

WEST OKLAHOMA Bar JOURNAL

Volume 82 ♦ No. 23 ♦ September 3, 2011

A TRADITION



OF PRIDE

NOV. 2 - 4 2011
OBA Annual Meeting
Hyatt Regency ★ Tulsa

Big Name Speakers

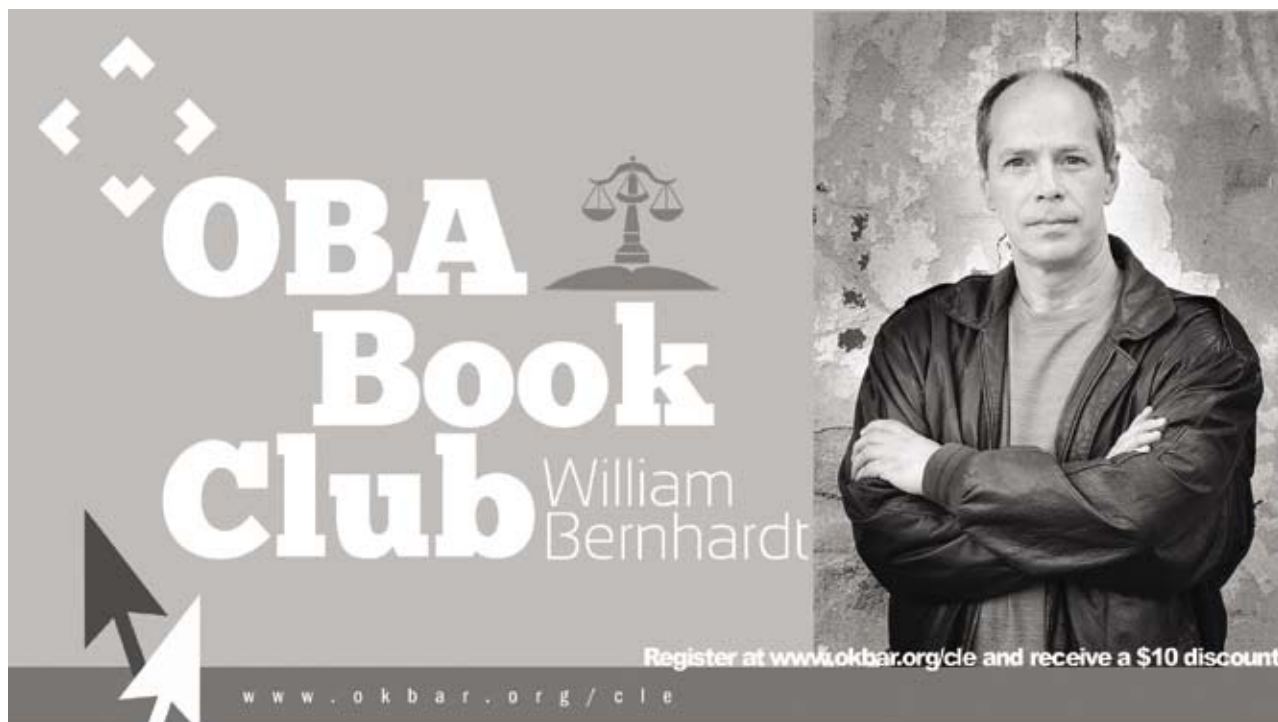
- ★ **SSgt Matt Eversmann**
Real-life *Black Hawk Down* Hero
- ★ **Andrew Card**
Sept. 11, 2001 – From the
White House Point of View

More Events Offering Free Food with Registration

New Bench & Bar Breakfast
Going Geek: 2011 Tech Fair

Entertainment

- ★ The Capitol Steps
- ★ Reba McEntire
- ★ Red Dirt Rangers



OBA Book Club William Bernhardt

Register at www.okbar.org/cle and receive a \$10 discount

www.okbar.org/cle

Capitol Offense

oba • cle
continuing legal education

In his thrilling novels of suspense, William Bernhardt takes us into the fault lines of the criminal justice system, where one mistake, a twist of fate, or an explosive secret can mean the difference between justice and its cataclysmic undoing. In *Capitol Offense*, attorney Ben Kincaid stands amid the chaos of a violent collision between vengeance and death, and it's up to him to discover where the truth lies.

Professor Dennis Thomas arrives at the law office of Ben Kincaid with a bizarre request. Thomas wants to know if Kincaid can help him beat a murder charge for a murder that hasn't happened - yet. The professor's intended victim: a Tulsa cop who had refused to authorize a search for Thomas's missing wife. For seven days, Joslyn Thomas had lain in the twisted wreckage of her car, dying a horrifically slow death in an isolated ravine. Now, insane with grief, Thomas wants to kill Detective Christopher Sentz. Kincaid warns him not to, but that very same day someone fires seven bullets into the police officer.

Suddenly, Kincaid's conversation with Thomas is privileged, and Thomas is begging Kincaid to defend him. Thomas claims he didn't shoot Sentz, even though he'd wanted to. Something about the bookish, addled Dennis Thomas tugs on Kincaid's conscience, and against all advice, he decides to represent this troubled man in the center of a media and political firestorm.

The trial doesn't go Kincaid's way, and a verdict of capital murder is bearing down on Dennis Thomas. That's when Kincaid's personal private detective, Loving, starts prying loose pieces of a shocking secret. Working in the shadows of the law, using every trick that works, Loving risks his life to construct an entirely new narrative about Detective Sentz, Joslyn Thomas, and madness in another guise: the kind that every citizen should fear, and no one will recognize—until it is too late.

William Bernhardt:

One of the nation's most in-demand writing instructors, Bernhardt has sold more than 10 million books worldwide. Best known for his "Ben Kincaid" suspense series, this former trial attorney is the youngest author ever to be inducted into the Oklahoma Writers Hall of Fame, has received the H. Louise Cobb Distinguished Author Award, the Southern Writers Guild's Gold Medal Award, and the Career Achievement Award at the 2000 Booklovers Convention.

You will receive a copy of the book prior to the seminar. Use this time to read the book & be prepared with questions & discussion points for Mr. Bernhardt.

Oct. 27, OKC - Oklahoma Bar Center, 1901 N. Lincoln Blvd.
Dinner at 5:30 p.m., Discussion at 6

Credit: Approved for 2 hours MCLE/2 Ethics

Tuition: \$75 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$100 for registrations with payment received within four full business days of the seminar date.

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



your
time to
shine

LAW DAY 2012

real stories.
real lawyers.
real impact.

Have you rescued a client from the jaws of foreclosure? Know a colleague who saved a child from an unsafe environment? Or have you worked on a case that made you proud to be a lawyer? The OBA Law Day Committee wants to hear from you. Every year, real stories of real Oklahoma lawyers are presented during the annual Ask A Lawyer TV show. Planning is underway for our 2012 program, and we need to hear from you! Submit story ideas by email to lawday@okbar.org or tizadi@odmhsas.org, or call OBA Law Day Chairperson **Tina Izadi** at **(405) 522-8097**. We want to make YOU the star!

2012 Law Day theme:

No Courts,

No Justice,

No Freedom.



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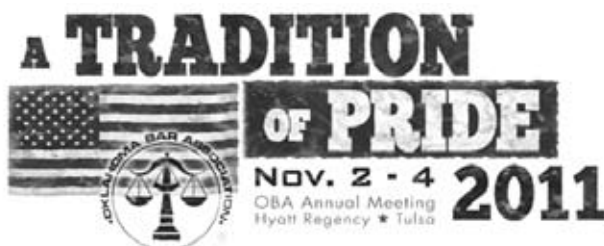
*The Real Risk of Disability in the United States, Milliman Inc., on behalf of the LIFE Foundation, May 2007

THEME:

..... OBA ANNUAL MEETING

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A Tradition of Pride

By Deborah Reheard

As I write this column, I am beginning my ninth month as president of this association. Some have commented I am on the downhill side (or downhill “slide” as the case may be), and the end is in sight. While I am proud of the work our organization has accomplished this year to promote lawyers, provide access to justice for our military members and veterans, protect the public from the unauthorized practice of law and prepare to meet the challenges to the independence of our judiciary, the biggest challenge of my presidency may lie ahead.

On Nov. 2-4 our association will meet in Tulsa for the 107th Annual Meeting of the Oklahoma Bar Association. So why is that so challenging? The challenge is to bring back the tradition of attending the Annual Meeting.

When I was a new lawyer oh so many years ago, it never crossed my mind *NOT* to attend the Annual Meeting. Since I’m older than webinars and webcasts, it was not as easy as it is today to get the required CLE credit during the year. But CLE was not the reason we went to Annual Meeting. We went to meet other lawyers, learn from other lawyers and socialize with other lawyers. We went to Annual Meeting for a break from the burdens of practicing law — for the camaraderie, the socializing, the education, the fun.

A past president of this association told me the other day that what is missing in our profession is that we do not get to know each other anymore and that leads to the disrespect, the incivility and the unprofessionalism we too often see within our own ranks. I cannot disagree with him.

When I started planning this year’s Annual Meeting, it was with the thought that it would be marketed not only as new

and different but “not your daddy’s Annual Meeting.” But the more I thought about it, the more I talked with lawyers across the state, lawyers of all ages, lawyers from big firms and small firms, I decided this year’s Annual Meeting needed to be *more* like Annual Meetings of yesteryear. It needed to have lots of opportunities to meet with and learn from other lawyers and judges from across the state.

“A Tradition of Pride” is the theme for the 2011 Annual Meeting — pride in who we are, what we do and our accomplishments. Pride in our profession, our heritage, our country. The Annual Meeting Committee and bar staff have spent hundreds of hours working to make this Annual Meeting one which encourages us to celebrate our profession. If we are not proud of who we are and what we do, why should we expect others to respect us and our profession?

The pages of this edition are filled with information about the new and improved Annual Meeting. We know you have lots of choices throughout the year when it comes to CLE offerings and hope you will find the offerings at this year’s Annual Meeting interesting, especially the new Trial College. But there is so much more to the Annual Meeting than CLE. For your \$60 registration fee, you get free

continued on page 2045

The challenge is to bring back the tradition of attending the Annual Meeting.



Deborah Reheard
President Reheard
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EVENTS CALENDAR

SEPTEMBER 2011

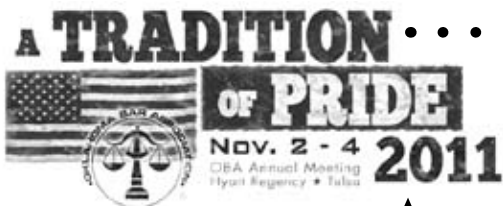
- 5 **OBA Closed** – Labor Day Observed
- 6 **OBA Law-related Education Task Force Meeting**; 12 p.m.;
Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa;
Contact: Reta Strubhar (405) 354-8890
- 8 **OBA Women Helping Women Support Group**; 5:30 p.m.; The Oil
Center – West Building, Suite 108W, Oklahoma City; RSVP to: Kim Reber
(405) 840-3033
- OBA Awards Committee Meeting**; 12 p.m.; Oklahoma Bar Center,
Oklahoma City; Contact: D. Renée Hildebrandt (405) 713-1423
- 9 **OBA Budget Committee Meeting**; 10 a.m.; Oklahoma Bar Center,
Oklahoma City; Contact: Craig Combs (405) 416-7040
- OBA Military Assistance Task Force Meeting**; 2 p.m.; Oklahoma
Bar Center, Oklahoma City and OSU Tulsa; Contact: Dietmar Caudle
(580) 248-0202
- 14 **OBA Diversity Committee Meeting**; 12 p.m.; Oklahoma Bar Center,
Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jeff Trevillion
(405) 778-8000
- 15 **Oklahoma Bar Foundation Committee Meeting**; Lawton Country
Club, Lawton; Contact: Nancy Norsworthy (405) 416-7070
- OBA Bar Association Technology Committee Meeting**; 3 p.m.;
Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Gary Clark
(405) 744-1601
- 16 **OBA Board of Governors Meeting**; Yukon, Oklahoma; Contact:
John Morris Williams (405) 416-7000
- OBA Women in Law Conference**; Oklahoma City Golf and Country
Club, Oklahoma City; Contact: Deborah Bruce (405) 528-8625
- OBA Uniform Laws Committee Meeting**; 2 p.m.; Oklahoma Bar
Center, Oklahoma City and OSU Tulsa; Contact: Don Halladay
(405) 236-2343
- OBA Law Day Committee Meeting**; 3 p.m.; Oklahoma Bar Center,
Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Tina Izadi
(405) 522-8097
- 17 **OBA Young Lawyers Division Committee Meeting**; Tulsa County
Bar Center, Tulsa; Contact: Roy Tucker (918) 684-6276

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

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

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Annual Meeting New Events

What do you get as part of the registration fee?

Events will be held at the Hyatt Regency Hotel in downtown Tulsa. Registration fee includes Wednesday continental breakfast in hospitality area, President's Boots and Bandanas Reception, YLD Tombstone Casino Night, Bench and Bar Breakfast, Veterans Appreciation Reception, Red, White & Blue Reception, The Capitol Steps, convention gifts, Art Contest entry and vendor's expo. CoreVault is sponsoring a cool jute bag to hold your gifts and vendor giveaway items.



Bench & Bar Breakfast

Judges and lawyers don't always get the chance to talk outside the courtroom. This breakfast on Thursday is social in nature and is aimed at those attending the OBA Annual Meeting and the simultaneous Oklahoma Judicial Conference. NFL Referee Walt Coleman will share his humorous experiences, making this a must-attend event for those charged with making controversial calls! Free event included with registration.

Veterans Appreciation Reception

Oklahoma men and women who are serving (and have served) our country are America's heroes - and they deserve to be honored. This free reception Thursday afternoon is to recognize them, and others who want to express their appreciation are also invited. Bar members with military service will receive a special lapel pin. Special guest, Staff Sgt. Matt Eversmann, a hero of *Black Hawk Down* fame, will speak briefly on the topic, "Honoring Our Heroes." Free event included with registration.



Trial College

The inaugural Oklahoma Bar Association Trial College is a part of this year's OBA Annual Meeting in Tulsa. The Trial College, cosponsored by OBA/CLE and the OBA Litigation Section, is scheduled for Thursday afternoon, Nov. 3, and concludes Friday, Nov. 4. This highly-interactive program will be based on a case study. State and federal judges will join some of the state's most outstanding litigators for this basic level course that will cover jury selection, opening statements, direct examination, cross examination and closing statements. The program is approved for 12 hours MCLE credit, including one hour of ethics. Registrants will receive a text published by the National Institute of Trial Advocacy. Register at <http://am.okbar.org>.



Speed Networking

Speed networking is aimed at presenting young lawyers with the chance to meet with bar leaders and develop mentoring relationships in a fun, fast-paced environment. The ultimate goal of this dynamic exercise is to develop the next generation of OBA leaders while motivating young lawyers to engage in professional and community activities.

Red, White & Blue Reception

Taking place Thursday evening just before the Capitol Steps performance, this reception offers free food, the chance to network and visit with friends. Free event included with registration.

continued on next page

The Capitol Steps

Laughter is guaranteed! This Washington D.C.-based musical-comedy group pokes fun at the national political scene. Performers are former or current Capitol Hill staffers. The 30-year-old troupe's performances air regularly on National Public Radio, now you get to see them perform live Thursday evening! Free event included with registration.



Going Geek: Counting the Ways - OBA 2011 Tech Fair

On Friday learn all about the ways embracing new technology will enhance your law practice. Discover specific tools, software and tech tips that are already making an impact on law firms nationwide and here at home. Also includes a session on the legal ethics and practicalities for lawyers using social media. The event is co-sponsored by the OBA Law Office Management and Technology Section and is approved for six hours of MCLE. The cost is \$60 thanks to the section's sponsorship, and Annual Meeting registration is not required to attend the tech fair. Lunch is included. Use the Annual Meeting registration form to sign up.

Art Contest

- It's back for 2011! Get your
- creative juices flowing and enter
- your artwork in the 2011 OBA
- Art Contest. Categories include
- photography, painting, sculpture
- and just about every other type
- of media you can think of. A
- new focus for this year is "military-themed art." Registration is
- due by Oct. 17; artwork must be delivered to
- the Annual Meeting on Nov. 2. Entry fee is included
- with Annual Meeting registration. Questions? Email
- artatty@okbar.org.



Reba McEntire Concert



Get those cowboy boots on! Oklahoma's own country music superstar Reba McEntire is playing Tulsa's BOK Center Friday night, and a limited number of seats are available exclusively to OBA members. Each Annual Meeting attendee may purchase up to four tickets at a cost of \$80 each.

Register

Register for all events using Annual Meeting registration. Three ways to register – 1) mail, 2) fax & 3) online at <http://am.okbar.org>.

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- ★ Beale Professional Services
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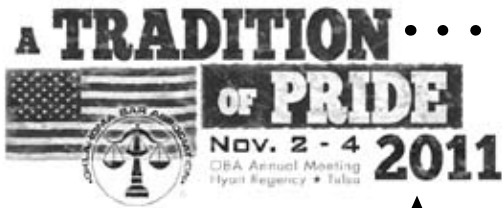
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Sponsorship opportunities are still available. Contact OBA Executive Director John Morris Williams at (405) 416-7014, (800) 522-8065 or johnw@okbar.org.



Annual Meeting Big Name Speakers

Staff Sgt. Matt Eversmann

★ Plenary Session

In October 1993, U.S. troops engaged in combat in Somalia with militia forces loyal to a local warlord. Two U.S. Black Hawk helicopters were shot down in the fighting, and the ensuing battle led to heroism and bravery as American servicemen fought off a Somali mob while awaiting reinforcement. During the Thursday plenary session on military law, Staff Sgt. Matt Eversmann, real-life hero portrayed in the film *Black Hawk Down*, will talk about his experiences during the battle in which 18 American servicemen died and dozens of others were injured. All plenary session attendees will receive a copy of the book *The Battle of Mogadishu: Firsthand Accounts from the Men of Task Force Ranger*, which SSgt. Eversmann edited. He will autograph copies of the book at a book signing beginning at 1:45 p.m. Additional copies will be available for purchase.



Andrew Card

★ Annual Luncheon

Your boss is president of the United States. Now imagine telling him that the country has been attacked by terrorists. Andrew Card, former White House chief of staff under President George W. Bush, did just that on Sept. 11, 2001. The image of him whispering to Bush that day at Emma E. Booker Elementary School in Sarasota, Fla., is now embedded in minds around the world. Mr. Card will share his eyewitness account of that day that briefly weakened America while making it stronger as we mark 10 years since the 9/11 attacks. The luncheon will take place Thursday from noon – 1:45 p.m. Cost: \$35 with meeting registration.

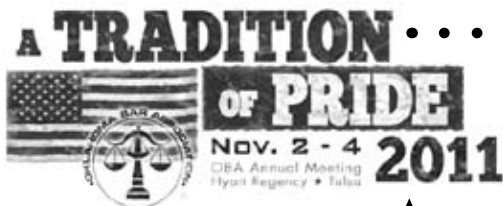


Walt Coleman

★ Bench and Bar Breakfast

Like most judges and lawyers, NFL referee Walt Coleman is no stranger to controversial and unpopular decisions. During the new Bench and Bar Breakfast Thursday morning, attendees will hear Mr. Coleman, who is also a sixth generation dairy farmer, share his humorous take on his professional experiences. His official topic is, "Turning Boos into Cheers: How Effective Are You?" He's been a National Football League referee for 22 years and describes himself as "one of the most maligned yet anonymous men in the world." Free with Annual Meeting registration! Sponsor: OBA Litigation Section.





Annual Meeting Traditions

Annual Luncheon

As Americans, we are all too familiar with Sept. 11, 2011, and the events that marked that day. The man who broke the news to President George W. Bush that terrorists had attacked the United States will speak to the audience at this year's Annual Luncheon.

Andrew H. Card Jr. will deliver the keynote address at this year's Annual Luncheon. His topic is, "A Conversation with Andrew Card: Eyewitness to History" in which he'll share the insider details of that day with the president. He is most known for serving as President Bush's White House chief of staff from 2000 – 2006, making him the second-longest serving chief of staff for any president. Currently, he is a senior counselor at the global public relations firm Fleischman-Hillard, serving on the international advisory board.

The Annual Luncheon will take place from noon to 1:45 p.m. Thursday, Nov. 3. Cost to attend the luncheon is \$35 with Annual Meeting registration. Seating is limited, so register today.



President's Reception & YLD Tombstone Casino Night

This year's president's reception, sponsored by Beale Professional Services, is a departure from the more formal affairs of years past. Leave your suits and ties behind; cowboy hats, boots and bandanas are the proper attire for this shindig! Be sure to wear something that's a little country and be prepared for some down-home fun! Decorations will make you feel like you're on the ranch, and bet you'll enjoy line dancing (instructor provided), mechanical bull and a fun photo booth. No shrimp this year; barbeque is king. Expect brisket, ribs, cowboy caviar and little smokies. Everyone receives a bottomless Mason jar filled with the ice cold beer or soft drink of your choice, or there will be a cash bar if you prefer something a little stronger. Feel like tempting fate? Avoid "Dead Man's Hand" in the Tombstone Casino sponsored by the Young Lawyers Division. The evening's entertainment will be provided by the rollicking roots music of Stillwater's Red Dirt Rangers, thanks to sponsorship by the General Practice – Solo and Small Firm Section. The Wednesday evening event is free with Annual Meeting registration, and you can bring a guest at no charge!

President's Breakfast

Breakfast with the OBA president on Friday morning is a long-standing tradition, with every leader selecting a unique program that reflects his or her own interests. This year, President Deborah Reheard invites you to listen to the music of the Martin Luther King Unity Choir from McAlester. The breakfast is from 8 to 9 a.m.; cost \$25. Sponsor: GableGotwals.



Annual Meeting **Expanded CLE Opportunities**

Bar Convention to Offer Greatest Variety Ever

By Donita Bourns Douglas

Oklahoma Bar Association President Deb Reheard has kept the time-honored traditions of the OBA Annual Meeting, but do not expect the “same ol’ CLE” this year. The CLE programming has been energized with new and cutting-edge topics – and a few completely new programs.

Members will be able to get their entire annual CLE requirement from multiple CLE choices, including choices offered on the Friday of Annual Meeting. Programming includes the Wednesday multi-track, a stand-alone Wednesday CLE program, the Thursday plenary session, a 12-hour trial college on Thursday and Friday and a Friday technology program.

MULTI-TRACK CLE

Four tracks are being offered on Wednesday: Family Law, Criminal Law, Recent Developments and “Charm School for Lawyers.” The Charm School is a new addition this year. Planned by Justice Jim Winchester and Judge Jane Wiseman, this track will offer sessions on manners, image and personal brand, techno ethics, and personal behavior and your law license. Justice Winchester and Judge Wiseman will present, “How to Charm the Pants off the Court without Skirting the Issue.” The track will conclude with a musical presentation, “Behaving Badly: The Best of the OBA Ethics Musical.”



TRIAL AND THE ART OF WAR

National speaker Todd Winegar will present his all-day program “Trial and the

- Art of War” on Wednesday. Mr. Winegar uses a
- military theme, and in some instances specific battles,
- to teach trial techniques and strategies. For example,
- Hannibal’s Battle of Cannae, the Alamo and guerilla
- warfare are bases for teaching trial techniques. The
- qualities of successful generals will be used to define
- the qualities of successful attorneys.

PLENARY SESSION

- “Stepping on the Battle-
- field: Do the Rules Change?”
- is a joint plenary session
- with the Oklahoma Judicial
- Conference and is sched-
- uled for Thursday morning.
- All attorneys will find this
- gripping program relevant
- to all, not just attorneys who
- practice military law.



- Staff Sgt. Matt Eversmann will kick off the Thurs-
- day morning session by recounting the events of
- *Black Hawk Down*. SSgt. Eversmann was involved
- in the rescue of *Black Hawk Down*. Thereafter, the
- stories of two soldiers: Michael Behenna and Brad-
- ley Manning will be presented. Behenna’s story will
- be told by his mother, Vicki Behenna, assistant U.S.
- attorney in the Western District and OBA member.
- Bradley Manning’s attorney is tentatively scheduled
- to present the story of Manning. OBA member
- Michelle Lindo McCluer, executive director of the
- National Institute of Military Justice, will present on
- the military justice system. Program speakers will
- conclude the session with a panel discussion.



TRIAL COLLEGE

The first-ever OBA Trial College is scheduled to begin Thursday afternoon and run all day Friday. Approved for 12 hours of MCLE credit, this program, based on a case study, will cover jury selection through closing argument. State and federal judges and seasoned Oklahoma litigators will participate. Participants will receive a litigation text book.

