

THE Oklahoma Bar JOURNAL

Volume 80 ♦ No. 23 ♦ September 5, 2009



ALSO INSIDE

- Changes to Uninsured Motorist Statute Effective Nov. 1
- Basics of Oklahoma Water Law
- Lambird Spotlight Award Winners Announced



**FOR UP-TO-DATE INFORMATION AND TO REGISTER, VISIT
WWW.OKBAR.ORG/WOMEN09**

Statewide Webcast:
60 Tips in 60 Minutes

Door Prizes

Free to Attend

Build Your Own
Web Site

Nationally Renowned
Speakers

Vendor
Demonstrations

OBA TECHNOLOGY FAIR

September 24 • Oklahoma Bar Center
1901 N. Lincoln Blvd. OKC
9 a.m. - 4 p.m.

Step right up to this rare opportunity to beef up your practice with the best tech resources available. This come-and-go event allows you to pick and choose which programs are right for you.
And best of all:
It's free to attend!

Featuring
ABA TECHSHOW®
Roadshow!

HIGHLIGHTS:

Special Guests: Tech experts from the ABA TECHSHOW® will present programs on the latest and greatest tech advances in the legal world.

Special Statewide Webcast of 60 Tips in 60 Minutes: Can't make it to the bar center? Watch online for a bargain price of only \$10. Register in advance at tinyurl.com/mhpgm7.

Door Prizes: First 100 lawyers in the door get a free flash drive. Other drawings will be held all day, including the grand prize of a free registration for ABA TECHSHOW 2010® in Chicago.

Build Your Own Web Site: Need a firm Web site? T&S Web Design will be available on site to help you create your firm Web site for a bargain rate of \$500. Limited space is available, so e-mail sharond@okbar.org to reserve a time.

Oklahoma Bar Circle: If you haven't already signed up for the OBA's social networking service, staff will be more than happy to help you.

Vendor Demos: CoreVault, Thomson West and In Touch Legal will demonstrate their tech products.

Lunch: Free lunch will be provided for those who register in advance.



For the full day's agenda, visit www.okbar.org/techfair

E-mail Mark at marks@okbar.org or call him at (405) 416-7026 or (800) 522-8065 to RSVP. Indicate whether you'll join us for lunch!



BIG Company Benefits for Individual Members

Let us find individual health insurance
that's right for you.

Our local, licensed professionals can answer your questions
throughout the quote, application, underwriting and
approval process – and we'll be there for you after the sale.

Contact us today to find a health insurance
plan that's right for you.



1.800.530.4863
beale@bealepro.com
www.bealepro.com

Especially for members of:



The Association-Sponsored plans
may be perfect for you...

- Established carrier
- Extensive physician network
- Online tools
- Competitive rates
- Covers maternity
- Wellness Programs:
 - 24-hour nurse line
 - Employee Assistance Plan
 - Routine vision & hearing screenings and physical exams
- HSA compatible plans
- No referrals required to see a specialist
- Preventative Benefits Covered:
 - Routine pap smear, mammogram, PSA, bone density & colorectal cancer screenings

Serving Oklahoma's Legal and Accounting Professionals since 1955.

THEME:
OBA 105TH ANNUAL MEETING

contents

September 5, 2009 • Vol. 80 • No. 23



*About the Cover:
Every space mission has
its own embroidered
patch, which is the
inspiration for this year's
Annual Meeting logo.*

FEATURES

- 1726 GENE KRANZ TO SHARE
NASA EXPERIENCE THAT
INSPIRED A MOVIE
By Jeff Kelton
- 1728 ANNUAL MEETING EVENT
HIGHLIGHTS
By Carol Manning
- 1732 CONTINUING LEGAL EDUCATION
AT ITS BEST
By Donita Bourns Douglas
- 1737 NEW EVENT: OBA COMEDY CLUB
FEATURING HENRY CHO
By Melissa Brown
- 1738 ATTORNEY ART CONTEST
By Shawnae Robey
- 1739 REGISTRATION FORMS
- 1743 ELECTIONS: 2010 OBA BOARD OF
GOVERNORS VACANCIES AND OBA
NOMINATING PETITIONS FILED



pg. 1748
THE BASICS OF OKLAHOMA
WATER LAW

PLUS

- 1745 ONCE REJECTED, ALWAYS REJECTED:
RECENT AMENDMENTS TO 36 O.S. §3636
By Mark B. Houts
- 1748 THE BASICS OF OKLAHOMA WATER LAW –
WHAT EVERY PRACTITIONER
SHOULD KNOW
By L. Mark Walker and Reagan E. Bradford
- 1752 FIVE TO RECEIVE LAMBIRD
SPOTLIGHT AWARDS
By Deborah Bruce
- 1755 OBA PROPOSED 2010 BUDGET



pg. 1745
CHANGES TO
UNINSURED
MOTORIST STATUTE

DEPARTMENTS

- 1724 FROM THE PRESIDENT
- 1760 FROM THE EXECUTIVE DIRECTOR
- 1762 LAW PRACTICE TIPS
- 1765 OBA BOARD OF GOVERNORS
ACTIONS
- 1768 OKLAHOMA BAR FOUNDATION
NEWS
- 1771 ACCESS TO JUSTICE
- 1774 YOUNG LAWYERS DIVISION
- 1776 CALENDAR
- 1778 FOR YOUR INFORMATION
- 1779 BENCH AND BAR BRIEFS
- 1780 IN MEMORIAM
- 1759 EDITORIAL CALENDAR
- 1784 THE BACK PAGE

Come to the Bar Convention in November

By Jon K. Parsley

I want to encourage all Oklahoma attorneys to attend this year's bar convention. It will be held at the Sheraton Hotel in Oklahoma City Nov. 4-6. I want this to be the best Annual Meeting ever. Attendance is the key to having a great convention. If you have never gone before, this is a perfect year to start. If you are a long-time attendee, we will be glad to see you back.

The theme for the 105th OBA Annual Meeting is "Failure is Not an Option." This year marked the 40th anniversary of the landing on the moon. That was a great accomplishment for our country. This directed my attention to a book by Gene Kranz, the former NASA flight director during the Apollo 13 incident, called *Failure is Not an Option*. Much like the NASA engineers working out problems, we as attorneys face adversity every day. We must work the problems with a "Failure is Not an Option" attitude.

Our association has faced several important issues this year, and we have faced those issues with a "failure is not an option" attitude. I believe it is a fitting theme for the year.

Our 2009 bar convention logo marries this link between space and the legal profession. Just as an embroidered patch is created for each space mission, our Annual Meeting logo resembles a patch to commemorate our most important meeting of the year.

The theme for the 105th OBA Annual Meeting is "Failure is Not an Option."



I am very pleased that we were able to secure Gene Kranz to be the keynote speaker at the annual luncheon on Thursday, Nov. 5. I am sure his speech will be very interesting and inspirational. Another article in this journal gives you more background about Mr. Kranz and will hopefully pique your interest to attend the luncheon to see him in person and hear him speak.

This year also marked another important anniversary — the 200th anniversary of the birth of Abraham Lincoln. This year's plenary session will be dedicated to Lincoln and the legacy of liberty he left for our country. Abraham Lincoln has always been a hero of mine. It is very fitting that we dedicate our plenary session to discussions of this great lawyer.

We have also made some changes to the evening entertainment events. This year we will have the first ever OBA Comedy Club. On Thursday evening, Nov. 5, we have secured Henry Cho to perform his



Jon K. Parsley
President Parsley
practices in Guymon.
jparsley@ptsi.net
(580) 338-8764

cont'd on page 1759

OFFICERS & BOARD OF GOVERNORS

Jon K. Parsley, *President*, Guymon
Allen M. Smallwood, *President-Elect*, Tulsa
Linda S. Thomas, *Vice President*, Bartlesville
J. William Conger, *Immediate Past President*, Oklahoma City
Jack L. Brown, Tulsa
Martha Rupp Carter, Tulsa
Charles W. Chesnut, Miami
Cathy Christensen, Oklahoma City
Donna Dirickson, Weatherford
Steven Dobbs, Oklahoma City
W. Mark Hixson, Yukon
Jerry L. McCombs, Idabel
Lou Ann Moudy, Henryetta
Deborah Reheard, Eufaula
Peggy Stockwell, Norman
James T. Stuart, Shawnee
Richard Rose, Oklahoma City, *Chairperson*, OBA/Young Lawyers Division

BAR CENTER STAFF

John Morris Williams, *Executive Director*;
Gina L. Hendryx, *General Counsel*;
Donita Bourns Douglas, *Director of Educational Programs*; Carol A. Manning, *Director of Communications*; Craig D. Combs, *Director of Administration*; Travis Pickens, *Ethics Counsel*; Jim Calloway, *Director of Management Assistance Program*; Rick Loomis, *Director of Information Systems*; Beverly S. Petry, *Administrator MCLE Commission*; Jane McConnell, *Coordinator Law-related Education*; Loraine Dillinder Farabow, Debbie Maddox, Ted Rossier, *Assistant General Counsels*; Sharon Orth, Dorothy Walos and Krystal Willis, *Investigators*

Nina Anderson, Manni Arzola, Debbie Brink, Melissa Brown, Brenda Card, Sharon Dotson, Morgan Estes, Johnny Marie Floyd, Matt Gayle, Susan Hall, Brandon Haynie, Suzi Hendrix, Misty Hill, Debra Jenkins, Jeff Kelton, Durrel Lattimore, Debora Lowry, Heidi McComb, Renee Montgomery, Wanda Reece-Murray, Tracy Sanders, Mark Schneidewent, Robbin Watson, Laura Willis & Roberta Yarbrough

EDITORIAL BOARD

Editor in Chief, John Morris Williams, News & Layout Editor, Carol A. Manning, Editor, Melissa DeLacerda, Stillwater, Associate Editors: Scott Buhlinger, Bartlesville; Emily Duensing, Tulsa; John Munkacsy, Lawton; Pandee Ramirez, Okmulgee; Julia Rieman, Enid; James Stuart, Shawnee; Leslie D. Taylor, Oklahoma City; Judge Lori M. Walkley, Norman; January Windrix, Poteau

NOTICE of change of address (which must be in writing and signed by the OBA member), undeliverable copies, orders for subscriptions or ads, news stories, articles and all mail items should be sent to the Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036.

Oklahoma Bar Association (405) 416-7000
Toll Free (800) 522-8065 FAX (405) 416-7001
Continuing Legal Education (405) 416-7006
Ethics Counsel (405) 416-7083
General Counsel (405) 416-7007
Law-related Education (405) 416-7005
Lawyers Helping Lawyers (800) 364-7886
Mgmt. Assistance Program (405) 416-7008
Mandatory CLE (405) 416-7009
Obj & Communications (405) 416-7004
Board of Bar Examiners (405) 416-7075
Oklahoma Bar Foundation (405) 416-7070

EVENTS CALENDAR

SEPTEMBER 2009

- 7 **OBA Closed** – Labor Day Observed
- 8 **OBA Leadership Academy**; 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
OBA Mock Trial Committee Meeting; 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Judy Spencer (405) 755-1066
- 9 **OBA Leadership Academy**; 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
- 10 **OBA Awards Committee Luncheon**; 11:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: D. Renee Hildebrant (405) 713-1423
OBA Awards Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: D. Renee Hildebrant (405) 713-1423
- 11 **OBA Lawyers Helping Lawyers Training**; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa with teleconference; Contact: Tom Riesen (405) 843-8444
OBA Family Law Section Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Amy Wilson (918) 439-2424
- 15 **OBA Civil Procedure Committee Meeting**; 3 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 (405) 232-4271
- 16 **Oklahoma Council of Administrative Hearing Officials**; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carolyn Guthrie (405) 271-1269 Ext. 56212
Ruth Bader Ginsburg American Inn of Court; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb (405) 235-1611
- 17 **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 Bench & Bar Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211

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

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

THE OKLAHOMA BAR JOURNAL is a publication of the Oklahoma Bar Association. All rights reserved. Copyright© 2009 Oklahoma Bar Association. The design of the scales and the "Oklahoma Bar Association" encircling the scales are trademarks of the Oklahoma Bar Association. Legal articles carried in THE OKLAHOMA BAR JOURNAL are selected by the Board of Editors.

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



Failure is Not an Option

Gene Kranz to Share NASA Experience that Inspired a Movie

By Jeff Kelton

Gene Kranz, a best-selling author, former NASA flight director and Air Force veteran will deliver the keynote address at the 105th OBA Annual Meeting this year, Nov. 4 – 6 in Oklahoma City.

"This year is the 40th anniversary of landing on the moon and I have always been a big fan of NASA. I was familiar with Gene Kranz's book *Failure Is Not an Option* and thought it was very appropriate in the difficult times our association has faced this year," said Oklahoma Bar Association President Jon Parsley. "Just as NASA works through its problems, we too have persisted with a 'failure is not an option' attitude. I was delighted when I saw that Gene Kranz was an available motivational speaker. It all seemed like the perfect fit."



legendary status in the history of our country and garnered him a high honor, receiving the Presidential Medal of Freedom for his leadership, heroism and never-give-up mentality.

He has been featured in many movies including the blockbuster *Apollo 13*, detailing the failed lunar landing mission where he was portrayed by actor Ed Harris. Mr. Kranz has also been the subject of documentary films, books and periodical articles.

Mr. Kranz, author of the *New York Times* best seller, *Failure Is Not An Option* (2000), records his work in Mission Control, from Project Mercury through Apollo 13 and beyond. Due to the book's success, the History Channel used it as a basis for a documentary on that topic that ran as a two-hour special in 2003.

Mr. Kranz is not aware of the word failure. He is most notably known for successfully directing the doomed Apollo 13 mission astronauts safely back to Earth which inspired the phrase 'failure is not an option.' This endeavor placed him in

active including consulting and motivational speaking to professional, civic and youth groups. He discusses the pride, determination and passion that inspired and compelled the engineers and scientists who were responsible for the American space program's success, reminding all that there was no other option but to succeed during that crisis in 1970. He is also a flight engineer on a B-17 "Flying Fortress," performing at air shows throughout the United States. He has also built an aerobatic biplane.

continued on next page

Mr. Kranz is married to the former Marta I. Cadena of Eagle Pass, Texas. They are the parents of six children.

The Annual Luncheon will take place from noon to 1:45 p.m. Thursday, Nov. 5. Mr. Kranz will be available following the luncheon for a book signing at 2 p.m. Cost to attend the luncheon is \$30 with Annual Meeting registration. Seating is limited, so register today. See the registration page in this issue.

Mr. Kelton is a communications specialist in the OBA Communications Department.

Investment Fraud Basics:

Protect Your Client's Assets

Learn Proactive, Interactive and
Reactive Measures to Protect
Your Clients from Fraud

Approved for 6 hours CLE by the
Oklahoma Bar Association

Live webinars in three time-saving formats
(No special equipment or skill needed)

Classroom presentations in
OKC and Tulsa coming in November

www.NewCLE.com

LAW FIRM MERCHANT ACCOUNT™

CREDIT CARD PROCESSING FOR ATTORNEYS



Win Business and Get Paid!

The Oklahoma Bar Association is pleased to offer the Law Firm Merchant Account, credit card processing for attorneys. Correctly accept credit cards from your clients in compliance with ABA and State guidelines.

Trust your transactions
to the only payment
solution recommended
by over 50 state and local
bar associations!



Member Benefit

**OBA Members save up to 25% off
standard bank fees when you mention
promotional code: OBASave.**

Call 866.376.0950

or visit www.affiniscap.com/OklahomaBar

Affiniscap Merchant Solutions is a registered ISO/MSP of Harris, N.A., Chicago, IL.



Failure is Not an Option

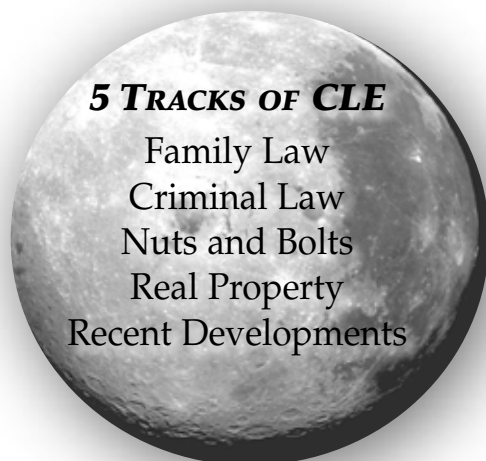
Annual Meeting Event Highlights

By Carol Manning

Wednesday • November 4

Multi-Track CLE

Earn a year's worth of CLE credit in a day and a half at the Annual Meeting. Plus, you have five tracks of programming to choose from — Criminal Law, Family Law, Recent Developments, Real Property and YLD - Nuts and Bolts, which is practical topics for new lawyers or experienced lawyers transitioning into private practice. Stay in one track — or jump around choosing your favorites from all five tracks. Nine hours of CLE are offered on Wednesday from 9 a.m.-noon and 2-5 p.m. and three hours can be earned by attending the Thursday plenary morning session. Ethics credits are scattered throughout the tracks. Participants will receive materials for all track sessions on one CD (saving you from lugging around a back-breaking binder) that can be popped into your laptop. Some materials will be available to pre-registrants before the meeting to download and use for note taking. See the CLE grid in this issue for more details.



2009: The Space Odyssey

Inspired by this year's luncheon keynote speaker, space is the theme for what is traditionally the best party of the OBA Annual Meeting — the President's Reception. OBA President Jon Parsley invites you to join him Wednesday evening beginning at 7 p.m. If you've never attended before, the appetizers are hearty, and it's a great opportunity to network. Lots of legal VIPs will be there. Because this is such a popular event, it has been expanded to three hours this year. Something else new is that former Apollo 13 Flight Director Gene Kranz will make a public appearance at the reception, so you might want to bring your camera. Each attendee receives two drink tickets. Free with Annual Meeting registration.



Art Contest

The 11th Annual OBA Art Contest gives bar members the chance to show off their creative side. Original, lawyer-created works of art in a wide variety of media will be judged and displayed during the President's Reception and again on Thursday morning until the end of the luncheon. Artists have the chance to win ribbons and first-place trophies in every category, as determined by the contest judges. A large trophy and important bragging rights



as OBA Artist of the Year await the grand prize winner, whose artwork is displayed at the Oklahoma Bar Center for one year. Judge Michael Stano of Stillwater is the current Artist of the Year. Shawnae Robey is coordinating this event with assistance from Vice Chair Jennifer Kirkpatrick. Contest entry fee is included as part of meeting registration fee. Don't miss the separate contest registration form. If you have questions, e-mail artatty@okbar.org.

Thursday • November 5

OBA/CLE Plenary Session

This year celebrates the 200th anniversary of Abraham Lincoln's birth and that focus on honest Abe is reflected in the topic for the plenary session — "Lessons on Professionalism: The Life and Practice of Abraham Lincoln." Mr. Lincoln practiced law for nearly 25 years, and he tried more than 5,000 cases. Former Louisiana State Bar President E. Phelps Gay will review the eventful life of our 16th president, especially as it relates to the practice of law. Participants will also view a professionally produced DVD about Lincoln's life and then listen to an ethics discussion involving a number of esteemed panelists. Begins at 9 a.m. and ends at 11:40 a.m. Approved for three hours of MCLE ethics credit, this session is part of the two-day CLE package — or is priced separately.

Annual Luncheon



In 1970, space mission Apollo 13 was to be the third manned flight to land on the moon, but electrical problems two days after liftoff forced the lunar landing to be aborted. The loss of both oxygen tanks and electrical power in the main spacecraft made the return of the three astronauts in the lunar module a risk-filled challenge watched around the world. Luncheon keynote speaker Gene Kranz was the leader of NASA's flight directors who guided the crippled spacecraft safely back to Earth. "Failure is Not an Option," the motto that carried him through the Apollo 13 crisis, will be the theme of his presentation. Mr. Kranz will share stories of his NASA mission teams in which many of the flight directors were young

Why Attend the Annual Meeting?

