

# Oklahoma Bar JOURNAL

Volume 83 ♦ No. 26 ♦ Oct. 6, 2012

## Opening A Law Practice

LAW OFFICES



### **ALSO INSIDE**

- Annual Meeting
- Lambird Award Winners
- New Lawyers Admitted

OBA/CLE and the Child Abuse Coordination Program present:

# Child Abuse: Building Your Abusive Head Trauma Case

## Child Abuse Training and Coordination Program

**Featured Speaker:**  
**Lawrence Braunstein**

Lawrence Braunstein is a partner in the law firm of Braunstein & Zuckerman, Esqs., in White Plains, New York. Since 1985, he has specialized in child custody litigation and the defense of child sexual abuse, physical abuse and shaken baby allegations in matrimonial, family and criminal cases, as well as representing the parents of children who have been sexually abused, and representing victims of sexual abuse in civil litigation against the perpetrator of the abuse.

**8:30 a.m.**  
 Registration and Continental Breakfast

**9**  
 Overview of Abusive Head Trauma (AHT)  
 Epidemiology  
 The Perpetrators

**10:15**  
 Break

**10:30**  
 Biomechanics of AHT  
 Neurologic Issues in Shaken Baby Syndrome  
 Radiographic Evaluation  
 Ophthalmic Manifestations

**12**  
 Networking lunch (included in registration)

**12:40**  
 Medical Management  
 Pathological Findings in Fatal Shaken Impact Syndrome

**1:30**  
 Break

**1:40**  
 Hospital Interview of Parents  
 Law Enforcement Investigation  
 Legal Issues in Shaken Baby Cases  
 Prosecution of Shaken Baby Cases

**2:30**  
 Break

**2:40**  
 Defense of Shaken Baby Cases (incl. 5 hr. ethics).

**4:00**  
 Adjourn



SNAP IT!



**Approved for CLE credit:** 6 hours. **\$75** for attorneys representing both parents in a custody case. **\$100** for attorneys representing only one parent in a custody case. **\$100** for attorneys representing both parents in a custody case and also representing one parent in a custody case. **Cancellations:** will be accepted up to 30 days prior to the event. **Refunds:** will be accepted up to 30 days prior to the event. **Registration:** will be accepted up to 30 days prior to the event. **Registration:** will be accepted up to 30 days prior to the event. **Registration:** will be accepted up to 30 days prior to the event.

# SAVE THE DATE

## Juvenile Law Update

**Jan. 17 - Tulsa Jan. 18 - OKC**

**6 hours MCLE**

### Topics

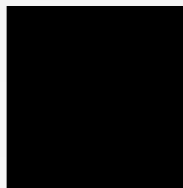
- Indian Child Welfare Act
- What to expect from the "new" DHS
- Foster Care and the rights of Foster Parents
- The "Show-Cause Hearing" – what to expect
- An overview of the Delinquent Court process and the Deprived Court process
- Changes from the 2012 session – what to expect in 2013



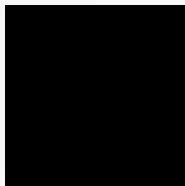
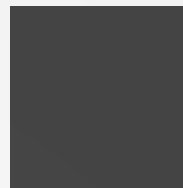
PETER  
BRADFORD, ESQ.



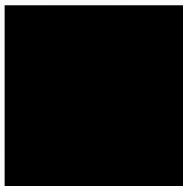
ELISE  
BRENNAN, ESQ.



DAVID  
CORDELL, ESQ.



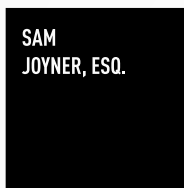
SAM  
JOYNER, ESQ.



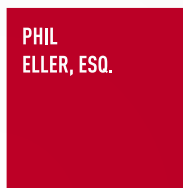
PHIL  
ELLER, ESQ.



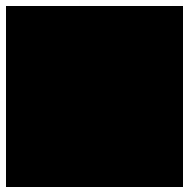
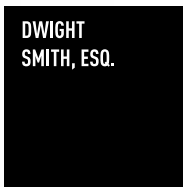
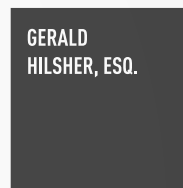
GERALD  
HILSHER, ESQ.



DWIGHT  
SMITH, ESQ.



DAVID  
NEWSOME, ESQ.



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*At the end of the day...*

# Who's Really Watching Your Firm's 401(k)?

*And, what is it costing you?*



**Does your firm's 401(k) feature no out-of-pocket fees?**

YES

NO

☐☐

**Does your firm's 401(k) include professional investment fiduciary services?**

☐☐

**Is your firm's 401(k) subject to quarterly reviews by an independent board of directors?**

☐☐

.....

*If you answered no to any of these questions, contact the ABA Retirement Funds Program by phone (866) 812-1510, on the web at [www.abaretirement.com](http://www.abaretirement.com) or by email [joinus@abaretirement.com](mailto:joinus@abaretirement.com) to learn how we keep a close watch over your 401(k).*

**Please visit the ABA Retirement Funds Booth at the upcoming Oklahoma Bar Association Annual Meeting for a free cost comparison and plan evaluation. November 14-16, 2012 • Sheraton Hotel, Oklahoma City**



**Who's Watching Your Firm's 401(k)?**

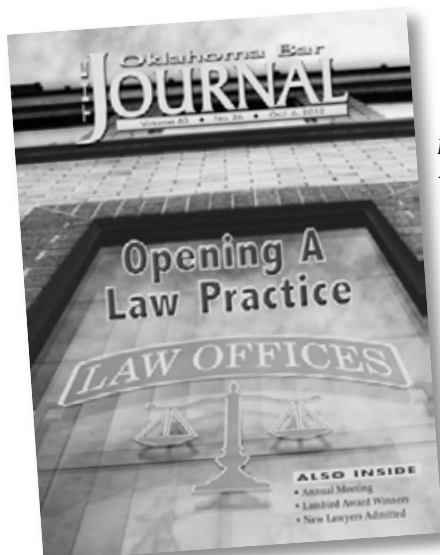
The American Bar Association Members/Northern Trust Collective Trust (the "Collective Trust") has filed a registration statement (including the prospectus therein (the "Prospectus")) with the Securities and Exchange Commission for the offering of Units representing pro rata beneficial interests in the collective investment funds established under the Collective Trust. The Collective Trust is a retirement program sponsored by the ABA Retirement Funds in which lawyers and law firms who are members or associates of the American Bar Association, most state and local bar associations and their employees and employees of certain organizations related to the practice of law are eligible to participate. Copies of the Prospectus may be obtained by calling (866) 812-1510, by visiting the website of the ABA Retirement Funds Program at [www.abaretirement.com](http://www.abaretirement.com) or by writing to ABA Retirement Funds, P.O. Box 5142, Boston, MA 02206-5142. This communication shall not constitute an offer to sell or the solicitation of an offer to buy, or a request of the recipient to indicate an interest in, Units of the Collective Trust, and is not a recommendation with respect to any of the collective investment funds established under the Collective Trust. Nor shall there be any sale of the Units of the Collective Trust in any state or other jurisdiction in which such offer, solicitation or sale would be unlawful prior to the registration or qualification under the securities laws of any such state or other jurisdiction. The Program is available through the Oklahoma Bar Association as a member benefit. However, this does not constitute an offer to purchase, and is in no way a recommendation with respect to, any security that is available through the Program.

C12-0201-010 (2/12)



# contents

Oct. 6, 2012 • Vol. 83 • No. 26



Cover Photo:  
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Photographer:  
Emily Buchanan

## FEATURES

- 2065 STARTING SOLO: FROM OATH TO MY OWN OFFICE  
*By Bryon J. Will*
- 2071 EQUIPPING THE LAW OFFICE 2012  
*By Jim Calloway*
- 2079 THE NON-TECH SIDE OF STARTING YOUR OWN PRACTICE  
*By Michelle C. Harrington*
- 2085 PROFESSIONAL LIABILITY INSURANCE – THE REST OF THE STORY  
*By Alison A. Cave*
- 2091 GOING WITH THE FLOW: THE TRUTH ABOUT CASH FLOW MANAGEMENT  
*By Douglas Gierhart*
- 2097 TRUST ACCOUNTING 101  
*By Travis Pickens*
- 2101 TEN THINGS TO KNOW WHEN STARTING A SMALL-TOWN PRACTICE  
*By Stephen D. Beam and Jon K. Parsley*
- 2105 WHAT'S YOUR EXIT STRATEGY?  
*By D. Scott Pappas*
- 2109 THE AGONY AND THE ECSTASY: TIPS ON STARTING YOUR OWN LAW PRACTICE  
*By Tracey Garrison*
- 2113 INSURANCE FOR LAWYERS AND LAW PRACTICES  
*By Jennifer Beale*



pg. 2130  
ANNUAL MEETING

## DEPARTMENTS

- 2060 FROM THE PRESIDENT
- 2129 EDITORIAL CALENDAR
- 2158 FROM THE EXECUTIVE DIRECTOR
- 2160 LAW PRACTICE TIPS
- 2164 ETHICS/PROFESSIONAL RESPONSIBILITY
- 2165 OBA BOARD OF GOVERNORS ACTIONS
- 2168 OKLAHOMA BAR FOUNDATION NEWS
- 2170 ACCESS TO JUSTICE
- 2171 YOUNG LAWYERS DIVISION
- 2173 CALENDAR
- 2174 FOR YOUR INFORMATION
- 2175 BENCH AND BAR BRIEFS
- 2178 IN MEMORIAM
- 2184 THE BACK PAGE



pg. 2118  
DIVERSITY AWARDS

## PLUS

- 2118 OBA COMMITTEE TO PRESENT FIRST DIVERSITY AWARDS  
*By Kara I. Smith*
- 2122 NEW ATTORNEYS TAKE OATH
- 2126 PHOTO HIGHLIGHTS: WOMEN IN LAW CONFERENCE
- 2127 MONA SALYER LAMBIRD SPOTLIGHT AWARD RECIPIENTS  
*By Deborah J. Bruce*
- 2130 ANNUAL MEETING
- 2151 PROPOSED 2013 OBA BUDGET
- 2155 STATEMENT OF OWNERSHIP

# Law-Related Education: From the Classroom to the Ballot Box

By Cathy Christensen

One of my presidential initiatives this year has been an increased focus on law-related education. By all accounts, with the help of dedicated OBA members, volunteers and a capable OBA staff, the initiative has been successful. But the year isn't over, and an opportunity for public education lies ahead. Now I need your help! Please and thank you.

This November, Oklahoma voters will decide whether to retain four Oklahoma Supreme Court justices, three Court of Criminal Appeals judges and five Court of Civil Appeals judges. In prior elections, have you been asked by friends, neighbors, coworkers and sometimes even strangers about the members of the judiciary on the retention ballot and whether the judge or justice should be retained?

Have you explained:

- The process for selecting Oklahoma's judiciary using a nonpartisan 15-member Judicial Nominating Commission (JNC) that investigates, interviews and evaluates applicants for judicial office?



*Cathy Christensen*

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

- The JNC submits the names of three highly qualified applicants for appellate office to the governor who, after another round of investigation and interviews, must make a final selection from the list.

- Appellate justices' and judges' terms are for six years.

- Appellate justices and judges are retained in office "on merit" by citizen vote in nonpartisan, noncontested elections by retention ballot.

- Only those justices and judges receiving approval from a majority of the voters may continue in office for another six-year term.

- The judiciary cannot be listed on the ballot by their political party.

I know I have offered these explanations many times, and I am proud to do so. It's what I do and what I pledged to support and defend.

This is law-related education! This is your opportunity to provide the public with an understanding and appreciation of our judicial system and educate them about the importance of judicial independence in maintaining a strong democracy. You are uniquely situated to help others understand what judges do.

Fair and impartial judges are critical to the success of a strong and well-functioning American democracy and legal system. The

rule of law is only as strong as the quality of judges who uphold it. Judges give force to the rule of law. Past OBA President J. William Conger noted that the World Justice Project defines the concept of the rule of law "in its broadest sense and in the most succinct way. The rule of law comprises four universal principles:

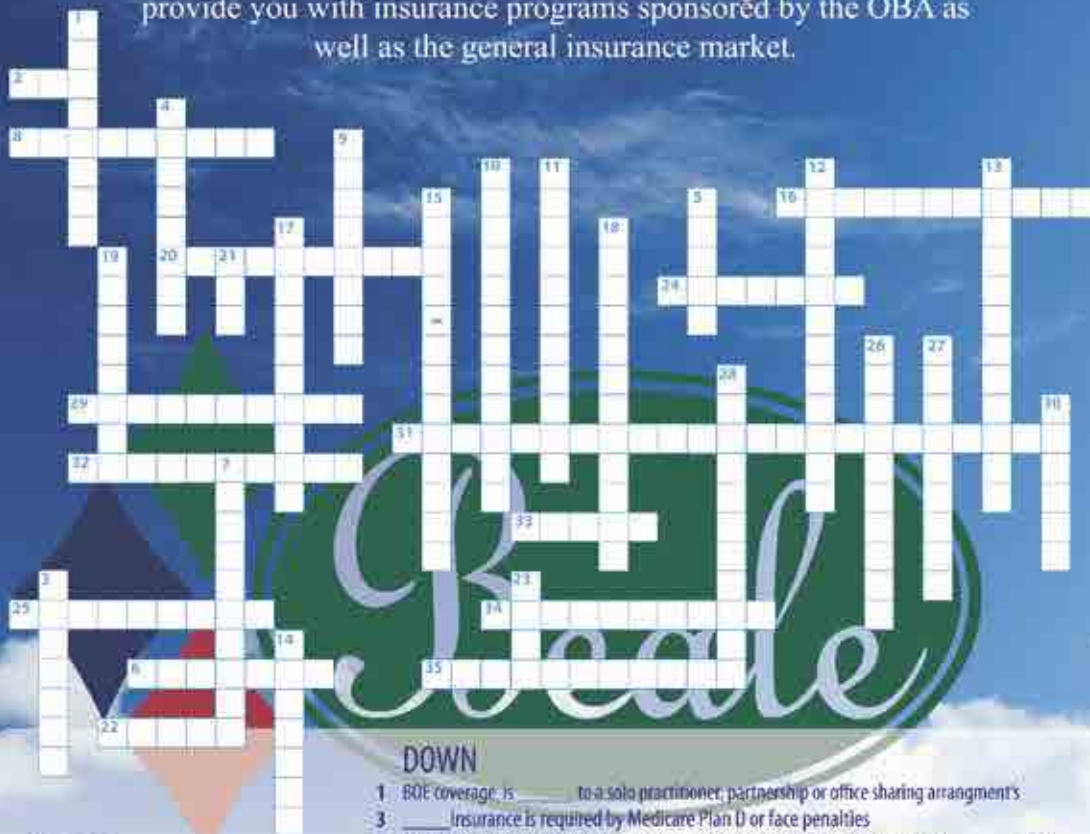
1. A system of self-government in which all persons, including the government, are accountable under the law;
2. A system based on fair, publicized, broadly understood and stable laws;
3. A fair, robust and accessible legal process in which rights and responsibilities based in law are enforced impartially;
4. Diverse, competent, independent and ethical lawyers and judges."

*www.CourtFacts.org  
offers details about  
Oklahoma justices  
and judges on the  
retention ballot*

*cont'd on page 2157*

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in that we are independent agents and the only agency who can provide you with insurance programs sponsored by the OBA as well as the general insurance market.



