

# Oklahoma Bar JOURNAL

Volume 83 ♦ No. 2 ♦ January 14, 2012

## Meet Your Bar Association

### ALSO INSIDE

- Oklahoma Bar Center Remodeling
- Transfer-on-Death Deeds
- Oklahoma's Revised Arbitration Act
- The iPad: How David Bests Goliath
- Lawyers Helping Lawyers Foundation



OBA President  
Cathy Christensen

OKLAHOMA BAR CENTER



# OBA Boot Camp: Oklahoma Lawyers For America's Heroes Feb. 22 - Tulsa, OK

Renaissance Hotel  
6808 S. 107th E. Ave.

[www.okbar.org/cle](http://www.okbar.org/cle)

Cosponsored with  
the OBA Military  
Assistance Committee



**8:30**  
Registration and Continental Breakfast

**8:50**  
Welcome Remarks  
Cathy Christensen, 2012 President,  
Oklahoma Bar Association, OKC

**9**  
The Real Rules of Engagement and it's Impact in  
Family Law Practice  
Phil Tucker, Tucker Law Firm, Edmond

**9:50**  
Break

**10**  
The Service Members Civil Relief Act and  
Consumer Transactions  
Kaleb Hennigh, Ewbank Hennigh & McVay,  
PLLC, Enid

**10:50**  
The Military and Criminal Law Issues  
Catherine Burton, Oklahoma County District  
Attorney's Office, Oklahoma City  
Tim "Tarzan" Wilson, Oklahoma County Public  
Defender's Office, Oklahoma City

**11:40**  
Lunch (Provided by Pros4Vets) and Exhibit  
Showcase

**1**  
Military Divorce: Dividing Military  
Retirement Benefits  
Phil Tucker, Tucker Law Firm, Edmond

**1:50**  
Military Disability Law and How it Interacts  
with Social Security, ERISA, and Private  
Disability Policies  
Amy Hart, Hart Law Office, P.C., Tulsa  
Tommy Klepper, Tommy Klepper & Associates,  
PLLC, Oklahoma City

**2:40**  
Break

**2:50**  
Post Traumatic Stress Disorder  
TBA

**3:40**  
Ethical Considerations with Pro Bono Public Service  
(ethics)  
Gina Hendryx, General Counsel, Oklahoma Bar  
Association, OKC

**4:30**  
Adjourn

## Planner/Moderator:

Deborah Reheard, Chair, OBA Military Assistance  
Committee, Eufaula

Visit  
[www.okbar.org/calendar](http://www.okbar.org/calendar)  
for the free CLE credit  
opportunity

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for more info on the  
Oklahoma Lawyers for  
America's Heroes  
Program



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# You are not alone.



## Men Helping Men .....

Oklahoma City • Feb. 2, 2012

**Time** - 5:30-7 p.m.

**Location**

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

.....

Tulsa • Jan. 26, 2011

**Time** - 5:30-7 p.m.

**Location**

The University of Tulsa College of Law  
3120 East 4th Place, JRH 205  
Tulsa, OK 74104

## Women Helping Women.....

Oklahoma City • Feb. 9, 2012

**Time** - 5:30-7 p.m.

**Location**

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

.....

Tulsa • Feb. 2, 2012

**Time** - 5:30-7 p.m.

**Location**

The University of Tulsa College of Law  
3120 East 4th Place, JRH 205  
Tulsa, OK 74104

*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@cabin.com](mailto:kimreber@cabin.com).*

## LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM





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**THEME:**  
**MEET YOUR BAR ASSOCIATION**

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# New Year — New OBA Initiatives

By Cathy Christensen

An individual's year as president of the Oklahoma Bar Association begins on Jan. 1, New Year's Day. Each incoming president enjoys a ceremonial swearing in before the Oklahoma Supreme Court in early January. However, on the morning of Jan. 1, the incoming president awakens to ponder the honor and responsibility bestowed upon him or her. And so, during the early morning of the first day of 2012, I write my first letter as your president. I extend to you my deepest and heartfelt thanks for this honor. I am proud to serve you. My focus this year will be on, among other things, the Oklahoma Lawyers for America's Heroes program and law-related education.

I express my gratitude to President Reheard. Under her leadership, the OBA has thrived. In 2011, the OBA traveled new distances and reached greater heights. The formation of the Oklahoma Lawyers for America's Heroes program coincided with the largest deployment of Oklahoman National Guard troops since World War II. The volunteer attorneys generously provided thousands of hours of free legal service to our home state heroes — servicemen, women and veterans. Many attorneys acknowledge that the reward for their legal service is a renewed pride in the legal profession and the freedoms we enjoy as Americans. The heroes program will serve as a model for similar programs around the country.

The 2011 Annual Meeting was an unparalleled success! In the weeks following the Annual Meeting, attorneys volunteered in record number to join OBA committees and sections. Many new attorneys "enlisted" to serve as Oklahoma Lawyers for America's Heroes. The pride in our profession, our bar association and our country is evident and strong.

I have made a commitment to continue building the OBA heroes program. A free CLE will be offered Feb. 22, 2012, in Tulsa. Attorneys will receive 12 hours of free CLE in exchange for a promise to volunteer at least 20 hours of legal services in 2012. Service hours may be satisfied by representing a hero or working at a Yellow Ribbon post-deployment event answering legal questions posed by troops returning home from service. Questions that require more time and legal attention will be referred to OBA Heroes Coordinator Susan Carey for assignment to a hero attorney.

My initiative this year is to increase opportunities for civic education through the OBA Law-Related Education Department. I am alarmed at people's lack of knowledge about the American justice system, and I know

many OBA members share this concern. We owe Oklahoma 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 civics, the three branches of government and the rule

of law in a civilized society. Students must be taught how to become active and engaged citizens.

Thankfully, Oklahoma has leaders in law, education and government who recognize the problem and are committed to providing a solution. As attorneys, we have a fundamental responsibility to improve civic education and awareness. There will be several opportunities in 2012 for OBA members to satisfy this responsibility.

On April 24, 2012, the OBA, in partnership with Oklahoma City University, will host retired Supreme Court Justice Sandra Day O'Connor for a day of events designed to enhance civic education and increase appreciation of the justice system in Oklahoma. Details will be provided in upcoming bar journals, but to give you a hint, the events will include "A Conversation with Justice O'Connor and Chief Justice Steven Taylor" presented to a high school and middle school audience, which will be available for webcast to every school in Oklahoma; an after-

*cont'd on page 154*

*My initiative this year is to increase opportunities for civic education through the OBA Law-Related Education Department.*



*Cathy Christensen*

President Christensen  
practices in Oklahoma City.  
Cathy@  
CathyChristensenLaw.com  
405-752-5565

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Oklahoma Bar Foundation 405-416-7070

# EVENTS CALENDAR

## JANUARY 2012

- 16 **OBA Closed** – Martin Luther King Jr. Day
- 17 **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 Bar Center Facilities Committee Meeting**; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Judy Hamilton Morse 405-235-7759
- OBA Work/Life Balance Committee Meeting**; 4 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Sarah Schumacher 405-752-5565
- 18 **OBA Women in Law Committee Meeting**; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deirdre Dexter 918-584-1600
- Luther Bohanon American Inn of Court Meeting**; 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Maryann Roberts 405-740-3124
- 19 **OBA Board of Governors Swearing-In Ceremony**; 10:30 a.m.; Ceremonial Supreme Court Courtroom, State Capitol; Contact: John Morris Williams 405-416-7000
- OBA Leadership Academy**; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb 405-416-7027
- OBA Board of Governors Meeting**; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams 405-416-7000
- OBA Justice Commission Meeting**; 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson 405-235-5563
- 20 **Oklahoma Bar Foundation New Trustee Orientation**; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- OBA Lawyers Helping Lawyers Assistance Program Training**; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donita Douglas 405-416-7028
- Oklahoma Bar Foundation Meeting**; 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- 23 **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

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

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

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*Young mom Cathy Christensen poses with her boys Blake and Adam in 1986.*



*Young athlete Cathy Gagliano prepares for a middle school basketball game.*



*OBA President Cathy M. Christensen with her family (from left) son John Ditmars, husband Jim Ditmars Jr., Blake Christensen and Adam Christensen.*



# Meet Your Bar Association

## Cathy Christensen to lead OBA in 2012

*By Lori Rasmussen*

The importance of home and family has been a decisive theme throughout OBA President Cathy Christensen's life and professional career. Her role models were her own parents, who raised her and her four siblings in Norristown, Pa., a small suburb of Philadelphia. President Christensen describes the area as a fairly rural setting, yet the Gagliano family enjoyed living just 30 minutes away from the rich history and culture of the larger city. Her father was a family doctor and later a psychiatrist, who saw patients from an office in the family home, her mother a social worker. Her paternal grandparents were Italian and Irish immigrants who came to this country through Ellis Island. Many of her friends and neighbors growing up came from similar backgrounds.

"These families appreciated America and what it had to offer in terms of rights, liberties and public education," President Christensen said. "These are people who appreciate everything they have and take care of their town and community. Growing up there gave me a strong sense of frugality and appreciation of fine arts, diversity and service to others."

Her father was offered a job in Tulsa in 1973, and the family relocated for her last two years of high school. The family had been in their new house just four days when a tornado ripped through the area, touching down not far from their home.

"Welcome to Oklahoma!" President Christensen laughs.

Her last two years of high school were spent at Tulsa Memorial, and she even managed a Pizza Hut before she graduated. When it came time for

college, she headed to OSU after falling in love with Stillwater during a campus visit.

"My mother had been one of the first Navy Waves, and she spent time in Stillwater during her World War II military training. To us, the campus just felt like home," she said.

President Christensen said she knew by the time she was a high school sophomore that her goal was to be a lawyer. But family came first, and she took some time off after her third year of college to get married and have her first son, Blake. When she returned to school, Baby Blake attended classes with his mother back at OSU. Christensen says she thoroughly enjoyed the life of a non-traditional student, commuting to Stillwater from Tulsa and staying at the Student Union Hotel with Blake in a hotel crib.

"It was actually pretty special," she said. "I didn't feel old, I just felt different. Sometimes I

looked at the other college students and felt wiser. I was there with one goal, and that was to obtain a degree so I could get into law school and nothing was going to get in my way."

She attended TU College of Law at night for one year, later transferring to OCU, by then pregnant with her second son, Adam. She explains that her post-secondary education was colored by motherhood in a beneficial way.

"Being a mother during law school helped me to remain focused," she said. "I realized during the limited time I had, I really had to study. So I learned skills of time management; I learned how to balance my life and integrate work and family demands."

She graduated law school in December 1986, but her life had changed beyond the addition of two sons and a J.D. degree. By this time, she was a single mom. She knew she would have to work, but she decided to build her life and her practice around her sons' schedules. She realized this would be impossible at a large firm, so she decided to stay in the Oklahoma City area, hang out a shingle and go out on her own right after law school. She credits her parents with giving her the support and encouragement she needed to go solo, having themselves been in private practice.

"I've always been totally involved in the lives of my children, and being in private practice meant that I was able to take off and be at important events, school functions and games. It also meant a lot of late nights, reading and working after they'd gone to bed. On weekends when they were with their dad, I was usually at the office working. But it was all worth it. I also learned to appreciate the friendship of non-working parents, because I often needed their help with carpool."

She married Jim Ditmars Jr., a podiatrist, in 1994. Her third son, John, came along one year later. The two professionals have successfully juggled careers and family demands by each arranging their own calendars around the other's schedule. Their hard work raising a family has paid off; son Blake graduated from the OSU medical school and is now in his second year of residency in OU's anesthesiology program. Adam is one of the state's newest lawyers, sworn in this past September after graduating from



Co-ed Cathy Gagliano poses for a portrait in 1978.

## Personal Trivia

### Ideal vacation spot?

*Cape Cod*

### Favorite movie?

*Ice Castles*

### Most frequently visited website?

*gopokes.com*

### Biggest pet peeve?

*Mean people*

### Favorite restaurant?

*Red Rock Canyon Grill in Oklahoma City*

### Favorite thing about being a mom?

*Watching my children grow*

### Favorite foods from Pennsylvania?

*Italian water ice, pizza and cheese steaks*

### What's your favorite kind of music?

*Adult contemporary*

### How did you meet your spouse?

*In a bowling alley, introduced by our mutual friend, Owen Canfield*

### Favorite sports teams?

*OSU Cowboys, OKC Thunder and New England Patriots*

### Hobby?

*Spending time with my family is my favorite activity.*

**If a movie was made of your life, who would play you?**

*Susan Sarandon*

**Book or Kindle?**

*I am learning to appreciate iBooks but still prefer an "old-school," traditional hard cover book.*

**What is a goal you have for yourself that's yet to be accomplished?**

*Master the art of fly fishing*

**What inspired you to become a lawyer?**

*I grew up outside of Philadelphia and enjoyed the history in Philadelphia and Washington DC. I wanted to be a part of the American judicial system and do my part to preserve democracy.*

**Favorite movie quote?**

*"Life moves pretty fast. You don't stop and look around once in a while, you could miss it."  
Ferris Bueller's Day Off*

**Most prized possession?**

*My photo albums*

**Where were you Sept. 11, 2001?**

*Dressing to attend a hearing in Oklahoma County. I went to the hearing and returned home by 10:30 to watch in horror and fear as the day unfolded via the news coverage.*

**If I wasn't a lawyer, I'd be a**

*Physician*

**Favorite musical artist or band?**

*James Taylor*



*Cathy Gagliano Christensen graduates from college.*

OCU law school in May earning his J.D./M.B.A. degree. John is a sophomore at Bishop McGuinness High School, a basketball player who is wavering between seeking a medical degree or a law degree after college.

"At every point in my children's lives, I have thought to myself if I could freeze time that this would be the perfect time to stop and never leave this chapter of my life," she said. "Then that chapter closes and another begins, and I have the same thought. So right now, this is one of those

times. I am so proud of my children, their choices, their accomplishments and the people they are. I enjoy my practice and my clients. Life is good."

She says it is with the love and support of her family as well as an incredible office staff and associates that she takes over the reins as OBA president.

"The number one reason to go into bar leadership is to serve. I love my lawyer colleagues; I love the practice of law. I have appreciated the strength of the OBA, from the day I was first admitted into the bar. I appreciated the member services, the CLE, the community opportunities and I wanted to be a part of it. So I began doing committee work and section work, and the more I was involved, the more I liked it."

As president she will be focusing on three initiatives this year. Her first is to continue the work of the Oklahoma Lawyers for America's Heroes program, which she says got off to a fine start last year.

"When I would attend the Yellow Ribbon events with President Reheard, many of the service men and women that we spoke to were the same age as my children, and that really touched me," she says. "Knowing how young these troops are, the commitment they are making to our country and witnessing their bravery to fight for our freedom moved me beyond belief. I want this



*Cathy Gagliano's first Communion*



program to grow and be able to serve our home state heroes who are currently serving and our home state veterans who have previously served."

Another focus this year is civic education. She plans to increase attorney involvement in the Lawyers in the Classroom Program and also increase educational opportunities for the public about the importance of the judicial system as well as Americans' rights and responsibilities as citizens.

"I don't think our electorate is as educated as they should be about the importance of the judiciary and the importance of the rule of law. Students must be given the opportunity to understand the third branch of government and how it affects their lives daily," she said. "When middle school and high school students don't feel active and engaged in the world around them, they begin to fall through the cracks. I think it is important that they realize they have rights and responsibilities. Both students and adults must realize that they can make an impact on those around them and their local communities and governments.

Oklahoma leaders in law, education and government recognize that civic education in our state has room for improvement. They are committed to working together to find solutions and implement those solutions."

Her third focus is the Lawyers Helping Lawyers Assistance Program Committee and the new Lawyers Helping Lawyers Foundation. President Christensen emphasizes that the general public is the ultimate beneficiary of the work of Lawyers Helping Lawyers programs.

"If we can assist lawyers in times of need before there is any harm to their clients, it is doing a great service," she said. "Sometimes I



*Young lawyer Cathy Christensen sports the ubiquitous '80s bow tie at OCU Law commencement, with children in tow.*

look at it as a quiet service, because it is behind the scenes and confidential, but it is definitely essential to the health of our OBA and protection of the public. So we are going to build a solid financial foundation for the program to grow on."

And how will this busy lawyer and mother find the time to get this all done in one year? She credits skills of time management learned from her experiences raising young children while forging a successful practice, bringing her family once again to the forefront of her motivation to leave the OBA a little better than she found it.

"Becoming OBA president is the fulfillment of a goal early in my career, and that was to serve the OBA, be actively involved and make a difference," she said. "So my takeaway from all this will be both personal satisfaction and leaving the bar association a bit stronger for my son Adam and maybe my son John."

"Besides," she smiles, "I've always found — the more you have to do, the more you get done."

*Lori Rasmussen is an OBA communications specialist.*



*Cathy Christensen with her husband Jim Ditmars Jr. and their son John.*

# Meet Your Bar Association

## Volunteers Who Guide Your Association



**James Stuart**  
PRESIDENT-ELECT  
Shawnee

❑ **Background:** Born and raised in Shawnee; graduated from Shawnee High School in 1971; joined my law firm in 1979, the firm has been in existence since 1904; married to wife, Kathy, since 1977; three daughters -- Emily, Rachel and Sarah

❑ **Education:** B.B.A., Central State University, 1975; J.D., University of Tulsa, 1978

❑ **What's your hobby?**  
Family activities

❑ **If a movie was made of your life, who would play you?** Tom Cruise (Katie will play Kathy.)

❑ **Traditional books or electronic reading devices?**  
Electronic

❑ **Goal you have for yourself that's yet to be accomplished?** To be debt free

❑ **What inspired you to become a lawyer?** My mother was a legal secretary for Charles Henry and Terry West.

❑ **Favorite movie quote?** "I'll have what she's having." *When Harry Met Sally* and "Leave the gun, take the cannoli." *The Godfather*

❑ **Most prized possession?** My home built by my grandparents in 1928

❑ **Where were you Sept. 11, 2001?** In my law office

❑ **If I wasn't a lawyer, I'd be a...** High school civics teacher

❑ **Favorite musical artist or band?** The Moody Blues



**Peggy Stockwell**  
VICE PRESIDENT  
Norman

❑ **Background:** I was born in Oklahoma City; moved to Norman at age 5; been here ever since

❑ **Education:** B.A. OU 1978; J.D. OU 1983

❑ **What's your hobby?**  
Making pot holders

❑ **If a movie was made of your life, who would play you?** Bea Arthur, but she's dead, so I don't know

❑ **Traditional books or electronic reading devices?**  
Book, definitely

❑ **Goal you have for yourself that's yet to be accomplished?** Travel around the world

❑ **What inspired you to become a lawyer?**  
Getting a job

❑ **What is your favorite movie quote?** "Frankly, my dear, I don't give a damn." *Gone with the Wind*

❑ **Most prized possession?** My 1971 VW convertible

❑ **Where were you Sept. 11, 2001?** In my office

❑ **If I wasn't a lawyer, I'd be a...** Writer

❑ **Favorite musical artist or band?** The Beatles



## Deborah Reheard

PAST PRESIDENT  
Eufaula

- ❑ **Background:** Raised on a dairy farm outside Vinita; first career as a journalist
- ❑ **Education:** OSU, NSU, TU Law School
- ❑ **What's your hobby?** OBA junkie
- ❑ **If a movie was made of your life, who would play you?** Jodie Foster
- ❑ **Traditional books or electronic reading devices?** Traditional books
- ❑ **Goal you have for yourself that's yet to be accomplished?** Be the same weight as shown on my driver's license
- ❑ **What inspired you to become a lawyer?** Desire to help people without visible bloodshed
- ❑ **Favorite movie quote?** "I'm your huckleberry." Said by Doc Holliday in *Tombstone*
- ❑ **Most prized possession?** My parents' wedding ring and a close second is the quilt Suzanne Heggy made for me from Annual Meeting bandanas
- ❑ **Where were you Sept. 11, 2001?** At the office
- ❑ **If I wasn't a lawyer, I'd be a...** Veterinarian
- ❑ **Favorite musical artist or band?** George Strait



## Linda Thomas

GOVERNOR -  
DISTRICT NO. ONE  
Bartlesville

- ❑ **Background:** Born in San Antonio, Texas; raised in Stillwater and Tulsa, lived in Arkansas as a teenager and young adult; moved to Bartlesville in 1990; taught public school from 1977 until 1997 when I began practicing law full time. Married to Curt Thomas; children: Brad Daniel and his wife, Christy from Charlotte, NC; Allison Zelinski and her husband, AJ, and my grandchildren, Adam (5) and Abby (3) from Austin, Texas; Amy Atkins and her husband, Matt also from Austin
- ❑ **Education:** B.A. in speech pathology, B.A. in Elementary Education; J.D. from University of Tulsa College of Law, 1994

- ❑ **What's your hobby?** Spending time with family, especially grandchildren
- ❑ **If a movie was made of your life, who would play you?** Sally Field
- ❑ **Traditional books or electronic reading devices?** Traditional books
- ❑ **Goal you have for yourself that's yet to be accomplished?** Comfortable retirement
- ❑ **What inspired you to become a lawyer?** Encouragement from my dad
- ❑ **Favorite movie quote?** "I'm just one stomach flu away from my goal weight." *The Devil Wears Prada*
- ❑ **Most prized possession?** The ceramic nativity scene my grandmother made for me
- ❑ **Where were you Sept. 11, 2001?** On the fifth floor of the Professional Building in the law offices of Brewer, Worten, Robinett watching the events unfold on television
- ❑ **If I wasn't a lawyer, I'd be a...** Full-time grandmother
- ❑ **Favorite musical artist or band?** Sugarland



## Gerald Dennis

GOVERNOR -  
DISTRICT NO. TWO  
Antlers

- ❑ **Background:** Married to Rhonda Dennis, three children (Zack, Michael & Katie); Vietnam veteran, served in the infantry, 1971; served in the Oklahoma State Senate from 1980-1988; served on the Eastern Oklahoma State University Board of Regents for 11 years; practiced law at Dennis & Branam since 1975
- ❑ **Education:** Southeast High School, Oklahoma City; Southeastern State College; OCU School of Law
- ❑ **What's your hobby?** Cooking, riding my motorcycle and playing with my grandchildren
- ❑ **Traditional books or electronic reading devices?** Traditional books
- ❑ **What inspired you to become a lawyer?** The movie, *To Kill a Mockingbird*
- ❑ **Most prized possession?** My grandchildren
- ❑ **Where were you Sept. 11, 2001?** At work
- ❑ **If I wasn't a lawyer, I'd be a...** Teacher
- ❑ **Favorite musical artist or band?** Simon & Garfunkel





## Susan S. Shields

GOVERNOR -  
DISTRICT NO. THREE  
*Oklahoma City*

❑ **Background:** I grew up in Bartlesville; went to college and law school in California and worked for a large law firm in San Francisco for several years following graduation from law school. I am married and have two sons, ages 12 and 14. We moved back to Oklahoma in 1991, and I have enjoyed living and practicing law in Oklahoma City since that time.

❑ **Education:** Stanford University and UCLA School of Law

- ❑ **What's your hobby?** Watching my sons play baseball
- ❑ **If a movie was made of your life, who would play you?** Julia Roberts seems like a good choice
- ❑ **Traditional books or electronic reading devices?** Traditional books, but moving toward using a Kindle
- ❑ **Goal you have for yourself that's yet to be accomplished?** Rafting the Grand Canyon
- ❑ **What inspired you to become a lawyer?** My father, Allan Stocker
- ❑ **Favorite movie quote?** "What we've got here is (a) failure to communicate." *Cool Hand Luke*
- ❑ **Most prized possession?** Photos of my family and paintings done by my mother
- ❑ **Where were you Sept. 11, 2001?** At the office, watching coverage on the TV in the office kitchen
- ❑ **If I wasn't a lawyer, I'd be a...** Big wave surfer
- ❑ **Favorite musical artist or band?** Lately, it's been Weezer, but I also like Michael Bublé, so a pretty wide variety



## Glenn A. Devoll

GOVERNOR -  
DISTRICT NO. FOUR  
*Enid*

❑ **Background:** Born in Altus

❑ **Education:** OCU Law School

❑ **What's your hobby?** I have several, some of which are grandkids, walking my dogs, riding motorcycles, wood-working.

❑ **If a movie was made of your life, who would play you?** Clint Eastwood

❑ **Traditional books or electronic reading devices?** Traditional books

- ❑ **Goal you have for yourself that's yet to be accomplished?** Ride my bike in all lower 48 states
- ❑ **What inspired you to become a lawyer?** Another lawyer, one of my dad's friends
- ❑ **Favorite movie quote?** "It's not my dog." *Pink Panther*
- ❑ **Most prized possession?** Apart from family, my woodshop and my Harley
- ❑ **Where were you Sept. 11, 2001?** In my office
- ❑ **If I wasn't a lawyer, I'd be a...** Retired and a bum
- ❑ **What is your favorite musical artist or band?** George Strait



## Ryland L. Rivas

GOVERNOR -  
DISTRICT NO. FIVE  
*Chickasha*

❑ **Background:** Born Sept. 13, 1949, in Tipton, Okla.; married to Brenda Kaye Rivas, 42 years; two children, Ryland II, OCU Law, and Meredith Kaye Brockman, OU Law; three grandchildren; member of the Comanche Indian Tribe, first tribal member lawyer; former Magistrate for the Court of Indian Offenses, Chief Justice Cheyenne and Arapaho Supreme Court, 1998-2009; practice in civil, Indian and criminal law, Chickasha City Council 1995-1999; Board of Directors, Bank of Verden

- ❑ **Education:** Lawton High School – 1967; Oklahoma University, B.B.A., majors in economics and finance - 1971; OU College of Law - 1974
- ❑ **What's your hobby?** Fishing of all kinds
- ❑ **If a movie was made of your life, who would play you?** Al Pacino
- ❑ **Traditional books or electronic reading devices?** Real books
- ❑ **Goal you have for yourself that's yet to be accomplished?** Retire happily
- ❑ **What inspired you to become a lawyer?** Injustice I saw growing up
- ❑ **Favorite movie quote?** "Here's looking at you, kid." *Casablanca*
- ❑ **Most prized possession?** A pistol and handmade holster carried by my grandfather and used in more than one shootout; the last one occurred on his Indian allotment in 1910
- ❑ **Where were you Sept. 11, 2001?** Downtown Oklahoma City
- ❑ **If I wasn't a lawyer, I'd be a...** Writer of children's books
- ❑ **Favorite musical artist or band?** Rolling Stones



**Kimberly  
Hays**

GOVERNOR -  
DISTRICT NO. SIX  
Tulsa

❑ **Background:** Born in Tulsa; graduated from Tulsa Memorial High School, Class of 1986; attended OSU and met my husband, Alan Souter, in Eskimo Joes and we married in 1993. We have two children — Noelle, age 13, and Parker, age 9; Began practicing law in 1993 with my father, James R. Hays, in Tulsa and after his death in 1994 I joined a firm for a short time and then opened my solo practice in Tulsa in 1998. My legal assistant/friend, Steph-

anie Pierce, has been with me since 1996. I practice exclusively in the area of family law.

