundation. He may be reached at [richard.riggs@mcafeetaft.com](mailto:richard.riggs@mcafeetaft.com).*



# 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)

***“What better way is  
there to show the public  
Spirit of Oklahoma —  
become an OBF Fellow!”***

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

Make checks payable to:

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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 Aid Services of Oklahoma, Inc.**  
**FAMILY LAW BASICS - A Seminar for New Attorneys**  
**Tuesday, May 5, 2009**  
**Conference Center, OSU Tulsa, 700 North Greenwood, Room 150**  
**MCLE Credit of 7 Hours**  
FREE for Attorneys Actively Serving on a Pro Bono Panel

**AGENDA**

|               |                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8:30 a.m.     | Registration                                                                                                                                                                                                                                                                                                                                                     |
| 9:00 - 9:50   | Everything You Want to Know About Guardianships by The Honorable Judge Theresa Dreiling, Tulsa County District Court                                                                                                                                                                                                                                             |
| 9:50-10:05    | BREAK                                                                                                                                                                                                                                                                                                                                                            |
| 10:05-10:55   | *A Nuts and Bolts of a Dissolution Case 1 by Julie Goree, Sara Cherry, and Eric Hallett, Attorneys, Legal Aid Services of Oklahoma, Inc.<br>**B Domestic Violence – The Role of Domestic Violence Organizations and Handling Domestic Violence Calls by Patty Raulston, Court Advocate for Safenet in Rogers County and Novale Thompson, Oologah Chief of Police |
| 10:55 - 11:10 | BREAK                                                                                                                                                                                                                                                                                                                                                            |
| 11:10 – 12:00 | *A Nuts and Bolts of a Dissolution Case 2 by Julie Goree, Attorney, Legal Aid Services of Oklahoma, Inc.<br>**B What's New in International Family Law by Marianne Blair, Professor, University of Tulsa College of Law                                                                                                                                          |
| 12:00 – 1:15  | LUNCH (On your Own)                                                                                                                                                                                                                                                                                                                                              |
| 1:15 – 2:05   | Custody by C. Michael Zacharias, Attorney                                                                                                                                                                                                                                                                                                                        |
| 2:05 – 2:55   | Changes in the Child Support Law, Amy Wilson, Attorney for DHS                                                                                                                                                                                                                                                                                                   |
| 2:55 – 3:15   | BREAK                                                                                                                                                                                                                                                                                                                                                            |
| 3:15 – 4:05   | What Every Family Lawyer Needs to Know About Immigration Law by Betsy McCormick, Assistant Clinical Professor, University of Tulsa College of Law                                                                                                                                                                                                                |
| 4:05 – 5:00   | Parenting Plan Conferences and the Child Support Collection Docket by the Honorable Dawn Moody, Tulsa County District Court, and the Honorable Carlos Chappelle, Tulsa County District Court                                                                                                                                                                     |

\*A – Basic Track      \*\*B – Advanced Track

FREE SEMINAR FOR ATTORNEYS WHO PRESENTLY SERVE OR WHO ARE WILLING TO SERVE ON A LOCAL PRO BONO PANEL

**Registration Form – Family Law Basics**

- ☐ Please register me; I am an active member of my local Pro Bono Panel
- ☐ Sign me up as a Pro Bono Attorney and register me for the seminar

You may register for this seminar online at <http://www.probono.net/ok>. You will receive confirmation via email. Materials will be available prior to the seminar at the above website in the Advocate Resource Center Library PRIOR to the seminar. To keep this seminar FREE for all, we're asking you to take advantage of this web site when you need the materials or print them in your office. The materials are in a password protected area of the site.

Name \_\_\_\_\_ OBA No. \_\_\_\_\_

Phone (    ) \_\_\_\_\_ E-MAIL \_\_\_\_\_

Address \_\_\_\_\_

Street

City

Zip

County

**Questions? Karen Langdon – 918/295-9422 or [karen.langdon@laok.org](mailto:karen.langdon@laok.org). You may also mail or fax your registration form to: Karen Langdon, Legal Aid Services of Oklahoma, Inc., 423 South Boulder, Ste. 200 Tulsa, OK 74103, Fax: (918) 584-3060**

# Students for Access to Justice: Leading through Service

By Brad Wilson

On Jan. 19, 2009, the day Americans commemorated the life of Martin Luther King Jr., President-Elect Barack Obama urged all Americans to act on the slain leader's vision. Calling the nation to public service and leading by example, President Obama assisted in renovations of a shelter for homeless teens. This dual purpose — calling to service and leading by example — has been the mission of Students for Access to Justice (SATJ) since its creation in 2004.

SATJ is the University of Oklahoma College of Law's pro bono placement organization. But more than that, it is a student-run program dedicated to promoting a culture of public service commitment not only among students but the entire law school community, practicing lawyers and the judiciary. A team of three student coordinators carries out the daily functions of SATJ. Student coordinators not only connect students with rewarding volunteer placement opportunities, they also lead by example through volunteering themselves. Over the past

five years SATJ has connected more than 200 law students with local attorneys, organizations, government agencies and courts. Through SATJ, law students have volunteered in excess of 10,000 hours since the program's inception.