## ACROSS

- 2 As a full service agency, you should call Beale Pro for \_\_\_\_ your insurance needs
- 6 A BOP packages is Commercial Property & Commercial \_\_\_\_ Liability Insurance
- 8 Employment \_\_\_\_ Liability
- 16 The percentage a policyholder pays in addition to their deductible
- 20 Maintain an \_\_\_\_ Disability policy even if your employer provides coverage
- 22 Designed to keep your \_\_\_\_ open while you are recovering
- 24 Third party extends to your client's \_\_\_\_
- 25 \_\_\_\_ workstations
- 29 Employee theft could result in corporate \_\_\_\_
- 31 Disability contract that pays office expenses.
- 32 Type of agency that could sue your company's officers & directors
- 33 Network Liability AKA Data Breach Liability
- 34 Protects your ability to earn income
- 35 Keep them up-to-date on all policies

## DOWN

- 1 BQE coverage is \_\_\_\_ to a solo practitioner, partnership or office sharing arrangement's
- 3 \_\_\_\_ Insurance is required by Medicare Plan D or face penalties
- 4 Health Insurance is available to persons with certain conditions through the OK \_\_\_\_ pool.
- 5 The only insurance agents who can provide plans through your association AND the standard market
- 7 A disease that leaves your body perfectly healthy but you still require around-the-clock care
- 9 Partial Disability
- 10 Expected result from Health Care changes is a movement to a "Defined \_\_\_\_" plan format
- 11 Disability Insurance is an \_\_\_\_ inability to perform the duties of your profession
- 12 LTC
- 13 Even \_\_\_\_ businesses also have D&O exposure
- 14 Worker's Compensation premiums are based on the total \_\_\_\_ covered.
- 15 \_\_\_\_ is a dangerous Health Insurance option
- 17 Benefit provided through a Travel Medical policy
- 18 Most Umbrella carriers do not include this coverage in Oklahoma but the Association plan through Beale Pro does, protecting drivers from uninsured and \_\_\_\_ motorists.
- 19 Medicare pays 80% of \_\_\_\_ determined charges
- 21 Some Life Insurance plans also include a return of premium feature if you don't \_\_\_\_
- 23 Probably the most versatile type of insurance
- 26 \_\_\_\_ your Long Term Care premiums to fully pay the policy prior to retirement
- 27 Title 85 requires these to carry Worker's Compensation Insurance
- 28 Buy Disability Insurance young because it's one of the most \_\_\_\_ underwritten insurance plans.
- 30 Insurance you should never go without

Find answers by reading Jennifer Beale's article, "*Insurance for Lawyers and Law Practices*," featured in this issue or visit our website at [bealepro.com](http://bealepro.com).



# FELLOW ENROLLMENT FORM ☐ Attorney ☐ Non-Attorney

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

(name, as it should appear on your OBF Fellow Plaque)

County

Firm or other affiliation: \_\_\_\_\_

Mailing & delivery address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ EMail Address: \_\_\_\_\_

The Oklahoma Bar Foundation was able to assist 38 different projects or programs last year through the generosity of Oklahoma lawyers – providing free legal assistance for the poor and elderly, safe haven for the abused, protection and legal assistance to children, law-related education programs, and other activities that improve the quality of justice for all Oklahomans. The tradition of giving back continues with YOU.

\_\_\_\_\_ I want to be an OBF Fellow **now** – Bill Me Later!

\_\_\_\_\_ \$100 enclosed & bill annually

\_\_\_\_\_ Total amount enclosed, \$1,000

\_\_\_\_\_ *New Lawyer 1st Year*, \$25 enclosed & bill  
Annually as stated

\_\_\_\_\_ *New Lawyer within 3 Years*, \$50 enclosed  
& bill annually as stated

\_\_\_\_\_ I want to be recognized at the higher level of  
**Sustaining Fellow** & will continue my annual gift  
of at least \$100 – (initial pledge should be complete)

\_\_\_\_\_ I want to be recognized at the highest leadership level  
of **Benefactor Fellow** & annually contribute  
at least \$300 – (initial pledge should be complete)

\_\_\_\_\_ **My charitable contribution to help offset the  
Grant Program Crisis is enclosed**

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JOIN TODAY AND HELP MORE  
THAN 85,000 OKLAHOMANS  
IN NEED.

GIVE TODAY AT  
[WWW.OKBARFOUNDATION.ORG](http://WWW.OKBARFOUNDATION.ORG)

- To become a Fellow, the pledge is \$1,000 payable within a ten year period at \$100 each year; however, some may choose to pay the full amount or in greater increments over a shorter period of time.
- The OBF offers lesser payments for newer Oklahoma Bar Association members:
  - — First Year Lawyers: lawyers who pledge to become OBF Fellows on or before January 2, of the year immediately following their admission may pay only \$25 per year for 2 years, then only \$50 for 3 years, and then at least \$100 each year thereafter until the \$1,000 pledge is fulfilled.
  - — Within Three Years: lawyers admitted 3 years or less at the time of their OBF Fellow pledge may pay only \$50 per year for 4 years and then at least \$100 each year thereafter until the \$1,000 pledge is fulfilled.
- Sustaining Fellows are those who have completed the initial \$1,000 pledge and continue their \$100 annual contribution to help sustain grant programs.
- Benefactor Fellows is the highest leadership giving level and are those who have completed the initial \$1,000 pledge and pledge to pay at least \$300 annually to help fund important grant programs. Benefactors lead by example.

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

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OBJ & Communications 405-416-7004  
Board of Bar Examiners 405-416-7075  
Oklahoma Bar Foundation 405-416-7070

# EVENTS CALENDAR

## OCTOBER 2012

- 9 **OBA Communications Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Dick Pryor 405-740-2944
- OBA Legal Intern Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Candace Blalock 405-238-0143
- 10 **OBA Member Services Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Roe Simmons 405-359-3600
- OBA Survey Task Force;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Brian Hermanson 580-762-0020
- 12 **OBA Law-related Education Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Suzanne Heggy 405-556-9612
- OBA Family Law Section;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact: Tamera Childers 918-581-8200
- 16 **OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact David Swank 405-325-5254
- OBA Civil Procedure and Evidence Code Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact James Milton 918-594-0523
- 17 **OBA Clients' Security Fund Committee meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael Salem 405-366-1234
- OBA Women in Law Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Deirdre Dexter 918-584-1600
- 18 **OBA Diversity Conference and Awards Luncheon;** 9 a.m.; Skirvin Hotel, Oklahoma City; Contact Kara I. Smith 405-923-8611
- OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Cheri Gray 405-229-5396

**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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# Opening

## A LAW PRACTICE

### Starting Solo: From Oath to My Own Office

By Bryon J. Will

*Okay, so I go through three years of law school, take the bar exam and finally, become a lawyer. Now what? Do I work for a law firm? Are there any job postings in the back of the Oklahoma Bar Journal? Do I know anyone who has an opening? Or do I do something rather bold — something that most would believe is unorthodox? Yes! I will open my own law office.*

This is a narrative of my adventure of opening my own law practice fresh out of law school. I hope it also serves as beneficial for my colleagues who have just graduated law school or are ready to venture out on their own. Please know, this is neither an instruction guide nor a treatise on starting your own law practice, but merely some of *my* choices when opening and maintaining my law practice. Go with what works for you.

First of all, let me give a brief background of my experiences. I graduated Oklahoma City University School of Law in May 2008. During my last semester of law school, I worked as a licensed legal intern for a small- to mid-sized law firm in downtown Oklahoma City. Prior to graduation, I was promised a position as an associate with the law firm upon my passing the bar exam — complete with a nice salary and benefits.

At that time, the economy began to plummet, and I felt very lucky that I *had* a job — unlike several of my fellow graduates. I took the Bar Exam the last Tuesday and Wednesday of July. The following Saturday, I received a call from the managing partner of my law firm with a message that the firm was closing. I no longer had a job.

For the following three months, I tried to get hired on somewhere — *anywhere*. The first month or so was quite difficult in looking for a job because I didn't know whether I had even passed the bar exam. I interviewed with multiple law firms and state government agencies and heard the same answers, "Let's wait until we find out whether you passed the bar exam." Of course, I was not the only one right out of law school looking for a job.

In September, I found out I passed the bar exam and was sworn in. But by October of that year, the stock mark crashed, and America was in an economic depression. I waited every couple weeks for latest issue of *The Oklahoma Bar Journal (OBJ)* just to see what job openings were posted in the back. It seemed ironic that, while I was in law school, there was always a minimum of three pages of attorney job openings; but when I actually needed a job, there were hardly more than a half-page of openings.

I applied for several of those openings; however, the common response from the interviewers was, "We are having a record number of applicants applying for the job." Unfortunately, it seemed like a lottery pick to get that second interview.

At the end of October, I decided to take the plunge. If I couldn't get hired at a law firm, I would just open my own firm and hire myself. I haven't fired myself yet.

I am now in my fourth year of practice and am still going strong. There have been some rocky roads along the way, but my doors are still open. How did I do it? I believe it had to do with talking to seasoned lawyers who were in the same place at one time or another, sheer luck and a lot of prayer.

If someone approached me and asked what they needed to do to open a law practice, I would tell him or her every factor I had to take into consideration. But I would also say that everyone essentially carves his or her own path, and what worked for me may not work for everyone else. However, I am happy to share my experiences along the way to opening and maintaining my law practice.

### OFFICE PLACEMENT

We have always heard the saying, "Location, Location, Location...." I don't believe that is always the case in practicing law. Some factors to consider are the type of law you want to practice, frequency of trips to the courthouse, ease of finding your office, parking, safety and the commute from home. You need to first ask the question, "What kind of law do you want to practice?" If you want to practice criminal law, you may want your office close to the courthouse so you can pick up some foot traffic. If you want to practice family law, you may want your office where it is easy to find, with decent parking and still within walking distance of the courthouse. But, if you want to practice estate planning, location may not be a great concern.

However, I believe the most important factor to balance when deciding where you place your office is what you can afford. When starting out on your own — unless you have a large cash reserve, a rich uncle, or have won the lottery — I would assume you will not be renting an office on the top floor of either Oklahoma City's Leadership Square or one of Tulsa's Williams Towers. But to the other extreme you may want a place more sophisticated than your house to meet clients (though there is nothing wrong with having your office in your home if that is what you can afford. It may even be a good idea to hold an office at your home and meet clients at another office). When considering the office, you really must balance all the

factors and determine what you can afford. Affordability is key.

I originally wanted to have my office in my home. I even made a little office out of a spare bedroom. But I did need a place to meet with clients; I didn't think my kitchen table made a good conference table. I got in touch with a lawyer friend of mine who had his own office and a conference room. During the phone call, he indicated he had some extra space and would be happy to office share with me. After I looked at the office, he gave me an offer I found affordable, so I took it. It had everything I needed — a roof and a door. Even though I did move to another office at one point, I am now back in the same building where I started.

### FURNITURE

*What about furniture? Do I need it?* Again, only get what you can afford. A table to write on, a chair for the lawyer and a chair for the client are all a lawyer needs. If you are living in Tulsa or Oklahoma City, there are many places to shop for used office furniture. There is no sense purchasing brand new furniture unless you can afford it. Yes, it is desirable to purchase something pretty and clean, but home improvement stores like Lowe's or Home Depot have materials you can purchase to make your used furniture look new. Sometimes a paint brush and a few cheap odds and ends can make old furniture look new again.

Although I didn't have an income at the time, I had some savings available to loan my business for purchasing office furniture. Yes, I said loan! What's great about loaning money to your business is you are not pressured to pay it back month to month. When you do pay yourself back, you don't have to pay income tax on loan repayments, unless you charge yourself interest (talk to your tax advisor about this). I can't say it enough: only purchase what you can afford.

### COMPUTERS AND SOFTWARE

*Computers and printers: what about those?* Did you have a laptop and printer in law school or at home? Use those. Enough said.

Software, however, is another story. I will turn this topic over to Jim Calloway with the Oklahoma Bar Association. After I was sworn in, I went to one of Mr. Calloway's CLEs on opening a law practice (I suggest the reader do the same), where he gave a really good presen-



tation on law firm software. Again, purchase only what you can afford.

### CHOOSING PRACTICE AREAS

When choosing a practice area, my first suggestion is to choose an area in which you are competent and can learn quickly. I did *not* say to choose what you really enjoy. You have a license to practice law, and you can practice anything (with the exception of patents and admiralty). As we all know, the practice of law in any area is filled with many intricacies; and on such, we must be able to explain to and counsel our clients. You will want to take on an area that comes naturally to you, so to reduce your risk of incompetency and malpractice.

If you can afford it, try not to take every case that walks through the door. Otherwise, you may bog yourself down trying to learn multiple areas of law. And when that happens, you may increase your risk of malpractice. It would be difficult to learn criminal law *and* oil and gas, and to practice both at the same time. Instead, try practicing two areas that complement each other, like estate planning with probate or oil and gas with real property. In these instances, when practicing in one area, you need to know the law in the other, so you might as well practice both.

During my internship in my last semester of law school, I was exposed to bankruptcy and debtor and creditor law. There, I learned how to counsel a bankruptcy debtor from petition to discharge and everything in between. Luckily this was one area I was already familiar with when I opened my law practice.

As for practicing in areas that complement one another, the majority of my practice is in the areas of probate and estate planning. Upon my initial study of estate planning, I realized rather quickly I needed to learn the intricacies of probate law as well. Why not take on clients in both areas?

### MENTORS

Whether you practice in a firm or on your own, having a mentor is probably the most important factor when practicing law. I strongly suggest you have a separate mentor for each

“It may be advisable to invite your mentor to co-counsel with you on a project, and pay him or her accordingly.”

area you practice. Remember, nobody knows everything, so there is no problem in having multiple mentors. Make sure the person you wish to be your mentor is an expert in his or her area of law.

When establishing a mentor, first establish a relationship with the individual. Call the mentor and ask if he or she would mind an occasional phone call from you. Be courteous. Ask whether you can pay for his or her time. Generally they won't take payment, but it

is a good gesture on your part. Do know that the mentor is busy with his or her own practice, so when you call, get to the point immediately! Try to limit your phone call to about five minutes. Therefore, he or she will be more receptive the next time you call.

It may be advisable to invite your mentor to co-counsel with you on a project, and pay him or her accordingly. Don't think of this as receiving less income from a client. Instead, look at it as an investment for additional education — which is a lot cheaper than what you paid for law school. My experience with having mentors is that they are normally very receptive, especially those who have practiced for multiple decades. They were all in the same place when they began practicing law as well. Some veteran attorneys even believe it is their duty to mentor young lawyers when they start out.

When I came into my office building, I was very lucky there were several seasoned attorneys already practicing here. Even though we were all under the same roof, I still had to establish a relationship with each of them before they were receptive to mentoring me. Now after being there a few years, I have established relationships in which I can go and knock on their doors and ask my questions. Nowadays, I may even hear a knock on *my* door from an attorney needing advice. Just know it will come full circle.

### STRATEGIES FOR BUILDING A BUSINESS

Be flexible in establishing where you open your practice. It doesn't have to be in Oklahoma City or Tulsa, or any large town in Oklahoma for that matter. Remember, you have a license to practice in all 77 counties in Okla-

ma, and therefore, you can practice anywhere in the state. A wise man once told me, "If there is one lawyer in the town he will starve to death, but if there are two lawyers in the town they will both be rich." There are several towns in Oklahoma that are underserved by attorneys. If where you live and practice is not an issue, I recommend you research which Oklahoma towns need attorneys. You can do this either by looking through the Blue Book or by visiting with members of the Oklahoma Bar Association who are familiar with the towns in need of attorneys. You will be amazed what you can find from these two resources.