- ❑ **Education:** B.A., Oklahoma State University, 1990; J.D., University of Kansas School of Law, 1993
- ❑ **What's your hobby?** Running half marathons (13.1 miles). I am fortunate to have a fantastic group of girlfriends to run with, and we travel to races together. Running is cheaper than therapy! I also like to work with the flowers in our yard, many of which came from my mother's and grandmother's gardens.

- ❑ **If a movie was made of your life, who would play you?** Reese Witherspoon (from the movie *Legally Blonde*)
- ❑ **Traditional books or electronic reading devices?** I prefer traditional books, but my recent iPad purchase is starting to change my mind.
- ❑ **Goal you have for yourself that's yet to be accomplished?** Running a second marathon
- ❑ **What inspired you to become a lawyer?** My inspiration was my father, James R. Hays. He was an attorney in Tulsa and a special judge when I was very young. I grew up watching him practice law, and I worked in his law office. He taught me that an attorney's word is his/her bond and the importance of integrity and professionalism.
- ❑ **Favorite movie quote?** Tie between "Life moves pretty fast. If you don't stop and look around once in a while, you could miss it." *Ferris Buehler's Day Off* and "It would be so nice if something made sense for a change....We're all mad here!" *Alice in Wonderland*
- ❑ **Most prized possession?** The cards and artwork my children make for me, especially when they were very young, and my race medals I have earned for my one marathon and my seven half marathons, so far
- ❑ **Where were you Sept. 11, 2001?** Tulsa County District Court in an attorney fee hearing. During a break, the judge told us about the bombing. As soon as the hearing was finished, I rushed back to the office to watch the coverage on television. I remember watching the images of the devastation the rest of the day and praying for the victims and people responding to the unimaginable tragedy.
- ❑ **If I wasn't a lawyer, I'd be a...** Either a psychologist (I guess it is already part of my job description as a family law attorney) or any job I could find working on a beach
- ❑ **What is your favorite musical artist or band?** Country singer Kenny Chesney



**Bret Smith**

GOVERNOR -  
DISTRICT NO. SEVEN  
Muskogee

❑ **Background:** Born in Kingfisher on Jan. 6, 1964; an Okie from Muskogee since 1968; honorably discharged from the Oklahoma Army National Guard in 1987; was a partner with Bill Haworth and Mike Finerty – Haworth, Finerty & Smith; now president of Bret A. Smith, Attorney at Law, P.C.

- ❑ **Education:** Graduated OU, B.A. political science 1986; graduated TU law school 1990
- ❑ **What's your hobby?** Hunting, fishing, flying, cycling and boating
- ❑ **If a movie was made of your life, who would play you?** George Clooney
- ❑ **Traditional books or electronic reading devices?** Books
- ❑ **Goal you have for yourself that's yet to be accomplished?** Retirement
- ❑ **What inspired you to become a lawyer?** Retired District Judge John C. Garrett was the most influential person; I wanted to follow his path — OU football player and attorney
- ❑ **Favorite movie quote?** "Lisa, I don't need this. I swear to God, I do not need this right now, okay? I've got a judge that's just aching to throw me in jail. An idiot who wants to fight me for \$200, slaughtered pigs. Giant loud whistles. I ain't slept in five days. I got no money, a dress code problem AND a little murder case, which in the balance holds the lives of two innocent kids. Not to mention your biological clock — my career, your life, our marriage, and let me see, what else can we pile on the top of the outcome of this case? Is it possible?" Joe Pesci in *My Cousin Vinny*
- ❑ **Most prized possession?** My two daughters, Lizzie and Leah
- ❑ **Where were you Sept. 11, 2001?** Home watching the event on TV
- ❑ **If I wasn't a lawyer, I'd be a...** Marine biologist
- ❑ **Favorite musical artist or band?** Boston



**D. Scott Pappas**  
GOVERNOR —  
DISTRICT NO. EIGHT  
Stillwater

- ❑ **Background:** Born and raised in Stillwater, where my family has had the Ford dealership since 1919; raised my daughter in New York before coming back to marry my husband, whom I have known since sixth grade
- ❑ **Education:** Graduated from C.E. Donart High School in Stillwater; B.A. in history from OSU; J.D. from Fordham University School of Law, New York
- ❑ **What's your hobby?** Right now, the most time I spend outside of work involves growing in my faith. I also enjoy the great outdoors, eat-

ing great food wherever it can be found, dancing, trying new recipes/making them my own, reading and handiwork projects, like cross stitch.

- ❑ **If a movie was made of your life, who would play you?** If they were still alive, as a child - Shirley Temple, as a young adult - Vivian Leigh and as an older adult - Maureen O'Hara
- ❑ **Traditional books or electronic reading devices?** Definitely traditional books that I can hold and turn each page — I have fond memories of going to the library as a child and still love to lose track of time in a good book store.
- ❑ **Goal you have for yourself that's yet to be accomplished?** Creating solutions at the local level that could be the basis for solving national issues
- ❑ **What inspired you to become a lawyer?** The pursuit of justice and the drama of a trial
- ❑ **Favorite movie quote?** "Let's get on with it. We've got a world to conquer!" *The Ultimate Gift*
- ❑ **Most prized possession?** My integrity
- ❑ **Where were you Sept. 11, 2001?** Glued to my TV at home
- ❑ **If I wasn't a lawyer, I'd be a...** Culinary-trained chef
- ❑ **Favorite musical artist or band?** Right now, Michael Bublé



**O. Christopher Meyers II**  
GOVERNOR -  
DISTRICT NO. NINE  
Lawton

- ❑ **Background:** Born and raised in Shawnee; have lived and practiced in Lawton since 1971
- ❑ **Education:** Graduated Shawnee High School in 1962; OU undergraduate, 1966; OU College of Law, 1969; Georgetown for LLM in tax, 1971
- ❑ **What's your hobby?** Sailing, fly fishing and hunting
- ❑ **If a movie was made of your life, who would play you?** Woody Harrelson
- ❑ **Traditional books or electronic reading devices?** Traditional books
- ❑ **Goal you have for yourself that's yet to be accomplished?** Sail to Tahiti
- ❑ **What inspired you to become a lawyer?** Lawyers and judges I met while growing up in Shawnee



- ❑ *Favorite movie quote?* "No, we'll pay for it, me and Shane." after the fight in the movie, *Shane*
- ❑ *Most prized possession?* My sailboat, "It's Prime Time"
- ❑ *Where were you Sept. 11, 2001?* At my home getting ready for work, watched on TV
- ❑ *If I wasn't a lawyer, I'd be a...* Rancher
- ❑ *Favorite musical artist or band?* Jimmy Buffett



**David A. Poarch Jr.**

GOVERNOR -  
AT LARGE  
Norman

- ❑ *Background:* I was born in Oklahoma but grew up in the California Bay Area in a small town of 2,500 people about 30 miles east of San Francisco. Went in the Army out of high school; returned to Oklahoma for college and law school after I got out. Been here since 1969. Married, two grown sons and three grandchildren
- ❑ *Education:* B.A. University of Central Oklahoma 1973; J.D. University of Oklahoma 1977

- ❑ *What's your hobby?* Golf and reading
- ❑ *If a movie was made of your life, who would play you?* Harry Morgan or someone like him
- ❑ *Traditional books or electronic reading devices?* Books
- ❑ *Goal you have for yourself that's yet to be accomplished?* Raft the Colorado River
- ❑ *What inspired you to become a lawyer?* To help...
- ❑ *Favorite movie quote?* "What we've got here is (a) failure to communicate." *Cool Hand Luke*
- ❑ *Most prized possession?* My mother's Bible
- ❑ *Where were you Sept. 11, 2001?* At a breakfast meeting with a client
- ❑ *If I wasn't a lawyer, I'd be a...* Psychiatrist or a lounge singer
- ❑ *Favorite musical artist or band?* Frank Sinatra or Tony Bennett



**Renée DeMoss**

GOVERNOR -  
AT LARGE  
Tulsa

- ❑ *Background:* Born and raised in Oklahoma; shareholder with GableGotwals
- ❑ *Education:* B.A. *summa cum laude* from OCU, J. D. with honors from OU
- ❑ *What's your hobby?* Swimming and flyball
- ❑ *If a movie was made of your life, who would play you?* An actress named Renée – either Zellweger or Russo

- ❑ *Traditional books or electronic reading devices?* Books
- ❑ *Goal you have for yourself that's yet to be accomplished?* Mastering electronic devices
- ❑ *What inspired you to become a lawyer?* A history/political science degree and love of reading
- ❑ *Favorite movie quote?* "It's merely a flesh wound." *Monty Python and the Holy Grail*
- ❑ *Most prized possession?* My border collie, my schnoodle and a nativity set from my mom
- ❑ *Where were you Sept. 11, 2001?* On my way to a deposition
- ❑ *If I wasn't a lawyer, I'd be an...* Animal trainer or a personal shopper
- ❑ *Favorite musical artist or band?* Tom Petty and the Heartbreakers



**Nancy Parrott**

GOVERNOR -  
AT LARGE  
Oklahoma City

- ❑ *Background:* Born and raised in Atoka. Taught high school English before going to OCU law school at night and running a commercial interior decorating business. Was in private law practice then marshal of Oklahoma Supreme Court for 25 years. Two grown daughters, six grandsons and one granddaughter

- ❑ **Education:** Undergraduate degrees in English, speech and French from University of Oklahoma. University of Grenoble, France. Masters degree in family counseling from North Texas State University. Law degree from OCU
- ❑ **What's your hobby?** Playing harmonica and doing everything I can with precious grandkids
- ❑ **If a movie was made of your life, who would play you?** Sally Field
- ❑ **Traditional books or electronic reading devices?** Definitely traditional books so I can underline and mark good parts
- ❑ **Goal you have for yourself that's yet to be accomplished?** Being a really good wife
- ❑ **What inspired you to become a lawyer?** Two hungry kids and a divorce — and a hope that I could help someone
- ❑ **Favorite movie quote?** "Remember, George, no man is a failure who has friends." *It's a Wonderful Life*
- ❑ **Most prized possession?** A silver tea service my students bought me in 1971, pooling all their money and signing "for our techur from ????"
- ❑ **Where were you Sept. 11, 2001?** At my desk, of course (It was a workday.)
- ❑ **If I wasn't a lawyer, I'd be a...** Junk dealer
- ❑ **Favorite musical artist or band?** Elvis or Bob Wills — good dancin' music



**Jennifer Kirkpatrick**

GOVERNOR -  
YLD CHAIR

- ❑ **Background:** I was born in Midwest City and have lived in Oklahoma all my life except for a brief stint in Hollywood, Fla. in the fourth grade. I am the oldest of eight kids (no, I'm not LDS or Catholic). I live in Edmond with the two most wonderful little boys, Aiden and Brody and Sugar, the un-wonder dog.

- ❑ **Education:** B.A. (theater) from Cameron University 1996; M.A. (communication)

University of Oklahoma 1999; J.D. Oklahoma City University School of Law 2002

- ❑ **What's your hobby?** I don't think I really have a hobby other than being an OBA/ABA junkie! When I'm not working, hanging out with my boys or working on an OBA project, I like to read and sing
- ❑ **If a movie was made of your life, who would play you?** Ashley Judd or Emma Stone
- ❑ **Traditional books or electronic reading devices?** Traditional books — nothing beats the smell and feel of a good book
- ❑ **Goal you have for yourself that's yet to be accomplished?** Someday I am going to run a marathon
- ❑ **What inspired you to become a lawyer?** The intellectual challenge of the law inspired me to become a lawyer
- ❑ **What is your favorite movie quote?** "Just smile and nod boys...smile and nod..." *Madagascar*
- ❑ **What is your most prized possession?** My grandmother's piano
- ❑ **Where were you Sept. 11, 2001?** I was in my car on the way to Prof. Hart's oil and gas law class at OCU
- ❑ **If I wasn't a lawyer, I'd be a...** Tony-winning Broadway actress or a TV news anchor
- ❑ **Favorite musical artist or band?** I'm an Aerosmith and Rolling Stones junkie. My younger son's middle name was inspired by the Stones.

# Meet Your Bar Association

## OBA Departments and the Member Services They Provide

**V**olunteer leaders may be the chief engineers who keep any professional association on track, but it is the staff who provides the power to move forward. Member services are an essential part of the Oklahoma Bar Association. Learn more about what each department offers members, and put a name together with a face in photos of the employees who work for you — bar association members.

### *Executive Director*

OBA Bylaws, Article IV, Section 4:

(a). The Executive Director shall keep the roster of the members of the Association and of the House of Delegates entitled to vote therein. He or she shall record and be the custodian of the minutes, journal and records of the Association and of the House of Delegates and of the Board of Governors.

(b). The Executive Director shall act as Treasurer, and be the custodian of the funds of the Association. No funds shall be withdrawn except in the manner approved by the Board of Governors.

(1) The expenditures of the Association shall be in accordance with the provisions of the Rules Creating and Controlling the Oklahoma Bar Association as promulgated by the Oklahoma Supreme Court.

(2) The Executive Director shall maintain at all times a fidelity bond executed by a surety company as surety, the amount thereof and the surety to be approved by the Board of Governors.

(c). He shall supervise the office of the Association and its personnel and shall see that the work of the Association is properly performed. He or she shall also perform such other duties



*Executive Director John Morris Williams and  
Executive Assistant Debbie Brink*

as the House of Delegates, the Board of Governors or the President of the Association may direct.

Rules Creating and Controlling the OBA,  
Article VI, Section 4:

The Executive Director shall perform such duties and services as may be required by these Rules or the Bylaws and as may be directed by the Board of Governors or the President of the



Association. He shall also keep a complete and accurate list of the members of the Association; notify delinquent members and certify the names of delinquent members to the Supreme Court as required by these Rules; certify to the Supreme Court records and other matters as provided by these rules.

**Phone: 405-416-7014**



**ADMINISTRATION** – (Front Row) Roberta Yarbrough, Suzi Hendrix, Tracy Sanders and Wanda Murray; (Back Row) Director Craig Combs and Durrel “Doc” Lattimore

## Administration

The responsibilities of the Administration Department are multi-faceted, but its primary emphasis is handling finances, human resources, Annual Meeting planning, bar center operations and maintaining official membership information. Specific duties include:

- ❑ scheduling bar center meeting rooms
- ❑ coordinating and scheduling meetings utilizing video conference equipment in Oklahoma City and Tulsa
- ❑ assisting committees and sections with mailings to their members
- ❑ providing mailing labels of bar members to committees and sections
- ❑ tracking expenditures for all committees and sections

- ❑ providing monthly committee and section accounting reports upon request
- ❑ ensuring the bar center interior and exterior facilities are maintained so members can take pride in their building
- ❑ maintaining and updating member roster information

- ❑ invoicing senior members and non-members for *Oklahoma Bar Journal* subscriptions

- ❑ managing the Legal Intern Program

- ❑ producing certificates of good standing for our members

- ❑ processing expense claims for OBA officers, YLD officers, and section and committee members

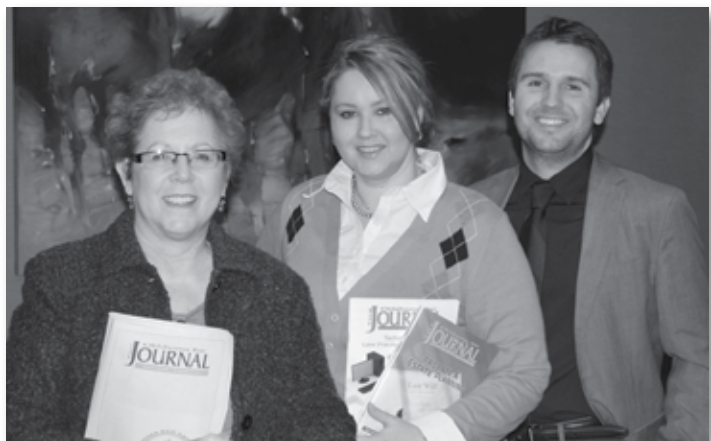
**Phone: 405-416-7000**

**Membership: 405-416-7080**

## Communications

The Communications Department has responsibility for the OBA’s member communications and external public relations efforts. Areas of major emphasis are:

- ❑ publishing 34 issues of the *Oklahoma Bar Journal* every year
- ❑ responsible for social media responsibilities such as the OBA’s official Facebook page and Twitter account



**COMMUNICATIONS** — Director Carol Manning, Lori Rasmussen and Jeff Kelton

- ❑ assisting the Law Day Committee in accomplishing extensive Law Day statewide activities and community service projects that generate significant positive public recognition for the legal profession
- ❑ publishing the OBA Annual Meeting program and House of Delegates book and promoting award winners, the meeting itself and election results

More specific duties that benefit members are:

- ❑ editing information submitted by and about bar members for the FYI and Bench & Bar Briefs section of the bar journal
- ❑ publishing the monthly E-News for OBA members with e-mail addresses
- ❑ expediting information requests from the news media
- ❑ issuing news releases about association events
- ❑ assisting OBA committees, sections and divisions in publicizing their projects to both members and the media
- ❑ working with sections to publish short law articles related to the section's focus
- ❑ assisting sections and committees with placing and designing free ads in the bar journal to promote their activities to other members

The department serves as a liaison for one board and several committees and assists in accomplishing their goals. Responsibilities include:

- ❑ working with the 10-member Board of Editors that reviews articles submitted and plans for future theme-related *Oklahoma Bar Journal* issues; once articles are approved for publication, the staff has charge of editing, proofreading and layout
- ❑ assisting the Communications Committee in its projects including overseeing the publication of 16 brochures on such topics as divorce, landlord/tenant rights and estate planning; Brochures are distributed free as a community service to individuals, libraries, nonprofit organizations, etc., and staff handles the continuous demand for those materials to be mailed across the state

- ❑ working with the Law Day Committee to conduct statewide contests for Oklahoma students, provide county Law Day chairpersons with both event and promotion ideas for county celebrations, coordinate the statewide Ask A Lawyer community service project in which volunteer attorneys give free legal advice to people who call in, implement marketing strategies to promote the Ask A Lawyer free legal advice and produce a one-hour, interview-style TV program, in cooperation with OETA (the state's PBS affiliate) that shows how lawyers work to improve the lives of all Oklahomans

The department also assists the Awards Committee, Disaster Response and Relief Committee, Lawyers Helping Lawyers Assistance Program Committee and Young Lawyers Division.

**Phone: 405-416-7004**

## Continuing Legal Education



*CLE — Stephanie Burke, Brandon Haynie, Director Donita Douglas, Heidi McComb, Renee Montgomery and Mark Schniedewent*

OBA/CLE wants to be your continuing legal education provider. Call CLE Director Donita Bourns Douglas at 405-416-7028 with your program ideas.

Department services include:

- ❑ developing and producing over 150 live seminars, webinars and webcasts
- ❑ offering video replays of the live seminars

- ❑ developing and producing online video and audio seminars, including webcast seminars
- ❑ offering recent seminar publications, digital book chapters and CDs for sale to association members
- ❑ developing and producing CLE at the OBA Annual Meeting
- ❑ coordinating with the Management Assistance Program to plan and administer the annual Solo and Small Firm Conference
- ❑ coordinating with the Women in Law Committee to plan the annual Women in Law Conference
- ❑ coordinating with OBA officers to plan leadership training for OBA members
- ❑ coordinating with various OBA sections in the planning of OBA/CLE section cosponsored CLE seminars
- ❑ attracting and securing nationally recognized experts to present continuing legal education programming to OBA members
- ❑ publishing volumes (non-seminar) to members to assist in their practice, including form books, practice manuals and treatises
- ❑ providing online registration for OBA/CLE members
- ❑ applying attendance credit electronically to enable members to have an up-to-date view of accumulated OBA/CLE credit on my.okbar.org

**Phone: 405-416-7006**

**E-mail: cle@okbar.org**

## **Ethics Counsel**

The Office of Ethics Counsel is a membership service available only to OBA members. It was created to assist members with conflict dilemmas, confidentiality questions, communication concerns and other ethical inquiries unique to the profession. The Office of Ethics Counsel is completely autonomous from and independent of the Office of the General Counsel. Members seeking assistance with ethical questions are afforded an “attorney/client” relationship with the full expectation of confidentiality of disclosed information. Through the Office of Ethics Counsel, Oklahoma Bar Association members can obtain informal guidance and advisory interpretations of



**ETHICS COUNSEL –**  
*Ethics Counsel Travis Pickens*

the rules of professional conduct. Responsibilities of the Ethics Counsel include:

- ❑ answering ethics questions from members of the Oklahoma Bar Association
- ❑ researching and writing ethics materials for the Oklahoma Bar Association website, seminars and the *Oklahoma Bar Journal*
- ❑ preparing and presenting CLE programs on the topics of ethics and professionalism
- ❑ acting as a liaison to the Bench and Bar and Lawyers Helping Lawyers committees
- ❑ monitoring the OBA diversion program and teaching related classes

**Phone: 405-416-7055**

**E-mail: travisp@okbar.org**



## General Counsel

The Office of the General Counsel is charged with the responsibility of:

- ❑ reviewing and investigating allegations of lawyer misconduct or incapacity
- ❑ reviewing and investigating allegations of the unauthorized practice of law
- ❑ prosecuting violations of the Oklahoma Rules of Professional Conduct
- ❑ administering the Clients' Security Fund

In addition to these enumerated duties, the Office of the General Counsel:

- ❑ serves as liaison to the OBA Board of Governors advising the governing group on legal matters



*SUPPORT STAFF — Diedra Goss, Misty Hill, Laura Willis and Manni Arzola (seated)*



*GENERAL COUNSEL — Katie Ogden, Loraine Farabow, Ted Rossier, General Counsel Gina Hendryx and Debbie Maddox*

- ❑ processes and approves the registration for attorneys from other jurisdictions
- ❑ administers the trust account overdraft notification program

**Phone: 405-416-7007**

## Information Systems

The Information Systems Department is responsible for desktop computer support to staff, network management of internal servers and externally accessible

servers, Web application development and maintenance, mailing list management, development of association management system and database, network security, audio/visual support to staff, monitoring of evolving technologies and assistance to all departments to utilize technology in their departments. The Information Systems Department's functions are mostly of an internal nature; however, services directly benefiting members are:

- ❑ providing a mailing list for each committee and section through the list servers to communicate with members easily and in a cost effective manner



*INVESTIGATORS — (Front Row) Krystal Willis and Dorothy Walos; (Back Row) Tommy Butler and Sharon Orth*



*INFORMATION SYSTEMS – Interim Manager Robbin Watson, Morgan Estes and Matt Gayle*

- ❑ maintaining a committee chairperson list and a section chairperson list serve to allow communication between the association and the chairs, as well as between the chairs themselves
- ❑ providing a website to include a members-only section where members can update roster information, pay dues, register for CLE, review MCLE credits, etc.
- ❑ promotes the online presence of association through the OBA website and various social media outlets
- ❑ providing free sign-up for the [www.okbar.org/findalawyer.com](http://www.okbar.org/findalawyer.com) lawyer referral service

**Phone: 405-416-7045**

## ***Law-related Education***

The Law-related Education (LRE) Department of the Oklahoma Bar Association was established in 1989 to further the OBA's goals of increasing public service and enhancing public understanding of the law and the legal system. To that end, LRE endeavors to educate citizens in a constitutional democracy and to create an active, responsible citizenry.

LRE conducts programs independently and in partnership with nonprofits, civic organizations and educational groups. Programs include professional development for teachers and others in the civic community via institutions and workshops. Classroom materials are



*LRE — Coordinator Jane McConnell and Debra Jenkins*

created and distributed for programs administered by LRE at no cost to educators.

LRE aims to join the education and law communities in its mission of fostering civic-mindedness. An understanding of the role of the law in society is essential to informed participation in democracy. Creating active citizens requires active civic education. LRE is under the direction of Jane McConnell, Law-related Education coordinator and Debra Jenkins, administrative assistant. Information about specific LRE programs and resources is available on the OBA website at [www.okbar.org/public/lre](http://www.okbar.org/public/lre).

**Phone: 405-416-7024**

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

## ***Management Assistance Program***

The OBA Management Assistance Program focuses on helping Oklahoma lawyers with the nuts and bolts of running their law offices. From "basic training" for the new lawyer to providing management and technology advice for the seasoned professional, the department has a wide array of information to assist every lawyer in every practice setting.

- ❑ Free Telephone Hotline — The OBA-MAP staff attempts to answer brief questions about management and technology issues. Our number is 405-416-7008. The toll-free number is 800-522-8065. Advice provided is confidential.
- ❑ OBA Solo and Small Firm Conference — Attend great CLE programs with nationally recognized experts, network with other small



MAP — Director Jim Calloway and Amy Kelly

firm lawyers from across the state and meet with vendors in a fun family setting. Join us for the 14th Annual Solo and Small Firm Conference June 9-11, 2011, at Downstream Casino Resort in Quapaw.