"The Annual Meeting is the place to see friends and renew acquaintances, to learn the concerns and happenings of the Oklahoma bar — and to recall why you chose this profession."

— *Martha Rupp Carter*
Tulsa, Board of Governors

"The Annual Meeting is the best way to stay connected with our bar association; it is also the best opportunity to meet attorneys from all parts of Oklahoma in a relaxed atmosphere."

— *Mark Hixson*
Yukon, Board of Governors

"I have always enjoyed attending Annual Meeting. It is a time to 'be lawyers together' without the stress and competitiveness of active practice. Here are a few shorter advantages: 1) meeting judges while they are relaxed and happy, 2) open bars and hospitality suites (see # 1), 3) great CLE tracks, 4) taking time to look at 'big picture' items (where we're headed as attorneys, practice tips, recent developments), 5) giveaways at the vendor booths, 6) getting to use those fancy business cards, 7) great deals from vendors, and 8) putting faces to the names of OBA staff."

— *Amy E. Wilson*
Chairperson, Family Law Section

"You know all of those more 'experienced' lawyers you want to meet? They are usually at the Annual Meeting. As a 'middle aged' lawyer, I decided I wanted to be involved and someday take a leadership position with the OBA. That goal became a reality because of the contacts and friendships that developed simply by going to the meeting and introducing myself to others."

— *Steve Dobbs*
Oklahoma City, Board of Governors

"It is a chance to focus more on the profession than the career. We spend hours upon hours dealing with 'opposing' counsel in our careers as attorneys. The Annual Meeting is a great place to meet and reacquaint with attorneys and focus on improving our profession and our own legal skills."

— *Deb Reheard*
Eufaula, Board of Governors

engineers and scientists with little work experience — but their abundant energy and will to succeed made history. This was the story that inspired the movie.

Why Attend the Annual Meeting?

"It is extremely important to attend the OBA Annual Meeting because it is a rare occasion when you can combine a truly educational outing with the collegueship of practitioners in your exact field of expertise. As vice chair of the Mineral Law Section, I always strive at our Annual Meeting to produce a product of interest for the mineral law practitioner with the opportunity to interact with other experts in the energy field."

— *Chris Tytanic*
Vice Chairperson, Mineral Law Section

"I have attended most of the bar conventions since 1975. Many years I was able to get all my CLE for the year completed and being located in Idabel that saved me numerous trips to OKC or Tulsa. Perhaps the biggest benefit though was the chance to socialize with lawyers from all over the state and discuss cases and tactics, which amounted to free CLE even if no credit was given for it. Also, networking with lawyers has brought me some good referrals over the years. We encourage all our lawyers to attend."

— *Jerry McCombs*
Idabel, Board of Governors

"It is a great time to get meaningful CLE. More importantly it is a great networking opportunity for newer lawyers and a time for camaraderie and fellowship for all lawyers. President Parsley has prepared an excellent Annual Meeting this year which shouldn't be missed!"

— *J. William Conger*
2008 OBA President

OBA awards will also be presented, and the new Artist of the Year will be revealed. Time: 12-1:45 p.m. Cost: \$30 with Annual Meeting registration, which is required to purchase a ticket. A book signing will immediately follow the luncheon, and copies of his book will be available for purchase.

Free Mental Health CLE Seminar

The OBA is committed to the well being of its members and for the third year is offering

1 1/2 hours of free CLE (including 1/2 hour of ethics) on Thursday afternoon from 3-4:15 p.m. The seminar, officially titled "Courage to Change: Lawyers Helping Lawyers" will focus on depression. First, the cold, hard facts about depression and the practice of law will be addressed, followed by information on recognizing and treating depression. A panel of four speakers will discuss how to embrace the courage to change, in an effort to prevent depression that can lead to suicide. The program is sponsored by OBA/CLE and the OBA Lawyers Helping Lawyers Assistance Program. Annual Meeting registration is not required to attend. Register by filling out the Annual Meeting registration form online or in print.

OBA Comedy Club Featuring Henry Cho

The OBA Comedy Club is a new event this year and nationally known comedian Henry Cho is the spotlight performer. Be prepared for 75 minutes of laughter as he entertains the crowd with his stand-up comedy seen on Comedy Central, *The Tonight Show* and MTV's *1/2 Hour Comedy Hour*. He's even been the star of his own one-hour comedy special titled, "What's That Clickin' Noise?" The show starts at 7:30 p.m., and it's a free event with Annual Meeting registration.



Casino Night



An Annual Meeting favorite that keeps on packing the house every year, Casino Night is back — courtesy of the Young Lawyers Division that sponsors the event. Enjoy winning it big at blackjack, roulette, craps and Texas Hold 'em (so popular that more tables will be added this year). The good thing is if you lose a bundle, it's only play money. Musical entertainment will add to the festivities, so you can pretend you are in the city where what happens there, stays there. A drawing for awesome prizes will be held at the end of the evening.

Casino night will be from 9 p.m.-midnight and is free with Annual Meeting registration.

Friday • November 6

President's Prayer Breakfast



President Jon Parsley invites you to join him for breakfast, a long-standing Annual Meeting tradition. The speaker will be William G. Paul, better known as Bill or Willie to his friends, who will discuss the book about his life called, *Willie of the Valley*. It is an inspirational story of a man who grew up on a dairy farm in Pauls Valley and

with great effort, hard work and determination rose to the leadership of the American Bar Association with more than 400,000 members. Bill served as OBA president in 1976, was general counsel for Phillips Petroleum Co. and has served in many capacities in his current firm of Crowe and Dunlevy. All who attend will be

given an autographed copy of the book, courtesy of Mr. Paul. The breakfast is from 7:30 - 9 a.m. Cost: \$20. Sign up on the Annual Meeting registration form.

General Assembly

Leaders of the Oklahoma Supreme Court and Court of Criminal Appeals will share their current challenges and triumphs. OBA President Jon Parsley will review milestones accomplished by the OBA during the year and give insight on what lies ahead for the association. Come see your colleagues, and maybe your bar association, honored with OBA awards. Begins at 9 a.m. Open to all bar members, not just delegates.

House of Delegates

Taking place immediately following the General Assembly, the voice of the membership elects officers and Board of Governors members for 2010. Plus, they make decisions on the OBA's legislative plan and other important issues for next year. President-Elect Allen Smallwood of Tulsa presides during this session. The deadline to submit resolutions to OBA Executive Director John Morris Williams for consideration by the House of Delegates is 5 p.m. Thursday, Oct. 1, 2009.



ISRAEL
DIAMOND SUPPLY

{888} 492-9300
ISRAELDIAMOND.COM
INFO@ISRAELDIAMOND.COM
4852 S. YALE AVE - TULSA

WE RAISE THE BAR.

WHEN IT COMES TO DIAMONDS,

GUARANTEED
WHOLESALE PRICES
ON THE FINEST
CERTIFIED
DIAMONDS





Failure is Not an Option

Continuing Legal Education at its Best

Overview of OBA/CLE Annual Meeting Programming

By Donita Bourns Douglas

“I know not how to aid you, save in the assurance of one of mature age, and much severe experience, that you can not fail, if you resolutely determine, that you will not.”

— Abraham Lincoln in a letter to George Latham, July 22, 1860

Attorneys love history. After all, members of the legal profession permeate almost every significant historical marker in American history. It's natural that we'd be interested in the attorneys who preceded us and so impacted the America in which we live today.

PLENARY SESSION

If you love history, you love Abraham Lincoln. This year is the 200th anniversary of Lincoln's birth. In honor of that occasion, the OBA/CLE Annual Meeting plenary session will focus on the life of Lincoln and what we can learn, as lawyers, from his life.

“Lessons on Professionalism: The Life and Practice of Abraham Lincoln” is scheduled for Thursday, Nov. 5, at 9 a.m. Approved for three hours of MCLE ethics credit, this session will begin with a presentation by a former Louisiana State Bar president, E. Phelps Gay. His session, titled, “Abraham Lincoln: A Few Remarks about a Real Man,” will review the eventful life of our 16th president, especially as it relates to the practice of law.

Thereafter, a professionally produced DVD about Lincoln's life will be presented. Organized by ethics areas, the DVD will frame ethics issues for discussion by an esteemed panel: Mr. Gay;

Judge David Lewis, Oklahoma Court of Criminal Appeals; Judge Jane Wiseman, Oklahoma Court of Civil Appeals; Steven Dobbs, Dobbs and Middleton, Oklahoma City; Professor Rick Tepker, University of Oklahoma College of Law; Gina Hendryx, OBA general counsel, and Travis Pickens, OBA ethics counsel.

MULTI-TRACK SEMINARS

The Wednesday CLE multi-track format will be used again at this year's meeting. Members will have an opportunity to select from in excess of 30 different sessions. Five tracks of simultaneous CLE programming will be offered: Family Law, Criminal Law, Nuts and Bolts, Real Property Law and Recent Developments.

The Family Law track is packed with useful information on cutting-edge and relevant topics. Planned by Kimberly Hays, Tulsa, the sessions will include presentations on the child support changes, the changes and reorganization of Title 10, a primer on relocation, attorney fees and liens and artificial reproduction law. Eufaula attorney Deborah Reheard will speak on a scary topic but offer you practical advice on what to do when you get that OBA envelope marked “Confidential.”

The ever-popular Criminal Law track, planned by Oklahoma City attorneys Ben Brown and Charlie Sifiers, includes sessions on expungements, current evidentiary issues, registration of violent offenders and sex offenders, the Oklahoma Open Records Act dealing with scientific evidence, methamphetamines and ethics in criminal law — plus much more.

Lawyers need the Nuts and Bolts track more than ever in these times. Planned by the OBA Young Lawyers Division, spearheaded by Rick Rose of Oklahoma City, this track includes sessions on buying and selling real property, energy law basics and family law basics. Oklahoma Supreme Court Justice Jim Winchester will speak on “How to Communicate with Baby Boomers;” Jim Calloway, director of the OBA Management Assistance Program will answer the question, “What Does the Internet Think of You?” and OBA General Counsel Gina Hendryx will share her professional expertise and provide one hour of ethics when she presents, “Client Care — Intake, Expectations and Boundaries.”

For the first time ever, the Wednesday CLE tracks will include a Real Property track. Oklahoma City attorney Kraettli Epperson has carefully selected topics relevant to the general practitioner: defeating borrower’s claims, using LLCs to hold and convey title, perfecting and

renewing judgments, the Marketable Record Title Act, defensible title and use of transfer on death deeds.

You don’t have to wait until December to get the most recent changes to the law. The Recent Developments track will provide updates on ethics, Indian law, employment law, adoption law and tort reform. Jim Calloway will speak on recent economic developments when he addresses “Billing Strategies in a Changing Economy.”

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

So, at this year’s Annual Meeting, be a part of history. Join us for some quality CLE that is guaranteed to be beneficial, entertaining and educational. Reserve your spot now with OBA/CLE and get excited about learning again.

Ms. Douglas is director of OBA Educational Programs.

**NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT
OF IAN STEEDMAN, SCBD #5541
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 Ian Steedman 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, October 22, 2009**. Any person wishing to appear should contact Gina Hendryx, 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

OBA/CLE Annual Meeting 2009

November 4, 2009

DAY ONE

	<i>Family Law</i>	<i>Criminal Law</i>	<i>Nuts & Bolts</i>	<i>Real Property</i>	<i>Recent Developments</i>
<i>WEDNESDAY</i> <i>Registration</i> 8 - 9 a.m.	Program Planner/ Moderator Kimberly Hays	Program Planner/ Moderator Ben Brown Charles Sifers	Program Planner/ Moderator Rick Rose	Program Planner/ Moderator Kraettli Epperson	Program Planner/ Moderator Travis A. Pickens
Session 1 9 - 9:50 a.m.	The New Child Support Guidelines Amy Wilson	Expungements 101 David Stockwell	Let's Make a Deal: Legal Aspects of Buying and Selling Real Property in Oklahoma Briana J. Ross	Defeating Borrowers' Claims Blake Parrott	Update on Ethics Law (ethics) Travis A. Pickens
Session 2 10 - 10:50 a.m.	Title 10 Recodification Anne Sublett	Dealing with Scientific Evidence in Criminal Law Marny Hill	Basics of Energy Law for the General Practitioner Travis Brown	Using LLCs to Hold and Convey Title Alan Durbin	Indian Law Update O. Joseph Williams
Session 3 11 - 11:50 a.m.	It's 10 O'Clock, Do You Know Where Your Client's Genetic Material Is? Questions Family Lawyers Should Be Asking Noel Tucker	Registration Requirements for Violent Offenders and Sex Offenders Cynthia Viol	How to Communicate with Baby Boomers Justice Jim Winchester	Perfecting and Renewing Judgments Josh Greenhaw	Billing Strategies in a Changing Economy Jim Calloway
12-2 p.m. LUNCH (On your own)					
Session 4 2 - 2:50 p.m.	It's a Small World! The Current State of Relocation Law: Requesting and Defending Against Relocation Lori Pirraglia	Oklahoma Open Records Act: Its Use in Criminal Defense Steve Fabian	Client Care — Intake, Expectations, and Boundaries (ethics) Gina Hendryx	Changing the Understanding of the Marketable Record Title Act Scott McEachin	Employment Law Update Christine Cave


OBA/CLE Annual Meeting 2009

<i>cont'd</i>	<i>Family Law</i>	<i>Criminal Law</i>	<i>Nuts & Bolts</i>	<i>Real Property</i>	<i>Recent Developments</i>
Session 5 3 - 3:50 p.m.	Lien on Me: Attorney's Fees and Enforcing Your Lien Julie Rivers	Ethics and Criminal Law (ethics) Debbie Maddox	What Does the Internet Think of You Jim Calloway	Definition of Defensible Title Regarding Oil and Gas: Panel Discussion Timothy Dowd John Myles Kraettli Epperson	Adoption Law Update Jennifer Kern
Session 6 4 - 4:50 p.m.	Bar Complaints: What To Do When Your Client Wants to Divorce You! (ethics) Deborah Reheard	Methamphetamine The New Formula, Threat and Epidemic Mark Rutherford	Child Support Basics: Getting to Know Oklahoma Child Support Services and Administrative Court Hannah Cable	Use of Transfer on Death Deed Darin Savage	Tort Reform: The Effects of 1603 on Your Practice Brad West

4:50 p.m. ADJOURN

November 5

DAY TWO

THURSDAY Registration 8 - 9 a.m.			
OBA/CLE Plenary Session 9 - 11:50 a.m.	Topic: Lessons on Professionalism: The Life and Practice of Abraham Lincoln	Featured Speaker: E. Phelps Gay, Former Louisiana State Bar President	 <p>"Abraham Lincoln: A Few Remarks about a Real Man"</p> <p>Following a DVD presentation, there will be a panel discussion featuring: Mr. Gay</p> <p>Judge David Lewis, <i>Oklahoma Court of Criminal Appeals</i> Judge Jane Wiseman, <i>Oklahoma Court of Civil Appeals</i> Steven Dobbs, <i>Dobbs and Middleton, Oklahoma City</i> Professor Rick Tepker, <i>OU College of Law</i> Gina Hendryx, <i>OBA general counsel</i> Travis Pickens, <i>OBA ethics counsel</i></p>

THE 2009 OKLAHOMA CORPORATION COMMISSION INSTITUTE “HOT TOPICS IN OIL & GAS CONSERVATION PRACTICE”

*Sponsored by the Office of Administrative Proceedings of the Oklahoma Corporation Commission
and the Mineral Law Section of the Oklahoma Bar Association*

Friday, October 23, 2009 • 9:00 a.m. to 4:30 p.m.
University of Oklahoma -Tulsa, Schusterman Center • 4502 East 41st Street • Tulsa, Oklahoma

- | | | |
|---------------|---|--|
| 9:00 – 9:15 | Welcome | The Commissioners |
| 9:15 – 9:45 | A Mock Pooling Hearing | Richard K. Books, Attorney at Law
Richard Gore, Attorney at Law
Administrative Law Judges
ALJ Michael Porter, ALJ Paul Porter,
ALJ Michael Norris, ALJ William Peterson,
ALJ David Leavitt |
| 9:45 – 10:45 | Panel: Current Issues in Oklahoma Petroleum Land Management | Michael D. Stack, Attorney at Law, Moderator
Eric Lowe, Petroleum Land Manager — Kaiser-Francis Oil Company
Dorsey Roach, Petroleum Land Manager
Mark Hambric, Petroleum Land Manager
Lloyd Tinsley, Petroleum Land Manager — Devon Energy Corp. |
| 10:45 – 11:00 | Mid-Morning Break | |
| 11:00 – 12:00 | Panel: Hot Topics in Regulation of Horizontal Drilling and Spacing | The Honorable Dana Murphy, Commissioner, Moderator
Ron Dunkin, Manager, Technical Services
Bob McCoy, Manager, Geology Oil & Gas Conservation Division
Richard Grimes, Attorney at Law
Janet McGehee, Petroleum Engineer, New Dominion, LLC
Jim Addison, Petroleum Engineer, Newfield Exploration Mid-Continent, Inc. |
| 12:00 – 1:30 | Lunch on your own. | |
| 1:30 – 2:15 | Panel: Current Issues in Oklahoma Forced Pooling, Part I | ALJ Michael Decker, Moderator
ALJ Patricia MacGuigan, Acting Oil and Gas Appellate Referee
ALJ Curtis M. Johnson
Eric King, Attorney at Law
John R. Reeves, Attorney at Law |
| 2:15-3:00 | Panel: Current Issues in Oklahoma Forced Pooling, Part II | ALJ Paul Porter, Moderator
John Moricoli, Attorney at Law
William Huffman, Attorney at Law
Ron Barnes, Attorney at Law
Greg Mahaffey, Attorney at Law |
| 3:00 – 3:15 | Mid-Afternoon Break | |
| 3:15 – 4:15 | Panel: Hot Topics for Mineral Owners in Oil & Gas Regulation | Steve McNamara, Attorney at Law, Moderator
David Sikes, NARO
Richard Chapman, American Royalty Council
Terry Stowers, Attorney at Law
Donna Darnell, Consumer Services Division, Oklahoma Corp. Commission |
| 4:15 – 4:30 | Appreciation & Evaluations | TBA |

The seminar is dedicated to the late Judge Randolph S. Specht, Oil and Gas Appellate Referee, who died August 17, 2009. Judge Specht was a scholar and gentleman who always set the highest example of professionalism in his dealings with the public, practicing bar, and judicial colleagues. His contribution to Oklahoma oil and gas law will form a substantial legacy for decades to come.

Fee: \$50.00 (pre-registration by COB Wednesday, October 21, 2009) \$60.00 (registration at the door). Please make checks payable to: Oklahoma Corporation Commission, OAP Seminar 2009. The seminar is approved by the Oklahoma Bar Association's Mandatory Continuing Legal Education Commission for 6 hours of MCLE credit, with no ethics credit included.

Registration: C/o Ms. Snooks Campbell (please call if you fail to receive confirmation response to e-mail registration.)
Office of Administrative Proceedings
Oklahoma Corporation Commission
P.O. Box 52000
Oklahoma City, Oklahoma 73152-2000
Telephone: (405) 521-2756, Facsimile: (405) 522-6397
E-mail: OAPinfo@occcemail.com

Please submit additional inquiries to: ALJ Michael Decker, OAP Director (405) 521-2241, m.decker@occcemail.com.



Failure is Not an Option

Can You Take a Joke?