It is also wise to keep an eye out for attorneys who are close to retirement and who are hiring younger attorneys to take over their practices. Some of these veteran attorneys place ads in the *OBJ* in search of younger attorneys. One may also be able to find out about these opportunities through networking or involvement in local bar associations.

### **GET INVOLVED**

From my experience, one of the best ways to market yourself and your practice is to be involved in organizations — from the state and local bar associations and your local Chamber of Commerce to churches and Kiwanis, Rotary, or Lions Clubs.

Currently, I am a board member of the Oklahoma Bar Association Young Lawyers Division. In this organization, I have met attorneys from across the state — young and veteran — and I have received numerous referrals from these relationships. I am also a member of the local Chamber of Commerce and a local Kiwanis Club.

But being involved is not just for referrals. Being involved is a public service duty we, as lawyers, owe to our communities. I suggest you be involved first for the sense of this duty. Referrals and business will come later.

### **BE OPEN AND FLEXIBLE**

Flexibility and openness means being ready for change. You must be spontaneous and willing to take on whatever life, and your practice, throws at you. Your paycheck depends on it. Again, I wouldn't suggest taking every case that walks through your door, but I do recommend that you take on the challenge of projects that will earn you a little extra money as long as you are, or can become, competent in those areas of law.

For example, as I mentioned above, I began my practice in the area of bankruptcy, but the majority of my practice is in estate planning and probate. Let me just tell you that if I only took bankruptcy cases, I would starve to death. My first case was a bankruptcy, and I was prepared for it. However my second case was a client who wanted me to do estate planning; my next was a probate; and after that, more estate planning. Let's just say, I can count on two hands the number of bankruptcy clients I have had. I started practicing in one area of law, and the next thing I knew, I was in another area. I then knew I was competent to take on that next challenge.

### **DON'T BE TIMID**

You can't be timid in this realm. You must put yourself out there, or you will never have clients walk through your door. Let people know you are a lawyer. That's not a crime. Get creative putting your name out there while still remaining compliant with the Rules of Professional Conduct. You will have to shake a lot of hands and kiss a lot of babies. And if you are ever in question as to whether you are about to do something unethical or that violates the Rules of Professional Conduct, call our Ethics Counsel, Travis Pickens, at the Oklahoma Bar Center. He will discuss with you whether there is a potential violation.

You must also be open with your clients. Be receptive, meaning don't be afraid to talk to them. You are their lawyer. You have their lives in your hands, and they want to talk to you. Talk to them! Return their calls, and quickly. And most of all, be friendly. I have found more clients hire me, and even refer me, just because I am friendly and easy to talk to. Clients are often stressed and don't want to hear a gruff, rude voice on the other end of the line. If you talk to your clients in an engaging manner, not only will you preserve the clients you have, but there is a greater probability they will refer their own family and friends to you.

### **CONCLUSION**

Again, what worked for me may not work for everyone else. My intention is for the reader to take what I learned from my experiences and apply it to his or her practice in a way that works for them. If I were to break this entire article down to just a few words, I would say, "If you want to open your own law practice, know what you can afford, make a budget,

research your options, be competent, don't be shy, pray, and go to work."

With that being said, are you ready to hang out that shingle? Open your doors?

#### ABOUT THE AUTHOR



Bryon J. Will is the founder of The Law Office of Bryon J. Will, PLLC, with offices in Oklahoma City and Perry. He practices in the areas of estate planning, probate, real estate, bankruptcy and civil litigation. Mr. Will received his Bachelor's degree at Oklahoma State University, his Masters of Business degree at University of Central Oklahoma and his J.D. from Oklahoma City University. Mr. Will is currently a director of the Oklahoma Bar Association Young Lawyers Division.

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# Equipping the Law Office 2012

*By Jim Calloway*

**L**ong past is the day when equipping the law office meant buying some furniture, file cabinets and typewriters. The modern law office requires a lot of technology equipment. Information technology (IT) equipment is a significant investment, although prices for computers and hard drives have dropped over the last several years. The challenge now is that there is a huge variety of different types of equipment and it seems much harder to make informed decisions.

This article is intended to give an overview of the different types of equipment that might be purchased in the law office today. While some products will be mentioned, it is not intended to cover all products. Generally the focus here will be on a firm of one to 10 lawyers.

First of all, the foundation of the lawyer's technology system is the computers, the server(s) and the computer network. Today everyone needs a workstation, including the errand runner. Some smaller operations use a peer-to-peer network instead of a server-based network. Others use a slightly more powerful desktop as a server, but this will probably result in some frequent slowness during peak use times. A true server setup is preferred, but it is probably true that a lawyer who is not a technology hobbyist would have a difficult time managing a server-based network without some technical support. From both efficiency and risk management standpoints, it is a better plan to have an IT support person for almost any size of law firm. For smaller firms, this will obviously be an outside vendor.

The big advantage to having all data on a server is that the law office operations can be

protected by daily backup of the server rather than backing up each individual workstation, although the workstations should still be backed up periodically.

### **DESKTOP VS. LAPTOP PC**

With workstations, the initial question that must be determined is whether the attorneys in the office will use desktop or laptop computers. This author is generally in favor of laptop computers for the following reasons:

- 1) Having the same workstation at home and at work can be a huge benefit for the lawyer who sometimes works at home.
- 2) Even for those who only rarely work outside of the office or only might use the laptop in an emergency situation (no power in the office), it is still a great benefit on those rare occasions to easily be able to continue work.
- 3) While it is true that one pays slightly more for slightly less power when buying a laptop versus a desktop computer, the difference is not very significant at this point.
- 4) With a port replicator (aka docking station), a full-size keyboard and an external monitor,

the difference in the experience between working with laptops and desktop computers at the lawyer's desk is negligible.

It is my conclusion that many, if not most, lawyers should have laptop computers, and it should be decided on a case to case basis for the rest of the staff. The reception area is one area where it makes sense to have a desktop computer. (Note: For larger firms this may differ. They may have several laptops available to be checked out by lawyers as needed.)

For a new desktop PC, four gigabytes or more of RAM is perhaps the minimum for a new machine. More is better. While processor speed is not that important for most legal operations, it is suggested that anywhere in the 2.4 to 3.2 gigahertz range is adequate.

A monitor is required. In fact, this writer would argue that two monitors are required for productivity purposes. Monitors are much cheaper now and large monitors from 22-25 inch LCD flat panel are a good plan for most lawyers. You will spend a lot of time looking at that monitor, so do not scrimp on its quality.

Which operating system appears to be an easier question at this point in time. While many lawyers have doggedly stuck with Windows XP because it "just worked," there are also missing many benefits that are contained in Windows 7.

Based on my reading of the initial reviews of Windows 8, there is a fair divergence of opinion. Most dislike the new "metro" interface, but others say that can be easily bypassed. For most lawyers, now is a great time to buy a new computer with Windows 7 preinstalled and gain the benefits of Windows 7. There are many Windows 7 features that I use daily, like the improved desktop search function and the snipping tool to easily capture onscreen images. I question whether Windows 8 will quickly gain acceptance as it is a fairly radical design change in several ways. For entertaining reading, sample "Windows 8 review: Yes, it's that bad" from InfoWorld at [www.okbar.org/s/infoworld](http://www.okbar.org/s/infoworld).



## Windows vs. Macs



At this point, the vast majority of lawyers still use Windows-based PCs. If you are a lawyer who loves to use Macs, you do not need my approval to continue to do so. The number of Mac computers in law offices continues to increase slightly but steadily, and the number of Macs on college and law school campuses does not indicate that will slow. There are a lot of benefits to using Macs. However, for the lawyer of power user skills who uses a PC, there will be a significant learning curve when switching to Mac computers. And the cost will be more because most lawyers will find they have to also install a copy of Windows on their machine. For the lawyer who is not a power PC user, the Mac may seem to be easier to learn and more intuitive. I now know many lawyers who operate their practices with Macs and they certainly swear by them.

For more information on Apple computers in the law office, see the *Macs in Law* blog at [www.macsinlaw.com](http://www.macsinlaw.com), the Macs In Law Offices (MILO) forum at <http://groups.google.com/group/milogroup/> and *The MacLawyer* at [www.themaclawyer.com/](http://www.themaclawyer.com/). See also the blog post "8 Great Sites for Mac Loving Lawyers" at [www.legalproductivity.com/get-productive/8-great-sites-for-mac-loving-lawyers](http://www.legalproductivity.com/get-productive/8-great-sites-for-mac-loving-lawyers).

For a notebook computer, four gigabytes of RAM is also indicated. More will make for a faster machine.

The screen size of a laptop is clearly a personal preference. Many people enjoy working on a smaller screen so that it can easily rest in their lap on airplanes, and they also like the lighter weight of smaller notebooks. Others (like me) are willing to put up with the extra weight of a large screen laptop to see larger images and more viewable area. A laptop is one area where one should not buy a generic machine and should rely on name-brand vendors like Lenovo, ThinkPad, Dell, HP or Toshiba. Because of the expense for repairs and replacement parts for a notebook computer, it is suggested that one at least take a look at the available extended warranty contracts. Those agreements where the company agrees to service your computer at your location as opposed to shipping it in for repairs are obviously more convenient.

### THE 'PAPERLESS OFFICE'

We know you understand that technology within the law office carries with it the potential to use less paper. But, as a practical matter, this technology can result in more paper being used.

The "paperless office" or digital law practice is a necessity for today's lawyer not as much for environment concerns, but for efficiency. It

means no more lost files and quick reference to client files without leaving your desk. You also cannot back up paper files offsite as a practical matter. Backing up your digital files is a great protection for you and your client.

So in today's law office operations, a digital scanner is a requirement. Scanning is used to convert paper that comes into the office or is created, like handwritten notes to a digital document that can be stored in the client's digital file.

In large law firms, the IT professionals will often push for the large centralized scanner-copier-printer combination units. These are easy for the IT department to manage. My position is that this is not efficient in the modern law office. Small desktop scanners located at each workstation allow one to scan, and therefore file documents quickly, without having to get up and go down the hall.

It is noted that if all workstation scanners are sheet-fed only, there is the need for one flatbed scanner somewhere in the law office to scan fragile or critically important original documents that one would not want to put through a sheet feeder.

In our office, we use the Fujitsu ScanSnap S1500. It is a very serviceable machine and includes Adobe Acrobat Standard software as part of the package, making it a real value. It is fast and very popular in the legal technologist community.

However, the ScanSnap is not a TWAIN compliant scanner, which means essentially that the computer cannot run the scanner. From my own personal point of view, I have found no problem with having to reach over to push the blue button to start a scanning operation, but if you are interested in a TWAIN compliant scanner, my colleague Nerino Petro recently reviewed the Epson Workforce Pro GT/550 in the May/June 2012 Law Practice magazine. Here is a link to the review: <http://tinyurl.com/77sl4a9>. It has similar features to the ScanSnap, even though the Adobe Acrobat software is not included.

In addition to the scanner, of course the office needs other peripherals such as printers, surge protectors and a backup solution. It is suggested that uninterruptable power supplies/surge protectors be used for all of the computers in the office, as well as other expensive pieces of hardware.

Printer models change fairly rapidly and so it is best to look for printer information online when you are ready to purchase one, even if you intend to buy it in a local store. Ink jet printers are discouraged due to the high cost of supplies. Multi-function devices are great space-savers for a home office, but generally a law office is best equipped with individual printers and scanners as noted above. A pricier, high-end multifunction machine is still useful, particularly in the larger firms. Many law firms will find that when they buy a large copier to meet their needs, the other capabilities will be included.

Fax machines will quietly become extinct, but faxing will continue. More on that later.

## **BACKUP, BACKUP, BACKUP**

The most important business continuity protection that a law firm can implement is to provide for appropriate backup systems. Today a law firm with a major data loss can have significant problems. The loss of thousands of dollars is the best case scenario. Therefore, a law firm would want to have two duplicate systems of backup even though the primary backup is believed to be bulletproof. This is best accomplished by using an automated online backup provider that is configured to make daily backups of the files that are changed *and* a hard drive that is used to make secondary backups. Some have files copied to a secure computer at a partner's house. Others buy portable hard drives that can be plugged into the computer's USB port for an additional backup. At least two of these portable hard drives are required as they should be rotated so that at least one is always stored off-site.

If you train your staff and lawyers to only store files on the server and not the workstation, then one can also use specialized software to copy a mirror image of the hard drive after it is configured exactly as wanted. This way, if there are ever any problems with a PC, the mirror image can be restored and the computer reset to its original functioning capability. Mirror restoration is not as exact as one might hope, so it is also a good idea to have a master list of what is done to set up a typical workstation.

Since portable hard drives are relatively inexpensive, some will just copy over files and folders to the portable drive. A backup software package will compress the data, allowing one to retain more versions of the backup. There are good backup solutions included in Windows XP, Vista and Windows 7. If you prefer a third-

party solution, there are many with names like Handy Backup, Second Copy, Acronis True Image Backup and BounceBack Ultimate Backup Software.

The OBA has endorsed CoreVault as a full service online backup provider. You can find out more information at [www.corevault.com/oba](http://www.corevault.com/oba). There are several online backup providers, but CoreVault is an Oklahoma-based company with a long history in our state and a long history of backing up data.

### SOFTWARE CONSIDERATIONS

One can save a significant amount of money by buying OEM software when the computer is originally purchased. OEM stands for Original Equipment Manufacturer and is licensed only to work with the particular machine purchased. That is a slight drawback as a fully licensed purchased non-OEM version of software can be used legally on any computer and most packages allow that it can be used on two computers as long as the same operator uses both computers 80 percent of the time.

Nevertheless, when purchasing a computer one should be aware of the retail prices for the software that is needed and check the bundled prices. Microsoft Office suite will almost always have a significant reduction if bought as an OEM package, as often will Adobe Acrobat Pro and WordPerfect. (Please allow me to repeat that the opportunity to get a copy of Adobe Acrobat with a Fujitsu ScanSnap scanner is an extremely good value.) One place to get WordPerfect Office fairly cheap and legally is [www.corel.com/barassociation](http://www.corel.com/barassociation). Often the newest version of the software is not available there until several months after its release. The current version of Microsoft Office for Windows is 2010 and the current version of WordPerfect Office is X6.

Whether to use Microsoft Office suite or the WordPerfect Office suite is a subject of much debate within the legal community. But we are aware that most other types of businesses have gone to Microsoft Office exclusively.

While I appreciate that many lawyers swear by WordPerfect, there are more and more add-on packages and utilities that only work with Word and will not work with WordPerfect. Two examples include two Microsoft Word plug-in

“A standard fax machine still works well today, but they will not be around for long.”

document assembly tools profiled in “Document Assembly for Lawyers,” 83 *Oklahoma Bar Journal* 941 (April 4, 2012), that only work with Microsoft Word. iPad users have to be content at this point with a WordPerfect viewer app as no editor is available.

The document assembly article noted above prompted a telephone call from an attorney complaining about promoting Word when in his opinion WordPerfect is better

and not from the “evil” Microsoft. In my opinion, today it is not that one is better than the other, but it is that the user has learned to use one more powerfully. Word and WordPerfect features function quite differently when you get beyond the basics. WordPerfect formats documents based on hidden codes within the lines of text, while Microsoft uses styles. If you do not understand using Word styles, you need some more Word training. There is a significant retraining time and expense to migrate between either of the word processors. You may still always pine for your first love.