GOING GEEK: 2011 TECH FAIR



OBA icon Jim Calloway, has planned a six-hour CLE program for Friday. Appropriately titled, "Going Geek: Counting the Ways," this program is technology-centered and is relevant for solo and firm attorneys. Cosponsored by the OBA Law Office and Management and Technology Section, the program does not

- require Annual Meeting registration, and tuition is only \$60. Topics include tech tips, social media practice and ethics, technology tools, open sourcing the law, iPad and smartphone tips and "50 Websites in 50 Minutes." The program also includes lunch. This is an opportunity you can't afford to miss.

ESTATE PLANNING SEMINAR

- And if that isn't enough, the OBA Estate Planning, Probate and Trust Section is bringing back Professor Jeffrey Pennell, Emory University, for a Friday, two-hour program, "Drafting Special Needs Trusts." Professor Pennell's focus is on drafting boilerplate "fine print" trust administration provisions. Annual Meeting registration is not required, and lunch is included with the program.



- Honoring our Annual Meeting traditions, but creating new traditions is what this year's meeting is all about. Find details about all of these programs in this Oklahoma Bar Journal and at <http://am.okbar.org>.

- Ms. Douglas is OBA Educational Programs Director.





**A TRADITION
OF PRIDE**

NOV. 2 • 4 2011

OBA Annual Meeting
Hyatt Regency • Tulsa

Smartphone User:
Use the QR app and snap the
barcode for quick Annual Meeting
information and registration

OBA/CLE.....

	Family Law Track	Criminal Law Track	Charm School for Lawyers	Recent Developments
				
	MODERATOR: Tamera Childers	MODERATORS: Ben Brown Cindy Danne	MODERATORS: Justice Jim Winchester Judge Jane Wiseman	MODERATOR: Travis Pickens
9 - 9:50	Social Media Discovery Shane Henry	Oklahoma Jury Sentencing and 2404(b) Evidence and Jury Instruction OUIJR 9-20 David McFarlane Jacqui Ford	How to Charm the Pants off the Court Without Skirting the Issue Justice Jay Winchester Judge Jane Wiseman	Criminal Law Update Buffy Berryberry Andrea Miller
10 - 10:50	Dealing with Difficult Opposing Counsel Virginia Hickman	Through the Looking Glass: Critiquing Forensic Child Interviews Jamie G. Vogt, MS., LPC	Manners 101: The Rules Have Changed Jana Christian	Family Law Update Professor Robert G. Spector
11 - 11:50	Hot Tech Tips Dorelle Rutheal Rees Evans Jon Ford Noel Tucker	Some Things Old, Some Things New, Some Things Borrowed, and Juveniles Too: Adjudicative Competence Kathy LaFortune, J.D., Ph.D.	Image and Personal Brand - A Focus on Appearance Byron Dickens	Employment Law Update David Strecker
2 - 2:50	Modification of Support Alimony Rees Evans	Are You Crazy? The Insanity Defense in Oklahoma Winston Connor	You Don't Clock Out at Five: Personal Behavior and Your Law License Gina Hendryx	Insurance Law Update Rex Travis
3 - 3:50	Defending the Victim Protective Order Kirsten Bernhardt	Forensic Archeology & Anthropology in the Courtroom Professor Kent Bunnell Angela Berg	Techno E²: Ethics and Etiquette Jana Christian	Estate Planning and Probate Update LeAnn Grambling Ellis
4 - 4:50	Recent Developments from the Legislative Perspective Noel Tucker	Forensic Archeology & Anthropology in the Courtroom (Continued)	Behaving Badly: The Best of the OBA Ethics Musical (ethics) Jay Buxton Rees Evans	Health Law Update David McKimsey Jordan Edwards

Stepping on the Battlefield: Do the Rules Change?

OBA/CLE Plenary Session

**Thursday,
Nov. 3**

**Hyatt Regency Hotel, Tulsa
3 MCLE hours**

Staff Sgt. Matt Eversmann's legendary leadership while facing the horrors of war cemented his status as an American military hero. Portrayed by Josh Hartnett, SSgt. Eversmann was immortalized in the epic film, *Black Hawk Down*, which recounts the 18 harrowing hours when U.S. soldiers in Somalia were trapped in a hostile district of Mogadishu. Young Rangers and Delta Force soldiers fought side-by-side, outnumbered, and marked for death by an angry mob, until a rescue convoy was mounted.

He has received many military decorations, including the Army Service Ribbon, the National Defense Service Ribbon, eight Army Achievement medals and four Army Commendation medals. For his service in Somalia, he was awarded the Bronze Star Medal with Valor device and the Combat Infantryman's Badge. Before his retirement in early 2008, SSgt. Eversmann served 18 months in Iraq leading an elite Army Ranger force.



SSgt. Matt Eversmann

home alive: leadership, courage and selfless service. Inspiring, motivational, and patriotic, SSgt. Matt Eversmann, hero of *Black Hawk Down* and the Battle of Mogadishu.

9:50

Soldiers' Stories: Battles On and Off the Battlefield Michael Behenna's Story

Vicki Behenna has become a crusader for her son, former Army 1st Lt. Michael Behenna. Michael was convicted of killing an Iraqi detainee in May 2008. On March 20, 2009, Army Ranger 1st Lt. Michael Behenna was sentenced to 25 years in prison for killing Ali Mansur, a known Al Qaeda operative, while serving in Iraq. Mansur was known to be a member of an Al Qaeda cell operating in the lieutenant's area of operation. Army intelligence believed he organized an attack on Lt. Behenna's platoon in April 2008, which killed two U.S. soldiers and injured two more.

- Army intelligence ordered the release of Mansur, and Lt. Behenna was ordered to return the terrorist to his home. During the return of Mansur, Lt. Behenna again questioned the Al Qaeda member for information about other members of the terrorist cell and financial supporters. During this interrogation, Mansur attacked Lt. Behenna, who killed the terrorist. The government subsequently prosecuted Lt. Behenna for premeditated murder.

- **Vicki Behenna**, Assistant U.S. Attorney in the Western District of Oklahoma, mother of Michael Behenna, Edmond

9

Dedication, Pride, and Commitment: The Story of *Black Hawk Down*

An authentic American hero, SSgt. Matt Eversmann recounts the events of *Black Hawk Down*, which powerfully demonstrate the horrors of war, and the human qualities that are essential to survive it. He focuses on three attributes that brought him

continued on next page

10:10

Bradley Manning's Story

Bradley Manning, a 23-year-old Army intelligence analyst, is accused of leaking a video showing the killing of civilians, including two Reuters journalists, by a U.S. Apache helicopter crew in Iraq. He is also charged with sharing the documents known as the Afghan War Diary, The Iraq War Logs and embarrassing U.S. diplomatic cables, with the anti-secrecy website WikiLeaks.

David E. Coombs, The Law Offices of David E. Coombs, Attorney for Private Bradley Manning (tentative)

10:30

The Military Justice System: Flawed or Fair?

Michelle Lindo McCluer, Executive Director of the National Institute of Military Justice, Washington, D.C

10:50

Break

11

**The Military Justice System:
Panel Discussion**

Moderator: Robert Don Gifford

Assistant U.S. Attorney in the Western District of Oklahoma, OKC

Panelists:

SSgt. Matt Eversmann

Vicki Behenna

David E. Coombs (tentative)

Michelle Lindo McCluer

11:50

Adjourn

To Register: Use the Annual Meeting registration form. Annual Meeting registration is required.

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Trial and the Art of War

**Wednesday,
Nov. 2**

**Hyatt Regency Hotel,
Tulsa
6 MCLE hours**

Todd Winegar is a dynamic speaker and practicing attorney who emphasizes civil trial litigation. He has been involved in some of the larger cases in his home state. His experience includes professional malpractice on both the plaintiff and defense side, product liability actions involving para and quadriplegia, and a Minuteman missile accident.

Todd's approach is unique in that the most famous trials ever are used as examples. You will see actual trial footage and verbatim recreations from transcripts. This approach will allow you to emulate some of the greatest techniques ever developed and avoid some of the greatest mistakes ever made. It also makes for very good entertainment.

8:30 a.m.

**Registration and Continental
Breakfast**

9

**Strategy Wins - Hannibal's Battle of
Cannae Changed Warfare**
*Outnumbered 2 to 1, his back to the sea,
facing the largest army ever amassed on
earth - but his strategy routed the Romans.*

- ★ Trial is strategy - the truth does not always win.
- ★ Dr. Simon's gaming theory applied to trial.



- ★ Studies of Pennington and Hastie – direct your strategy to how the jury decides.
- ★ Adapting Plans – If you're short of everything but the enemy, you are in trial.

9:50

Break

10

**Remember the Alamo! -
Winning the battle can
lose the war.**

- "Another victory like this, and we shall have no army left!" –
- Santa Anna's Aide
- Aggression and other techniques that easily backfire.

10:50

Break

11

**"All's Fair in Love and War" – but not
in Law**

- ★ Many strategies are very effective, but they raise serious ethical issues.
- ★ Increase professionalism and reduce the stress of law with the all important "People Skills" – Many large firms now require all employees to practice these.

continued on next page

11:50

Lunch (on your own)

2

Guerilla Warfare – Dealing with Poor Cases, Poor Witnesses, and Poor Facts

- ★ Cochise, Geronimo, and their Apaches held a quarter of the U.S. Army at bay for a third of a century.
- ★ The method of defending a weak case: Finding and exploiting mistakes and weakness; Putting the other side on trial; and pseudo cross-examination, the critical importance of nuance.

2:50

Break

3

The Qualities Successful Generals and Attorneys *Must* Have

- ★ “There is no general who has not heard of these five matters. Those who master them win. Those who do not are defeated.” Sun Tzu

The Qualities Successful Generals and Attorneys *Must Not* Have

- ★ “The ruin of the army is the inevitable result of these shortcomings. They must be deeply pondered.”
Sun Tzu

3:50

Break

4

Subduing without Battle - Negotiation

“For to win 100 victories in 100 battles is not the apex of skill. To subdue the enemy without fighting is the apex of skill.”

Sun Tzu

95 percent of cases are settled. Negotiation is your most important skill.

- ★ The Harvard Negotiation Project – when to negotiate and when to fight.
- ★ Schelling’s Nobel Prize, *The Strategy of Conflict*. People are best controlled using the same methods they choose to control others.
- ★ The *12 Keys to Killer Negotiations* – Negotiation is a 12 step process, not a result: Saber rattling – you negotiate a case from the moment you receive it; The Federal Rules of Negotiation – not yet official, but there are unwritten rules to every negotiation; the only four things you bargain over – Needs, Options, Risks, and Time; the three Rs – Relationships, Reputation and Reconciliation.

4:50

Adjourn

To Register: Use the Annual Meeting registration form. Annual Meeting registration is required.

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Drafting Special Needs Trusts

OBA/CLE and the OBA Estate Planning, Probate and Trust Section

Friday, Nov. 4

Hyatt Regency Hotel, Tulsa
2 MCLE hours

Program Planner/Moderator
Gale Allison, The Allison Firm, PLLC, Tulsa

Professor Jeffrey Pennell first presented this topic at the Special Needs Trusts Annual Conference at Stetson University as part of their “basics” curriculum. His focus is on drafting the boilerplate “fine print” trust administration provisions in a third-party special needs trust. He brings a traditional trust law perspective that conjoins elder law, Medicaid, Social Security Disability and trust law knowledge relating to the creation and management of special needs trusts. Because the rules that govern this practice area are in a constant state of flux, he will be joined by **Donna Jackson**, an Oklahoma City elder law attorney, who will provide Oklahoma specific interpretations and procedures that are critical to the practice. A sample document will be used to illustrate some best practices or preferred approaches, some all-too-commonly flawed drafting, and to stress issues of particular or recurring concern.

11:30 a.m.

Registration (Business meeting and lunch included)

12:30

Program (includes 10-minute break)

2:30

Adjourn

To Register: Use the Annual Meeting registration form. Annual Meeting registration is not required.



Annual Meeting **Technology Fair**

OBA Technology Fair to Educate Lawyers in 'Going Geek'

By Jim Calloway

"Going Geek: Counting the Ways" is the theme of the OBA 2011 Technology Fair to be held in conjunction with the OBA Annual Meeting Nov. 4. While the OBA Technology Fair is a part of this year's Annual Meeting in Tulsa, one need not register for the meeting to attend the technology fair. Due to a grant from the OBA Law Office Management and Technology Section, this cutting-edge technology seminar will be available at the low early-bird price of \$60 and registration even includes lunch.

This event will give Annual Meeting attendees a great opportunity to spend Friday learning about technology. Our 2009 OBA Technology Fair in Oklahoma City was well attended and we believe that the 2011 edition in Tulsa will be as well.

The technology fair will cover many different topics useful for lawyers in their law practices.

Our special guest for the OBA Technology Fair is Reid Trautz. Reid Trautz is the chair of ABA TECH-SHOW™ 2012. He is a full time practice management and ethics advisor for a national bar association and is a nationally-recognized speaker on technology issues.

Starting off the OBA Technology Fair countdown will be "50 Hot Tech Tips in 50 minutes." For those of you who have attended the OBA Solo & Small Firm Conference, this title will be familiar, as it is the tradi-

tional opening session of that event. Reid and I are getting together a collection of technology tips that should be interesting for lawyers in all sizes of firms.

One of the most dramatic aspects of technology today is the rapid growth of social media. We have all heard about individuals who post "evidence" that can be used against them on their social media sites, whether it is a video of a supposedly injured worker doing physical activities or a custody case where damaging information is posted online.

Some lawyers are successfully using social media to market their practices. Other lawyers believe that this is a waste of time or that it is too challenging for them to incorporate social media into their overall law firm marketing strategy. At this session we will focus on legal ethics of social media as well as the practical concerns for how lawyers should use social media. Using social media can create many ethical questions. Is it appropriate to "friend" a judge or witness on Facebook? We've even embraced a bit of Twitter-speak in the name of this program: "2 Use or Not 2 Use Social Media: Practice and Ethics."

The most important aspect of technology for lawyers is, of course, the tools that they can incorporate in their law practice now. There are important tools you should be using today, but what if you do not know about the tool? In "The Top 10 Technology Tools Everyone Should Be Using," Reid and I will



combine to outline at least the top 10, if not a few more, technology tools that we believe everyone should be using.

This session will allow you to go back to the office with specific recommendations and plans for incorporating new tools that make sense for your law practice.

Ed Walters, the CEO of Fastcase, will also be attending our technology fair. As many of you know, Fastcase is the legal research member benefit provided to our members by the OBA. We are all aware of many changes in the way that legal resources are being made more accessible to individuals, as well as legal professionals. This is a development that has significant impact on law firms. Ed Walters will give us his presentation that has received great reviews from other state bar association meetings: "Open-Sourcing the Law — Law.Gov, Data.gov and the Firm's Bottom Line."

Certainly no recent technology development has received more popular attention than the introduction of the iPad. Lawyers are now incorporating iPads in their practice in surprising numbers, and in surprising ways. But whether an iPad sounds right for you at the moment or not, almost every lawyer uses a mobile phone in their law practice. Lawyers' phones

are an integral part of legal practices. In fact, if one was to cut down a bare bones law practice to a few essential tools, there is no doubt that a smartphone would be on the list of essential tools. Reid and I will demonstrate iPad tips for lawyers along with smartphone tips in "2 For the Money: iPad and Smartphone Tips."

Finally, after a full day of legal technology programming, it is time for a bit of a break. As many of you know, the traditional ending of ABA TECHSHOW™ is its "60 Sites in 60 Minutes" program. Since the MCLE requirement in Oklahoma is for 50 minutes, we are changing this program to "50 Websites in 50 Minutes." We will alternate between some incredibly useful sites for business and some sites that are entertaining and fun. You will not want to leave early from the OBA Technology Fair as we can almost guarantee you will learn of a new online resource that you need for your business during this final presentation.

You do not want to miss the OBA 2011 Technology Fair "Going Geek: Counting the Ways." Sponsors and exhibitors are being recruited now, so look for even more than we have covered here — perhaps even a few door prizes.

Mr. Calloway is OBA Management Assistance Program Director.

.....



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ATTORNEYS AT LAW

OBA/CLE.....

Going Geek: Counting the Ways **OBA Annual Meeting 2011 Technology Fair** *OBA/CLE and the OBA Law Office Management and Technology Section*

Friday, Nov. 4

Hyatt Regency Hotel, Tulsa

6 MCLE hours

Program Planner/Moderator

Jim Calloway, OBA Management Assistance Program Director, Oklahoma City

8:30

Registration

9

50 Hot Tech Tips in 50 Minutes

Reid Trautz, Director, Practice and Professionalism Center, American Immigration Lawyers Association, Washington, D.C.

Jim Calloway

9:50

Break

10

2 Use or Not 2 Use Social Media: Practice and Ethics (ethics)

Reid Trautz

10:50

The Top 10 Technology Tools Everyone Should Be Using

Reid Trautz

Jim Calloway

• **11:40**

• Lunch (included in registration)

• **12:40**

• **4 The Lawyer: Open-Sourcing the Law—Law.gov, Data.gov and the Firm's Bottom Line**

• **Ed Walters**, CEO, Fastcase Inc., Washington, D.C.

• **1:30**

• Break

• **1:40**

• **2 For the Money: iPad and Smartphone Tips**

• **Reid Trautz**

• **Jim Calloway**

• **2**

• **50 Websites in 50 Minutes**

• **Reid Trautz**

• **Jim Calloway**

• **2:50**

• **Deuces**



To Register: Use the Annual Meeting registration form. Annual Meeting registration is not required.

2011 OBA ANNUAL MEETING REGISTRATION

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 ☐ Leadership Academy
☐ 2011 OBA Award Winner ☐ Delegate ☐ Alternate ☐ Military service/Veteran
☐ County Bar President: County _____

☐ **YES! Register me for the 2011 Annual Meeting, November 2, 3 & 4, in Tulsa.**

Events will be held at the Hyatt Regency Hotel. Registration fee includes Wednesday continental breakfast in hospitality area, President's Boots & Bandanas Reception, YLD Tombstone Casino Night, Bench & Bar Breakfast, Veterans Appreciation Reception, Red, White & Blue Reception, The Capitol Steps, convention gifts, Art Contest entry and Vendors Expo.

☐ MEMBER: ☐ \$60 through Oct. 17; \$85 after Oct. 17\$ _____

☐ NEW MEMBER (Admitted after Jan. 1, 2011): ☐ Free through Oct. 17; \$25 after Oct. 17 ...\$ _____

☐ LAW STUDENT DIV. ☐ \$35 through Oct. 17; \$45 after Oct. 17\$ _____

☐ I will submit an entry (or entries) in the Art Contest. (Submit art registration form by Oct. 17.)
Entry fee included in meeting registration.

I will be attending the free event(s) included in the registration fee:

- ☐ Wednesday President's Boots & Bandanas Reception with a guest
☐ Wednesday President's Boots & Bandanas Reception without a guest
☐ Thursday Bench & Bar Breakfast

continued on reverse

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

- | | |
|---|--|
| <input type="checkbox"/> Wednesday: CLE Multitrack only, 6 MCLE hours | (\$125 through Oct. 17; \$150 after Oct. 17; \$25 for new members through Oct. 17; \$50 after Oct. 17)..... \$ _____ |
| <input type="checkbox"/> Wednesday: Art of War Seminar only 6 MCLE hours | (\$125 through Oct. 17; \$150 after Oct. 17; \$25 for new members through Oct. 17; \$50 after Oct. 17)..... \$ _____ |
| <input type="checkbox"/> Wed. & Thurs.: CLE Multitrack and Plenary, 9 MCLE hours | (\$175 through Oct. 17; \$200 after Oct. 17; \$50 for new members through Oct. 17; \$75 after Oct. 17)..... \$ _____ |
| <input type="checkbox"/> Wed. & Thurs.: Art of War Seminar and Plenary, 9 MCLE hours | (\$175 through Oct. 17; \$200 after Oct. 17; \$50 for new members through Oct. 17; \$75 after Oct. 17)..... \$ _____ |
| <input type="checkbox"/> Thursday: CLE Plenary only, 3 MCLE hours | (\$75 through Oct. 17; \$100 after Oct. 17; \$25 for new members through Oct. 17; \$50 after Oct. 17)..... \$ _____ |
| <input type="checkbox"/> Thursday: Annual Luncheon | (_____ number of tickets @ \$35 each) \$ _____ |
| <input type="checkbox"/> Thurs. & Fri.: Trial College, 12 MCLE hours | (\$200 through Oct. 17; \$225 after Oct. 17; No new member discount)..... \$ _____ |
| <input type="checkbox"/> Friday: President's Breakfast | (_____ number of tickets @ \$25 each) \$ _____ |
| <input type="checkbox"/> Friday: Reba McEntire Concert at BOK Center | (_____ number of tickets @ \$80 each; max of 4 tickets per person; limited number of tickets available) \$ _____ |
| <input type="checkbox"/> Please check here, if under the Americans with Disabilities Act you require specific aids or services during your visit to the OBA Annual Meeting. <input type="checkbox"/> Audio <input type="checkbox"/> Visual <input type="checkbox"/> Mobile (Attach a written description of your needs.) | |

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

- | | |
|--|---|
| <input type="checkbox"/> Wednesday: Law School Luncheon – (check one) <input type="checkbox"/> OCU <input type="checkbox"/> OU <input type="checkbox"/> TUJ | (_____ number of tickets @ \$30 each) \$ _____ |
| <input type="checkbox"/> Friday: OBA/CLE Seminar Going Geek: Counting the Ways – OBA 2011 Tech Fair, cosponsored with the OBA Law Office Management and Technology Section, 6 MCLE hours, (\$60 through Oct. 17; \$85 after Oct. 17) | \$ _____ |
| <input type="checkbox"/> Friday: OBA/CLE Seminar Drafting Special Needs Trust, cosponsored with the OBA Estate Planning Probate & Trust Section, 2 MCLE hours | (\$100 through Oct. 17; \$125 after Oct. 17) \$ _____ |

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: Hyatt Regency at (888) 591-1234. Call by Oct. 11 and mention Oklahoma Bar Association 2011 Convention for a special room rate of \$110 per night. For online hotel reservations go to www.hyatt.com and use G-OKBA as the Corporate/Group #. For hospitality suites, contact Craig Combs at (405) 416-7040 or email: craigc@okbar.org.

Questions about Annual Meeting registration?

Contact Mark Schneiderwent at (405) 416-7026; (800) 522-8065 or marks@okbar.org.

TOTAL \$ _____

THREE WAYS TO REGISTER

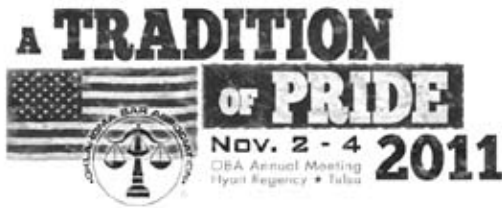
- **MAIL** this registration form with payment or credit card info to:
 OBA Annual Meeting
 P.O. Box 53036
 Okla. City, OK 73152

- **FAX** this registration form with credit card information to:
 (405) 416-7092.

- **ONLINE** at www.okbar.org

CANCELLATION POLICY - Full refunds will be given through Oct. 26. No refunds will be issued after that date.





House of Delegates

Thank you to the County Bar Presidents of:

Adair, Alfalfa, Atoka, Beaver, Blaine, Bryan, Canadian, Carter, Cherokee, Cimarron, Choctaw, *Cleveland, Coal, Comanche, Cotton, Creek, Custer, Dewey, Garfield, Garvin, Grady, Grant, Harmon, Harper, Haskell, Hughes, Jefferson, Johnston, Kingfisher, LeFlore, Love, Mayes, McClain, Muskogee, Oklahoma, Ottawa, Pawnee, Pittsburg, Pontotoc, Pushmataha, Roger Mills, Rogers, Seminole, Texas, Tulsa, Wagoner, Washington, Washita, Woods and Woodward for submitting your Delegate and Alternate selections for the upcoming OBA Annual Meeting. (*Reported, awaiting election)

Listed below are the counties that have not sent their delegate and alternate selections to the offices of the Oklahoma Bar Association as of July 12, 2011. Please help us by sending the names of your delegates and alternates now. In order to have your delegates/alternates certified, mail or fax Delegate certifications to OBA Executive Director John Morris Williams, P.O. Box 53036, Oklahoma City, OK 73152-3036, or Fax: 405/416-7001.