Stand-up Comic to Perform at Annual Meeting

By Melissa Brown

Laughter is the best medicine. And at this year's Annual Meeting, there is sure to be plenty of it.

The headliner for the Thursday evening Annual Meeting festivities will be comedian Henry Cho, who has appeared on Comedy Central, *The Tonight Show* and in several feature films.

Mr. Cho, who is originally from Tennessee, calls himself "an Asian with a southern accent."

"To a lot of people, that right there is funny," he said.

Mr. Cho recently partnered with CBS and Paramount Studios to co-create and star in his own sitcom based on his life as a Korean-American born and raised in the American South.

In 2006, he had his own one-hour comedy special titled, "What's That Clickin' Noise?" on Comedy Central.

Mr. Cho's other comedy credits include NBC's *Bob Hope's Young Comedians Special*, MTV's *½ Hour Comedy Hour* and several appearances on *The Tonight Show*. He also hosted NBC's *Friday Night Videos* for two years and had many guest roles on various sitcoms such as CBS' *Designing Women*.



He has made appearances in several feature films, including *Material Girls*, starring opposite Hilary Duff and Angelica Houston, *McHale's Navy* and *Say It Isn't So*.

In the summer of 2003, Mr. Cho was the keynote entertainer for the 59th Annual Radio & Television Correspondents' Dinner attended by the Bush administration. Then, over the holiday season, he joined Amy Grant and Vince Gill on their annual Christmas tour and toured with them again December 2004.

To get a preview of Mr. Cho's stand-up, check out his videos at www.myspace.com/henrycho.

Don't miss this event, set for 7:30 p.m. Thursday, Nov. 5. It's free with Annual Meeting registration.

And while Mr. Cho promises not to make any lawyer jokes, you can be guaranteed to walk away with plenty of laughs.

Ms. Brown is a communications specialist in the OBA Communications Department.



Failure is Not an Option

2009 Art Contest

By Shawnae Robey

Are you ready to show off your hidden artistic talent? Now's your chance! Enter your pieces of art in the 2009 Attorney Art Show.



2008 OBA Vice President Mike Mordy presents the Artist of the Year Award to Judge Michael Stano at last year's Annual Luncheon.

The art show is part of the OBA Annual Meeting, to be held Nov. 4-6 at the Sheraton Hotel in downtown Oklahoma City. Original, attorney-created works of art will be on display throughout the meeting. Last year we had 22 artists enter 63 pieces of art in 10 different categories and we expect another great success this year.

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

Art show participants may submit entries in as many categories as they wish; however, there is a limit of two entries per category. Additionally, all entries must have been completed within the past five years and cannot have been awarded the top three places in any prior OBA Attorney Art Show.

To participate, simply register for the Annual

Meeting and fill out the art show registration form. No extra entry fees — they are included in the meeting registration fee.

The art will be on display Wednesday, Nov. 4 from 6 - 9 p.m. and Thursday, Nov. 5 from 11 a.m. - 2 p.m. Judging will take place on Wednesday from 12 - 2 p.m. No registrants will be allowed in the display room during judging. We look forward to your participation! If you have any questions, please contact Shawnae Robey, 2009 Art Show Coordinator, at (405) 325-4124, or e-mail artatty@okbar.org.

*Judge Stano's winning entry "Seal Beach"
Category: color photograph*



2009 OBA ATTORNEY ART SHOW

REGISTRATION FORM

The following categories of art will be judged:

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

Deadline: Oct. 12, 2009

(No registrations will be accepted after this deadline)

Return form with

Annual Meeting registration fee to:

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

Name _____

OBA Number _____

*E-mail _____

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

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

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

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



Name of Piece	Size/Weight	Date Created	Category

2009 Annual Meeting Registration Form



Failure is Not an Option

Please complete a separate form for each registrant.

Name _____

E-mail _____

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

Address _____

City _____ State _____ Zip _____ Phone _____

Name of Non-Attorney Guest _____

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

Check all that apply:

- ☐ Judiciary ☐ OBF Fellow ☐ OBF Past President ☐ OBA Past President ☐ YLD Officer ☐ YLD Board Member ☐ YLD Past President
☐ Board of Bar Examiner ☐ 2009 OBA Award Winner ☐ Delegate ☐ Alternate ☐ County Bar President: County _____

☐ YES! Register me for the 2009 Annual Meeting, November 4, 5 & 6, in Oklahoma City.

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

- MEMBER: ☐ \$50 through Oct. 12; \$75 after Oct. 12..... \$ _____
 ■ NEW MEMBER (Admitted after Jan. 1, 2009): ☐ Free through Oct. 12; \$15 after Oct. 12..... \$ _____
 ■ LAW STUDENT DIV. ☐ \$25 through Oct. 12; \$35 after Oct. 12 \$ _____
☐ I will submit an entry (or entries) in the Art Contest. (Submit art registration form by Oct. 12.
 Entry fee included in meeting registration.)

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

- ☐ WED. & THURS.: CLE Multitrack (_____ [0 or 1] ticket @ \$150 through Oct. 12; \$175 after Oct. 12;
 and Plenary \$50 for new members through Oct. 12, \$75 after Oct. 12) \$ _____
☐ THURSDAY: CLE Plenary only (_____ [0 or 1] ticket @ \$75 through Oct. 12; \$100 after Oct. 12;
 \$25 for new members through Oct. 12, \$50 after Oct. 12) \$ _____
☐ THURSDAY: Annual Luncheon (_____ number of tickets @ \$30 each) \$ _____
☐ FRIDAY: President's Prayer Breakfast (_____ number of tickets @ \$20 each) \$ _____
☐ Please check here, if under the Americans with Disabilities Act you require specific aids or services during
 your visit to the OBA Annual Meeting. ☐ Audio ☐ Visual ☐ Mobile (Attach a written description of your needs.)

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

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

TOTAL \$ _____

☐ I will be attending the free mental health CLE seminar, "Courage to Change: Lawyers Helping Lawyers," that does NOT require Annual Meeting registration.

THREE WAYS TO REGISTER

- **MAIL** this registration form with payment or credit card info to:
 OBA Annual Meeting
 P.O. Box 53036
 Okla. City, OK 73152
 ■ **FAX** this registration form with credit card information to: (405) 416-7092.
 ■ **ONLINE** at www.okbar.org
CANCELLATION POLICY Full refunds will be given through Oct. 23. No refunds will be issued after deadline.

PAYMENT OPTIONS:

- ☐ Check enclosed: Payable to Okla. Bar Association
 Credit card: ☐ VISA ☐ Mastercard ☐ Discover ☐ American Express
 Card # _____
 Exp. Date _____
 Authorized Signature _____

HOTEL ACCOMMODATIONS:

Fees do not include hotel accommodations. For reservations contact: Sheraton Hotel at (405) 235-2780. Call by Oct. 12 and mention hotel code: OK BAR for a special room rate of \$97 per night. For hospitality suites, contact Craig Combs at (405) 416-7040 or e-mail: craigc@okbar.org.

FAMILY PRACTICE MONTAGE XIII

SELECTED TOPICS FOR PRO BONO ATTORNEYS

Wednesday, October 7, 2009

Oklahoma Bar Center, 1901 N. Lincoln Blvd., Oklahoma City, Oklahoma

MCLE Credit of 7.0 Hours, Including 2.0 hours of ethics

PROGRAM AGENDA

- 8:30 a.m. Registration & Continental Breakfast
- 8:55-9:00 Welcome
- 9:00-9:50 **The Indian Child Welfare Act in Oklahoma**
Steve Hager, Director of Litigation, Oklahoma Indian Legal Services, Inc.
- 10:00-10:50 **Military Issues Arising in Family Law Cases**
Kathryn McClure, Legal Assistance Attorney, Office of the Staff Judge Advocate, U.S. Army
- 10:55 – 11:45 **Snare or Safety Net – Ethical Issues in Dealing with the Cognitively Impaired Client**
Paula Wood and Richard Goralewicz, Legal Aid Services of Oklahoma, Inc.
- 11:45- 1:00 Lunch (on your own)
- 1:00- 1:50 **Special Education**
Jo Ann Pool, Director of the Due Process Hearing and Dispute Resolution Center for Oklahoma
- 1:55– 2:45 **New Developments in Domestic Violence Law: HB 1739**
Gail Stricklin, Attorney at Law, Oklahoma City, Oklahoma
- 2:55– 3:45 **Child Support Guidelines**
Amy Wilson, Oklahoma Child Support Enforcement
- 3:50 – 4:40 **Family Law Ethics**
Travis Pickens, Ethics Counsel, Oklahoma Bar Association

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

Registration Form – Family Practice Montage XII

- ☐ 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 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. _____

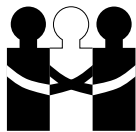
Phone () _____ E-MAIL _____

Address _____
Street City Zip County

Questions? Cindy Goble 405-488-6823/1-800-421-1641 or cindy.goble@laok.org. You may also mail or fax your registration form to: Cindy Goble, Legal Aid Services of Oklahoma, Inc., 2901 N Classen Blvd, Ste 112, Oklahoma City, OK 73106, Fax: (405) 488-6763

Family & Divorce Mediation Training

OKC • October 14 - 17
Tulsa • October 7 - 10



Approved for 40 hours of MCLE credit

This course is lively and highly participatory and will include lecture, group discussion, and simulated mediation exercises
Cost: \$625 includes all materials

The Course for Professional Mediators in Oklahoma

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

Contact:

The Mediation Institute

(405) 607-8914

James L. Stovall, Jr.

13308 N. McArthur

Oklahoma City, OK 73142

CIVIL-COMMERCIAL and EMPLOYMENT MEDIATION TRAINING

Tulsa • September 9 – 11
OKC • September 16 – 18

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

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

Cost: \$595 includes all materials

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

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

Contact:

The Mediation Institute

(405) 607-8914

James L. Stovall, Jr.

13308 N. McArthur

Oklahoma City, OK 73142

Clients selling oil and gas properties?



Preparing oil and gas properties for sale can be a daunting task. If title, land records and division orders are a mess, chances are the buyer will not take a second look at your deal. That is where Associated Resources can help. We are not lawyers but we are licensed landmen, oil and gas CPAs and accountants with a complete understanding of the regulations imposed by various governmental agencies. We know what buyers are looking for and can help give your client a chance to get the price they want.

Next time you need help with an oil and gas client make ARI your resources for oil and gas help.



ASSOCIATED RESOURCES INC.

918.584.2111 • www.aritulsa.com

2010 OBA Board of Governors Vacancies

Nominating Petition Deadline: 5 p.m. Friday, Sept. 4, 2009

OFFICERS

President-Elect

Current: Allen M. Smallwood, Tulsa
Mr. Smallwood automatically becomes OBA president Jan. 1, 2010
(One-year term: 2010)

Nominee: Deborah Reheard, Eufaula

Vice President

Current: Linda S. Thomas, Bartlesville
(One-year term: 2010)
Nominee: Mack K. Martin, Oklahoma City

BOARD OF GOVERNORS

Supreme Court Judicial District Three

Current: Cathy M. Christensen, Oklahoma City
Oklahoma County
(Three-year term: 2010-2012)

Nominee: Susan S. Shields, Oklahoma City

Supreme Court Judicial District Four

Current: Donna Dirickson, Weatherford
Alfalfa, Beaver, Beckham, Blaine, Cimarron,
Custer, Dewey, Ellis, Garfield, Harper, Kingfisher,
Major, Roger Mills, Texas, Washita, Woods and
Woodward counties
(Three-year term: 2010-2012)

Nominee: Glenn A. Devoll, Enid

Supreme Court Judicial District Five

Current: Peggy Stockwell, Norman
Carter, Cleveland, Garvin, Grady, Jefferson, Love,
McClain, Murray and Stephens counties
(Three-year term: 2010-2012)

Nominee: Ryland L. Rivas, Chickasha

Member-At-Large

Current: Deborah A. Reheard, Eufaula
(Three-year term: 2010-2012)

Nominee: David A. Poarch, Norman

Nominee: Amber Peckio Garrett, Tulsa

Summary of Nominations Rules

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

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

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

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

Vacant positions will be filled at the OBA Annual Meeting Nov. 4-6. Terms of the present OBA officers and governors listed will terminate Dec. 31, 2009. Nomination and resolution forms can be found at www.okbar.org.

**Current Nominations as of press deadline, Sept. 3*

Oklahoma Bar Association Nominating Petitions

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

OFFICERS

PRESIDENT-ELECT

DEBORAH A. REHEARD, EUFAULA

Nominating Petitions have been filed nominating Deborah Reheard for election of President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2010.

A total of 509 signatures appear on the petitions.

County Bar Resolutions Endorsing Nominee:

Comanche, Custer, Garvin, LeFlore, Love, McClain, McCurtain, McIntosh, Muskogee, Ottawa, Pittsburg, Pontotoc, Rogers and Washington

VICE PRESIDENT

MACK K. MARTIN, OKLAHOMA CITY

Nominating Petitions have been filed nominating Mack K. Martin for election of Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2010.

A total of 68 signatures appear on the petitions.

BOARD OF GOVERNORS

SUPREME COURT JUDICIAL DISTRICT 3

SUSAN S. SHIELDS, OKLAHOMA CITY

Nominating Petitions have been filed nominating Susan S. Shields for election to the Oklahoma Bar Association Board of Governors, Supreme Court Judicial District No. 3 seat for a three-year term beginning January 1, 2010. Twenty-five of the names thereon are set forth below:

Cathy M. Christensen, J. William Conger, Charles E. Geister III, Richard A. Riggs, Elizabeth D. Tyrrell, Cynda C. Ottaway, Brooke Murphy, Reggie N. Whitten, Allen D. Evans, Simone Fulmer, Richard D. Nix, Michael E. Joseph, Cannon Miles Tolbert, Mary H. Tolbert, Stacey D. Spivey, Timothy J. Bomhoff, Steven C. Davis, Drew Neville, Amy J. Sine, Frank D. Hill, Kent W. Gardner, Reid E. Robison, John N. Hermes, John A. Kenney and Jennifer H. Callahan.

A total of 70 signatures appear on the petitions.

SUPREME COURT JUDICIAL DISTRICT 4

GLENN A. DEVOLL, ENID

Nominating Petitions have been filed nominating Glenn A. Devoll for election to the Oklahoma Bar Association Board of Governors, Supreme Court Judicial District No. 4 seat for a three-year term beginning January 1, 2010.

A total of 54 signatures appear on the petitions.

SUPREME COURT JUDICIAL DISTRICT 5

RYLAND L. RIVAS, CHICKASHA

Nominating Petitions have been filed nominating Ryland L. Rivas for election to the Oklahoma Bar Association Board of Governors, Supreme Court Judicial District No. 5 seat for a three-year term beginning January 1, 2010. Twenty-five of the names thereon are set forth below:

Peggy Stockwell, Glen Adams, Dave Stockwell, David Brockman, David Poarch, Ted Haxel, Greg Dixon, Leland Shilling, Jose Gonzalez, John Mantooth, David Hammond, Sam Talley, John Nelson, Angela Jones, Ben Odom, Richard Stevens, Steve Stice, Don Pope, Micheal Salem, Deborah Moon, Gina Lowe, Gary Rife, Scott Tack, Steve Buzin and Rodney Ferguson.

A total of 60 signatures appear on the petitions.

MEMBER-AT-LARGE

DAVID A. POARCH, NORMAN

Nominating Petitions have been filed nominating David A. Poarch for election of Member-at-Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2010.

A total of 69 signatures appear on the petitions.

AMBER PECKIO GARRETT, TULSA

Nominating Petitions have been filed nominating Amber Peckio Garrett for election of Member-at-Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2010.

A total of 152 signatures appear on the petitions.

Once Rejected, Always Rejected

Recent Amendments to 36 O.S. §3636

By Mark B. Houts

Recent amendments to Oklahoma's uninsured motorist statute, 36 O.S. §3636, will take effect on Nov. 1, 2009. Currently, section 3636 requires that every policy of automobile liability insurance issued in the state of Oklahoma include uninsured motorist (UM) coverage. However, "[a] named insured or applicant shall have the right to reject uninsured motorist coverage in writing."¹ The statute goes on to provide that an *additional* rejection form must be executed:

- 1) When an insurer is notified of a change in or an additional named insured;
- 2) When there is an additional vehicle that is not a replacement vehicle; provided, a new form shall not be required for the addition, substitution or deletion of a vehicle from a commercial automobile liability policy; or
- 3) When the amount of bodily injury liability coverage is amended. Provided, any change in premium alone shall not require the issuance of a new form.²

This language has caused some confusion among insurance agents regarding precisely when it is necessary to execute an additional UM rejection form. This confusion has led to countless lawsuits based upon technical mis-
happenings and created "free" UM coverage in situations where neither the insured nor the insurer had any intent of doing so.

NATURE OF THE AMENDMENT

This confusion was the impetus for the recent amendment. Pursuant to this amendment, an agent must obtain only one UM rejection form, even if the policy is later amended. In other words, effective Nov. 1, 2009, it will no longer be necessary for an agent to obtain an additional

rejection form when an additional "named insured" is added to the policy, when new vehicles are purchased, or when bodily injury coverage is amended. Subsection (G) of the amended statute reads as follows:

The form signed by the insured or applicant which initially rejects coverage or selects lower limits shall remain valid for the life of the policy and the completion of a new selection form shall not be required when a renewal, reinstatement, substitute, replacement, or amended policy is issued to the same-named insured by the same insurer or any of its affiliates. Any changes to an existing policy, regardless of whether these changes create new coverage, do not create a new policy and do not require the completion of a new form.³

POTENTIAL SNARLS

Clearly, an agent must obtain only a single rejection form for any policy issued after Nov. 1, 2009. However, the statutory amendment raises a couple of questions: 1) whether the amendment will apply to a policy that was issued before Nov. 1, 2009 (*i.e.*, whether a rejection will be required for changes made after Nov. 1, 2009, to a policy in effect prior to Nov. 1, 2009); and 2) whether the amendment will apply to an

agent's failure to obtain a UM rejection before Nov. 1, 2009. A number of factors demonstrate that a single "rejection" form in the policy file – regardless of when that rejection was obtained – will effectively preclude the insured from later recovering uninsured motorist benefits on any claim arising after Nov. 1, 2009.

LEGISLATIVE INTENT

State Sen. Cliff Aldridge, who authored S.B. 533, gave some insight into the Legislature's purpose. "If there is a valid rejection form in the file, it will be good, regardless of whether it was executed before or after November first," he said. Aldridge, who is also an insurance agent, explained that agents feel compelled to obtain a rejection form "every time a policyholder blinks," out of fear a court may later determine that failure to obtain an updated rejection will give rise to UM coverage. Sen. Aldridge's comments suggest that a single UM rejection will effectively negate a subsequent UM claim. Likewise, a single rejection form should satisfy an agent's duty to procure a binding UM rejection form.

SUBSEQUENT CHANGES TO POLICIES ISSUED BEFORE NOV. 1, 2009

The language of the amendment itself provides a clear answer to the question of whether the statutory amendment will apply to a policy issued before the effective date. As amended, the statute provides that the initial rejection form "shall remain valid for the life of the policy." It further provides:

Any changes to an *existing* policy... do not create a new policy and do not require the completion of a new form.⁴

Thus, the statutory amendment expressly gives some degree of retroactive effect, in that it applies to "an existing policy" (*i.e.*, a policy in effect on Nov. 1, 2009), so that a new rejection form will not be required for policy changes after the effective date. The amendment does not distinguish based upon when the policy was issued.

FAILURE TO REJECT BEFORE NOV. 1, 2009

The second question set forth above deals with whether the amendment is truly "retroactive," *i.e.*, whether an agent's failure to obtain a signed rejection form prior to the amendment's effective date would be cured by the amendment. The following time-line presents a situation in which this issue could arise:

- 1) an insured purchases a liability policy and properly executes a UM rejection;
- 2) a change is made to the policy prior to the statutory amendment, and the insured *does not* execute a UM rejection;
- 3) the statutory amendment goes into effect on Nov. 1, 2009; then,
- 4) the insured suffers a loss and makes a UM claim.