### PDF MANIPULATION SOFTWARE

There are more digital documents in our future. For the present time, “digital documents” means PDF documents. Word processing documents are for writing and editing. Once you have a finished document, then “PDF it” for filing or transmission.

Electronic document filing is becoming more and more common. Most lawyers deal with PDF documents almost every day at the present time. It is hard to imagine that a law firm can be without some PDF manipulation software.

Obviously the go-to standard is Adobe Acrobat X Professional found at [www.adobe.com/products/acrobat.html](http://www.adobe.com/products/acrobat.html). Adobe Acrobat Standard is somewhat less expensive than Professional, but Pro includes features lawyers use like redaction, creating PDF portfolios and comparing differences between two PDF files. Adobe Acrobat has many functions including the very important function of optical character recognition (OCR). New with Acrobat X is the ability to export PDF documents to Microsoft Word and Excel for editing. There are other packages that are less expensive including Nuance PDF Converter Pro 7 and Nitro Pro PDF. Unless the office already has a separate OCR program (which can be pricey), a lawyer would likely not want to



purchase any less expensive PDF manipulation program that did not have an OCR feature included.

A standard fax machine still works well today, but they will not be around for long. We are seeing a significant move to electronic faxing services. Internet faxing options like MyFax ([www.myfax.com](http://www.myfax.com)) or eFax ([www.efax.com](http://www.efax.com)) are proving quite popular. Faxes are received as PDFs attached to an email. These are quite easy to file in the digital client file. To fax out, documents are scanned and sent via email or a website to the receiving fax station. A less expensive alternative with fewer features is Send2Fax ([www.send2fax.com](http://www.send2fax.com)).

In the old days, the phone numbers available to be associated with an electronic faxing service might have generated long-distance charges. But now you can contract for a toll-free number. If a firm quits paying for a fax business phone line, it already may be saving money on a monthly basis, before considering the cost of the fax machine and supplies. But even if it is decided to keep the phone line for voice calls, the convenience and time saving should make it well worth the change.

## TOOLS FOR SUCCESS

**Practice Management Software** remains very important. This will put together all of the various items associated with a particular file including billing records, documents, notes and calendar contacts. This is a critical element of running a 21st century law office because the PMS provides the list of open matter files. From that list one can open the individual files and find everything, including notes, documents, calendar entries, billing records and more. The American Bar Association Legal Technology Resource Center hosts an online chart comparing features of these products [www.okbar.org/s/casemgmt](http://www.okbar.org/s/casemgmt).

**Desktop Search Software.** Because we are fallible human beings and will make mistakes, it is important to have some sort of desktop search software. This can be used to find electronic documents that have been misfiled. It can also be used to search for previously-created documents. Thankfully, Windows 7 includes outstanding desktop search application as a part of the operating service and the Macintosh computers have had desktop search included for a long time. If you don't have a Windows 7 computer or just would rather have the additional power of a third-party program, your attention is directed to Copernic desktop

search at [www.copernic.com](http://www.copernic.com) or X1 desktop search at [www.x1.com](http://www.x1.com). Both of these third-party applications have many tools and filters.

**Smartphone.** You may just want a mobile phone to make phone calls, but efficiency requires the ability to check your calendar and email to make good use of otherwise wasted time. *iPhone J.D.* [www.iphonejd.com](http://www.iphonejd.com) is a "must visit" site for lawyers to learn more about apps and ways to use their iPhones and iPads more effectively. It is packed with product reviews. *The Droid Lawyer* <http://the.droid-lawyer.com> is the go-to place online for lawyers who want to learn more about their Droid phones and tablets.

**Document Management Systems (DMS)** are systems that take care of storing and organizing all digital documents. These are really the ultimate filing systems. Some document management systems can be configured so that no document can be saved or scanned without filling out the DMS form that allows for better retrieval. This is called forced user compliance. Most DMS have full text indexing and retrieval. Another important function of DMS is versioning that creates discreet copies of versions of a document. This can be very handy in the event of an emergency. DMS also provide document security and often are set up for remote access.

**Furniture.** It is not my place to second guess or micromanage your office decorating choices. But I do have a few observations. The fundamental question your décor should address is "Does this look like a place where I can entrust the most important thing in my life?" Most legal matters feel like they are that important at the time and many are.

A lawyer opening a law office on a budget should definitely look at used furniture and business closing auctions. There are some fine opportunities there. Your intended clientele may have some impact as well. A consumer bankruptcy lawyer wouldn't want their office to look so expensive as to make potential clients question whether they can afford you. A family lawyer might not want to appear to be overly formal and unapproachable. A white collar criminal defense practice or corporate attorney would not want to have a thrift store aura about the office.

Be cautious about waiting room furniture that is low or could be difficult to get up from. We all want our law offices to be accessible. Make cer-

tain the waiting room furniture will be appropriate for the elderly or disabled.

**Document Shredder.** You will need at least one document shredder in the law office. You may decide to have one at every workstation. Do not buy the cheapest paper shredder. You want it rated to handle at least five or six sheets of paper at a time. Cross cut shredders provide greater security and the finer chopping means more paper goes into a container so you can empty it less frequently and the trash bags hold more. The very cheapest shredders are nothing more than a light plastic trash can with the shredder attachment on top. They are often unstable and easy to tip over, plus they are often messy to empty. A shredder that empties with a slide out compartment rather than taking the shredder off the top is desirable as are those that will accept plastic cards, envelopes and staples.

**Filing Cabinets.** Even in a state of the art digital law practice, you will still need some filing cabinets. You also may want to consider one lockable filing cabinet or safe that is fire and water resistant. You should try to avoid it, but at some point someone will drop off something

very valuable that you have to keep overnight when there is not time to get to your bank safety deposit box.

## CONCLUSION

Equipping the modern law office is different than it would have been many years ago. Hopefully this will give the reader a good start on setting up or reorganizing the law office.

## ABOUT THE AUTHOR



Jim Calloway is the director of the OBA Management Assistance Program and manages the OBA Solo & Small Firm Conference. He served as the chair of the 2005 ABA TECHSHOW board. His Law Practice Tips blog and Digital Edge podcast cover technology and management issues. He speaks frequently on law office management, legal technology, ethics and business operations.

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## The Non-Tech Side of Starting Your Own Practice

By Michelle C. Harrington

**W**ith all the current technology, it is easier than it once was to start and maintain a law practice for reasonable costs and with a minimal staff. But no matter how technologically savvy you are, if you don't develop good people skills and relationships, you will end up with a bunch of fancy gadgets and nobody to show them off to. I will leave the technology discussion to the Jim Calloways of the world and focus on the need for human interaction in developing your practice.

For a new practitioner or someone going out on their own from the umbrella of a firm, it will be necessary to gain experience, develop credibility, obtain clients, and keep clients and referrals coming. If you are an established attorney starting a new practice in an area that you are already experienced in, skip to "Gaining Credibility." If you are a new practitioner or an established practitioner starting off in a new area of law, read on.

### GAINING EXPERTISE

We generally don't learn how to practice law in law school. We learn *about* the law, we learn about researching the law, we learn about analyzing facts and the law, we even learn about the practice of law to some extent — but we don't learn *how* to practice law. We only gain that knowledge from seeing it done and doing it. As you start up your practice — before the phone starts ringing off the hook — take advantage of the open spots on your calendar and take yourself to the courthouse. Watch motions and trials in the areas you will be practicing. Make notes about what is effective for the litigators and

what irks the judges. Follow up with the attorneys afterward if you have a question about the proceedings or a sincere compliment about something you benefited from seeing.

As important as meeting good practitioners and judges — if not more so — is meeting the judge's clerks and bailiffs. These are the gatekeepers and the people in the know. Stop by and introduce yourself to them. Let them know you are a new practitioner or new to that area of law and you want to observe. Ask them if they have any suggestions on upcoming proceedings for you to view. With a few flips of their docket book pages they can recommend cases that will be instructive, interesting or downright entertaining because of the issues, an attorney or the combination of attorneys. They know where the drama lies.

The clerks and bailiffs are also fonts of knowledge when it comes to dealing with their judges. They are the go-tos when you have a question that starts out: "How does your judge prefer . . ." Anything from if she likes the court exhibits at pretrial to how she sets specific motions are gen-

erally topics the staffers can give you a heads up on. But when you visit them, make sure to bring along humility and sincerity. They deal with many arrogant, self-important people — don't be one of them. They are schmoozed by world-class schmoozers who enable them to quickly spot insincerity coming through the door.

Another way to get valuable insight into your area is to contact an experienced attorney who has a good reputation in the community. Let him know that you are not looking for a job, but that you want to practice in that area and you would like to buy him lunch in exchange for an hour of his time chatting with you about his practice. A well-established attorney will not feel threatened by such an offer — you are not his competition. When I got ready to start my own practice, I contacted five such practitioners. Each one was willing to spend that time with me and give me helpful input. I developed rapport that allowed me to call and ask the occasional question later on. Four out of five actually sent referrals — I was charging less than they were and was able to be more flexible with clients by accepting payment plans and other options that the more established (read: less hungry) attorneys would not do.

Of course, watching and listening will only get you so far — you have to actually do it to figure out how it's done. A great way to get some hands-on experience while you are waiting for the paying clients to come through the door is volunteering for one of the many great organizations out there that need help. Legal Aid can always use some extra lawyer hands to enable them to assist economically-challenged litigants regarding a plethora of areas of law. Trinity Legal Services is a faith-based organization that also needs attorneys in different areas of practice. If you know you want to work with families or children, Oklahoma Lawyers for Children is a good place to go volunteer. There is an abundance of other programs needing similar assistance that may be found through your county bar or the Oklahoma Bar Association. One of the nice things about volunteer service is that there are resources — human and otherwise — that are available to assist that you won't have on your own. The results of helping someone who needs it while gaining valuable experience is its own reward. The relationships built with others in the organization, getting your name out there, and developing the heart to continue serving even after you are more tenured are bonuses.

## GAINING CREDIBILITY

Credibility and reputations are the result of a process and time. There are numerous things you can do to enhance both. One is to teach a class in the area you are interested in. While a law school may be the optimal venue for your skills and goals, there are only three in Oklahoma so the opportunities are limited. However, there are many other options available such as community colleges, universities with undergraduate law classes, business schools and online courses. Don't limit yourself to positions that are advertised. Find out who the decision maker is with regard to hiring at the institutions you are interested in and make contact. If you know someone who is an adjunct, ask them what path they took — sometimes having a referral from another instructor at the same place is helpful. There are several added benefits to teaching. One is that you will probably be surprised at how much more you learn about your own area as you prepare to teach it to others. Other benefits are discussed later.

Affiliate yourself with groups and organizations that enhance your knowledge and allow you to network with other practitioners in your field. The Oklahoma Bar Association has sections in most areas of law. Many county bar associations have sections in some areas. Attending section meetings helps you stay current in your area, meet others already practicing in that area, and often exposes you to topical speakers and materials that might not otherwise be available to you.

Offer to speak. (If you just winced, you need to get past that discomfort. Take a course or join a local chapter of Toastmasters<sup>1</sup> to practice.) Let teachers, civic groups, church groups, law committee chairpersons and continuing legal education (CLE) programmers know that you are available. Be creative with topics and gear them to your audience. For instance, a criminal lawyer may speak at a criminal law bar section meeting about a new statute, at a civic organization about illegal Internet scams people need to be aware of, and at a community college about uses of social media which may get users in trouble.

## PROFESSIONAL NETWORKING

It is important to network with practitioners both in and out of your area of law. As previously mentioned, joining professional organizations and bar sections gives you the opportunity to meet and interact with attorneys and judges

working in your own area. These connections are great when you need somebody to bounce ideas off of, field questions, share strategies and materials. This is the group that enables you to avoid recreating the wheel.

Some may say that “shy attorney” is an oxymoron. Yet in public groups we often hang out with the people we already know. When you attend meetings and CLEs, get outside your comfort zone and sit next to someone you don’t know. Introduce yourself to new members. Challenge yourself to meet at least one new person at events.

Mixing with attorneys and judges who work in different areas of law is also helpful. First, many types of law are inter-related and it can be educational learning more about the overlap. Second, the expertise of others can be a rich resource. For instance, family law attorneys deal with issues regarding their client’s property, taxes, potential bankruptcy, criminal activities, social security, employment benefits, workers’ compensation issues — you get the idea. Interacting with attorneys in different areas allows you to develop a go-to roster which will enhance your practice. Be accessible to be on their rosters. One of the best entities to join to enjoy this type of interaction is an Oklahoma chapter of the American Inns of Court. The mission of the that organization is to promote civility and ethics amongst attorneys. The Inns are structured to encourage interaction with attorneys from different legal backgrounds and different levels of experience from pupils (law students) to masters (being an attorney for more than 20 years) and everything in between. There are six Inns in Oklahoma.<sup>2</sup>

Other ways to meet and mix with diverse groups are to attend CLEs outside of your area, attend the OBA Annual Meeting and attend bar functions. Check out the committee options for the OBA<sup>3</sup> or your local bar. Find one that is interesting to you, volunteer, and participate in a meaningful way.

## FINDING CLIENTS

Advertising and social media probably immediately come to mind. Both are options.

Both topics can be found in other articles that address technology. Here we will focus on interpersonal ways to get your name out there.

Teaching a class in your area was mentioned above as a great way to develop credibility. Teaching in general is also a way to reach potential clients. I am not advocating taking on a teaching position so that you can solicit clients. I am telling you that when you teach a class in a topic that you have interest in — whether it is law related or hobby based — you are interacting with people who know you are a lawyer — often the only lawyer they know. If you are doing your job well, you are a lawyer that they have a positive impression of. When they, their friend or their family members have a legal need, your name will come to mind. [Caveat: don’t represent a current student if you are teaching a class that gets graded. After grades are in and they are no longer your student there would not be a conflict.]

In addition to the teaching institutions mentioned previously, vo-tech schools often have a myriad of opportunities for instructors teaching everything from computer classes to jewelry making. Some schools welcome new class proposals. I know one attorney who pitched the idea of a class to teach students how to play poker — he was hired to do it!

You get the same two-for-one benefit from some of your speaking engagements. No matter what group you are addressing or what your topic is, let the audience know at some point that you are an attorney in your specific field and always pass out your business cards with your contact information in case anybody has follow-up questions. Better yet, prepare a handout with points of interest that your audience will want to keep for a reference and make sure your relevant information is on that.

Join non-legal groups that you have a sincere interest in. Civic organizations like Lions Club, Rotary Club and the National Exchange Club<sup>4</sup> allow you to participate in projects that enhance your community as well as enjoying a social component with individuals who may need, or know somebody who needs, your services in

“Other ways to meet and mix with diverse groups are to attend CLEs outside of your area, attend the OBA Annual Meeting and attend bar functions.”

the future. Join groups that focus on a cause you believe in or a hobby you enjoy. I have gotten many referrals from my book club buddies over the years — in addition to reading some fascinating books I never would have chosen myself.

And the best way to get new clients? Treat your existing clients like gold. In this day of instant gratification where a two-minute wait results in much wailing and gnashing of teeth, businesses that treat their clients special and offer personalized services stand out.