Beckham
Caddo
Craig
Delaware
Ellis
Greer
Jackson
Kay
Kiowa
Latimer
Lincoln
Logan
Major
Marshall

McCurtain
McIntosh
Murray
Noble
Nowata
Okfuskee
Oklmulgee
Osage
Payne
Pottawatomie
Sequoyah
Stephens
Tillman

In accordance with the Bylaws of the Oklahoma Bar Association (5 OS, Ch. 1, App. 2), "The House of Delegates shall be composed of one delegate or alternate from each County of the State, who shall be an active or senior member of the Bar of such County, as certified by the Executive Director at the opening of the annual meeting; providing that each County where the active or senior resident members of the Bar exceed fifty shall be entitled to one additional delegate or alternate for each additional fifty active or senior members or major fraction thereof. In the absence of the elected delegate(s), the alternate(s) shall be certified to vote in the stead of the delegate. In no event shall any County elect more than thirty (30) members to the House of Delegates."

"A member shall be deemed to be a resident, ... of the County in which is located his or her mailing address for the Journal of the Association."

Resolutions to the House of Delegates, **must** be received electronically by the Executive Director **no later than Sept. 30, 2011**, to meet publication requirements. Submit to johnw@okbar.org and debbieb@okbar.org. A representative will need to present the resolution to the Board of Governors at its September 16 or October 21 board meeting to enable the board to make recommendations.

2011 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.)

Military themed artwork is encouraged in all categories

Deadline: Oct. 17, 2011

Return form with Annual Meeting registration fee to:

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

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.

Questions? Email artatty@okbar.org

For each entry, complete in detail all information requested below. If needed, please attach an additional sheet.

Name of Piece	Size/Weight	Date Created	Category

2012 OBA Board of Governors Vacancies

Nominating Petition Deadline was: 5 p.m. Friday, Sept. 2, 2011

OFFICERS

President-Elect

Current: Cathy M. Christensen, Oklahoma City
Mrs. Christensen automatically becomes
OBA president Jan. 1, 2012
(One-year term: 2012)

Nominee: **James T. Stuart, Shawnee**

Vice President

Current: Reta M. Strubhar, Piedmont
(One-year term: 2012)

Nominee: **Peggy Stockwell, Norman**

BOARD OF GOVERNORS

Supreme Court Judicial District One

Current: Charles W. Chesnut, Miami
Craig, Grant, Kay, Nowata, Osage, Ottawa,
Pawnee, Rogers and Washington counties
(Three-year term: 2012-2014)

Nominee: **Linda S. Thomas, Bartlesville**

Supreme Court Judicial District Six

Current: Martha Rupp Carter, Tulsa
Tulsa County
(Three-year term: 2012-2014)

Nominee: **Kimberly K. Hays, Tulsa**

Supreme Court Judicial District Seven

Current: Lou Ann Moudy, Henryetta
Adair, Cherokee, Creek, Delaware, Mayes,
Muskogee, Okmulgee and Wagoner counties
(Three-year term: 2011-2014)

Nominee: **Bret A. Smith, Muskogee**
Gary J. Dean, Pryor

Member-At-Large

Current: Steven Dobbs, Oklahoma City
(Three-year term: 2011-2014)
Nominee: **Nancy Parrott, Oklahoma City**

Summary of Nominations Rules

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

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

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

If no one has filed for one of the vacancies, nominations to any of the above offices shall be received from the House of Delegates on a petition signed by not less than 30 delegates certified to and in attendance at the session at which the election is held.

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

Vacant positions will be filled at the OBA Annual Meeting Nov. 2-4. Terms of the present OBA officers and governors listed will terminate Dec. 31, 2011. Nomination and resolution forms can be found at www.okbar.org.

** Note: This information was current when published Sept. 1, 2011*

OBA Nominating Petitions

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

OFFICERS

PRESIDENT-ELECT

JAMES T. STUART, SHAWNEE

Nominating petitions have been filed nominating James T. Stuart for election of President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2012. A total of 407 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties:

Comanche and Pottawatomie

VICE PRESIDENT

PEGGY STOCKWELL, NORMAN

Nominating Petitions have been filed nominating Peggy Stockwell for election of Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2012.

A total of 320 signatures appear on the petitions.

BOARD OF GOVERNORS

SUPREME COURT JUDICIAL DISTRICT NO. 1

LINDA S. THOMAS, BARTLESVILLE

Nominating Petitions have been filed nominating Linda S. Thomas for election of Supreme Court Judicial District No. 1 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2012.

A total of 31 signatures appear on the petitions.

A Nominating Resolution has been received from the following county:

Washington

SUPREME COURT JUDICIAL DISTRICT NO. 6

KIMBERLY K. HAYS, TULSA

Nominating Petitions have been filed nominating Kimberly K. Hays for election of Supreme Court Judicial District No. 6 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2012.

A total of 151 signatures appear on the petitions.

SUPREME COURT JUDICIAL DISTRICT NO. 7

BRET A. SMITH, MUSKOGEE

Nominating Petitions have been filed nominating Bret A. Smith for election of Supreme Court Judicial District No. 7 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2012.

A total of 33 signatures appear on the petitions.

A Nominating Resolution has been received from the following county:

Muskogee

SUPREME COURT JUDICIAL DISTRICT NO. 7

GARY J. DEAN, PRYOR

A Nominating Resolution has been filed nominating Gary J. Dean for election of Supreme Court Judicial District No. 7 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2012.

A Nominating Resolution has been received from the following county:

Mayes

MEMBER-AT-LARGE

NANCY PARROTT, OKLAHOMA CITY

Nominating Petitions have been filed nominating Nancy Parrott for election of Member-at-Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning Jan. 1, 2012.

A total of 237 signatures appear on the petitions.

You are not alone.



Men Helping Men

Oklahoma City • Oct. 6, 2011

Time - 5:30-7 p.m.

Location

The Oil Center – West Building
2601 NW Expressway, Suite 108W
Oklahoma City, OK 73112

.....

Tulsa • Sept. 22, 2011

Time - 5:30-7 p.m.

Location

The Center for Therapeutic Interventions
4845 South Sheridan, Suite 510
Tulsa, OK 74145

Women Helping Women.....

Oklahoma City • Sept. 8, 2011

Time - 5:30-7 p.m.

Location

The Oil Center – West Building
2601 NW Expressway, Suite 108W
Oklahoma City, OK 73112

.....

Tulsa • Oct. 6, 2011

Time - 5:30-7 p.m.

Location

The Center for Therapeutic Interventions
4845 South Sheridan, Suite 510
Tulsa, OK 74145

Food and drink will be provided! Meetings are free and open to OBA members. Reservations are preferred (we want to have enough space and food for all.) For further information and to reserve your spot, please e-mail kimreber@cabainc.com.

LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM



The Jurisdiction of the Oklahoma Corporation Commission

Clarifying Its Spacing Orders and Any Fiduciary Duties Arising from Those Orders

By Dale E. Cottingham

A recurring dispute in oil and gas litigation generally — and in royalty litigation in particular — concerns the extent to which the entry of an order by the Oklahoma Corporation Commission (commission) creating either a field-wide, secondary recovery unit,¹ or the more typical drilling and spacing unit,² results in either fiduciary or quasi-fiduciary duties owed by the operator of any wells within the unit. In such litigation, courts that frequently lack familiarity with the material distinctions between field-wide units and drilling and spacing units are regularly asked by the litigants to determine both when such fiduciary or quasi-fiduciary duties arise and the extent of those duties. The result, in general, has been decisions in which Oklahoma courts have expanded the role of fiduciary or quasi-fiduciary duties. And that reality, in turn, has resulted in tort-based claims for breach of fiduciary duty that subsume, sometimes completely, disputes that would otherwise be premised upon contractual rights.³ Regardless, by recognizing such duties, Oklahoma law has now markedly departed from the law of other major oil and gas jurisdictions.

The difficulties now imposed on courts by such litigation need not persist. Given that decisions discerning fiduciary or quasi-fiduciary duties owed by unit operators have premised that legal conclusion upon the existence of either unitization or spacing orders from the Commission, and have, recently, invoked expressly the “resort to the police powers of the state on the part of the lessee in unitization proceedings

which modify and amend existing legal rights,”⁴ one evident issue is whether the Commission — with its expertise concerning the unitization and spacing procedures at issue — has a role in defining the contours of duties that may result from those orders. The purpose of this paper is to explore whether there is a legal basis for the Commission to assume jurisdiction over such an issue and, to the extent there is a jurisdictional

basis, to determine what the limits of that role might be. I conclude that the Commission has statutorily founded authority to clarify and to construe its orders, including fiduciary duties alleged to arise from spacing orders.

THE FACTS AND LAW THAT HAVE DEFINED THE UNIT OPERATOR'S FIDUCIARY DUTY

Mr. Smith owns an undivided mineral interest in lands in western Oklahoma. Years ago, he or a predecessor of his executed an oil and gas lease in favor of an oil and gas exploration company and that lease included a contractual obligation in favor of Mr. Smith to pay royalties on revenue resulting from the sale of natural gas from the leased premises.⁵ Long before the lease was executed, the Commission issued an order creating a 640 acre drilling and spacing unit comprising the governmental section covering the lands that became subject to Mr. Smith's lease. The spaced formations include the Red Fork common source of supply. After execution of the lease, the lessee signed a joint operating agreement covering the subject lands naming another exploration company as operator. Under the operating agreement, the operator is charged with the obligation to drill a well in order to test the Red Fork common source of supply.

The operator filed a permit to drill with the Commission⁶ naming itself as operator of the subject well. Thereafter, the operator commenced the well, prior to the expiration of the primary term of the subject lease, and completed the well with diligence, and the well, in turn, was determined to be commercially productive of natural gas. The lessee, having the right to separately dispose of its share of gas, entered a contract for the sale of gas. The operator is charged with the obligation to prepare a revenue deck and disburse royalties, including royalties to Mr. Smith.⁷ Production of gas commences from the well and royalty payments are made by the operator to Mr. Smith and other royalty interest owners.

In time, Mr. Smith comes to believe that improper deductions may have been taken from his royalty share of revenues.⁸ After consulting with his attorney, Mr. Smith institutes a lawsuit against the operator. The claims advanced by Mr. Smith include a claim for breach of fiduciary duty by the operator for improper deduction of expenses from royalty payments.⁹ In addition, Mr. Smith asserts said claim not only on his own behalf, but on behalf of royalty owners similarly

situated in the state of Oklahoma making the claim a putative class action.

The decision at the heart of Mr. Smith's fiduciary duty claim is *Young v. West Edmond Lime Unit*.¹⁰ In that case, the Commission had created a field-wide unit pursuant to its statutory authority then in effect, 52 O.S. §§286.1–286.17 — which was the predecessor to the current compulsory unitization statute, 52 O.S. §§287.1–287.15 — which provided for unitized management of many tracts of land for the purpose of development and production of the entire area as a single unit. Defendant in the case was the unit, as a body politic. Plaintiff brought a claim for damages, alleging the failure of the unit to take or sell unit production at the market price. In analyzing the claim, the Oklahoma Supreme Court determined that the “unit organization with its operator stands in a position similar to that of a trustee for all who are interested in oil production either as lessees or royalty owners.”¹¹ The court went on to determine that the unit and its operator must account to the unit royalty owners for their respective portions or percentages of the unit production at the highest market price available at the time of such production.¹²

At the time of the decision in *Young*, and for many subsequent decades, it was by no means clear that the rationale that supported the recognition of fiduciary or quasi-fiduciary duties in the context of a §287.1 field-wide unit should result in the recognition of any similar duties owed by an operator of a §87.1 drilling and spacing unit. Peculiarly, perhaps, that possibility was significantly popularized by the decision in *Leck v. Continental Oil Co.*,¹³ which came to the Oklahoma Supreme Court on certified questions from the U.S. Circuit Court of Appeals for the 10th Circuit, and which presented to the Supreme Court only questions concerning the subject matter jurisdiction of the district court. Specifically, the questions presented included whether the district court has subject matter jurisdiction to “decide an action for damages brought by mineral interest owners against the owner and operator of an oil and gas lease when the mineral interest owners allege...2) violation of fiduciary duties by the operator for failing to protect their correlative rights[.]”¹⁴ Thus, *Leck* did **not** involve a claim for mispayment of royalties. Rather, the royalty owner-plaintiff maintained that the defendant was violating its duty to protect the subject lands from offset drainage and was thereby violating its fiduciary duty imposed by the spacing order to protect the unit's correla-

tive rights. The Supreme Court, after referring to *West Edmond* and the 10th Circuit decision in *Reserve Oil Inc. v. Dixon*,¹⁵ noted "the existence of a fiduciary duty owed by a unit to the royalty owners and lessees who are parties to the unitization agreement or subject to the order creating the unit."¹⁶ Importantly, the Supreme Court noted that "[t]his is not a duty created by the lease agreement but rather by the unitization order and agreement."¹⁷ In terms of the ultimate jurisdictional question presented, the Supreme Court found that the district court is "the proper forum to determine whether a duty was violated."¹⁸

In turn, the recent decision in *Hebble v. Shell Western E&P Inc.*¹⁹ expands significantly the analysis suggested by *Leck*. *Hebble* involved a claim for mispayment of a net profits interest by the operator of a drilling and spacing unit. Among other claims, the plaintiffs alleged breach of fiduciary duty in mispayment and nonpayment of the net profits interest. In addressing this claim, the Court of Civil Appeals held that the "Oklahoma Supreme Court has 'recognized the existence of a fiduciary duty owed by a unit to the royalty interest owners and lessees who are...subject to the order creating the unit.'"²¹ The court not only expressly stated that this is not a duty created by the lease agreement, but the court advised that "the leases no longer control. Instead, the parties' relationships are defined by statute and by Commission order." According to the court, the "critical factor is the resort to the police powers of the state on the part of a lessee in unitization proceedings which modify and amend existing legal rights."²²

THE CORPORATION COMMISSION'S STATUTORY AUTHORITY TO CLARIFY AND CONSTRUE THE UNITIZATION ORDER AND THE SPACING ORDER

The Commission cannot determine the legal effect of its orders.²³ In this regard, the Commission cannot try title to property,²⁴ nor can it award money damages.²⁵ Further, the Commission cannot entertain claims involving private rights.²⁶

However, 52 O.S. §112 provides in pertinent part:

Any person affected by any legislative or administrative order of the Commission shall have the right at any time to apply to the Commission to repeal, amend, modify or supplement the same.

Section 112 has been interpreted by Oklahoma courts to mean that the Commission has the authority to construe and clarify its orders.²⁷ Further, the Commission's power to clarify a previous order under §112 is continuous in nature and flows from the entry of the original order.²⁸ The jurisprudence that has developed pursuant to §112 sheds light on how the section has been treated by the Oklahoma courts and gives evidence as to how it will be treated in the context of the commission's role in construing and clarifying fiduciary duties created under spacing orders and unitization orders.

*Samson Resources Co. v. Corporation Commission*²⁹ presented a case in which the commission entered a pooling order that provided options for participating in the unit oil and gas well, including receipt of a cash bonus plus overriding or excess royalty, or receipt of a fair share of production. The well operator filed an application at the commission to determine that the election representing Samson Resource Company's interest to participate in the well was ineffective and therefore Samson should be deemed to have taken the non-participatory option. One initial issue the court determined was that the commission had jurisdiction under §112 to construe its pooling order to determine if Samson's conduct was satisfactory to allow it to participate in the well or not. Importantly, the pooling order did not specifically address the language in Samson's letter whereby Samson denied it had elected to participate. The court determined that §112 gave the commission jurisdiction to construe its order in this context.³⁰

Forest Oil Corp. v. Corporation Commission,³¹ presented the court with the issue of whether, pursuant to §112, the commission can construe an order establishing an allowable. The commission had entered three orders covering the subject unit, including an order determining that one of the wells within the unit was a hardship well. Importantly, the orders were silent on the issue of whether the allowable production established by the orders was a combined unit allowable. The commission was asked to determine whether the hardship order created a separate allowable for the hardship well. In response to a challenge to the commission's jurisdiction, the court determined that although the orders did not address the issue, under §112, the commission can clarify its prior orders establishing a unit wide allowable for all wells in the unit.³²

In *Penmark Resources Co. v. Corporation Commission*,³³ a party had been selected as unit operator

under a pooling order. Subsequently, a vote of the working interest owners subject to the order occurred and the original operator was removed. The pooling order did not provide a mechanism for removal of the operator. Upon application made to the commission, the issue was whether the original operator had been removed. The court determined that although the pooling order did not address the issue, the commission in fact had jurisdiction under §112 to construe its pooling order to determine if the original operator had been properly removed.³⁴

A related case is *Centurion Oil Inc. v. Stephens Production Co.*³⁵ There, Stephens claimed that its proper participation in drilling and completion activities conducted under a pooling order had been denied because the well operator had not supplied well logs. The parties participated in the well pursuant to a pooling order which had no language specifically requiring the operator to supply well logs. The commission determined that because the pooling order required Stephens to pay its share of costs which included the costs to acquire such logs, it was inequitable for the operator to withhold the logs. On appeal, the court determined that the commission can clarify its order by supplying terms requiring that well logs be supplied.³⁶

New Dominion LLC v. Parks Family Company LLC,³⁷ is also of interest. The Commission issued a pooling order adjudicating and pooling the interests of parties covered by the order, including the unleased mineral interest of appellant, Parks Family Company LLC (Parks). Under the terms of the order, Parks had been deemed to have elected a nonparticipating royalty share which included a cash bonus "plus the normal 1/8 royalty interest as defined in 52 O.S. §87.1(e) (1977)."³⁸ Parks maintained that this language meant that the well operator under the pooling order had lease obligations, including the implied covenant to market, and that the operator could not deduct post production costs from the royalty share of revenues. The operator filed an application at the commission pursuant to §112 to construe and clarify the pooling order. Parks alleged that the commission was without jurisdiction to entertain such an application in that the issues involve a matter of private rights. The commission and the court disagreed, finding that the commission, under the authority of §112 "may clarify its orders, so long as it does not attempt to adjudicate private matters in doing so."³⁹ The court determined that the clarification of the meaning of the "normal 1/8 roy-

alty interest" as defined by statute affected the correlative rights of mineral owners.

Finally, in *Pelican Production Corp. v. Wishbone Oil & Gas Inc.*,⁴⁰ the commission issued a spacing order creating a drilling and spacing unit for the Red Fork common source of supply. Pelican's predecessor in title drilled a well pursuant to an oil and gas lease covering lands included in the unit to the Red Fork and commenced production. Pelican subsequently executed a release of all formations covered by the lease except the Red Fork. Wishbone's successor then took another lease in the same lands covering zones outside the Red Fork and drilled three wells that according to the commission, records were completed in zones other than the Red Fork. Pelican commenced an action in the district court for conversion of hydrocarbons alleging that Wishbone's wells were producing from the Red Fork. Wishbone responded by filing a motion for summary judgment arguing that the district court lacked subject matter jurisdiction to entertain the action and that the controversy presented a collateral attack on an order of the commission. Wishbone maintained that before the conversion claim can proceed, there must be a determination that Wishbone's wells are taking hydrocarbons in violation of the commission spacing order. The court agreed:

Thus, if the three involved wells were producing from the Red Fork, Wishbone would be in violation of the commission order. But it is commission's responsibility to make that decision. The commission has the sole authority to adjust the equities and protect the correlative rights between Pelican and Wishbone. It is commission which must determine the formation from which the wells are producing.⁴¹

Although decided on grounds other than the clarification mechanism provided by §112, the related decision in *de Cordova v. Corporation Commission*,⁴² also merits consideration. In *de Cordova*, a working interest owner whose interests had been force-pooled sought a determination from the commission that he was entitled — by virtue of a fiduciary duty alleged to be owed by the operator — to participate in the construction of a gathering system built by the operator. The commission found that an operator has no fiduciary duty to the non-operators, and the working interest owner appealed. The Court of Civil Appeals noted that the Oklahoma Supreme Court had previously declined "to shroud the present parties with fiduciary rights and obliga-

tions which have not been set forth in their agreement,”⁴³ and further explained:

In the cases cited by appellant in support of the argument in favor of a fiduciary duty for post-production activities, each of the cases recognize that the duty was created, not by the lease agreement, but by the unitization agreement or order creating the unit. **Therefore, the extent of the duty owed must be contained in the agreement or order.**⁴⁴

CONCLUSION

Pursuant to 52 O.S. §112, it is clear that the commission has the statutory authority to construe and clarify its orders, including its spacing orders. The case law decided under §112 and the *de Cordova* decision suggest that the commission can not only clarify terms expressed in its orders, but also address those areas where its orders are silent in order to explain the impact of its orders in given circumstances. As spacing orders are typically silent concerning any fiduciary duties created thereby, it seems particularly appropriate for the commission — as the body having not only knowledge of the intended scope of its orders, but also having significantly greater knowledge of oil and gas operations than many courts — to clarify its spacing orders in this regard.

1. 52 O.S. §287.1; *Young v. West Edmond Hunton Lime Unit*, 275 P.2d 304 (Okla. 1954); appeal dismissed, 349 U.S. 909, 75 S.Ct. 600, 99 L.Ed.124 5 (1955); *West Edmond Hunton Lime Unit v. Young*, 325 P.2d 1047 (Okla. 1958).

2. 52 O.S. §87.1; *Leck v. Continental Oil Co.*, 800 P.2d 224 (Okla. 1989); *Hebble v. Shell Western E&P, Inc.*, 238 P.3d 939 (Okla. Civ. App. 2009), rehearing denied (Jan. 26, 2010), certiorari denied (Apr. 12, 2010).

3. See *Hebble*, 238 P.3d 939. See Brief for Oklahoma Independent Petroleum Association, *et al.*, as Amici Curiae Supporting Appellant, *Hebble*, 238 P.3d 939.

4. *Hebble*, 238 P.3d at 943.

5. For purposes of this paper, the actual terms of the royalty clause should be considered as standard language, whether a gross proceeds lease, a net proceeds lease, or otherwise. It should also be assumed for purposes of this paper that the lease does not affirmatively exclude any fiduciary duty owed by the lessee to Mr. Smith.

6. Application to Drill, Recomplete or Reenter, Oklahoma Corporation Commission Form 1000.

7. See *Shell Oil Co. v. Corp. Comm'n*, 389 P.2d 951 (Okla. 1963). The *Shell Oil Co.* case, commonly known as the “Blanchard Decision,” obligates each lessee to account to its lessors for royalty payments. The operator is obligated in a ministerial capacity under the Production Revenue Standards Act, 52 O.S. §570.4, to disburse royalties. *Id.* at 954-55.

8. Said deductions may include items such as gathering, transportation, compression, dehydration, and processing expenses and fees.

9. Other tort theories frequently asserted by royalty owners in such cases include conversion, fraud, breach of duties imposed by Okla-

ma’s Production Revenue Standards Act (52 O.S. §570.10 *et seq.*), and tortious breach of the implied covenant of good faith and fair dealing.

10. 275 P.2d 304.

11. *Id.* at 309.

12. *Id.* at 310.

13. 800 P.2d 224.

14. *Id.* at 225-26. Notably, prior to *Leck*, the district court never reached or decided the issue of whether a fiduciary duty existed in the context of a §87.1 drilling and spacing unit. Hence, the Supreme Court’s discussion of fiduciary duty could be understood as an effort to explain the plaintiffs’ claim, not to define Oklahoma law.

15. 711 F.2d 951 (10th Cir. 1983).

16. *Leck*, 800 P.2d at 229.

17. *Id.*

18. *Id.* Whether a duty was violated presents, of course, a distinct inquiry from what duties exist.

19. 238 P.3d 939.

20. *Id.* at 943 (quoting *Leck*, 800 P.2d 224, 229).

21. *Id.* at 943.

22. *Id.*

23. *Arrowhead Energy, Inc. v. Baron Exploration Co.*, 930 P.2d 181, 183 (Okla. 1996).

24. *Nilsen v. Ports of Call Oil Co.*, 711 P.2d 98, 102 (Okla. 1985).

25. *Pelican Prod. Corp. v. Wishbone Oil & Gas, Inc.*, 746 P.2d 209, 212 (Okla. Civ. App. 1987).

26. *Rogers v. Quiktrip Corp.*, 230 P.3d 853, 857 (Okla. 2010) (noting that the Oklahoma Corporation Commission is “without authority to hear and determine disputes between two or more private persons or entities in which the public interest is not involved”).

27. *Forest Oil Corp. v. Corp. Comm’n*, 807 P.2d 774, 781 (Okla. 1990); *Centurion Oil, Inc. v. Stephens Prod. Co.*, 857 P.2d 821, 824 (Okla. Civ. App. 1993).