There are two different scenarios under which this question could arise, discussed more fully below. Under each scenario, the insurer should file a declaratory judgment action to resolve the coverage issue. This is so, because:

Statutes are to be construed as having a prospective operation unless the purposes and intention of the Legislature to give them a retroactive effect is expressly declared, or is necessarily implied from the language used. * * * In every case of doubt the doubt must be resolved against the retrospective effect.⁵

Thus, a declaratory judgment action would comport with the insurer's duty to deal fairly and in good faith, in case the courts find in favor of coverage. An insurance defense attorney might also suggest that the insurers' agents obtain one additional UM rejection form after Nov. 1, 2009, from each insured who has rejected UM coverage. Doing so would help prevent that insurer from being the company to "test the statute" in the courts.

First Scenario

An insured may be involved in an accident after the effective date, and also after renewing the policy. The courts would probably determine that an agent's failure to obtain a rejection prior to Nov. 1, 2009, would be cured by the first renewal after Nov. 1, 2009.

Rights under §3636 (uninsured motorist coverage) depend on the statute in effect when the policy was issued or was *last renewed*.⁶

In other words, if there is a single UM rejection in the file, a court should determine that renewal of the policy after Nov. 1, 2009, would cure the failure to obtain a rejection form, because the policy would be interpreted according to the statute as amended. Still, there is not sufficient guidance on this issue, and a declaratory judgment action would be advisable.

Second Scenario

In the second scenario, an insured might suffer a UM loss after Nov. 1, 2009, but prior to renewing the policy. In this scenario, an insured would argue that the statutory amendment creates a "case of doubt" under *Hankins*, so that the amendment is not retroactive and the agent's failure to obtain a rejection would give rise to UM coverage.

Remedial or procedural statutes which do not create, enlarge, diminish, or destroy vested or contractual rights, and which relate only to remedies or modes of procedure are generally held to operate retroactively and to apply to pending actions or proceedings, *unless such operation would affect substantive rights.*⁷

In other words, an insured would argue that failure to obtain a UM rejection in making policy changes prior to Nov. 1, 2009, would give rise to UM coverage *at that time*. If the amendment abrogates that coverage, "such operation would affect substantive rights." Thus, according to the insured's argument, absent clear legislative intent to make the amendment retroactive, that UM coverage would remain in effect.

The insured's argument should fail. The language discussed above demonstrates the Legislature's intent to require only a single rejection form, regardless of when that form was signed. Particularly convincing is the fact that a single rejection "shall remain valid for the life of the policy." Retroactive effect is, therefore, "necessarily implied" in the language of the amendment, as anticipated in *Hankins*, 1980 OK 66, *supra*. Furthermore, the purpose of the amendment is to balance an insured's right to elect UM coverage against the windfall that would result if the insured could recover UM benefits without paying UM premiums. This

purpose would be thwarted if the insured could recover UM benefits indefinitely based upon a single mistake made by an agent, weeks, months or years prior to an otherwise uninsured loss.

CONCLUSION

If called upon to interpret the recent amendments to 36 O.S. §3636, the Oklahoma Supreme Court should determine that a single, properly-executed rejection form will effectively guard against any UM claim arising on or after Nov. 1, 2009. Certainly, this is true for a policy issued after Nov. 1, 2009. Most likely, this is true regardless of when the policy was issued. However, an insured will have a stronger argument if the policy was issued prior to Nov. 1, 2009. Although a court is likely to find in favor of the insurer so long as the file contains a single valid rejection form, the insurer should file a declaratory judgment action for any claim arising after Nov. 1, 2009, on a policy issued before that date. Doing so would help prevent a successful bad faith claim in case the courts find UM coverage.

1. *Id.* at (G).
2. *Id.* at (H).
3. S.B. 533, 1st Session, 52nd Leg. (Ok. 2009).
4. *Id.* (emphasis added).
5. *MFA Ins. Co. v. Hankins*, 1980 OK 66, 610 P.2d 785, 787 (interpreting prior amendments to §3636).
6. *Tidmore v. Fullman*, 1982 OK 73, 646 P.2d 1278, 1283 (emphasis added).
7. *Id.* at 788 (quoting *Thomas v. Cumberland Operating Co.*, 1977 OK 164, 569 P.2d 974, 976) (emphasis added).

ABOUT THE AUTHOR



Mark B. Houts is an associate with Pignato, Cooper, Kolker and Roberson PC. He graduated from the OU College of Law in 2006, where he served as articles editor of the *Oklahoma Law Review*.

Gungoll, Jackson, Collins, Box and Devoll, P.C. Welcomes Attorney Reagan Allen



Reagan Allen returns to his family roots in Enid excited to be a part of a "top-notch" firm. Experienced in commercial and business litigation while specializing in intellectual property, he has practiced in both Oklahoma and Texas since 2003. Graduating in the top ten percent of his class at Franklin Pierce Law Center in Concord, New Hampshire, he desires to help the firm's clients while enjoying the family-friendly, close atmosphere of the firm. Admitted to practice in Oklahoma and Texas, Reagan joined the firm June 29.

Gungoll, Jackson, Collins, Box and Devoll, P.C., Attorneys and Counselors at Law
323 West Broadway, Enid OK, 73701 • 580-234-0436 • 1-800-725-0436
Oklahoma City Office
100 N. Broadway, 3030 Chase Tower, Oklahoma City OK, 73102 • 405-272-4710
www.GungollJackson.com

The Basics of Oklahoma Water Law — What Every Practitioner Should Know

By L. Mark Walker and Reagan E. Bradford

In recent years, water disputes involving intrastate transfers of groundwater and interstate sales of surface water, and the Legislature's intervention on both issues, have occupied our courts and dominated state news. Oklahoma's updated Comprehensive State Water Plan is due in 2011, with ongoing efforts over the last several years, including local and regional citizen meetings, to identify the critical water issues facing the state over our next 50 years. Factor in the issue of global warming which looms in the background and it appears certain that water law will be a burgeoning area of practice in Oklahoma in the upcoming years. This article addresses the basics of Oklahoma water law that every practitioner should know.

GROUNDWATER

Under Oklahoma law, the owner of land owns the groundwater underlying such land.¹ However, the use of groundwater is regulated by Oklahoma Groundwater Law, 82 O.S. §1020.1, *et seq.* Landowners have the right to use groundwater for domestic purposes without obtaining a permit from the state.² Domestic use includes the use of groundwater for household purposes, for watering farm and domestic animals up to the normal grazing capacity of the land, for irrigation of gardens, orchards and lawns not to exceed three acres, and for other de minimus uses specified by the Oklahoma Water Resources Board (OWRB).³

In order to use groundwater for non-domestic purposes, a landowner must first apply for and obtain a groundwater permit from the OWRB.⁴ To obtain a permit, it must be demonstrated that;

(a) the lands overlie a fresh groundwater basin or sub-basin;

(b) the applicant's proposed use is a beneficial use; and

(c) waste as described in 82 O.S. §1020.15 will not occur.⁵

With respect to "sole source aquifers" as designated by the United States Environmental Protection Agency under the Safe Drinking Water Act, it must also be shown that the proposed groundwater use will not likely "degrade or interfere with springs or streams" which originate from the sole source aquifer.⁶ This requirement currently only applies to the Arbuckle Simpson aquifer in south central Oklahoma near Sulphur.

"Waste" of groundwater is prohibited, and waste includes such things as taking groundwater without a permit, using more groundwater than is authorized by a permit, using groundwater in a manner such that it is lost for beneficial use, transporting or using groundwater inefficiently such that excessive losses occur, and polluting groundwater.⁷

A "major groundwater basin" is a distinct underground body of water with substantially the same geological and hydrological characteristics which is capable of producing on average at least 50 gallons of water per minute for a bedrock basin or at least 150 gallons per minute for an alluvium basin.⁸ A "minor groundwater basin" is simply a basin which produces less than 50 gallons per minute for a bedrock basin or less than 150 gallons per minute for an alluvium basin.⁹

Hearings on groundwater permits and protests thereto are conducted by the OWRB pursuant to Oklahoma's Administrative Procedures Act (APA) set forth in 75 O.S. §250, *et seq.*¹⁰ Similarly, appeals of OWRB decisions on groundwater permits are governed by the APA provisions regarding appeals as set forth in 75 O.S. §318, *et seq.*

The OWRB is charged with the responsibility of conducting hydrologic studies and making "maximum annual yield" determinations for each groundwater basin and sub-basin in Oklahoma.¹¹ The maximum annual yield is the amount of groundwater per acre which each landowner will be allowed to take and use each year for non-domestic purposes. This amount is sometimes referred to as the owner's "equal proportionate share," and it assumes that, if every landowner with land overlying the basin took its full equal proportionate share each year, the basin would be depleted in 20 years.¹² Thus, Oklahoma Groundwater Law has been referred to as a "mining" law because it allows for the mining and depletion of the groundwater. Of course, all of the owners with lands which overlie the basin do not normally take and use their full equal proportionate share and therefore, as a practical matter, Oklahoma's aquifers have never been fully depleted under the existing system.

Where the OWRB has made a maximum annual yield determination for a basin, groundwater permits for such basin are considered to be "regular permits." Regular permits last for the remaining life of the aquifer.¹³ For those aquifers where a maximum annual yield determination has not been made by the OWRB, only a "temporary permit" may be obtained.¹⁴ Temporary permits must be revalidated annually.¹⁵ The annual renewal occurs automatically upon the filing of a water use report unless a third party protests the renewal, in which case a revalidation hearing is held. Temporary permit holders are allowed to use two acre feet of

groundwater per year for each acre overlying the aquifer which is covered by the permit.¹⁶ Once the OWRB makes a maximum annual yield determination for a basin, the temporary permit holders in such basin are issued regular permits.¹⁷

All holders of groundwater permits must file annual use reports with the OWRB reflecting the volume of groundwater used under each permit during the preceding year.¹⁸ These reports are mailed by the OWRB to the permit holder each January and must be completed and filed with the OWRB within 30 days of receipt.¹⁹ Willful failure to file an annual use report may result in cancellation of the groundwater permit.²⁰

Violations of Oklahoma Groundwater Law, which would include use of groundwater for non-domestic purposes without a permit, use in excess of permitted amounts, and waste of groundwater, are considered a misdemeanor and are subject to penalties between \$25 and \$250 per offense.²¹

STREAM WATER

Under Oklahoma law, the owner of land also owns the surface water standing on or flowing over the landowner's property but not in a "definite stream."²² A "definite stream" is defined as "a watercourse in a definite, natural channel, with defined beds and banks, originating from a definite source or sources of supply,"²³ which includes rivers, streams, creeks and their associated ponds and lakes. Thus, a landowner can capture diffused rainwater on his land before it has entered a definite stream and use such water as he or she pleases. However, once the surface water enters a definite stream, it is subject to certain limitations as described below.

With regard to surface water in definite streams, also known as stream water, the Oklahoma Supreme Court has previously held that riparian owners, *i.e.* owners whose land touches the stream,²⁴ have the right to make "reasonable use" of the stream water, which can include domestic and non-domestic uses of such stream water so long as they do not materially injure other downstream riparian owners.²⁵ However, current statutes purport to restrict the riparian owner's right to use stream water solely to "domestic use" as described above,²⁶ and the OWRB takes the position that this defines the extent of the riparian owner's private right to use stream

water notwithstanding the Oklahoma Supreme Court's prior opinion.

Aside from the rights of riparian owners to use stream water, all other stream water is considered "public water" which is subject to appropriation for the benefit and welfare of the people of Oklahoma²⁷ pursuant to the Oklahoma Stream Use Law, 82 O.S. §105.1, *et seq.* "Appropriation" is the process by which an individual or entity can acquire the right from the state to use this public stream water.²⁸ The issuance of a stream water permit from the state creates an "appropriative right to use stream water" in favor of the permittee.²⁹ Because stream water is subject to both the private use rights of riparian owners and appropriated rights to use public stream water, Oklahoma's stream water law has been described as a dual system of water rights.

The "appropriation system" which the state administers in granting stream water permits is premised upon the "first in time, first in right" principle, that is, in times of stream water shortages, the earlier, *i.e.* senior, permits are entitled to take in preference to the more recent, *i.e.* junior, permits. Priority is based upon the date the permit application was filed.³⁰ Under the appropriation system, in order to take and use water from a definite stream, an application for a stream water permit must be filed with the OWRB.³¹ To obtain a permit, it must be demonstrated that:

(a) There is unappropriated water available in the amount applied for;

(b) The applicant has a present or future need for the water and the use to which the applicant intends to put the water is a beneficial use;

(c) The proposed use does not interfere with domestic or existing appropriative uses; and

(d) If the application is for the transportation of water for use outside the stream system wherein the water originates, the proposed use must not interfere with existing or proposed beneficial uses within the stream system.³²

After a permit is granted, construction of water works must begin within two years, otherwise the permit expires.³³ Stream water permitted for use is forfeited and returned to the public pool if it is not put to a beneficial use within seven years.³⁴ However, an extension may be granted if the permittee demonstrates

that the total amount of water authorized by the permit cannot be put to beneficial use within seven years.³⁵ The OWRB may not revoke a permit at a forfeiture proceeding if the permittee shows circumstances beyond the control of the permittee.³⁶

As with groundwater permits, all holders of stream water permits must file annual use reports with the OWRB.³⁷ These reports are also mailed by the OWRB to the permit holder each January and must be completed and filed with the OWRB within 30 days of receipt.³⁸ Willful failure to file an annual use report may result in cancellation of the stream water permit.³⁹

Violations of Oklahoma's stream water regulatory system may result in penalties. The unauthorized use, transfer, waste or severance of stream water is a misdemeanor under Oklahoma law.⁴⁰ Each day of violation is considered a separate violation subject to criminal penalties.⁴¹ The OWRB may bring an action in district court to enjoin unauthorized activities and may go upon private property to enforce the stream water regulations.⁴²

CONCLUSION

Because the amount of available water is limited by natural forces, but the demand for water continues to expand as the population and commercial activity grows, it is more important than ever that Oklahoma attorneys be able to inform their clients about the basics of Oklahoma water law. This article provides the basic framework underlying the ownership and the regulation of use of groundwater and stream water in Oklahoma.

1. 60 O.S. §60.

2. 82 O.S. §1020.3.

3. *Id.* at §1020.1(2) and OAC 785:30-1-2.

4. *Id.* at §1020.7.

5. *Id.* at §1020.9.

6. 82 O.S. (2007 Supp.) §1020.9(A)(1)(d) and §1020.9(B); OAC 785:30-3-5(f).

7. 82 O.S. §1020.15.

8. *Id.* at §1020.1(3).

9. *Id.* at §1020.1(9).

10. *Id.* at §1020.6(c).

11. *Id.* at §1020.4-1020.5.

12. 82 O.S. §1020.5(B).

13. OAC 785:30-5-1(f).

14. 82 O.S. §1020.11(B).

15. *Id.*

16. *Id.*

17. OAC 785:30-9-6.

18. 82 O.S. §1020.12.

19. OAC 785:30-5-9(a).

20. 82 O.S. §1020.12(A) and OAC 785:30-5-9(c).

21. 82 O.S. §1020.22.

22. 60 O.S. §60.

23. 82 O.S. §105.1.

24. 60 O.S. §60.

25. *Franco-American Charolaise Ltd. v. Oklahoma Water Resources Board*, 1990 OK 44, 855 P.2d 568, 573 (Okla. 1990).

26. 82 O.S. §105.1(2).

27. 60 O.S. §60.
28. OAC 785:20-1-2.
29. OAC 785:20-1-1.
30. 82 O.S. §105.2(B).
31. *Id.* at §105.9.
32. *Id.* at §105.12; It is Oklahoma's policy that only excess or surplus water should be used outside of its area of origin and citizens within an area of origin have a prior right to water originating therein. 82 O.S. §1086.1(A)(4). To that end, the OWRB is supposed to perform a review of the needs within each area of origin every five years. 82 O.S. §105.12(B).
33. *Id.* at §105.15(A).
34. *Id.* at §105.17(A).
35. 82 O.S. §105.15.
36. *Id.* at §105.18(C).
37. OAC 785:20-9-5.
38. *Id.*
39. *Id.*
40. 82 O.S. §105.20.
41. *Id.*
42. *Id.*

ABOUT THE AUTHORS



L. Mark Walker is a shareholder and director with Crowe & Dunlevy PC. He has practiced for over 25 years in the areas of natural resources, environmental and energy law. Mr. Walker is a fellow in the American College of Environmental Lawyers, and is listed by Chambers USA, The Best Lawyers in America and Super Lawyers in various practice areas. Mr. Walker is a frequent writer and speaker on water, environmental and natural resource issues.

Reagan E. Bradford is an associate with Crowe & Dunlevy PC, and practices in the energy and natural resources department. Mr. Bradford earned a B.A. from the University of Oklahoma in 2005, and graduated with his Juris Doctorate with highest honors from the University of Oklahoma College of Law in 2008, where he was elected to the Order of the Coif.



ANNUAL OU LAW ALUMNI LUNCHEON

SAVE THE DATE!

**OBA Annual Meeting
Oklahoma City, Oklahoma
Petroleum Club**

**Wednesday, November 4, 2009
Reception at 11:15 (cash bar)
Luncheon at Noon, \$30.00**

Please send luncheon payment to OBA.

**OU
LAW**

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

• Registration for OBA meeting is not required for luncheon •

SAVE THE DATE!

Five to Receive Lambird Spotlight Awards

By Deborah Bruce

Since 1996 the Spotlight Awards have been given annually to five women who have distinguished themselves in the legal profession and who have lighted the way for other women. In 1998 the award was named to honor the late Mona Salyer Lambird, the first woman president of the Oklahoma Bar Association and one of the award's first recipients. The award is sponsored by the OBA Women in Law Committee. Each year all previous winners nominate and select the current year's recipients. A plaque bearing the names of all recipients hangs at the Oklahoma Bar Center in Oklahoma City and is currently found online at www.okbar.org/women09/spotlight.htm.

The 2009 recipients will be recognized at the Women in Law banquet on Sept. 22 at the Skirvin Hilton in downtown Oklahoma City. Cherie Blair, a leading human rights lawyer in the UK, queen's counsel and wife of former prime minister Tony Blair, will be the keynote speaker. The pre-banquet reception begins at 6 p.m. More information and online registration is available at www.okbar.org/women09.

And the Mona Lambird Spotlight Award winners are...



Deirdre O. Dexter

Ms. Dexter is the city attorney for the City of Tulsa. She previously served as associate district judge for Tulsa County, was a member of Frederic Dorwart Lawyers, was a partner with Conner & Winters and had served as a law clerk for Justice Alma Wilson of the Oklahoma Supreme Court. She is a founding member of the OBA Litigation Section, is an Oklahoma Bar Foundation trustee and is president-elect of the Tulsa County Bar Association. She is also a master emeritus and past president of the Hudson-Hall-Wheaton Chapter, American Inns of Court. Ms. Dexter is listed in Who's Who in Finance and Industry, Who's Who in American Law, Who's Who in the South and Southwest, Who's Who Among American Women and Who's Who in the World. She is a life member of Who's Who National Registry and was

listed as an *Oklahoma Super Lawyer* in 2007, 2008 and 2009. She currently serves as secretary of her Kiwanis Club and is a long standing member of the Tulsa Women Lawyers Association. For many years while in private practice, she provided pro bono legal services for underprivileged youth.