Give clients your total attention during appointments — no assistants bustling in for you to sign documents or give you messages about other cases, no sneak peek at the cell phone that just dinged with the arrival of a new text. Consider giving them a folder labeled with their case style to store forms you want them to fill out as well as information that will be helpful to them. Communicate with them. Explain up front how long on average it takes to return calls so that they have realistic expectations and don't feel ignored if you can't get back to them the same day they left a message. Keep them in the loop — copy them on all ingoing and outgoing documents regarding their case. If there is a long lag time between activity on their case, shoot them an email to touch base and reiterate what the next step is. Make note of their birthday on your intake and acknowledge it if it comes up during your representation. Don't make lame excuses for a screw up or time delays — own it, apologize and do better. At the close of their case, skip the form letter and send one that is personalized thanking them for using your services and wishing them the best. A client who feels he has been heard, that his attorney did the best she could in his case, and that he mattered as a person is a client who is likely to refer other clients.

## CONCLUSION

This article includes ideas to interact with others in a way that will result in gained experience, enhanced credibility, networking opportunities and new clients. It is not intended to be comprehensive — there are entire books dedicated to this topic. The intent is to remind you that while technology is necessary, helpful and a great resource, other *people* are just as necessary, helpful and the great resources you need to help you build and maintain the kind of practice that makes a mom proud!

1. Toastmasters is an international nonprofit organization. Its purpose is to teach its members to learn or enhance their public speaking skills. There are 84 chapters in Oklahoma. To find one close to you go to [www.oktoastmasters.org](http://www.oktoastmasters.org) and select the "club directories" option.

2. There are two Inns in Tulsa (Council Oak/Johnson-Sontag American Inn of Court and The Hudson-Hall-Wheaton American Inn of Court) and four Inns in Oklahoma City (The Luther L. Bohanon American Inn of Court, The Robert J. Turner American Inn of Court, the Ruth Bader Ginsburg American Inn of Court and The William J. Holloway Jr. American Inn of Court.) Each Inn sets its own criteria for membership.

3. To find a list of committees, membership list and mission statements, go to [www.okbar.org/members/committees](http://www.okbar.org/members/committees).

3. The National Exchange Club is a nonprofit organization which focuses on community, patriotism and service with a formal mission to prevent child abuse. There are seven chapters in Oklahoma: The Exchange Club of Edmond, The Noon Exchange Club of Edmond, The Exchange Club of Muskogee, The Exchange Club of Norman, The Exchange Club of Oklahoma City, The Downtown Exchange Club of Oklahoma City and The Exchange Club of Stillwater.

## ABOUT THE AUTHOR



Michelle C. Harrington is a solo practitioner whose practice is restricted to family law and guardian *ad litem* representation. She received her J.D. from OU in 1992. Ms. Harrington has been an adjunct professor at OCU School of Law since 1999 teaching family law and related courses. She is the author of *Oklahoma Family Law Direct* and *Cross Examination*, [www.okfamilylaw.net](http://www.okfamilylaw.net).

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# Professional Liability Insurance – The Rest of the Story

*By Alison A. Cave*

**I**nsurance is a fact of life. Health insurance helps you pay the medical expenses incurred during a medical emergency. Motor vehicle insurance helps you get back on the road after a crash. Homeowners insurance gives you the peace of mind your possessions can be replaced in case of a tornado, a burglary or other tragedy.

But are you adequately protecting your career as an attorney? Although attorneys rarely make the media highlights for civil lawsuits, the risk of financial and professional ruin is a reality. The best protection is to purchase professional liability coverage. Lastly, do not forget, you want your clients protected as well.

Don't panic. As in any purchase of this type, you need to find a company with whom you are comfortable, confident and trust to assist in every stage of a professional liability claim. Here are some key tips for understanding professional liability insurance.

### **THINK ABOUT HOW MUCH COVERAGE YOU NEED**

Professional liability coverage often comes with two liability limits (split limits). The per-claim limit is the maximum coverage you will have for any single claim in the policy period. The aggregate limit is the maximum coverage you have for all claims covered in the policy period. So how much coverage do you need? Unfortunately, there is no magical mathematical formula but here are some factors to consider.

First, consider the monetary value of the cases you handle. Average dollar value can be misleading because there is no guarantee a loss pay-

ment will be the average value of the cases you handle as the loss can exceed the average value. However, it is a good starting point, but one in which you should include some cushion due to time factors. In some instances, a claim will not be brought for a considerable time such as in a real estate case where the alleged malpractice is not discovered until the property is sold or the owner dies which can be for some lengthy period of time. Therefore, a loss may have increased due to inflation as well as other factors.

Second, consider defense costs. Litigation is expensive. Some policies can include a claims expense allowance, which is in addition to the liability limits. "Claims expense" means fees charged by any attorney designated by the malpractice carrier to represent you in a claim and all other fees, costs and expenses resulting from the investigation, adjustment, defense, repair and appeal of a claim, if incurred by the malpractice carrier.

Be aware of how the claims expense allowance is handled. If the policy includes a claims expense allowance, once the allowance is exhausted, the expense then is taken from the liability limit. In other words, the policy begins to waste away until the liability limits are exhausted or the matter is resolved within the liability limits. If the

policy does not include a claims expense allowance, the expense is taken directly from the policy limits and begins to waste from day one. These are factors to consider when deciding how much coverage you need to purchase.

## **UNDERSTAND HOW A CLAIMS-MADE POLICY OPERATES**

A claims-made policy will provide coverage for alleged actions which occur during the time the policy is in effect as long as the policy is still in effect when the claim is made. The important date in a claims-made policy is the date the claim is made (first reported) not the date the incident occurred. The date the incident occurred might be important for purposes of determining whether this date was excluded by a prior acts exclusions, which will be discussed more fully below. One of the seminal statements on the subject of distinguishing claims-made policies from occurrence policies was enunciated by Sol Kroll:

With the development of a more complex society, it became more reasonable, particularly with respect to the activities of professionals, to insure against the making of claims, rather than the happening of occurrences, and "claims made" insurance developed to meet a need for professionals to insure against the making of a claim as the insured event, rather than having to struggle with traditional concepts and difficulties inherent in determining whether the "event" insured against was the commission of an act, error or omission or the date of discovery thereof or the date of injury caused thereby.

The major distinction between the "occurrence" policy and the "claims made" policy constitutes the difference between the peril insured. In the "occurrence" policy, the peril insured is the "occurrence" itself. Once the "occurrence" takes place, coverage attaches even though the claim may not be made for time thereafter. While in the "claims made" policy, it is the making of the claim, which is the event and peril being insured, and, subject to policy language, regardless of when the occurrence took place.<sup>1</sup>

Thus, the date of the alleged error or act is only relevant to make sure the alleged error or act is not excluded under a prior acts provision. Prior acts provisions bar coverage for claims arising out of an insured's wrongful acts prior to a specified date. The date may coincide with the

termination of coverage under a previous policy. The date may also coincide with a change in employment.

The pricing for a claims-made policy is stepped, meaning the annual premium is deeply discounted at first and will go up each year for several years to a point where the policy reaches maturity and rates level off. The "step-rating" methodology does provide a benefit to those entering practice, as it allows them to do so much less expensively. Continuity of coverage is critical under the claims-made form. It is recommended an insured purchase extended reporting endorsement also known as "tail coverage" if the insured decides not to renew coverage. Tail coverage will continue to cover claims for actions occurring during the policy period.

## **UNDERSTANDING THE ELEMENTS OF PROFESSIONAL LIABILITY COVERAGE**

Professional liability coverage can be broken down into the following elements:

- 1) The application
- 2) The declaration page
- 3) The insurance policy, which will include coverage agreements, exclusions, defense and settlement provisions, limits of liability and conditions
- 4) Endorsements

Each element is discussed in more detail below.

### *The Application*

In the application, you supply material about the law firm, yourself and any attorneys practicing with the firm, and the law firm's practice. Be truthful. If you suppress relevant information, the insurance company may have grounds for cancelling or voiding your policy.

If you have a "high-risk" practice or claims and fear these may preclude coverage, do not succumb to the urge to sidestep furnishing the insurance company complete information. Rather, show the insurance company what steps you have taken to minimize perils in your practice and explain why the insurance company should not be fearful of insuring you because of the procedures you and your firm have taken to mitigate those exposures.

Disclose all past claims and explain any extenuating circumstances, mitigating facts and corrections made to the firm's practice. The more

information you can provide will establish you and your firm are aware of the issues. The description of the steps you and your firm have taken to solve these earlier claims will help the insurance company see the risk has diminished because of your curative actions. Remember to complete all questions and put your best foot forward.

#### *The Declaration Page*

The declaration page summarizes the provisions of coverage, specifies the beginning and end of the policy period, states the limits of liability on a per claim basis and aggregate annual basis, specifies the deductible per claim, and the impact of defense costs to the limit. The "Named Insured," which is acknowledged on the declaration page, will be further defined in the insurance policy itself and may be defined further by an endorsement.

#### *The Insurance Policy*

The insurance policy usually will encompass the following provisions:

**Coverage Section:** details for what services, events or actions coverage applies. Services, activities or actions, which may be covered, include:

- Professional services as an attorney; and
- An attorney who has been court appointed to act as trustee or executor.

This section will include the definition of named insured, which is usually defined as the partnership, professional corporation or individual names on the declaration page. Other lawyers covered by the policy are usually listed on an endorsement page or as additional insureds.

In addition, the policy may specify the following coverage:

1) "Prior acts" which is coverage for acts that occurred prior to the policy period, the date on which the prior acts coverage is effective will be stated either in an endorsement or the declaration sheet.

2) Optional extended reporting period, which is additional coverage for claims reported after the expiration of the policy for errors committed within the policy period. Usually, this coverage must be purchased within 30 days of the policy's expiration for a specific time period and for an additional premium.

**Exclusions Section:** states specific activities, which are not covered.

The coverage section provides coverage and the exclusions section takes coverage away. If an activity is in the exclusions section of the policy, you do not have coverage for that activity. It is up to the insurance company and the terms of the policy if a defense (with no obligation to pay a judgment) will be provided.

Each insurance company's policy is different, so it is extremely important to examine exclusions carefully. Listed below are exclusions sometimes found in professional liability insurance policies:

- Dishonest acts
- Fraudulent acts
- Criminal acts
- Malicious actions

However, an innocent partner is usually afforded coverage for the four acts listed above.

- Claims made by or against a business enterprise owned or controlled by an insured (the business is making the claim)
- Claims arising out of or in connection with a business enterprise owned or controlled by an insured (a third party is making the claim) in which a conflict of interest is alleged, or in fact present
- An attorney's activities as an officer, director, etc., of a business not owned or controlled by the insured
- Activities as a public official
- Any claim arising out of bodily injury, sickness, disease, or death of a person, or injury to or destruction of any property
- Loss sustained as a beneficiary or distributee of a trust or estate
- Claims involving division of fees or fee apportionment between an insured and any other insured, lawyer or lawyers
- Claims involving discrimination and/or sexual harassment
- Prior acts where the insured had knowledge of or should have foreseen the claim

- Claims involving punitive damages, fines, statutory penalties and sanctions
- Claims for the return of fees

**Defense and Settlement Section:** explains the law firm and the insurance company's rights regarding settlement, such as whether the law firm's consent is required to settle.

- The policy will usually provide who has the right to select defense counsel in the event of the claim.
- The policy will usually provide whether the insured's consent is required to settle a claim. If the insured's consent is required, policies often place a limit on what the insurance company will pay if the insured refuses to settle

**Limits of Liability Section:** states what and how the policy will pay.

- The specific limit of liability of each claim
- The aggregate liability on a firm basis – in other words, the total limit of liability for all claims in that policy year
- The per claim deductible or the aggregate deductible. In other words, does the deductible apply to each of every claim separately or is there a total deductible to be paid in a single year.
- Whether claim expenses are included in the limits of liability or does the policy have a "claim expense allowance." If the claim expense is included in the limits of liability, the amount of coverage available to pay the loss shrinks daily from the cost of defending the claim. If there is a claim expense allowance, the amount of the allowance is available to defend the claim in addition to limits of liability. However, once the claim expense allowance is exhausted, then the limits of liability will be used to pay the defense as well as the loss.
- Whether two or more claims arising out of a single act or series of acts are considered a single claim. If they are considered a single claim, the policy may provide the policy year in which the first act is reported is considered the claim reporting date. Thus, the limits of liability and terms of coverage will be the same for

the additional claims arising out of the same acts.

**Conditions Section:** stipulates certain conditions to coverage.

- A requirement the insured provide timely notice to the insurance company of all claims and potential claims.
- A requirement the insured assist and cooperate with the insurance company, which may include attendance at hearings and trials, attendance at depositions and securing evidence.
- Subrogation rights.
- Provision of coverage in excess of other available insurance.
- Provision regarding the arbitration of claims.
- At least a 45-day notice of cancellation of the policy by the insurance company.

#### *Endorsements*

Endorsements alter coverage in some way on a firm-by-firm basis. Insurance companies use endorsements to change coverage on a selected basis, without altering the policy for everyone. Endorsements can either add coverage by including work as a title agent or adding any attorney to the policy. Endorsements can change coverage or limit coverage by excluding a specific lawyer from the firm's coverage or to expressly exclude a business entity.

#### **CUSTOMER SERVICE**

Finally, do not forget customer service. When you are considering your professional liability carrier, look at how easy or difficult it is to pay premiums, renew policies and contact the company with questions. Is the company local or have an office located in your area? Is the company committed to writing this line of coverage on a long-term basis? There are times when it may be important for you to have the ability to meet with the claims personnel or underwriting personnel face to face. More importantly, when you have a claim, you want to feel comfortable talking about the details of the claim, which may involve some delicate or even embarrassing situations. Be sure you explore those customer service issues before you purchase your professional liability coverage and make sure the professional

liability carrier is the right fit for you and your law firm.

1. *Anderson v. Ichinose*, 760 So.2d 302, 305 (La. 1999) quoting Sol Kroll, *The Professional Liability Policy "Claims Made,"* 13 Forum 842, 843 (1978).

#### ABOUT THE AUTHOR



Alison Cave is Vice President of Claims for Oklahoma Attorneys Mutual Insurance Company. Ms. Cave began her legal career as a law clerk with Justice Yvonne Kauger of the Oklahoma Supreme Court. She was a law clerk for the Court of Civil Appeals. She has taught legal research and writing/appellate advocacy at Oklahoma City University. She was an associate with Steidley & Neal. She was an associate with Driskill & Jones.



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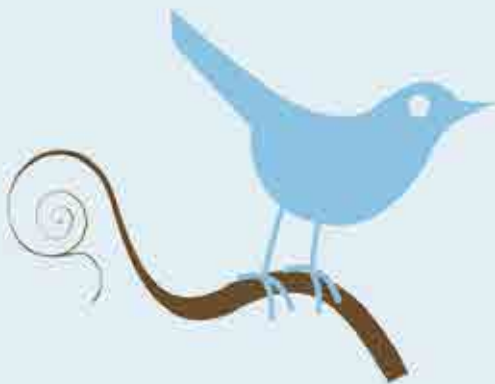
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# Going With the Flow

## The Truth About Cash Flow Management

By Douglas Gierhart

Everything I learned about cash flow management, I learned from one of the best universities in the world: the College of Hard Knocks. Regrettably, I did not learn cash flow and money management in law school; and I really did not know *how* to learn it.

In the beginning of my legal career, some things came easily to me – clients actually came to my office; and if I had a question about procedure, I could just ask another experienced lawyer. However, the absolute hardest part of running my office was understanding cash flow management; and I was too embarrassed to talk to anybody about it.