Current SATJ student coordinators, Suma Ananthaswamy, Amy Kamp and myself, have volunteered in excess of 300 hours. Junior coordinator and second-year law student Amy Kamp said that SATJ has expanded her understanding of pro bono service. "I feel like there is pro bono work available for every type of lawyer and personality, and I've learned how diverse the subject is over the past year and a

half," she said. "Before I came to law school, I thought pro bono was either the legal aid office or the public defender's office. And pro bono is primarily legal aid and the public defender's office, but it's also so much more. A law degree gives people the chance to have an impact on any part of society they choose, from the criminal justice system to the fine arts to the housing market."

Former senior coordinator and recent OU law school graduate Alicia Currin-Moore was surprised by the number of students interested in public service. "Working with Students for Access to Justice has been an invaluable experience," she said.

"When I first came to law school, I was apprehensive that there wouldn't be others at the school who cared about public service. I thought that the other students would fit into the stereotypical mold of a lawyer and only care about the financial perks of being a lawyer. However, working with the students, faculty and organizations involved with SATJ has proven that the practice of law is filled

**“A law degree gives people the chance to have an impact on any part of society they choose, from the criminal justice system to the fine arts to the housing market.”**



with people who desire to truly be of service to others.”

Each October SATJ sends a group of OU students to the Equal Justice Works (EJW) Conference in Washington D.C. EJW is an organization dedicated to creating a just society by mobilizing law students who are committed to equal justice. The conference allows students to learn about important topics affecting civil rights and public interest law while interacting with leaders in these fields. Kayna Stavast-Piper, first-year student at the OU College of Law and recent EJW Conference attendee, was encouraged by the conference and her experience.

“I really enjoyed the opportunity to attend the EJW Conference in Washington, D.C. last October with SATJ. It was great to learn about different projects going on around the country — children’s advocacy programs, work with the Student Hurricane Network in New Orleans helping with the aftermath of Katrina, and the campaign surrounding Proposition 8 in California on last November’s ballot. Attending the conference gave me a great perspective on the various paths a legal career can take, particularly in the public interest field,” Ms. Stavast-Piper said.

In January 2008, SATJ expanded its services by

providing law students with pro bono opportunities over their winter break. Five students traveled to New Orleans to assist with the Student Hurricane Network, a national network of law students dedicated to advancing the cause of social justice in communities affected by hurricanes Katrina and Rita. The trip was repeated over spring break when 15 students returned to New Orleans to assist with two projects. One project, designed by the Louisiana Justice Institute, allowed students to assist in gathering information about the legal problems faced by residents and each house in Ward 27. The other students assisted public defenders in Orleans Parish.

As a third-year law student and SATJ student coordinator, I was one of those students. I had the opportunity to conduct initial interviews with five inmates at the Orleans Parish Prison and to familiarize them with the procedures followed by the Orleans Public Defenders Office. I have always had an interest in criminal justice and this gave me a tangible, first-hand experience in that field.

Second-year law student Mike Davis was also placed in the Orleans Public Defenders Office. Reflecting positively on the trip, Mr. Davis said, “It was a great

experience to help provide legal assistance to people who needed it the most. The trip showed me how rewarding a legal career can be and how much help a lawyer can be in the community.”

Though 41 years have passed since the death of Martin Luther King Jr. on April 4, 1968, his message and example resonate with Americans today. In his 2006 commencement speech, Gov. Brad Henry was impressed that the graduating class of the OU College of Law donated more than 2,800 hours to law-related services and said “[t]hat is a wonderful testament to your level of commitment to public service... You cannot practice law in a vacuum. You must reach out. You must be connected to your community. You must practice a profession of service, rather than a business solely for profit. You must pay your rent of service to others.”<sup>1</sup> SATJ continues to provide the students of the OU College of Law with opportunities to live out Dr. King’s example of devotion to public service and justice for each and every individual.

1. Gov. Brad Henry, *A Profession of Service*, 77 Okla. B.J., Sept. 2, 2006, *supra* note 1.

*Mr. Wilson serves as the OBA Law Student Division representative to the Access to Justice Committee and is a student coordinator for Students for Access to Justice at OU.*

*This month the YLD is focusing on two lawyers helping combat children's cancer.*

## TIM MELTON



*Before*

Tim Melton has been an OBA member since 1986. He practices at Collins, Zorn & Wagner PC, specializing in the areas of civil rights, ADR, employment law and school law. Tim recently participated in an annual St. Baldrick's Celebration. According to its Web site, St. Baldrick's Foundation is the world's largest volunteer-driven fundraising event for childhood cancer research. Thousands of volunteers each year shave their heads to symbolize solidarity with children with cancer, and gather donations of support from friends and family. According to the foundation's Web site, it has already raised more than \$9 million this year and over \$50 million in the nine years of its existence.