Imogene Harris

When Ms. Harris entered the University of Tulsa College of Law, she was one of two female students. She graduated first in that class. She was one of the first female attorneys for Sun Oil Co. Thereafter, she began a public service career that includes work as the first female assistant city attorney in Tulsa and as counsel for the Tulsa Airport Trust. She currently is a consulting attorney for the Tulsa City-County Health Department. She has served as presi-

dent of both the Oklahoma Women Lawyers Association and the Tulsa County Women Lawyers Association. She has also served as editor of the *Tulsa County Bar Journal*, as a delegate to the OBA House of Delegates and as a member of the OBA Ethics Committee. She was a judge in the Temporary Division of the Court of Appeals. Ms. Harris received the Trailblazer for Women in Law Award from the Tulsa County Bar Association. She has served on the Board of Directors for Leadership Tulsa. Ms. Harris received her 50-year pin from the OBA this year in recognition of her 50 years of membership and work as an Oklahoma attorney.



Carol Ann Hubbard

Judge Hubbard has served as a special judge in Oklahoma County since 1995. She has served on the Oklahoma Judicial Conference Executive Committee and the Oklahoma County Bar Association Board of Directors. She was president of the Ruth Bader Ginsburg American Inn of Court, and during her tenure, the Ginsburg Inn received the Model of Excellence Award. She is the recipient of the Attorney of the Year Award from the Central Oklahoma Association of Legal Assistants, the Outstanding OCU Law Review Alumni Award, the Oklahoma County

Bar Association's 2009 Special Recognition Award and the OBA Outstanding Service to the Public Award. While a probate judge she was a moving force in TRIAD, a cooperative effort among local law enforcement agencies to disseminate information helpful to senior citizens regarding probate and guardianship issues. Judge Hubbard presides over the Oklahoma County Drug Court. The National Association of Drug Court Professionals recognized this program, representing all of Oklahoma, as one of the best drug courts in the nation.



Sally Mock (posthumous)

Ms. Mock graduated first in her class from the University of Oklahoma College of Law and throughout her distinguished career advanced the position of women, the profession of law and the underprivileged. Upon graduation from law school, she served as a law clerk to Judge William J. Holloway of the U.S. Court of Appeals for the 10th Circuit. She was then among the first women to become a member of a major Oklahoma City law firm. A long-time shareholder with McAfee & Taft, she was an accomplished transactional attorney with extensive experience in real estate and banking law. Her specific work in these areas earned her inclu-

sion in *Best Lawyers in America* in both categories, and in February 2009 she was named Oklahoma City Banking Lawyer of the Year. She served as the first female member and chair of the Oklahoma Board of Bar Examiners. Ms. Mock served on the board of Planned Parenthood of Central Oklahoma and was a co-founder of the PAC, Oklahoma Committee to Promote Women's Health. For 25 years Ms. Mock was listed in *Best Lawyers in America*.



G. Gail Stricklin

Ms. Stricklin is an Oklahoma City attorney who has dedicated the bulk of her career to advocacy and representation of women and children involved in domestic violence situations. She began her volunteer work at the YWCA with rape crisis and caring for children while the mothers attended domestic violence classes. In 2000, she was instrumental in developing The Passageway, a pro bono legal assistance outreach program sponsored by Legal Aid Services. Since 2003, Ms. Stricklin has served as the OBA representative to the Oklahoma Domestic Violence Fatality Review Board, whose mission is to reduce the number of domestic violence deaths in Oklahoma. She has also received both the Okla-

continued on next page

homa County and Oklahoma Bar Association Pro Bono Awards. Over the years Ms. Stricklin has worked tirelessly with judges, lawyers and legislators to change domestic violence statutes. As a result of her herculean efforts, in 2006 Oklahoma law was changed to waive publication of name changes in DV cases and finally, in 2009 a comprehensive approach to safety in the family law area was enacted.

Ms. Bruce is the Awards Committee chairperson for the Women in Law Committee.

**TUESDAY
SEPTEMBER
22
2009**



**SKIRVIN
HOTEL
OKLAHOMA
CITY**

**Seating is limited. Tickets are still available,
but going fast.**

Register online today at: www.okbar.org/women09



Who you
Trust
matters

COREVAULT™
Secure Online Backup & Recovery

You won't regret backing up your data off-site with CoreVault.™

CoreVault will make sure your critical data is secure, encrypted and automatically backed up off-site every day to its two private data centers.

Endorsed by The Oklahoma Bar Association.

Special pricing as low as \$19.95/mo.

866-981-5945 | corevault.com/oba

Oklahoma Bar Association 2010 Proposed Budget

NOTICE:

Pursuant to Article VII, Section 1 of the Rules Creating and Controlling The Oklahoma Bar Association, Allen M. Smallwood, President-Elect and Budget Committee Chairperson, has set a Public Hearing on the 2010 Oklahoma Bar Association budget for Thursday, September 24, 2009 at 4:00 p.m. at the Oklahoma Bar Center, 1901 N. Lincoln Boulevard, Oklahoma City.

The purpose of the OBA is to engage in those activities enumerated in the Rules Creating and Controlling the Oklahoma Bar Association ("the Rules") and the OBA Bylaws ("the Bylaws"). The expenditure of funds by the OBA is limited both as set forth in the Rules and Bylaws and in *Keller v. State Bar of California*, 496 U.S. 1 (1990). If any member feels that any actual or proposed expenditure is not within such purposes of, or limitations on the OBA, then such member may object thereto and seek a refund of a pro rata portion of his or her dues expended, plus interest, by filing a written objection with the Executive Director.

Each objection must be made in writing on an OBA Dues Claim Form, addressed to the Executive Director of the OBA, P. O. Box 53036, Oklahoma City, OK 73152, and postmarked not later than Sixty (60) days after the approval of the Annual Budget by the Oklahoma Supreme Court or January 31st of each year, whichever shall first occur. Objection Procedure and form are available at www.okbar.org/members/budget.htm.

Upon receipt of a member's written objection, the Executive Director shall promptly review such objection together with the allocation of dues monies spent on the challenged activity and, in consultation with the President, shall have the discretion to resolve the objection, including refunding a pro rata portion of the member's dues, plus interest or schedule a hearing before the Budget Review Panel. Refund of a pro rata share of the member's dues shall be for the convenience of the OBA, and shall not be construed as an admission that the challenged activity was or would not have been within the purposes of or limitations on the OBA.

OKLAHOMA BAR ASSOCIATION 2010 PROPOSED BUDGET

REVENUES	2010 PROPOSED BUDGET		2009 BUDGET	
ADMINISTRATIVE:				
Dues and Penalties	\$ 3,997,000		\$ 3,938,000	
Investment Income	80,000		105,000	
Annual Meeting	70,000		80,000	
Commissions	30,000		30,000	
Mailing Lists and Labels	10,000		15,000	
Council on Judicial Complaints - Rent and Services	10,000		10,000	
Board of Bar Examiners - Rent and Services	15,000		15,000	
Legal Intern Fees	7,000		10,000	
Other	10,000	\$ 4,229,000	11,000	\$ 4,214,000
OKLAHOMA BAR JOURNAL AND PUBLIC INFORMATION:				
Oklahoma Bar Journal:				
Advertising Sales	135,000		145,000	
Subscription Sales	16,000		16,000	
Other Miscellaneous	500	151,500	500	161,500
LAW RELATED EDUCATION:				
P.A.C.E. Institute Grant	12,000		12,000	
Other Grants	124,700	136,700	69,700	81,700
CONTINUING LEGAL EDUCATION:				
Seminars and Materials		1,090,000		1,061,400
GENERAL COUNSEL:				
Disciplinary Reinstatements		267,900		255,400
MANDATORY CONTINUING LEGAL EDUCATION:				
Filing Penalties	96,000		97,000	
Provider fees	78,000	174,000	63,000	160,000
PRACTICE ASSISTANCE				
Consulting Fees and Material Sales		6,500		9,000
COMMITTEES AND SPECIAL PROJECTS:				
Mock Trial Program Fees	53,000		53,000	
Lawyers Helping Lawyers	27,000		26,000	
Insurance Committee	55,000		50,000	
Women-in -Law Conference	50,000		50,000	
Solo-Small Firm Conference	50,000		50,000	
Uniform Law Committee	1,500		-	
Law Student Division	1,000		2,000	
Young Lawyers Division	-	237,500	-	231,000
TRANSFER FROM BUILDING FUND		0		425,500
TOTAL REVENUES		\$ 6,293,100		\$ 6,599,500

OKLAHOMA BAR ASSOCIATION 2010 PROPOSED BUDGET

EXPENDITURES	2010 PROPOSED BUDGET		2009 BUDGET	
ADMINISTRATIVE:				
Salaries and Benefits	\$	948,427	\$	909,458
Annual Meeting		130,000		150,000
Board of Governors and Officers		141,000		140,500
Conferences and Organizational Development		18,000		18,000
Legislative Monitoring		10,000		10,000
General and Administrative:				
Utilities		97,612		98,000
Insurance		46,500		46,500
Data Processing		72,630		65,200
Building and Equipment Maintenance		77,500		75,000
Postage		48,000		56,000
Copier		65,000		68,000
Supplies		25,000		23,000
Grounds Maintenance		7,000		7,000
Audit		15,000		15,000
Miscellaneous		69,600		66,900
Overhead Allocated to Departments		<u>(494,086)</u>	\$	<u>(468,602)</u>
		\$ 1,277,183		\$ 1,279,956
OKLAHOMA BAR JOURNAL AND PUBLIC INFORMATION:				
Salaries and Benefits		219,901		213,457
Oklahoma Bar Journal:				
Weekly Issue Printing		295,000		320,000
Special Issue Printing		155,000		155,000
Other		3,000		3,000
Public Information Projects		0		0
Newsclip Service		1,600		1,600
Pamphlets		10,000		10,000
Photography		500		500
Supplies		1,000		300
Miscellaneous		10,750		9,750
Allocated Overhead		<u>89,325</u>		<u>85,863</u>
		786,076		799,470
LAW RELATED EDUCATION:				
Salaries and Benefits		116,886		113,201
P.A.C.E. Institute Program		12,000		12,000
Other Grant Projects		104,950		49,950
Training, Development and Travel		27,000		40,000
Newsletter		10,000		10,000
Miscellaneous		7,600		7,600
Allocated Overhead		<u>51,000</u>		<u>45,585</u>
		329,436		278,336
CONTINUING LEGAL EDUCATION:				
Salaries and Benefits		403,091		385,442
Meeting Rooms and Food Service		150,000		135,000
Seminar Materials		60,000		60,000
Co-sponsorship fees		40,000		40,000
Brochures and Bulk Mail		75,000		70,000
Speakers		100,000		65,000
Binders		23,000		23,000
Audio/Visual		12,000		12,000
Department Travel		7,000		4,000
Supplies		3,500		3,500
Miscellaneous		29,400		28,900
Allocated Overhead		<u>135,162</u>		<u>133,988</u>
		1,038,153		960,830

OKLAHOMA BAR ASSOCIATION 2010 PROPOSED BUDGET

EXPENDITURES	2010 PROPOSED BUDGET		2009 BUDGET	
DISCIPLINARY:				
Salaries and Benefits	\$ 958,373		\$ 958,964	
Investigation and Prosecution	48,500		35,500	
PRC Travel and Meetings	7,500		3,000	
PRT Travel and Meetings	7,500		7,500	
Department Travel	5,700		3,250	
Library	6,000		6,000	
Supplies	8,000		7,500	
Miscellaneous	6,500		3,000	
Allocated Overhead	117,235	\$ 1,165,308	112,300	\$ 1,137,014
MANDATORY CONTINUING LEGAL EDUCATION:				
Salaries and Benefits	191,697		183,937	
Printing & Compliance Reporting	3,000		3,000	
Supplies	1,000		500	
Commission Travel	1,500		1,500	
Miscellaneous	6,000		6,000	
Allocated Overhead	50,682	253,879	45,433	240,370
PRACTICE ASSISTANCE				
Salaries and Benefits	247,342		303,364	
OBA-NET Expense	3,000		3,000	
Dues & Subscriptions	2,600		2,600	
Library	2,000		2,000	
Computer Software	1,600		1,600	
Supplies	1,200		1,200	
Travel and Conferences	15,650		15,650	
Miscellaneous	5,150		4,250	
Allocated Overhead	50,682	329,224	45,433	379,097
COMMITTEES AND SPECIAL PROJECTS:				
Law Day	43,000		40,000	
Women-in -Law Conference	60,000		60,000	
Solo-Small Firm Conference	50,000		50,000	
Mock Trial Program	54,000		58,000	
FastCase Legal Research	85,000		82,000	
Leadership Academy	20,000		22,500	
Social Networking Subscription	8,500		8,500	
General Committees	35,250		42,000	
Lawyers Helping Lawyers Program	52,000		57,600	
Law Student Division	2,000		2,500	
Young Lawyers Division	85,000	494,750	85,000	508,100
CLIENT SECURITY FUND CONTRIBUTION		100,000		100,000
OKLAHOMA BAR CENTER RENOVATIONS		242,000		425,500
FURNITURE, FIXTURES AND OTHER CAPITAL IMPROVEMENTS		95,575		137,760
TOTAL EXPENDITURES		<u>\$ 6,111,584</u>		<u>\$ 6,246,434</u>
TOTAL REVENUES OVER (UNDER) EXPENDITURES		<u>\$ 181,516</u>		<u>\$ 353,066</u>

FROM THE PRESIDENT

cont'd from page 1724

comedy routine. He is a well-known national comedian, who regularly performs on the Blue Collar Comedy station. Casino Night will also return this year. Since 2002, it has been a very well attended and fun event for entertainment during the convention. And these events are both free — included in the registration fee.

I have always believed the Annual Meeting is very important for our profession. It is a chance to get some of the best CLE offered by the OBA every year. More than that, it is an opportunity for us to come together as a profession. I have countless friends I see every year at the Annual Meeting, and I look forward to the collegiality. The meeting is a serious opportunity to network with other attorneys to develop business, but it is also a great opportunity to have fun. The practice of law is stressful. I always look forward to the Annual Meeting as a respite from the rigors of practicing law.

As you can see from the stories in this issue, we have a great deal planned for your pleasure and continuing education. I look forward to seeing you all in November!

Oklahoma Bar Journal Editorial Calendar

2009

- **October**
Criminal Law
Editor: Pandee Ramirez
pandee@sbcglobal.net
Deadline: May 1, 2009
- **November**
Family Law
Editor: Leslie Taylor
leslietaylorjd@gmail.com
Deadline: Sept. 9, 2009
- **December**
Ethics & Professional Responsibility
Editor: Jim Stuart
jstuart@swbell.net
Deadline: Sept. 9, 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
Deadline: Oct. 1, 2009
- **March**
Workers' Compensation
Editor: Emily Duensing
emily.duensing@oscn.net
Deadline: Jan. 1, 2010
- **April**
Law Day
Editor: Carol Manning
- **May**
Commercial Law
Editor: Jim Stuart
jstuart@swbell.net
Deadline: Jan. 1, 2010
- **August**
Access to Justice
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: May 1, 2010
- **September**
Bar Convention
Editor: Carol Manning
- **October**
Probate
Editor: Scott Buhlinger
scott@bwrlawoffice.com
Deadline: May 1, 2010
- **November**
Technology & Law Practice Management
Editor: January Windrix
janwindrix@yahoo.com
Deadline: Aug. 1, 2010
- **December**
Ethics & Professional Responsibility
Editor: Pandee Ramirez
pandee@sbcglobal.net
Deadline: Aug. 1, 2010

I Can't Read My Telephone

By John Morris Williams

I am in the middle of some eye surgeries. As a result of the surgeries, I have had some vision challenges that I hope will at some point be resolved. The biggest problem is that I cannot read my telephone. Twenty-five years ago, that would have been a ridiculous statement. Today, most people would know that what I really mean is that I cannot read the information on my PDA, which of course also has a telephone feature. In fact, I postponed a surgery until I regained enough vision so that I could at least read e-mail on my computer.

When I started practice in 1983, all of this technology was being developed. We heard about such weird and wonderful things. I remember when I got a "bag phone" and a fax machine that used special thermal paper. I was on the cutting edge and even had a laser printer at home in the late '80s. It was a speed demon at four pages per minute! Some of us even remember when services such as Prodigy and AOL were the social networks of the day.

We have become so dependent upon technology that often times it dictates how we do work. In my case, it is dictating my healthcare choices. I bet I am not alone. More than once when I have asked an

employee why he or she did not perform a task a particular way the response has been, "The computer would not let me do it that way."

All of us are aware of how the introduction of technology has influenced the practice of law. Briefs that were once done on typewriters with carbon paper are just a memory for us old timers.

The ability for a lawyer to generate documents without the assistance of staff is not new, but it is more common place than ever.

Online legal research, electronic form libraries and the ability to find almost anyone anywhere makes what once took hours into quick and easy tasks. So easy that many things that were once the sole domain of licensed attorneys are becoming self-help tools for pro se litigants and others who are selling services without a license to practice law. And of course are the TV ads by a prominent lawyer telling people how to get a will or incorporate "in all 50 states."

This month we are having our first "Tech Fair." Technology is more and more part of



“...what I really mean is that I cannot read the information on my PDA...”

our culture. It has provided some wonderful and amazing features for us here at the OBA to better serve our members. We have recently added Oklahoma Bar Circle, a social networking site for our members. We podcast, Twitter and update our Web site daily. I get more than 200 e-mails on many days. We provide the E-news, have the bar journal in electronic format as an option

continued on next page

and push out MCLE compliance information. In short, we are doing our best to stay on top of the technology and give our members the best service at the lowest cost.

The downside is that we are never "off." It is so common for us to take a personal day and then add, "Of course I will be available by cell phone or e-mail." I am old enough to remember that it would have been considered bad manners to call someone on their day off unless it was an extreme emergency. Today, we just hunt each other down because we can.

E-mail is so easy to use and somehow we have built in an expectation that an e-mail so easily and quickly sent deserves an immediate response. Thus, I am terrified to have another surgery and not be able to read my phone and respond immediately to e-mails and text messages.

I am not sure where all of this is leading us. However, I think we need to heed to the caution of OBA Past President Winfrey Houston to not let technology replace the human touch and face-to-face communications. I agree with Winfrey, and I will set up some face-

time meetings and do some in-person networking as soon as I reply to the 37 e-mails I received while writing this article.



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

NOTICE OF JUDICIAL VACANCY

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

**Associate District Judge
Fifteenth Judicial District
Wagoner County, Oklahoma**

This vacancy is created by the appointment of the Honorable Darrell Shepherd to District Judge for Cherokee and Wagoner Counties on July 10, 2009.

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

Application forms can be obtained on line at www.oscn.net by following the link to the Judicial Nominating Commission or by contacting Tammy Reaves, Administrative Office of the Courts, 1915 North Stiles, Suite 305, Oklahoma City, Oklahoma 73105, (405) 521-2450, and should be submitted to the Chairman of the Commission at the same address **no later than 5:00 p.m., Friday, September 25, 2009. If applications are mailed, they must be postmarked by midnight, September 25, 2009.**

Robert C. Margo, Chairman
Oklahoma Judicial Nominating Commission

The Paperless Office as a Risk Management Enterprise

By Jim Calloway, Director, OBA Management Assistance Program

The paperless law office (or as I prefer to call it, the digital law practice) could be one of the more important topics that lawyers need to discuss today. Larger law firms are increasingly converting to digital office processes. Some smaller firms have done so as well, but it is hardly universal. We've heard about the paperless office for years; promises of improved efficiency and organization, the improved quality of life, the ability to access your client files online from anywhere and, more recently, the ability to sync with your smart phone and the many other benefits.