28. *Forest*, 807 P.2d at 781.

29. 742 P.2d 1114 (Okla. 1987).

30. *Id.* at 1116.

31. 807 P.2d 774.

32. *Id.* at 781.

33. 6 P.3d 1076 (Okla. Civ. App. 2000).

34. *Id.* at 1080.

35. 857 P.2d 821.

36. *Id.* at 825.

37. 216 P.3d 292 (Okla. Civ. App. 2008).

38. *Id.* at 293.

39. *Id.*, at 297.

40. 746 P.2d 209.

41. *Id.* at 212.

42. No. 93,373 (Okla. Civ. App. March 24, 2000).

43. *Id.* at 7 (quoting *ENI Producing Properties Program Ltd. Partnership 1982-I v. Samson Investment Co.*, 977 P.2d 1086, 1089 (Okla. 1999)).

44. *Id.*

ABOUT THE AUTHOR



Dale E. Cottingham is a director with GableGotwals in its Oklahoma City offices. He maintains a natural resource practice with a significant emphasis in oil and gas law. He has authored several articles involving oil and gas issues, is an adjunct professor at the OCU School of Law and has spoken at many continuing legal education seminars.

Overview of Agricultural Lien Laws in Oklahoma

By Erin L. Means

INTRODUCTION

In 2001, Oklahoma adopted the revisions to Article 9 of the Uniform Commercial Code (hereinafter Revised Article 9) proposed by the American Law Institute and the National Conference of Commissioners of Uniform State Laws. The revisions to Article 9 were designed to broaden the scope of Article 9 and clarify the rules governing security interests. This expansion included bringing statutory agricultural liens, including agricultural landlord's liens, within the purview of Revised Article 9.

This paper provides a brief history on how agricultural liens operated in Oklahoma before the state's adoption of Revised Article 9 and a detailed overview of agricultural liens in Oklahoma under Revised Article 9.

AGRICULTURAL LIENS IN OKLAHOMA BEFORE REVISED ARTICLE 9

Before Oklahoma adopted Revised Article 9 in 2001, interests in agricultural products came about in essentially two ways: a traditional security interest and an agricultural lien arising from one of Oklahoma's statutory agricultural lien provisions. To create a traditional security interest in agricultural products, the two parties involved in the transaction would simply agree that an agricultural product would serve as the collateral for the transaction. The holder of the security interest was required to attach and perfect that security interest through all of the traditional means under Article 9 of the U.C.C. By contrast, the other way in which an interest in agricultural products arose before 2001 was by virtue of one of Oklahoma's many statutory liens affecting agricultural products, which are

completely distinct from traditional security interests covering agricultural products. The situations in which agricultural liens arose and the methods for perfecting them were determined by each individual statute, making each lien unique in the way it operated.

A significant weakness of Oklahoma's statutory structure for agricultural liens before Revised Article 9 was that it created what amounted to "secret" liens. Many of Oklahoma's agricultural lien statutes did not require any kind of public recordation of the lien and, as such, prospective lenders had no means of discovering the existence of pre-existing, unrecorded agricultural liens. A secured party would lend against a debtor's crops or livestock with possibly no knowledge of any other encumbrances, only to find that a viable competing claim to their collateral existed when the debtor later defaulted. Another problem with pre-Revised Article 9 agricultural liens in Oklahoma was that, because they did not fall under the coverage of Article 9 and its predictable priority rules, determinations of their priority with respect to other agricultural liens and tra-

ditional security interests were subject to the inconsistencies of non-U.C.C. state statutory law. As such, the holder of an agricultural lien might never be certain as to his lien's priority relative to other liens.

AGRICULTURAL LIENS IN OKLAHOMA AFTER REVISED ARTICLE 9

Revised Article 9 significantly affected agricultural liens by expanding its coverage to include them, requiring agricultural lien holders to now file and perfect their liens in the same manner as any other secured party under the U.C.C.¹ However, Revised Article 9 does not transform agricultural liens into security interests. The language of Revised Article 9 makes clear that agricultural liens, though treated like security interests, are not security interests under the U.C.C. because "agricultural lien" is an independently defined term and at any point in the language of the U.C.C., security interests and agricultural liens are separately referenced.² This distinction becomes important when examining the differences in the U.C.C. rules governing attachment, priority and perfection of security interests and agricultural liens.

CHANGES AND ADDITIONS TO ARTICLE 9

Agricultural liens, including agricultural landlord's liens, were brought under the purview of Article 9 of the U.C.C with the following language, adopted into Oklahoma's Commercial Code in 12A O.S. §1-9-109:

(a) [T]his article applies to:

- 1) a transaction ... that creates a security interest in personal property ... by contract;
- 2) an agricultural lien

...

(d) This article does not apply to:

- 1) a landlord's lien, **other than an agricultural lien**;
- 2) a lien, other than an agricultural lien, given by statute or other rule of law for services or materials. . . .³

The statutory definition for an agricultural lien is found in 12A O.S. §1-9-102(5) and is as follows:

An interest, other than a security interest, in farm products:

(A) *which secures payment or performance of an obligation for:*

- 1) *goods or services furnished in connection with a debtor's farming operation; or*
- 2) *rent on real property leased by a debtor in connection with its farming operation;*

(B) *which is created by statute in favor of a person that:*

- 1) *in the ordinary course of business furnished goods or services to a debtor in connection with a debtor's farming operation; or*
- 2) *leased real property to a debtor in connection with the debtor's farming operation; and*

(C) *whose effectiveness does not depend upon the person's possession of the personal property.*⁴

Under this definition, one should note that its applicability to a given situation depends on whether the collateral at issue is a "farm product" and whether the debtor at issue is engaged in a "farming operation." Each of these terms is likewise defined under §1-9-103, and each definition is provided below:

Definition of Farming Operations: *Raising, cultivating, propagating, fattening, grazing, or any other farming, livestock or aquacultural operation.*⁵

Definition of Farm Products: *Goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:*

(A) *crops grown, growing, or to be grown, including:*

- 1) *crops produced on trees, vines, and bushes; and*
- 2) *aquatic goods produced in aquacultural operations;*

(B) *livestock, born or unborn, including aquatic goods produced in aquacultural operations;*

(C) *supplies used or produced in a farming operation;*

(D) *products of crops or livestock in their unmanufactured states.*⁶

Since Revised Article 9 defines farm products as goods "with respect to which the debtor is engaged in a farming operation" and not goods in the debtor's possession, farm products under this definition would logically include goods over which a debtor has both actual and constructive possession, such as a farmer whose crops were stored at a warehouse.⁷ Also,

because this definition clarifies that crops grown on “trees, vines and bushes” are included in farm products, there is no question over whether these crops are fixtures or personal property and whether they should be covered by a mortgage or a security agreement.⁸ Under this definition, trees, vines and bushes are now personal property covered by Article 9.⁹

EFFECT OF THE INCLUSION OF AGRICULTURAL LIENS UNDER REVISED ARTICLE 9

Possessory and Non-Possessory Agricultural Liens

Under Revised Article 9, an agricultural lien must not depend on possession to be effective,¹⁰ meaning that the U.C.C. requirements of filing and perfection and the U.C.C.’s certainty on priority determinations apply exclusively to non-possessory agricultural liens. However, there is a provision in Revised Article 9 that favors possessory-based, non-U.C.C. agricultural liens. Section 1-9-333 of the Oklahoma Commercial Code provides that liens depending on possession to be effective have priority over competing liens so long as possession continues.¹¹

Attachment, Perfection and Priority

Attachment: The attachment provisions of Revised Article 9 do not apply to agricultural liens because the attachment provisions only reference “security interests” and not agricultural liens.¹² Instead, Revised Article 9 provides that agricultural liens become “effective” under the terms of each individual statute creating the lien.¹³ It is important to note, however, that for a security interest in growing crops — as opposed to an agricultural lien in the same — Revised Article 9 removes the requirement of a real estate description in the attachment and perfection provisions.¹⁴ Thus, a lender may claim a security interest in all of a debtor’s present and future crops, no matter where the crops are located.¹⁵

Perfection and Priority: The perfection and priority provisions of Revised Article 9, however, do apply to agricultural liens. Section 1-9-308(b) of the U.C.C. provides that an agricultural lien is perfected when it becomes effective and when the applicable requirements for perfection in §1-9-310 have been met. Section 1-9-310 of the U.C.C. contains the requirement that the secured party must file a financing statement to perfect its agricultural lien.¹⁶ Regarding priority, §1-9-322 of the U.C.C. provides the

rule that conflicting security interests or agricultural liens in the same collateral rank in priority according to their time of filing, commonly known as first in time, first in right.¹⁷

One should note that §1-9-322 does contain an exception providing that a perfected agricultural lien has priority over a competing security interest or agricultural lien in the same collateral if the statute creating the agricultural lien so provides.¹⁸ Under this exception, a lienholder’s interest in an agricultural lien can defeat a pre-existing security interest or agricultural lien if 1) the lien is perfected and 2) the lien statute establishes the priority.¹⁹

The first element of §1-9-322(g)’s priority

“...a perfected security interest or agricultural lien will always have priority over an unperfected agricultural lien.”

exception is that the agricultural lien in question must be perfected. Thus, any unperfected liens would fall under the general rule of Revised Article 9 — that a perfected security interest or agricultural lien will always have priority over an unperfected agricultural lien.²⁰ As discussed above, an agricultural lien is perfected once it is effective and once a financing statement is filed. A financing statement must include the name of the debtor, the name of the secured party and an indication of the collateral covered by the financing statement and must be filed in the Oklahoma County Clerk’s office.²¹ In addition to filing a U.C.C. financing statement, Oklahoma has implemented a Central Filing System for liens on farm products, which operates as a registry enabling buyers to identify farm products that are subject to a security interest.²² The filing of a financing statement required for perfection and priority under the U.C.C. is totally separate and distinct from the filing of an “effective financing statement” in the Central Filing System. One should also be aware that the U.C.C.’s rules for where to file the financing statement differ for security interests and agricultural liens. Section

1-9-301 of the U.C.C. provides that for a security interest, the law of the state where the debtor is located determines the perfection of the security interest.²³ By contrast, §1-9-302 provides that for an agricultural lien, the law of the state where the farm products are located determines the perfection of the agricultural lien. To illustrate the difference in where to file a financing statement for a security interest versus an agricultural lien, imagine that an Oklahoma-based farmer/debtor has farmland in both Oklahoma and Arkansas. If you are a lender to this farmer and you obtain a security interest in his crops, you will need to file your financing statement in the Oklahoma County Clerk's office because the debtor is located in Oklahoma. To the contrary, if your interest in the crops stems from an agricultural lien, you will need to file a financing statement in Oklahoma to cover the crops physically located in Oklahoma and another financing statement to cover the crops that are physically located in Arkansas.

The rule that agricultural liens must be perfected based on the location of the farm products creates a situation where the agricultural lienholder must be aware of any movement across state lines of the farm products serving as collateral.²⁴ If the farm products are moved into another state, the lienholder should take the necessary steps to perfect its lien in the new state where the farm products are located.²⁵ Additionally, although the U.C.C. provides that a security interest's perfection will be maintained for four months after a debtor changes location,²⁶ no similar grace period is provided for an agricultural lien when farm products change locations.

The second requirement for §1-9-322(g)'s priority exception to apply to a particular agricultural lien is that the statute creating the lien must provide for that lien to take priority over a competing security interest or agricultural lien. Currently, only one of Oklahoma's statutory agricultural liens provides for that lien to have priority over any competing security interests or agricultural liens. A laborer's lien under 42 O.S. §§92-96 applies to a person who performs work or labor for another, including labor on crops. A laborer's lien is a non-possessory lien and is given express statutory priority over other liens in §96.²⁷ Thus, a laborer's lien for labor performed on crops or any other agriculturally related work would qualify as an "agricultural lien" and would enjoy super priority

over other security interests and agricultural liens under §1-9-322(g)'s priority exception.

RIGHTS OF SECURED PARTIES IN PURSUING COLLATERAL UPON DEFAULT

In the event that a debtor defaults on an obligation secured by an agricultural lien, the lienholder enjoys all of the same rights and remedies upon default as the holder of a security interest. Part 6 of the U.C.C. sets forth the responsibilities and rights of a "secured party" upon default of the debtor and "secured party" is defined as both a person whom a security interest is granted in favor of and the holder of an agricultural lien.²⁸ Section 1-9-606 of the U.C.C. provides that an agricultural lien is considered in default at the time when the secured party becomes entitled to enforce the lien under the statute creating the lien. Also, one should note that the U.C.C. allows for security interests to extend to proceeds of the collateral and that agricultural liens are not afforded this same protection.²⁹

CONCLUSION

In sum, Oklahoma's adoption of Revised Article 9 brought greater certainty to both attorneys and their clients involved in the practice of agricultural law. Agricultural lienholders and lenders in particular can be more confident in knowing where they may stand in the priority line as they decide whether to extend credit for agricultural purposes. Arguably the most important factor for agricultural lienholders to be aware of is the rule that they must file a financing statement covering their respective collateral in any place where the farm products are located. Because agricultural liens do not get the four-month grace period on perfection enjoyed by traditional security interests, agricultural lienholders would be wise to file financing statements in any state where the farm products securing their liens could possibly be located.

1. 12A Okla. Stat. §1-9-310.

2. 12A Okla. Stat. §1-9-102(5).

3. 12A Okla. Stat. §1-9-109 (emphasis added).

4. 12A Okla. Stat. §1-9-102(5).

5. 12A Okla. Stat. §1-9-102(35).

6. 12A Okla. Stat. §1-9-102(34).

7. Susan A. Schneider, "Statutory Agricultural Liens Under Revised Article 9 of the Uniform Commercial Code 3" (The National Agricultural Law Center, University of Arkansas School of Law 2002).

8. *Id.*

9. *Id.*

10. 12A Okla. Stat. §1-9-102(5)(C).

11. 12A Okla. Stat. §1-9-333(b).

12. 12A Okla. Stat. §1-9-203(a).

13. 12A Okla. Stat. §1-9-308(b).

14. 12A Okla. Stat. §1-9-203(b); 1-9-502(a).

15. *Schneider*, *supra* note 7, at 4.
16. 12A Okla. Stat. §1-9-310(a).
17. 12A Okla. Stat. §1-9-322(a)(1).
18. *Id.* at §1-9-322(g).
19. *Schneider*, *supra* note 7, at 6.
20. *Id.*
21. 12A Okla. Stat. §1-9-502(a)(1)-(3).
22. 12A Okla. Stat. §1-9-320.6.
23. 12A Okla. Stat. §1-9-301(1).
24. *Schneider*, *supra* note 7, at 9.
25. *Id.*
26. 12A Okla. Stat. §1-9-316(a)(2).
27. 42 Okla. Stat. §96.
28. 12A Okla. Stat. §1-9-102(72).
29. 12A Okla. Stat. §1-9-322(c)(2).

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‘A Weapon Unused’

Offers of Judgment in Part Under Okla. Stat. Tit. 12, §1106 – Forgotten, Misunderstood and Unused

By Robert J. Campbell Jr., Robert J. Haupt and Leslie L. Lynch

“We are called on to explain further, why, when all Europe was shaken by the controversy, no hint is to be found in any public document of a fact which, if true, would be decisive; and yet more extraordinary, why the Pope and the Curia, when driven to bay in all the exasperation of a furious controversy, left a weapon unused which would have assured them an easy victory.” — *The Divorce of Catherine of Aragon*, by J.A. Froude (1891).

As a member of the trial bar, when was the last time you served — or were served with — an offer to confess judgment, not under Okla. Stat. tit. 12, §§1100 or 1101.1, but rather under §1106? If you’re like most of us, your answer is either “Huh?” or “Never!” However, as any Oklahoma attorney trying any of a range of civil lawsuits can attest, there are few more potent weapons in the defense arsenal than a well-timed, precisely calibrated offer (or offers) of judgment. At a single stroke, the risk of all further costs in the action (including, in many instances, attorneys’ fees) is thrown onto the plaintiff, often generating sufficient uncertainty so as to lead to the immediate conclusion of the litigation. However, the curious fact is that since well before statehood, with very few exceptions, the Oklahoma defense bar has “left a weapon unused” in the litigation arsenal. That weapon, an offer to confess judgment in part under Okla. Stat. tit. 12, §1106,¹ could quite possibly have assured “an easy victory.”

Section 1106 has been part of Oklahoma law since before statehood. The unused place on

the shelf to which §1106 is consigned appears to be the result of a fundamental misunderstanding regarding the statute’s meaning and operation. When viewed as a device for *terminating the entire litigation without trial*, rather than simply eliminating one or more claims from a *trial which may proceed in any event*, the proper function of the statute becomes clear. Section 1106 permits a defendant to limit the judgment it will suffer to not only the offered sum, but also to the specified claim, thus permitting it — among other things — to refuse to suffer judgment as to other claims it deems to be frivolous. In this fashion, the real potential of this 19th-century device for discouraging frivolous claims in litigation — a timely and highly relevant concern — can be realized.

GIVING MEANING TO THE STATUTE

A §1106 Offer Is Designed to Terminate the Litigation In Its Entirety, Not Simply Thin Out the Claims and Issues For Trial.

With respect to offers of judgment in Oklahoma, it has been stated that “there are several

offer of judgment statutes, and under what circumstances a particular statute should be used can be very confusing.” Andrea Cutter, *Navigating the Offer of Judgment Quagmire*, 82 O.B.A.J. 367 (2/12/11). In particular, offers under §1106 have proven most confusing and therefore seldom used. In one leading civil procedure treatise,² §1106 is omitted entirely from the list of offers of judgment available in Oklahoma in favor of its better-known (and more frequently used) cousins, including Okla. Stat. tit. 12, §§940(B),³ 1101⁴ and 1101.1⁵ and Okla. Stat. tit. 36, §3629(B).⁶

Moreover, even when recognized, §1106 has proven difficult to decipher. For instance, an argument can be made that based upon the caption of the statute (“Offer to confess judgment *in part*”) and body (“*** may offer in court to confess judgment *for part* of the amount claimed, or *part* of the causes involved in the action ***”), the purpose of §1106 is to authorize a ‘partial offer of judgment,’ that is, an offer of judgment directed to less than all of the claims in the action which, if accepted, will leave the remaining claims in the action for resolution at trial. Under this view, the interface between §1106 and its cousin, §1101, “is that §1106 provides a mechanism for use when the defendant does not want to make an offer of judgment for the entire amount of damages or for all claims brought against it,” with the function of a §1106 offer of judgment being simply to eliminate one or more claims or damage demands from a trial which will go forward on the remaining claims or damage demands, in any event. Leah Marie Thomas, *Practice and Procedures: A Guide to Oklahoma’s Offer of Judgment Statutes*, 54 Okla.L.Rev. 149, 159 (2001) (hereinafter, “guide”) (footnotes omitted).

However, this raises a critical question: If §1106 is to be construed as giving the defending party a method for eliminating one of two or more claims prior to trial and then proceeding to try the remainder, what happens if the offer is rejected? The answer is problematic:

“The statute is not clear as to the effect of costs if the plaintiff rejects the defendant’s offer of judgment and does not receive a judgment for more than the offer. The statute states that if a plaintiff rejects the offer and at trial does not recover more than the defendant offered, “such plaintiff shall pay all the costs of the defendant incurred after the offer.” A court could interpret this language to mean that if the defendant offers to confess judg-

ment in part and the plaintiff rejects, then the plaintiff could be subjected to paying all of the defendants’ costs on all causes of action, rather than paying costs only on the cause of action for which the offer of judgment was made.”

Guide, at 160 (emphasis added). This would seem to inject an element of unfairness: A plaintiff who rejects an offer of judgment as to one of its claims has not been given the opportunity to resolve its other claims by the offer, yet is punished for proceeding to trial on the other claims — if unsuccessful — by being forced to pay *all* the defendant’s costs.

Another problem arising under this interpretation of §1106 is, what amount must be compared with the partial offer of judgment? To determine whether a defendant whose offer was rejected is entitled to costs,

“...courts could compare the amount of the offer of judgment to either the judgment on only the causes of action for which the defendant tendered the offer of judgment, or the judgment on all the causes of actions. For example, assume a plaintiff sues for emotional distress and false imprisonment. The defendant tenders an offer of judgment for the emotional distress claim in the amount of \$5,000 and the plaintiff rejects the offer. At trial, the jury awards \$3,000 for emotional distress and \$3,000 for false imprisonment, a total judgment of \$6,000. The defendant moves for costs under §1106 contending that the damages award for the emotional distress (\$3,000) was less than the offer of judgment (\$5,000). It is unclear whether the defendant will prevail or whether a court will compare the total judgment for emotional distress and false imprisonment (\$6,000) to the partial offer of judgment (\$5,000). If a court chooses the latter, the defendant will not be entitled to costs under this example.”

Guide, at 161 (emphasis added)⁸

In the face of such seeming difficulties, some analysts have concluded that the statute may ultimately perform no useful function whatsoever:

“Due to the myriad of problems created under §1106, a defendant should consider using the partial offer of judgment only when it wants to eliminate a cause of action or a type of damages. If the plaintiff accepts the partial offer of judgment, then the defendant’s mission was accomplished. If the plaintiff rejects the

“...§1106 provides a mechanism for use when the defendant does not want to make an offer of judgment for the entire amount of damages or for all claims brought against it...”

offer of judgment, then the defendant's desires will not have been fulfilled and the effects of §1106 are virtually useless. Thus, the defendant should consider making a §1101 offer of judgment, if its §1106 offer of judgment is rejected.”

Guide, at 161-162 (emphasis added).⁹

However, the seeming anomalies associated with the §1106 offer of judgment are resolved, and §1106 takes its legitimate and powerful place in the defendant's arsenal of offer of judgment devices, when it is understood that a §1106 offer of judgment is not intended simply to eliminate one of several claims from a trial which will go forward *whether the offer is accepted or not*, but rather, it is intended to *end the litigation in its entirety* based upon entry of the judgment offered. This conclusion is supported on multiple grounds.

First, the statute provides that the option presented to the plaintiff is to accept or refuse the offer “in full of his demands against the defendant in the action.” Okla. Stat. tit. 12, §1106. If plaintiff rejects the offer to confess and fails to recover more at trial, it must pay “*all* the costs of the defendant incurred after the offer,” not — insofar as the terms of §1106 indicate — just those incurred *in connection with the causes specified in the offer*. It has been suggested that there is an element of unfairness in punishing a plaintiff with the payment of *all* a defendant's costs for rejecting an offer of judgment going to only one of several claims, if the purpose of the offer is just to eliminate the one claim from the trial of the action. However, no such unfairness arises when the purpose of the offer is to terminate the entire litigation and all claims therein based upon entry of the judgment offered, that is, judgment upon the claim and in the sum specified.¹⁰

Second, authority from other jurisdictions supports the argument that an offer under §1106 is designed to end the litigation. As stated by the Kentucky Court of Appeals in a case construing a statute identical to §1106,

“[s]uch right was not affected by the offer of the defendant to confess judgment. *That offer was conditioned on its acceptance by the plaintiff in full of his demands. An offer to confess judgment under §640 of the Civil Code of Practice is designed to end the litigation.*”

Martin v. Provident Life & Accident Ins. Co., 242 Ky. 667, 47 S.W.2d 524, 527 (1932) (emphasis added).¹¹ The object of such an offer is *not to narrow down the issues for trial*, but rather to *narrow down the cause for incurring further expense in the litigation*. See *Carpenter v. Kent*, 11 Ohio St. 554, 558, 1860 WL 96 at *3 (Ohio). See also *In re: Estate of Redpath*, 224 Neb. 845, 402 N.W.2d 648, 651-652 (Neb. 1987) (an offer under Neb. Rev. Stat. 25-906, identical to §1106, is made in an effort to resolve the entire lawsuit, and does not permit the plaintiff to both accept the offer and proceed to litigate whether it is entitled to more).