"I figured cutting my hair off was a pretty small sacrifice if it could help raise a few bucks for a very worthy cause. I was more than willing to help," Tim said. The



*After*

event was held in Oklahoma City at VZD's, a local restaurant. The Web site shows that the VZD's event attracted 50 "shavees" and raised more than \$37,000 this year alone. For more information, to donate, or to find an event near you, go to [www.stbaldricks.org](http://www.stbaldricks.org).

## TED LESLIE

Ted Leslie, a general practitioner in Edmond, became involved with the Ronald McDonald House of Oklahoma City after staying at the Ronald McDonald House himself when his son was sick and receiving cancer treatment, first in New York and then for several weeks in Philadelphia. The Ronald McDonald House benefits children by providing a home away from home for families with seriously ill or injured children.

Ted has been on the Ronald McDonald House Board for about three years and currently serves as the vice president in charge of fundraising. Ted said, "Each Ronald McDonald House

is locally funded and relies on community volunteers and businesses for support." Ted spends roughly 10-15 hours per month overseeing the Ronald McDonald House in Oklahoma City, ensuring that the organization has what it needs to serve the needs of the families who stay.

"The Oklahoma City Ronald McDonald House, located about a block away from Children's Hospital, provides 15 rooms where families stay at little to no cost while their child receives treatment. Additionally, we just added a 'Family Room' inside the hospital where families are able to go and relax during some of those long and difficult days where they just aren't able to leave the hospital," Ted said.

Ted said that the most rewarding part about volunteering for the Ronald McDonald House is helping to make life just a little more bearable for families having to endure so much. For more information about volunteer opportunities, e-mail [rose@mahaffeygore.com](mailto:rose@mahaffeygore.com) or go to [www.rmhhokc.org](http://www.rmhhokc.org).



# April

- 14 OBA Women in Law Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deborah Reheard (918) 689-9281
- 16 New Admittee Swearing-In Ceremony;** Supreme Court Courtroom; Contact: Board of Bar Examiners (405) 416-7075
- 17 OBA Women in Law Seminar;** Reed Center, Midwest City; Contact: Deborah Reheard (918) 689-9281
- 18 OBA Title Examination Standards Committee Meeting;** Stroud Community Center, Stroud; Contact: Kraettli Epperson (405) 848-9100
- 20 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 744-3011
- 21 OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- Hudson Hall Wheaton Inn Pupilage Group Seven;** 5:30 p.m.; Federal Building, 333 West Fourth St.; Contact: Michael Taubman (918) 260-1041
- 23 OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: H. Terrell Monks (405) 733-8686



# Calendar

- 24 OBA Board of Governors Meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 25 OBA Young Lawyers Division Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Rick Rose (405) 236-0478
- 30 OBA Ask A Lawyer;** OETA Studios, Oklahoma City & Tulsa; Contact: Melissa Brown (405) 416-7017
- OBA Access to Justice Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade McClure (580) 248-4675
- OBA Government and Administrative Law Practice Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Patricia A. Podolec (405) 760-3358
- ## May
- 1 Oklahoma Trial Judges Association Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: A.J. Henshaw (918) 775-4613
- Hudson Hall Wheaton Inn Spring Banquet;** 6 p.m.; Contact: Michael Taubman (918) 260-1041
- 5 OBA Law-related Education Representative Democracy in America;** 11 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
- 6 OBA Law-related Education Project Citizen Showcase;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
- 8 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Amy Wilson (918) 439-2424
- 11 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 744-3011
- 12 OBA Women in Law Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deborah Reheard (918) 689-9281
- 13 OBA Professionalism Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Shariisse O'Carroll (918) 584-4192

- 14 **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
- 16 **OBA Title Examination Standards Committee Meeting;** Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kraettli Epperson (405) 848-9100
- 19 **OBA Civil Procedure Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- OBA Law-related Education Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack G. Clark Jr. (405) 232-4271
- 22 **OBA Board of Governors Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 23 **OBA Young Lawyers Division Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Rick Rose (405) 236-0478
- 25 **Memorial Day** – OBA Closed
- 28 **OBA Access to Justice Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade McClure (580) 248-4675
- OBA Legal Intern Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: H. Terrell Monks (405) 733-8686
- 29 **Oklahoma Bar Foundation Trustee Meeting;** 12:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070

## June

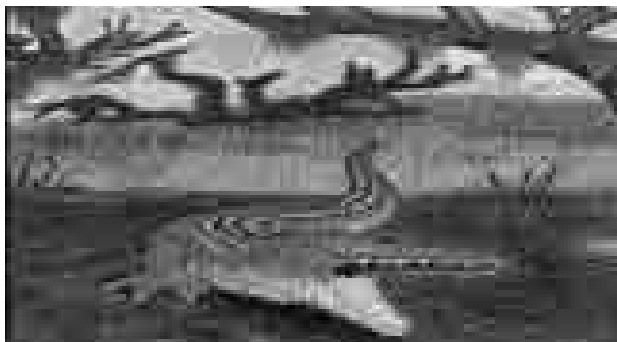
- 4 **OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- 5 **Oklahoma Trial Judges Association Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: A.J. Henshaw (918) 775-4613
- 9 **OBA Women in Law Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deborah Reheard (918) 689-9281
- 11-13 **Solo and Small Firm Conference;** Tanglewood Resort at Lake Texoma; Contact: OBA Management Assistance Program (405) 416-7008