In fact, this article will be republished in the Sept. 15, 2009, issue of online webzine *Law Practice Today*, with a number of other articles about the paperless office. I would encourage readers to review all of those articles online at www.abanet.org/lpm/lpt/archives/september09.shtml or just Google for "*Law Practice Today*."

But one of the really important reasons for having a digital law practice is not about efficiency. It is about something lawyers hope to never actually deal with – ever.

One of the best reasons to go paperless really is an old-fashioned, hard-nosed business concept.

It is your self interest. CYA. Self-protection. Looking out for number one.

And, if enlightened self-interest isn't enough to persuade you, it's also the best way to protect your clients from a disaster on those important matters that you are handling for them.

One of the best reasons to have a digital law practice is that you can back up your data and store it offsite so that you can recover your data and return to productivity in the event of a disaster.

In the old days, we backed up data because these new-fangled computers might crash and we could lose our work. Today backing up your data offsite is a benefit of a digital law practice. It means we no longer have to rely on the fact that so many critical items exist solely on pieces of paper. In the old days, we thought paper was the safe way to store information and, if it was really important, we could make a duplicate copy. Today we've seen what can happen to paper files and can recognize there's a better way.

We ensure against misfortune and disaster. We prepare disaster plans to help mitigate the consequences of a catastrophe.

So let's think a moment about true recovery from a law office disaster. You find that your office has been destroyed in a fire or natural disaster. There are huge consequences to this. You'll have to find a new location, buy new office

furnishings, deal with your insurance company and complete a whole host of other unpleasant tasks. It would be an understatement to say it won't be your best month for billing.

But what about doing the work that has to be done for the clients?

With a digital law practice, you buy new computers and restore your data to them from your backups. Depending on your setup, you may have to load some applications on the computers; but within a few hours, you will be up and running *exactly like you were operating in the destroyed office!* (Note: Have you made backup copies of your practice management software installation disks and other applications and stored them safely in another location, with instructions, serial numbers and unlocking codes?)

In a traditional non-digital law practice, even where data was religiously backed up, when the data is restored, you will still have a mess. You may have all of the documents you created on your matters, but you likely won't have documents from opposing counsel. You may have all of your e-mail from your Outlook PST file, but you won't have anything you wrote on a legal pad, tore off and bradded into the file. You won't have documents and correspondence received from opposing coun-

sel if you haven't scanned them.

You will not be like the digital office lawyer, now operating just like you were before only in a different location. You will be involved in an ongoing lengthy process of reconstructing, restoring and remembering what was lost.

What about the work that has already been done for clients? Suppose you have billed and been paid \$5,000 for a brief that is supposed to be filed in a few days? Now suppose all copies of that brief have gone up in smoke with the rest of the law office that burned? Most judges would probably grant you an extension of time to file. But who pays for the thousands of dollars worth of time to recreate the brief? Does the client have to pay again? Do you have to absorb the loss? Do you split it 50-50? The correct answer is never having to answer that question because of your great backup procedures.

How busy are you right now? If you have a true disaster, you will be trying to do the needed work for your clients while also negotiating with your insurance agent, looking for a new location, digging through rubble or shoveling mud.

Of course, it could be worse. If you didn't back up your data at all, you could be in serious trouble. You might have your paper pocket docket book in your hand, but you would not have any forms, any work in progress, any saved treasure troves of legal research or numerous other important items. To put it charitably, your professional reputation, your career and your ability to earn a living would be at a crossroads. Your conversations with your insurance agent would be most urgent matters. At some

point, a friend might suggest that you should notify your professional liability carrier as well.

Different disasters would have different impacts on a lawyer's practice. A burglary where the computers were stolen would raise many issues, but at least you would still have your paper files and calendar. Loss of a computer could mean the loss of many digital documents, but unless you were a true solo with only one computer, a lot of your forms would be available on other office computers and you'd still have your paper files. Retyping information from paper copies to recreate

“...within a few hours, you will be up and running exactly like you were operating in the destroyed office!”

forms would be expensive and time-consuming, but at least it would be possible. There are many variations on the disaster theme.

But in all of them, you would still wish you had a current back of your data stored offsite – and life would be much easier if you had already gone “paperless.”

Paperless or digital law practice operations need not mean the absence of paper client files. You can have paper files and even take them to court with you. But your work can be done on the computer network and you can review every page

in every file without getting up from your desk.

Hard drive crashes are more frequent than we would like to believe. Anyone who has suffered from a real data loss due to a hard drive crash has learned that people are not as sympathetic to this as they once were. (“Counsel, again this week you want to talk to the court about that hard drive crash? How many months ago was that?”)

You may have been one of those lawyers who never thought you would ever want their mobile phone to be anything other than a phone. At this point, you can already see the day that all professionals will have at least their calendar on their phone and most will have much, much more. No one enters all of that information into their phone via the keypad. They synchronize the phone with their digital practice information. Many lawyers said after Katrina that their mobile phones were practice-savers. That is because they served as an additional and immediately accessible backup of some of their important information, like their calendar and more phone numbers of others than they could remember.

Maybe the **very best** reason to have a digital law practice is that you can back up your data and store it offsite so that you can recover your data and return to productivity in the event of a disaster, small or large.

On Sept. 24, 2009, at 1 p.m. at the Oklahoma Bar Center as a part of the ABA TECH-SHOW® Roadshow at the OBA Technology Fair, Debbie Foster and I will present a free program *Getting to Paperless: A Lawyer's Step-by-Step Guide*.

Should you be in the audience?



The Tulsa Area
Paralegal Association (tapa)

and the OBA Paralegal Committee

*invite you to help raise money for the
Tulsa Food Bank*

***Fiesta
at the Food Bank
Party and Silent Auction***

To benefit
Community Food Bank of Eastern Oklahoma

*Thursday, September 17th
6:00 - 9:00 p.m. at the Community Food Bank
1304 N. Kenosha, Tulsa*

Tickets \$25 advance - \$30 at the door
for tickets or information
email jchesley@sbcglobal.net or call (918) 899-7428 or (918) 697-1951

GEORGE LAW OFFICE

www.aleciageorge.com



Alecia George

- Criminal Appeals
- Habeas Corpus Proceedings
- Post-conviction Matters—State & Federal
- Pardon & Commutation Applications
- Civil Appeals
- Pre-trial Motion & Pleading Practice

Alecia Felton George has 19 years experience, including 12 years as an Assistant Attorney General. She routinely practices in state and federal courts throughout Oklahoma and in the 10th Circuit Court of Appeals. Call for all of your pre-trial, trial, and appellate needs.

5929 N. May Avenue, Suite 509 ■ Oklahoma City, OK 73112
(405) 840-9100 Phone ■ (405) 840-9102 Fax

E-mail: aleciageorge@sbcglobal.net

August Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, August 28, 2009.

REPORT OF THE PRESIDENT

President Parsley reported he attended the Board of Governors dinner, July board meeting at OSU Foundation offices, National Conference of Bar Presidents and ABA annual meeting in Chicago, where he served as a delegate in the ABA House of Delegates.

REPORT OF THE VICE PRESIDENT

Vice President Thomas reported she attended the July Board of Governors dinner and meeting at the OSU Foundation in Stillwater, ABA House of Delegates in Chicago, Washington County drug court fourth anniversary celebration and Oklahoma Children's Court Summit 2009, at which Vice Chief Justice Taylor gave very motivating and impressive opening remarks.

REPORT OF THE PRESIDENT-ELECT

President-Elect Smallwood reported he has met with the Budget Committee and has finalized the 2010 OBA budget, which is ready for public hearing and ultimate presentation to the Supreme Court in December. He also met with the Long-Range Planning Committee, and they are close to finalizing recommendations

that will be presented to the Board of Governors shortly. As a member of the Judicial Nominating Commission, he said interviews have been scheduled for six judicial openings in the next month.

REPORT OF THE PAST PRESIDENT

Past President Conger reported he attended the great dinner and reception hosted by the Payne County Bar Association, Board of Governors meeting at the OSU Foundation Board Room and reception for the OCU 1L students at the Oklahoma History Museum. He addressed the OCU 1L law students on "The Joy and Privilege of Being a Lawyer" and during orientation he taught the first year students an introductory ethics class, which was attended by several OBA Professionalism Committee members.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported that he attended the ABA annual meeting in Chicago, Budget Committee meeting, Financial Planning Subcommittee meeting of the Strategic Planning Committee, OBA directors meeting, monthly staff celebration, weekly Web editorial board

meeting and Tulsa County Bar Association annual luncheon. He also met with staff regarding the Tech Fair, with the contractor regarding Emerson Hall renovation and spoke to the entering OU College of Law class.

BOARD MEMBER REPORTS

Governor Brown reported he attended the Tulsa County Bar annual meeting luncheon, ABA annual meeting in Chicago and participated as chair-elect in meetings of the ABA Judicial Division. He also hosted John Robinson, director for State Affairs for Justice at Stake in Washington, D.C. for dinner and at the OBA Bench and Bar Committee meeting. Mr. Robinson appeared before the Bench and Bar Committee to address merit selection of judges vs. election of judges in Oklahoma. The committee reaffirmed the OBA's policy for county option for selection of judges. **Governor Carter** could not attend the meeting but reported via e-mail she attended the July board meeting, Thursday evening event with the Payne County Bar Association and Tulsa County Bar Association annual lunch meeting. **Governor Christensen** reported she attended the July board meeting in Stillwater, and she participated in

Women in Law planning sessions. **Governor Hixson** reported he attended the July Board of Governors meeting at the OSU Foundation and Canadian County Community Sentencing Planning Council. **Governor McCombs** reported he attended the Thursday night social event in Stillwater and the board meeting on Friday. He also attended the McCurtain County Bar luncheon and participated in local bar discussion to support Idabel Warrior athletics. **Governor Moudy** reported she attended the Payne County Bar Association dinner and an informative and productive board meeting in Stillwater. **Governor Stockwell** reported she attended the July Board of Governors dinner event and meeting, Cleveland County Bar Association luncheon/CLE and CCBA executive meeting. **Governor Stuart** reported he attended the Board of Governors dinner in Stillwater, board meeting at the OSU Foundation office, Pottawatomie County Bar Association meeting. He also worked on Awards Committee and Board of Editors-Bar Journal activities.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Rose reported he chaired the YLD monthly meeting. He attended the ABA annual meeting, YLD House of Delegates and ABA House of Delegates. He also assembled and distributed bar exam survival kits to students taking the July bar examination.

LAW STUDENT DIVISION LIAISON REPORT

New LSD Chair Nathan Milner from OCU reported he sent e-mails providing information about the division and

its membership, scheduled a meeting to discuss membership, events and leadership positions, sent a representative to TU College of Law during their orientation to discuss membership and contacted a member from OU about a possible leadership position. He said the division is looking for ideas for another event besides Annual Meeting.

COMMITTEE LIAISON REPORTS

Governor Dirickson reported the Lawyers Helping Lawyers Assistance Program has produced some promotional plastic wallet-size cards that in addition to the program contact phone number also have OU and OSU football schedules. Governor Brown reported Judge Doug Combs, Oklahoma Judicial Conference president, has invited the Bench and Bar Committee to make a presentation on the proposed revisions to the Code of Judicial Conduct at its November conference. Printed copies of the code have been requested, and Governor Brown asked for funding to make copies of the 155-page document available at that meeting. Options were discussed, and the board decided that more research into cost was needed before making a decision. Governor Christensen reported a total of \$42,000 was raised in sponsorships for the Women in Law Conference banquet, and she urged all board members to attend.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported the Office of the General Counsel is defending the OBA in the recently filed matter of *George Mothershed v.*

Oklahoma Bar Association. The case, filed in Oklahoma County District Court, is seeking the readmittance of Mr. Mothershed to the roll of active Oklahoma attorneys, from which he was disbarred in 2003 by the Oklahoma Supreme Court. Motions to dismiss are pending. President Parsley shared that in recent conversations with several PRC members, they were very complimentary of the work of the OBA's new general counsel. A written status report of the Professional Responsibility Commission and OBA disciplinary matters for July 2009 was submitted for the board's review.

LEGISLATIVE LIAISON PROPOSAL

President Parsley reported former state representative Thad Balkman has submitted a proposal for legislative services. President Parsley introduced Mr. Balkman, who reviewed his background that included his serving in the House representing District 45, the eastern portion of Norman. He shared a letter from a legislative leader that expressed plans for the coming legislative year that could have a negative impact on the legal profession. Mr. Balkman clarified that if hired by the OBA, he would have additional clients. Discussion followed, and a committee may be formed.

LEGAL INTERN COMMITTEE 2009 ANNUAL REPORT

As committee liaison, Governor Hixson reported the Legal Intern Committee is required to submit an annual report to the Supreme Court, and a copy of that report was provided to the Board of Governors. He reviewed the changes made by the Supreme Court,

which were requested by the committee, to 1) decrease the number of academic hours required to be eligible for a limited license as a licensed legal intern from 50 to 45, 2) change application and reinstatement fees and 3) clarify application deadlines. Governor Hixson praised the committee for its hard work.

EMPLOYEE CELLULAR TELEPHONE AND CONNECTIVITY SERVICES POLICY

Executive Director Williams reported the procedure within the OBA for providing and/or reimbursing payment of cell phones for some employees has been inconsistent, and a proposed policy was drafted to make the procedure consistent. The board approved adopting the phone policy.

OKLAHOMA COURTHOUSE BOOK AGREEMENT

Executive Director Williams reported the Oklahoma Bar Foundation is going to sell a historical and photographic book on Oklahoma's 77 county courthouses and three federal courthouses. The OBA will assist in promoting book sales in exchange for digital images of the courthouses from the book. The board approved the agreement between the OBA, OBF and Courthouse Legends LLC.

OFFICE OF THE GENERAL COUNSEL REQUEST FOR OUT OF STATE TRAVEL

General Counsel Hendryx said she is requesting permis-

sion to send one assistant general counsel and one investigator for training at out-of-state conferences. Funding is available within her budget; however, out-of-state travel not specified in the OBA's travel policy requires approval. The board approved the travel request for the two employees.

PROFESSIONAL RESPONSIBILITY TRIBUNAL APPOINTMENT

The board approved President Parsley's recommendation to appoint James M. Sturdivant, Tulsa, to complete the unexpired term of Roger Roy Scott, Tulsa, which ends June 30, 2012.

OKLAHOMA BAR FOUNDATION APPOINTMENTS

The board approved President Parsley's recommendations to appoint to the OBF Robert S. Farris, Tulsa, to fill the vacancy created by the death of Roger Roy Scott, Tulsa, effective immediately and effective January 2010 to appoint Stephen D. Beam, Weatherford, and to reappoint Jack L. Brown, Tulsa, and William E. Farrior, Tulsa, whose terms will expire Dec. 31, 2012.

LEGAL ETHICS ADVISORY PANEL APPOINTMENTS

President Parsley announced that he has appointed James A. Drummond, Norman, to chair the Legal Ethics Advisory Panel and has appointed Leonard I. Pataki, Tulsa, to the panel's Tulsa Division to complete the unexpired term of

Roger Roy Scott, whose term ends Dec. 31, 2009.

ABA ANNUAL MEETING REPORT

President Parsley reported the meetings he attended were high quality.

WEST WING RENOVATIONS

Executive Director Williams reported progress continues on Emerson Hall with completion expected soon. The carpet, which has been delayed coming from the mill, should be shipped soon.

NEW MEMBER BENEFIT

President Parsley called the board's attention to the discounts the Colcord Hotel in downtown Oklahoma City is offering OBA members who use a special code when booking reservations. The discount offer was reviewed and recommended by the OBA Member Services Committee.

RESOLUTIONS

The board voted unanimously to issue resolutions to the Washington County Bar Association and to Vice President Linda Thomas expressing appreciation for their hospitality and hard work in organizing the social events for the August board meeting in Bartlesville.

NEXT MEETING

The Board of Governors will meet at the Oklahoma Bar Center on Friday, Sept. 25, 2009.

Now More Than Ever... It's Time to Become an OBF Fellow

By Richard A. Riggs

On Aug. 27 I had the pleasure of attending an all day meeting of the Oklahoma Bar Foundation's Grants and Awards Committee. At this meeting, the committee, under the able leadership of Judge Valerie Couch, interviewed applicants for 2009 OBF grants. This meeting was one of the most gratifying, and yet most frustrating, experiences I've had as an OBF Trustee.

Gratifying? It was impossible to sit through this meeting without being overwhelmed by the generosity of the many Oklahoma lawyers and laypersons dedicated to bettering the lives of those less fortunate. Endeavors such as those represented by these grant applicants should make us proud to be members of the Oklahoma bar. I would like to share the stories of a few of these organizations while there are others with equally compelling missions. The services provided by grant applicants fell into three broad categories: legal services, support for victims of physical and emotional violence and law related education. These organizations provide services in every corner of the state.

Legal Services

- Most of you are familiar with **Oklahoma Lawyers**

for Children and Tulsa Lawyers for Children.

These organizations provide pro bono legal representation to children in juvenile court and related proceedings.

- **LegalAid Services of Oklahoma** provides legal representation for many Oklahomans who could not otherwise afford representation. Legal Aid handled approximately 16,000 cases throughout the state in 2008.
- **SeniorLaw Resource Center** provides legal representation and education on elder law issues to Oklahoma County senior citizens and caregivers. Among issues addressed by the center are diminished capacity, guardianship and financial exploitation.
- **The Immigrant Rights Project** of the University of Tulsa's Boesche Legal Clinic is operated by faculty and students from the University of Tulsa Law School. It provides legal representation to immigrants, many of whom are victims of domestic violence or are seeking asylum from oppressive native governments.

Services to Victims

- **The Marie Detty Youth and Family Services Center** provides a family shelter and educational services in Comanche County.
- **The William W. Barnes Children's Advocacy Center** provides training in recognizing and responding to signs of child abuse. This training is offered to school personnel in several rural Oklahoma counties.
- **The Family Shelter of Southern Oklahoma** provides a family shelter and a victim's advocate, serving victims of domestic violence in Love County.
- **Oklahoma Court Appointed Advocates for Vulnerable Adults** is an innovative program that provides volunteer advisors in guardianship proceedings. These trained volunteers seek to identify the best interests of wards, often in the face of adverse claims of prospective or actual guardians.

Education

- **The Mock Trial Program**, sponsored by the Young Lawyers Division of the OBA, has been the recipient of numerous OBF grants.

Its statewide mock trial program has been an unqualified success.

- **The YMCA Youth in Government** program sponsors a Model Legislative Day for middle school students and leadership training for high school students.
- **We the People** is an educational project of the Oklahoma Bar Association. It consists of an annual competition among Oklahoma high schools focused on knowledge and appreciation of the United States Constitution.

Many of the presentations to the committee were made by practicing Oklahoma attorneys who regularly dedicate their time and resources to these organizations. Their dedication was evident, and their descriptions of their work were flavored with comments such as “this gave me an opportunity to see what it really means to be a lawyer.” In hearing these committed lawyers speak with such passion about their efforts, one member of the committee was bold enough to concede what was on all of our minds – a sense of guilt for not spending more time in such endeavors.

But why was this meeting so frustrating? It was frustrating because economic

realities render OBF unable to fund what OBF Trustees would like to provide – at a time when the need for these services is only increasing. In fact, the current financial climate will make it impossible for OBF to award even as much in 2009 as it did in 2008. Here’s why.

Funds for OBF grant awards come from three principal sources: investment income, IOLTA income and contributions by OBF Fellows. OBF investments are professionally managed under conservative investment policies. However, those investments have suffered the same fate as most other investments over the past year.

IOLTA income is also lower this year. This income is a product of interest rates payable on IOLTA accounts. Those rates have followed other interest rates to a return that is next to nothing. The contributions of Oklahoma lawyers, through the OBF Fellows program, provide the remaining funds available for grants. Over 1,500 Oklahoma lawyers have become OBF Fellows, but their annual contributions alone cannot make up for the current shortfalls in other revenue sources.