Having gone through extreme financial adversity after my divorce, and after the sudden drop in cash flow after 9/11, I realized I could not continue to operate my law office finances the way I had done in the past. I could no longer fly by the seat of my pants. I took the next necessary step and admitted *I just didn't know how to do it*. I decided I was going to learn. **Truth 1) You have to want to learn.**

For much of the population, money management does not come easy. Some people seem to be hardwired to manage numbers — people like mathematicians, accountants, and engineers. But many of us have trouble wrapping our heads around it!

It wasn't easy for me, and I consider myself fairly intelligent. I had learned some bad habits growing up, and as a result, I developed a bad philosophy about money.

I began working at age 10 selling *TV guides* to people in my neighborhood. I would walk or ride my bicycle to their houses and deliver the *TV guides* to their doors. I usually did this on Thursday and Friday nights, and they paid me on the spot. I have absolutely no recollection of what I did with the money I earned from this business venture. I certainly had no direction from my parents about saving or using it to my advantage.

I then worked my way up to being a newspaper delivery boy and did that from about age 12 to about age 16 or 17. I bought a motorcycle and paid for it with my income from the delivery route. Again, nobody told me about how to manage my money; and as a result, I had no savings for a car, nor did I make any wise investments. **Truth 2) What you learned about money management, you probably either learned from your family or made up as you went along.**

Maybe you have decided to open your own practice but don't know where to start financially. To begin the process of managing your money and cash flow, you must learn to budget.

The word "budget" carries many bad connotations. However, a budget is nothing more than a plan for disbursing your money. If you don't budget, you may find someone else wanted

your money worse than you did, or that it went someplace else because you didn't have a plan. You can't be financially successful without a plan. **Truth 3) Budgeting is essential!**

I used to have a pastor that would talk about "stinkin' thinkin'" and the problems it created in our life journey. The same is true for your law office. Your clients come in by the grace of God. You can develop a marketing plan, make yourself known, attend marketing meetings, Chambers of Commerce meetings and advertise until you are hemorrhaging money; but clients will only come in when they need your services. People get divorced, people die, people have car wrecks, but they may not come to your office! **Truth 4) You can't force clients to come in, so manage the money you have.**

Many young lawyers think they should drive the nicest cars, wear the best clothes and have the nicest watches "because they deserve it." I was one of those who thought I had to drive a nice car the minute I graduated from law school. I presume I was bombarded by TV, movies and friends who told me I must have been making a lot of money since I became a lawyer. I just forgot to look at my checkbook and figure out that I wasn't! I didn't *deserve* anything. I wasn't guaranteed to make money, but somehow I thought for sure that was just going to happen — that was normally what happened with lawyers, right?

I make money now because I have a good reputation in my community, because I worked hard and I learned how to manage my money. **Truth 5) Successful lawyers don't just happen. They are created over a long period of time.**

## BUDGETING BASICS

Budgeting begins with knowing the difference between a "need" and a "want." In your personal life, you need housing, transportation, food and clothing. There are really only a few needs in a law office, but there are many wants.

You must understand the struggle, especially with lawyers, to feed our egos with wants. One example of this is my purchase of my Cadillac CTS. I *really* enjoy my car. However, did I *need* that Cadillac? No, I *wanted* it. I had a nice enough Nissan Altima, but that Cadillac fed my lawyer ego!

So, decide what your needs are. You have to seriously question what you think you know about your needs. With the advent of newer

technologies, you can operate your law office differently than in the past. Ask yourself questions at each step along the way because overhead affects your ability to manage cash flow and how much you ultimately put in your pocket.

First, you have to figure out whether you need office space. For some lawyers, office space is an unneeded expense; their office is a virtual office. One lawyer I know practices Social Security Disability, VA disability and federal worker's comp. He doesn't meet with clients in an actual office. He exchanges emails and has clients sign releases via the Internet.

Ask yourself, if you need an office space, what size of space will you need? What utilities will you need? Do you need a landline phone, or are you going to operate with a cell phone only? Also, will you need a secretary or a legal assistant? If you have a legal secretary, how much are you going to pay, and how many hours can you expect to get out of the money you have budgeted for employees? **Truth 6) Remember that your overhead is directly related to how much you take home.**

My best advice is to begin small — including your office space. You will then need to try to figure out what your minimum salary is. Unless you have money from other sources, you have opened your law office to make money. The lower your overhead, the more money goes in your pocket. After you have done this, figure the total cost of all the expenses, and divide that number by the number of times you are going to pay yourself each month. To cover those expenses, decide whether your anticipated hourly rate and flat fees will cover your budgeted expenses. If not, then you have to rethink your overhead and cut where you can. **Truth 7) Live within your income! You'll do even better if you live well within your income.**

## WHAT BANKING ACCOUNTS DO I NEED?

You should set up at least three different accounts to manage your money. Don't forget that your law office is a business. Running it as a business is absolutely necessary. I have an operating account at my office from which I pay my weekly payroll, rent, utilities, insurances, and all other bills necessary to run my office. I also have my fee account that all my earned fees go into. I transfer my weekly budget to my operating account from this account.

I also have a trust account that I operate because in my practice, I must draw from unearned retainer fees. I have settlements from personal injury cases that go into the trust account to pay my fees and liens, and then I distribute the balance of funds to my client. I also have a separate savings account for my taxes and a money market that I use as my backup savings.

Don't underfund or undercapitalize your accounts to operate your business. In my operating account, I have budgeted to make sure I have at least two weeks — the current week and one other week — of payroll, rent, utilities, insurances and other expenses. In your account, you should do something similar.

In your tax savings account, you should also budget to make sure you have an amount equal to at least two months of taxes. In your fee account, you will have all your earned fees, and from these funds you should try to fund all your accounts. You should determine how much you want to keep in your earned fee account and then budget for emergency, bonus and "when life kicks your butt" transfers.

Now let's talk about savings. Budgeting basics are the same for your business as for your personal life — budget for both savings and expenses. Your failure to save will put pressure on you when money doesn't come in. Life is going to hit you, and things aren't going to go like you have planned. Plan on it! The old truth is still truth. **Truth 8) Failure to plan is a plan to fail.**

## SAVINGS ACCOUNTS

Why save? Because you will never get ahead if you don't. You should save extra to put into your operating account, fee account, savings account, and money market. You are foolish if you think you don't need to save for slow times. If I let my accounts get down too low, do I sweat and stress? You bet I do. But because I have a budget and cash flow plan that works, I don't sweat and stress as much.

## TAXES

Yes, you must pay taxes! This is the top priority when it comes to savings. Some might argue that this should be a savings account, and I would agree. You need to develop it as a habit. *This is a necessity.* I have had to represent clients who didn't understand this basic concept, and their business closed because they didn't set up and save for the sales tax. They

“Don't underfund or undercapitalize your accounts to operate your business.”

wake up one day and realize they are in deep with the OTC because they have a cease and desist sign posted on the door of the business.

Since, as lawyers, we do not have sales tax, you must save for either an estimated tax or payroll withholding taxes. Regardless, you should recognize this as a savings. Figure out how much you should save either from the schedules or by employing the service of an effective accountant.

*Fund your tax account each pay period!* Pay it immediately when payroll is made, and put it in a different bank than your other accounts. This will help you realize it is not your money. The IRS will tell you, and you must learn this truth, that this is trust money. Learn from my mistakes. I didn't figure this out early on, and it has created problems for me in the past.

*If you do not pay, they will come!* Because your payroll and withholding taxes are considered trust money, the IRS and OTC will come after these amounts with vigor. They do not look kindly to you using *their* money. So, remember, fund your tax account in a separate savings account at a different bank.

Because we don't want to have the IRS and OTC come knocking, the idea at my office is that we should have enough money in our tax account for this month's and next month's taxes. If you fail to pay, you will receive a notice of intent to levy, and they will levy if you fail to make arrangements to pay. It is a waste of your time dealing with your accountant and the IRS or OTC if you didn't properly set aside your withholding taxes to begin with. Another reason for having an extra month of taxes in your tax account is that there are slow periods when funding the taxes is a real stressor, which is a good segue to knowing about cycles and seasons in your law office.

## CASH FLOW MANAGEMENT

To lessen your stress and prepare your budget, you must also understand that there are seasons or cycles in cash flow. In my law office,

we know April, August, November, December and January are slow months. These slow times are as regular as clockwork; and because I know that, I prepare by saving money during the busier times.

After several years, we finally figured out why these months were slow for my business. April was slow because people were worrying with tax bills. August was slow because clients' children were going back to school, and they were buying clothes and school supplies. November, December, and January were slow because of the holidays. Clients are always more worried about paying for their families' Christmases than paying for their lawyers' Christmases. I struggled managing my cash flow for years, until I finally figured this out and began budgeting.

Also, realize these issues happen every year! Dave Ramsey is someone I have learned much from about managing cash flow. He comically says people act like Christmas is celebrated on a different day each year and they exclaim, "Oh my gosh, they moved Christmas! It's December this year!"

You may have unanticipated lulls in your business also. This past spring, my bankruptcy practice was slow and didn't hit the levels it did in the past. I talked with several bankruptcy attorneys and found that their practices were off too. I learned from talking with other attorneys that this was a season of low cash flow. Because I knew to look for a season or cycle, I didn't panic and make an unwise choice, like additional advertising, to draw in business. The problem wasn't what I was doing, but that industry-wide, things were very slow. **Truth 9) There are cycles or seasons in your cash flow. Learn to budget for them.**

The last several years, I have had the opportunity to have young lawyers in my office through office shares; and I am employing one in my own office now. Invariably, many young lawyers make the mistake of undervaluing their services. They usually take cases on flat-fee basis; and in their haste or need for cash flow, they underestimate the time spent in a case. They wind up cursing that they aren't making any money at being a lawyer. **Truth 10) Understand and don't underestimate the value of your services.**

The best way to help control the cash flow is to make sure you make clients pay as the work is being done. They would be offended if they

had worked all week and weren't paid by their employers. However, they don't realize they may be hurting you when they don't pay you.

Many clients have an unrealistic view that all lawyers are rich. This perception is propounded by TV, the Internet and society. Society seems to believe that once we graduate from law school, we are presented a check for \$1 million. They seem to believe we have persevered, worked hard and are now rich.

What they fail to realize is that graduation is nothing more than a transition. I am working harder now than I did years ago, but I am making much more money than I did. I also, finally, graduated from the school of hard knocks. **Truth 11) Clients need your services when they hire you and are less likely to pay after the work is done.**

## BILLING

If you have hourly rate fees, bill monthly. This improves cash flow immensely. I began the habit of billing early on, but it is so much easier now with the available software that is on the market.

When I opened my law office in 1984, we billed in a cumbersome manner, and it was irregular as a result. Billing regularly is a necessity if you choose to have hourly rate billing. There are many types of billing software on the market which reduce the time to complete the task of billing to less than an hour. Simultaneous billing is the best and easiest way to process billing.

I am presently using PCLaw, and have been using it for several years. It is a good product for me as a small firm practitioner. Jim Calloway of the Oklahoma Bar Association is an excellent resource to talk with about billing software and its strengths and weaknesses.

Remember to talk with other lawyers you respect about what they use. Billing regularly informs your clients of the status of their case, although they rarely realize this, and it insures better cash flow. Before you open your office, trust this as a truth — clients won't pay unless you send them a bill. They won't come in and ask why they haven't got a bill from you, but they will tell you they didn't pay because they didn't *receive* a bill. **Truth 11) Billing regularly improves cash flow.**

## FIND YOUR NICHE

The final advice I can give in managing your cash flow is that you must find your niche. In finding your niche, you realize how to make your law office operations efficient and maximize your return. This means managing time and case load. We know that by filing at least two bankruptcies at the same time we are maximizing our time and maximizing the return on the fee we charge.

## ACKNOWLEDGEMENTS/RESOURCES

It is very difficult for me to cite to specific passages in books I have read or conferences that I have attended to correctly cite my authorities. However, I need to give credit to Ron Blue's *Master Your Money*, Dave Ramsey's *Financial Peace University*, George S. Clason's, *Richest Man in Babylon*, Robert Kiyosaki's *Rich Dad, Poor Dad* and Thomas J. Stanley's and William D. Danko's *Millionaire Next Door*.

## ABOUT THE AUTHOR



Doug Gierhart is the founding attorney of Gierhart & Associates, a general practice law firm focusing on bankruptcy and divorce located in Choctaw. Mr. Gierhart is a 1974 graduate of Shawnee High School, 1978 graduate of OU, B.A. in Letters, and 1981 graduate of OCU School of Law. Mr. Gierhart is a former officer in the General Practice Section of the OBA and a former editorial board member for the ABA Solo & Small Firm Practice Section.

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## Trust Accounting 101

By Travis Pickens

**T**he following are some of the questions my office frequently answers for lawyers regarding trust accounts and related accounting.

**What does IOLTA stand for?** “Interest on Lawyers Trust Accounts.”

**Which rule of professional conduct sets out the duties relating to trust accounts?** ORPC 1.15.

**Which banks offer IOLTA trust accounts?** Ask your own bank first. If they do not offer these accounts, call the Oklahoma Bar Foundation (OBF) at 405-416-7070 and ask them to recommend one in your area. If you office in a town that does not have a participating bank or the bank routinely charges more in fees than any interest generated, or it is otherwise not feasible, you may be excused from the duty to have a trust account. You should consult with the OBF in making this determination.

**What money goes into the trust account?** Unearned legal fees, unincurred expenses, and third-party monies in connection with the representation. This typically means, for example, retainers (until the monies are earned), flat fees (until the monies are earned), filing fees, deposition and expert witness expenses. Settlement proceeds on a check to you and your client(s) or others may also go into the trust account for distribution.

**Must every lawyer have an IOLTA trust account?** No. Only lawyers who hold client or third-party funds regarding a representation must have trust accounts. If you bill for your legal fees after the work is already done, *i.e.* the fees are already *earned*, you should simply deposit the money into your operating account.

In this case, a trust account is not necessary (if you did have a trust account, depositing earned fees into your trust account is prohibited because the money is *yours* at that point and such a deposit would be commingling funds.)

**May a lawyer assign certain tasks for trust accounting to non-lawyers?** Yes, but the lawyer remains ultimately responsible and must educate the others, supervise the work and monitor the account. Ultimate responsibility for the trust account is a nondelegable duty.

**May a lay person be a co-signatory on the account?** Yes, but as the old joke goes “Can anyone be a signatory on the trust account?” ... “Yes, anyone you trust your license to.”

**What is the best short summary of a lawyer’s principal duties regarding the trust account?** At any time, be able to show what amounts are in the account, for each client, and the small amount of your own money on deposit to cover minimum balance requirements and bank fees and service charges. Contact your bank and find out what charges are anticipated for a year, and document that in your file. You can deposit enough of your own money to cover those expenses.

**May I “park” money in my trust account even for a short time for tax purposes, *i.e.* to defer taking the money until the next tax year?** No, *earned* fees in your trust account, from a settlement for example, should be transferred into your operating account promptly. Other-

wise, to leave earned money in a trust account is commingling because it is your money.

**What should I do if I hold money in my trust account and the client and/or third party (with a legitimate interest in the money) disagree as to how it should be paid out?** You should give notice to every party that has an interest in the money and pay out any undisputed amounts. Then, hold the disputed amount until one of two things happens, 1) you reach an agreement among all interested parties, or 2) a court or arbitrator directs you how to distribute the money. You should act promptly to resolve the dispute, and may use a mediator, arbitrators or file a motion or action with the court to make the determination. The client or a third party for whom you held funds may request a full accounting of the monies.