- 12 **OBA Board of Governors Meeting;** Tanglewood Resort at Lake Texoma; Contact: John Morris Williams (405) 416-7000
- OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Amy Wilson (918) 439-2424
- 15 **OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 744-3011
- 16 **OBA Law-related Education Foundations of Democracy Institute;** Tulsa; Contact: Jane McConnell (405) 416-7024
- OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 17 **OBA Professionalism Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Sharisse O'Carroll (918) 584-4192
- 19 **OBA Board of Editors Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Melissa DeLacerda (405) 624-8383
- 20 **OBA Title Examination Standards Committee Meeting;** Stroud Community Center, Stroud; Contact: Kraettli Epperson (405) 848-9100
- 25 **OBA Access to Justice Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kade McClure (580) 248-4675



*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).*

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## **NOTICE** **JUDICIAL NOMINATING COMMISSION ELECTIONS** **CONGRESSIONAL DISTRICTS 5 AND 6**

District No. 5  
Oklahoma (Part)\*

District No. 6  
Alfalfa  
Beaver  
Beckham  
Blaine  
Canadian  
Cimarron

District No. 6  
Custer  
Dewey  
Ellis  
Garfield  
Grant  
Harper  
Kay  
Kingfisher  
Lincoln

District No. 6  
Logan  
Major  
Noble  
Payne  
Roger Mills  
Texas  
Woods  
Woodward

Nominations for election as members of the Judicial Nominating Commission from Congressional Districts 5 and 6 (as they existed in 1967) will be accepted by the Executive Director until 5:00 p.m., May 15, 2009. Ballots will be mailed on June 5, 2009 and must be returned by 5:00 p.m. on June 19, 2009.

*Visit [www.okbar.org](http://www.okbar.org) for forms and additional information*

## FOR YOUR INFORMATION

SAVE THE DATE



Friday, May 8, 2009

2:00 p.m.

Welcoming Ceremony

For the Honorable Vicki Miles-LaGrange

As the new chief judge for the U.S. District Court for the Western District of Oklahoma

Third Floor Ceremonial Courtroom  
United States Federal Courthouse  
200 NW 4th Street • Oklahoma City

### Lawyers Visit with Legislators

More than 300 bar members attended the 2009 OBA Day at the Capitol last month, a day dedicated to discussing issues that concern the OBA with state legislators. OBA President Jon Parsley held a news conference at the Capitol to address the bills and resolutions introduced during this legislative session that deal with the legal system.



*Bar members head to the state Capitol en masse to meet with their state legislators.*



*President Jon Parsley, Sen. Charlie Laster and Rep. Ryan Kiesel visit at the evening reception at the bar center.*

## Do You Tweet?



If you know what “tweeting” is, then you *should* be following the OBA on Twitter. That’s right, the OBA has taken the social media plunge and now has two Twitter accounts - @OklahomaBar for the latest OBA news and @OBACLE for CLE seminar updates. Check out these two sites at <http://twitter.com/oklahomabar> and <http://twitter.com/obacle>, and be sure to follow us.

If you’re wondering what Twitter is and how you can apply it to your law practice, get the story at [www.okbar.org](http://www.okbar.org).

## OBA Member Resignations

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

Burton Wallace Bowers  
OBA No. 13250  
P.O. Box 93  
Ottawa, KS 66067-0093

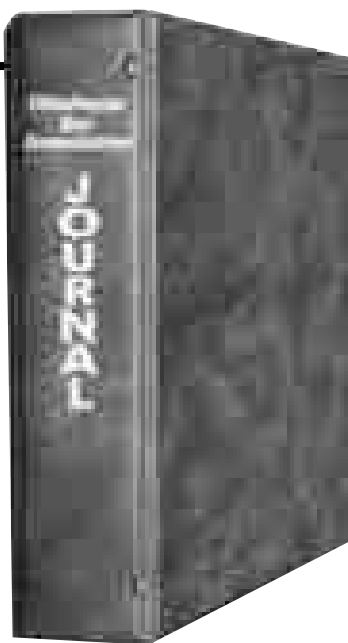
Aimee Perilloux Fagan  
OBA No. 20926  
McKool Smith PC  
300 Crescent Ct., Suite 1500  
Dallas, TX 75201

Randolph M. Hammock  
OBA No. 19616  
3913 Bentley Ave.  
Los Angeles, CA 90064

## OBA Member Reinstatement

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

Leona Irene Shoffit  
OBA No. 19570  
3248 NW 42nd St.  
Oklahoma City, OK 73112



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CITY

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ZIP

\_\_\_\_\_  
PHONE

Mail to:  
Communications Dept.  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152

# Kudos

Several bar members will be honored by OCU School of Law at The Legal Affair 2009, held at the Skirvin Hotel in Oklahoma City on April 25. Recipients are **William R. "Bill" Burkett**, Marian P. Opala Award for Lifetime Achievement in Law; **Cathy Christensen**, Service Award; **Richard E. Coulson**, Distinguished Law Alumnus; **Donna Suchy**, Outstanding Young Alumna; and Hall, Estill, Hardwick, Gable, Golden & Nelson PC will be honored with the Law Firm Mark of Distinction.