Here’s the bottom line. OBF needs your help. More importantly, the organiza-

tions described above, and the dedicated Oklahoma lawyers who provide their time, expertise and commitment to these organizations, need your help. This help is needed now more than ever given our current financial climate. The way you can best help is to sign up as an OBF Fellow...now...today.

WHAT DOES IT TAKE?

OBF Fellows are those lawyers who have made a commitment for an annual \$100 tax-deductible contribution for a 10-year period. Benefactor Fellows are those who have made an annual \$300 commitment. You can become an OBF Fellow by filling out the form on the following page or by simply calling the foundation office (405) 416-7070 and saying “I want to help.” The Oklahoma Bar Foundation recently adopted a new mission statement – *Lawyers Transforming Lives through the Advancement of Education, Citizenship and Justice for All*. Please join 1,500 current OBF Fellows in becoming an active participant in that mission. Thank you for the consideration I know you will give this request.

Richard A. Riggs is president of the Oklahoma Bar Foundation. He can be reached at Rick.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)

*Lawyers Transforming
Lives through educa-
tion, citizenship and
justice for all. Join the
OBF Fellows today!*

Signature & Date: _____ OBA Bar #: _____

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

OBF SPONSOR: _____

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

Many thanks for your support & generosity!

Make No Assumptions

Barriers to Justice for Domestic Violence Victims

By Casey Ross-Petherick and Kelly Gaines Stoner

Assumption # 1: Domestic violence rates in Oklahoma are declining. The truth: Despite national statistics indicating that domestic violence is on the decline, domestic-related violence is reaching epidemic proportions in Oklahoma. The Oklahoma Fatality Review Board reports there were 776 domestic violence related deaths between 1998 and 2007.¹ Oklahoma currently ranks fourth in the nation for the intimate partner homicides.² According to Renee Brewer,³ the Executive Director of the Native Alliance Against Violence,⁴ the statistics are only getting worse. "Oklahoma is on track this year to be the state with the most domestic violence-related homicides in the country. The victim service programs in our state are overwhelmed, and there is not enough funding to assist programs in addressing the many needs that are created by this crisis."

Assumption # 2: Victims of domestic violence are all the same. The truth: Domestic violence affects every segment of the population. Victims come from every socioeconomic level, every community, every culture and every race. Although the vast majority of reported domestic cases involve women victims,

there are also several cases involving male victims. In a survey by the National Institute of Justice, Centers for Disease Control, 7.5 percent of men surveyed reported they had been victims of intimate partner violence.⁵ This number is suspected as deflated due to lower reporting rates among male victims. Some demographics are victimized at higher rates than others. American Indian women experience the highest rates of intimate partner violence.⁶ Immigrant victims face additional barriers to justice, and are less likely to report domestic violence for fear of placing their status in jeopardy.

Assumption # 3: Domestic violence victims need victim services more than they need legal services. The truth: According to Shelley Miller,⁷ a victims' advocate and project director of the Apache Tribe's Violence Free Living Program, access to legal representation is one of the most important needs victims have. "Most victims need transitional housing, financial assistance and employment support, but those needs can be addressed by a variety of resources, including community partners, family and friends. Not just anyone can help a victim in court. There

are not enough well-trained attorneys willing to help with legal needs, and nearly every victim we see needs representation in court for something arising as a result of the abusive relationship. Victims need representation on victims rights issues, protective orders, divorce, child custody and bankruptcy proceedings that are brought about as a result of the victim breaking free."

Assumption # 4: Any lawyer can represent a victim of domestic violence. The truth: Domestic violence representation is one of the most dangerous areas of law to practice. The Native American Legal Resource Center (NALRC) at OCU School of Law has developed a collaborative service-providing model for representing victims of domestic violence, pairing each attorney with a victims' advocate. Ruseal Brewer,⁸ a project attorney at the NALRC explains, "As an attorney representing a victim, my first thought is to aggressively represent my client to get her every remedy she can seek in court. But our victims' advocates see the situation from a safety-based perspective, and often pull me out of the litigation mindset to ensure we do not enrage the batterer and put

the victim in more danger than she already is. I worry how I might have endangered my clients without even knowing it before my training taught me to focus on safety. Working with a victims' advocate in each case ensures our clients' safety and our own safety." Shelley Miller agrees. "Safety is the number one concern in working with victims of domestic violence. It is a life or death situation for the victim, her family, the service providers and the attorney handling the case. Having an attorney who is not trained to focus on safety is worse than having no attorney at all."

Assumption # 5: Domestic violence only affects the adults in a relationship.

The truth: Children in homes where domestic violence is occurring are much more likely to suffer physical, emotional and sexual abuse than children in non-abusive homes. Victims are less likely to be in a position to protect their children from abuse after separation. According to the American Bar Association Domestic Violence Commission,⁹ victims in domestic violence cases lose custody of their children in approximately 70 percent of the cases. Renee Brewer explains, "Victims are typically very traumatized by the abuse, and often do not present well in court, where they see the batterer face-to-face, and are forced to re-live the horrific events. Batterers, however, are master manipulators, and typically present very well in court. Many judges misunderstand the dynamics, fault the victim and reward the batterer by awarding custody to the offending parent."

Assumption # 6: All batterers can be criminally prosecuted for committing domestic violence crimes. The truth: Jurisdictional gaps exist that create safe havens for batterers in Oklahoma Indian Country. The status of criminal jurisdiction in Indian Country is a complex and confusing web of federal statutes and U.S. Supreme Court case law that creates a gap in prosecutorial authority for crimes committed on Indian land. With Oklahoma's unique checkerboard pattern of tribal land intermingled with non-Indian land,¹⁰ determining proper exercise of authority for investigating and prosecuting domestic violence cases becomes even more difficult.

The U.S. Supreme Court has dictated that tribes cannot exercise criminal jurisdiction over non-Indians. If the crime is an interracial crime involving a non-Indian perpetrator and an Indian victim, the state cannot prosecute. In those cases only the federal government can prosecute, but limitations of resources and manpower often result in declinations of cases not involving great bodily injury or death.

Assumption # 7: Victims of domestic violence in Oklahoma have access to attorneys for their legal needs.

The truth: Most victims of domestic violence do not have a lawyer for their cases. There are few resources for victims, who most often, cannot afford legal representation as a result of financial control exercised by the batterer. Legal Aid Services of Oklahoma provides pro bono representation in many areas, but there are far more cases than

their programs can handle. A handful of programs scattered throughout the state offer some form of legal representation to victims, but uncertain grant funding and eligibility limitations often frustrate the intent behind the programs.

Assumption # 8: I cannot help. The truth: You can be part of the solution.

OCU law's NALRC and Pro Bono Program are teaming up with Legal Aid Services of Oklahoma, the Oklahoma Bar Association's Access to Justice Committee and attorneys across the state to make a difference in the number of well-trained attorneys willing to take pro bono cases to represent victims of domestic violence.

Sign up to be placed on a resource list for the American Bar Association's Domestic Violence Commission. Listed attorneys commit to take one pro bono domestic violence case per year. In exchange for this commitment, participants benefit from the following:

- Free domestic violence training. OCU law will provide 12 continuing legal education credits, including one ethics credit, at no cost to all program participants. The training will focus on best practices for attorneys representing domestic violence victims, safety planning, jurisdictional considerations and developing cultural competencies in representing diverse clients. Each listed attorney must complete the training before being assigned a case.
- Support. OCU law's NALRC will provide sup-

port and research assistance to all program participants. The NALRC will provide advice and guidance to participants during the pendency of their pro bono case. Current law students will be available to research new and difficult legal issues as they arise.

Assumption #9: If I do not respond, others will. The question: If you do not step up to help victims of domestic violence, who will?

For more information, or to join the effort, please contact the Native American Legal Resource Center at OCU School of Law, by e-mail at dvlist@okcu.edu or by phone at (405) 208-5017.

Ms. Ross-Petherick is the deputy director of the Native American Legal Resource Center at OCU law. Ms. Stoner is a professor of law, and serves as the director of the Native American Legal Resource Center and Clinical Programs at OCU law.

1. Oklahoma Fatality Review Board, *Domestic Violence Homicide in Oklahoma*, 2007 Annual Report.

2. Violence Policy Center, *When Men Murder Women*, September 2008.

3. Renee Brewer has over 10 years experience working with victims of domestic violence as a victims' advocate, having represented over 500 victims. She is a commissioned reserve police officer of the Seminole Nation Lighthorse Police force. Renee is a citizen of the Muscogee (Creek) Nation.

4. The Native Alliance Against Violence (NAAV) is the new statewide coalition for tribal domestic violence programs in Oklahoma. The NAAV seeks to synergize the domestic violence programs of the 38 tribal governments in Oklahoma to offer comprehensive solutions for expansion of services for Native victims and families. The NAAV is funded through a grant program of the Office on Violence against Women.

5. United States Department of Justice, Full Report of the Prevalence, Incidence, and Consequences of Violence against Women, Research Report, November 2000.

6. Bureau of Justice Statistics, *Intimate Partner Violence in the United States*, Shannan Catalano, Ph.D., December 2007.

7. Shelley Miller has over 13 years experience as a domestic violence victims' advocate. She has represented hundreds of victims, and serves as an advisor to the Native American Legal Resource Center in working with victims of domestic violence.

8. Ruseal Brewer is an attorney, with over five years experience representing victims of domestic violence. She is a 2003 graduate of OCU School of Law and serves as a statewide trainer on domestic violence issues.

9. *10 Myths about Custody and Domestic Violence and How to Counter Them*, 2006.

10. The unique land issues in Oklahoma result from the federal Indian policy of disbanding reservations that were held in common ownership and allotting parcels of land to individuals, many of which are still under the superintendence of the federal government.

Judicial Compensation Board Requests Comments on State Judicial Salaries

The Board on Judicial Compensation will hold a meeting on Tuesday, September 15, 2009. The Board wants to solicit public input as to the appropriate salary for the following Oklahoma state court judicial positions:

1. Chief Justice of the Supreme Court;
2. Associate Justices of the Supreme Court;
3. Presiding Judge of the Court of Criminal Appeals;
4. Judges of the Court of Criminal Appeals;
5. Presiding Judge of the Court of Civil Appeals;
6. Judges of the Court of Civil Appeals;
7. District court judges;
8. Associate district court judges; and
9. Special district court judges.

The Board will only consider written responses that are dated, signed by the person submitting them and received by 5:00 p.m., September 1, 2009. Responses should be submitted to the following address:

Judicial Compensation Board
c/o Administrative Office of the Courts
1915 North Stiles, Suite 305
Oklahoma City, OK 73105

OFFICERS

Chairperson-Elect

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

Term: One-year term
(Jan.- Dec. 2010)

The chairperson-elect automatically becomes the chairperson of the division for 2011.

Treasurer

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

Term: One-year term
(Jan.- Dec. 2010)

Secretary

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

Term: One-year term
(Jan.- Dec. 2010)

BOARD OF DIRECTORS — TWO-YEAR VACANCIES

The following directorships are open for election for a two-year term from January 2010 to December 2011.

Vacancies will be in:

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

**WANT
TO GET
INVOLVED?**

**RUN FOR
THE
OBA/YLD
BOARD
OF
DIRECTORS**

District No. 3: (two seats)
Oklahoma County

District No. 4: Alfalfa, Beaver, Beckham, Blaine, Cimarron, Custer, Dewey, Ellis, Garfield, Harper, Kingfisher, Major, Roger Mills, Texas, Washita, Woods and Woodward counties

District No. 6: Tulsa County

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

At-Large: (three seats)

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

NOMINATING PROCEDURE:

Article 5 of the division bylaws requires that any eligible member wishing to run for office must submit a nominating petition to the Nominating Committee. The

petition must be signed by at least 10 members of the OBA/YLD. The original petition must be submitted by the deadline set by the Nominating Committee chairperson. A separate petition must be filed for each opening, except that a petition for a directorship shall be valid for one year and two year terms and at large positions. A person must be eligible for division membership for the entire term for which elected.

ELIGIBILITY:

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

Membership is automatic — If you were first admitted to the practice of law in 1999 or later, you are a member of the OBA/YLD!

ELECTION PROCEDURE:

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

DEADLINE:

Nominating petitions, accompanied by a photograph and brief resume (in electronic form) for publication in the OBJ, must be received by the Nominating Committee chairperson no later than 5 p.m. Friday, Sept. 25, 2009, at the following address:

Kimberly Warren
Nominating Committee
Chairperson
531 Couch Drive, Ste 200
Oklahoma City, OK 73102
(405) 218-4735
Fax: (405) 235-0042
e-mail: kwarren@
coleandreed.com

Tips From the Nominating Committee Chairperson:

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

NOTICE OF HEARING ON THE PETITION FOR REINSTATEMENT OF EDWARD L. MUNSON, SCBD #5540 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 Edward L. Munson 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, October 15, 2009**. Any person wishing to appear should contact Gina Hendryx, 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

September

- 7 OBA Closed** – Labor Day Observed
- 8 OBA Leadership Academy;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
- OBA Mock Trial Committee Meeting;** 5:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Judy Spencer (405) 755-1066
- 9 OBA Leadership Academy;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
- 10 OBA Awards Committee Luncheon;** 11:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: D. Renee Hildebrant (405) 713-1423
- OBA Awards Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: D. Renee Hildebrant (405) 713-1423
- 11 OBA Lawyers Helping Lawyers Training;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa with teleconference; Contact: Tom Riesen (405) 843-8444
- OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Amy Wilson (918) 439-2424
- 15 OBA Civil Procedure Committee Meeting;** 3 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 (405) 232-4271
- 16 Oklahoma Council of Administrative Hearing Officials;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carolyn Guthrie (405) 271-1269 Ext. 56212
- Ruth Bader Ginsburg American Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb (405) 235-1611
- 17 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 Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jack Brown (918) 581-8211
- 18 Oklahoma Bar Foundation Meeting;** 12:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070
- OBA Environmental Law Section Meeting;** 2:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Donald D. Maisch (405) 702-7189

Calendar

- 18 OBA Law Day Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Tina Izadi (405) 521-4274
- 19 OBA Title Examination Standards Committee Meeting;** Tulsa County Bar Center, Tulsa; Contact: Kraettli Epperson (405) 848-9100
- 21 OBA Alternative Dispute Resolution Section Subcommittee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Andrea Braeutigam (405) 640-2819
- OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 640-2819
- 22 New Admittee Swearing In Ceremony;** Supreme Court Courtroom; Contact: Board of Bar Examiners (405) 416-7075
- OBA Women in Law Conference;** Skirvin Hotel; Oklahoma City; Contact: Deborah Reheard (918) 689-9281
- OBA Work/Life Balance Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Julie Rivers (405) 232-6357
- 24 OBA Technology Fair;** Oklahoma Bar Center, Oklahoma City; Contact: Jim Calloway (405) 416-7051
- Oklahoma Bar Foundation Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070



September

- 24 Hudson Hall Wheaton American Inn of Court;** 5:15 p.m.; Page Belcher Federal Building, Tulsa; Contact: Patricia Neel, Administrator (918) 477-7827, or visit Web site: www.hudsonhallwheaton.com
- 25 OBA Board of Governors Meeting;** 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- 26 OBA Women in Law Walk of Hope;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Deborah Reheard (918) 689-9281
- 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
- 29 OBA Law-related Education Elementary Level PROS Training;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
- Death Oral Argument;** Kendrick Antonio Simpson; D-07-1055; 10 a.m.; Court of Criminal Appeals Courtroom
- Hispanic Bar Network Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Saul Olivarez (405) 463-6800
- 30 OBA Law-related Education Secondary Level PROS Training;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
- 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

October

- 1 OBA Legal Intern Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: H. Terrell Monks (405) 733-8686
- 2 Oklahoma Trial Judges Association Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: A.J. Henshaw (918) 775-4613
- 6 OBA New Lawyer Experience;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jim Calloway (405) 416-7051
- 8 Oklahoma Bar Foundation 2009 Court Grant Applicant Interviews;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy (405) 416-7070
- 9 OBA Family Law Section Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Amy Wilson (918) 439-2424



- 13 OBA Women in Law Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa with teleconference; Contact: Deborah Reheard (918) 689-9281
- 15 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 Board of Governors Meeting;** Guymon; Contact: John Morris Williams (405) 416-7000
- 17 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
- 19 OBA Alternative Dispute Resolution Section Subcommittee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Andrea Braeutigam (405) 640-2819
- OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Andrea Braeutigam (405) 640-2819
- 20 OBA Civil Procedure Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 21 Oklahoma Council of Administrative Hearing Officials;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carolyn Guthrie (405) 271-1269 Ext. 56212
- Ruth Bader Ginsburg American Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb (405) 235-1611
- 23 Oklahoma Black Lawyers Association Scholarship Banquet;** 4 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Kyshe Williams (405) 512-1466
- 27 Oklahoma Board of Bar Examiners Workshop;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Board of Bar Examiners (405) 416-7075
- 29 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

Lawyers Team up to Provide Pro Bono Services

LEGAL AID SERVICES OF OKLAHOMA, INC.

Attorneys with Devon Energy and McAfee & Taft in Oklahoma City are launching a program with Legal Aid Services of Oklahoma to provide free legal assistance to needy Oklahomans. The partnership was inspired by the successful work in Tulsa of attorneys from The Williams Cos. with Legal Aid clients. The partnership expects to provide legal services to more unemployed and poor persons hit by the current recession than Legal Aid could have served through its in-house legal staff.

"This program hopefully will continue to grow and be able to serve more people in poverty who would not have had access to the courts. We're giving equal access to justice," said Cindy Goble, statewide pro bono coordinator for Legal Aid in Oklahoma City. The new volunteer lawyers will be trained in certain areas by Legal Aid experts and will be teamed with McAfee & Taft attorneys for other training. Volunteers can easily help seniors with wills, powers of attorney and other end-of-life documents.



The Washington County Bar Association hosted the OBA Board of Governors for its August meeting. Part of the board's visit included a tour of the Woolaroc Museum in Bartlesville.

Articles Being Accepted for Law Review

This year marks the centennial for the OU College of Law. As such, this year's publication of the *Oklahoma Law Review* is focusing on topics particularly important and useful to practicing Oklahoma attorneys. The law review is requesting that those interested in possible publication submit articles to the editorial board during the fall of 2009. Additionally, the law review is requesting Oklahoma attorneys to submit topics of interest that they wish to see published in the *Oklahoma Law Review*. For those wishing to publish an article, please submit your articles or any questions you may have to mwaters@ou.edu.

Annual Meeting Deadlines Fast Approaching

The deadline to submit resolutions to the OBA House of Delegates is Thursday, Oct. 1. Resolutions should be sent to OBA Executive Director John Morris Williams at johnnw@okbar.org. Also, since Annual Meeting is in early November this year, the early-bird registration deadline is Monday, Oct. 12. Save money by registering early. Fill out the registration form in this issue, or register online at www.okbar.org.

Dirickson Selected as Special District Judge

Weatherford attorney Donna Dirickson was recently chosen as Custer County's new special district judge. She replaces Judge Jill Weedon, who was sworn in recently as the county's associate district judge, succeeding Judge Jacqueline Duncan, who retired earlier this year. Judge Dirickson was sworn in Sept. 4. She has been in private practice in Weatherford since 1999 and previously served as an assistant district attorney. She will serve the rest of her term on the OBA Board of Governors, which expires at the end of this year.



Kudos

Karen Long has been appointed to the Oklahoma Ethics Commission. She is currently a partner with the Tulsa law firm of Rosenstein, Fist & Ringold. Her five-year term began in August.