- ❑ OBA-MAP Lending Library — Attorneys can borrow books on law practice management and technology from the OBA-MAP Lending Library. Thanks to a recent grant from the OBA Law Office Management and Technology Section, there will soon be multiple copies of several of the more popular titles.
- ❑ Discounts on practice management books (and other ABA titles) — If you prefer to own a book rather than borrow it, we have partnered with the American Bar Association for a 15 percent discount on ABA publications. Whether or not you're a member of the ABA, your OBA membership entitles you to 15 percent off the list price of any of the ABA's more than 300 titles. Simply enter PAB9EOKB in the Discount Code Number field when placing your order on the ABA website.
- ❑ OBA-NET — This is an online resource that is free to all OBA members. It is our online community for the legal profession. Oklahoma lawyers post questions and brainstorm with other lawyers online. There are many files and forms available that have been uploaded by other OBA members.
- ❑ Jim Calloway's Law Practice Tips Blog — Weekly postings of Internet tips, law practice tips and hot news in law office management and technology are available by visiting the

blog website, subscribing to the e-mail alerts or subscribing to the RSS news feed. Visit the blog at <http://jimcalloway.typepad.com>

- ❑ Office "Health Checks" — These consultations take place in the lawyer's office on a fee for services basis. A wide range of management issues can be covered. Typically all staff and attorneys will be involved both in group and individual interviews.
- ❑ Free Consultations at the bar center — Any lawyer who is setting up a new practice or has encountered a difficult issue that cannot be comfortably handled over the telephone is welcome to schedule a free 50-minute appointment with the OBA-MAP director.
- ❑ Your Law Practice — This innovative program consists of a one-day seminar, scheduled in Oklahoma City twice a year (Spring and Fall) and in Tulsa in the fall, to assist attorneys setting up new solo practices. A companion project is the "Starting a Law Practice Web Directory" which is available to any attorney at [www.okbar.org/members/map/practice.htm](http://www.okbar.org/members/map/practice.htm).
- ❑ *Oklahoma Bar Journal* articles — Each theme issue of the *Oklahoma Bar Journal* contains the regular column "Law Practice Tips" by OBA-MAP Director Jim Calloway.
- ❑ Local Bar Presentations — The OBA-MAP director is available to speak at your county bar meetings or other organized lawyer groups at no charge.

**Phone: 405-416-7008**

## ***Mandatory Continuing Legal Education***

The OBA Mandatory Continuing Legal Education Department is the regulatory office concerned with the accreditation of all continuing legal education programs and the compliance by all Oklahoma bar members with the MCLE requirement. Often confused with the CLE Department, the MCLE Department does not sponsor CLE seminars.

Mandatory Continuing Legal Education, a program adopted by the Oklahoma Supreme Court in 1986, establishes minimum requirements for continuing legal education for Oklahoma attorneys. The program is administered by the OBA Mandatory Continuing Legal





*MANDATORY CONTINUING LEGAL EDUCATION - Brenda Card, Administrator  
Beverly Petry and Johnny Floyd*

Education Commission, which consists of nine members, that has general supervisory authority over the rules and may adopt regulations consistent with the rules.

Member services provided include:

- ☐ reviewing seminars for accreditation
- ☐ accreditation of teaching activities
- ☐ responding to requests for clarification of the Rules of the Oklahoma Supreme Court for Mandatory Continuing Legal Education
- ☐ processing the annual reports of compliance
- ☐ helping each member receive all the credit he or she is entitled to for qualified CLE activities
- ☐ keeping a record of the Oklahoma approved seminars attended by members

**Phone: 405-416-7009**

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

## ***Don't Know Whom to Contact?***

If you need more information about which employee in a department to contact, check out the staff list at [www.okbar.org/public/about/staff.htm](http://www.okbar.org/public/about/staff.htm). You will find a list of each OBA staff member, a summary of his or her responsibilities, and their e-mail address.



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[www.okbar.org/lhl](http://www.okbar.org/lhl)

Counseling and  
peer support  
are available.

Some services  
free as a member  
benefit.



## LAWYERS HELPING LAWYERS ASSISTANCE PROGRAM

## OKNEWSBAR

- The latest Oklahoma and U.S. Supreme Court opinions
- Up-to-date legal news
- Law practice management tips

...all in one place.



[www.okbar.org/oknewsbar.htm](http://www.okbar.org/oknewsbar.htm)

**NOTICE**  
**RE: POSTJUDGMENT AND PREJUDGMENT INTEREST**  
**January 3, 2012**

**POSTJUDGMENT INTEREST:** The State Treasurer has certified to the Administrative Director of the Courts that the prime interest rate as listed in the first edition of the *Wall Street Journal* published for calendar year 2012 is 3.25 percent. In accordance with 12 O.S. §727.1 (I), the postjudgment interest rate shall be the prime interest rate plus two (2%) percentage points, which equals 5.25 percent.

**PREJUDGMENT INTEREST:** In accordance with 12 O.S. §727.1 (I) and (K), the prejudgment interest rate applicable to actions filed on or after January 1, 2010, shall be "a rate equal to the average United States Treasury Bill rate of the preceding calendar year." The State Treasurer has certified to the Administrative Director of the Courts that the average United States Treasury Bill rate of the preceding calendar year is 0.05 percent.

These interest rates will be in effect from January 1, 2012 until the first regular business day of January, 2013.

Interest rates listed below for each year prior to the current year were calculated in accordance with the statute in effect for that year.

Interest Rates since January 1, 2010, are as follows:

Year	Postjudgment Interest Rate	Prejudgment Interest Rate
2010	5.25%	0.14%
2011	5.25%	0.13%
2012	5.25%	0.05%

Interest rates from November 1, 1986, through December 31, 2009, are as follows:

1986 11.65%	1992 9.58%	1998 9.22%	2004 5.01%
1987 10.03%	1993 7.42%	1999 8.87%	2005 7.25%
1988 9.95%	1994 6.99%	2000 8.73%	2006 9.25%
1989 10.92%	1995 8.31%	2001 9.95%	2007 10.25%
1990 12.35%	1996 9.55%	2002 7.48%	2008 9.25%
1991 11.71%	1997 9.15%	2003 5.63%	2009 5.25%

/s/ Michael D. Evans  
Administrative Director of the Courts



# Meet Your Bar Association

## Member Perks: Benefits Your Association Provides

**Y**our state bar association offers you a broad selection of opportunities to make the most of your membership. You may not even be aware of some of the professional benefits available to you as an Oklahoma Bar Association member. Check this list to be sure you are taking full advantage of the member services provided.

### ONLINE SERVICES

#### **OKNewsBar ([www.okbar.org/oknewsbar.htm](http://www.okbar.org/oknewsbar.htm))**

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

**Fastcase** — The OBA offers online legal research software as a free benefit to all OBA members. The OBA has contracted with Fastcase to provide the member benefit, which includes national coverage, unlimited usage, unlimited customer service and unlimited free printing at no cost to bar members as a part of their existing bar membership. To use Fastcase, sign in with your MyOKBar username (OBA number) and password on the OBA website at [www.okbar.org](http://www.okbar.org).



**[www.okbar.org](http://www.okbar.org)** — Main website of the OBA with links to all other OBA Web presences. Information is primarily geared for members, but contains a great deal of information for the public.

**MyOKBar ([my.okbar.org](http://my.okbar.org))** — password-protected portion of the OBA's website. Easy to do everything from changing your official address, enrolling in a CLE course, checking your MCLE credits, paying your annual dues, joining a section to listing your practice areas on the Internet so potential clients can find you. You can also receive electronic communications from the bar by adding your email address to the roster. Plus, a new feature allows you to print a temporary bar card and print receipts from previous dues and CLE payments.

**OBA-NET ([www.oba-net.org](http://www.oba-net.org))** — Members-only interactive service. Free basic service with premium services available to enhance the member benefit. This is where lawyers are empowered to help each other through online discussions and an online document repository. You must agree to certain terms and be issued a password to participate.

**E-News ([www.okbar.org/newsletter](http://www.okbar.org/newsletter))** — Current OBA news and information to assist in your law practice that is sent once a month to members with an email address as part of their official roster information.

**Online CLE ([legalspan.com/okbar](http://legalspan.com/okbar))** — Quality OBA/CLE online programming, plus online webcast and archived seminar programs from other state bar associations.



**Oklahoma Find A Lawyer ([www.okbar.org/findalawyer](http://www.okbar.org/findalawyer))** — The OBA's official lawyer listing service. Free to members and the public. It is also a useful tool for lawyers to identify attorney practice area expertise in specific geographic areas. Sign up through MyOKBar.

**Online research links ([www.okbar.org/research](http://www.okbar.org/research))** — A quick way to find the Oklahoma Supreme Court website is to look up Oklahoma cases and statutes online. Can be used to find the online site of the Court of Criminal Appeals or any of Oklahoma's District Courts, locate a state or federal agency, locate a federal court site, find a municipal ordinance or find the rules from local or federal courts. As a bonus there are many other links to assist in your legal and factual research.

**Website design and hosting** — Provided by the OBA staff to committees, sections and county bar associations.

**Prepared speeches for community/civic groups (<http://bit.ly/publicspeeches>)** — Speeches, outlines and handouts prepared by the OBA's Bench and Bar Committee on selected topics for presentation to public groups.

## PUBLICATIONS

**Oklahoma Bar Journal ([www.okbar.org/obj](http://www.okbar.org/obj))** — 34 issues annually, contains articles, court opinions, substantive law, state bar news, professional changes, member news (moves, kudos, additions to firms, etc.), master calendar of judicial and bar events, \$55 annual subscription, free to members. Specially printed binders to keep

bar journals organized are provided to members at \$15.95 each.

**Continuing Legal Education materials** — Seminar materials and form books are available for purchase, an affordable way to get quality, state-specific practice aids. Prices start at approximately \$40. A complete list of topics is available online, or come by the CLE Dept. at the Oklahoma Bar Center Monday – Friday, 8:30 a.m. – 5 p.m., and review the books available. CLE materials are



also available in an electronic format, by chapter, at [www.legalspan.com/okbar/e-pubs.asp](http://www.legalspan.com/okbar/e-pubs.asp).

**Consumer information brochures ([www.okbar.org/public/brochures](http://www.okbar.org/public/brochures))** — Pamphlets on 15 topics covering commonly asked questions to give to clients, sold to OBA members at a minimal cost of \$16 for 100. Brochure topics are: wills, probate, joint tenancy, home buying, tenant rights and duties, landlord rights, divorce, small claims court, employee rights, bankruptcy, trial juror information, lawyers & legal fees, living wills (brochure and form), criminal law and resolving conflicts and disputes. As a community service, the OBA distributes the brochures free to courthouses and libraries throughout the state. There's an order form online.

## PRACTICE MANAGEMENT/ PROFESSIONALISM

**Young Lawyers Division** — The YLD is a professional service network offering the chance to participate in community and bar-related programs. Lawyers of any age who have been in practice less than 10 years are automatically members. No dues are required. Find information about YLD programs at [www.okbar.org/yld](http://www.okbar.org/yld).



**Continuing Legal Education seminars ([www.okbar.org/cle](http://www.okbar.org/cle))** — The OBA creates and coordinates: live seminars, webcasts and videotaped programs. The OBA also offers materials on a full spectrum of legal topics. OBA members can come to the bar center anytime during regular business hours to watch a seminar video of your choice and earn CLE, but please call in advance to schedule. Call Renee Montgomery at 405-416-7029.

**Practice management/ technology hotline service** — Free telephone calls to the Management Assistance Program (MAP) staff and the OBA Director of Information Systems for brief answers



about practical management and technology issues, such as law office software, understanding computer jargon, staff and personnel problems, software training opportunities, time management and trust account management. Call 405-416-7008.

**Office “health checks”** — In-depth personal or group consultations that take place in the lawyer’s office, consultations may focus on technology, office procedures or other areas agreed upon by attorney and MAP Coordinator. Fee is \$500 per day for small law firms (five attorneys or less) or \$750 per day for medium or larger firms (more than five attorneys), program offered by OBA’s MAP Department. Call 405-416-7008 to schedule.

**MAP workshops** — Customized day-long presentations on technology and office procedures conducted on-site to a group of attorneys and staff members from different firms using a multimedia approach, may include computer-generated presentation, videotapes on such topics as professionalism and trust accounting procedures and workshop exercises, afternoon session devoted to answering specific questions anonymously submitted. This is for firms who wish to share costs and have more general information presented to them.

**Book purchasing program** — OBA members can purchase ABA Law Practice Management Section books at the same discount as ABA/LPM members through the OBA Management Assistance Program.

**Lending library** — Law practice management books, video and audio tapes available for lawyers to check out and review. There is no fee for checking out materials to take home. The complete list of materials is online at [www.okbar.org/members/map/lending.htm](http://www.okbar.org/members/map/lending.htm).

**Ethics Counsel** — Assists members with ethical questions and inquiries on subjects such as conflicts, confidentiality and client concerns. The Ethics Counsel also presents continuing education programs on the topics of ethics and professionalism. Call 405-416-7055.



**Crisis Counseling Services** — Need help with stress, depression or addiction? Call the Lawyers Helping Lawyers Assistance Program toll-free at 800-364-7886. The OBA offers all bar members up to six hours of free crisis counseling. It’s strictly confidential and available 24 hours a day. Plus, members can take advantage of free lawyer support groups that meet monthly in Tulsa and Oklahoma City. Details about the



women's groups are online at [www.okbar.org/s/women](http://www.okbar.org/s/women), and information about the men's groups are at [www.okbar.org/s/men](http://www.okbar.org/s/men).

**OBA sections** — 24 substantive law sections that offer professional development and interaction, experience professional growth by learning from colleagues in your practice area and develop new contacts, benefits vary by section with a growing number of sections holding midyear or quarterly meetings that offer free or discount CLE to section members, some sections publish member newsletters. For a list of sections and their annual dues, go to [www.okbar.org/members/sections/](http://www.okbar.org/members/sections/).

**County bar association and civic group speakers** — OBA officers, Board of Governors members and staff members are available (for the price of a meal) to speak at luncheons and banquets on a wide variety of topics including legislative issues, ethics, law office management and law practice tips.

## NETWORKING

**Leadership opportunities** — Boards, committees, sections, and commissions are some of the volunteer opportunities that offer career development and ways to interact with other attorneys and judges. Members may volunteer to serve on a committee at anytime during the year. The link to sign up can be found at [www.okbar.org](http://www.okbar.org). Scroll down to find the "Get Involved" box and click on "Join a committee."



**Annual Meeting** — Participate in CLE programs, section and committee meetings, have a voice in determining the OBA's legislative program and electing future state bar leaders, take advantage of networking opportunities with attorneys and judges from throughout the state. The 2012 Annual Meeting will be Nov. 14-16 at the Sheraton Hotel in Oklahoma City.

**Solo & Small Firm Conference/YLD Midyear Meeting** — Lawyers have the opportunity to get to know one another and to take advantage of a CLE seminar in a relaxed family setting. Watch for details to be announced soon.

## OTHER SERVICES

**Direct dial and 24-hour messaging to OBA staff members** — Bypass waiting for the OBA receptionist to answer your call by dialing a staff person or department directly, a list of phone numbers is published in the *Oklahoma Bar Journal* next to the events calendar, leave a voice message anytime (nights and weekends too). After-hour calls to the general phone numbers 405-416-7000 or 800-522-8065 are automated and will list department extension numbers to punch in if you don't know the direct phone number.

**Video conferencing** — Available at the Tulsa County Bar Center and OSU Tulsa so that committee and section members can join in on meetings without traveling to Oklahoma City.

**Legislative services** — The OBA's executive director works for adoption of legislative issues approved by the House of Delegates, and the Legislative Monitoring Committee provides a periodic legislative report highlighting the status of selected bills during the session. The report is published in the *Oklahoma Bar Journal* and on the website while the Legislature is in session.



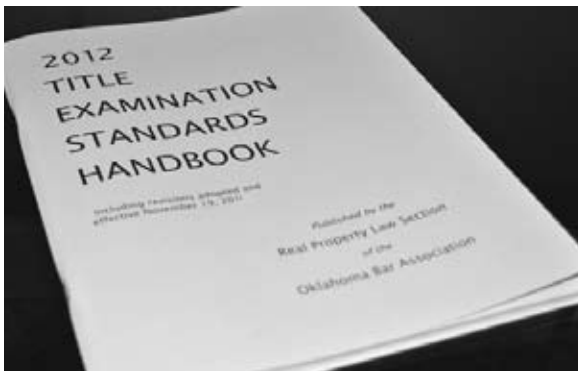
**Meeting rooms at Bar Center** — Many size rooms to choose from to accommodate small and large group meetings, client conferences and depositions. Free to members during weekday business hours, nominal fee for evenings.

**Toll-free phone number** — In-state OBA members who live outside the Oklahoma City metro calling area can place free calls to the Oklahoma Bar Center by dialing 800-522-8065, which connects you to our receptionist (a real, live person

— not a machine) to direct your call to the proper person or department.

### OPTIONAL MEMBER PURCHASE

**Oklahoma Legal Directory** — Official directory of OBA members with addresses and phone numbers, roster alphabetical and by county, includes guide to county, state and federal offices plus departments of the U.S. and Oklahoma government, complete digest of courts, professional associations including OBA officers, committees and sections. Published by Legal Directories Publishing Co. in both hard bound and electronic editions; \$60 + shipping and sales tax. Call 800-447-5375 ext. 2 to request order form or go to [www.legaldirectories.com](http://www.legaldirectories.com).



**Title Examination Standards** — Contains all the presently effective Oklahoma Title Examination Standards and reflects all revisions, produced by the OBA Real Property Law Section, \$5 per copy, free to section members. The 2012 Title Examination Standards are expected to arrive at the bar center in February. To be mailed a copy, email Wanda Reece-Murray for the exact shipping cost at [wandar@okbar.org](mailto:wandar@okbar.org).

**OBA-sponsored insurance programs** — Keep rates low through group buying power. For information about OBA programs for life, health (employer-group and individual), individual disability, personal umbrella liability, long-term care and other insurance plans, contact Beale Professional Services 405-521-1600, 800-530-4863; [www.bealepro.com](http://www.bealepro.com). For professional liability, Oklahoma Attorneys Mutual Insurance Co. is the only insurer owned by OBA members, 405-471-5380, 800-318-7505; [www.oamic.com](http://www.oamic.com). They also offer a broad range of court bonds with more information at [oklahoma.onlinecourtbonds.com](http://oklahoma.onlinecourtbonds.com).

**ABA Retirement Funds** — The ABA Retirement Funds program is designed to provide unique, full service 401(k) plans to the legal community, and ABA membership is not required. It was created over 45 years ago by the American Bar Association. By leveraging the size of the ABA Retirement Funds Program which brings together nearly 4,000 firms, the program offers a fund lineup and services traditionally only available to the largest corporate plans. These services are offered at no out-of-pocket expense to law firms of all sizes with institutionally priced funds for their participants. Couple these benefits with the oversight that the ABA Retirement Funds Board provides over the entire program and you have a retirement solution that may enable firms to hire and retain quality employees, control expenses and assist them with their fiduciary responsibilities. Contact a program representative at 800-826-8901 for a program prospectus or visit [www.abaretirement.com](http://www.abaretirement.com) for more information.



### MEMBER DISCOUNTS

**FedEx Shipping Services** — Members are eligible to receive valuable discounts of up to 26 percent on select FedEx® shipping services. There are no costs and no minimum shipping requirements to take advantage of this great new member benefit. OBA members can save:

- Up to 26 percent on FedEx Priority Overnight® and FedEx Standard Overnight® envelopes.
- Up to 20 percent on FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day® and FedEx Express Saver® paks and packages, and FedEx International Priority® and FedEx International Economy® shipments.
- Up to 12 percent on FedEx Ground® and FedEx Home Delivery® shipments, depending on the weight of the package.
- Up to 70 percent on FedEx Freight® and FedEx National LTLSM services.

For more information or to enroll, please go to [www.1800members.com/new/oba](http://www.1800members.com/new/oba) or call 1-800-MEMBERS 7 a.m. – 5 p.m. CST, M-F.

**Colcord Hotel** — A boutique hotel near Bricktown in downtown Oklahoma City, the Colcord Hotel offers OBA members a discounted rate of \$133 per night for a deluxe king or deluxe double double room. Call the hotel at (866) 781-3800 to make your reservation and mention that you are an OBA member for the special discount or make your reservation online utilizing the corporate rate: access code is OKLBar.

**LawPay Merchant Account** — Credit card processing designed for attorneys that safeguards and separates client funds into trust and operating accounts. Credit cards attract clients, win business, improve cash flow and reduce collections. To learn more call 866-376-0950 or visit [www.affiniscape.com/oklahomabar](http://www.affiniscape.com/oklahomabar).

**LawWare** — Bar members may subscribe to the document assembly, document management and client management software program at a discounted group rate. Created by Oklahoma attorneys in 1991, LawWare streamlines the process of organizing and generating legal forms and related documents for law offices of any size. With the OBA endorsement, members may subscribe to LawWare at a discounted rate of \$49 per month for the first copy and \$10 per month for each additional office copy. To inquire about LawWare or to order a subscription, call 866-LAW-WARE or visit [www.LawWare.com](http://www.LawWare.com).



**Online Data Backup & Recovery** — CoreVault offers bar members data backup and recovery services at a discounted rate. The service is automated and centrally managed to help law firms protect their data. It provides daily offsite protection, fast restores, encrypted data and customer service. In addition, CoreVault's two private data centers are geographically separated and possess redundant systems. Don't worry

about losing your data and not being able to restore it due to virus, hard drive crash, accidental deleting of data, natural disaster, flood and the many other ways that could cause you to lose your data. To sign up or get more information, visit [www.corevault.net/oba](http://www.corevault.net/oba) or



call 888-265-5818.

**International Travel** — Go Next has been in business for 38 years. They provide high quality, recreational travel to destinations around the globe. Group rates on trips are available to you, your family and your friends. All trips include airfare from either Oklahoma City or Tulsa, accommodations, transfers, breakfast buffet and other amenities. See highlights of the current trip offerings at [www.GoNext.com](http://www.GoNext.com). Call Go Next toll-free at 800-842-9023 for more information and/or reservations.

**WESTLAW discounts** — West Publishing Corp. offers OBA members a variety of discounts on its products and services, members receive Oklahoma's jurisdictional CD-ROM libraries with the first billable monthly subscription charge waived. For information on other offers available call (800) 762-5272.

**WordPerfect Licensing Program** — The OBA has signed on to Corel Corporation's bar association licensing program, allowing OBA members to purchase licenses of the award-winning WordPerfect® Office Suite at substantially reduced prices. To place an order, go to [www.corel.com/barassociation](http://www.corel.com/barassociation).





# a few things you can do at **www.okbar.org**

## **www.okbar.org/heroes**

Handling a case for one of America's Heroes or their family will be one of the most rewarding experiences you will have as an attorney.

The mission is to offer one-on-one legal advice and assistance to those who have honorably served this nation who otherwise cannot afford or do not have access to the legal services they need.

## **www.okbar.org/cle**



Have all your CLE credit hours? Don't worry! We've got it all. Choose from a variety of archived programs, live webcasts and CLE presentations at our newly renovated Emerson Hall at the Oklahoma Bar Center.

## **www.okbar.org/yld**

All members of the Oklahoma Bar Association in good standing who were first admitted to the practice of law 10 years ago or less are automatically Young Lawyers Division members.

This is the place to get involved in community service projects, help bar exam takers survive and enjoy many of the other fun activities the division has planned for 2012!

## **www.okbar.org/oknewsbar.htm**

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

## **my.okbar.org**

You can change your official address, enroll in a CLE course, check your MCLE credits and list your practice areas on the Internet so potential clients can find you. The PIN number required is printed on your dues statement and can be emailed to you if the OBA has your current email address.



## **www.okbar.org/findalawyer**

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



## **www.okbar.org/obj**

What can't you do here?

You can access archived issues all the way back to 2005, find advertising rates, begin the process of authoring an article, check publication dates and much more!

## **www.okbar.org/lhl**

If you find yourself depressed, addicted or out of control - visit this helpful site to learn how you can receive free counseling, read FAQs, get involved and other helpful tools to get you on the road to recovery. Don't wait.

**Connect with the OBA  
through its  
social network**

**Like us on**



**and follow us on**



[www.facebook.com/oklahomabarassociation](http://www.facebook.com/oklahomabarassociation)

[www.twitter.com/oklahomabar](http://www.twitter.com/oklahomabar)

[www.facebook.com/OBACLE](http://www.facebook.com/OBACLE)

[www.facebook.com/obalre](http://www.facebook.com/obalre)

[www.facebook.com/OBAYLD](http://www.facebook.com/OBAYLD)

[www.twitter.com/obacle](http://www.twitter.com/obacle)

# Meet Your Bar Association

## OBA Sections

**W**ant a way to network with other attorneys in your practice area from across the state? The OBA supports 24 substantive law sections that offer professional development and interaction. Experience professional growth by learning from colleagues in your practice area and develop new contacts, benefits vary by section with a growing number of sections holding midyear or quarterly meetings that offer free or discount CLE to section members, some sections publish member newsletters. The following is a list of those who are leading the sections in 2012.

### **ALTERNATIVE DISPUTE RESOLUTION SECTION**

D. Michael O'Neil Jr., Co-Chairperson (OKC)  
210 Park Ave., Suite 700  
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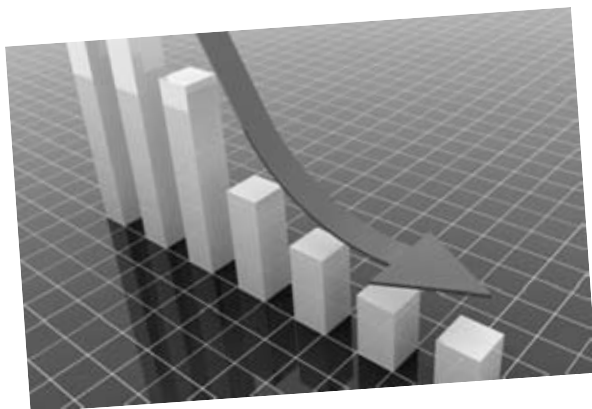
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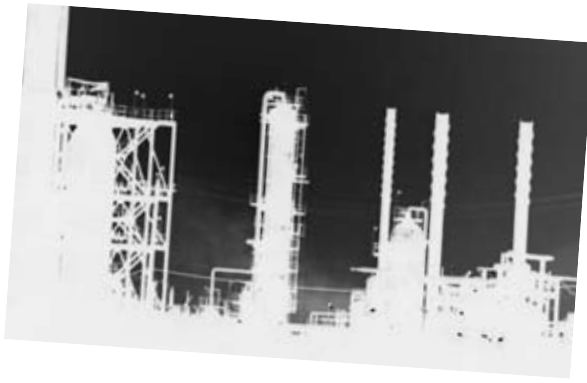
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# Transfer-on-Death Deeds 2.0

## Statutory Changes Answer Some Questions, But Raise New Ones

By Catheryn Koss

**T**he Nontestamentary Transfer of Property Act,<sup>1</sup> originally enacted in 2008, allows owners of real property to execute revocable deeds that take effect only upon the owners' death. In March 2011, Dale L. Astle published an article in the *Oklahoma Bar Journal*<sup>2</sup> highlighting several problems with the law. During the 2011 session, the Oklahoma Legislature addressed many of the issues raised by Astle and passed significant amendments to the statute. This article describes the recent changes and discusses some new questions these amendments raise.