The Oklahoma Court Appointed Special Advocates Association has honored two bar members for their efforts to help abused and neglected children. The honorees, who received awards at an awards banquet March 27, are Oklahoma County Juvenile **Judge Stephen P. Alcorn**, Judge of the Year; and **Debbie Vincent** of Stillwater, Attorney of the Year.

**Mike Voorhees** has been elected secretary of the Oklahoma City Community College Board of Regents. He has also been elected clerk of the Board of Trustees of the South Oklahoma City Area School District.

**Byrona Maule** was appointed to serve on the

Oklahoma Merit Protection Commission (OMPC). She will help facilitate proper implementation of the Oklahoma Personnel Act and other Oklahoma statutes, which were enacted to protect public employees from the improper use of authority, stop unwarranted assaults on personal employee integrity and enforce the protection of classified employees.

**Craig Bryant**, who is in the U.S. Foreign Service, was selected to participate in the State Department's Pearson Congressional Fellowship program. He will serve for one year as an adviser on foreign policy, defense and international trade issues in the office of U.S. Sen. Robert Menendez of New Jersey.

**D. Keith McFall** has been appointed to serve on the 2009 Governor's International Team, which consists of 35 board members who assist and advise the Oklahoma offices of the Governor, Lieutenant Governor, Secretary of State, Oklahoma Legislature, and Oklahoma Department of Commerce-International Trade and Investment Division, with respect to international matters.

**Larry D. Ottaway** was inducted as a fellow in the International Society of Barristers during its annual meeting in Scottsdale, Ariz., in March. The society seeks to honor the role of the trial lawyer in the justice system.

# On The Move

**Judge Jacqueline P. Duncan**, Custer County associate district judge, is retiring at the end of April. A reception was held in her honor on March 26.

**Dan Nunley** announces that his firm, the Law Office of Daniel C. Nunley, has moved to 1216 E. Kenosha St., Suite 200, Broken Arrow, 74012; (918) 615-8260; [www.nunleylaw.com](http://www.nunleylaw.com). Mr. Nunley's practice is limited to the representation of debtors in consumer bankruptcy and FDCPA violations.

**Trish Morris**, formerly district counsel at the Jacksonville District of the U.S. Army Corps of Engineers, has been promoted as an associate deputy general counsel with the Army General Counsel's Office (Installations, Environment and Civil Works) at the Pentagon. Ms. Morris will handle national issues involving Army civil works and the Clean Water Act and Section 404 regulatory programs. She is an Army Reserve JAG officer, who has served on active duty with CENTCOM in Afghanistan (2002-2003) and Iraq (2003-2004). She was awarded a Combat Action Badge during her service in Afghanistan and a Bronze Star for her service in Iraq.



**Tracy L. George** was named as the general counsel of the Oklahoma Pardon and Parole Board in May 2008. She will supervise legal matters for the board. Prior to this, she was an administrative law judge for the appellate division of the Oklahoma Employment Security Commission.

**M**ee Mee Hoge & Epperson PLLP announces that **Thomas McLemore** and **Daniel Stringer** have joined the firm as associates. Mr. McLemore received his B.B.A. from Southwestern Oklahoma State University in 2003. He received his J.D. from OCU School of Law in 2006, where he graduated magna cum laude and served as a member of the *OCU Law Review*. His legal practice focuses on the areas of civil litigation, probate, estate planning and administration, business planning, and legal and housing matters regarding Greek letter organizations. Mr. Stringer received his B.S. in electrical engineering from Oklahoma Christian University in 2004, where he graduated magna cum laude. He received his J.D. from OCU School of Law in 2008, where he was on the dean's list and received the CALI Award in Patent Law. Prior to attending law school, he worked in the private engineering field and will incorporate his engineering background into his legal profession.

**T**he Tulsa law firm of Herrold Herrold & Co. Lawyers PC announces that **Andrew T. Harrison** has been named a shareholder and director of the firm and **Monica L. Maple** has joined the firm as an associate. Mr.

Harrison obtained his bachelor of arts degree from OU in 1993, his master's in science degree in criminology from OCU in 1995 and his J.D. from TU in 2005. While at TU, he served as executive editor for the *Tulsa Law Journal*. His practice focuses on civil and commercial litigation, medical corporate and administrative representation, and catastrophic injury litigation. Ms. Maple obtained her bachelor of science degree from Wesleyan College in 1995 and her J.D. from TU in 1998. While at TU, she served as notes and comments research editor for the *Tulsa Law Journal* and was awarded the CALI Excellence for the Future Award in Civil Procedure II and Evidence. Her practice focuses on civil and commercial litigation, labor and employment law, and creditors' rights.