**May a lawyer use funds designated for another purpose, e.g. expert witness fees, to pay his or her own bill?** Not without prior written consent from the client, and even then it may be impermissible if the client has contracted with the expert separately to reserve funds for payment. Otherwise, it could be deemed a simple conversion of funds, *i.e.* using or interfering with funds used for a different purpose.

**May a lawyer take “advances” on money from the trust account?** No, because the money has not been earned. A lawyer may not take money unless it has been earned. Otherwise, it is arguably simple conversion at best and misappropriation (theft) at worst.

**How should a “flat” fee be treated?** Generally, a flat fee should be treated as a retainer. It should be deposited into the trust account until the work is performed. It may be withdrawn in smaller amounts, but there should be work that is done to justify the withdrawal of that portion. Cover the payment schedule in your fee agreement. It does not need to be tied to hours worked, but it must be reasonable. This procedure is often misunderstood. It all goes back to the fact that fees must be *earned* to be taken.<sup>1</sup> If no work has been done, then they have not been earned. Only money that has been earned should be deposited into your operating account.

**When a lawyer mistakenly withdraws money from the trust account prior to the fees being earned, what should s/he do?** Replace the money immediately and make accounting entries on both ends of the transaction that

“Can anyone be a signatory on the trust account?... ‘Yes, anyone you trust your license to.’”

document what occurred in the event you are later asked to explain.

**What should a lawyer do in the event a client disappears, or there is an amount in the trust account of uncertain ownership?** First, determine whether the Oklahoma Unclaimed Property Fund is entitled to the money. The Unclaimed Property Division may be contacted at 405-521-4273, or [unclaimed@treasurer.ok.gov](mailto:unclaimed@treasurer.ok.gov). If not, the money may be paid to the Oklahoma Bar Foundation. Include a cover letter that explains, if known, which client(s) the money may be attributable to, a last known address and your efforts to contact them. The OBF will hold the money. If that client ever reappears, the OBF will refund the principal amount originally deposited and you may return it to the client.

**Is any particular accounting program required?** No. Everything from a loose-leaf notebook to a fancy computer program can be acceptable so long as the funds are properly accounted for.

**What happens if the amount to be held is for a long period of time or is a non-nominal amount?** You should advise the client that the funds may be placed in an account that pays the interest to the client, if the funds to be invested could be utilized to provide a positive net return to the client. In making this determination, analyze the interest earned versus the related bank, tax, fees and legal costs that may be applicable. Also determine the ability of the bank to calculate and pay interest to individual clients.

**How long must a lawyer hold records related to account funds (and other property of the client)?** At least five years after termination of the representation. Generally, all financial records should be kept, including but not necessarily limited to: the fee agreement, bank statements, billing records (*e.g.* time sheets), billing statements, payment records, deposit and withdrawal records, trust account “ledgers” and reconciliations, settlement statements and accountings, and related correspon-

dence. You should be able to reconstruct, account and justify for all amounts that flow through your account(s).

**What happens if an instrument is presented to the bank that would be an overdraft of the trust account?** By agreeing to be an IOLTA provider, the bank has contractually agreed that it will automatically notify the Office of General Counsel. The OGC will send you a letter that requests an explanation. Almost all of the time, the explanation is legitimate and understandable and a disciplinary file is not opened, but better to keep careful records and avoid this awkward inconvenience altogether. If the OGC receives multiple notices, (*i.e.* a pattern has developed) it can also decide to assign an investigator based upon this suspicious pattern.

1. ORPC 1.15 and 1.16.

#### ABOUT THE AUTHOR



Travis Pickens serves as OBA ethics counsel. He is responsible for addressing ethics questions from OBA members, monitoring Diversion Program participants, teaching classes, speaking at continuing education programs and other law-related seminars and writing articles for *The Oklahoma Bar Journal* and other publications. A former litigator in private practice, he has served as co-chair of the Work/Life Balance Committee and as vice-chair of the Lawyers Helping Lawyers Assistance Program Committee.



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# Ten Things to Know When Starting a Small-Town Practice

By Stephen D. Beam and Jon K. Parsley

There are 10 things that are very important to know when starting a small-town law practice. These observations are based on the authors' own experiences; Stephen D. Beam began practicing law in Weatherford in 1982 and Jon K. Parsley has practiced in Guymon since 1994. By incorporating these suggestions into your personal habits and business plan, we believe those lawyers hanging their own shingles will not only have a successful practice but become active and engaged members of their local communities.

## 1 FIND A MENTOR

Both of us had the excellent fortune of working with master attorneys right out of law school; David K. Petty and Joe McMillin. The ability to teach others how to practice law was a special talent for each of them. They taught us how to get along with other lawyers, how to get clients and all about the business of practicing law. Because of them, we did not have to learn the hard way many of the lessons new lawyers often encounter. We have both seen attorneys try to start a practice without any guidance, and it is usually a disaster. If you do not have a mentor and can't seem to find one, check with the OBA. Other attorneys in small towns are usually very gracious in answering questions. You should develop a close relationship with your local lawyers, because you will never know all there is to know about practicing law. One of the best things about practicing law in a small town is your colleagues; we would suggest you meet all of the other lawyers and give them your busi-

ness card. Many older lawyers want to have more of an office practice, so they do not practice domestic or criminal law to any large extent. If they know there is a new lawyer in the area who is friendly and nice, they just might refer those cases to you. Read *How to Start and Build a Law Practice* by Jay Foonberg; it really is a must-read.

## 2 BECOME ACTIVE IN THE BAR ASSOCIATION

There are numerous ways to become active in the state bar, and it is also important to join and be active in your local county bar association. Volunteer for everything. Show the other lawyers you understand the practice of law is a profession, and that you are willing to be Law Day chairman, county bar president or anything else that comes along. Get involved with the OBA Young Lawyers Division. It will be one of the best career choices you ever make. Run for a Board of Governors seat or be active on a committee or task force. Sure, bar association work takes time, but the dividends are at least tenfold in the end. Bar

“The ethical rules have some constraints on relationships you can have with judges, but there is no reason why judges shouldn’t be great friends.”

work gets your name out to people who may refer you cases and immediately builds a group of literally hundreds of friends you can call for help.

### **3 FREQUENT THE COURTHOUSE**

We are not advocating solicitation, however we have noticed that when people see a person in a suit at the courthouse, they will walk up to you and ask, “are you a lawyer?” Most people have some legal work that needs done. Seeing you around can get you the work.

### **4 BEFRIEND THE COURT CLERKS AND OTHER COURTHOUSE PERSONNEL**

This is really the golden rule. We have discovered that court clerks know a lot about the on-the-ground aspects of practicing law, certainly more than we did right out of law school. Friendly court clerks can help you find mistakes in your pleadings and assist in many other ways. Be friendly to everyone — you might be surprised when you need that janitor to open the door to the courthouse after hours.

### **5 ALWAYS BE ON TIME AND PREPARED**

Being early for all court appearances may seem like a “no brainer,” but a large number of attorneys do not appear on time. They will double-book themselves or just show up late. Many attorneys show up without even looking at the materials for the hearing. You can “fake it” on occasion, but lack of preparation is usually readily apparent. If you have a habit of being early for hearings, the judge will be more forgiving when you have that very rare occurrence where you failed to calendar something.

### **6 BE AVAILABLE**

In order to be successful in a small-town practice, you must be available. You have to keep regular office hours. You have to be willing to talk to people at the grocery store, the dry cleaners and everywhere else for that matter. You must be visible in the community. You should join civic clubs and local boards such as the YMCA or Lions Club. This will get you clients.

### **7 BILLING IS IMPORTANT**

It sounds bad to say this is the most important part of practicing law, but you’re in business to help people, and you can’t do that if you don’t bill properly. We all know attorneys who work all the time; they have hundreds of clients, and they are always at wit’s end because they are so busy. However, they don’t make nearly as much money as other attorneys in town. The business part of the practice is easy to ignore. You are spinning your wheels if you don’t stop yourself and make sure you are billing and collecting.

### **8 MAKE FRIENDS WITH LOCAL ATTORNEYS AND JUDGES**

The collegiality of other local attorneys is the most important thing you can have in your professional life. If other attorneys like and respect you, the benefits abound. You always have a friend to call with questions. Even if they are adverse to you in a case, they can help if you make a mistake. If the local bar hates you, practicing law can be a miserable existence.

Don’t be afraid to have friends who are judges. The ethical rules have some constraints on relationships you can have with judges, but there is no reason why judges shouldn’t be great friends. You are not befriending them to inappropriately sway their decision. We work with these people daily, and being friends with them should be a natural outcropping of your proper conduct around them.

### **9 DON’T TAKE CASES YOU DON’T KNOW ANYTHING ABOUT**

When you are starting out, there is a tendency to take matters you know nothing about. At some point, it seems we must all do this. However, get involved with another attorney the first time or two until you know exactly what needs to be done. Do not try to



handle specialty areas of the law. Refer these cases to someone who really knows that area.

## 10 YOUR WORD REALLY IS YOUR BOND

This is so true. Every person can name an attorney that he or she cannot trust, and that name becomes universally known among the members of the bar. You can get a horrible reputation, and the practice of law can be miserable if you are one of those names. If it is not true, do not say it.

### CONCLUSION

You probably won't get rich practicing law in a small town. So why do it? That's an easy answer. You will love the wonderful quality of life and the personal satisfaction you will get from knowing your neighbors, along with knowing you have the ability to assist them when they need help. If you work hard, you will be able to make a good living and will be able to make a positive difference in your clients' lives. We hope these words of advice will provide a compass as you begin your journey as a small-town practitioner.

### ABOUT THE AUTHORS



Stephen D. Beam is a sole practitioner in Weatherford. He was the 2007 president of the Oklahoma Bar Association. He earned his B.A. from Oklahoma State University and earned his J.D. from the University of Oklahoma College of Law.



Jon K. Parsley is a sole practitioner in Guymon. He was the 2009 president of the Oklahoma Bar Association. He earned a B.A. from the University of Central Oklahoma and earned his J.D. from the University of Oklahoma College of Law.

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At Home



At Work



And on the Go



# What's Your Exit Strategy?

By D. Scott Pappas

**N**o matter the area of law in which we practice, in our profession, we often help others transition from one place in their life to another. As litigators, we start preparing our closing during our first client interview. When drafting a new partnership agreement, a dissolution provision is never overlooked. I recently attended training focused, through the collaborative law process, on helping divorcing couples end their marriage with dignity by providing them with the knowledge and a plan to face life when single.

In each of our legal careers there will come a time, for a myriad of reasons including disability and death, when we too need to have a thoughtful plan in place on how to close our law practice. Yet, when we first set up our law office, few if any of us took the time to plan for the inevitable — its closing. While in Oklahoma there is not a specific professional responsibility rule that requires you to have such a plan, comment 5 to Rule 1.3 of our Professional Conduct Code on Diligence states: “to prevent neglect of client matters in the event of a sole practitioner’s death or disability, the duty of diligence may require each sole practitioner to prepare a plan, in conformity of applicable rules, that designates another competent attorney to review client files, notify each client of the lawyer’s death or disability, and determine whether there is a need for immediate protective action.”<sup>1</sup>

So what’s your exit strategy? Maybe this is the first time you ever thought about needing one. Or, like your personal estate planning, it may be something you have specifically avoided up until now. If you work in a small firm or as a solo practitioner, you don’t have the luxury of other associ-

ates among whom your case load can easily be absorbed with little disruption to the client or the new attorney. This article is written to help you develop just such a strategy.<sup>2</sup> Remember that the thought and preparation you put into developing your exit strategy now will directly impact the difficulty you or another attorney on your behalf will experience in closing your law practice later.

Your first step is to select another attorney who is willing to close or take over your law practice in the event of you become physically, mentally or emotionally unable to continue it.<sup>3</sup> Once selected, you enter into a formal, written agreement with this “successor attorney,”<sup>4</sup> which should be renewed every year. This written agreement needs to include: 1) a signed consent form authorizing the new attorney to contact your clients for instructions on transferring their files, to obtain extension of time in litigation matters where needed and to provide all relevant people with notice of closure of your law practice; 2) provisions giving said attorney authority to wind down your financial affairs, to provide your clients with a final accounting and statement, to collect fees on your behalf and to liquidate or sell

your practice; and 3) a mutual decision as to whether or not this new attorney will represent you as your attorney and therefore have a fiduciary duty to you,<sup>5</sup> and/or have access to your trust account.<sup>6</sup>

The successor attorney needs to be familiarized with your office systems and updated from time to time as those systems change.<sup>7</sup> He or she also needs to be acquainted with your office staff.<sup>8</sup> Take time to inform your office staff and spouse, closest relative or estate personal representative of the successor attorney, how to contact him or her and where you plan to keep the written succession agreement.<sup>9</sup> At this point, write to your insurance carriers, your landlord, your accountant or any other professional your law firm employs, to set up in writing the arrangements necessary to facilitate a smooth transition to enable the successor attorney to work with each one of them in the future at the start of your exit plan.<sup>10</sup>

#### **SUCCESSOR LAWYER CLAUSE**

Your next step comes at the beginning of each new case by including a similar provision to the following in your attorney/client retainer/fee agreement:<sup>11</sup>

Client agrees that a successor lawyer may be appointed to temporarily assist with the case in the event of the lawyer's illness, vacation or other similar absences. In the event of the lawyer's death, disability, impairment or incapacity, the client agrees that a successor lawyer can review the client's file for the limited purpose of protecting the client's rights and can assist with the closure of the lawyer's law practice. Client maintains the right to select a lawyer to represent him/her.

There are other steps that you need to take in the ordinary course of running your law firm that will impact the ability of you or the successor attorney later to successfully close your law practice, which include without limitation the following:<sup>12</sup>

- Making sure all of your file deadlines, including follow-up deadlines, are on your calendaring system

- Keeping your time and billing records up to date
- Returning original documents to your clients in a timely manner
- Documenting each open client file as you go so next attorney could pick right up on its status
- Creating and/or updating your office procedures manual to include instructions on how to produce a list of client names, telephone numbers and addresses for current cases.

“...your loss should be the hardest thing that your loved ones and colleagues have to go through at that time — not the closing of your law practice.”

Your exit strategy also needs to include instructions on passwords. As Diane Ebersole, a practicing management advisor for the State Bar of Michigan, reminds us in her article, “Watch Out for That Beer Truck!”<sup>13</sup> we forget how many passwords are used on a daily basis to operate our law offices. A partial list includes: every office computer, each server, the networked printer, your software applications, your firm's website, online banking, legal research, credit card services, syncing services such as Dropbox, your various logins and your email accounts. She strongly suggests that we protect our passwords by making them stronger, sharing access with at

least one trusted individual, and perhaps even using a password manager, which allows you to have many passwords protected in an encrypted environment that is accessed by a “master password.”<sup>14</sup>

If you ever agree to be a successor attorney, you, too, need to be informed as to the breadth of your duties. The Missouri Bar maintains on its website a two-page checklist and some necessary forms, including a letter to clients advising that his/her lawyer is unable to continue to practice.<sup>15</sup>

There is never enough time in the day to accomplish everything that must be done. However, your loss should be the hardest thing that your loved ones and colleagues have to go through at that time — not the closing of your law practice. Consider getting your exit strategy in place before next year dawns.

1. See 5 O.S. §x. This comment also directs our attention to Rule 28 of the American Bar Association Model Rules for Disciplinary Enforcement providing for court appointment of a lawyer to inventory files and take other protective action in absence of a plan providing for another attorney to protect the interests of the clients of a deceased or disabled lawyer.