### RECENT AMENDMENTS TO THE ACT

The following amendments were made to the Nontestamentary Transfer of Property Act and went into effect Nov. 1, 2011.

#### *Acceptance by the Grantee Beneficiary*

One of the most significant changes to the law addresses how a grantee beneficiary accepts the property following the owner's death. A grantee beneficiary is required to file a notarized affidavit with the county clerk's office where the property is located. The affidavit must verify the record owner's death, indicate whether or not the owner and the grantee were married at the time of death, and provide a legal description of the property. Under the old version of the law, if the record owner and grantee beneficiary were not married, a death certificate and estate tax release were required to be attached to the affidavit. There was no time frame in which this affidavit had to be filed.<sup>3</sup>

The 2011 amendments eliminated the requirement of filing the estate tax release, but made a death certificate mandatory for all grantee beneficiaries regardless of marital relations with the record owners. More importantly, the new law requires that the affidavit be filed within nine months of the record owner's death. Failure to file the affidavit will cause the conveyance to lapse and the property will revert back to the record owner's estate.<sup>4</sup>

#### *Disclaimer*

Under the old statute, a grantee beneficiary had nine months from the record owner's death to disclaim an interest in the property. Furthermore, the law specifically authorized a guardian or other legal representative to execute a disclaimer on behalf of a legally incompetent grantee beneficiary.<sup>5</sup> Under the new law, this disclaimer provision has been removed. Presumably, a grantee beneficiary who wishes to disclaim the property needs only to fail to file the affidavit accepting the property.

“Under the old law, if a grantee beneficiary died prior to the record owner, the transfer would lapse unless an alternative grantee beneficiary was named in the TOD deed.”



### *Spousal Rights*

The original Nontestamentary Transfer of Property Act was silent on the issue of how an interest in property conveyed by a TOD deed would be affected by the spousal rights of the record owner's surviving husband or wife. The amended statute states that, at least in cases when the record owner married after executing the TOD deed, the grantee beneficiary takes an interest in the real estate free of any spousal claims under Title 84 O.S. §44.<sup>6</sup>

### *Joint Tenancy in Grantee Beneficiaries*

Under the old law, if a grantee beneficiary died prior to the record owner, the transfer would lapse unless an alternative grantee beneficiary was named in the TOD deed.<sup>7</sup> The statute did not address the effect of the death of one grantee beneficiary when the TOD deed

conveyed the property to multiple beneficiaries as joint tenants with rights of survivorship. The amended statute now clarifies that if a TOD deed designates grantee beneficiaries as joint tenants with right of survivorship, the joint tenancy is not invalidated if one or more of the beneficiaries predeceases the record owner.<sup>8</sup>

### **NEW QUESTIONS**

While the recent amendments to the Nontestamentary Transfer of Property Act resolve several important issues, they raise quite a few new ones. In particular, the requirement that grantee beneficiaries file an affidavit accepting the real property within nine months of the record owner's death is fraught with potential problems, a few of which are discussed below.

#### *Multiple Grantee Beneficiaries*

The requirement of filing an affidavit accepting the property within nine months of the record owner's death raises several possible problems in situations where there are either multiple grantee beneficiaries or one grantee beneficiary and an alternate beneficiary.

What would happen if the primary grantee beneficiary does not timely file an affidavit but there is an alternate beneficiary named? For example, Joe Smith is named as grantee beneficiary, with Sue Jones as alternate beneficiary. Joe Smith has nine months to file an affidavit claiming the property, but fails to do so. The revised statute does not give the alternate beneficiary any additional time to file an affidavit before the property reverts to the estate of the deceased owner of record. Could the alternate grantee beneficiary file an affidavit accepting the property in the event the first grantee beneficiary fails to accept the property? Could the primary grantee beneficiary file a disclaimer (even though the language regarding how to disclaim has been revoked), giving the alternate grantee beneficiary an opportunity to accept?

Likewise, in the case of multiple grantee beneficiaries, how would failure of one or more beneficiaries to file the affidavit accepting the property affect the interests of those who do? Would the grantee beneficiary who fails to file be treated as having predeceased the record owner, thus allowing the share (at least when the grantee beneficiaries are joint tenants with right of survivorship) to pass the other grantee beneficiaries? Or, would the unclaimed share

of the property revert back to the record owner's estate?

#### *Failure to File the Affidavit as de facto Disclaimer*

It would appear that a grantee beneficiary who fails to timely file an affidavit accepting the property is by default disclaiming his or her interest in the property. Unlike an affirmative disclaimer, it is unclear when the disclaimer would take effect. In situations when disclaiming an interest in property would be treated as a gift — such as for persons receiving or who will receive assistance through the Medicaid (Soonercare) program — when a grantee beneficiary is deemed to have an interest in the property and when failure to claim that interest is treated as a disclaimer could have significant consequences, including disqualification from public benefits.

#### *Incapacitated or Deceased Beneficiaries*

A provision in the original statute, now revoked, specifically authorized a guardian or other representative to execute a disclaimer on behalf of a legally incompetent grantee beneficiary.<sup>9</sup> The 2011 version of the statute is silent on the issue of whether or not a legal representative of a grantee beneficiary may execute the affidavit necessary to accept the property.

To the extent that executing and filing an affidavit may be characterized as collecting a debt owed to the ward under 30 O.S. §4-702 of the Oklahoma Guardianship and Conservatorship Act, the statute could be interpreted to authorize a guardian to execute the affidavit claiming the property on behalf of an incapacitated grantee beneficiary without a court order.

With regard to agents acting under durable powers of attorney, a Durable Power of Attorney executed pursuant to the Uniform Durable Power of Attorney Act may grant to the attorney-in-fact limited or complete authority with respect to the principal's real property.<sup>10</sup> To avoid potential legal challenges, it may be advisable to expressly include the authority to execute the required affidavit.

Likewise, the Uniform Statutory Form Power of Attorney Act authorizes an attorney-in-fact, acting under a statutory power of attorney that includes estate, trust and other beneficiary transactional powers, "to act for the principal in all matters that affect a trust, probate estate... or other fund from which the principal is, may become, or claims to be entitled, as a benefi-

ciary, to a share or payment."<sup>11</sup> The act also authorizes an agent who is granted power with respect to real property to accept or reject an interest in real property on behalf of the principal.<sup>12</sup> If the affidavit is signed by an attorney-in-fact on behalf of a grantee beneficiary, the Durable Power of Attorney should be filed in the county clerk's office where the property is located.<sup>13</sup>

A related question is whether a legal representative may decide on behalf of a ward *not* to file an affidavit accepting the property (in effect disclaiming the interest). A guardian acting pursuant to 30 O.S. §4-702 may discharge debts owed to the ward, but only with court approval. To the extent failure to file the affidavit is treated as a discharge of a debt, it may be necessary for a guardian to seek the court's approval to refrain from filing an affidavit claiming the property.<sup>14</sup>

However, 60 O.S. §752 authorizes a guardian or other legal representative to disclaim interest in property on behalf of a minor or incapacitated person with or without a court order if the guardian determines such an act would be in the best interest of and not detrimental to the beneficiary. Therefore, to the extent failure to file an affidavit is analogous to a disclaimer, a guardian may be authorized to refrain from accepting the property without a court order. The sections relating to powers of attorneys-in-fact under Titles 15 and 58, discussed above, would also apply to any rejection of interest in real property accomplished on behalf of a principal.

The statute also does not address whether the nine-month period for filing an affidavit is tolled in the event the grantee beneficiary is incapacitated or otherwise under a legal impairment. Nor does it address whether the legal representative can file an affidavit accepting the property on behalf of the estate of a grantee beneficiary who is living at the time of the record owner's death but dies prior to filing the affidavit.

#### **CONCLUSION**

The Nontestamentary Transfer of Property Act provides an excellent and much-needed means by which property owners, particularly low and middle income people, can pass on their estate without the costs and delays of probate. However, because of the new requirement that grantee beneficiaries affirmatively accept the property within nine months of the

record owner's death, there is potential for confusion and unintended consequences.

1. 58 O.S. §1251, et seq.
2. Astle, Dale L. "Transfer-on-Death Deeds in Oklahoma." *The Oklahoma Bar Journal*, Vol 82, No. 8 (March 12, 2011).
3. 58 O.S. §1255.
4. 58 O.S. §1252 (effective Nov. 1, 2011).
5. 58 O.S. §1254(D).
6. 58 O.S. §1255(A) (effective Nov. 1, 2011).
7. 58 O.S. §1255(C).
8. 58 O.S. §1255(B) (effective Nov. 1, 2011).
9. 58 O.S. §1254(D).
10. 58 O.S. §1072.1.
11. 15 O.S. §1013.
12. 15 O.S. §1006; 15 O.S. §1012 also authorizes an attorney-in-fact who is granted authority over insurance and annuity transactions to designate or change a beneficiary under an insurance contract. However, the agent may only designate himself as a beneficiary if he was already designated a beneficiary under a contract executed by the principal prior to the execution of the durable power of attorney. It is likely that an agent who designates himself as grantee beneficiary would likely be breaching his fiduciary duty by engaging in self-dealing.
13. Title Examination Standard 6 §6.7.
14. 30 O.S. §4-702.

## ABOUT THE AUTHOR



Catheryn Koss is the executive director of the Senior Law Resource Center, a nonprofit organization providing legal information and services to elders and caregivers. She also teaches elder law and wills, trusts and estates as an adjunct professor at Oklahoma City University School of Law. In addition to a J.D. from OCU, she has an undergraduate degree in anthropology from Smith College and a master's degree in adult education-gerontology from the University of Central Oklahoma.

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# Oklahoma's Revised Arbitration Act

By Ronald Ricketts

**A**t common law, arbitration was not accepted as an appropriate method to resolve disputes.<sup>1</sup> Congress enacted the Federal Arbitration Act (FAA) in 1925 and that marked the beginning of a change in the attitude toward arbitration. Today, both federal and Oklahoma law reflect a “strong presumption in favor of arbitration.”<sup>2</sup>

The National Conference of Commissioners on Uniform State Laws promulgated the Uniform Arbitration Act (UAA) in 1955. The UAA was adopted in Oklahoma in 1978.<sup>3</sup>

Due to the increased use and growing complexity of arbitration in the last half of the 20th century, the national conference appointed a drafting committee to consider revising the UAA. The drafting committee's work resulted in the national conference adopting the Revised Uniform Arbitration Act in 2000. In 2005 Oklahoma adopted the revised act and codified it at 12 Okla.Stat. §§1852-1881 (ORUAA). At the same time Oklahoma repealed the UAA it had adopted in 1978. The ORUAA now governs an agreement to arbitrate without regard to whether the arbitration agreement was made before or after the effective date of the ORUAA.<sup>4</sup>

If interstate commerce, is involved it is possible that an arbitration agreement will be subject to the FAA. There are two exceptions: First, where interstate commerce is deemed insufficient to engage the FAA;<sup>5</sup> Second, where the parties have expressly provided in the arbitration agreement that the arbitration will be conducted under state law. In the second instance, state law principles will trump the preemptive effect of the FAA, so long as those principles do not conflict with the FAA's prime directive that agreements to arbitrate be enforced.<sup>6</sup> With this

background considered, this article will note some of the important sections of ORUAA and decisions that have been decided following its enactment.

## THE ARBITRATION AGREEMENT

Arbitration arises from the agreement of the parties to submit to private dispute resolution. Courts will not require arbitration when the parties have not agreed to it because “arbitration is a matter of consent, not coercion.”<sup>7</sup> To assure that the parties have consented to arbitration, the court decides 1) whether a valid enforceable arbitration agreement exists, 2) whether the parties are bound by the arbitration agreement and 3) whether the parties agreed to submit the particular dispute to arbitration.<sup>8</sup> State contract law applies in determining whether parties have agreed to arbitrate.<sup>9</sup>

When Oklahoma adopted the UAA in 1978, commerce was mostly conducted through paper transactions. Arbitration agreements were required to be “written” to be enforceable. ORUAA §1857A now requires the arbitration agreement to be contained in a “record” which §1852(6) defines as not only a written document in a tangible medium, but also “information ... that is stored in an electronic or other medium and is retrievable in perceivable form.” This change accommodates the

technological revolution in electronic and digital communication that followed the UAA.

ORUAA §1855 allows the parties to an arbitration agreement to waive, or vary, the requirements of the ORUAA, with certain exceptions. This is an attempt to balance the philosophy of providing sufficient flexibility to the parties so they can draft an agreement that satisfies their needs, while still protecting the inherent fairness in the arbitration process. Nonwaivability falls into two categories: 1) Those provisions of the ORUAA that cannot be waived or varied *before* a dispute arises, and 2) those provisions that can *never* be waived, either before or after the dispute arises.

ORUAA §§1855(B)(1) and (B)(4) set forth those provisions that cannot be waived in a *pre-dispute* context. They include: §1859(A) (access to judicial relief); §1857(A) (necessity for a valid enforceable arbitration agreement); §1859 (remedies from the court or arbitrator); §1868(A) and (B) (availability of subpoenas and depositions); §1877 (relating to enforcement of arbitration agreements); §1879 (relating to appeals from certain court orders); and §1867 (right to legal representation). Additionally, §1855(B)(2) prohibits the unreasonable restriction of the right to notice under §1860, and §1855(B)(3) prohibits the unreasonable restriction of the right to disclosure of facts by the arbitrator under §1863.

ORUAA §1855(C) includes those provisions that are not waivable at any time — regardless of when the dispute arises. These provisions involve fundamental rights without which there could be no fair arbitration process. They cover access to the judicial process and an arbitrator's inherent rights. The parties cannot waive the right to compel or stay arbitration, the right to move to confirm or vacate an award, or the immunity rights of an arbitrator and arbitration organization.

As a general proposition, only parties to an arbitration agreement are compelled to arbitrate and an arbitration clause cannot be invoked by or against a non-party. The Oklahoma Supreme Court first addressed the issue of whether, or in what manner, a nonsignatory may be bound by an arbitration agreement in *Carter v Schuster*.<sup>10</sup> In *Carter* the Supreme Court said<sup>11</sup>

The United States Court of Appeals for the Second Circuit has identified five theories for binding nonsignatories to arbitration agreements: 1) incorporation by reference,

when a party has entered into a separate contractual relationship with the nonsignatory incorporating the existing arbitration clause; 2) assumption, when subsequent conduct indicates nonsignatory has assumed the obligation to arbitrate; 3) agency, when traditional principles of agency law may bind a nonsignatory to an arbitration agreement; 4) veil-piercing/alter ego, when the corporate relationship between a parent and its subsidiary are sufficiently close to justify piercing the corporate veil and holding one corporation legally accountable for the actions of the other, such as, to prevent fraud or other wrong or when a parent dominates and controls a subsidiary; and 5) estoppel, when the claims are integrally related to the contract containing the arbitration clause. *Thomson-CSF, S.A. v American Arbitration Ass'n*, 64 F.3d 773, 776-779 (2d Cir. 1995).

An example of incorporation by reference is found in *High Sierra Energy, L.P. v Hull, et al.*<sup>12</sup> where a purchase and sale agreement contained an arbitration agreement while two related, but separate, employment agreements did not. The employees moved to compel arbitration because the purchase and sale agreement and the employment agreements each incorporated by reference the other. The trial court denied the motion to compel. The decision was reversed because the trial court did not resolve ambiguities in the agreements in favor of arbitration. The appellate court concluded that it could not say with positive assurance that the employment agreements were not subject to the arbitration clause in the purchase and sale agreement.<sup>13</sup>

Construction subcontracts often incorporate by reference the "general conditions" of the prime contract and those conditions typically contain an arbitration clause. *Highland Crossing L.P. v Ken Laster Co.*<sup>14</sup> involved a case where the owner signed the prime contract with the general contractor. The prime contract bound the owner to arbitrate "any claim arising out of or related to the contract." After an arbitration was commenced between the general contractor and a subcontractor, the subcontractor joined the owner and received an award against him. The award was confirmed despite the owner's contention he was a party to only the prime contract, and not to the subcontract. The award was affirmed on appeal since the "contract demonstrates owner's agreement to arbitrate claims **related to the construction contract.**"<sup>15</sup>

Equitable estoppel has been applied to allow a nonsignatory to compel arbitration where claims against the nonsignatory and the signatory are so ‘intertwined’ application of the doctrine is warranted. Accordingly, arbitration will be compelled “when the signatory raises allegations of substantially interdependent and concerted misconduct by both the nonsignatory and another signatory.”<sup>16</sup>

## ARBITRABILITY

ORUAA §1875(A) provides that agreements to arbitrate are “enforceable ... except upon a ground that exists at law or in equity for the revocation of a contract.” Subsections B and C of §1857 determine who decides arbitrability in the absence of an agreement between the parties to the contrary.<sup>17</sup> Issues of substantive arbitrability, such as “whether an agreement to arbitrate exists or a controversy is subject to an agreement to arbitrate” are for the court to resolve. The parties may, however, provide in the arbitration agreement that the issue of arbitrability will be determined by the arbitrators. *Oklahoma Oncology & Hematology P.C. v. U.S. Oncology, Inc.*, 2007 OK 12, 160 P.3d 936, 949. Matters of procedural arbitrability (conditions precedent such as time limits, notice, laches and estoppel) are for the arbitrator to decide. ORUAA §1875C providing that the arbitrator shall decide “whether a contract containing a valid agreement to arbitrate is enforceable,” is intended to follow the “separability” doctrine of *Prima Paint Corp. v. Flood & Conklin Manufacturing Co.*<sup>18</sup> This doctrine means that if a party challenges the enforceability of the underlying agreement, i.e. the contract containing the arbitration agreement, and not just the arbitration clause alone, on grounds such as fraud, illegality, mutual mistake, unconscionability or the like, the arbitrator, not the court decides the enforceability of the contract.

The separability doctrine is the law under the FAA and in a majority of the states. However, the Oklahoma Supreme Court has declined to follow the doctrine stating: “We also conclude that allegations of fraud in the inducement of the ... agreement generally, apart from the clause to arbitrate, must be resolved by the court prior to either compelling arbitration or dismissing the case.”<sup>19</sup> This rule applies as well to agreements that a party asserts are void and unenforceable on grounds other than fraud in the inducement. See e.g. *Howard, et al. v. Nitro-Lift Technologies, L.L.C.*, 2011 OK 98, \_\_\_\_ P.3d \_\_\_\_.

Unconscionability is a contract defense that is available to invalidate an arbitration agreement. However, the U.S. Supreme Court has held that invalidating an arbitration agreement subject to the FAA based on a state law that is applicable only to arbitration provisions contravenes the FAA.<sup>20</sup> The ORUAA includes a specific provision not found in the revised act. That provision states that non-negotiated arbitration clauses “shall be closely reviewed for unconscionability ...”<sup>21</sup> The ORUAA qualifies this heightened standard of review by stating it should be applied to the “extent permitted by federal law ...”<sup>22</sup>

A party may forfeit the right to arbitrate by express or implied waiver. Oklahoma has adopted a six-factor test for determining whether a party has waived its right to compel arbitration. These are referred to as the “*Northland Factors*”.<sup>23</sup> The factors include: 1) whether a party has taken actions that are inconsistent with a right to arbitrate; 2) whether the issue of arbitration was raised only after there had been significant preparation for litigation; 3) whether the trial date is near or there has been a long delay in raising the issue of contractual arbitration rights; 4) whether the party invoking the arbitration right has filed pleadings in the litigation without seeking a stay of the proceedings; 5) whether the party seeking arbitration has engaged in discovery proceedings that are not available in arbitration or participated in other “important intervening steps;” and 6) whether the opposing party has been prejudiced by the delay.

Recently, the *Northland Factors* were revisited to determine whether they had been superseded by the ORUAA.<sup>24</sup> With the exception of the fifth factor, dealing with discovery, the *Northland Factors* remain applicable. Waiver is an affirmative contract defense and “is not easily inferred” and “[t]he party asserting waiver has the burden of proof regarding that issue.”<sup>25</sup>

Whether an arbitration clause requires a mutuality of obligation to arbitrate is subject to two views. One view is the obligation to arbitrate need not be mutual.<sup>26</sup> The opposite view requires mutuality within the arbitration clause itself.<sup>27</sup> In *Thompson v. Bar-S Foods Co.*,<sup>28</sup> Thompson signed an employment application in which she agreed to use arbitration to resolve disputes related to the termination of her employment. When hired, she was required to sign a form provided by Bar-S acknowledging that the arbitration agreement was subject to



change by Bar-S without notice. The trial court refused to compel arbitration. The decision was affirmed because, under Oklahoma contract law, reserving the unilateral right to cancel the arbitration provision without notice rendered the provision illusory and unenforceable. However, the court went on to point out that an arbitration agreement reserving the unilateral right to modify or terminate the agreement is not illusory if reasonable restrictions are placed on this right.<sup>29</sup>

Impossibility of performance can render an arbitration agreement unenforceable. In *Amundsen v. Wright*,<sup>30</sup> the parties entered into a residential construction agreement that contained an arbitration clause which provided all disputes would be submitted to binding arbitration pursuant to the arbitration procedures of the Central Oklahoma Homebuilder's Association. Those procedures did not exist. Arbitration was denied "[b]ecause the procedures chosen by the parties do not exist and never existed, performance pursuant to the arbitration clause in the agreement is impossible."<sup>31</sup>

Whether, and to what extent, the statutes of limitation are a defense to claims brought in arbitration is an issue that is not addressed in the ORUAA. Oklahoma's statutes of limitation provide that "[c]ivil actions can only be commenced within the periods prescribed in this article ...". 12 Okla.Stat. §92. The question is whether arbitration is a "civil action". The Oklahoma Supreme Court defined the term "action" in *Greco v. Foster*, 1954 OK 43, 268 P.2d 215 to be "a proceeding in court by which one party prosecutes another party for the enforcement or protection of a right ...". Under this definition the statutes of limitation would not apply to claims in arbitration since arbitrations are not a "proceeding in court". If the parties to an arbitration agreement intend to place a time limit on bringing claims in arbitration, the time limit should be set forth in the arbitration agreement.

## THE ARBITRATOR

Arbitrators can be neutral or non-neutral. Neutral arbitrators are considered impartial, while non-neutral arbitrators may be predisposed toward one party or the other. Arbitrator partiality creates a tension because on one hand impartial justice is the abstract concept underlying arbitration, while on the other arbitration is consensual and the parties are entitled to a decision maker of their own choosing.<sup>32</sup>

“If the arbitration agreement requires all arbitrators to be neutral, then ORUAA §1862B applies to party-appointed arbitrators as well as the third arbitrator.”

ORUAA §1862B provides that an individual having a material interest in the outcome of the arbitration, or a substantial relationship with a party, shall not serve as an arbitrator where the arbitration agreement requires the arbitrator to be neutral. Because §1862B is waivable under ORUAA §1855 and subject to the agreement of the parties, they may agree to select a non-neutral arbitrator with the type of interest or relationship that would otherwise be prohibited by ORUAA §1862B.<sup>33</sup>

Arbitration clauses commonly provide for three-member panels. The normal procedure is for each party to appoint one arbitrator, after which the party-appointed arbitrators select the third arbitrator. If the arbitration agreement requires all arbitrators to be neutral, then ORUAA §1862B applies to party-appointed arbitrators as well as the third arbitrator. However, where the arbitration agreement is silent on the question of the neutrality of party-appointed arbitrators, the ORUAA takes no position on whether party-appointed arbitrators are to be neutral or non-neutral. The general understanding is that party-appointed arbitrators may be predisposed toward the party appointing them, and the third arbitrator is the "neutral."<sup>34</sup>

If the arbitration agreement provides the arbitration will be conducted under the rules of the American Arbitration Association<sup>35</sup> then the AAA's Code of Ethics for Arbitrators in Commercial Disputes applies, and Canon IX of the code provides that all three arbitrators are *presumed* to be neutral, absent an expectation by the parties that the party-appointed arbitrators may be predisposed (non-neutral) toward the party appointing them. However, even then party-appointed arbitrators are required by Canon X to act in good faith and with integrity and fairness.

An arbitration clause that reserves to only one party the right to select the arbitrator(s), is unenforceable. *Ditto v Re/Max Preferred Properties, Inc.*, 1993 OK CIV APP 151 ¶ 19, 861 P2d 1000 (such a clause conflicts with our fundamental notions of fairness and tends to defeat arbitration's goals of expeditious and equitable dispute resolution).

Disclosure is a new requirement under the ORUAA §1863. Arbitrators are required to disclose matters that might appear to cause, or might actually cause, a conflict of interest. Disclosure is required when 1) the fact is known to the arbitrator, and 2) that a reasonable person would conclude that the fact causes a conflict affecting the arbitrator's impartiality. A failure to disclose information of a conflict, or an arbitrator's decision to continue to serve after the arbitrator discloses the information and a party timely objects, can result in vacatur of the award if the facts establish evident partiality by the arbitrator. ORUAA §1863C presumes evident partiality if a neutral arbitrator fails to disclose "a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party."