**M**aria Mercedes (Jackson) Seidler took a sabbatical after practicing energy law for 20 years to earn her master's in environmental management from Yale University in 2007. She participated in the first Yale Alumni in Energy Conference on a panel addressing Electricity Generation and Distribution in March. She is presently serving as senior counsel for Dominion Resources Inc. in Richmond, Va.

**D**oerner, Saunders, Daniel & Anderson LLP announces that **Jeffrey C. Rambach** is of counsel for the firm. He received his bachelor of science degree from Boston University in 1983, his law degree from Tulane University Law School in 1986 and an LL.M. in taxation from George-

town University Law School in 1989. Since entering private practice in 1989, he has concentrated his practice in all areas of federal and state taxation, trusts and estates, mergers and acquisitions, business formations, tax litigation and tax-exempt organizations.

**J**ames Harvey, patent attorney with the firm of Harvey & Associates PC, recently left the law firm of Doerner Saunders Daniel & Anderson LLP in Oklahoma City to open a private office in Norman. Mr. Harvey has been practicing law in the local area for the past 14 years in the field of intellectual property. He may be reached at (405) 447-4934 or [jfharvey@weblawman.com](mailto:jfharvey@weblawman.com).

**N**elson, Roselius, Terry, O'Hara & Morton announces that **Chad E. Ihrig** has been named a partner in the firm and **Kevin C. Cunningham** recently joined the firm as an associate. Mr. Ihrig joined the firm as an associate in 2004. Currently, his primary practice includes insurance litigation and class action litigation. He graduated from OSU in 1998 with his B.S. in business administration. He received his law degree from OU in 2002. Mr. Cunningham graduated from OU in 2004 with a bachelor of business administration. He received his law degree from OCU in 2008.

**C**rowe & Dunlevy recently announced the addition of **Geren Steiner** as a director in the firm's Oklahoma City office. Mr. Steiner will focus his practice in the area of commercial litigation, with particular focus on construction, real estate, anti-trust and products liability

litigation. He was previously employed by Crowe & Dunlevy from 2000 to 2004. For the past four years, he was employed by Domain Properties Ltd LC, a real estate investment and management company in Oklahoma City.

Love's Travel Stops and Country Stores Inc. announces that **Tim J. Doty II** has joined the company as corporate legal counsel. Mr. Doty earned a B.S. in business administration from Kansas State University and received his J.D. from OU in 2006. His practice will focus on commercial transactions in a variety of practice areas including retail store operations and fuel trading, supply and distribution. Prior to joining Love's, Mr. Doty was

associate general counsel and assistant secretary for Oklahoma City-based Gulfport Energy Corp.

## At The Podium

**U**CO professor **Marty Ludlum** recently gave a presentation on the *Vance v. Judas Priest* case to the Southern Academy of Legal Studies in Business in San Antonio, Texas.

**Bill Wells** recently presented "Crossfire: Navigating the New FMLA, the

New ADA and Oklahoma's Workers' Compensation Act" to business groups at the South Oklahoma City Chamber of Commerce, the Great Plains Technology Center (Lawton) and the Central Oklahoma Manufacturers Association. He is also scheduled to present "From the Boardroom to the Courtroom: Oklahoma Labor Litigation 2009" at the Oklahoma CareerTech Customized Business and Industry Training Services Conference in Ponca City.

**Kevin P. Freeman** made a webinar presentation on Contractual Risk Transfer presented by AEGIS Insurance Services Inc. in Newark, N.J., last month.

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 May 9 issue must be received by April 20.

### Do Your Next Mediation In Bricktown

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**Mary Martha Bruehl** of Norman died March 16. She was born July 17, 1945, in Shawnee. She graduated from Norman High School and was a former Junior Miss Oklahoma. She received a master's degree in speech pathology and earned her J.D. from OU in 1979. She was an avid reader and loved spending time in Jasper, Colo., and caring for her grandchildren. Memorial contributions may be made in her name to St. Joseph's Catholic Church, 421 E. Acres, Norman, 73071.

**Cheri D. Cartwright** of Norman died March 31. She was born April 16, 1946, in St. Louis. She graduated from University High School in Norman, earned a bachelor's degree in English from OU in 1978 and a law degree from OU in 1981. She began working for Sarkeys Foundation in 1979 as the assistant to the executive director and was named executive director in 1993. She led the private charitable foundation from assets of \$25 million to more than \$100 million. She was responsible for a grant making program of approximately \$4 million per year. She also worked as an adjunct professor for OU teaching introductory courses on nonprofit organizational management. Active in the

community, she was a founding board member and past chair of the Norman Economic Development Coalition and served on the Norman Chamber of Commerce board. She was also a founding board member of the Norman Community Foundation, served on the Bench and Bar Advisory Committee for the OU College of Law, was on the OU College of Arts and Sciences Board of Visitors and a graduate of Leadership Oklahoma.