Finally, the conclusion urged herein serves the long-recognized purpose of offer of judgment statutes. Oklahoma's §1106 allows an alternative to those situations where the *result* of the traditional rule under English statutory law — that a successful plaintiff is entitled to payment of all costs by defendant — is contrary to the *purpose* of that rule, that is, to penalize with costs the party responsible for the unnecessary trial. This problem can arise when a defendant contests, not the *right*, but rather the *amount* of recovery, and is forced to bear the costs when the plaintiff has demanded too much. As stated in *Carpenter v. Kent*, *supra*, construing a statute identical to §1106 (§498 of the former Ohio Code of Civil Procedure):

“The statutes of England, however, at an early period, subjected the failing suitor in all litigations at law, to pay the costs of the adversary party; and such has been the general legislation upon the subject in this country. But the reason of the rule was not always realized in the result of litigation between the parties under the application of this general rule, that the party against whom judgment was finally rendered, should also be adjudged to pay all costs. It not unfrequently happened that the debtor, or party delinquent, for one hundred, was

sued for two hundred dollars, and an expensive litigation ensued; not as to the *right* of recovery, but as to the *amount* of the recovery. And in such cases, under the operation of the general rule, although the verdict of the jury was for the amount admitted by the defendant, he was, contrary to the *reason* of the rule, adjudged, under it, to pay the expense of the litigation, and *all* costs were taxed against him, as an incident of the judgment.

By the code of civil procedure, the rule in this State, in all actions for the recovery of money, was sought to be qualified in this particular, so as to render it consonant to the reason of the rule, ***."

Carpenter, 1860 WL 96 at **2 and 3, 11 Ohio St. at 557-59.¹²

While *Carpenter* addressed the problem arising where a defendant who contests the *amount* of recovery, but not the *right*, is forced to bear the costs where the plaintiff has demanded too much, it is submitted that the very same problem confronts the defendant sued by a plaintiff who seeks damages for both a *meritorious* and a *non-meritorious* claim. Absent the statute, if the *plaintiff recovered on the valid claim*, he was entitled to collect *all* the costs of the action, even though *defendant prevailed on the invalid claim*.¹³ Section 1106 permits a defendant sued for *too much* — whether due to an excessive demand, or the coupling of a valid claim with an invalid claim — to offer to confess judgment for the *true amount owed*, thereby shifting the costs arising from unwarranted continuation of the litigation upon the plaintiff. Correcting such abuses requires the conclusion that the acceptance of a §1106 offer ends the litigation.

CONCLUSION

Properly construed, §1106 fulfills a unique role in an Oklahoma defendant's offer of judgment arsenal by permitting the defendant to recognize that one of several claims against it is meritorious and to offer to suffer judgment *on the meritorious claim only*, for the sum submitted. This conclusion finds support in both the text of the statute and in cases construing similar statutory provisions in other jurisdictions. It recognizes that the defendant is offering not only to pay plaintiff a sum of money, but also *to suffer judgment to be entered against it*. It makes sense, from a policy standpoint, to permit the defendant to limit its offer to suffer judgment to the claim or claims it deems viable and non-

frivolous. This 19th-century notion resonates strongly in the ongoing debate regarding how best to discourage frivolous litigation. By permitting an offer to be made going to *part* of the amount claimed or *part* of the causes in the action, §1106 thus serves a purpose different from that of §1101. In addition, it permits a defendant to make its offer of judgment without opening itself to the danger of counter-offers of judgment from the plaintiff, such as are available under §1101.1. Offers of judgment under §1106 need no longer be "a weapon unused."

Authors' note: The authors wish to express their appreciation for the encouragement and assistance of their colleague, the late Douglas M. Todd, J.D.

1. Okla. Stat. tit. 12, §1106 provides:

After an action for the recovery of money is brought, the defendant may offer in court to confess judgment for part of the amount claimed, or part of the causes involved in the action; whereupon, if the plaintiff, being present, refuse to accept such confession of judgment in full of his demands against the defendant in the action, or, having had such notice that the offer would be made, of its amount, and of the time of making it, as the court shall deem reasonable, fail to attend, and on the trial do not recover more than was so offered to be confessed, such plaintiff shall pay all the costs of the defendant incurred after the offer. The offer shall not be deemed to be an admission of the cause of action, or the amount to which the plaintiff is entitled, nor be given in evidence upon the trial.

2. 1B Charles W. Adams and David J. Boudreau, Vernon's Okla. Forms 2D, Ch. 7D.

3. Okla. Stat. tit. 12, §940(B) provides:

B. Provided that, the defendant in such action [any civil action to recover damages for the negligent or willful injury to property] may, not less than ten (10) days after being served with summons, serve upon the plaintiff or his attorney a written offer to allow judgment to be taken against him. If the plaintiff accepts the offer and gives notice thereof to the defendant or his attorney, within five (5) days after the offer was served, the offer, and an affidavit that the notice of acceptance was delivered within the time limited, may be filed by the plaintiff, or the defendant, verified by affidavit. The offer and acceptance shall be noted in the journal, and judgment shall be rendered accordingly. If the notice of acceptance is not given in the period limited, the offer shall be deemed withdrawn, and shall not be given in evidence or mentioned at the trial. If upon the action being adjudicated the judgment rendered is for the defendant or for the plaintiff and is for a lesser amount than the defendant's offer, then the plaintiff shall not be entitled to recover attorney's fees, court costs and interest. If the judgment rendered is for the plaintiff, and is for the same amount as the defendant's offer, then the plaintiff and defendant shall incur their own attorney's fees, court costs and interest. And if the judgment rendered is for the plaintiff, and is for a larger amount than the defendant's offer, then the plaintiff shall be entitled to recover attorney's fees, court costs and interest.

4. Okla. Stat. tit. 12, §1101 provides in part:

The defendant, in an action for the recovery of money only, may, at any time before the trial, serve upon the plaintiff or his attorney an offer, in writing, to allow judgment to be taken against him for the sum specified therein. If the plaintiff accepts the offer and gives notice thereof to the defendant or his attorney, within five days after the offer was served, the offer, and an affidavit that the notice of acceptance was delivered within the time limited, may be filed by the plaintiff, or the defendant may file the acceptance, with a copy of the offer, verified by affidavit; and in either case, the offer and acceptance shall be noted in the journal, and judgment shall be rendered accordingly. If the notice of acceptance be not given in the period limited, the offer shall be deemed withdrawn, and shall not be given in evidence or mentioned at the trial. If the plaintiff fails to obtain judgment for more than was offered by the defendant, he shall pay the defendant's costs from the time of the offer.

The minimum requirements of a §1101 offer are: 1) a formal offer to confess judgment; 2) in writing, with a copy served on opposing counsel; and 3) giving plaintiff five days to accept or reject. *Bullard v. Grisham Constr. Co.*, 1983 OK 21, ¶5, 660 P.2d 1045, 1047.

5. Okla. Stat. tit. 12, §1101.1 provides in part:

A. Actions for personal injury, wrongful death, and certain specified actions.

1. Subject to the provisions of paragraph 5 of this subsection, after a civil action is brought for the recovery of money as the result of a claim for personal injury, wrongful death, or pursuant to Chapter 21 of Title 25 or §5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. An offer of judgment shall be deemed to include any costs or attorney fees otherwise recoverable unless it expressly provides otherwise. If an offer of judgment is filed, each plaintiff to whom an offer of judgment is made shall, within ten (10) days, file:

- a. a written acceptance or rejection of such offer, or
- b. a counteroffer of judgment, as described in paragraph 2 of this subsection.

If the plaintiff fails to file a timely response, the offer of judgment shall be deemed rejected. The fact an offer of judgment is made but not accepted or is deemed rejected does not preclude subsequent timely offers of judgment.

2. In the event a defendant files an offer of judgment, the plaintiff may, within ten (10) days, file with the court a counteroffer of judgment directed to each defendant who has filed an offer of judgment. ***.

3. In the event the plaintiff rejects the offer(s) of judgment and the judgment awarded the plaintiff is less than the final offer of judgment, then the defendant filing the offer of judgment shall be entitled to recover reasonable litigation costs and reasonable attorney fees incurred by that defendant from the date of filing of the final offer of judgment until the date of the verdict. ***.

4. In the event a defendant rejects the counteroffer(s) of judgment and the judgment awarded to the plaintiff is greater than the final counteroffer of judgment, the plaintiff shall be entitled to recover reasonable litigation costs and reasonable attorney fees incurred by the plaintiff from the date of filing of the final counteroffer of judgment until the date of the verdict. Such costs and fees may be added to the judgment entered in favor of the plaintiff.

5. The provisions of this subsection shall apply only where the plaintiff demands in a pleading or in trial proceedings more than One Hundred Thousand Dollars (\$100,000.00), or where the defendant makes an offer of judgment more than One Hundred Thousand Dollars (\$100,000.00). Any offer of judgment may precede the demand.

B. Other actions.

1. After a civil action is brought for the recovery of money or property in an action other than for personal injury, wrongful death or pursuant to Chapter 21 of Title 25 or §5 of Title 85 of the Oklahoma Statutes, any defendant may file with the court, at any time more than ten (10) days prior to trial, an offer of judgment for a sum certain to any plaintiff with respect to the action or any claim or claims asserted in the action. ***.

2. In the event a defendant files an offer of judgment, the plaintiff may, within ten (10) days, file with the court a counteroffer of judgment to each defendant who has filed an offer of judgment and the claim or claims which are the subject thereof. ***.

3. If no offer of judgment or counteroffer of judgment is accepted and the judgment awarded the plaintiff is less than one or more offers of judgment, the defendant shall be entitled to reasonable litigation costs and reasonable attorney fees incurred by the defendant with respect to the action or the claim or claims included in the offer of judgment from and after the date of the first offer of judgment which is greater than the judgment until the date of the judgment. Such costs and fees may be offset from the judgment entered against the offering defendant.

4. If no offer of judgment or counteroffer of judgment is accepted and the judgment awarded the plaintiff is greater than one or more counteroffers of judgment, the plaintiff shall be entitled to recover the reasonable litigation costs and reasonable attorney fees incurred by the plaintiff with respect to the action or the claim or claims included in the counteroffer of judgment from and after the date of the first counterof-

fer of judgment which is less than the judgment until the date of the judgment. Such costs and fees may be added to the judgment entered in favor of the plaintiff. ***.

E. This section shall apply whether or not litigation costs or attorneys fees are otherwise recoverable. ***.

6. Okla. Stat. tit. 36, §3629(B) provides:

B. It shall be the duty of the insurer, receiving a proof of loss, to submit a written offer of settlement or rejection of the claim to the insured within ninety (90) days of receipt of that proof of loss. Upon a judgment rendered to either party, costs and attorney fees shall be allowable to the prevailing party. For purposes of this section, the prevailing party is the insurer in those cases where judgment does not exceed written offer of settlement. In all other judgments the insured shall be the prevailing party. If the insured is the prevailing party, the court in rendering judgment shall add interest on the verdict at the rate of fifteen percent (15%) per year from the date the loss was payable pursuant to the provisions of the contract to the date of the verdict. This provision shall not apply to uninsured motorist coverage.

7. The conclusion that a §1101 offer of judgment reaches all claims and demands in the subject "action for the recovery of money only" while a §1106 offer can extend to "part of the amount claimed, or part of the causes involved in the action" is, in our view, entirely supported by the text of the statutes. We recognize that an Oklahoma Court of Appeals case, *Maltos v. Bison Federal Credit Union*, 1994 OK CIV APP 83, 879 P.2d 1254, 1257, stated, in dictum and without citation of authority, that a §1101 offer could be directed at less than all of the claims in an action, leaving the remaining claims to be litigated further. However, this case has not been cited further and, in our view, is unsupported by the statute. See also Oklahoma Civil Procedure Forms (Rel. 3-2/02 Pub. 82215), §11002 Offer of Judgment, pp. 10-12 to 10-13 ("Judgment entered on an offer of judgment encompasses all causes of action pending at the time of the offer, so that attorney's fees should be awarded if any cause asserted would permit their recovery. Defendant cannot analyze the various theories presented in an attempt to show that attorney's fees would have been unrecoverable on some of them * * * ", and "[i]t does not appear that this problem can be avoided by specifying that the offer relates only to causes of action on which no attorney's fee would be awardable", citing, *inter alia*, *Maltos*); and the Guide, 54 Okla. L. Rev. at 160 ("The difference between sections §1106 and §1101 is that §1106 provides a mechanism for use when the defendant does not want to make an offer of judgment for the entire amount of damages or for all claims brought against it").

8. Under our interpretation of §1106, *infra*, the answer to the hypothetical is that the defendant's \$5,000 offer of judgment, albeit directed at the emotional distress claim, must be compared with the combined total of the \$3,000 award for emotional distress and the \$3,000 award for false imprisonment. Properly construed, the \$3,000 offer under §1106 was based upon the premise that the false imprisonment claim was without merit and would not result in any jury award at all. The combined \$6,000 jury award in the hypothetical thus defeats the offer of judgment.

9. Cf. *Navigating the Offer of Judgment Quagmire*, 82 O.B.A.J. at 370 (uncertainty relating to §1106 requires that the practitioner "seriously consider making the offer of judgment pursuant to §1101. 1 instead of §1106, if possible," stated in connection with uncertainty regarding whether a §1106 offer "shifts attorney's fees when there is an underlying statute that awards attorney's fees to a 'prevailing party'").

10. Oklahoma case law under §1106 also affords at least some support for the view that acceptance of the offer brings the litigation to an end. See *Richardson v. Barnhart*, 1932 OK 506, 16 P.2d 98, 101 ("Defendant may offer in court to confess judgment for part of the amount claimed . . . and, if the plaintiff being present refuses to accept such confession of judgment in full of his demands against the defendant in the action . . . and on the trial does not recover more than the amount so offered to be confessed, such plaintiff shall pay all the costs of the defendant incurred after the offer") (emphasis added); and *First Nat'l Bank of Soper v. Beecher*, 1916 OK 956, 161 P. 327 (where plaintiff rejects an offer to confess judgment under §1106 for "part of the causes involved in the action" and defendant is found liable at trial, the issue becomes whether the sum for which defendant was found liable exceeds the amount of what had been offered. If the sum awarded at trial is less than the sum offered, plaintiff must pay all defendant's costs after the offer).

11. The Kentucky statute, §640 of the former *Civil Code of Practice*, provided :

§640 How offer made — effect of plaintiff's refusal to accept. After an action for the recovery of money is brought, the defendant may offer, in court, to confess judgment for part of the amount claimed or part of the causes involved in the action. Whereupon, if the plaintiff, being present, refuse to accept such

confession of judgment in full of his demands; or, having had reasonable notice that the offer would be made, of its amount, and of the time of making it, fail to attend, and on the trial do not recover more than was so offered to be confessed, such plaintiff shall pay all the costs of the defendant incurred after the offer. The offer shall not be deemed to be an admission of the cause of action or amount to which the plaintiff is entitled, nor be given in evidence upon the trial.

See also *Tyler v. Hamilton*, 108 Ky. 120, 55 S.W. 920, 921 (1900).

12. Section 498 of the former *Ohio Code of Civil Procedure* provided :

After an action for the recovery of money is brought, the defendant may offer in court to confess judgment for part of the cause involved in the action. Whereupon, if the plaintiff, being present, refuse to accept such confession of judgment, in full of his demands against the defendant in the action, or, having had such notice that the offer would be made, of its amount, and of the time of making it, as the court shall deem reasonable, fail to attend, and, on the trial, do not recover more than was so offered to be confessed, such plaintiff shall pay all the costs of the defendant incurred after the offer. The offer shall not be deemed an admission of the cause of action, or amount to which the plaintiff is entitled, nor be given in evidence on the trial.

13. See *Harlan Coal Co. v. North American Coal Corp.*, 35 F.2d 211 (N.D. Ohio 1929); *Freed Furniture & Carpet Co. v. Sorenson*, 28 Utah 419, 79 P. 564, 569 (Utah 1905); *King v. Tabor*, 15 N.M. 488, 110 P. 601, 603 (N.M. 1910); *Jones v. Great N. Ry. Co.*, 68 Mont. 231, 217 P. 673, 677 (Mont. 1923); and *Empire State Surety Co. of New York v. Moran Bros. Co.*, 71 Wash. 171, 127 P. 1104, 1107 (Wash. 1912).

ABOUT THE AUTHORS



Robert J. Campbell Jr. is a shareholder and director of Oklahoma City-based Phillips Murrah PC. He is a member of the firm's Commercial Law, Tribal Law and Natural Resources practice groups, concentrating in commercial law, oil and gas, tort, bankruptcy, public utility law, and civil trial and appellate matters. After five years as an attorney at the Oklahoma Court of Criminal Appeals and the Oklahoma Court of Civil Appeals, he entered private practice in 1984.

Robert J. Haupt is a shareholder and director of Oklahoma City-based Phillips Murrah PC. His practice focuses chiefly in the areas of litigation and bankruptcy with a significant emphasis on business reorganizations. He is also a nationally recognized authority on the hotel/resort management and development industry — sought frequently to provide receivership services and expert testimony in federal and state matters. He currently serves as a board member for the ABA's *Bankruptcy Litigation* journal.



Leslie L. Lynch is a shareholder at GableGotwals, where her practice includes state and federal litigation in areas as varied as energy, employment, environmental and financial. She is also an adjunct professor at her alma mater, OCU School of Law. In addition to volunteering with many professional and community organizations, she enjoys spending her time at ball practice and games with her kids, Sara and Daniel, or golfing with husband, Jeff.

Changing the World, One Woman at a Time

By Deborah Bruce

Karen Hughes, known by many as the counselor to President George W. Bush, is the featured speaker for the 2011 Oklahoma Bar Association Women in Law Conference. This year's conference is titled "Woman Up-Pathways to Leadership, Politics and Public Service" and is scheduled for Sept. 16 at the Oklahoma City Golf and Country Club. "Women Changing the World" is Hughes's evening banquet topic.

Hughes served as the strategic advisor to the president on policy and communications and managed the White House Offices of Communications, Media Affairs and Speechwriting. She served as press secretary in 2001. She returned to her native Texas in 2002, but continued to serve as an informal advisor to the president. In 2004, she published *Ten Minutes from Normal*, a memoir of her experiences working with the president. Hughes is also the former undersecretary of state for public diplomacy and public affairs. She is currently global vice chair of Burson-Marsteller.

Hughes will also participate in the afternoon CLE program. She will join Justice Yvonne Kauger, Oklahoma Supreme

Court, Oklahoma City; Judge Vicki Miles-LaGrange, U.S. District Court, Western District of Oklahoma, Oklahoma City; Judge Carol Hansen, Oklahoma Court of Appeals, Oklahoma City; and Melissa DeLacerda, 2003 OBA President, Stillwater, for a panel discussion focused on "Pathways to the Present: How I Got There."

The under-representation of women in politics, government and public service will be analyzed in a CLE discussion that includes Cindy Simon Rosenthal, director and curator of the Carl Albert Congressional Research and Studies Center, University of Oklahoma, Norman. Other panelists include Kathy Taylor, McAfee & Taft, former mayor of Tulsa; Rita Aragon, Oklahoma Secretary of Veteran Affairs, Oklahoma City; Judge Jane Wiseman, Oklahoma Court of Civil Appeals, Tulsa; and Representative Elise Hall, House District 100, Oklahoma City.

Public service is a primary focus of this year's conference and, in addition to a panel discussion, there will be an



Karen Hughes

Sept. 16, 2011
Oklahoma City Golf and
Country Club
Oklahoma City

Full schedule of events at
www.okbar.org/women

exhibit hall where nonprofit and community organizations will be given an opportunity to connect with the registrants as potential volunteers. Panel members discussing the importance of public service

are Jari Askins, provost for external relations, University of Oklahoma Health Sciences Center, Oklahoma City; Judge Reta Strubhar, Oklahoma Court of Criminal Appeals (retired), Piedmont; Susan Loving, Lester, Loving and Davies PC, Edmond; Anne Sublett, Conner Winters, Tulsa; and Representative Emily Virgin, House District 44, Norman.

OBA President Deborah Reheard will conclude the CLE with her presentation on "Future Pathways: Women Making a Difference."

The Women in Law Conference is planned annually by the OBA Women in Law Committee and is made possible by the generous support of sponsors. The committee wants to acknowledge all of its sponsors, but specifically, as of press time, the "President" level sponsor: The University of Oklahoma College of Law.

The conference is priced to include opportunities to participate in the CLE and banquet or CLE only or banquet only. Check on details at www.okbar.org/women. Reg-

ister at www.okbar.org/cle, or just use the QR app on your smartphone and snap the barcode for direct program information and registration.

Ms. Bruce is the chairperson of the Women in Law Committee.



FROM THE PRESIDENT

continued from page 2004

admittance to the Wednesday and Thursday night receptions, YLD Tombstone Casino Night, the Red Dirt Rangers band, Veterans Appreciation Reception and the performance by The Capitol Steps from Washington, D.C.

We have new joint events with the Oklahoma Judicial Conference, including a Bench and Bar Breakfast, also included in the registration fee. Plus, each registrant gets a gift bag that not only contains lots of merchandise and information from our many vendors and sponsors, but also Bedre chocolate and customized badge holder, beverage mug and bandana.

We planned this Annual Meeting with our members in mind, and we want you to give us your feedback on how we can continue to improve this fun, social annual event. I hope you will join us in Tulsa.

Family & Divorce Mediation Training

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Florida Justice to Share Vision for Model Civics Program

Alarming statistics regarding the civic competency of U.S. citizens and the lack of fundamental knowledge regarding our system of government is a major concern of lawmakers and legal professionals. The Nation's Report Card indicates that only 64 percent of 12th grade students performed at or above the basic level in civic competency.¹ The decline of civic engagement and political apathy can be attributed to the marginalization of civic education in the schools.

With that information in mind, OBA President-Elect Cathy Christensen has decided to place special emphasis on law-related education during her upcoming presidential year, with particular attention paid to the role of the courts.

"Each student in Oklahoma is entitled to understand the third branch of government," President-Elect Christensen believes. "We owe our students the opportunity to understand their rights and responsibilities in a nation governed by the rule of law. Unfortunately, in the quest to leave no child behind, civic education may have been left at the bus stop. Students do not understand civic education, the three branches of government and the rule of law in a civilized society. As noted by retired U.S. Supreme Court Justice Sandra Day O'Connor, 'We are

failing to impart the skills and knowledge that young people need to be effective citizens and leaders.'"

That is why Florida Supreme Court Justice R. Fred Lewis has been invited to speak to OBA members this month about a successful civics education program in his home state.

Justice Lewis founded the Justice Teaching Program because of similar concerns with regard to Florida students. The program began with Justice Lewis' monthly visits to four schools. At the completion of his first semester, Justice Lewis realized success when students organized to improve the quality of cafeteria food at their school. He determined that a statewide effort was needed to promote an understanding of the American justice system within the public school system. In 2006, Lewis began writing lesson plans and actively recruiting volunteer lawyers and schools, and the program has grown ever since.

"The Florida Justice Teaching Program coordinates the commitment of 4,500 volunteer attorneys and judges who donate at least two hours each month at every school in Florida," President-Elect Christensen said. "I know Oklahoma attorneys and judges have long been committed to donating their time in Oklahoma



You are invited to welcome

Florida State Supreme Court Justice R. Fred Lewis

Justice Lewis will be
presenting his
"Justice Teaching Program"
www.justiceteaching.org

Thursday, Sept. 29, 2011
9 a.m. ~ 12 p.m.

at the
Theatre Room - First Floor
Oklahoma Judicial Center
2100 N. Lincoln Blvd.
Oklahoma City, OK 73105

~ Reception Following ~
12 ~ 1 p.m.
Great Hall-Third Floor

R.S.V.P.
Debra Jenkins -
OBA Law-Related Education
debraj@okbar.org
(405) 416-7023

schools. OBA-LRE would like to increase participation of lawyers and judges in the classroom and ensure that each school in Oklahoma, public or private, large or small, receives

the benefit of an attorney or judge in their classroom.”

Justice Lewis so strongly believes in justice teaching that he travels to other states showing bar leaders how to establish a program in their state. President-Elect Christensen, along with the OBA Law-related Education Committee, chaired by OBA Vice President Reta Strubhar, and the Special Committee on Public Education (SCOPE), chaired by Suzanne Heggy of Yukon, share Justice Lewis’ vision for justice teaching and are coordinating the justice’s presentation with the belief that a similar program could work well here in Oklahoma.

“The Florida model has been extremely effective in pairing an attorney or judge with every public school in the state,” President-Elect Christensen




*Florida State Supreme Court
Justice R. Fred Lewis*

said. “The Florida Bar helps administratively to establish the program, to recruit lawyer volunteers, to provide assistance with training sessions and to make contact with schools. The Florida Bar Foundation annually provides a

generous grant for the program. OBA-LRE envisions duplicating the Florida model, adding our own Oklahoma Bar Association emphasis, to provide a service to Oklahoma students. The OBA and our membership are dedicated to creating successful students today who become citizen leaders tomorrow. An understanding of civics is a gift that every student deserves.”