The disclosure requirements of ORUAA §1863 may be waived as to non-neutral arbitrators. As to neutral arbitrators, the parties are allowed by ORUAA §1855(3) to vary the requirements of ORUAA §1863 so long as they do not "unreasonably restrict" the right to disclosure.

## THE ARBITRATION PROCESS

The arbitration process is initiated by formal notice.<sup>36</sup> The parties may provide in their arbitration agreement for the manner of notice, but in the absence of such agreement the notice is by certified or registered mail, return receipt requested, or by service as authorized for the commencement of a civil action. ORUAA §1860A requires that notice of the arbitration be given to *all* parties to the arbitration agreement. This requirement applies whether the arbitration claim is made against all parties or less than all. The notice must inform the parties of "the nature of the controversy and the remedy sought." The lack or insufficiency of notice must be objected to no later than the beginning of the arbitration hearing or the objection is waived.

If court intervention is required to enforce the arbitration agreement, ORUAA §1877A confers power to enforce an arbitration agreement to an Oklahoma court having personal

and subject matter jurisdiction. This is a change from the UAA which conferred jurisdiction to enforce arbitration clauses on courts in the state where the agreement was made.<sup>37</sup>

Procedurally, an evidentiary hearing may be necessary to resolve a motion to compel. In *Oklahoma Oncology & Hematology P.C. v US Oncology, Inc.*, 2007 OK 12 ¶¶ 36-37, 160 P3d 936, the Oklahoma Supreme Court held the district court abused its discretion by failing to conduct an evidentiary hearing on the factual issues as required by Rule 4(c) of the Rules for District Courts before compelling arbitration.

ORUAA §1868C affords the arbitrator with discretion to allow prehearing discovery. However, the commentary to the revised act underscores the limited nature of discovery in arbitration proceedings, emphasizing that the discovery contemplated by the revised act is not coextensive with that which occurs in the course of civil litigation.<sup>38</sup>

The arbitrator is to conduct the arbitration in the manner the arbitrator considers appropriate for the fair and expeditious disposition of the proceeding. ORUAA §1866A extends to arbitrators "the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters determine the admissibility, relevance, materiality and weight of any evidence." ORUAA §1866B allows arbitrators to decide matters based on "a request for summary disposition." Summary disposition, however, may be granted only after appropriate notice is given and the opposing parties have a reasonable opportunity to respond.

ORUAA §1867 preserves the right of parties to be represented by an attorney during the arbitration proceedings. The right to legal counsel may not be waived before the initiation of an arbitration proceeding, except in a labor management arbitration.<sup>39</sup>

The ORUAA addresses remedies in two different sections: §1859 provides for provisional remedies; §1872 provides for final remedies. Provisional remedies may be determined by the arbitrator if requested after the arbitrator's appointment. The court may decide on a provisional remedy only where the request is made before the arbitrator is appointed, or if the matter is an urgent one, and the arbitrator is not able to act timely or the arbitrator cannot provide an adequate remedy."<sup>40</sup>

The arbitrators are given authority to award relief even if it exceeds that given to judges in civil actions.<sup>41</sup> ORUAA §1872 extends to arbitrators the ability to award attorneys' fees and punitive damages. However, these remedies may be assessed only "if such an award is authorized by law in a civil action involving the same claim." Since ORUAA §1872 is waivable the parties can agree to eliminate punitive damages or attorney fees, or provide for attorney fees in the absence of their availability in a civil action. The Oklahoma Supreme Court has held that an arbitrator exceeds his authority when he ignores a provision in the arbitration agreement allowing the prevailing party an attorney's fee and expenses.<sup>42</sup>

## POST AWARD

Once an award is entered by the arbitrator the "back end" of the arbitration process begins. This process includes a determination by the court as to whether the award should be confirmed, vacated, modified or corrected. The court may ultimately enter a judgment confirming the award, which is enforced as any other judgment in a civil action.<sup>43</sup> ORUAA §1877B deals with jurisdiction to enter judgment on an arbitration award. It provides that an agreement providing for arbitration in a particular state confers "exclusive jurisdiction" on the courts of that state to enter judgment. The rationale here is to prevent forum shopping in confirmation proceedings and to allow the parties to the arbitration agreement the authority to choose the location of the arbitration and subsequent confirmation proceedings, rather than having the place of contracting control.<sup>44</sup>

The common law arbitration doctrine of *functus officio* provides that "when arbitrators have executed their awards and declared their decision they are *functus officio* and have no power to proceed further."<sup>45</sup> ORUAA §1871A provides a limited statutory exception to the doctrine and allows the arbitrator, on the motion of a party, to modify or correct an award in the following circumstances 1) when there is a mathematical miscalculation or a mistake in description, 2) imperfection in the form of the award or 3) a need exists to clarify the award. The motion must be filed within 20 days of receiving the award. If a motion to confirm, vacate or correct an award is filed with the court, ORUAA §1871D allows the court to submit the award back to the arbitrator for a determination whether to modify or correct the award. ORUAA §1873 provides that the court "shall"

confirm the award unless it has been modified, corrected or vacated. A motion to confirm must be filed within one year under the FAA, however, no time limit is set forth in the ORUAA.

A party moving to confirm an award must attach a copy of the arbitration agreement and proof of service of the arbitration proceedings. *Asset Acceptance, LLC v. Johnson*, 2011 OK CIV APP 121, \_\_\_\_ P.3d \_\_\_\_\_. Absent the necessary evidentiary materials, the trial court *sua sponte* should refuse to confirm the motion on the record submitted. *Id.*

The court may vacate an arbitration award if one of the statutory grounds for vacating an arbitration award exists. The grounds are: 1) the award was procured by corruption, fraud or undue means, 2) evident partiality on the part of a neutral arbitrator or 3) misconduct by an arbitrator. Other statutory grounds include 4) conducting a hearing so as to substantially prejudice the rights of a party 5) exceeding the arbitrators powers, 6) lack of an agreement to arbitrate (unless waived) and 7) lack of proper notice.<sup>46</sup>

"Evident partiality" on the part of a neutral arbitrator is grounds for vacatur, but it is not for non-neutral, party-appointed arbitrators since they are not expected to be impartial in the same sense as neutral arbitrators.<sup>47</sup> The Oklahoma Supreme Court has held that although the parties are relatively free to select individuals as arbitrators, the court should be even more scrupulous to safeguard the impartiality of arbitrators than judges, because arbitrators are completely free to decide the law and determine the facts and are not subject to appellate review.<sup>48</sup> When a party challenges the legality of an arbitration, evidence of bias or interest on the part of an arbitrator must be direct, definite and capable of demonstration, rather than remote, uncertain or speculative.<sup>49</sup>

The right to conduct post-arbitration discovery to establish grounds for vacatur is conditioned on a showing of extraordinary circumstances.<sup>50</sup> The court's obligation to consider arbitrator bias as a basis to vacate an arbitration award is limited to scanning the record to see if it demonstrates evident partiality on the part of the arbitrator.<sup>51</sup> In the absence of a verbatim transcript of the arbitration hearing, or narrative statement consistent with Okla.Sup.Ct.R. 1.30, the court is to presume regularity of the award.<sup>52</sup>

Two non-statutory grounds for vacatur of an award are "manifest disregard of the law" and

that the award is “contrary to public policy.” Neither of these grounds are found in the FAA or the ORUAA. However, all federal circuit court of appeals have embraced one or both standards in arbitration cases. The Oklahoma Supreme Court has not taken a position: “We need not adopt or reject the non-statutory manifest disregard of the law basis for vacating the arbitrator’s denial of prevailing party attorney fees ...” since here the arbitrator exceeded his authority.<sup>53</sup>

A party has 90 days from the notice of an award to file a motion with the court to modify or correct the award. The court is required to modify or correct the award if 1) there is a mathematical miscalculation or mistake in description, 2) the award is on a claim not submitted to the arbitrator, or 3) the award is imperfect in form.<sup>54</sup>

## APPEAL

ORUAA §1879 provides that an appeal may be taken from 1) an order denying a motion to compel arbitration, 2) an order granting a motion to stay arbitration, 3) an order confirming or denying confirmation of an award, 4) an order modifying or correcting an award, 5) an order vacating an award (without directing a rehearing) or 6) a final judgment under the ORUAA. In addition, the Oklahoma Supreme Court has held that an order by the district court compelling arbitration and staying further proceedings constitutes a “final order” under 12 Okla. Stat. §953 for purposes of appeal when the whole controversy is sent to arbitration and nothing is left pending in the district court.<sup>55</sup>

The Oklahoma Supreme Court has stated that “[w]e review an order granting or denying a motion to compel arbitration *de novo*, the same standard of review employed by the trial court.”<sup>56</sup> While recognizing there is a strong presumption in favor of arbitration, the Supreme Court has also recognized that “the presumption arises only after the party seeking to compel arbitration proves that a valid arbitration agreement exists.”<sup>57</sup> Once the party meets his burden of establishing a valid arbitration agreement exists “[a]rbitration should be compelled unless it may be said with positive assurance that the arbitration clause is not susceptible to an interpretation that covers the asserted dispute.”<sup>58</sup> In that regard, any ambiguities in the agreement are to be resolved in favor of arbitration.<sup>59</sup> The arbitrator’s determi-

nation of the law and facts are not subject to appellate review.<sup>60</sup>

## CONCLUSION

The revised act was unanimously passed by the Uniform Law commissioners. The goal was to provide the framework for a more efficient modern and fair arbitration process. The acceptance of the revised act in Oklahoma and other states indicates the revised act is meeting those goals.

1. Judge Story, in 1845 justified the doctrine of non-recognition of arbitration agreements in *Toby v County of Bristol*, 23 F Cas 1313 by stating: “It is certainly the common law, not to compel men to submit their rights and interests to arbitration, or to enforce agreements for such a purpose.”

2. *Towe, Hester & Erwin, Inc. v Kansas City Fire & Marine Ins. Co.*, 1997 OK CIV APP 58, ¶ 24, 947 P.2d 594, 599; *Long v DeGeer*, 1987 OK 104, ¶ 5, 753 P.2d 1327, 1328 (“[C]ourts generally look with favor upon arbitration provisions as a shortcut to substantial justice with a minimum of court interference.”).

3. 15 Okla. Stat. §§801 - 818.

4. 12 Okla. Stat. §1854C.

5. *E.g. Bruner v Timberlane Manor Limited Partnership*, 2006 OK 90, ¶¶ 42-45, 155 P.3d 16.

6. *Volt Information Sciences, Inc. v Stanford University*, 489 U.S. 468 (1989); *Mastrobuono v Shearson Lehman Hutton, Inc.*, 514 U.S. 52 (1995).

7. *Farrell v Concept Builders, Inc.*, 2009 OK CIV APP 34, ¶ 7, 208 P.3d at 944-45 (quoted citation omitted).

8. *Oklahoma Oncology & Hematology P.C. v U.S. Oncology, Inc.*, 2007 OK 12 ¶ 22, 160 P.3d 936, 944-45.

9. *Rogers v Dell Computer Corp.*, 2005 OK 51, ¶ 19, 138 P.3d 826; *Thompson v Bar-S Foods Co.*, 2007 OK 75 ¶ 18, 174 P.3d 567, 574 (“The interpretation of an arbitration agreement is governed by general state-law principles of contract interpretation.”).

10. 2009 OK 94, 227 P.3d 149.

11. *Id.* at ¶ 14.

12. 2010 OK CIV APP 96, 241 P.3d 1139.

13. *Id.* at ¶ 18.

14. 2010 OK CIV APP 124, 242 P.3d 567.

15. *Id.* at ¶ 8 (emphasis in the opinion).

16. *Cinocca v Orcrist, Inc.*, 2002 OK CIV APP 123, ¶ 18, 60 P.3d 1072.

17. If, for example, the parties have agreed to follow the Commercial Arbitration Rules and Mediation Procedures of the American Arbitration Association, then Rule 7(b) provides that arbitrators make the determination of the existence or validity of a contract of which an arbitration clause forms a part. The invalidity of the contract does not for that reason alone render the arbitration clause invalid.

18. 388 U.S. 395 (1967).

19. *Shaffer v Jeffery*, 1996 OK 47, ¶ 26, 915 P.2d 910.

20. *Doctor's Associates v Cassarotto*, 517 U.S. 681 (1996) (arbitration agreements may not be invalidated under state laws applicable to only arbitration provisions).

21. 12 Okla. Stat. §1880B.

22. 12 Okla. Stat. §1880A.

23. *Northland Ins. v Kellogg*, 1995 OK CIV APP 84, 897 P.2d 1161.

24. *Willco Enterprises, LLC v Woodruff*, 2010 OK CIV APP 18, 231 P.3d 767.

25. *Id.* at ¶ 15 (citing references omitted).

26. *See, e.g. State ex. rel. Vincent v Schneider*, 194 S.W. 3d 853 (Mo. 2006) (a real estate contract which allowed only the vendor the right to select arbitration was not invalid since there was consideration as to the whole contract, regardless of whether the arbitration clause itself was one-sided.).

27. *Dumais v American Golf Corporation*, 299 F.3d 1216, 1219 (10th Cir 2002) (“We join other circuits in holding that an arbitration agreement allowing one party the unfettered right to alter the arbitration agreements’ existence or its scope is illusory.”).

28. 2007 OK 75, 175 P.3d 567.

29. *Id.* at ¶ 20 citing with approval *Hardin v First Cash Financial Services*, 465 F.3d 470 (10th Cir. 2006); *Pierce v Kellogg, Brown & Root, Inc.*, 245 F. Supp. 2d 1212 (E.D. OK 2003).

30. 2010 OK CIV APP 75, 240 P.3d 16.

31. *Id.* at ¶ 15. Impossibility of performance of the arbitration clause is different than the failure of the agreed method to select an

arbitrator. ORUAA §1862 provides “[i]f the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed, unless the method fails. If ... the agreed method fails ... the court on motion of a party to the arbitration proceeding, shall appoint the arbitrator.”

32. Official Comment to Uniform Arbitration Act (2000) (U.L.A.) §12.
33. Official Comment to Uniform Arbitration Act (2000) (U.L.A.) §11.
34. Official Comment to Uniform Arbitration Act (2000) (U.L.A.) §11.
35. Commercial Arbitration Rules and Mediation Procedures (AAA 2003), available on the AAA website at [www.adr.org](http://www.adr.org).
36. 12 Okla. Stat. §1860A.
37. UAA §17.
38. Official Comment to Uniform Arbitration Act (2000) (U.L.A.) §17.
39. 12 Okla. Stat. §18551B4.
40. 12 Okla. Stat. §1859A and B2.
41. 12 Okla. Stat. §1872C .
42. *Sooner Builders & Investments, Inc. v Nolan Hatcher Construction Services, L.L.C.*, 2007 OK 50 ¶ 28, 164 P.3d 1063.
43. 12 Okla. Stat. §1876A.
44. *State ex rel. Tri County Constr. Co. v Marsh*, 668 S.W. 2d 148, 152 (Mo.Ct. App. 1984) (“[E]very state that has considered the question of jurisdiction to confirm the award has focused on the place of arbitration and not the locus of the contract.”) .
45. *Mercury Oil Ref. Co. v Oil Workers*, 187 F.2d 980, 983 (10th Cir. 1951) .
46. 12 Okla. Stat. §1874.
47. Official Comment to Uniform Arbitration Act (2000) (U.L.A.) §23.
48. *Voss v City of Oklahoma City*, 1980 OK 148 ¶ 4, 618 P.2d 925, citing *Commonwealth Coatings Corp. v Continental Casualty Co.*, 393 U.S. 145, 148-49.
49. *City College, Inc. v Moore Sorrents LLC*, 2010 OK CIV APP 127, ¶ 32, 127 P.3d \_\_\_\_.
50. *Wilbanks Securities, Inc. v McFarland*, 2010 OK CIV APP 17, ¶ 33, 231 P.3d 714.
51. *Id.* at ¶ 35.

52. *Id.* at ¶ 40.

53. *Sooner Builders & Investments, Inc. v Nolan Hatcher Construction Services, L.L.C.*, 2007 OK 50, ¶¶ 164 P.3d 1063.

54. 12 Okla. Stat. §1875.

55. *Oklahoma Oncology & Hematology P.C. v U.S. Oncology, Inc.*, 2007 OK 12 ¶ 17, 160 P.3d 936.

56. *Thompson v Bar-S Foods Co.*, 2007 OK 75, ¶ 9, 174 P.3d 567, 572 (citations omitted).

57. *Thompson v Bar-S Foods Company*, 2007 OK 75 ¶ 30, 175 P.3d 567 (quoting *J. M. Davidson, Inc. v Webster*, 128 S.W. 3d 223 (Tex. 2003)).

58. *Id.*

59. *High Sierra Energy LP v Hull*, 2010 OK CIV APP 96 ¶ 13, 241 P.3d 1139.

60. *Voss v City of Oklahoma City*, 1980 OK 148 ¶ 4, 618 P.2d 925.

## ABOUT THE AUTHOR



Ron Ricketts is a shareholder in the GableGotwals law firm. He is listed as a neutral on the commercial panel of the American Arbitration Association. He currently serves as a member of the Oklahoma Supreme Court Standing Committee for Uniform Civil Jury Instructions. He served as a state district court judge for Tulsa County from 1969 to 1979.

# Oklahoma Bar Journal Editorial Calendar

## 2012

### ■ February

#### **Environmental Law**

Editor: Emily Y. Duensing  
[emily.duensing@oscn.net](mailto:emily.duensing@oscn.net)  
Deadline: Oct. 1, 2011

### ■ March

#### **Work Life Balance**

Editor: Joseph M. Vorndran  
[joe@scdtlaw.com](mailto:joe@scdtlaw.com)  
Deadline: Oct. 1, 2011

### ■ April

#### **Law Day**

Editor: Carol Manning

### ■ May

#### **Nonprofit Law**

Editor: Dietmar Caudle  
[d.caudle@sbcglobal.net](mailto:d.caudle@sbcglobal.net)  
Deadline: Jan. 1, 2012

### ■ August

#### **Family Law**

Editor: Sandee Coogan  
[scoogan@coxinet.net](mailto:scoogan@coxinet.net)  
Deadline: May 1, 2012

### ■ September

#### **Bar Convention**

Editor: Carol Manning

### ■ October

#### **Opening a Law Practice**

Editor: Melissa DeLacerda  
[MellssDE@aol.com](mailto:MellssDE@aol.com)  
Deadline: May 1, 2012

### ■ November

#### **Homeland Security**

Editor: Erin Means  
[means@gungolljackson.com](mailto:means@gungolljackson.com)  
Deadline: Aug. 1, 2012

### ■ December

#### **Ethics & Professional Responsibility**

Editor: Pandee Ramirez  
[pandee@sbcglobal.net](mailto:pandee@sbcglobal.net)  
Deadline: Aug. 1, 2012

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



## **NOTICE OF VACANCY OF UNITED STATES MAGISTRATE JUDGE POSITION**

Applications are now being accepted for the appointment of a full-time United States magistrate judge for the Western District of Oklahoma at Oklahoma City.

The duties of the position are demanding and wide-ranging and will include: (1) substantial research and writing assistance to the court for which demonstrated legal scholarship is required; (2) conduct of most preliminary proceedings in criminal cases; (3) trial and disposition of misdemeanor cases; (4) conduct of various pre-trial matters, evidentiary proceedings and summary (advisory) jury trials on delegation from a district judge; (5) trial and disposition of civil cases upon consent of the litigants; and (6) conduct settlement conference in cases referred by a district judge. The basic jurisdiction of the United States Magistrate Judge is specified in 28 U.S.C. §636.

To be qualified for appointment an applicant must:

1. Be a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five (5) years (with some substitutes authorized);
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than seventy years old; and
4. Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary of the position is \$160,080.00. The term of the office is eight years.

The court emphasizes that excellent legal scholarship and quality legal research and writing skills and experience are critically important requirements for the selection process and performance of this federal judicial position. Training and experience in alternative dispute resolution procedures is recommended.

Application forms and further information on the magistrate judge position in this court may be obtained from:

Clerk of the United States District Court  
2110 U.S. Courthouse, 200 N.W. 4th Street  
Oklahoma City, Oklahoma 73102  
(405) 609-5050

or from the chairperson of the selection panel:

Kerry A. Kelly, Assistant U.S. Attorney  
210 West Park Avenue, Suite 400  
Oklahoma City, Oklahoma 73102

The form is also available on the court's external website at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov). An original and ten (10) copies of each application and required writing sample must be submitted only by the applicants and must be received by the clerk no later than 4:30 p.m., Wednesday, February 15, 2012.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

For the Court:  
VICKI MILES-LaGRANGE  
CHIEF JUDGE

# **Confidential OBA-ADR Section Questionnaire for Mediators**

**STATEMENT OF PURPOSE:** OBA member attorneys increasingly ask the OBA-ADR Section to identify OBA attorneys that hold themselves out to be qualified Mediators. We are unaware of any statewide list of qualified attorney Mediators or any list of Oklahoma attorneys that hold themselves out to the public as being qualified Mediators, and we do not want to create the appearance that we endorse or recommend any particular attorney to provide Mediation services. Inquiries have led us to consider what we could do to address this lack of information.

The Section has decided to compile a database of attorneys in each county that hold themselves out to be Mediators who are qualified by training, experience, or both. At this time we are simply gathering information and will look to the OBA (and perhaps the Judiciary and other sources) for guidance as to whether or not this data should be made public, and under what circumstances.

Accordingly, if you represent yourself to the public  
to be a qualified attorney Mediator,  
please complete, sign and return  
**the OBA-ADR SECTION CONFIDENTIAL QUESTIONNAIRE  
FOR MEDIATORS,**  
which is available online at [www.okbar.org](http://www.okbar.org).

***You may mail your completed Questionnaire to:***

OBA Mediator Database Project  
P.O. Box 53036  
OKC, OK 73152-3036

***Or scan and email it to [michael@christensenlawgroup.com](mailto:michael@christensenlawgroup.com).***

The Section will hold all completed Questionnaires in confidence and will not release information to the public without your advance consent.

**DEADLINE FOR SUBMISSION: MARCH 30, 2012**

***Direct any questions you may have to D. Michael O'Neil,  
(405) 232-2020, [michael@christensenlawgroup.com](mailto:michael@christensenlawgroup.com).***

# The iPad: How David Bests Goliath

*By Janet Kyle Altman*

In the story of David and Goliath, the underdog beats a bigger, more experienced and better-armed opponent with five smooth stones. David is nimble, and his tactics are unconventional. And though it's tempting to call him an outlier, according to political scientist Ivan Arreguín-Toft,<sup>1</sup> smaller and nimbler forces win all the time using unconventional and unexpected strategies.

The iPad provides a growing arsenal to the Davids of the legal profession. Its portability, ease of use and innovative apps help solo practitioners and small to mid-sized firms beat larger and more powerful opponents all the time.

It's rare to walk into a courthouse these days without seeing an attorney scrolling through email or doing some quick research on his or her iPad. Many professionals have been drawn to the iPad's convenience for document sharing, email monitoring and more. For lawyers whose practices span several counties or states, the iPad's portability is a tremendous advantage. Now apps are available which take the iPad beyond convenience to deliver tangible benefits. Below are a few examples.

## **IMPROVE EFFECTIVENESS IN COURT AND CUT COSTS**

If it seems like jurors are less focused on your case than they used to be, it's not your imagination. Technology (first the Internet, now smartphones and tweets) has changed the way messages are delivered and absorbed. Your spellbinding oral argument about the breach of contract that damaged your client's widget distribution empire just doesn't deliver the volume of stimulation our brains have come to

expect. Presenting evidence electronically has become virtually essential.

And if you thought it was only available for the big budget matters, the news is excellent: the power of technology is now at the fingertips of any attorney, for any matter, using TrialPad for iPad, found at [www.trialpad.com](http://www.trialpad.com), for just \$89.99.

TrialPad lets you organize documents in case folders and annotate, highlight and redact them for presentation to judge or jury. You can annotate the same document in different ways for different witnesses and save them as "Hot-Docs" for easy access. And if you need to redact or highlight something on the fly, it's not projected to the courtroom until you're ready. If you've ever wrestled presentation boards into a courthouse during a rainstorm, faced the exclusion of an important exhibit because one small section was inadmissible, or hauled towers of boxes to court in case you needed an additional document, this App is a game-changer.

## **ACCESS FILES FROM ANYWHERE AND IMPROVE EFFICIENCY**

Dropbox, found at [www.dropbox.com](http://www.dropbox.com), is a must have. It gives you instant access to your documents from your iPad, or pretty much any other device. Put case files, transcripts or

**A number of blogs discuss  
and review iPad apps for lawyers.  
Check out:**

Tablet Legal by Josh Barrett [www.tabletlegal.com](http://www.tabletlegal.com)

Legal iPad by Niki Black <http://legal-ipad.com/>

WalkingOffice by Rob Dean  
[www.walkingoffice.com](http://www.walkingoffice.com)

TechnoEsq by Finis Price [www.technoesq.com](http://www.technoesq.com)

iPad 4 Lawyers by Tom Mighell  
<http://ipad4lawyers.squarespace.com>

iPhone J.D. by Jeff Richardson [www.iphonejd.com](http://www.iphonejd.com)

The Mac Lawyer by Ben Stevens  
[www.themaclawyer.com](http://www.themaclawyer.com)

MacLitigator by Peter Summerill  
[www.maclitigator.com](http://www.maclitigator.com)

Court Technology and Trial Presentation by  
Ted Brooks <http://trial-technology.blogspot.com>

Macs in Law by Brett Burney [www.macsinlaw.com](http://www.macsinlaw.com)

The Hytech Lawyer by Bill Latham  
<http://hytechlawyer.com>

exhibits in your little piece of the cloud and they're at your fingertips. Files and transmission are encrypted. 2GB are free, and subscriptions up to 100GB are available for just \$19.99 a month, with a discount for annual subscriptions. You can even create shared folders so your associates, clients and experts can add documents or see your annotations.