**Austin R. Deaton Jr.** of Ada died March 11. He was born March 3, 1926, in Allen. He lived in the Ada area most all his life. He graduated from Ada High School, attended East Central University and graduated from the OU College of Law in 1951. He was a partner in the law firm, Deaton, Davison and Kessinger. He practiced law in Ada for more than 50 years. **He served in the U.S. Army.** He was Chairman of the Oklahoma Judicial Nominating Commission serving from 1977 to 1983. Memorial contributions may be made to the American Cancer Society, 6525 N. Meridian, Suite 110, Oklahoma City, 73116 or to the East Central University Foundation, ECU Box Y-8, Ada, 74820.

**Henry C. Franke** of Piedmont died March 5. He was born Jan. 28, 1923, in Chicago. **He joined the Army Air Corps (now Air Force) in World War II, and served as a crew member on B-29 bombers stationed in Guam, flying missions bombing Japan.** After the war, he used the GI Bill to attend college and graduated from OCU School of Law in 1955. He worked most of his career in insurance claims and managing rental property he owned. He loved flying and bought and sold airplanes as a hobby. He also enjoyed boating and motorcycles.

**Daniel F. Lalli** of McAlester died Feb. 18. He was born Jan. 26, 1941, in Oklahoma City. He graduated from St John's Catholic School. He received his bachelor's degree and J.D. from TU. He was admitted to the OBA in 1990. He worked as an attorney in McAlester and as a realtor. He was a past president of the McAlester Board of Realtors and owned and operated Lalli School of Real Estate, teaching agents, brokers and appraisers. He also was an Exalted Ruler of the Elk's Lodge No. 533, McAlester.

**Vicki Joyce Perkins** of Tulsa died March 25. She was born Oct. 5, 1954. She graduated from the TU College of Law in 1992.

## IN MEMORIAM: *1980 OBA President Leslie L. Conner Jr.*

1980 OBA President Leslie Lynn Conner Jr. of Edmond died March 13. He was born July 15, 1939, in Oklahoma City. He graduated Northwest Classen High School in 1957. He graduated from OU with honors, 1961, then received his LL.B. law degree, 1963. He was a member of Beta Theta Pi.

**Mr. Conner's military service included duty as a judge advocate in the Strategic Air Command, 1963-1966, plus 22 years in the U.S. Air Force Reserves, 1961-1983, during which he received both the Air Force Commendation Medal and Air Force Meritorious Service Medal. He retired as a Lieutenant Colonel.**

His legal career was the manifestation of his desire to serve others. His leadership helmed the Oklahoma City law firm of Conner & Little from 1966 to 1990. Thereafter, he was of counsel with Little & Morgan, 1990-1992, and on his own as Leslie L. Conner Jr. PC from 1992 until his death. His judicial and arbitration experience included the Oklahoma City Municipal Court (special judge, 1990-1996), the NYSE (commercial arbitrator, 1971-2009), the Oklahoma State Insurance Commission (hearing examiner, 1995-2009) and the Oklahoma State Department of Education (fact-finder and hearing officer, 1993-2009).

His community involvement included serving on the board of trustees of Heritage Hall School (president, 1979-1982) and the board of directors for the First State Bank of Jones (1972-2009), where he had just become chairman of that board. He also served his church, the United Methodist Church of Nichols Hills, where he had been a member since 1963 and had served in a variety of capacities, including as a lay leader.

Travel was one of his favorite pastimes, and he was especially fond of northern New Mexico with friends and the coast of Maine with family. A connoisseur of fine foods, he loved a good cigar with a glass of port. He collected jokes and part of his service to others was always having a humorous thought or story at hand to make someone smile.

He is survived by his wife of 49 years, Nancy Conner; sister Pat Coggan of Dallas; three children: Debbie Hembree of Ft. Smith, Ark.; Lauren Delpesce of Des Moines, Iowa; and Thomas Conner of Chicago; and four grandchildren: Lawson Hembree V, Christopher Hembree, Ashley Delpesce and Keller Delpesce. Memorial contributions may be made to the United Methodist Church of Nichols Hills, 1212 Bedford Drive, Oklahoma City, 73116, or to Epworth Villa, 14901 N. Pennsylvania, Oklahoma City, 73134.



**1939 - 2009**

# Oklahoma Association of Municipal Attorneys SPRING CONFERENCE

**April 24, 2009 • 8:30 a.m. – 4:50 p.m.**  
OSU Alumni Center, 201 ConocoPhillips, Stillwater

## WORKSHOP SESSIONS

- ♦ Regulation & Enforcement of Dangerous Dogs
- ♦ Right-of-Way Acquisition & Condemnation
- ♦ Legislative Update
- ♦ Nuts & Bolts of Zoning Law with Focus on Issues  
Related to Cell Tower Location & Regulatory Takings
- ♦ Conflict of Interest: Who Does the City Attorney  
Represent
- ♦ Water Issues Panel

For a membership application,  
call OAMA, 1-800-324-6651 long distance  
or 528-7515 in the OKC metro area.