Justice Lewis’ Oklahoma presentation is set for Thursday, Sept. 29, from 9 a.m. – 12 noon in the first floor Theatre Room at the new Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City. All bar members are welcome to attend. RSVP to Debra Jenkins, OBA-LRE administrative assistant, at (405) 416-7023, debraj@okbar.org.

1. http://nationsreportcard.gov/civics_2010/

A black and white portrait of Kurtis J. Ward, a man in a suit and tie, smiling slightly.

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WOW!

By John Morris Williams

Wow! That is all I have to say about what is planned for this year's Annual Meeting. You've got to come and just see it all!

Part of the Annual Meeting is the meeting of the House of Delegates, where the business of the association is conducted. There will be important resolutions and perhaps a contested election or two. It is very important that each county send its delegates. For us to maintain our governance and conduct our important business, every county should be represented.

The legislative program is an important part of the Annual Meeting program. While it seems a long time off, the Oklahoma Legislature will be coming back into session the first week of February. Following the Annual Meeting we will present legislative items for passage. In addition, our Legislative Monitoring Committee will begin its work in looking over every bill. This can entail reviewing up to 3,000 bills in the beginning.

As you look toward registering for the Annual Meeting please consider greater involvement at the committee and section level. Signing up at www.okbar.org/members/committees is a snap. We are an active association and there is plenty of good work to be done at every level. As a young lawyer I got involved in committee work, and it paid

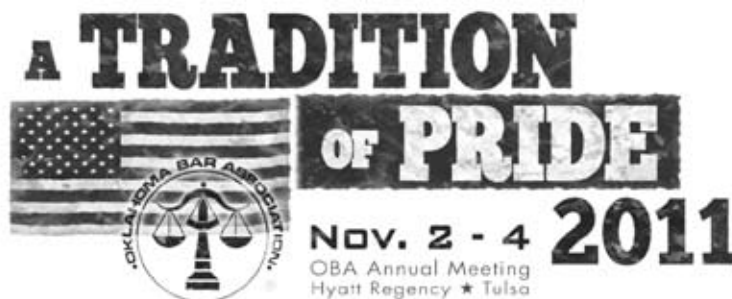
you lunch. The process moves pretty quickly. It is a great refresher on many areas of law and you get a sneak preview of upcoming legislation. The substantive law discussions involve explanations by some great lawyers in every area of the law. On top of that we have a lot of fun and good fellowship during the day.

I want to close by encouraging you to come to the Annual Meeting and get re-energized and invigorated by the great programming. After that, I would like for you to stay active or to get active in one or more of our many

sections and committees. The OBA is a membership organization and your involvement is essential for us to best advance the rule of law and the other noble callings of our honored profession.



To contact Executive Director Williams, email him at johnw@okbar.org.



dividends beyond my wildest imagination. The life-long friends and the substantive law I learned were but a couple of the multitudes of benefits.

Regardless of your practice, or the number of years you have been out practicing, the OBA has something for you.

Beyond the Annual Meeting, there is another day to put on your calendar. We are having our second Legislative Reading Day on Jan. 28, 2012. It is on a Saturday, and we feed



Ethics Online: Technology and Social Media Concerns for the Modern Lawyer

Sept. 21, 2011 - Noon - Your Computer



Presented by Carrie Palmer
Palmer Wantland and Forecast Discovery Group, Oklahoma City

Learn to navigate the ethical minefields surrounding social media discovery and use, ethical considerations for the technology being used by lawyers and law firms, and other emerging issues in the field. Using case law and ethics opinions from around the country, discussion will center upon discovering and using social media evidence, employing tips and tactics, and avoiding the snares presented by the technology we rely on every day!

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OU Law Alumni Luncheon Wednesday, Nov. 2, 2011

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HYATT REGENCY, TULSA

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12:00 LUNCH
.....

For additional details, contact Evie Holzer at (405) 325-2227
or eholzer@ou.edu.

► Luncheon tickets are \$30 and may be purchased when registering for the Oklahoma Bar Association Annual Meeting.

► If you are not attending the OBA Annual Meeting, mail a \$30 check payable to:

OU College of Law
300 Timberdell Road
Norman, Oklahoma 73019

Please note "Nov. 2 Alumni Luncheon" on the check.

July Meeting Summary

The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, July 22, 2011.

REPORT OF THE PRESIDENT

President Reheard reported she attended the June board meeting, Solo and Small Firm Conference, Bar Association Technology Task Force meeting via telephone, State Bar of Texas annual meeting in San Antonio, Louisiana State Bar Association meeting in Las Vegas, New Mexico State Bar Annual Meeting in Santa Fe and several planning meetings for 2011 OBA Annual Meeting. She also worked with General Counsel Hendryx on the appointment of a special prosecutor for the Court on the Judiciary and with YLD Chair Roy Tucker to schedule a Veterans Clinic in Muskogee County. She organized bar leaders mid-year meetings in Tulsa and Oklahoma City, reviewed Leadership Academy applications to make selections for 2011-2012 academy participants, finalized the OBF grant application for the Oklahoma Lawyers for America's Heroes program, finalized the prototype for the heroes program "Clinic In A Box" and worked on promotion for the OBA/CLE cruise.

REPORT OF THE VICE PRESIDENT

Vice President Strubhar reported she attended the Solo and Small Firm Conference, June Board of Governors meeting, Canadian County Board

of Governors planning meetings, Law-Related Education meetings and administrative meetings, Hatton Sumners Teacher Institute in Norman and an Oklahoma Justice Commission meeting.

REPORT OF THE PRESIDENT-ELECT

President-Elect Christensen reported she attended the June board meeting, Solo and Small Firm Conference, 2011 Annual Meeting planning meeting, SCOPE Task Force meeting, Technology Task Force meeting, Technology Task Force audit subcommittee meeting and 2012 Solo and Small Firm Conference planning meeting. She also reviewed Leadership Academy applications and attended the selection meeting for 2011-2012 academy participants, reviewed the OBF grant application for the heroes program, participated in the Bar Center Facilities Committee email discussions regarding the first floor remodel and worked with President Reheard on creation of the "Clinic In a Box" prototype.

REPORT OF THE PAST PRESIDENT

Past President Smallwood reported he participated in an executive committee telephone conference call discussion regarding OBA information and Internet security. As chairman of the Judicial Nominating Commission, he was

involved in interviewing seven individuals for a vacancy on the Court of Appeals.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported that he attended the Solo and Small Firm Conference meeting, Pontotoc County annual Sheep Creek event, Lawyers Helping Lawyers retreat, Annual Meeting planning meetings with President Reheard and others, Audit Committee meeting, Bar Association Technology Committee meeting, Bar Association Technology Committee subcommittee auditor interviews, Chinese delegation reception, monthly staff celebrations for June and July, and management staff meeting to prepare for long-term staff absence for paternity leave. He conducted Judicial Nominating Commission elections for Districts 1 and 2 and a runoff election for District 1, worked with the contractor, architect and designer on the first floor remodel, finalized suspension and strike applications for noncompliance with dues and MCLE requirements, finalized the OBF grant for the heroes program, met with Family Law Section members regarding a new process to sell the section handbook online and met with a technology vendor to preview an association management software.

BOARD MEMBER REPORTS

Governor Carter reported she attended the June board meeting, Solo and Small Firm Conference and the Tulsa County Bar Association Community Outreach project for Day Center for the Homeless. **Governor Chesnut** reported he attended the June board meeting, Solo and Small Firm Conference, Audit Committee meeting, Ottawa County Bar Association monthly meeting and a reception for judges in the northeast judicial district.

Governor DeMoss reported she attended the Tulsa County Bar Foundation meeting, participated in a conference call of National Council of Bar Foundations Board of Trustees, contacted some county bar presidents to solicit nominations for OBA awards and arranged for a monthly article in the *Tulsa Lawyer* called "The OBA Connection" to report on OBA activities and events.

Governor Devoll reported he attended the June Board of Governors meeting, Solo and Small Firm Conference, Garfield County Bar Association meeting and Audit Committee meeting via phone. **Governor Dobbs** reported he attended the June board meeting. **Governor Meyers** reported he attended the Audit Committee meeting and Comanche County Bar Association meetings.

Governor Pappas reported she attended the June board meeting, Solo and Small Firm Conference, two SCOPE Task Force meetings, Bar Association Technology Committee meeting, Access to Justice Committee meeting and monthly Payne County Bar Association meeting. She sent a letter to the attorneys in her district and began compiling email addresses for her district. **Governor Poarch** reported

ed he attended the Solo and Small Firm Conference and June board meeting. **Governor Rivas** reported he attended the Solo and Small Firm Conference and June board meeting. **Governor Shields** reported she attended the June board meeting, Solo and Small Firm Conference and Women in Law Committee meeting. She chaired the Audit Committee meeting and worked with auditors and Administration Director Combs on the audit.

AUDIT REPORT

Audit Committee Chairperson Susan Shields reported the committee met in late April with Oklahoma City audit firm Smith, Carney & Co. She said Administration Director Combs did a wonderful job in preparing financials for the audit. Audit Manager Stacey Vascellaro with Smith Carney reviewed the report results, which concluded the 2010 financial statements accurately reflected the financial position of the OBA. The board approved the report.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported that the Professional Responsibility Tribunal held its yearly meeting on June 30, 2011. F. Douglas Shirley, Watonga, was selected as chief master and William LaSorsa, Tulsa, was selected as vice chief master. She reported that a petition for certiorari has been filed in the U.S. Supreme Court by Wayne Fournierot. His appeal before the 10th Circuit was denied. In another matter, the OBA has been named as a defendant in civil litigation in the Western District. The plaintiff alleges civil rights violations against several defendants stemming from

a criminal conviction. Motions to dismiss have been filed. A written status report of the Professional Responsibility Commission and OBA disciplinary matters for June 2011 was submitted for the board's review.

ABA STATE DELEGATE REPORT

Jimmy Goodman reported contested elections for ABA president-elect and chair of the House of Delegates have experienced candidates who have withdrawn. He reviewed resolutions that will be considered, and he directed board members to more information available online.

REQUEST TO COSPONSOR ABA RESOLUTION

Jimmy Goodman reported the ABA has requested bar associations join the association in supporting the Model Act Governing the Representation of Children in Abuse, Neglect and Dependency Proceedings. He provided background about the resolution and recommended support. It was decided to submit the ABA resolution to the Family Law Section chairperson for section comments before taking any action.

TECHNOLOGY TASK FORCE REPORT

Task Force Chair Mark Robertson reviewed highlights of the task force's final report.

BAR ASSOCIATION TECHNOLOGY COMMITTEE REPORT ON TECHNOLOGY AUDIT

On behalf of Committee Chairperson Gary C. Clark, President Reheard reported the committee was going to recommend a company to conduct an audit; however, the leading contender bowed out

of consideration this morning. The task force report is being given to the committee. The audit is currently on hold. The second candidate is Grant Thornton, and its proposal will be reviewed. The audit is estimated to take eight weeks. The proposal will be tweaked and submitted to the board at its August meeting.

COUNCIL ON JUDICIAL COMPLAINTS LEASE AGREEMENT

Executive Director Williams reported this is the annual lease renewal of this entity located in the Oklahoma Bar Center. The board approved the agreement.

POLICY FOR EXPENSE REIMBURSEMENT OF BOARD OF GOVERNORS-RELATED ACTIVITIES

President Reheard called the board's attention to the policy, which provides for reimbursement of expenses incurred by officers but does not allow reimbursement for other board members attending events on behalf of the president. Executive Director Williams was asked to update the policy and to present a revised version at the next meeting.

CORPORATE RESOLUTION FOR CORPORATE ACCOUNT AT SMITH BARNEY

Administration Director Combs reported the updating of files at Smith Barney was needed. The current document the investment company has

on file is dated. The board approved the executing of a new corporate resolution.

PROPOSED POLICY FOR HIRING OUTSIDE COUNSEL

The board reviewed a new policy drafted by Executive Director Williams and decided to make one amendment – changing reference from the Office of the General Counsel to the General Counsel. The board approved the policy for hiring outside counsel as amended.

APPLICATIONS FOR SUSPENSION OF OBA MEMBERS

The board voted to ratify the electronic vote authorizing Executive Director Williams to submit the applications to suspend OBA members for failure to pay 2011 dues and failure to comply with 2010 MCLE requirements.

APPLICATIONS TO STRIKE NAMES OF OBA MEMBERS

The board voted to ratify the electronic vote authorizing Executive Director Williams to submit the applications to strike the names of OBA members for failure to reinstate after suspension for failure to pay 2010 dues and failure to comply with 2009 MCLE requirements.

NOMINATIONS FOR PROSECUTOR FOR THE COURT ON THE JUDICIARY

The board voted to ratify the electronic vote nominating five

OBA members from which to designate a prosecutor in a judicial removal matter as requested by the Court on the Judiciary.

BAR LEADERS MID-YEAR MEETING

President Reheard reported she sent letters to county bar presidents, section chairs and committee chairs inviting them to attend meetings Aug. 18 in Tulsa and Aug. 19 in Oklahoma City.

PROPOSED AMENDMENT TO THE RULES CREATING AND CONTROLLING THE OBA

President Reheard reported the proposed amendment requiring the OBA budget to be approved by the Board of Governors was approved by the Supreme Court.

EXECUTIVE SESSION

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

NEXT MEETING

The Board of Governors met in Vinita on Friday, Aug. 26, 2011. A summary of those actions will be published after the minutes are approved. The next meeting of the Board of Governors will be held Sept. 16, 2011, in Yukon.

Lawyers Can Help Organizations Meet Increasing Needs for Help

By John D. Munkacsy, OBF President

President-Elect Shon Erwin and I have each attended ABA meetings for the National Conference of Bar Foundations and the National Association of IOLTA Programs this year and have heard reports from internationally recognized financial experts as well as our own local experts. The Federal Reserve announced Aug. 9, 2011, that interest rates will remain exceptionally low through mid-2013. This announcement and the downgrade in the U.S. credit rating mark events that have never occurred in the recorded history of the market.

The economy continues to dramatically affect IOLTA revenues and other OBF endowed and designated fund investment activity. The ability of your Oklahoma Bar Foundation to continue to fund grant awards levels continues to go down and much needed legal services will decrease. Critical funding to qualified nonprofit organizations that meet law-related needs of disadvantaged Oklahomans will be forced to cut services. Public law-related education will suffer at a time when it is needed the most.

Your foundation needs the help of all lawyers so that charitable work on behalf of Oklahoma attorneys can continue across our great state.

For several years, OBF Trustees have encouraged colleagues to become OBF Fellows — 2011 is the time to make that happen. Without your help some Oklahoma domestic violence victims might be without protection; some elderly Oklahomans might be without legal assistance on issues ranging from fraud to consumer debt and beyond; some abused and neglected Oklahoma children might not receive pro bono legal services. Financial support provided by you as a Fellow of the Oklahoma Bar Foundation indeed *transforms lives*.

What are OBF Fellows? They are a group of dedicated Oklahoma lawyers and other concerned supporters of the law who have joined forces to further the charitable work being done across Oklahoma as members of the distinguished OBF Fellows. By making individual pledges in the amount of \$1,000, either through a one-time contribution or annual payments of \$100 over 10 years, you can provide help to those in need. Most Fellows, after meeting their pledge, continue their annual giving as Sustaining or at the premier Benefactor Fellows level through annual gifts of at least \$300. Benefactors lead by example. The charitable work is good for the profes-

sion. The gift is tax deductible, and your help is essential.

I would like to recognize and thank those who have recently become members of the OBF Fellows program as listed below, in addition to our long-standing Fellows. I want to invite all lawyers to join the distinguished list of concerned professionals who are helping to *transform lives*.

RECENT NEW MEMBERS OF THE OBF FELLOWS PROGRAM

NEWEST OBF BENEFACTOR FELLOWS:

M. Michael Arnett, *Oklahoma City*
 David O. Beal, *Oklahoma City*
 James B. Blevins Jr., *Oklahoma City*
 G. David Bryant, *Oklahoma City*
 Judge James Michael Caputo, *Owasso*
 Cathy M. Christensen, *Oklahoma City*
 Judge Valerie K. Couch, *Oklahoma City*
 Charles B. Davis, *Norman*
 Jack S. Dawson, *Oklahoma City*
 Kenneth L. Delashaw Jr., *Marietta*
 Frederic Dorwart, *Tulsa*
 M. Eileen Echols, *Oklahoma City*
 G. Douglas Fox, *Tulsa*
 Ernest F. Godlove, *Lawton*
 Jack E. Gordon Jr., *Claremore*
 James R. Gotwals, *Tulsa*
 Fletcher Dal Handley Jr., *El Reno*
 Ramona S. Hanson, *Edmond*
 Thomas W. Hosty, *Oklahoma City*
 Oliver S. Howard, *Tulsa*
 Saejin "Jack" Hwang, *Edmond*
 James M. Levine, *Oklahoma City*
 Prof. Judith L. Maute, *Norman*
 Billy A. Mickle, *Durant*
 Michael Charles Mordy, *Ardmore*

Brooke Smith Murphy, *Oklahoma City*
 Robert W. Nelson, *Oklahoma City*
 John W. Norman, *Oklahoma City*
 Nancy S. Parrott, *Oklahoma City*
 Deborah A. Reheard, *Eufaula*
 Barbara Sears, *Sand Springs*
 Susan S. Shields, *Oklahoma City*
 Kent Siegrist, *Tulsa*
 Gregory R. Stidham, *Checotah*
 John Holman Weigel, *Altus*
 Miles C. Zimmerman, *Chandler*

NEWEST OBF SUSTAINING FELLOWS:

Belva Brooks Barber, *Poteau*
 Stephen D. Beam, *Weatherford*
 Ret. Judge Nancy L. Coats-Ashley, *OKC*
 Gary W. Derrick, *OKC*
 Kent W. Gardner, *OKC*
 John W. Garland, *Anadarko*
 David R. Garrison, *Ponca City*
 Bob Lake Grove, *OKC*
 Justice Noma Gurich, *OKC*
 Barry L. Hafar, *Arcadia*
 David W. Holden, *Tulsa*
 James F. Howell, *Midwest City*
 Carrie S. Hulett, *OKC*
 Bruce H. Johnson, *OKC*
 Judge Sam A. Joyner, III, *Tulsa*
 Judge William C. Kellough, *Tulsa*
 William D. Lunn, *Tulsa*
 Jeff E. Lynch, *Edmond*
 Mack K. Martin, *OKC*
 Gordon R. Melson, *Seminole*
 Mack J. Morgan, III, *OKC*
 Susan A. Muscari, *Tulsa*
 Judge Gerald F. Neuwirth, *Lawton*
 Robert J. Nichols, *Tulsa*
 Deborah Scott Pappas, *Stillwater*
 Phillip R. Scott, *Waurika*
 Leland W. Shilling, *Purcell*
 Brian E. Shipp, *Idabel*
 Dennis A. Smith, *Clinton*
 Kimberlee T. Spady, *Hinton*
 Dave Stockwell, *Norman*
 T. Douglas Stump, *OKC*
 Ken Ray Underwood, *Tulsa*
 Tom Walker, *Ardmore*

NEWEST OBF FELLOWS:

Michael A. Abel, *Elk City*
 Timothy Luke Abel, *OKC*
 Mark W. Albert, *Elk City*
 Kimberly Dawn Anthony, *OKC*
 Lindsay C. LaFevers Archer, *OKC*
 Cesar Adalberto Armenta, *OKC*
 Allesan Armstrong, *OKC*
 Aaron M. Arnall, *Midwest City*
 Leah M. Avey, *OKC*
 Judge Keith B. Aycock, *Lawton*
 Breea D. Bacon, *Norman*
 Donna C. Bacy-Watson, *OKC*
 B. J. Baker, *Tahlequah*
 Scott Austin Barnes, *Dallas TX*
 Becky Barney, *Weatherford*
 Tammy D. Barrett, *Tulsa*
 Robert J. Barron,
 Colorado Springs, CO
 Keith B. Bartsch, *Tulsa*
 A. Gabriel Bass, *El Reno*
 Jennifer Beale, *OKC*
 Michael T. Beason, *Altus*
 Rebecca N. Beason, *Altus*
 Regan Strickland Beatty, *OKC*
 Shannan E. Bickham, *Tulsa*
 Brandon C. Bickle, *Tulsa*
 Rick W. Bisher, *OKC*
 Mike Blake, *OKC*
 Michael W. Blevins, *Sayre*
 Mark Blongewicz, *Tulsa*
 Katherine Hohn Boettcher, *OKC*
 Timothy J. Bomhoff, *OKC*
 Tyson E. Branyan, *Stillwater*
 Christopher Brendon Bridges, *Eufaula*
 Matthew W. Brockman, *OKC*
 Ryan Lee Brown, *OKC*
 Brandee Lyn Bruening, *OKC*
 Tsinena Bruno-Thompson, *OKC*
 Steven W. Bugg, *OKC*
 Kathy Burch, *Tulsa*
 Jim Buxton, *OKC*
 Hannah A. Cable, *OKC*
 Travis Lee Cagle, *OKC*
 John G. Canavan, Jr., *Shawnee*
 Ginny Bass Carl, *OKC*
 Martha Rupp Carter, *Tulsa*
 Jessica L. Caruthers, *Enid*
 Judge Robin Cauthron, *OKC*
 Raygan Pierce Chain, *Weatherford*
 Jennifer K. Christian, *OKC*
 John R. Chubbuck, *OKC*
 Brad S. Clark, *Edmond*
 Mark Stephen Clark, *Walters*
 US Magistrate Paul J. Cleary, *Tulsa*
 Lee McIntire Cohlmiia, *OKC*
 Ryan Nathaniel Cole, *OKC*
 Chris J. Collins, *OKC*
 Lorenzo T. Collins, *Ardmore*
 Remona K. Colson, *Bartlesville*
 Aubrie E. Comp, *OKC*
 Michael J. Cooper, *Tulsa*
 Amber R. Corbin, *OKC*
 Denis Cote, *Altus*
 Daniel Gill Couch, *Edmond*
 Elliott Clark Crawford, *Nichols Hills*
 Nathan S. Cross, *Tulsa*

Bradley K. Cunningham, *Tulsa*
 Cindy Hodges Cunningham, *Tulsa*
 Melody R. Daniels, *Yukon*
 Charles Eric Davis, *Lawton*
 Steven Davis, *OKC*
 Raymond E. Denecke, *Norman*
 S. Douglas Dodd, *Tulsa*
 Christin Murphy Donovan, *Tulsa*
 Gentner F. Drummond, *Tulsa*
 W. Samuel Dykeman, *OKC*
 Diane E. Eason, *Tulsa*
 Loutitia Denison Eason, *OKC*
 Michelle L. Edstrom, *OKC*
 David A. Elder, *OKC*
 Jennifer Danielle Ellis, *Miami*
 Broc L. Elmore, *Norman*
 Frederick S. Esser, *Bartlesville*
 Stanley L. Evans, *OKC*
 Amber Feedback-Brock, *Edmond*
 Bruce Allen Flint, *Texarkana TX*
 Glenn E. Floyd, *Norman*
 Jon R. Ford, *Enid*
 James M. Forgotson III, *Norman*
 Heather Lamar Forsyth, *Tulsa*
 Kent F. Frates, *OKC*
 Martin A. Frey, *Tulsa*
 Elizabeth Daly Fucci, *OKC*
 Ashley P. Fulk, *OKC*
 John W. Funk, *OKC*
 Jillian Fuqua, *Beggs*
 Clayton T. Gaddis, *San Francisco, CA*
 Charles E. Geister III, *OKC*
 Pete Gelvin, *OKC*
 Blake A. Gibson, *Bartlesville*
 Cynthia J. Goble, *OKC*
 Jose Gonzalez, *Purcell*
 Harvey Charles Grauberger, *Tulsa*
 Tiffany N. Graves, *Tulsa*
 Cheri Gray, *OKC*
 Kara Marisa Greuel, *Tulsa*
 Eric Grimshaw, *Tulsa*
 Rachel E. Gusman, *Tulsa*
 Misti D. Halverson, *Wayne*
 Scott L. Hamilton, *Tulsa*
 Ashton A. Handley, *El Reno*
 John E. Harper, Jr., *Tulsa*
 Celo J. Harrel, *Elk City*
 J. Cade Harris, *Elk City*
 Judge Ken Harris, *Lawton*
 Amy H. Harrison, *OKC*
 Travis J. Hartley, *Vinita*
 Kimberly K. Hays, *Tulsa*
 Suzanne P. Heggy, *Yukon*
 Gregory M. Heiser, *Norman*
 Ronda Hellman, *OKC*
 Brian J. Henderson, *Sayre*
 Kaleb K. Hennigh, *Enid*
 Ret. Judge A. J. Henshaw Jr., *Sallisaw*
 Megan D. Henson, *Broken Arrow*