### **GET LEGAL RESEARCH ON THE FLY, COST EFFECTIVELY**

Legal research apps abound, from familiar providers like Westlaw and LexisNexis to newer players focused on mobile access and powerful search tools. Your needs will drive your choices here, but check out Fastcase. The iPad app is free and includes many of the benefits of their highly regarded web-based application — including cases and statutes from all 50 states and the federal government — and excellent search functions. Fastcase is a free member benefit from the OBA, but you have to

log in via the OBA website to use that account. You will need to register with Fastcase at [www.fastcase.com](http://www.fastcase.com) and set up an account to use the free app. Fastcase was voted #1 in customer satisfaction by Law Technology News.

### **STREAMLINE PRACTICE MANAGEMENT AND CLIENT DEVELOPMENT**

If you think practice management is just about keeping track of time and billing for existing clients, you're missing the boat. The lean nimble law firm recognizes that tactics used in other industries can make the difference in business development. My Real Practice at <http://my.realpractice.com> gets it. This app gives mobile access to contacts, matters, tasks and billing tools. You get templates to create a website, and tools to monitor incoming prospective client leads. The basics are free and premium membership starts at \$29 setup plus \$19 per month.

### **CONCLUSION**

Advances in technology have always helped innovative small to mid-sized firms leapfrog larger firms that can be weighed down by bureaucracy and politics. The iPad is the best example yet, helping agile players improve productivity, cut costs and deliver better results for clients.

1. [www.newyorker.com/reporting/2009/05/11/090511fa\\_fact\\_gladwell](http://www.newyorker.com/reporting/2009/05/11/090511fa_fact_gladwell)

### **ABOUT THE AUTHOR**



Janet Kyle Altman is a principal and marketing director for Kaufman, Rossin & Co. She has been with the firm since 2000 and brings more than two decades of marketing experience to clients, including decades of Fortune 100 experience in employee benefits, financial services and electronic publishing. Her successes include product development, direct marketing, integrated marketing communications, promotions, website development, sales tools and sales training.

# Committee Revitalizes Lawyers Helping Lawyers Foundation

By Travis Pickens

Substance abuse and mental health issues are challenges the legal profession struggles with, and tough economic times mean the number of lawyers coping with anxiety, stress and depression are on the rise.

The Lawyers Helping Lawyers Foundation Inc. was formed as an Oklahoma nonprofit corporation in 2003, but since then, the work has largely been done by the OBA Lawyers Helping Lawyers Committee through its contract with CABA Inc., a private company that coordinates and provides mental health services to OBA members.

Given the growing demands and requests for help from the committee and CABA, coupled with the increasing willingness of lawyers to seek help, additional funding is necessary to broaden and deepen this important work. The revitalized foundation will take assisting lawyers to a higher level than ever before – providing grants to supplement payment for specific treatment or services for lawyers in crisis. And that's only part of the vision. Now planning for a major fundraising campaign is underway seeking to establish substantial, long-term financial support for efforts to address these issues head on.

The foundation will get its boost through the work of the LHL Assistance Program Committee and its leaders Tom Riesen and Clif Gooding along with 2012 OBA President Cathy Christensen. President Christensen has declared the foundation and the work of LHL to be among her top priorities for 2012.

LHL Committee Chair Tom Riesen said, “No lawyers should have to end their careers because they are dealing with stress, depression or addiction. Our goal is to intervene before members become impaired, and then to help them begin and continue recovery.”

The work of the LHL Committee and CABA to date includes a 24-hour assistance hotline, case assessment, referrals to licensed health providers or mentors, ongoing support for lawyers through separate monthly meetings for men and women, and in some cases, responding on an emergency basis to lawyers in distress and in immediate need of counseling or intervention. Licensed professional counselor Rebecca Williams, who serves as the director of employee assistance services for CABA, is the initial contact point for lawyers making confidential referrals and has worked closely with the committee since 2007.

Several other leaders of the legal community have stepped forward to become involved and assume either a leadership or support role for the foundation. The needs are well known and growing. A kick-off event to benefit the Lawyers Helping Lawyers Foundation Inc. is planned for the evening of March 27 at the Oklahoma Bar Center in Oklahoma City and will feature an auction and dinner CLE. More details about the fundraiser will be coming in the Feb. 11 *Oklahoma Bar Journal*.

*Mr. Pickens is OBA ethics counsel and a LHL Assistance Program Committee member.*



**You are not alone.**  
LHL Hotline 800-364-7886



# Final Phase of the Final Phase

*By John Morris Williams*

The final plans are being made to remodel the second floor of the west wing, also known as, the Office of the General Counsel and the Council on Judicial Complaints. During the budget process this year, I was reminded that few people in elected leadership of our organization were involved in the research, planning and design work that was undertaken in 2003 to remodel the Oklahoma Bar Center. Additionally, we have added a few hundred members since that time who were not privy to the plan or the communications regarding the need to remodel the facilities.

Shortly after becoming your executive director in 2003, it became apparent that there was a good deal of deferred maintenance and a even greater problem with asbestos in the east wing that was built in the early 1960s. The Bar Center Facility Committee, which previously focused on developing house rules, sprang into action. The current chair, Judy Hamilton Morse, has been on board the entire time as a committee member and then later chair. Past President Bill Conger did a great deal of work on the committee and saw us through much of the process serving as our committee chair. Also, current President Cathy Christensen has been involved all the way through. Many thanks to them for the years of service.

The committee first undertook an engineering study of the structure to make sure that the structural integrity of the building was sound. First, there was concern that the marble slabs were going to fall off the building. That is when I started parking a little further from the building and constantly looking up as I entered and exited the building. Thankfully, that concern was shortly put to bed and all that was needed was for the slabs to be caulked. So, we caulked.

“All of the work was planned and paid for before each of the phases began.”

Next, came the process of picking a contractor and architect to plan and perform the remodeling work. After interviews with several contractors, Lingo Construction Co. was chosen as the contractor. That has been a good choice resulting in most phases of the work coming in on time and under budget. Lingo has been good to

stand behind its work and has given us good work product.

## **PHASE ONE AND TWO**

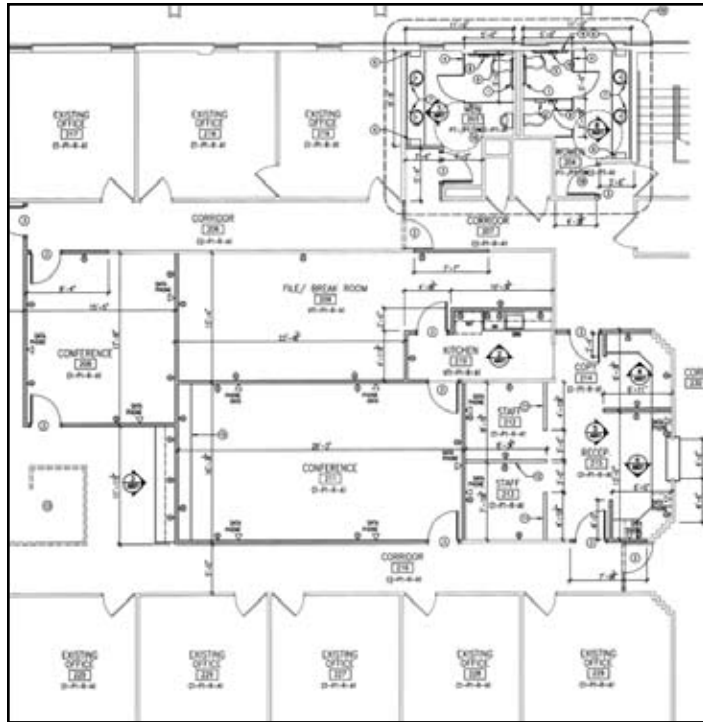
The work was then divided into four phases. The first phase included the caulking and a few other minor issues relating to preserving the structure. The second phase was the reconstruction of the south entrance. Due to drainage issues and erosion caused by a broken water pipe, the entire platform with steps leading up to the building was pulling away from the building. Not only was this causing a safety hazard with a couple of people having some serious falls, the situation escalated to the point where we were not able to open and close the doors properly. In short, the south entrance was about to start collapsing. Under the Americans With Disabilities Act, we had to make the entrance accessible. Not only was this the legal thing to do, it was the right thing to do. The bar center belongs to all our members, and it needed to be as accessible as possible. This was not a simple feat. What we call the first floor is actually the second floor when you take into consideration the change in elevation from the parking lot to the entry doors. The result was a rather elaborate design that stretched from the west end of the building ramping up to the south entry doors. A water feature was added and

dedicated to Past President and Executive Director John Shipp. The memorial was funded by generous donations from his many friends in the legal community. Past President Doug Sanders played an important role in the fundraising, and he should be acknowledged for his good works in making the memorial a reality.

### PHASE THREE

The third phase involved abating the asbestos in the east wing. This required gutting the entire three floors and sealing off the area to prevent hazardous exposure to staff and visitors to the building. The fun part was relocating 22 staff members to portable buildings in the south parking lot for nine months. Yours truly was among the refugees, and it was actually a much more enjoyable event than you might imagine. Although it is not something I would like to repeat any time in the near future, what made it great was the people I was with. We are all on one floor, and there was a good deal of “togetherness.”

Phase three involved not only gutting the entire structure but included moving the elevator location and closing in the open stairwells to meet fire code standards. Thus, the layout of the first and second floor changed dramatically. Additionally, past OBA Governor and Vice President Jack Dawson, who served on the Bar Center Facilities Committee, suggested that we have a permanent hearing room for the Professional Responsibility Tribunal hearings. The hearings were then being held in a conference room on the main floor using folding tables and a portable sound system. The result of Jack’s idea became the new state-of-the-art hearing room located in the east wing basement. The old basement area



was referred to by some as the dungeon. Today it houses not only the hearing room, but also the Continuing Legal Education Department webcast studio and a staff break room. The basement does have some space dedicated currently for storage; however, a good deal of the storage space is wired and designed for staff expansion and work areas if needed.

The most important piece of the third phase was the creation of our new board room, which has videoconferencing capabilities, large video screens for viewing presentations, a modern sound system and a comfortable set up befitting the serious work conducted in that space. As staff members, we are aware that we work for a membership that pays dues to support our work, and we wanted to have efficient work spaces that were not wasteful or overdone. To that end we have tried to make the remodeled spaces worker friendly and member oriented.

### PHASE FOUR

The final phase, phase four, involves remodeling the west wing that was constructed in the late 1980s. The east side mechanical and plumbing pieces were so old that we often could not get parts to make repairs. The west wing was an easier fix in that regard, and because of the lack of asbestos, it allowed the remodel to be done on a floor-by-floor basis. Emerson Hall was the first project of the fourth phase. The area was redesigned to accommodate more food service, and the large meeting space was updated to reflect a more modern conference/meeting environment. The restrooms were redesigned, and all phases were likewise made ADA compliant. We were designing the restrooms during a flu outbreak, and as a result, all of the fixtures are “touchless” to help avoid spreading germs — a trivial point perhaps but we paid attention to that kind of detail with a focus on member safety and comfort.

The first floor remodel of phase four resulted in paint and carpet in all the offices, a new “food friendly” tile floor in meeting room 131, a refurbished kitchenette, the addition of large monitors in the main meeting room and the addition of a staff training room. Also included was moving the receptionist into a closed area and replacing the 20-year-old lobby furniture. This work was completed in the summer of 2011.

### THE FINAL PHASE

Now, drum roll please...we are going to start work on the last phase. The second floor remodel will update the Office of the General Counsel and give it a more “law office” layout. Given the nature of its work and confidentiality concerns, special attention is being given to restricting access to the area. The intent is to not make the space less member friendly but to better secure the space and to ensure that, like all other law offices, access is given only as needed or allowed.

It has been a long process since we started planning this

work in 2003. Past Presidents Harry Wood, Mike Evans and Bill Grimm worked hard to provide solid evidence to our membership that the dues increase that funded this work was necessary. We promised we would do this work and spend the money as we promised. I am proud to say we have kept our word. All of the work was planned and paid for before each of the phases began. While the work was not inexpensive, the result is a well-maintained facility that should have about 25 years of good wear. It may be a couple more years before we complete all of the work since we are operating on a strict pay-as-you-go basis; however, the end is in sight!

In closing I want to thank you, our members, for supporting this work and helping bring our association facility into the 21st century. We no longer have black ugly stuff being spit out of the air conditioner vents ruining work on our desks. Thank you for helping take care of a very hard-working staff. Also, we all owe a huge debt to the volunteers I have mentioned above and countless oth-

ers who served on the Bar Facilities Committees, in addition to those who suffered through construction work and were relocated or dislocated during this process. Lastly, a very special thank you to the OBA staff who lived through things like being relocated to the parking lot, days of jackhammers, water being shut off, the crazy malfunction of the fire alarm that for days sent out an obnoxious buzzing sound, a period of no heat and just a few other things like that. They never missed a beat during the chaos of the remodeling, and member service was not affected. I am very proud of them and their incredible work ethic.

Thank you OBA staff, members and elected leaders for getting us to this point... the final phase of the final phase!



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



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## FROM THE PRESIDENT

*cont'd from page 92*

noon "Law School for Educators" for teachers, principals and superintendents discussing school and education law, related legal areas of interest, lesson plans for civic education and the third branch of government; instruction on Justice O'Connor's iCivics computer program available for use in the classroom and an evening banquet featuring keynote speaker Justice O'Connor discussing the importance of civic education and preservation of the judicial system.

Attendance at the "conversation" and the Law School for Educators events will be by application and invitation. Tickets for the banquet will be only \$30 and available to OBA members, Oklahoma educators and the public. Plan to bring your children and your favorite educators for an unforgettable evening highlighting the freedom, rights and responsibilities of American citizenship. In the words of Justice O'Connor, "The strength of these rights and freedoms depends on how firmly they stand in the hearts of our citizens."

The week after Justice O'Connor's visit to Oklahoma begins the annual Law Day activities and celebrations coordinated by the Law Day Committee and its chairwoman, Tina Izadi. The 2012 Law Day theme is "No Courts, No Justice, No Freedom." On Friday, April 27, 2012, the OBA Young Lawyers Division, chaired by Jennifer Kirkpatrick, will present the recently revised *Over 18 Guide* to middle and high school students in classrooms throughout the state. This could be your opportunity to serve as a lawyer in the classroom teaching the rights and responsibilities of adulthood and incorporating Law Day lessons in your presentation. Training sessions will be offered for attorneys prior to their classroom appearances.

I invite you to make a New Year's resolution to serve as a leader both in the profession and for the profession. Resolve to serve as a lawyer in the classroom. Contact Jane McConnell, [janem@okbar.org](mailto:janem@okbar.org), or Debra Jenkins, [debraj@okbar.org](mailto:debraj@okbar.org) in the Law-Related Education Department and request an assignment to an Oklahoma school. Your knowledge and skills will be appreciated, and your efforts will positively impact a student's life. Resolve to be a leader for an Oklahoma hero and join the Oklahoma Lawyers for America's Heroes Program. Resolve to be active in your bar association. Our strength is in our numbers and our shared commitment to preservation of the justice system, freedom and equality for all.

From my home and family to yours — may your New Year be blessed with good health, peace and happiness.

G   
GREEN



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# Preparing for ABA TECHSHOW

By Jim Calloway

As most readers will know, I am a big fan of the ABA TECHSHOW. This year it will be held March 29 – 30 at the Chicago Hilton. I first attended the event in the spring of 1999. The conference is unique in that there are so many sessions and so many speakers it becomes an annual gathering of legal technologists in a way that no other event is.

OBA members can get a registration discount by using promo code EP1218 (ABA Law Practice Management Section members would be better served to register under their own promo code). The early bird registration deadline is Feb. 17. Visit [www2.americanbar.org/calendar/TECHSHOW](http://www2.americanbar.org/calendar/TECHSHOW) to register.

I'm writing this message to encourage OBA members to attend ABA TECHSHOW. Several have attended in the past, and it would be great to see you there. As you also know I chaired the event in 2005. This year my presentations are really significant in terms of the future of law practice. I'm looking forward to both of these. Right now, I am cramming just like law students before finals as my TECHSHOW papers are due soon.

My first presentation is with Diane Ebersole, who is a practice management advisor for the Michigan Bar Association. Our topic is "Magic in Minutes: Effective Use of Document



“...there are many competitive challenges and many substantive law challenges as we all learn to deal with the impact of technology.”

Assembly.” While I considered myself to be informed on this topic before accepting this speaking assignment, it has necessitated a great deal of homework. There are many methods to automate document production from the slight to the complete automation model. I have been spending a lot of time reading and getting demonstrations from vendors about their various products.

This is probably one of the issues that I have identified as the most critical for the future of law practices. We have all seen the example of book

stores closing because of online competition. The watch word of the future of business now is increasing efficiency and greater incorporation of money-saving technology.

Document assembly is one of those areas where lawyers can spend an investment that will yield rewards in the future.

After ABA TECHSHOW, I will be using this space to discuss document assembly techniques in greater detail and why they are so important.

Another topic that goes hand in hand with the document assembly is alternative billing strategies.

It does not really make sense to invest significant amounts of time and money to automate processes if the only result for the business is that the income is decreased. With appropriate business models, document assembly can result in the win/win situation that we always hear discussed. Lawyers can automate their document processes and institute transparent methods of billing per document rather than just time invested. The net result can be that lawyers enjoy a practice that involves less of their time investment for document production while the clients

receive high quality documents for a lesser fee than under the old hourly system as well.

My other presentation at ABA TECHSHOW will be a plenary presentation on Saturday morning. Plenary sessions are not typically presented on Saturday morning, and it is quite an honor and a responsibility for me to be given this task. One of the reasons why TECHSHOW has decided to do this program is that my topic is "The Future of Law Practice: Dark Clouds or Silver Linings?" Hopefully this will allow some time for reflection on how all the tools that the attendees have been learning about for two previous days can be incorporated into a rational business plan. Lawyers deal with information almost exclusively in their practices. It should be clear to everyone now that for the vast majority of lawyers, their information technology tools are critical functions. When computers first came to the law office, they were mainly used as glorified word processors and calculators for billing entries. Now there are so many more

ways to use computers and so many mobile devices that lawyers can use as well.

There are certainly challenges ahead for our profession. The employment of young lawyers the last several years has been a significant issue. There are lots of recent law graduates who are either unemployed or underemployed and wondering how they are going to repay their student loans. In addition, there are many competitive challenges and many substantive law challenges as we all learn to deal with the impact of technology. Just take something like Facebook, to give a familiar example. A regular user of Facebook over the years is compiling an on-line diary of their activities. In certain types of litigation, this will be discoverable. Today one might ask you what you were doing on a particular day five years ago and likely you would have absolutely no clue, with the only hope of a responsive answer being by combing old calendars or other business personal records. The Facebook generation, however, will have a day-by-day or week-by-week

series of entries outlining exactly what happens. It may become routine to subpoena social networking postings. We will see in the future how much this becomes a routine part of litigation.

ABA TECHSHOW really is the most important meeting of legal technologists each year in my opinion. I'll get a chance to visit with lots of movers and shakers and people who are visionaries. It would certainly be a great year for you to decide to attend your first ABA TECHSHOW. Whether you decide to do so or not in the second half of 2012, expect to hear a lot more about document assembly and other cutting-edge technology tools as they appear to be more important to understand now than ever.

*Jim Calloway is director of the OBA Management Assistance Program. Need a quick answer to a tech problem or help resolving a management dilemma? Contact Mr. Calloway at 405-416-7008, 800-522-8065 or [jimc@okbar.org](mailto:jimc@okbar.org). It's a free member benefit!*

# November Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Hyatt Regency Hotel in Tulsa in conjunction with the 107th OBA Annual Meeting on Wednesday, Nov. 2, 2011.*

## REPORT OF THE PRESIDENT

President Reheard reported she addressed the Leadership Academy, presented CLE to a joint meeting of the Hughes and Seminole county bar associations, attended the Military Assistance Task Force work day to assemble Clinics In A Box for Veterans Day clinics and the final Annual Meeting planning meeting.

## REPORT OF THE VICE PRESIDENT

Vice President Strubhar reported she dined with the Leadership Academy, planned the Canadian County Veterans Day clinic and chaired the Oklahoma Justice Commission meeting.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Christensen reported she attended the October board meeting, Oklahoma Social Studies Supervisors Association meeting with LRE Coordinator Jane McConnell, Lawyers Helping Lawyers Assistance Program Committee meeting and Annual Meeting planning meeting. She dined with the Leadership Academy, met with Executive Director Williams, Director Douglas and Jane McConnell to plan 2012

LRE events, assisted on the Military Assistance Task Force work day and delivered assembled Clinics In A Box.

## REPORT OF THE PAST PRESIDENT

Past President Smallwood reported he has worked on the final details of the has been party, the Annual Meeting and contributed to scheduling a veterans benefits and advice meeting.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported that he attended the budget hearing, Oklahoma County Bar Association delegate meeting, staff meeting on Annual Meeting and judicial reception and dinner. He also traveled with President Reheard to her presentation at the Logan County Bar Association, met with President-Elect Christensen on the iCivics program and presented legislative CLE for the Oklahoma County Bar Association.

## BOARD MEMBER REPORTS

**Governor Carter** reported she attended the October board meeting, October Tulsa County Bar Association Board of Directors meeting, Leadership Academy lunch and worked on organizing the veterans clinic in Tulsa on Nov. 11. **Governor DeMoss** reported she attended the board meeting in October, Tulsa County Bar Foundation meeting and luncheon with the Leadership Academy par-

ticipants in addition to working on the OBA Trial College and the Nov. 11 veterans clinic in Tulsa. **Governor Devoll** reported he delivered a Clinic In A Box, called local bar members to encourage attendance at the Annual Meeting and attended the October board meeting. **Governor Dobbs** reported he attended the board dinner, board meeting and Leadership Academy lunch. **Governor Meyers** reported he attended the October board meeting in Oklahoma City and Licensed Legal Intern Committee meeting via telephone. **Governor Pappas** reported she attended the board meeting in Oklahoma City and Hughes/Seminole County Bar Association Joint Bar Meeting/Annual Meeting Road Show/CLE. She participated in the OBA ethics skit presentation at the ABA meeting in October in Denver, delivered Clinic In A Box to Logan and Payne counties, sent emails to District Eight county bar presidents requesting a list of all veterans in their county to invite to the Veterans Appreciation Reception at the OBA Annual Meeting, sent emails to all bar members in District Eight about the Veteran's Appreciation Reception and sent a letter to District Eight county bar presidents regarding Annual Meeting events. **Governor Shields** reported she attended the October Oklahoma County Bar Association Board of Directors meeting and worked on the Nov. 11 veterans clinic in Oklahoma City.

## **AMENDMENT TO GUIDE FOR COMMITTEES AND SECTIONS**

President Reheard reviewed the background for her recommendation to allow for the creation of a Section Leaders Council, which would include a representative from each OBA section. She said that she and President-Elect Christensen learned that other bar associations have similar councils that meet quarterly and have been effective for self governing to help sections perform or give members more benefits from their dues. The board approved the amendment with the correction to delete reference to the New York State Bar Association on page 11.

## **AMENDMENT TO GENERAL PRACTICE/ SOLO AND SMALL FIRM SECTION BYLAWS**

The board approved the section's request to amend its bylaws to change its annual meeting from the OBA Annual Meeting to the Solo and Small Firm Conference.

## **DIVERSION PROGRAM REPORT AND REQUEST FOR CREATION OF DIVERSION PROGRAM REVOLVING FUND**

Professional Responsibility Commission Chairperson Melissa DeLacerda reported four of the five lawyer commission members were present and attended the meeting to request the creation of a fund to pay for materials for basic tools as part of the diversion program, which is generating revenue. Part 2 of the requests to allow funds to be placed in

a diversion fund. The board approved both requests. It was noted Oklahoma Attorneys Mutual Ins. Co. has provided seed money.

## **APPOINTMENTS TO COMMITTEE ON JUDICIAL ELECTIONS**

The board approved President Reheard's recommendations to appoint to the Committee on Judicial Elections:

Attorney members Milton C. Craig, Chandler, and Reta Strubhar, Piedmont, for four-year terms to expire 12/31/2015;

Attorney member William J. Baker, Stillwater, for an eight-year term to expire 12/31/2019. It was noted that lay members still need to be appointed.

## **PROFESSIONAL RESPONSIBILITY COMMISSION APPOINTMENTS**

The board approved President-Elect Cathy Christensen's recommendations to reappoint Melissa DeLacerda, Stillwater, and Stephen Beam, Weatherford, to the PRC as members with terms expiring 12/31/14.

## **DISTRICT ATTORNEYS COUNCIL APPOINTMENT**

The board approved President-Elect Cathy Christensen's recommendation to reappoint to the council Dennis A. Smith, Arapaho, to a term that will expire 6/30/15.

## **OBA 2012 COMMITTEE LEADERS AND LIAISON APPOINTMENTS**

President-Elect Christensen presented a list of OBA mem-

bers who have volunteered to serve as 2012 standing committee chairpersons, vice chairpersons and Board of Governors liaisons.

## **APPOINTMENTS**

President-Elect Cathy Christensen announced the following appointments:

Audit Committee — reappoint Susan Shields, Oklahoma City, as chairperson with a term expiring 12/31/12; appoint as members James T. Stuart, Shawnee, and Nancy S. Parrott, Oklahoma City, for terms expiring 12/31/14.

Board of Medicolegal Investigations — reappoint Thomas A. Mortensen, Tulsa, for a term expiring 12/31/12.

## **AMENDMENT TO ALLOW WAIVER OF DUES FOR MILITARY**

The board voted to ratify an electronic vote on language amending Art. VIII of the Rules Creating and Controlling the Oklahoma Bar Association to allow the waiver of dues for OBA members in the military serving in combat zones.

## **NEXT MEETING**

The Board of Governors met in Oklahoma City on Dec. 16, 2011. A summary of those actions will be published after the minutes are approved. The next meeting of the Board of Governors will be at 1:30 p.m. in Oklahoma City on Thursday, Jan. 19, 2012.

# Ten Things You Really Should Know about Your Oklahoma Bar Foundation

By Shon T. Erwin

With apologies to David Letterman, I present a list of the top 10 things you really should know about your Oklahoma Bar Foundation (OBF):

## **#10 OBF is older than you think.**

It has been the charity of choice for Oklahoma lawyers and judges since 1946. OBF is the third oldest bar foundation in the United States. It was originally formed as a committee of the Oklahoma Bar Association (OBA). It was incorporated in 1949 as a separate entity, and has evolved into the charitable arm of the OBA.