Mark Heitz has been named to the Washburn University Athletics Hall of Fame and will be inducted as a meritorious service inductee on Oct. 3. Mr. Heitz graduated from Washburn in 1974 earning his J.D. in 1977. He played golf at the university during his undergraduate years and has since sponsored many endowed scholarships for student athletes as well as endowed funds for the Washburn law school. He has served on the Washburn Board of Regents as well as the law school's board of governors and is currently a trustee of the Washburn Endowment Association.

The 2008-2009 OBA Leadership Academy raised \$2,750 for Special Olympics Oklahoma.

On The Move

Rachel Stoddard Morris announces the opening of her new practice located at 1015-G Waterwood Parkway, Suite A-2, Edmond, 73034; (405) 509-6455;

Fax: (405) 509-6472;
rachel@stoddardmorris.com.

Kelly A. Smakal, Justin B. Munn and Stephan S. Mathis announce the formation of Smakal, Munn & Mathis in Tulsa. The firm maintains a general civil litigation practice with an emphasis in domestic and probate matters, estate planning, construction law, and corporate transaction and litigation matters. Their offices are located at 320 S. Boston, Suite 1119, Tulsa, 74103; (918) 582-3400.

McAfee & Taft announces that **Kathy R. Neal** has joined the firm. Ms. Neal practices litigation defense of claims of discrimination, wrongful and retaliatory discharge, breach of contract, enforcement of non-competition and confidentiality agreements, and wage and hour disputes.

Jason R. Jenkins has been named assistant general counsel for the University of North Dakota in Grand Forks, N.D. Mr. Jenkins, a registered patent attorney who received his law degree from TU in 2000, will be advising UND primarily on intellectual property matters.

Brian D. Scott recently formed Business Compliance Experts LLC, a small business consulting company. It is temporarily located at 525 S. Main St., Suite 1111, Tulsa, 74103; (813) 391-6741.

Vincent J. Faggioli has been named command counsel for the Army Materiel Command, headquartered at Fort Belvoir, Va. The Army Materiel Command is a multi-billion dollar enter

prise that provides logistical, maintenance and acquisition support to United States warfighters worldwide. He has a total of 38 years of service with the Army.

Van Meter Law Firm has changed locations and is now located at 600 N. Walker, Suite 101, Oklahoma City, 73102; (405) 228-4949. Also, **Charles J. Watts** has joined them in their new offices.

At The Podium

Jay L. Harrington spoke during the Oklahoma Society of Enrolled Agents fourth annual Tax Forum in Oklahoma City. The presentation concentrated on the "Show Cause Hearing Process" for businesses that are out of compliance.

Marty Ludlum presented a lecture on "Corruption in Putin's Russia: Generational Differences" to the Academy of Legal Studies in Business Conference in Denver.

Vialo Weis Jr. recently presented "I Wish I Had Known: Reflections on Pre-lawyer Days" and "Oil and Gas Rights in Planned Giving" at the North American Division of Seventh-Day Adventists' Planned Giving & Trust Services Conference in Albuquerque, N.M., last month.

Compiled by Rosie Sontheimer

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

Articles for the Oct. 10 issue must be received by Sept. 21.

IN MEMORIAM

Lawrence R. Edmison of Norman died May 25. He was born Aug. 7, 1948, in Lincoln, Neb. He earned a bachelor's degree in physiology from OSU, a master's degree in parasitology from the OU Health Sciences Center and a law degree from the OCU School of Law. During his 33-year career in environmental regulation, he served as director of the Oklahoma Department of Pollution Control, general counsel for the Oklahoma Corporation Commission and director of the Water Quality Division of the Oklahoma Conservation Commission. Memorial contributions may be made to Hands Helping Paws Inc., P.O. Box 1024, Norman, 73070; or to The Nature Conservancy.

Judge J. Bruce Harvey of Enid died Aug. 1. He was born Aug. 12, 1942, in Cherokee. He graduated from Northwestern State College in Alva in 1966 and OCU School of Law in 1972. While attending law school, he worked for the Oklahoma State personnel board. In 1974, he accepted a position as special district judge to Garfield County, a position which he held until

1976 when he went into private practice. During his 17 years in private practice, he served with the Oklahoma Department of Corrections, both as an attorney and on the board of directors. He also served as state representative for District 41 from 1983 to 1985 and mayor of the city of Enid from 1987 to 1989. In 1993, he was appointed associate district judge of Harper County, followed by an appointment as special district judge in Garfield County. He was a member of numerous organizations including the Central Christian Church and the Boy Scouts of America. Memorial contributions may be made in his memory through the Marshall Funeral Home in Alva to Central Christian Church, Carmen Fire and Rescue, Carmen Park Fund or Boy Scouts of America.

William R. Moss of Tulsa died Aug. 14. He was born Feb. 12, 1947. He was a 1972 graduate of the TU College of Law and practiced criminal and family law for 35 years.

Cynthia Post of Shawnee died Aug. 12. She was

born Dec. 31, 1957. In 1994, she graduated from the OU College of Law. She worked for the National Cowboy and Western Heritage Museum as the assistant director of development.

Randolph (Randy) Stephen Specht of Edmond died Aug. 17. He was born on Dec. 19, 1951, in Lawton. He graduated from OSU and earned his law degree from the OU College of Law in 1981. He practiced oil and gas law and worked for the Oklahoma Corporation Commission, starting as a trial examiner and rising to appeals administrative law judge. Memorial contributions may be made to an education account for his children at Kirkpatrick Bank.

Robert L. Stormont of Norman died Aug. 23. He was born Oct. 19, 1941, in Wakita. He graduated from OSU and earned his J.D. from the OU College of Law in 1966. He practiced law in Enid and Oklahoma City for 43 years and was an avid hunter and a family man.

IN MEMORIAM: *1982 OBA President John L. Boyd*

1982 OBA President John L. Boyd of Tulsa died Aug. 16. He was born March 5, 1920, in Tulsa. He graduated from Tulsa Central High School in 1937 and later attended OU.

After school, he served as a First Lieutenant and navigator in the U.S. Army Air Corps from 1943 to 1945, during which time he survived a dramatic rescue after floating in a lone life raft after his plane went down over the Pacific Ocean.

He received his law degree from TU in 1950. He then joined Tucker and Martin, which later became the Tucker, Boyd and Parks law firm. He held many local and regional positions in support of the law profession. These included president of the Tulsa County Bar Association in 1974, president of the Oklahoma Bar Association in 1982, president of the Oklahoma Bar Foundation in 1987, and founder and chairman of the Board of the Oklahoma Bar Professional Liability Insurance Company in 1983 and 1984.

In addition to his participation in these and many other organizations, his work was awarded with many honors including the OBA Outstanding Lawyer Rendering Meritorious Service to the Profession Award in 1986, Tulsa County Bar Association Outstanding Lawyer Award in 1987, the University of Tulsa Outstanding Service Award in 1982, membership in the Chairman Select Committee to Review the Judicial System of the State of Oklahoma and TU's Lifetime Achievement Law Award in 2003. He was also a member of many social groups, including the Tulsa Men's Club.



1920 - 2009

SERVICES

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

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

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

BRIEF WRITING, APPEALS, RESEARCH AND DISCOVERY SUPPORT. Fourteen years experience in civil litigation. Backed by established firm. Neil D. VanDalsem, Taylor, Ryan, Schmidt & Van Dalsem P.C. (918) 749-5566, nvandalsem@trsvlaw.com.

HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATION

Board Certified	Court Qualified
Diplomate — ABFE	Former OSBI Agent
Life Fellow — ACFE	FBI National Academy

Arthur D. Linville (405) 636-1522

WORKLOAD PILING UP AND JUST NOT ENOUGH TIME to get everything finished? Need assistance with document review, caseload management, or general consulting? Then please contact us at okoverflow@yahoo.com, maybe we can help.

EXPERT WITNESSES • ENVIRONMENTAL GEOSCIENCES: Litigation • Regulatory • Transaction; Energy • Industry • Agriculture; Geology • Soils • Water • Groundwater; Contamination Timing • Source • Transport • Fate; Hydrocarbons • Saltwater • Metals • Nutrients • Radionuclides • Solvents; Remote Sensing • Mapping • Spatial Analysis; Research • Expert Reports • Testimony • Phase I Assessments • Environmental Sampling; National Experience; Contact J. Berton Fisher, Lithochimeia, LLC www.lithochim.com; (918) 527-2332 or (918) 382-9775; bfisher@lithochim.com.

EXPERT WITNESSES • ECONOMICS • VOCATIONAL • MEDICAL Fitzgerald Economic and Business Consulting Economic Damages, Lost Profits, Analysis, Business/Pension Valuations, Employment, Discrimination, Divorce, Wrongful Discharge, Vocational Assessment, Life Care Plans, Medical Records Review, Business/Legal Ethics. National, Experience. Call Patrick Fitzgerald. (405) 919-2312.

SERVICES

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

TRAFFIC ACCIDENT RECONSTRUCTION INVESTIGATION • ANALYSIS • EVALUATION • TESTIMONY

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

OKC ATTORNEY HAS CLIENT INTERESTED in purchasing producing and non-producing, large or small, mineral interests. For information, contact Tim Dowd, 211 N. Robinson, Suite 1300, OKC, OK 73102, (405) 232-3722, (405) 232-3746 - fax, timdowd@eliasbooks.com.

LEGAL SECRETARY W/25 YEARS EXPERIENCE seeking part-time temporary assignments for secretaries needing vacation, time-off, etc. Very reasonable prices. Call Debbie @ (405) 429-0444.

PEAK LAND & ROYALTY COMPANY is actively pursuing the acquisition of mineral, royalty, and working interest in the State of Oklahoma. No interest is too large or too small. We will work to get you the highest price possible for your property. We have almost thirty years of experience in the Oil and Gas business and have valued and leased minerals for individuals, Banks, and Attorneys. Phone Number: (405) 250-2577. E-mail address: rjcm minerals@aol.com.

PRINTING SERVICES

PROFESSIONAL RESULTS USING COPIER SAFE, RAISED (THERM) PRINTING! G & S Printing, Inc. has been serving the OKC metro area for 22 years, specializing in legal, energy and all corporate printing needs. Free pick up and delivery to downtown OKC. Visit us at gandsprinting.com, or contact Shirlene Tarbox at 405.789.6813, **to see how we can help you!!!**

OFFICE SPACE

FOR SALE OR LEASE - INTEREST IN LAW OFFICE BUILDING located at 3315 N.W. 63rd, OKC. Call Bob Jackson at 848-4004 or 706-4229.

DOWNTOWN OKC WITHIN walking distance to Courthouse. Parking, copier, fax, conference room, reception area, kitchen, phone system. 1-3 offices available. Corner of Reno & Walker. James Dunn (405) 239-1000 ext 2..

OFFICE SPACE

MIDTOWN OFFICE SPACE FOR LEASE: Make this office space yours in the escalating and rapidly growing Midtown Renaissance Beautifully renovated and charming 1920's building in the heart of Midtown within walking distance to many new restaurants and the Boulevard Cafeteria. Amenities include receptionist, phones, internet, business office with copier, fax, postage meter, 2 conference rooms, library, kitchen, housekeeping, onsite file storage and parking. Located in the vicinity of 12th and Walker. (405) 627-1380 or (405) 204-0404.

ONE MAN OFFICE FOR RENT. 200 plus sq. ft. Share conference room, reception area & breakroom with 5 other lawyers. Internet, new phone system & fax line included. \$600.00 per month. Come on by 4901 Richmond Square, Suite 102. (405) 848-4004.

LUXURY OFFICE SPACE - FIVE OFFICES: One executive corner suite with fireplace (\$1,200.00/month); two large offices (\$850.00/month); and two small offices (\$650.00 each/month). All offices have crown molding and beautiful finishes. A fully furnished reception area, conference room, and complete kitchen are included, as well as a receptionist, high-speed internet, fax, cable television and free parking. Completely secure. Prestigious location at the entrance of Esperanza located at 153rd and North May, one mile north of the Kilpatrick Turnpike and one mile east of the Hefner Parkway. Contact Gregg Renegar at (405) 285-8118.

SEEKING PROPOSALS

THE CITY OF CUSHING IS SOLICITING PROPOSALS until 2:00 p.m. on Tuesday, October 6, 2009, from qualified individuals or firms, for Attorney services to represent the City of Cushing and its entities. For further information or to request a RFP packet, please contact the City Manager's office at (918) 225-2394.

POSITION WANTED

EXPERIENCED CORPORATE / TRANSACTIONAL ATTORNEY SEEKS OPPORTUNITY involving relocation to Tulsa or OKC. 10+ years of experience in a wide range of corporate and transactional practice areas. Extensive experience within the energy industry. Large firm and in-house experience. Licensed in Texas and Oklahoma. Partnership with regional firm or senior in-house position preferred. Please send inquiries to Fall2009OBJadvertisement@gmail.com.

POSITIONS AVAILABLE

THE FOGG LAW FIRM is accepting resumes for an associate attorney. Two to five years general litigation experience a must. Applicant must be able to immediately assume responsibilities in discovery preparation/responses, brief writing, court appearances and depositions. Please send resume and salary requirements via facsimile to (405) 295-1536 or e-mail to jacy@fogglawfirm.com.

POSITIONS AVAILABLE

MANAGING ATTORNEY - WEATHERFORD (Enhanced Salary Plan): Legal Aid Services of Oklahoma, Inc. is seeking a managing attorney for its Weatherford Law Office, serving Alfalfa, Beaver, Beckham, Blaine, Cimarron, Custer, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Washita, Woods, and Woodward counties. The managing attorney is responsible for supervision of attorney and support staff and limited grant management. Applicants are required to have a J.D. from an accredited law school, and be admitted to practice in Oklahoma or eligible to take and pass the next Bar Examination. Five years experience as a practicing attorney, management experience, and previous legal services practice preferred but not required. Enhanced Salary Scale for managing attorneys provides greater financial acknowledgement for management experience, number of offices supervised, number of staff supervised, and years of legal experience. Compensation includes generous benefits including health, dental, life, pension and more. Applicants **MUST** complete Legal Aid's application. View and print the application in .pdf format, www.legalaidok.org. Send your application and a resume to: Bud Cowsert, Director of Operations, 2915 Classen Blvd., Suite 500, Oklahoma City, OK 73106, FAX to (405) 488-6111. Applications will be accepted until the position is filled. Legal Aid is an Equal Opportunity/Affirmative Action Employer.

AV RATED DOWNTOWN OKC INSURANCE DEFENSE LITIGATION FIRM seeks associate with 0 - 5 years experience. Salary commensurate with experience. Please send resumes to "Box P," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

AV RATED DOWNTOWN OKC INSURANCE DEFENSE LITIGATION FIRM seeks paralegal with 5+ years experience. Salary commensurate with experience. Please send resumes to "Box H," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

CLASSIFIED INFORMATION

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

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

Jeff Kelton, Oklahoma Bar Association
P.O. Box 53036, Oklahoma City, OK 73152
E-mail: jeffk@okbar.org

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

Call to Arms

By Janet L. Cox

I had just finished a two-hour preliminary hearing. I tried to explain to the prosecutor before the hearing that my client was not guilty and tried to explain the facts. I was met with a perplexed look and a “and you believe him?”

He was a young prosecutor... feeling like I did 32 years ago... the pride of protecting the public and armed with the power to destroy people’s lives. He had every reason to believe my client was guilty. The police report was damning, down to a special code assigned to my client that gave him access to the company safe.

The witness testified to a different fate for my client. Apparently, several people had access to the safe and the codes that were used to breach security. At that point, I was forced to take back my agreement to stipulate that my client had a specific code. I was hard pressed to be the vehicle that sent my client to the penitentiary.



ry. The young prosecutor was livid.

He left the courtroom, red-faced and clearly frustrated. I followed him into the judge’s chambers and he looked at me and said, “By God, I’m only

offering him a deferred sentence!”

I still roll the halls of justice. Once believing that I was part of the greatest judicial system in the world. Unlike the days of old, there are few attorneys car-

rying banners of honor. Not fighting for justice, but consumed by time and money. It is better to buy a good pen than it is to stand up and fight for freedom.

When the day comes that I plead my client to a deferred sentence, where the option is to fight for his freedom, I will walk away from the halls of justice and wonder what will become of the greatest judicial system in the world.

Stand up, young lawyers. Stand up now, or freedom for all will be just a sad reminder of what we all once had.

Ms. Cox practices in Oklahoma City.

Editor’s Note: Have a short, funny, intriguing or inspiring story to share?

E-mail submissions to carolm@okbar.org.

LOCAL GOVERNMENT LAW



**APPROVED FOR 6 HOURS MCLE,
0 HOURS ETHICS**

\$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. To receive a \$10 discount 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.

TULSA

**SEPTEMBER 11, 2009
RENAISSANCE HOTEL
6808 S. 107TH E. AVE.**

OKC

**SEPTEMBER 18, 2009
OKLAHOMA BAR CENTER
1901 N. LINCOLN BLVD.**

PROGRAM PLANNER/MODERATOR

**MARGARET MCMORROW-LOVE, LAW OFFICE OF MARGARET MCMORROW-LOVE,
OKLAHOMA CITY**

8:30 a.m. Registration & Continental Breakfast

9:00 a.m. Introduction to Dealing with Cities and Towns: Different organizational structures, powers, duties and lines of authority - Diane Pedicord, General Counsel, Oklahoma Municipal League, Oklahoma City

9:50 a.m. Break

10:00 a.m. Introduction to Interacting with Public Schools: Rights and responsibilities for schools, administrators, teachers, support staff, and students - Stephanie J. Mather, Center for Education Law, Oklahoma City

10:50 a.m. Your Land: Rights and Limits on Use: Dealing with Public Entities in the Regulation and Use of Private Property - Dan Brummitt, Assistant Municipal Counselor, Office of the Municipal Counselor, Oklahoma City
Susan Randall, Assistant Municipal Counselor, Office of the Municipal Counselor, Oklahoma City

11:40 a.m. Networking lunch (Included in registration)

12:10 p.m. Open Meeting and Open Records Act: How to Seek, Find and Participate in Dissemination of Public Information - Mike Vanderburg, Attorney at Law, Okmulgee

1:00 p.m. Learning the Ropes of the Governmental Tort Claims Act: Procedural requirements, immunities and limits on liability - David W. Kirk, Lytle, Soule & Curlee, Oklahoma City - Ray Jones, Lytle, Soule & Curlee, Oklahoma City

1:50 p.m. Break

2:00 p.m. Special Employment Provisions Related to Public Employers: Section 1983 Constitutional Claims and Civil Rights Actions - Margaret McMorrow-Love

2:50 p.m. Adjourn

REGISTER AT WWW.OKBAR.ORG/CLE

1. Enter, access, share and search all essential documents – briefs, pleadings, filings, hot documents and more – in a click.

2. View a realtime feed of the deposition testimony from your laptop.

3. Export Westlaw® research directly into your Case Notebook files.

4. Take your Case Notebook on the road and access files anywhere – your hotel, the airport, your home office.



EVERYTHING IMPORTANT TO YOUR CASE. ALL IN ONE PLACE.

Introducing West Case Notebook™ with LiveNote™ technology. Now all your essential case information is organized in a usable electronic format and accessible in a single click. So you and your team can enter and share key facts, legal documents, main characters, transcripts, evidence, pleadings, legal research and more. You can search across all this and find what you need instantly, including that hot document that may have taken you hours to locate before. All of which means you can be confident you've missed nothing. Call **1-800-762-5272** or visit **west.thomson.com/casenotebook** for more details.



THOMSON REUTERS™

WEST®

© 2009 Thomson Reuters L-347604/2-09
Thomson Reuters and the Kinesis logo are trademarks of Thomson Reuters.