Rob Henson, *Tulsa*
 Rex Hodges, *OKC*
 Krista L. Hodges-Eckhoff, *Yukon*
 Michael W. Hogan, *McAlester*
 Anna Kathaleen Honea, *OKC*
 Emily J. Hufnagel, *OKC*
 Cheryl P. Hunter, *OKC*
 Jennifer E. Irish, *Edmond*
 Stephanie D. Jackson, *OKC*
 Dan Jacobsma, *Elk City*
 Floyd James, III, *OKC*
 Celeste Johnson, *OKC*
 Gregory L. Johnson, *Ardmore*
 Kristi A. Johnson, *Blanchard*
 Ryan Charles Johnson, *Waco TX*
 Christopher Dwight Jones, *Durant*
 Jennifer Jones, *OKC*
 Nicholas M. Jones, *Tulsa*
 Marcus Andrew Jungman, *Cherokee*
 Adam David Kallsnick, *OKC*
 James D. Kallstrom, *OKC*
 Matthew C. Kane, *OKC*
 Ann E. Keele, *Tulsa*
 Christopher Brian Keim, *OKC*
 Christopher S. Kelly, *Cordell*
 Michael Edward Kelly, *Norman*
 Erin E. Kennedy, *OKC*
 Thomas E. Kennedy, *OKC*
 Saban S. Khalaf, *Tulsa*
 Asher A. Killian, *Carson City NV*
 A. Seth Killman, *OKC*
 Michelle Kirby-Roper, *Elk City*
 Travis James Kirk, *Edmond*
 Rachel M. Kirk-Evans, *OKC*
 Jennifer H. Kirkpatrick, *OKC*
 Maria T. Kolar, *OKC*
 Carrie Kopp, *Purcell*
 Mark Koss, *OKC*
 Claudia W. Kovar, *Enid*
 Paul Antonio Lacy, *OKC*
 J. Robert Lakey, *Sayre*
 Melanie Lander, *Tulsa*
 Tim Larason, *OKC*
 David Leavitt, *Edmond*
 Jennifer A. Liggett, *Enid*
 Judge Ray Dean Linder, *Alva*
 Grant T. Lloyd, *Tulsa*
 Martha L. Londagin, *Grove*
 Brandon P. Long, *OKC*
 Cori H. Loomis, *OKC*
 Edward J. Lutz, *Tulsa*
 Tyler J. Mantooth, *OKC*
 Angela Marsee, *Arapaho*
 Eustacia Stockton Mason, *Carmel IN*
 Andrew Lee McAlester, *Tulsa*
 Judge C. Allen McCall, *Lawton*
 Lincoln McElroy, *Tulsa*

D. Keith McFall, *OKC*
 Amy B. McFarland, *Wagoner*
 LeAnne McGill, *Edmond*
 Jim McGoodwin, *Edmond*
 Keren Williams McLendon, *OKC*
 Erin L. Means, *Enid*
 John M. Mee, *OKC*
 Michelle Jane Millbern, *Alexandria VA*
 Rana Ann Missman-Hill, *Altus*
 Linda M. Modestino, *Yukon*
 Eric C. Money, *OKC*
 Erin M. Moore, *OKC*
 Kimberly K. Moore-Waite, *Tulsa*
 Katherine Morelli, *Sand Springs*
 Thomas C. Morgan, *Watonga*
 Gary R. Morris, *Midwest City*
 Sofia R. Nagda, *Tulsa*
 Thomas P. Nally, *Tulsa*
 Lane Rudder Neal, *OKC*
 Jeffrey E. Niese, *Tulsa*
 Chrissi Ross Nimmo, *Tahlequah*
 Teresa Stephens Nowlin, *Tulsa*
 Sharisse O'Carroll, *Tulsa*
 Jill Marie Ochs-Tontz, *Guthrie*
 Saul Gilbert Olivarez, *OKC*
 Ann Dee Overstreet, *Norman*
 Christopher C. Papin, *OKC*
 Jessica L. Perry, *OKC*
 Lowell L. Peterson, *Tulsa*
 Timothy J. Pickens, *Tulsa*
 Brian W. Pierson, *OKC*
 Warren Chiahsung Plunk, *OKC*
 Laurie Kaye Pollard, *Idabel*
 Mark H. Price, *OKC*
 Javier Ramirez, *Okmulgee*
 Donelle Holbert Ratheal, *OKC*
 Ryan J. Reaves, *OKC*
 Amy Reimer, *McAlester*
 Abbey V. Richards, *Edmond*
 Nathan D. Richter, *Mustang*
 James Roger Rinehart, *El Reno*
 Westline Ritter, *Alva*
 Kendra M. Robben, *Ardmore*
 Faye Rodgers, *Edmond*
 Timothy Lee Rogers, *Tulsa*
 D Daryl Romano, *Tulsa*
 Briana J. Ross, *Tulsa*
 Michael A. Rubenstein, *Edmond*
 Alix Lormand Samara, *OKC*
 Mark D. G. Sanders, *Tulsa*
 Sarah J. Schumacher, *OKC*
 Catherine Rose Seagraves, *Stillwater*
 Judge Deborah C. Shallcross, *Tulsa*
 C. Eric Shephard, *OKC*
 Judge Darrell G. Shepherd, *Wagoner*
 Ronald T. Shinn Jr., *OKC*

David A. Shipley, *Dallas TX*
 Deirdre O'Donnell Shipley, *OKC*
 William D. Simpson, *Shawnee*
 Stephanie Anne Singer, *Tulsa*
 Jeffrey C. Smith, *Poteau*
 Judge Mark R. Smith, *Lawton*
 Valerie R. Smith, *OKC*
 Amy Sokol, *Tulsa*
 Carol E. Sorensen, *OKC*
 Alan Souter, *Tulsa*
 Sheila Ann Southard, *Ada*
 Gerald G. Stamper, *Tulsa*
 Rebecca D. Stanglein, *Tulsa*
 Julie D. Stanley, *OKC*
 June A. Stanley, *Tulsa*
 Meredith Blake Curnutte Stanton, *Tulsa*
 Sarah C. Stewart, *OKC*
 Amy M. Stipe, *OKC*
 Justin Clay Stout, *Muskogee*
 Adam J. Strange, *Tulsa*
 John S. Stratton, *OKC*
 Gloria Gail Stricklin, *OKC*
 Anne B. Sublett, *Tulsa*
 Clint T. Swanson, *Tulsa*
 Lauren Adrienne Toppins, *Edmond*
 Michael T. Torrone, *Ketchum*
 Jeffery D. Trevillion Jr., *OKC*
 Noel K. Tucker, *Edmond*
 Phillip J. Tucker, *Edmond*
 Roy D. Tucker, *Muskogee*
 Shannan Tucker, *Okemah*
 Jennifer Tupps, *OKC*
 Lee Turner, *Ponca City*
 Brian H. Upp, *OKC*
 Mia Vahlberg, *Tulsa*
 Lindsey Vanhooser, *Edmond*
 Jeffrey Blake Virgin, *Norman*
 Matt Von Tungeln, *El Reno*
 Joe Vorndran, *Shawnee*
 Susan E. Walker, *Tulsa*
 Laura Wallis-Lindly, *Broken Bow*
 Whitney Austin Walstad, *OKC*
 Chief Magistrate William C. Wantland, *Seminole*
 Rick L. Warren, *OKC*
 Benjamin D. Waters, *Tulsa*
 Adrienne Watt, *Tulsa*
 Joseph P. Weaver, *El Reno*
 Daniel G. Webber Jr., *OKC*
 Samantha Weyrauch, *Tulsa*
 Trenton M. White, *Tulsa*
 Bryon J. Will, *OKC*
 Stanley Williams II, *Tulsa*
 Taraneh Astani Wilson, *Norman*
 Nancy Winans-Garrison, *OKC*
 C. Russell Woody, *OKC*
 Michael Steven Young, *OKC*

First State Veterans Clinic A Success

By Roy D. Tucker

The Muskogee County Bar Association held the first legal advice clinic for area military service members and veterans on Aug. 13. As the first of many such clinics set to occur across the state on Nov. 11, 2011, as part of the Oklahoma Lawyers for America's Heroes project, the clinic was staffed by volunteer attorneys from the county bar, including OBA President Deborah Reheard, District 7 Gov. Lou Ann Moudy and OBA Executive Director John Morris Williams.

Through the course of the clinic, members assisted some 30 veterans with legal questions covering estate planning, veteran's benefits, contracts and real estate. Any veteran with a question warranting further action was either referred to the Oklahoma Lawyers for America's Heroes volunteer attorney bank or was self-referred to the volunteer attorney at intake. The number of "thank yous" received was incredible and was, as described by one volunteer, humbling to have the opportunity to give back to these men and women who have served our country admirably in the wars and conflicts of history. More than one veteran broke down in tears at simply having the opportunity to have someone

“Attorneys can and do make a difference.”

listen to his legal issue and advise him of his options. Another, an 83-year-old man, admitted to having been taken advantage of financially when he loaned money to someone close to him who had long since stopped returning his

the money he was due, and volunteer attorneys also assisted him in drafting an estate plan to further protect it. Those who had been denied benefits are now on the path to receive them, and those with questions now have answers and more importantly, options.

The Muskogee County Bar Association would like to specifically thank its members



OBA President Deborah Reheard of Eufaula (left) assists an American hero during the Muskogee veterans clinic in August.

calls, and there were others who have been unable to recover benefits to which they were entitled.

Attorneys can and do make a difference. A week after his clinic visit, the 83 year-old-man has been fully paid back

and guests who attended in addition to those previously listed: Martha Cherbini, Mike Finerty, Patrick Guinn, Weldon Stout, John Vincent, Leah White, Paula Wilburn and Jim Wilcoxon. It is because of these volunteer

attorneys and others like them who willingly volunteer their time and expertise that the Oklahoma Lawyers for America's Heroes program has become so successful. On a personal note, I urge all of you to contact your local bar associations and request they host a veterans clinic on Nov. 11, Veteran's Day. If one has already been scheduled, please volunteer.

Roy Tucker is Muskogee County Bar Association president and OBA YLD chairperson.



Muskogee County Bar Association members Mike Finerty (standing) and John Vincent prepare to answer legal questions for veterans and military members as the legal clinic gets underway.

G 
GREEN

Want to save some paper? Go online to my.okbar.org/Login and sign in. Click on "Roster Info" and switch to electronic to receive court issues.



Oklahoma Lawyers for Children

A Tradition of Pride

By Tsinena Bruno-Thompson

As a young lawyer, I was very keenly aware of the need to be a productive member of my firm, and when I was lacking in experience or expertise, my superiors would “write down” time that had been billed to a client so that the client would not be paying for my learning experiences. In many young lawyers, this practice seems to trigger the need to work harder and longer to get to that place where you feel that you are giving real value to your clients. During those early years, I had the precious benefit of having a mentor, actually several mentors, to keep me on the path of legal competency, civility and professionalism.

While on that journey, I was also taught the immense value of pro bono work. Looking at the monthly attorney time records, it seemed like there was a awful lot of pro bono work that I was doing, but then it was quickly pointed out that the time that was being “written down or written off” wasn’t benefitting the client, it was benefitting me and my continuing legal education of “what they don’t teach you in law school 101.” In August 1998, one of my dearest mentors, Judge David A. Kline, introduced me to Don Nicholson and the newly formed Oklahoma Lawyers for Chil-

dren. In short order, Don explained the plight of foster children in our community and had me convinced that I needed to help although I had no idea that there was a Juvenile Justice Center or a children’s code in Title 10. With the blessing of my superiors, I volunteered for what would later become the most important role of my professional life — an OLFC volunteer attorney.

“To this young lady, I was the one person who hung around and had stuck with her.”



The training for new OLFC volunteers was a little different back then as OLFC was not even a year into its role as the only nonprofit organization dedicated to representing abused, neglected and deprived children in DHS’s foster care system. Don Nicholson or Buddy Faye Foster were always available by phone or to meet with me if I needed help, and I needed lots of guidance as the new counsel for a 14-year-old girl in therapeutic foster care, prone to going AWOL and having aggressive outbursts with her caregivers. As I got to know my young but very educated-in-the-system client, often through talking during the rides back from picking her up from some place that she ran away to, I learned that there had really been no one in her life that “stuck around.”

During her young life, she had been shuffled between foster homes, moved out of state and back again and had not seen her siblings in several years. Concerned that I did not have the experience or knowledge to be of true service to this young girl, I asked for and received Don’s and Buddy Faye’s sage advice frequently. With their help, I learned the ropes, and I stuck with my client. I learned the skills needed to stand up for this child who

needed a voice. I learned how to advocate in a court once unfamiliar, and together we benefitted. When my client started her life skills training classes, both of us were excited and nervous as she prepared to leave the foster care system and enter the world on her own. After my client left foster care and exited the juvenile justice system, she called me many times, sometimes very excited, sometimes nervous or scared. To *this* young lady, I was the one person who hung around and had stuck with her. I had a place in her heart and that meant the world to me. I was proud to be a lawyer doing good and that feeling can be quite infectious. I would notice that doing this work made me feel better as a lawyer and as a person, and I am told that it showed in many ways.

Today, I hold the honor of being chosen to lead Oklahoma Lawyers for Children, and I can say without reservation that OLFC's tradition of pro

bono services is a great source of pride to its many volunteers. Like me, many of our volunteers come without knowing exactly where the juvenile court is located but quickly learn that they too have a place in their hearts for the needs of a child. Often you will see OLFC clients rush into the arms of "their" attorney and proudly hold the attorney's hand when exiting court, a counseling session or a lunch meeting. How many times in the course of your normal practice will any of your other clients take you by the hand while loudly and emphatically announcing to everyone around that "this is MY lawyer?" Once it happens, your step will get a little lighter, and you will feel a slight swell in your chest. It's a great feeling!

There is no doubt that OLFC cases are challenging both legally and emotionally. These children have been through situations in their lives that no one should ever have to endure. These blameless

victims are our citizens of tomorrow, the employees of tomorrow and the future classmates of our children. They deserve our protection. Since 1997, OLFC has striven to take the broken lives of these children and to place them in safe and loving homes so that they have a chance to grow, free from abuse and neglect. Ask any OLFC volunteer if the work of returning hope and color to the lives of children — one child at a time — has been a source of personal and professional pride. Usually, your question will be answered with a voice choked with emotion that these cases have meant more to the attorney volunteers than countless successful jury verdicts or favorable judgments. These volunteers have made a difference in the life of a child and make us proud of the profession we have vowed to serve.

Ms. Thompson is Oklahoma Lawyers for Children president and CEO.



Want to Get Involved?

By Roy D. Tucker, YLD Chairperson

In this issue of the *Oklahoma Bar Journal*, you will find more opportunities to become involved in the YLD. First, I would like to invite all attorneys to attend a new attorney soiree in either Tulsa or Oklahoma City to congratulate new admittees and welcome them into the OBA. Next, I would like to encourage all YLD members to register for and attend the OBA Annual Meeting Nov. 2 – 4 in Tulsa. There will be a number of activities specifically geared to the YLD, including a speed networking event where young lawyers will have the opportunity to have a two-minute meeting with more senior lawyers. Finally, I encourage individuals looking for more ways to become involved to review the materials on the next few pages and consider running for a seat on our YLD Board of Directors.

NEW ATTORNEY RECEPTION AND SOIREE

The YLD is once again hosting receptions and soirees welcoming new members to our profession. The swearing-in ceremonies will be held Thursday, Sept. 22, and the YLD will be involved by hosting a cookie-and-punch reception for new admittees and their families following the ceremony.

Then, on **Thursday, Sept. 29, at 5:30 p.m.**, the YLD would like to invite all members to attend a soiree welcoming the

new admittees into the YLD and the OBA. The soirees will be held in Oklahoma City at McNellie's, 1100 Classen Dr., and also at McNellie's in Tulsa, 409 E. First St. We hope that many of our members use this opportunity to meet the new admittees, as well as to meet other members and learn more about the YLD.

YLD ANNUAL MEETING

The YLD Annual Meeting is held in conjunction with the OBA Annual Meeting Nov. 2 – 4 at the Hyatt Regency in Tulsa. This year the meeting will occur on Wednesday, Nov. 3, at 6 p.m. in the YLD suite, followed by line dance lessons in the ballroom from 7:30 – 8 p.m. Immediately following, the YLD has combined its favored casino night with the president's "Boots and Bandanas" reception, so wear your favorite pair of kickers and join us. On Thursday, Nov. 4, the speed networking event will be held from 6 – 7 p.m., followed by our second annual "Friends & Fellows" reception. Afterward, everyone is invited to attend the hilarious comedic styles of the Capitol Steps troupe. In addition to the social activities, YLD'ers and senior lawyers alike are encouraged to attend the first ever OBA Trial College. This event will provide in-road skills for those who want to increase their advocacy effec-

tiveness. Over the course of the Annual Meeting, the YLD will once again be hosting its hospitality suite, which provides lawyers of all ages the opportunity to meet with their colleagues on an informal basis and to discuss both personal and professional issues in a friendly and welcoming session. I would encourage all new attorneys and YLD members to mark your calendars and plan to attend the OBA Annual Meeting.

ABA ANNUAL MEETING IN TORONTO

YLD officers Jennifer Kirkpatrick, Molly Aspan, myself, and directors Briana Ross and Kaleb Hennigh attended and participated as Oklahoma delegates at the ABA YLD Assembly at the ABA Annual Meeting in August. I also attended and participated in the ABA House of Delegates. The ABA Annual Meeting provided extensive networking opportunities for young lawyers, a forum for CLE and professional development programming, and assembly business including presentations by ABA officers and sections as well as debate and voting on numerous resolutions. Congratulations go out to newly elected Secretary/Treasurer Mario Sullivan of Chicago.

RUN FOR THE OBA/YLD BOARD OF DIRECTORS

**DEADLINE: Sept. 20
at 5 p.m.**

If you are interesting in becoming more involved in the OBA/YLD, consider running for a position on the YLD Board of Directors. The YLD Board of Directors has monthly meetings that are typically held on Saturday mornings in Tulsa and/or Oklahoma City. Nominating petitions must be submitted by 5 p.m. on Tuesday, Sept. 20, 2011, and questions can be directed to Molly Aspan, Nominating Committee chairperson, at maspan@hallestill.com.

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. 1, 2012 - Dec. 31, 2012). The chairperson-elect automatically becomes the chairperson of the division for 2013.

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. 1, 2012 - Dec. 31, 2012).

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. 1, 2012 - Dec. 31, 2012).

TIPS FROM THE NOMINATING COMMITTEE CHAIRPERSON

- The OBA YLD website has a sample nominating petition to give you an idea of format and information required by OBA Bylaws. You can also request a nominating petition 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 email petitions to colleagues and have them return the petitions with original signatures by snail mail.
- Don't wait until the last minute – the Nominating Committee will not accept nominating petitions received after 5 p.m. on Tuesday, Sept. 20, 2011.
- 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 email or on a disk. Petitions submitted without a photograph and/or brief resume are subject to being disqualified at the discretion of the Nominating Committee.

Board of Directors (Two-Year Terms)

The following directorships are open for election for a two-year term from Jan. 1, 2012 to Dec. 31, 2013.

District No. 2:

Atoka, Bryan, Choctaw, Haskell, Johnson, Latimer, LeFlore, McCurtain, McIntosh, Marshall, Pittsburg, Pushmataha, and Sequoyah counties (1 seat)

District No. 3:

Oklahoma County (2 seats)

District No. 4:

Alfalfa, Beaver, Beckham, Blaine, Cimarron, Custer, Dewey, Ellis, Garfield, Harper, Kingfisher, Major, Roger Mills, Texas, Washita, Woods, and Woodward counties (1 seat)

District No. 6:

Tulsa County (1 seat)

District No. 8:

Coal, Hughes, Lincoln, Logan, Noble, Okfuskee, Payne, Pontotoc, Pottawatomie and Seminole counties (1 seat)

At-Large:

(3 seats)

At-Large Rural:

Any county other than Tulsa County or Oklahoma County (1 seat)

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 **5 p.m. on Tuesday, Sept. 20, 2011**. 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 2001 or later, you are a member of the OBA/YLD!**

Election Procedure:

Article 5 of the Division Bylaws governs 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 (www.okbar.org/members/yld/bylaws.htm).

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. on Tuesday, Sept. 20, 2011**, at the following address:

Molly Aspan
OBA YLD Nominating Committee Chairperson
Hall, Estill, Hardwick, Gable, Golden & Nelson PC
Tulsa, OK 74103
(918) 594-0595
Fax: (918) 594-0505
maspan@hallestill.com

www.okbar.org
Your source for OBA news.



At Home



At Work



And on the Go

Calendar

September

- 5 OBA Closed** – Labor Day Observed
- 6 OBA Law-related Education Task Force Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Reta Strubhar (405) 354-8890
- 8 OBA Women Helping Women Support Group;** 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to: Kim Reber (405) 840-3033
OBA Awards Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: D. Renée Hildebrant (405) 713-1423
- 9 OBA Budget Committee Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Craig Combs (405) 416-7040
OBA Military Assistance Task Force Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Dietmar Caudle (580) 248-0202
- 14 OBA Diversity Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jeff Trevillion (405) 778-8000
- 15 Oklahoma Bar Foundation Committee Meeting;** Lawton Country Club, Lawton; Contact: Nancy Norsworthy (405) 416-7070
OBA Bar Association Technology Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Gary Clark (405) 744-1601
- 16 OBA Board of Governors Meeting;** Yukon, Oklahoma; Contact: John Morris Williams (405) 416-7000
OBA Women in Law Conference; Oklahoma City Golf and Country Club, Oklahoma City; Contact: Deborah Bruce (405) 528-8625
OBA Uniform Laws Committee Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Don Halladay (405) 236-2343
OBA Law Day Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Tina Izadi (405) 522-8097
- 17 OBA Young Lawyers Division Committee Meeting;** Tulsa County Bar Center, Tulsa; Contact: Roy Tucker (918) 684-6276
- 20 OBA Law-related Education PROS Elementary Training;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
OBA Civil Procedure and Evidence Code Committee Meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 21 OBA Law-related Education PROS Secondary Training;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell (405) 416-7024
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
- 22 New Admittee Swearing In Ceremony;** House of Representative Chambers, State Capitol; Contact: Board of Bar Examiners (405) 416-7075
OBA Budget Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Craig Combs (405) 416-7040
OBA Justice Commission Meeting; 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson (405) 235-5563
OBA Men Helping Men Support Group; 5:30 p.m.; The Center for Therapeutic Interventions, Suite 510, Tulsa; RSVP to: Kim Reber (405) 840-3033
- 23 OBA Lawyers Helping Lawyers Assistance Program Meeting;** 12 p.m.; The Oil Center, Oklahoma City; Contact: Donita Douglas (405) 416-7028
OBA Rules of Professional Conduct Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Paul Middleton (405) 235-7600
- 26 OBA Alternative Dispute Resolution Section Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: D. Michael O'Neil Jr. (405) 239-2121
- 27 OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Barbara Swinton (405) 713-7109

OBA Legal Intern Committee Meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Candace Blalock (405) 238-3486

- 28 **OBA Law Office Management and Technology Section Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Kent Morlan (918) 582-5544
- OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Barbara Swinton (405) 713-7109
- OBA Professionalism Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Patricia Podolec (405) 760-3358
- 30 **OBA Board of Editors Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Carol Manning (405) 416-7016

October

- 4 **OBA Management Assistance Program Opening Your Law Practice;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jim Calloway (405) 416-7051
- OBA Law-related Education Task Force Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Reta Strubhar (405) 354-8890
- 6 **OBA Men Helping Men Support Group;** 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to: Kim Reber (405) 840-3033
- OBA Women Helping Women Support Group;** 5:30 p.m.; The Center for Therapeutic Interventions, Suite 510, Tulsa; RSVP to: Kim Reber (405) 840-3033
- 11 **OBA Bench & Bar Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Barbara Swinton (405) 713-7109
- 12 **OBA Diversity Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Jeff Trevillion (405) 778-8000
- OBA Clients' Security Fund Committee Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Micheal Salem (405) 366-1234
- William J. Holloway American Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Caroline Larson (405) 609-5322

- 13 **OBA Women Helping Women Support Group;** 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to: Kim Reber (405) 840-3033
- 14 **Oklahoma Association of Black Lawyers Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donna Watson (405) 721-7776
- OBA Communications Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Mark Hanebutt (405) 948-7725
- OBA Rules of Professional Conduct SubCommittee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Paul Middleton (405) 235-7600
- OBA Family Law Section Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Kimberly Hays (918) 592-2800
- 18 **OBA Civil Procedure and Evidence Code Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: James Milton (918) 591-5229
- 19 **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
- OBA Women in Law Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deborah Bruce (405) 528-8625
- 20 **OBA Leadership Academy;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
- 21 **OBA Leadership Academy;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb (405) 416-7027
- OBA Board of Governors Meeting;** 9 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams (405) 416-7000
- OBA Lawyers Helping Lawyers Assistance Program Training;** 11 a.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Tom Riesen (405) 843-8444
- OBA Rules of Professional Conduct Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Paul Middleton (405) 235-7600

Improvements to Members-Only OBA Website

Several new improvements have been made to my.okbar for our members. Oklahoma lawyers now have the ability to request senior status online or print a temporary bar card. If you are listed on OklahomaFindALawyer, you can now list languages you speak so non-English speakers can easily find you. Oklahoma law firms should take a look at FirmPay. It's an easy way to pay all of those bar member dues at one time. Log on to my.okbar.org to check out the convenient new features.