## **#9 LTL is the mission.**

Lawyers Transforming Lives (LTL) through the advancement of education, citizenship and justice for all is the mission of OBF. The purpose of OBF is to promote justice, fund essential legal services and advance public awareness of the law.

## **#8 You are already a member, but...**

All members of the OBA in good standing are also OBF members. Members contribute nothing to OBF. When you pay your OBA dues you are not making a contribution to OBF unless you specifically make a voluntary contribution on your

dues statement. Fellows of the OBF provide support to the foundation by agreeing to make annual contributions of \$100 for 10 years. Sustaining Fellows have contributed \$1,000 and continue to make a \$100 annual gift. Benefactor Fellows have paid \$1,000 and continue to make a \$300 annual gift at the highest giving level.

## **#7 You've got friends (or at least frenemies) on the board.**

The 2012 officers are President Shon T. Erwin, Past President John D. Munkacsy Jr., President-Elect Susan Shields, Vice President Dietmar K. Caudle, and Secretary/Treasurer Jack L. Brown. The 2012 trustees are A. Gabriel Bass, Stephen D. Beam, Brett D. Cable, Cathy M. Christensen, Guy P. Clark, Judge Valerie Couch, Jack S. Dawson, Kevin R. Donelson, William E. Farrior, Robert S. Farris, Andrew C. Mildren, Michael C. Mordy, Brooke Smith Murphy, Judge Millie E. Otey, Briana J. Ross, Dennis A. Smith, Donna L. Smith, Alan Souter, James T. Stuart, Roy D. Tucker and John Morris Williams.

## **#6 Nancy knows things.**

Nancy Norsworthy has served the OBF as its director for the past 12 years. She is intense.



Shon T. Erwin  
2012 OBF President

She is dedicated. She has been with the OBF for 27 years and remembers everything. Contact her at [nancyn@okbar.org](mailto:nancyn@okbar.org) or 405-416-7070. She is ably assisted by Jessi Hesami and Ronda Hellman.

## **#5 IOLTA and Fellows contributions make OBF's grants and scholarships possible.**

In 2011, OBF received \$348,130 in interest from the trust accounts of Oklahoma lawyers, and received \$121,300 in Fellows contributions. A total of \$600,197 in grants and scholarships were awarded in 2011. (See the 2011 Grant Awards which follow this article.)

## **#4 OBF loves LASO.**

Legal Aid Services of Oklahoma Inc., has received an average of 49 percent of all grants made over the last 10 years. Over 46 years LASO has received OBF



grants totaling more than \$5,000,000. OBF considers LASO to be at the core of its own purpose of promoting justice and funding essential legal services for low-income and elderly Oklahomans.

***#3 OBF helps protect children and vulnerable adults.***

OBF makes grants to Oklahoma Lawyers for Children and Tulsa Lawyers for Children. These organizations provide training and support services to Oklahoma lawyers who provide pro bono representation for deprived children in juvenile court and for representation at emergency show-cause hearings. OBF also makes grants to fund Court Appointed Special

Advocates (CASA) and Court Appointed Advocates for Vulnerable Adults (OCAAVA). More than \$1.7 million has gone to support these programs.

***#2 OBF is making grants to Oklahoma courts for much needed technology.***

OBF's court grant program is funded through a *cy pres* award derived from class action litigation. In 2011, \$119,297 in grants was made to 14 district courts for courtroom equipment such as computers, sound systems and video equipment.

**And the #1 thing you really should know about your Oklahoma Bar Foundation is:**

*The need is great but so also is the generosity of Oklahoma lawyers.* Oklahoma lawyers have made it possible for the OBF to make over \$10,000,000 in grants, awards and scholarships. Your support of the OBF has improved the quality of life for thousands of Oklahomans. For this, if for no other reason, you should be proud to be an Oklahoma lawyer.

*Shon T. Erwin is the president of the Oklahoma Bar Foundation and can be reached at [shonlaw@gmdde.com](mailto:shonlaw@gmdde.com).*



*Jessi Hesami, OBF Director Nancy Norsworthy and Ronda Hellman*

# OKLAHOMA BAR FOUNDATION GRANT AWARDS

Chapman-Rogers Law School Scholarships .....	\$7,500
Maurice H. Merrill Memorial Scholarship Award.....	500
W.B. Clark Memorial Scholarships, Kay County .....	16,900
Thomas L. Hieronymus Memorial Oil & Gas Law Award .....	500
Oklahoma Bar Foundation Fellows Law School Scholarship Awards .....	15,000
Phillips Allen Porta Memorial Legal Ethics Awards .....	500
Center for Children & Families Inc. of Cleveland County .....	7,500
Community Crisis Center Inc. of Ottawa, Delaware and Craig Counties.....	5,000
Domestic Violence Intervention Services Inc., Tulsa and Creek Counties.....	12,500
Family & Children's Services Inc. Tulsa County Court Program.....	5,000
Legal Aid Services of Oklahoma Inc.....	200,000
Marie Detty Youth & Family Services Center Inc., Legal Services and Educational Programming in Comanche County .....	12,500
OBA Heroes Program, Veterans Clinic In A Box Legal Services Project .....	15,000
OBA Heroes Program, Military Resource Booklets for Pro Bono Legal Services Project.....	2,000
OBA/LRE We the People National Constitutional Competition .....	2,000
OBA/YLD Oklahoma High School Mock Trial Program.....	45,000
Oklahoma Indian Legal Services, Statewide Low Income Taxpayer Legal Clinic .....	20,000
Oklahoma CASA Association, for Children's Advocacy, Statewide Mandatory Training.....	1,500
Oklahoma CAAVA Association for Vulnerable Adults .....	3,000
Oklahoma District Court Technology Projects .....	119,297
<i>County District Courts of Adair, Canadian, Cherokee, Comanche, Custer, Garvin, Jackson, Kay, Major, Oklahoma, Payne, Tillman, Tulsa and Wagoner</i>	
Oklahoma Lawyers For Children, Attorney Pro Bono Legal Services .....	40,000
Tulsa Lawyers For Children, Attorney Pro Bono Legal Services .....	25,000
Oklahoma University Health Sciences Center, Interdisciplinary Graduate Level Training on Child Abuse & Neglect for Law Students.....	4,000
Senior Law Resource Center Inc., Free Senior Citizen Educational Outreach Utilizing Law Students .....	12,500
Teen Court Incorporated of Comanche County, First Offender Peer Program.....	10,000
Trinity Legal Clinic of Oklahoma Inc., Pro Bono Legal Clinic.....	2,500
Tulsa University College of Law Boesche Legal Clinic, Immigrant Rights Legal Services Utilizing Law Students .....	4,500
Catholic Charities, Immigration Assistant Program Utilizing Law Students .....	4,500
William W. Barnes Children's Advocacy Center, Child Abuse Prevention Programs in Rogers, Mayes and Craig Counties.....	4,000
YMCA Oklahoma Youth & Government Training Program, Youth Legislative Day .....	2,000

**2011 OBF GRANTS AND AWARDS TOTAL: \$ 600,197**

Early OBF grants prior to 1986 .....	\$513,160
Children's Advocacy and Pro Bono Legal Service Programs .....	619,050
Family Law, Literacy & Senior Programs .....	481,457
Law-Related Historical Preservation Projects .....	10,500
Military-Veterans Pro Bono Legal Assistance Projects .....	17,000
Memorial and Other Special Projects.....	48,780
Children's Law-related Education and High School Mock Trial Programs .....	1,524,862
Legal Service Providers, Civil Legal Services.....	5,485,958
Oklahoma Disaster Legal Relief Programs .....	10,496
National Disaster Legal Relief Programs .....	39,270
Oklahoma Access and Assistance Programs .....	62,516
Oklahoma Judicial Conference and Other Access Programs.....	309,352
Public Defender/Indigent Defense Projects .....	40,128
Public Law-related Educational and Awareness Programs .....	42,445
Youth Court First Offender Peer Programs .....	84,500
Scholarships, Research and Legal Clinics .....	830,128

**TOTAL OBF GRANTS AND AWARDS: \$ 10,119,602**

# YLD Chair Shares Vision for 2012

Jennifer Heald Kirkpatrick

I come from a family of educators. My grandmother was a junior high English teacher; various aunts, uncles and cousins have taught everything from drivers education to history and social sciences. Growing up, I always knew that education would play an important role in my life. From childhood into my early adult years I thought I would “grow up” to be a teacher. Instead, my love of learning led me into more and more years of schooling and, eventually, to degrees from three institutions of higher education. Whether formal or informal, on a personal level or for Oklahomans in general, education continues to be a high priority for me. Simply put, I love learning.

I also love my profession and I am proud to be the 2012 chair of the Young Lawyers Division. In addition to continuing some of the YLD’s “regular” projects, such as providing Bar Exam Survival Kits and hosting receptions for new bar admits, the YLD will sponsor and host several special projects focused on the education of Oklahoma high school students and new members of our profession.

Our first major project is the publication and circulation of the revised *18 and Over Guide*. This informational pamphlet

was originally conceived and created by the YLD as a means of educating high school seniors about their rights and responsibilities as an adult in Oklahoma. It has been updated to reflect changes in Oklahoma law and contains new sections on social media, protecting your identity and bankruptcy. The *18 and Over Guide* will be available for circulation in February. A link to an electronic version of the guide will also be available on the OBA YLD webpage at [www.okbar.org/yld](http://www.okbar.org/yld).

In conjunction with the publication of the revised *18 and Over Guide*, the YLD will be producing a short and entertaining video presentation of material contained in the guide. This video will be the basis of attorney presentations made across the state for the YLD’s third annual “Community Day of Service” held in conjunction with Law Day. The 2012 “Community Day of Service” project will be a joint project of the YLD, the Law-related Education Committee and the SCOPE Task Force. We encourage attorneys across the state, regardless of your age or bar number, to get involved. More information about this



Jennifer Kirkpatrick  
2012 YLD Chair

project will be available in February.

The YLD will also sponsor and host a Civics and Law Academy in Oklahoma City on June 1, 2012. The one-day academy, modeled upon an American Bar Association program, will provide high school students the opportunity to learn more

about the concept of individual rights — and the challenges of protecting and guaranteeing those rights — from experienced judges, lawyers, teachers and civic leaders. In recognition of the 2012 presidential election, the academy will also contain a lesson on voting rights and responsibilities. Applications for academy participants will be made available to high school students in April.

Last, but certainly not least, the YLD will cosponsor a CLE this fall designed to give a practical and hands-on guide to new attorneys going into practice on their own. More information about YLD projects will be available in future letters from the YLD chair. I look forward to serving you in 2012!

*Jennifer Kirkpatrick practices in Oklahoma City. She can be reached at [jkirkpatrick@HallEstill.com](mailto:jkirkpatrick@HallEstill.com).*

# Calendar

## January

**16 OBA Closed** — Martin Luther King Jr. Day

**17 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 Bar Center Facilities Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Judy Hamilton Morse 405-235-7759

**OBA Work/Life Balance Committee Meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Sarah Schumacher 405-752-5565

**18 OBA Women in Law Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deirdre Dexter 918-584-1600

**Luther Bohanon American Inn of Court Meeting;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Maryann Roberts 405-740-3124

**19 OBA Board of Governors Swearing-In Ceremony;** 10:30 a.m.; Ceremonial Supreme Court Courtroom, State Capitol; Contact: John Morris Williams 405-416-7000

**OBA Leadership Academy;** 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Heidi McComb 405-416-7027

**OBA Board of Governors Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams 405-416-7000

**OBA Justice Commission Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson 405-235-5563

**20 Oklahoma Bar Foundation New Trustee Orientation;** 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070

**OBA Lawyers Helping Lawyers Assistance Program Training;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donita Douglas 405-416-7028

**Oklahoma Bar Foundation Meeting;** 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070

**23 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



**24 Oklahoma Council for Economic Educators;** 2:45 p.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

**26 OBA Men Helping Men Support Group;** 5:30 p.m.; The University of Tulsa College of Law, 3120 East 4th Place, Tulsa, John Rogers Hall (JRH 205); RSVP to: Kim Reber 405-840-3033

**OBA Diversity Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Kara Smith 405-923-8611

**27 Oklahoma Uniform Jury Instructions Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Chuck Adams 918-631-2437

**OBA Bar Association Technology Committee Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Gary Clark 405-744-1601

**OBA Board of Editors Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Carol Manning 405-416-7016

**OBA Military Assistance Committee Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Deborah Reheard 918-689-9281

- 28 **Legislative Reading Day;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams 405-416-7000
- 31 **OBA Communications Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Dick Pryor 405-740-2944

## February



- 2 **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 University of Tulsa College of Law, 3120 East 4th Place, Tulsa, John Rogers Hall (JRH 205); RSVP to: Kim Reber 405-840-3033
- 6 **Oklahoma Bar Foundation Grants and Awards Committee Meeting;** 11 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Nancy Norsworthy 405-416-7070
- 9 **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 Mock Trial Committee Meeting;** 5:45 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Contact: Judy Spencer 405-755-1066
- 10 **OBA Solo and Small Firm Conference Planning Committee Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Charles W. Chesnut 918-542-1845  
**OBA Family Law Section Meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact: Tamera Childers 918-581-8200
- 14 **OBA Legal Intern Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Candace Blalock 405-238-3486  
**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
- 15 **OBA Law-related Education Close-Up;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell 405-416-7024
- 16 **OBA Law-related Education Close-Up;** 8 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell 405-416-7024  
**OBA Law-related Education Close-Up Teachers Meeting;** 1:30 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Jane McConnell 405-416-7024  
**OBA Justice Commission Meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Drew Edmondson 405-235-5563
- 16-18 **OBA President's Summit;** Post Oak Lodge, Tulsa; Contact: John Morris Williams 405-416-7000
- 17 **Oklahoma Association of Black Lawyers Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donna Watson 405-721-7776
- 20 **OBA Closed** – President's Day
- 22 **Ruth Bader Ginsburg American Inn of Court;** 7 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb 405-235-1611
- 23 **OBA Men Helping Men Support Group;** 5:30 p.m.; The University of Tulsa College of Law, 3120 East 4th Place, Tulsa, John Rogers Hall (JRH 205); RSVP to: Kim Reber 405-840-3033  
**OBA Mock Trial Committee Meeting;** 5:45 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Contact: Judy Spencer 405-755-1066
- 24 **Oklahoma Uniform Jury Instructions Meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact: Chuck Adams 918-631-2437  
**OBA Lawyers Helping Lawyers Assistance Program Training;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donita Douglas 405-416-7028
- February 28 – March 2  
**OBA Bar Examinations;** Oklahoma Bar Center, Oklahoma City; Contact: Oklahoma Board of Bar Examiners 405-416-7075



## MCLE Reporting Deadline Reminder

If you need to report an exemption for 2011 or you need to report additional credit, the deadline for filing the 2011 Final Annual Report of Compliance is Wednesday, Feb. 15, 2012. There is \$100 fee when reporting credit earned in the year 2012 to complete your 2011 requirement. Please review your MCLE credit online at <http://my.okbar.org>, keeping in mind that sponsors have 30 days to submit attendance reports. If it has been longer than 30 days since you attended an Oklahoma MCLE-approved seminar that is not reflected on your MCLE record or you have other questions, please contact the MCLE Department at 405-416-7009, 800-522-8065 or at [mcle@okbar.org](mailto:mcle@okbar.org).

## Keeping it in the Family



*The OBA has a proud tradition of multiple generations of lawyers within the same family. The most recent Bar Exam provided one Oklahoma clan with its newest lawyer member. Photographed at recent family gathering in Weatherford is Oklahoma City attorney Patricia (Bozarth) Carroll (center), OCU Law Class of 1956; her nephew, Dewey County Associate District Judge Rick Bozarth, OCU Law Class of 1976; and her great-niece, Weatherford attorney Carissa (Marquis) King, OU Law Class of 2011.*

## Avoid Penalty, Pay Your Dues Online!

The deadline to pay your 2012 dues without a late penalty is fast approaching. Dues must be postmarked by Feb. 15, 2012, to avoid a \$100 late fee. You can now pay dues online at <http://my.okbar.org>.

## OBA Member Resignations

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

Jo Nan Allen, OBA No. 17563  
3613 S. Christine Lane  
Sand Springs, OK 74063  
Anita Kay Chancey, OBA No. 22387  
5249 S. 67th East Place  
Tulsa, OK 74145  
Jonathan William Davis, OBA No. 30451  
34 Public Square  
Columbia, TN 38401  
Kathie Lynn Fite, OBA No. 2951  
1133 E. Lindsey  
Norman, OK 73071-4472  
Heather Lamar Forsyth, OBA No. 30077  
55 S. Florence Ave.  
Tulsa, OK 74104  
Martha M. Francis, OBA No. 5601  
9618 S. Maplewood Ave.  
Tulsa, OK 74137  
Kris Hochderffer, OBA No. 4249  
P.O. Box 29420  
Austin, TX 78755  
Dennis Paul Hudacky, OBA No. 4432  
1328 N.W. 104th St.  
Oklahoma City, OK 73114  
D. Lynne Hunt, OBA No. 11107  
P.O. Box 1403  
Bartlesville, OK 74005-1403  
Mitchell Katine, OBA No. 18528  
1111 N. Loop West, Ste. 180  
Houston, TX 77008  
Denzil F. Lowry Jr., OBA No. 5551  
803 Clemons Drive  
Ada, OK 74820  
Sean Lawrence McLaughlin, OBA No. 30168  
13116 W. 84th St.  
Lenexa, KS 66215  
Mark Earl Monfort, OBA No. 6301  
3203 Harvey Parkway  
Oklahoma City, OK 73118  
Drue Alan Moore, OBA No. 15480  
2 Trafalgar Place  
Durham, NC 27707-5464  
Cary Michael Robbins, OBA No. 21929  
437 Lennanwood Avenue  
Covington, TN 38019  
Gerry William Smeader, OBA No. 10131  
511 S.W. Third St.  
Ankeny, IA 50023  
Dennis Leroy Ulsted, OBA No. 19630  
2872 Elysium  
Eugene, OR 97401  
James Richard Wolf, OBA No. 22926  
4627 W. 34th Ave.  
Denver, CO 80212

# ◆◆◆CAREER OPPORTUNITY◆◆◆

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA

Position Title: Federal Law Clerk (One-Year Term Appointment)  
Position Number: 12-01  
Location: Tulsa, Oklahoma  
Open date: January 9, 2012  
Close Date: February 17, 2012  
Starting Salary Range: JSP 11/01 to JSP 13/01 (\$57,408 to \$81,823\*)  
\* Starting salary commensurate with qualifications and work experience.

### POSITION OVERVIEW:

The United States District Court for the Northern District of Oklahoma is accepting applications for a one-year term law clerk for a magistrate judge. This is a full-time term position with health insurance benefits. A law degree is required, together with a strong academic record and demonstrated skills in legal research and writing.

### POSITION DUTIES:

The law clerk provides information, guidance and advice to the magistrate judge in connection with pending civil and criminal litigation, including social security appeals. Drafts appropriate recommendations and orders for the Court's signature. Reviews all complaints, petitions, motions and pleadings that have been referred to determine issues involved and basis for relief. Performs research as required. Reviews the dockets of pending litigation to assure proper progress. Keeps abreast of changes in the law to aid the Court in adjusting to new legislation.

### REQUIREMENTS:

To qualify for the position, applicants must meet the following minimum qualifications:

- Must be a U.S. citizen or eligible to work in the U.S.
- Law school graduate with academic standing in the upper quarter of the class
- Excellent research, writing, proofreading and communication skills
- A writing sample must be submitted
- Prior experience in the area of social security is desirable but not required
- Good character, maturity and willingness to work long hours

### ADDITIONAL INFORMATION:

Only qualified applicants will be considered for this position. Relocation expenses will not be reimbursed. Applicants selected for interviews must travel at their own expense (videoconferencing available). New employees must pass a background investigation. All employees are subject to mandatory electronic direct deposit of salary payment.

The selected candidate will be hired for a one-year term. All court employees are at will and therefore the selected candidate may be removed from this position at any time if, after reasonable on-the-job training, the selected candidate fails to perform at a satisfactory level.

The court reserves the right to modify the conditions of this job announcement, to withdraw the job announcement, or to fill the position sooner than the closing date, any of which may occur without any prior written notice.

### APPLICATION INSTRUCTIONS:

Applications must be received by noon on February 17, 2012. Please send a cover letter and resume with one copy of a writing sample to the address below:

Phil Lombardi, Clerk of Court  
Attn: Federal Law Clerk Position  
U.S. District Court  
333 W 4th Street, Room 411  
Tulsa, OK 74103

Electronic submissions in PDF format may be emailed to:  
CM-ECFINTAKE\_OKND@oknd.uscourts.gov  
Please identify in the subject line: Federal Law Clerk Position

**An Equal Opportunity Employer**

# Kudos

The American College of Mortgage Attorneys recently named Crowe & Dunlevy attorney **Robert Johnson** as a lifetime fellow. The honor recognizes his contributions to the organization and the real estate practice. The presentation took place during the organization's annual meeting in October.

Two OBA members have recently been elevated to leadership positions in the state Legislature. **Sen. Clark Jolley** of Edmond was appointed the next chairman of the Senate Appropriations Committee, and **Sen. Sean Burrage** of Claremore has been elected the new Senate minority leader.

**Roger Rinehart** of El Reno has been appointed by the Oklahoma Supreme Court to serve on the Board of Bar Examiners representing Supreme Court Judicial District Nine. He has served on the board as an associate examiner since 1997. He will succeed **Peggy Cunningham** of Yukon, who resigned.

Tulsa Attorney **William G. LaSorsa** has won the Tulsa County Bar Association's Golden Rule Award. The Golden Rule award is given to lawyers who make outstanding contributions to their profession, have the highest of ideals and are willing to mentor to those with less experience. He served on the OBA Board of Governors

from 1994–1996 and served as Oklahoma Bar Foundation president in 2004.

**Hugh M. Robert** was recently elected international vice president of the Kappa Sigma Fraternity board of directors. He is the second Oklahoman to serve on the international board and is the youngest international vice president since the late 1800s. Under his leadership, the Kappa Sigma Fraternity has seen the largest incoming classes in its 142 year history. He joined the organization while attending the University of Tulsa.

The University of Tulsa Board of Trustees has approved TU Law Professor **Robert Spoo** as the next Chapman Distinguished Chair in Law. The position runs for three years and begins Jan. 1.

# On The Move

**David O'Meilia** has been named the new city attorney for Tulsa. He was the U.S. attorney for the Northern District of Oklahoma from 2001 to 2009. He has since been in private practice as a partner with the Richards & Connor firm.

**Martin, Jean & Jackson** announces that **Patrick Collogan** has joined the firm as an associate in its Ponca City office. Mr. Collogan graduated *magna cum laude*

with a B.B.A. in marketing from the University of Louisiana at Monroe. He went on to receive his J.D. from the OU College of Law in 2011. The firm further announces the opening of two additional offices, in Tulsa at 2100 S. Utica Ave., Suite 215; and in Stillwater at 409 S. Duck.

**Tomlinson, Rust, McKinstry & Grable PC** announces three new attorneys have joined the Oklahoma City firm. **Ronald L. Walker** has joined the firm as a director. His experience encompasses a wide range of complex litigation at the state and federal level including toxic torts, products liability, business dissolutions, insurance bad faith, negligence and contract disputes as well as ground water pollution, class actions, antitrust and a variety of other subjects. He earned his J.D. at the OU College of Law. **George Davis** joined the firm as of counsel. Davis has 40 years of trial experience in a variety of complex litigation cases involving professional and corporate negligence, construction litigation, products liability defense, insurance bad faith, plaintiffs personal injury and appellate practice. He has presented numerous CLE seminars on the law and on the strategy and tactics of litigation. He also has extensive experience in architect and engineering malpractice cases, representing both building owners and design professionals. He received his J.D. from the OU College of Law. **Jerry D. Noblin Jr.** joined the firm as an associate, practicing in the area of

civil litigation. Before entering private practice, he maintained a corporate career with a global business and residential telecommunications company. He served as a federal judicial clerk for Chief Judge Robin J. Cauthron of the U.S. District Court for the Western District of Oklahoma. He graduated *magna cum laude* with a J.D. from the OCU School of Law.

**H**all Estill has elected three attorneys as new shareholders of the firm. **Julianna Deligans** joined the firm in 2007 and practices in the Oklahoma City Office. She practices exclusively in intellectual property and focuses her practice in the area of trademark law. She is a graduate of OSU and the OU College of Law. She is the incoming OBA Intellectual Property Section president for 2012 and is a member of the MAPS 3 Citizen Advisory Board's Oklahoma River Subcommittee. **Heather Earnhart** has been practicing law for nearly 10 years. She primarily focuses in family law and civil litigation. She received her bachelor's degree from TU, her master's degree from the OU College of Law and is a graduate of the TU College of Law. **Clive Seymour** joined Hall Estill in 2000 and has more than 30 years of experience in tax and ERISA law. He is past president of the Tulsa Tax Club and was an instructor in tax accounting at the TU graduate tax program. He received his bachelor's degree from the University of Texas and is a graduate of the University of Texas School of Law.

**G**ateway Mortgage Group LLC, a Tulsa-based residential mortgage lender conducting business in 25 states,

announces **Barry A. Farbro** has been hired as in-house general counsel. He will manage the company's litigation and provide legal support with respect to all contractual relationships, state licensing and regulatory matters, general governance and organizational transactions, and he will also advise the company's human resources, loan servicing and loss mitigation departments. He is a 1981 graduate of the OSU College of Business Administration and a 1987 graduate of the TU College of Law. He may be contacted at 6910 E. 14th St., Tulsa, 74112; 918-526-5253; barry.farbro@gatewayloan.com.

**T**he Tulsa law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile announces that **Andrew C. Jayne** has become a shareholder in the firm. He graduated from the OU College of Law in 2002 after receiving a B.A. degree in political science and history from Westminster College in Fulton, Mo. His practice includes a broad range of civil litigation with an emphasis on insurance bad faith and coverage litigation, automobile negligence, products liability and commercial litigation.