*This course has presumptive approval of the  
Oklahoma Bar Association Mandatory Legal Education Commission  
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professional responsibility, legal ethics, or legal malpractice.*

## OAMA 2009 SPRING CONFERENCE

Registration Fee:  
OAMA members - \$75 (lunch included)  
Non-members - \$100

- ☐ Purchase Order No. \_\_\_\_\_  
☐ Check Enclosed  
☐ Please Bill

**Please duplicate form  
for additional registrants.**

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Name & Title

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Municipality

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town & Zip

\_\_\_\_\_  
E-Mail Address

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

**MAIL** this form to arrive no later than Fri-  
day, April 17, to OAMA, 201 N.E. 23rd,  
Oklahoma City, OK 73105, or **FAX** to 405-  
528-7560. For a full refund, cancellations  
must be received in writing no later than  
Monday, 20. Cancellations made after that  
time will receive only a 50% refund. No can-  
cellations will be accepted the day of the  
meeting. All registrants will be billed. Reg-  
istration is considered confirmation to at-  
tend.

## NOTICE OF JUDICIAL VACANCY

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

**District Judge  
Fourteenth Judicial District, Office 6  
Tulsa County, Oklahoma**

This vacancy is due to the retirement of the Honorable Gordon D. McAllister, effective July 1, 2009.

**To be appointed to the office of District Judge, Office 6, Fourteenth Judicial Dis-  
trict, one must be a registered voter of Tulsa County Electoral Division Two 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 expe-  
rience 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](http://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, May 1, 2009. If applications are mailed, they  
must be postmarked by midnight, May 1, 2009.**

Robert C. Margo, Chairman  
Oklahoma Judicial Nominating Commission

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**THE OKLAHOMA STATE DEPARTMENT OF HEALTH,** Office of General Counsel and the Health Law Section of the Oklahoma Bar Association, is accepting applications for a Legal Intern position funded by a grant underwritten by the OBA Health Law Section. This is a 10-week full time seasonal/temporary position, starting on June 1, 2009, and ending on August 7, 2009. The Intern will spend 2 weeks with the Office of Administrative Hearings. The remainder of the internship will be spent learning the various practice areas in the Office of General Counsel, what the functions of each area of the Department are, and how the General Counsel's office interacts with and supports these agency functions. Position requires general knowledge of electronic research and drafting of legal memoranda, briefs and correspondence. Candidate should have interest in practicing in health care law and be willing to perform a wide range of related tasks. Education and experience: student entering Second or Third year at accredited law school, top 50% of class. Prior experience and/or Intern's License helpful but not required. Demonstrated legal writing skills are necessary. This is a paid internship at \$15.00/hr. with no benefits. To apply, send resume, law school transcript, and writing sample to: Tom L. Cross, Deputy General Counsel, 1000 N.E. 10th Street, Room 206, OKC, 73117, or email to [tomlc@health.ok.gov](mailto:tomlc@health.ok.gov). Application period closes April 24, 2009. Qualified candidates will be interviewed by a panel comprised of representatives of the General Counsel office and the OBA Health Law Section.

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# Brownie the Thrush

By B.J. Brockett

**I**t's early morning in late December, only a few days from the new year. I couldn't sleep, so I got up early, although the weather is conducive to staying in bed and sleeping late. There is snow on the ground. The trees and bushes are heavy with ice. Their limbs and branches sag under the weight of it. And it's cold – I mean really cold. The weathermen are saying that this is the coldest and worst winter storm on record for Oklahoma.

I bundle up and prepare to put out feed for the birds, my own mixture of white millet, milo and sunflower seeds. I crumble up some cornbread as an extra treat. My wife bakes it especially for the birds. She puts plenty of oil in it. And the birds love it, especially a brown thrush that forgot to migrate.

I first noticed the brown thrush several weeks ago; I told my wife then that this was unusual. The thrushes come in the late spring to

nest in a patch of bushes on the golf course, which adjoins our backyard. They come often to the feeders, and they love to scratch around in the flower beds. They raise their young and leave in the fall. I suppose they fly south, like any sensible bird would do. So why didn't this thrush depart for a warmer climate?

I can only guess, but it may have to do with a large tumor on the left side of its head, below its eye and behind its long, pointed beak. When I first saw him or her (males and females are indistinguishable), the tumor was fairly small, about the size of a

small English pea. But it grew, and soon it was the size of a large peanut, protruding from the side of the thrush's head.

I told my wife that "Brownie" (that's what we called him or her and I'll just call Brownie a "her" for convenience) wouldn't be with us much longer. She surely wouldn't survive whatever had afflicted her. But I was wrong. Not only has Brownie survived, but the tumor has almost disappeared.

I really believe that my wife's cornbread gave old Brownie a new lease on life. I'm now thinking about packaging it and selling it as "Jeannie's

Miracle Bread." I might even raise enough money to pay my taxes, which incidentally is why I couldn't sleep late. I wonder if the government ever has sleepless mornings worrying about how its citizens can pay their taxes?

Brownie doesn't have to worry about paying taxes. She just has to worry about all the competition for the cornbread. Speaking of old Brownie, there she is now, just outside my window, perching on the frozen vines of an abelia bush. I never noticed until just now, but her beak doesn't completely close. It closes at the point, but I see light between the upper and lower halves. It reminds me of a lawyer I know. He can't shut his beak either.

*Mr. Brockett practices in Oklahoma City.*

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





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