Bar Members Attend ABA House of Delegates



Several Oklahoma lawyers attend the meeting of the House of Delegates during the ABA Annual Meeting in Toronto in August. Present were (from left) Joe Crosthwait, Midwest City; Mark Robinson, Tulsa; Roy Tucker, Muskogee; Dwight Smith, Tulsa; OBA President-Elect Cathy Christensen, Oklahoma City; Jimmy Goodman, Oklahoma City; and Judge Jequita Napoli, Norman.

OBA Committees Need You!

Thirty OBA committees and task forces await new members. No experience required! Volunteer alongside judges and bar members for programs and projects that benefit the association, the public and the legal profession. More information and sign up available at www.okbar.org/members/committees.

Good for You, Great for Pets!

The Pittsburg County Bar Association is promoting the humane treatment of animals and is asking for all OBA members to join in. The association is hosting its second annual PAWS 5K-9 race Nov. 12 beginning at 7 a.m. at Robbers Cave State Park in southeastern Oklahoma. The race benefits the Pittsburg and Latimer County PAWS Organizations. Solo runners can sign up for the bi-ped only 5K, or sign up for the 5K-9 if you want to bring your four-legged friend (all humans must be leashed to their dogs). There is also a one-mile (dog optional) fun run/walk. Lodging is available at the Belle Star Lodge, Robbers Cave Cabins, or nearby hotels in Wilburton and McAlester. Sign up online at www.tinyurl.com/3edno6w.

OBA Member Reinstatements

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

Alan Charles Buckner, OBA No. 17273
14340 Torrey Chase Blvd., Suite 240
Houston, TX 77014

Christopher M. Cooley, OBA No. 22400
7776 W. Rogers Blvd.
Skiatook, OK 74070

David Hall, OBA No. 3715
130 Rocky Knoll Dr.
Stoughton, MA 02072

Stacie Loraine Nicholson, OBA No. 21067
3725 Red Oaks Drive
Norman, OK 73072

Kudos

The Rocky Mountain Mineral Foundation elected Oklahoma City lawyer **Mark Christiansen** as one of its four officers at the 57th Annual Rocky Mountain Mineral Law Institute in Santa Fe, N.M. More than 1,000 energy, natural resources and environmental lawyers and other industry personnel attended the three-day conference.

The Metropolitan Library Endowment Trust has named Oklahoma City lawyer **Courtney Warmington** as a trustee. The trust is a nonprofit organization that provides the general public with a tax-deductible vehicle whereby contributions will be invested on a permanent basis.

The Rocky Mountain Mineral Law Foundation honored OU College of Law Professor **Owen L. Anderson** with the Clyde O. Martz Award for Excellence in Teaching. Professor Anderson has taught at OU since 1992, and he is the Eugene Kuntz Chair in Oil, Gas and Natural Resources and director of the John B. Turner LL.M. Program.

Gary E. Payne, chief administrative law judge for the Oklahoma State Department of Health has been chosen to serve on the board of directors of the National Association of Administrative Law Judiciary.

The association is the largest professional organization devoted exclusively to administrative adjudication devoted to the executive branch of government.

The First Tee of Metropolitan Oklahoma City has elected **Christopher M. Staine** to the board of directors for a one-year term. The First Tee teaches youth ages 5-17 life skills and character education through the game of golf. Mr. Staine is an associate with Crowe & Dunlevy.

Gary Dart, division director of Oklahoma Child Support Services, a division of Oklahoma DHS, accepted the Outstanding Program Award for 2011 by the National Child Support Enforcement Association. The division currently oversees 200,000 cases and utilizes the services of more than 70 attorneys in 42 offices to assist families statewide on matters involving paternity establishment, child support and medical support, and collection of arrearages. Mr. Dart received the award at the NCSEA annual conference in Atlanta in August.

Kelli Stump was recently elected to the position of secretary for the Oklahoma/Texas/New Mexico Chapter of the American Immigration Lawyers Association. She is an associate at Stump & Associates in Oklahoma City.

Jon B. Comstock was recently elected secretary of the American Judicature Society at its annual membership meeting in Toronto, Canada held in conjunction with the

ABA's annual meeting. The society, founded in 1913, is an independent, national, non-partisan organization of judges, lawyers and other members of the public who seek to improve the justice system.

James Howell is a recipient of the 2011 Western Regional Trustee Leadership Award presented by the Association of Community College Trustees. He is a former regent and trustee for Rose State College in Midwest City and has long been associated with the origin and development of the college. He will receive the award at the association's Annual Leadership Congress in October in Dallas.

On The Move

K&L Gates LLP announces **Steve Korotash** will be joining the firm in its Dallas office. Mr. Korotash was previously the associate director of the Securities and Exchange Commission in the Fort Worth Regional Office, where he supervised the SEC's enforcement activities in the southwestern United States. Earlier in his career, he was an assistant U.S. attorney in the Western District of Oklahoma, where he focused on fraud and political corruption investigations.

Tulsa lawyer **Chad Greer** has joined the Graham Allen & Brown law firm. He formerly served as assistant

U.S. attorney and assistant district attorney, earning the U.S. Attorney General's Award for Superior Performance in 2004. Since leaving the U.S. Attorney's Office, he has been defending criminal cases in state and federal courts. He earned his B.A. from Southern Methodist University and his J.D. from the TU College of Law in 1995.

The law firm of Holden & Carr announces it has promoted **Laura L. Eakens** to managing partner of the Oklahoma City office. In addition, the firm has hired a new partner, **William P. Tunell Jr.** and an associate attorney, **Carson Smith**. Ms. Eakens' practice has been dedicated to general civil litigation in a variety of areas including employment, medical malpractice, commercial trucking, products liability and railroad. She is a graduate of the TU College of Law. Mr. Tunell previously practiced in Tulsa and Oklahoma City, concentrating on commercial transactions, public utility regulation, Oklahoma Corporation Commission practice and personal injury defense. He earned both his J.D. and MBA from Notre Dame in 1996. Mr. Smith has practiced insurance defense. He attended the OU College of Law as a William Comfort Scholar, graduating with distinction in May 2008. He also holds an M.A. in English literature from Southern Methodist University.

GableGotwals announced **Alicia J. Edwards** and **Greg T. Metcalfe** have joined the firm. Ms. Edwards' practice areas include environmental law and intellectual property. She graduated with highest honors from TU Col-

lege of Law. She received her Ph.D. in environmental science from OU and her M.A. in environmental management from OU Health Sciences Center. Mr. Metcalfe joined the firm after he served eight years as an assistant Oklahoma attorney general, where he served as lead counsel for the state in numerous high-profile cases. He graduated first in his class from OCU School of Law. He earned his undergraduate degree from Southern Nazarene University, graduating *summa cum laude*.

Michael Kiefner, the Grand River Dam Authority's chief operating officer, was named interim chief executive officer/director of investments. He joined GRDA to serve as the organization's general counsel. Prior to joining the authority, he served as Oklahoma State Senate staff attorney. He is a graduate of OCU School of Law.

Attorneys **Casey Davis** and **Erik Johnson** have established a law firm headquartered in Miami with additional offices in Tulsa and Oklahoma City. The firm will be known as Johnson & Davis and will serve new and existing clients throughout northeast Oklahoma. The Tulsa office will be headed by **Wes Johnson**, and **Don Davis** will head the Oklahoma City office. The law firm can be located online at www.erikjohnsonlaw.com.

James F. Kelly recently joined Stauffer & Nathan PC in the firm's Tulsa and Kansas City offices. His practice will concentrate on complex civil litigation, commercial litigation, class actions, and state and federal appellate practice. He previ-

ously served on the management committee of a national trial law firm in Saint Louis where he was responsible for legal operations and participated in complex civil trials across the country. He has also previously served as an assistant Oklahoma attorney general. He is also licensed in Missouri and Illinois. He may be reached at (918) 592-7070 or jkelly@staufferlaw.com.

Jon B. Comstock was appointed by the governor of Arkansas to serve as circuit judge handling civil and felony criminal dockets. He was sworn in July 1 after 18 years as an in-house attorney at Wal-Mart Stores Inc. He is a 1975 graduate of the TU College of Law.

DeeAnn L. Germany has been named a partner in the Oklahoma City firm of Burch & George, and the firm's name will change to Burch, George & Germany. She has practiced with the firm since 1998, and has represented hundreds of clients during that time. She is a 1998 graduate of the OU College of Law.

At The Podium

Oklahoma Supreme Court Chief Justice **Steven W. Taylor** addressed students at the OU College of Law in August. His visit to the college was part of the Student Bar Association's leadership summit, designed for student leaders to plan the year, tackle various challenges and collaborate on projects. Chief

Justice Taylor discussed public service and the importance of lawyers engaging in the community.

U.S. Administrative Law Judge **Kim D. Parrish** will serve as an instructor for newly hired Social Security ALJs during training sessions in August and September in Falls Church, VA.

How to place an announcement: The *Oklahoma Bar Journal* welcomes short articles or news items about OBA members and upcoming

meetings. 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. Sections, committees, and county bar associations are encouraged to submit short stories about upcoming or recent activities. Honors bestowed by other publications (e.g., Super Lawyers, Best Lawyers, etc.) will not be accepted as announce-

ments (Oklahoma-based publications are the exception.) Information selected for publication is printed at no cost, subject to editing, and printed as space permits.

Submit news items via email to:

Lori Rasmussen
Communications Dept.
Oklahoma Bar Association
(405) 416-7017
barbriefs@okbar.org

Articles for the Oct. 8 issue must be received by Sept. 12.

Oklahoma Bar Journal Editorial Calendar

2011

■ October:
Labor and Employment Law
Editor: January J. Windrix
janwindrix@yahoo.com
Deadline: May 1, 2011

■ November:
Military Law
Editor: Dietmar Caudle
d.caudle@sbcglobal.net
Deadline: Aug. 1, 2011

■ December:
Ethics & Professional Responsibility
Editor: Melissa DeLacerda
melissde@aol.com
Deadline: Aug. 1, 2011

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

Thomas Fuller Golden died on Aug. 12. He was born on May 24, 1942, in New Orleans, and graduated from Tulsa's Edison High School in 1960. After attending the University of Wyoming and art school in Milan, Italy, he received his B.S. in economics from OSU in 1966 and his J.D. from the TU School of Law in 1968. He began clerking with the law firm now known as Hall, Estill, Hardwick, Gable, Golden & Nelson in 1967, ultimately retiring from the firm as partner in 2004. He represented the Williams Company as an international pipeline negotiator and spent his time on the Trans Alaska Pipeline System as well as on pipeline projects in South America and the Middle East. He served on the boards of numerous arts and civic organizations and was a member of Boston Avenue United Methodist Church. He also enjoyed golf, traveling and spending time with family and friends. Memorial contributions may be made to the Tulsa Ballet or the Thomas F. Golden TU Law Scholarship Fund.

Retired District Judge James D. Goodpaster died Aug. 20. He was born Sept. 22, 1940 and was a graduate of OSU. During the 1960s, he worked as a bailiff in Tulsa County District Court by day and attended the TU College of Law at night. In 1969 he became a special district judge in Tulsa County, and spent 20 years in

private practice in Tulsa. He was also a prosecutor in Tulsa County and an assistant city attorney in Tulsa. He was elected judge for the 12th Judicial District, comprised of Rogers, Craig and Mayes counties, in 1990, serving in that role until his retirement in September 2008. He was a lifelong member of the First Church of Christ, Scientist, Vinita, and he was a member of Rotary in Pryor. Memorial contributions may be made to either the OSU Foundation c/o The Judge James D. Goodpaster Endowment Fund or the Goodpaster Memorial Scholarship c/o the Vinita Public Schools Educational Foundation.

Paul Bryan Harmon of Tulsa died Aug. 13. He was born on June 16, 1967, in Tulsa and graduated from Holland Hall High School in 1985. He received his J.D. from TU College of Law in 1992. He was admitted to practice before the U.S. District Court for the Western District of Oklahoma in 1992. Memorial contributions may be made to St. Francis Hospice of Tulsa.

Michael W. Hovastak died June 21. He was born in Passaic, N.J., on April 23, 1943. He received his B.S. in chemistry from Fairleigh Dickinson University. **He was commissioned in the U.S. Air Force as a second lieutenant in 1965, embarking on a military career that**

spanned 28 years, earning numerous service medals and awards including the Bronze Star. After retirement, he attended OCU School of Law where he graduated in 1996. He practiced law in Oklahoma for seven years before moving to Smyrna, Ga., to practice with his daughter. He enjoyed playing golf and bridge and was an active member of St. Thomas the Apostle Catholic Church. Memorial contributions may be made to Our Lady of Perpetual Help Home of Atlanta.

Robert M. "Bob" Jernigan of Oklahoma City died Aug. 17. He was born in Oklahoma City Sept. 28, 1935, and graduated from Enid High School in 1953. **He served in the U.S. Army.** He completed his undergraduate degree at OU, and was soon well known for playing "Captain Ben" on a children's television show in Tulsa. He earned a J.D. from the OU College of Law in 1967. He had a legal career in general practice with an emphasis in municipal and telecommunications law and served as city attorney for both Warr Acres and Newcastle. He also served as municipal judge in Bethany. He was an avid collector of stamps and WWII memorabilia, and he had a passion for history and genealogy. Memorial contributions may be made to All Souls' Episcopal Church or Sigma Phi Epsilon-Educational Foundation.

SERVICES**HANDWRITING IDENTIFICATION
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Life Fellow — ACFE	FBI National Academy

Arthur D. Linville (405) 636-1522

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, marygaye@cox.net.

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RESIDENTIAL APPRAISALS AND EXPERT TESTIMONY in OKC metro area. Over 30 years experience and active OBA member since 1981. Contact: Dennis P. Hudacky, SRA, P.O. Box 21436, Oklahoma City, OK 73156, (405) 848-9339.

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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**

SERVICES

WANT TO PURCHASE MINERALS AND OTHER OIL/GAS INTERESTS. Send details to: P.O. Box 13557, Denver, CO 80201.

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.

OFFICE SHARE

OFFICE SHARE FOR RENT: JENKS, OK. Fully furnished, access to conference room, receptionist. Free parking, one-story building in new office park with three established attorneys. Two spaces available, \$800 and \$700 per month. Contact rwglaw@aol.com.

POSITIONS AVAILABLE

ASSOCIATE ATTORNEY POSITION. The Cheek Law Firm PLLC, an AV-rated, downtown Oklahoma City civil litigation firm, has an immediate position available for an associate attorney with 0-5 years experience. A qualified candidate must have a strong work ethic and solid research and writing skills. Salary is commensurate with experience. Please send resume, references, writing sample and law school transcript to triddles@cheeklaw.com.

**Oklahoma County Government
DISTRICT 3 DEPUTY
COUNTY COMMISSIONER**
www.oklahomacounty.org
(EOE)

MILLER DOLLARHIDE, AV-RATED, DOWNTOWN OKC FIRM, seeks associate with 3 – 5 years experience in civil litigation. Courtroom experience, deposition experience and excellent research and writing skills essential. Salary and incentives commensurate with experience. Health insurance and other benefits included. Send resume, transcript and writing sample to kdmaye@millerdollarhide.com.

ASSOCIATE WITH 4-8 YEARS CIVIL DEFENSE litigation experience needed by AV-rated Tulsa firm. Insurance defense or railroad litigation a plus. Very busy, fast-paced office offering competitive salary, health/life insurance, 401k, etc. Send resume and writing sample (10 pg. max) in confidence via email to legalhrmgr@aol.com.

POSITIONS AVAILABLE

JOB TITLE: ENVIRONMENTAL ATTORNEY: Responsibilities – This senior position is responsible for providing professional environmental, health and safety legal services. Duties include performing research and analysis of laws and regulations, drafting legal documents and memoranda, representing the Company in state and federal administrative proceedings including enforcement and permitting proceedings, responding to inquiries on legal issues providing extensive client counseling, managing outside counsel activities and maintaining expertise in environmental, health and safety law all in a timely and cost effective manner. Qualifications – The successful candidate for this position must have excellent written, verbal and interpersonal communication skills and possess a minimum of 8 years of experience practicing as a full-time multi-jurisdictional environmental, health and safety attorney. Energy industry and air regulatory experience is strongly desired. Such experience should include provision of regulatory compliance counseling applying in-depth understanding of relevant statutory programs including Clean Air Act, Clean Water Act, RCRA, CERCLA, EPCRA, and OSHA, DOT and state environmental, health and safety laws. Williams Corporation will pay relocation costs for this position. Apply at www.williams.com.

LEGAL ASSISTANT/RECEPTIONIST: This position reports directly to the office manager. Responsibilities: Small plaintiff's firm in Edmond, Oklahoma, seeks highly-motivated, extremely organized and punctual legal assistant/receptionist to answer every incoming telephone call; screen each caller, promptly route them per instruction; greet guests; process incoming and outgoing mail; provide back-up support to litigation attorneys including preparation and proofreading of documents and correspondence; file management including opening files for new clients and/or cases via computer, based on the policies and procedures established; time reporting, billing support; knowledge of TrialWorks® or similar litigation software helpful. This position assists with managing staff, initial IT support and liaison with IT and other vendors, control of office expenses, office inventory and facilities management. Candidate will contribute to the overall success of the firm as an active and contributing member of the administrative professionals' team. Education: Associate's degree or commensurate work experience. Experience: Candidate should have a minimum of 3 years previous experience in legal support/admin. Salary: Negotiable. Application: Please email a resume, cover letter and references to david.whitener@sillmedleylaw.com.

POSITIONS AVAILABLE

THE OKLAHOMA CORPORATION COMMISSION has an opening for an attorney position in the office of general counsel in the transportation section. This is a non-classified position with a salary of \$57,440 annually. Applicants must be admitted to the bar and have 2 years of practice in any of the following areas: administrative, general or transportation regulation including 1 year of litigation. Send resume and writing sample to: Oklahoma Corporation Commission, Human Resources Division, P.O. Box 52000, Oklahoma City, Oklahoma, 73152-2000. For inquiries, contact Lori Mize at (405) 522-0260 or at l.mize@occcemail.com. Deadline: Sept. 9, 2011.

LITIGATION LAW FIRM (civil, probate and domestic relations) seeks Oklahoma licensed attorney with 0-3 years experience. Contract labor position with goal of full-time employee and then shareholder. Practice involves Oklahoma County and western Oklahoma counties, ideal for attorney residing in Yukon vicinity or west. Must be self disciplined and goal oriented. Requirements: Top 60% of graduating class, excellent research and writing skills. Interested applicants must forward cover letter, resume, transcript and writing sample to "Box Q," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

ENVIRONMENTAL ATTORNEY – ONEOK INC., a diversified energy company, is seeking a well-qualified environmental attorney for its Tulsa office. Required qualifications include a minimum 5 years of full-time legal practice handling complex multi-jurisdictional environmental issues, including water, air and waste, with a primary emphasis on permitting, compliance, enforcement and remediation. Experience with OSHA, DOT and state health and safety laws is a plus, and experience in the natural gas industry is desired. Please submit cover letter, resume and salary requirements to ONEOK at www.theonetoworkfor.com, posting number IRC43343.

FULL-TIME POSITION AS ASSOCIATE ATTORNEY for law firm providing services for major legal plan. Requires excellent telephone manner and people skills, must be fluent in Spanish, and have broad knowledge of the law with at least two years experience. Great opportunity for attorneys who want to keep active while parenting or approaching retirement. Those with independent practices need not apply. Send resumes to Human Resources Dept. P.O. Box 1046, Tulsa, OK 74101.

POSITIONS WANTED

FORMER LICENSED ATTORNEY WITH OVER 30 YEARS civil practice experience seeks position with law firm or corporation. Contact Jim Golden at j_golden@cox.net or (405) 209-0110.

I'm Glad the Dog Doesn't Pee on the Carpet Much

By Margaret Travis

Recently we began fostering Labradors from the Lab Rescue. You know, take the dog from the shelter or boarding kennel, bring it into a nice, normal household (or as normal as my house ever gets) love it, make sure it is nice, see what its bad habits are and then adopt it out to some nice family who needs a good dog. It's rewarding, though the downside is getting attached to the dog and then having to give it to someone else.

Recently we got a new foster, our last one having successfully been adopted. Mallard, the new foster lab, was a little nervous and had an accident in my son's doorway. Not a bad place to have an accident, 'cause if any place in my house is going to smell funny, it's his room.

So I got out the towels, the bucket of warm water, the Oxy Clean, the scrub brush and the vinegar. Towels to mop up the pee. Oxy Clean to clean the spot. Scrub brush to rub in the Oxy Clean. Vinegar to spray on the spot to neutralize the smell and, hopefully, keep the dog from deciding my son's room was his own personal toilet.

I successfully cleaned the spot where Mallard had his accident.

While I was on the floor with all these cleaning supplies, I decided to tackle the spot by my son's bed where he had taken my concealer (sometimes the boy shows an unhealthy interest in my makeup) and one of my powder brushes and decided to paint everything he owned with concealer.



I had a little less success with that spot, but undaunted I moved to the spot in my daughter's room where it appeared she had spilled juice, then thrown dirty clothes on top of it to cover it up until it was permanently set.

Better success with the juice than with the concealer, I decided to tackle the spot in my room where God knows what had been spilled on the

floor. Spots on the carpet are like that at my house. They just appear. No one knows how they got there, what they are or why someone didn't try to clean them up until before they become a permanent part of the carpet fibers.

Suddenly instead of one small wet spot on my carpet I had four or five — all because the dog peed on the floor in one room.

And while I was on the floor I decided the baseboards and door jams needed cleaning. Because, you know, you just don't notice how dirty those baseboards are unless you are on the floor cleaning a spot.

So off to my cleaning cabinet for more supplies, I brought forth my Magic Eraser and another bucket of warm water and began wiping down the baseboards and the door trim.


That's how I found myself on my hands and knees at 10:30 on a weeknight with wrinkled fingers and a sore back cleaning the baseboards. And when I looked at all I had done, I was glad the dog doesn't pee on the floor very much.

Ms. Travis practices in Oklahoma City.



Trust Administration

The Client is Gone and the Trust Lives On



The OKC program
will be webcast
Prices vary

www.okbar.org/cle

8:30

Registration and Continental Breakfast

9

Getting Started with Trust Administration
Donna J. Jackson

9:50

Break

10

Trust Administration on the Death of the First Spouse:
A/B Trusts - Saving Taxes and Protecting Assets
Dawn D. Hallman

10:50

Trust Administration on the Death of the Surviving
Spouse
Dawn D. Hallman

11:40

Networking lunch
(included in registration)

12:10

Trustee Fiduciary Duties and Administration -
From Corporate Trustee's Perspective
Brian Hill, Heritage Trust Company, Oklahoma City

1

Ethical Considerations in Trust Administration (ethics)
Donna J. Jackson

1:50

Break

2

Trust Litigation
Tulsa Program
Donna Jackson
Dawn Hallman
Oklahoma City Program
Brent D. Coldiron,, Attorney at Law, Oklahoma City

Sept. 22, Tulsa - Renaissance Hotel, 6808 S. 107th East Ave.

Sept. 23, OKC - Oklahoma Bar Center, 1901 N. Lincoln Blvd.

Planners/Moderators:

Donna J. Jackson, Attorney at Law, Oklahoma City
Dawn D. Hallman, Hallman & Associates, P.C., Norman

Credit: Approved for 6 hours MCLE/ 1 Ethics. TX approved webcast only for 5 hours MCLE/ .75 Ethics

Tuition: \$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date.

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





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