**T**ulsa firm Titus, Hillis, Reynolds, Love, Dickman & McCalmon announces that **Jessica R. Fu** has joined the firm as an associate, practicing in all areas of civil litigation. She received a B.S. in German education with special distinction from OU and earned her J.D. with highest honors from the TU College of Law. While in law school, she served as an editor on the *Tulsa Law Review* and was named to the Order of the Curule Chair.

**F**ellers Snider Law Firm announces three new attorneys have joined the Oklahoma City office. **Richard Harris** joins the firm as a director and shareholder. He represents commercial and personal lines insurers, as well as construction firms and building owners in all phases of litigation, including jury trials, arbitration, mediation, appellate advocacy and coverage analysis. His experience includes bad faith litigation, construction contracts, negligence, products liability, insurance coverage disputes, premises liability, employment, medical malpractice and casualty insurance litigation. He earned his B.S. at OSU and his J.D. *magna cum laude* from Cornell University. **Blaine Nice** has joined the firm of counsel. Since 1987, he has been an assistant city attorney in Norman. He has experience in representing municipalities in zoning/planning, contracts, labor matters and workers' compensation cases. He has also handled claims and lawsuits against cities and worked extensively in development areas. He serves as municipal judge for a number of municipalities in the Oklahoma City metro area, and he serves as presiding judge in Del City. He earned his J.D. from the OU College of Law and his B.S. from OSU in economics and pre-law. **Kelsie Sullivan** is joining the firm as an associate attorney. She previously worked at the former Walker, Harris & Wolfe law firm since November 2005. Her practice covers a wide range of litigation, representing large and small insurance carriers in defense of claims of "bad faith" and claims involving property, life insurance and

automobile coverage. She also has successfully negotiated multiple claimant matters preventing the need for litigation. In addition, she represents individuals, privately owned businesses and public entities in all aspects of employment litigation. Other practice areas include medical malpractice, products liability, construction and environmental claims. Sullivan graduated in the top 20 percent of her class at the OU College of Law.

## At The Podium

Shawnee attorney **Terry W. West** recently delivered the commencement address during fall commencement ceremonies at East Central University in Ada. He attended the university for two years before completing his bachelor's degree at OU in 1961.

**Blaine Peterson** of Oklahoma City spoke at the Oklahoma Society of Certified Public Accountants' Oklahoma Tax Institute Conference in Tulsa regarding compliance with the Oklahoma Business Activity Tax.

**Eric L. Johnson** and **James A. McCaffrey** recently presented at the 2011 Commercial Law Update, a two-day CLE seminar held in Oklahoma City. They briefed attendees on the latest developments in commercial and consumer law, including automotive finance issues and the Consumer Financial Protection Bureau, and the likely impact on Oklahoma businesses.

Submit news items via email to:

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

**Articles for the Feb. 11 issue must be received by Jan. 17.**

## IN MEMORIAM

**Steven Michael Albright** of Tulsa died Dec. 23. He was born Dec. 30, 1984, in Santa Ana, Calif. He earned a J.D. from the OU College of Law in 2010. He is described as having been an exceptionally bright law student, who had a gentle manner and an extremely sharp mind. Memorial donations may be made to St. Patrick's Episcopal Church of Broken Arrow.

**Vernon A. Brown** died April 11, 2011. He was born Nov. 7, 1921, in Broken Arrow. **He was a veteran of the U.S. Army Air Corps, and served during World War II from July 1943 – October 1945, before being honorably discharged with the rank of technical sergeant.** After attending TU, he passed the bar exam and went on to serve his community by prac-

ticing law for more than 60 years. Memorial contributions may be made to Legal Aid Services of Oklahoma.

**John Thomas Byrd** of Tulsa died Dec. 14. He was born Feb. 4, 1972, in San Antonio and graduated from Bartlesville High School in 1990. He attended OU and graduated from the TU College of Law with honors in 2003. He practiced as a criminal defense attorney with more than half his practice dedicated to pro bono work. He firmly believed in upholding every person's constitutional rights, especially an individual's right to a fair trial. His practice also focused on victims of domestic violence, and he was affiliated with the Osage County Coalition Against Domestic Violence. He was an avid OU football fan and

he recently became a professional poker player, traveling the country competing in national poker tournaments. Memorial contributions may be made to Osage County Coalition Against Domestic Violence.

**Felix Cruz** of Lawton died Dec. 15. He was born in Agana, Guam, on Aug. 6, 1935. He attended the University of Dayton, graduating in 1958 with a B.A. in political science. He earned a master's degree in public administration from OU and a J.D. from OCU in 1981. **He received a U.S. Army commission in the field artillery as a second lieutenant and reported to Fort Sill in August 1959. He served tours of duty at Fort Sill, Korea and Okinawa and two tours in Vietnam. He served one tour at Cameron**



**University as an ROTC instructor and was the senior class instructor and advisor for the first commissioned class which graduated from Cameron University in 1970. He earned numerous military decorations and commendations, retiring in 1979 with the rank of lieutenant colonel.** Following retirement from the Army, he worked for the City of Lawton and attended OCU School of Law at night, graduating in December 1981. He later served as the city's public defender and city attorney, retiring in 1998. He subsequently served as an alternate municipal judge for the City of Lawton. He was a member of numerous civic, community, professional and veterans' organizations and was a parishioner of Holy Family Catholic Church. He also enjoyed fishing, gardening, poker and spending time with his grandchildren.

**Richard Mark Eldridge Sr.** died Dec. 13. He was born June 20, 1951, in Okmulgee and graduated from Okmulgee High School in 1969. He attended OSU, graduating in 1973, then earned his J.D. at the TU College of Law in 1975. His legal career spanned more than 36 years both as a former special district judge for Tulsa and Pawnee counties and more than 30 years of trial experience including more than 150 jury trials. At the time he was sworn in as a judge in 1978 he was the youngest judge to ever sit on the bench in the state of Oklahoma. He spent two decades as a partner in the Rhodes Hieronymus Law Firm. In 2002, he was a founding senior partner of Eldridge Cooper Steichen and Leach.

He also served as the director at large of the Tulsa County Bar Association and was a former chairman of the board of trustees at Metro Christian Academy, where he coached basketball and baseball for many years. He taught the same adult Sunday School Class at Asbury Methodist Church in Tulsa for more than 30 years and was involved with Boy Scouts of America. Memorial donations may be made to Metro Christian Academy of Tulsa or Asbury United Methodist Church.

**Charles W. Hack** of Tulsa died March 29, 2011. He was born in Paris, Texas on Dec. 22, 1929, and grew up in San Antonio. He earned a scholarship to play basketball at St. Mary's University for two years, and then transferred to the University of Texas where he earned his bachelor's and master's degrees in chemical engineering. **After graduating in 1953, he served as a second lieutenant in the U.S. Air Force.** He moved to Tulsa in 1970 after working for DuPont and Cities Service. He received his J.D. from the TU College of Law in 1973. He engaged in the private general practice of law for more than 30 years. He was a member of Asbury United Methodist Church in Tulsa. Memorial contributions may be made to Asbury United Methodist Church.

**Bruce H. Johnson** of Oklahoma City died Dec. 13. He was born April 7, 1913, in Greencastle, Ind., graduating from Butler University with a degree in economics and business administration in 1933. Indiana University School of Law awarded him the then unusual degree of

juris doctor in 1936. He practiced law in Indianapolis, focusing in federal tax law. He went to work for the IRS in 1947, and relocated to Oklahoma City in 1951 to join the firm of Embry, Johnson, Crowe, Tolbert and Boxley, now known as Crowe & Dunlevy. Mr. Johnson practiced law with that firm until he retired in 1978. He was a member of the Oklahoma City Tax Lawyers Group (president, 1956-57), OBA Taxation Section (chairman, 1955), Federal Bar Association (president of local chapter, 1965-66) and a former trustee of the Oklahoma Bar Foundation. He lectured on tax subjects at various schools and bar association meetings. He was a member of Westminster Presbyterian Church and he served as a trustee and chairman of the Baptist Medical Center of Oklahoma Foundation board of trustees. He was also an avid golfer, scoring numerous holes-in-one during his lifetime. Memorial contributions may be made to the Oklahoma City Community Foundation.

**Retired Judge James F. Lane** died Dec. 17. He was born March 4, 1931, in Chattanooga, Tenn., and graduated from high school in Bristow. He attended Oklahoma Baptist University and received his law degree from the OU College of law in 1954. **He then entered the U.S. Army Counterintelligence Corps, where he served from 1954 through 1956.** After military service, he moved his family to Beaver, where he served as the county attorney from 1957 until 1960 and in private practice in the firm Lane & Sharp until 1964. He served

as a trial court judge in Beaver County beginning in 1964 until his appointment to the Court of Criminal Appeals in 1989, where he served until his retirement in 1998. During his tenure, he helped the court create a cutting-edge legal research system that still is a model for other state bar associations. His life was marked by service to his country, to his community and to the greater ideals of the law. While living in Beaver, he served on the volunteer fire department, took photographs for community events, and helped establish and build the Beaver Municipal Golf Course.

**C**arl W. Longmire of Pryor died Dec. 20. He was born Feb. 1, 1924, in Mangum and attended school in Fairview. He attended OU and was one of the first students to receive a basketball scholarship. **He was drafted into the army in April of 1943, and his first combat assignment was the Normandy invasion at Omaha Beach. His division fought across France, Belgium, Holland and Germany. They defeated the Herman Goering Division. He was wounded at the Battle of the Bulge and returned to his division after recovering. He was the first American soldier to enter Cologne, Germany and the cathedral. While on a reconnaissance mission, he received the surrender of over 1,500 German troops which included a colonel**

**in the Germany army. He and one other soldier held these prisoners of war and marched them back to the division. He was in Germany when the war ended in Europe and was honorably discharged when the Pacific War ended.** He returned to OU and received his bachelor's degree in accounting and his law degree in 1952. He moved to Pryor after law school when a friend recommended it as a fine place to practice law. He served as a county judge from 1954 until 1960. He then returned to private practice until his retirement. He was one of the founders of Pryor Elks Lodge and enjoyed traveling, exploring Europe four times including revisiting Normandy.

**A**llen Barber Mitchell of Sapulpa died Dec. 15. He was born in Stillwater on Jan. 20, 1944. He received his bachelor's degree in philosophy from OSU and his J.D. from the TU College of Law. He maintained a general private law practice, also practicing in the prevention and control of hazardous waste facilities and advocating for individuals with disabilities. He served as Sapulpa city attorney in the early 1980s. He was a member of the Creek County Bar Association, and he was a current associate member of the Board of Bar Examiners. He was a member of Boston Avenue Methodist Church in Tulsa and a lifetime member of the Boy Scouts of America

as well as a patron of the arts and a talented musician. His memberships included the Tulsa Philharmonic Orchestra, the Sapulpa Community Band, the Oklahoma State Arts & Humanities Council, the Tulsa Arts Council and the Creek County Literacy Program. Memorial donations may be made to the Sapulpa Youth Shelter or the Sapulpa Community Band.

**S**arah Lynn Soles of Oklahoma City died Dec. 12. She was born Oct. 12, 1978, in Oklahoma City and attended Midwest City High School. She graduated from OU with honors degrees in criminology and public administration, and earned her J.D. from the OU College of Law. While in college and law school, she worked for the Oklahoma Attorney General's Office, the Oklahoma County Court Clerk's Office and the District Attorney's Office. She was in private law practice. She was involved in the Oklahoma County Bar Association's project to benefit inner-city children and also talked with elementary school children about the U.S. Constitution. She mentored high school students in a program sponsored by the Oklahoma City YMCA. She was treasurer for an advisory committee of the Oklahoma City Philharmonic, and she was also a member of the 2010 Leadership OKC class. Memorial donations may be made to Oklahoma City Philharmonic.

## SERVICES

### HANDWRITING IDENTIFICATION POLYGRAPH EXAMINATION

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

Arthur D. Linville (405) 636-1522

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.

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ABEL LAW FIRM HAS OFFICE SPACE AVAILABLE in its building which is a converted historic mansion at the corner of N.E. 63rd and Kelley with easy access to I-44. Three offices are available (\$750 each/month). Space includes reception area, receptionist, fax, telephone system, Internet, conference rooms and free parking. Call Ed Abel at 405-239-7046.

529 WEST MAIN STREET. Newly renovated 2,400 square foot historic building in prime location between Oklahoma City Court House and Oklahoma County Court House. Tenant will have the ability to decide interior finish out. Email DMBOX@wbfbllaw.com.

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## LOST WILL

LOST WILL OR TRUST: If you were contacted by and/or prepared a trust or will for Lawrence Marrs, a Midwest City, Oklahoma, resident, on or after March 15, 2010, please contact Stephen R. Pitcock at Hall Estill in Oklahoma City, at 405-553-2823 or srpitcock@hallestill.com.

## POSITIONS AVAILABLE

**AV-RATED OKLAHOMA CITY WORKERS' COMPENSATION DEFENSE FIRM** is accepting resumes for an associate attorney. At least 2+ years insurance defense preferred, workers' compensation a plus. Must be a motivated team player, well organized and have the ability to communicate effectively. Competitive salary and benefits. Excellent opportunity for the right person. Some in-state travel required. Send replies to "Box O," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**ASSOCIATE ATTORNEY:** AV-rated, downtown Oklahoma City litigation firm has an immediate position available for an associate attorney with 5+ years experience. A qualified candidate must have solid litigation experience, including a proven aptitude for performing legal research, drafting motions and briefs and conducting all phases of pretrial discovery. Salary is commensurate with experience. Please send resume to [sdt@jctokc.com](mailto:sdt@jctokc.com).

**ASSOCIATE ATTORNEY:** We are an Oklahoma City law firm that primarily deals with transportation law that is looking for an associate attorney who will assist with supervisory duties. Legal and managerial experience is preferred but not required. Salary is commensurate with experience. If you are interested please send resume and references to P.O. Box 271320, Oklahoma City, OK 73127-1320.

**ASSOCIATE ATTORNEY:** OKC AV-RATED LAW FIRM has an immediate position available for an associate attorney with experience in insurance defense practice. Submit a confidential resume with salary requirements, references and writing samples to "Box F," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**SECREST HILL BUTLER & SECREST**, an AV-rated insurance defense firm, is seeking an associate with 5 to 10 years of experience. Emphasis on legal research, writing and litigation. Salary to be commensurate with experience. All applications will remain confidential. Contact Joe Pickard at [JPickard@secresthill.com](mailto:JPickard@secresthill.com) or 918-494-5905.

**SENIOR LEVEL LITIGATION ATTORNEY WANTED** for Oklahoma City office of an expanding national insurance defense firm. Candidate should have a minimum of 12 years experience in litigation and must demonstrate strong client relations skills. Construction defect, professional liability, employment, bad faith and personal injury defense work helpful. Compensation package will reward skills, experience and existing relationships. Additional information may be found at [www.helmsgreene.com](http://www.helmsgreene.com). We would also consider a small litigation team. Please direct inquiries to Steve Greene at [sgreene@helmsgreene.com](mailto:sgreene@helmsgreene.com) or 770-206-3371.

**MIDSIZED TULSA LAW FIRM SEEKS PERSONAL INJURY LEGAL ASSISTANT.** Knowledge of Quickbooks a Plus. Salary Commensurate With Experience. Please Reply To "Box P," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, Ok 73152.

## POSITIONS AVAILABLE

**ASSISTANT GENERAL COUNSEL:** The responsibilities of this position will include advising company's management on a wide array of issues including: consumer, mortgage and business lending issues, bank operational, deposit, trust and corporate records issues; bank regulatory and compliance matters; litigation including oversight of external counsel; reviewing and drafting complex documents including real estate documents, loan documents and general contracts. This position will also work with other corporate attorneys in all divisions of the company including retail banking, mortgage servicing and real estate. The qualified candidate will possess a law degree and must have 3 years of legal experience in either banking or residential mortgage servicing with a law firm or financial institution. Candidate must be licensed in Oklahoma or be willing to pursue same immediately. The successful candidate will have excellent academic credentials, strong drafting, negotiation and oral communication skills and must possess the ability to manage large numbers of projects simultaneously in a variety of legal areas. The candidate must be able to work under pressure and have good judgment and the ability to identify potential legal issues. Good writing, research and communication skills are required. If you are interested in this position, please visit our website to complete an online application: [www.midfirst.jobs](http://www.midfirst.jobs) Requisition #3947. AA/EOE; M/F/D/V.

**A NEW YEAR AND NEW OPPORTUNITIES!** Are you wanting to practice law in a friendly, family-oriented work environment? Barber & Bartz, an AV-rated law firm is seeking an attorney with five to ten (10) years of business litigation experience who is looking for new challenges and affiliation with an established and growing law firm. The ideal candidate will have solid litigation experience, excellent communication skills and be well organized. The compensation package is commensurate with level of experience and qualifications. An exceptional benefit package includes bonus opportunity, health insurance, life insurance, and 401K with match. Applications will be kept in strict confidence. Please send resume to "Box Y," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**THE OKLAHOMA TAX COMMISSION, LEGAL DIVISION** seeks an attorney for an opening in its OKC office, Protests/Litigation Section. Applicants must be licensed to practice law in Oklahoma. 0-2 years experience preferred. Submit resume and writing sample to Abby Dillsaver, Deputy General Counsel, 120 N. Robinson, Suite 2000W, Oklahoma City, OK 73102-7801. The OTC is an equal opportunity employer.

**THE OKLAHOMA TAX COMMISSION, LEGAL DIVISION** seeks an attorney for an opening in its Tulsa office, Collections Section. 0-2 years experience preferred. Applicants must be licensed to practice law in Oklahoma and have a current OK driver's license as the position requires travel. Submit resume and writing sample to Leisa Gebetsberger, Assistant General Counsel, 440 South Houston, Suite 501B. Tulsa, OK 74127-8917. The OTC is an equal opportunity employer.

## POSITIONS AVAILABLE

**CHIEF LOBBYIST/ASSOCIATE EXECUTIVE DIRECTOR** position available with the Oklahoma Education Association. This is a management level position with responsibilities for managing the OEA Center for Legislative and Political Organizing as well as functioning as the chief lobbyist for the OEA. The position entails joint development and management of political action and organizing for the OEA and its membership. Legislative and political organizing skills, bill drafting and lobbying skills, crisis management, public relations and communication skills, and experience with PAC management required. Bachelor's degree required with advanced degree preferred. This is a full-time management/lobbyist position with commensurate compensation and liberal benefit package. The position is available immediately and a letter of interest accompanied by a complete resume should be sent by Jan. 27, 2012, to Melanie Engh, Administrative Assistant/Paralegal for Legal and Corporate Services, Oklahoma Education Association, P.O. Box 18485, Oklahoma City, OK 73154. The OEA is an affirmative action/EEO employer.

**MIDSIZED TULSA LAW FIRM SEEKS PERSONAL INJURY ATTORNEY** with 0-5 years experience. Position requires ability to handle all phases of litigation. Salary commensurate with experience. Please reply to "Box K," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

**JOB DESCRIPTION:** Prosecutor/Assistant Attorney General Muscogee (Creek) Nation Department of Justice: The prosecutor is directly responsible to the attorney general. The prosecutor's primary role is to represent the nation in all criminal, juvenile and elder proceedings in the Muscogee (Creek) Nation District Court, state and federal courts and in other proceedings in which the Muscogee (Creek) Nation has an interest. The prosecutor/assistant attorney general also provides advice and counsel to the Office of the Principal Chief, other officers and employees of the Muscogee (Creek) Nation, its boards and authorities as well as the National Council and its committees. Applicant must be a graduate of an accredited law school and be licensed to practice law in Oklahoma. Computer skills and education or experience in federal Indian law preferred. Indian preference. Submit a resume, salary requirement and references no later than Feb. 3, 2012, to: Muscogee (Creek) Nation Personnel Services, P.O. Box 580, Okmulgee, OK 74447, 918-756-8700 or 1-800-482-1979 x 390.

## POSITIONS AVAILABLE

**FIRST AMERICAN TITLE INSURANCE COMPANY** seeks attorney for title examination and underwriting counsel for Tulsa and Cleveland counties. Must have strong background in real estate law and title examination. All contacts will be kept confidential. Compensation commensurate with experience. Fax resume and references to 405-605-1998 or email to hchapman@firstam.com.

**EXTRAORDINARY OPPORTUNITY FOR LAWYER** with 3-5 years insurance defense experience. Small firm principal needs solid right hand to share the workload and rewards of a thriving practice. Successful candidate must possess a drive to succeed, attention to detail, proven work ethic, strong research and writing skills and deposition and trial experience. Go from the bottom at your current firm to a strong second at mine. Send replies to "Box N," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

## 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.

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# As It Happened, or Rather as It Was Meant to Happen

By Jeff Nix

Ever wonder how you got to this point in your life? You might think it was pluck, native intelligence, hard work, blind dumb luck, or a combination of all of the above. I recently finished teaching a course on the works of Kurt Vonnegut. In his flagship-of-the-fleet novel, *Cat's Cradle*, Vonnegut invents a religion, Bokononism, which has some amusing sayings and beliefs, but in Vonnegut's humor there is always a nugget of what he regards as being somewhat true in life.

*Inter alia*, Bokononists believe there is a force in the universe that subtly directs our behavior. Not so much predestination, more of a theory that there is some order in the universe. Thus, when a Bokononist begins a story about an aspect of their life, instead of saying, "As it happened..." a Bokonist will say, "As it was meant to happen..."

In light of reading and teaching Vonnegut, lately I have been thinking my life over a little bit. Thinking about turning points which led me to here. For instance, I hated high school, and it hated me. So, when I graduated, I was through with formal education. My dad, one of the original men of few words, hired me to paint a strip center he had built. And, he paid me painter's wages, which is the

equivalent of probably \$25-\$30 an hour today. I was rich! But, after painting unfinished wood and concrete block in the setting summer sun – instead of living the life of the fabulously well to do — I came home, day after day, covered in paint, dehydrated, and too tired to even eat. After a few weeks, I sat down with my dad, and I said, "Dad—tell me about college...for exam-



Kurt Vonnegut

ple, is it indoors?" He said, "Son, I believe it is" And I said, "Well, boola boola dad — you've got a college kid in the family."

Undergraduate school wasn't much more to my liking than high school, but at least I was in Dallas instead of Tulsa. This was when they were drafting everyone who had a pulse for Vietnam. So, after I graduated, I went looking for a graduate

school. I was too unscientific for med school, so I wandered over to law school, and it was absolute love from the first day! My asthma did eventually keep me out of the war, but, had I not opted to seek out law school, I would have missed my calling. It is now 43 years later, and I still love practicing law by myself every day.

Finding true love? One day I was being interviewed on a Sunday afternoon local news show. Across town, a spectacular young lady was walking through a room where that show was on, saw me, thought I looked and sounded interesting. She told a mutual friend she thought I might be interesting to know, and he told me. Next December that spectacular lady and I will celebrate 31 years of marriage. Had there been no TV appearance...had she been watching a different channel...had her friend not known me from Adam, would we have met at all? Personally, as a part-Bokononist, I believe so.

So, look at your own life. Look at the turning points that pointed you to where you are right now. Could it be that somewhere along the way, you might have received a friendly little Bokononistic shove? Think about it.

*Mr. Nix practices in Tulsa.*

# Social Security Disability Practice Update

## Tenth Circuit Winter Meeting

Cosponsored with the  
National Organization of  
Social Security Claimants'  
Representatives



[www.okbar.org/cle](http://www.okbar.org/cle)

### February 10

6 p.m. - 8 p.m.

Food and Fellowship

### February 11

8:30 a.m.

Registration and Continental Breakfast

9

Welcome

Steve A. Troutman

9:15

How to Cross-Examine a VE about Transferable Skills

Miles Mitzner, Mitzner Law Firm, P.L.L.C., Edmond

10:15

Break

10:30

Step Five - Knowing Your Theory and Understanding the Application of the Grid Rules

Steve A. Troutman

11:40

Networking lunch (included in registration)

1

Tips From the Bench - Common Mistakes by Representatives

Jeffrey S. Wolfe, ODAR Federal Administrative Law Judge, Tulsa

2

Ethical Issues

Jean Owen, President, Social Security Disability Legal Advocates, Inc., Mission, KS

3

Break

3:15

Tenth Circuit Case Law Update

Gayle L. Troutman, Troutman & Troutman, P.C., Tulsa

4:15

Door Prizes

4:45

Adjourn

**Feb. 10 -11, Tulsa - Renaissance Hotel, 6808 S. 107th East Ave.**

### Planners/Moderators:

Steve A. Troutman, Troutman & Troutman, P.C., Tulsa

Credit: Approved for 6 hours MCLE/ 1 Ethics. MCLE credit is pending in the states of WY, UT, CO, NM and KS.

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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# Live Streaming CLE Replays

## **Real Property Law for the General Practitioner**

Jan. 18, 2012 - 9 a.m. Your Computer. 6 hours MCLE/ 0 ethics

## **What They Didn't Teach You in Law School About Family Law**

Jan. 19, 2012 - 9 a.m. Your Computer. 6 hours MCLE/ 0 ethics

## **Defending the Falsely Accused: The Power of Accusation in Domestic Violence Cases**

Jan. 24, 2012 - 10 a.m. Your Computer. 1 hour MCLE/ 0 ethics

## **IRS Administrative Process: Examination and Appeals**

Jan. 24, 2012 - 3 p.m. Your Computer. 1 hour MCLE/ 0 ethics

## **Defending the Falsely Accused: The Power of Accusation in Domestic Violence Cases**

Jan. 24, 2012 - 10 a.m. Your Computer. 1 hour MCLE/ 0 ethics

## **Generally Speaking: Lets Talk about the Practice of Law**

Jan. 25, 2012 - 9 a.m. Your Computer. 6 hours MCLE/ 1 ethics

## **Introduction to Historic Preservation Law in Oklahoma**

Jan. 26, 2012 - 9 a.m. Your Computer. 6 hours MCLE/ 0 ethics

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