2. The Missouri State Bar has an invaluable handbook that leads you step-by-step through this process, which can be viewed at [www.goo.gl/Flmrj](http://www.goo.gl/Flmrj). See *Planning Ahead, A Guide to Protect Your Client's and Your Survivor's Interests in the Event of Your Disability or Death*, publication approved for distribution by the Missouri Bar Board of Governors on Nov. 18, 2005.

3. See *id.* at p. 1.

4. A long and short version of a successor agreement form can be found in the attachments to the Missouri handbook. See *id.*

5. If the successor attorney represents you, then s/he can not inform your clients of your legal malpractice or ethical violations. See *id.* at p. 2.

6. See *id.* at pp. 1-2.

7. See *id.* at p. 9.

8. See *id.*

9. See *id.*

10. See *id.*

11. Language donated by Jim Calloway, see also, the Missouri guide at pp 3, 9 and forms in the attachments.

12. See checklist in the Missouri guide at p. 9.

13. Volume 38 Number 2 *Law Practice Magazine*, March/April 2012, ABA Law Practice Management Section.

14. See *id.*

15. See Missouri guide at pp. 10-11 and forms in attachments; see also Handbook for Court-Appointed Inventory Attorneys, Supreme Court of the State of New York, Appellate Division: Second Judicial Department, January 2008.

#### ABOUT THE AUTHOR



D. Scott Pappas practices in Stillwater and focuses primarily in the areas of family law, juvenile law and building a collaborative law practice and awareness in Oklahoma. She is a member of the OBA Board of Governors and has served on numerous OBA committees and task forces. She graduated from Fordham University Law School in 1991 and practiced in New York before returning to her hometown.

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# The Agony and the Ecstasy

## Tips on Starting Your Own Law Practice

*By Tracey Garrison*

**F**or several years, I have had my own law practice. My route was not traditional, which turned out to be fortuitous. After working in communications for awhile, I returned to school to become a paralegal and was immediately drawn to the law — a powerful tool to keep society civilized and orderly.

While working as a paralegal for Norma Eagleton, she encouraged me to apply to law school. She said I was a “spring chicken” compared to her age when she started. So, back to school to become a lawyer.

Although I know several successful lawyers who opened their firms directly from law school, I decided to work for established sole practitioners to gain experience. I had the advantage of working as a paralegal for many years, but even so, when thrown into court for the first time, having a boss and mentor was very helpful.

### **ASK YOURSELF SOME QUESTIONS**

Before opening your own practice, examine your personality. Can you tolerate not receiving a steady paycheck? Not knowing what your income will be from month to month? Will you be able to ask clients to pay their bill? Are you disciplined enough to do the work and meet deadlines without a boss to report to and oversee what you are doing? Do you want to be your own boss? Can you make yourself turn down clients and limit your hours to lower your stress levels and have a personal life? Being a sole practitioner requires you to be disciplined and organized.

In addition to your personality, examine your lifestyle. Do you need flexibility? Being a sole

practitioner allows that, but on the other hand, you will want to have lawyers who can back you up in an emergency. I know several sole practitioners who would be willing to do that for me if needed, and I would do the same for them. It is also important to have backup so you can have peace of mind going on vacation and knowing if an emergency arose, you could call on a fellow attorney for help.

One of the first decisions you need to make is the form of your law practice. I talked to sole practitioners who formed a professional limited liability company (PLLC) and others who formed a professional corporation. I also took a class while at the TU College of Law, which examined the different types of entities. I decided to be a PLLC because it is simple and I can decide to have a separate entity for tax purposes or be a pass through, which allows me to place my law firm income and expenses on my personal tax form. A single-member PLLC must be careful to follow all formalities so that potential creditors cannot “pierce the corporate veil” and go after personal assets. For example, I have separate bank accounts and credit cards and file the proper paperwork with the Oklahoma Secretary of State. I also keep careful records in a financial journal of income and expenses.



## WHERE TO HANG YOUR SHINGLE?

Another early decision is where to locate your office. I was working for a sole practitioner in Broken Arrow when he retired and encouraged me to take over his practice. Most of his clients were from Broken Arrow, Bixby, Coweta and south Tulsa, so I decided on a south Tulsa location. However, I also considered a virtual office and looked at a very nice, affordable virtual office setup in downtown Tulsa. I know several attorneys who use a virtual office and I still might choose it down the road. With a virtual office, you pay a set fee to have access to an office. You also get a mailing address and other services.

My situation is similar to a virtual office, but my office space is permanent. I sublease from a professional management company. I pay more per square footage than I would if I rented a typical office space, but for me it is worth it. There is a reception area where clients are welcomed by the staff and offered beverages. They charge per service and will answer the phone and provide administrative services, as well as access to a copier, fax, scanner and printer. I can leave items at the front desk for my clients and they can drop off items for me without my being there. When a client arrives for an appointment, the staff calls me.

My office has built-in furniture so I did not have to buy any. I already had my laptop computer which was given to me during law school. They offer leases for as short a time as three months. When I first leased, I took a three-month lease because I was not sure my venture would last three months. When it came time to renew, I decided to be braver and take a six-month lease. After that, I began renewing for a year. I have now been there almost four years.

Another expense to be aware of is the business property tax. You have to pay a tax to the county assessor's office on business property, even if you owned the property before you formed your law office. For example, I have to pay a tax every year on my laptop computer, even though it was given to me while I was still in law school. After awhile, the cumulative amount of tax I will have paid on my computer will be more than the computer is worth! Other expenses to consider are health and malpractice insurance.

## MAKING THE BUSINESS WORK

Getting paid for their work is important for all lawyers, but as a sole practitioner, collecting the

payment is more personal. When the client needs more time to pay or wants a discount, you are the one who has to tell the client yes or no. You cannot say, "The partners insist that I receive a retainer for the full amount." I do not have time to accept every client who contacts me and cannot afford to devote time on a case if I am not getting paid. Therefore, I try to accept clients who understand the value of my services and understand they need to pay for them. I allow clients to make payments as the case moves along and I do pro bono work, but I remember reading once that it is the attorney who needs to decide which clients are pro bono, not the clients. I have clients who struggle to pay me our agreed amount from each paycheck but they do it anyway. If a client does not pay, it is not only unfair to me, it is unfair to the clients who do pay. One of my friends who has been a sole practitioner for many years advises that you should obtain a retainer at the beginning of the representation and not sell yourself short on your value. I got a kick out of a client who came by my office to make his regular payment and said to show me how much my representation meant to him; it was hunting season and instead of buying ammunition, he was paying my fee!

“ I pay more per square  
footage than I would if I rented a  
typical office space, but for me it  
is worth it. ”

If you are a new attorney who needs to build a client base, you may want to consider advertising. Although most of my business is from referrals, I still advertise in phonebooks. Be careful with the expense of phonebook ads. You have to be prepared to stick to your budget, as the representatives will try to sell you a bigger ad and other features which may cost you more than you can afford.

Before starting my own law practice, I attended the OBA seminar, "Hitting the Ground Running." It was very helpful, as it discussed various aspects of operating a law practice. Joining lawyer associations is an enjoyable way to meet other attorneys and remain current in your prac-

tice areas, so I belong to the OBA Bankruptcy Section and various sections of the Tulsa County Bar Association, including at one time or another bankruptcy, probate and guardianship, family, solo and small firm. I also belong to the Tulsa Title and Probate Lawyers.

### PLANNING FOR THE INEVITABLE

Although you may not want to think about the end of your law practice while you are dealing with the beginning, it is very important. Last year I encountered a couple of situations where I had to step in after an attorney became sick and eventually passed away. A couple of times I did not know the previous attorneys, but received calls from their clients who did not know what to do because they had retained an attorney but the attorney was in the hospital. They were looking for an attorney to step in and found their way to me. One attorney I did know asked me to help him after he became ill. It was a struggle to step into an active practice and sort things out. After these incidents, I created a list divided by area of law. Under each area I listed at least one attorney to call if something happens to me, and made sure several people know about this list, as well as where to locate other office records.

Speaking of office records, be sure you keep good Interest-bearing Oklahoma Lawyer Trust Account (IOLTA) records. We have all read in the OBA journals about disciplinary action taken against attorneys who use client funds before they have earned them. Do not let this happen to you.

I am glad that I decided to form my own law office. The control I have over how I spend my time and which clients I will represent more than compensates for the financial uncertainties and responsibilities of being the sole decision-maker. If anyone reading this article decides to be a sole practitioner, I wish you much success.

#### ABOUT THE AUTHOR



Tracey Garrison is a sole practitioner at Garrison Law Office PLLC, focusing primarily in the areas of bankruptcy, probate, guardianship and family-member adoptions. She graduated with honors from the TU College of Law in 2006 after working as a paralegal for 17 years.



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# Insurance for Lawyers and Law Practices

## From the Basics to “I Didn’t Know You Could Insure That!”

By Jennifer Beale

**T**he primary purpose of insurance is the transfer of risk from your pocketbook to the insurance company’s. Everyone has their own risk tolerance, so some of the insurance policies mentioned may be of little interest or concern to the very tolerant (or the very wealthy who can self-insure). My intent is that you will at least scan through the article and be reminded to review some of your policies and contact your agent if updates or additional policies might be appropriate.

We’ll break this up into two broad categories — personal insurance and business insurance even though many may apply to both.

### PERSONAL

#### *Disability Insurance*

What could be more important than protecting your ability to earn income? Insuring the items you own (home, car, jewelry, business, etc.) isn’t enough. People who have advanced degrees, skills or certifications especially need to protect against a disability that could keep them out of work for months or even years. Attorneys often think that only death could keep them away from work, but that is simply not true. There are many illnesses or accidents that result in a lengthy recovery and rehabilitation period, as well as irrecoverable cognitive impairments. An individual long-term disability policy is an affordable way to ensure that, should you be out of work, you could

still pay your bills and be able to keep your home, car, business, etc.

*Tips:* Make sure you’ve elected options available to you, such as “future purchase” (allows you to increase your monthly benefit at future dates without providing evidence of insurability) and residual or partial disability (pays a portion of the monthly benefit if you are only able to work part time and suffering a loss of income). Make sure you know and understand your policy’s definition of disability (some plans recognize your specialty and others simply refer to any gainful employment). The best definition of disability for professionals is an unqualified inability to perform the substantial and material duties of your occupation (at time of disability).

Maintain an individual policy even if your employer provides coverage — in case you go out on your own or your employer cancels the group

plan, and also because many individual policies won't reduce benefits if you are also eligible for or receiving Social Security or workers' compensation disability benefits and the benefits are taxable if the premium is employer paid. Pay your disability premiums with personal, after-tax dollars — that way your monthly benefit would not be taxable. Obtain a policy when you are young and healthy, because it is one of the most stringently underwritten insurance plans due to the likelihood of illness-related disability.

### *Life Insurance*

Life insurance is probably the most versatile type of insurance, as it is useful for many reasons in one's personal and business affairs, and it is available in many forms. Not only can you provide burial expenses and security for your loved ones, but you can also use life insurance policies to secure part of a business loan, pay estate taxes, supplement your retirement income, contribute to a charity or finance the succession of your business.

Term life, while extremely affordable, is designed to meet short-term or temporary needs, such as when you have young children at home or lots of debt. It is an affordable way to secure a large death benefit to leave your family financially secure in the event of your untimely death. Term insurance typically is renewable for a set term, such as 10, 15 or 20 years, or to a specified age, such as 65, 70 or 75. Some plans also include return of premium feature if you don't die.

Permanent insurance is available as whole life, variable life, universal life or combinations thereof, and is renewable for your entire life. Permanent policies usually include savings or investment features in addition to a death benefit, as well as flexibility with premium payment. The cash value of a permanent life policy accumulates on a tax-deferred basis and you can borrow it as needed at relatively low rates. Borrowing against the cash value could result in a reduced death benefit should you die before paying it back. You can also add riders to policies, such as long term care benefits, to cover other areas of concern.

*Tips:* Make sure your policies are up-to-date with an appropriate beneficiary, and that your family, business partner, and/or estate/financial planner know what policies you have, where you keep them, etc. Evaluate the amounts and types of life insurance you have in place now, and take appropriate action. Life insurance is

medically underwritten, so the younger and healthier you are when you obtain it, the better rate you are likely to receive. If you've quit smoking, lost weight or have otherwise become healthier since you last purchased coverage, you may want to see if you can qualify for a better rate now.

### *Health Insurance*

Health insurance is something that you really should never go without. Bad things can happen to the healthiest and youngest of persons, and those bad things can cost a lot of money. Don't risk your savings or credit ratings by going without. There's simply no way to predict, plan for or avoid some emergencies or complications, such as breaking a bone (\$10,402) or developing appendicitis (\$15,850). I acknowledge that health insurance premiums are expensive, and coverage can be difficult to obtain if you have experienced health problems in the past. But self-insuring is a dangerous option since a long-term illness such as heart disease or cancer or a serious accident can require years of expensive treatments, specialist visits, surgeries and medications. Even if you have significant savings built up, do you want to spend it on medical bills? If you spend it on medical bills, will you still have enough for its intended use?

*Tips:* Do the extra work to stay in-network (don't assume your physician is doing this for you and don't assume the facility is in-network because the physician is or vice versa) — going outside your plan's network can result in much higher out of pocket costs to you, even if you have met your deductible. Consider purchasing a separate travel medical policy if you plan to travel outside of the country — this will provide assistance with locating a provider, translation services, medical evacuation, etc. Know your plan — many health plans offer discounts for services you already use such as vision, dental, weight loss, nutrition, alternative care, etc.

*For groups:* Employer group plans are guaranteed issue and might be an option even if you only have one employee. Typically, a minimum of 75 percent participation is required, and employer is expected to contribute 50 percent or more to the employee portion of the premium. A result expected from current health care reform changes to the market is movement away from employer-group plans to defined contribution plan format, where employees would be able to purchase individual plans that suit their needs.

When you reach age 65, you become eligible for Medicare, and thanks to modern technology you can register online. There are various parts to the program, labeled confusingly enough by letters of the alphabet. Part A is hospital coverage and is provided at no cost to a beneficiary. Part B includes outpatient coverage and doctors visits, and there is a premium charged by Medicare. Part C is known as the Medicare Advantage Plan, where you contract with a private insurer who is paid directly by the government. Part D is the Medicare drug coverage, and you are required to purchase private insurance or face premium penalties. You also have the opportunity to stay on your group health plan where you work until such time as you retire.

Keep in mind that Medicare pays 80 percent of the Medicare-determined charges. You will need to purchase a supplement to pay the additional 20 percent plus Medicare deductibles on parts A and B. Make sure you pick a good, stable company, as you will not be able to change plans without providing evidence of insurability.

*Tips:* Special caution needs to be taken too if you are on a group plan that provides a health savings account (HSA). HSA rules state that if you have any other health plan, including Medicare Part A, you will not be eligible to make any further contributions to your HSA. In addition high-earning members will face the government surcharges for parts B and D in the form of an income-related Medicare adjustment (IRMA). When looking at a Medicare Advantage plan, you need to be aware that these plans may have limited physician and hospital networks and many have gatekeepers that require a referral to a network specialist.

#### *Long-Term Care*

Long-term care is increasingly a sign of our times. Thanks to modern medicine we are living longer lives and many of us can expect to break the century mark. With that also comes the fact that a high percentage of those living longer will do so with a chronic illness which will become debilitating in some form, as the aging process continues. LTCI is designed to provide home care to help you manage illness at home and provides nursing home coverage, as necessary. Statistics prove that women are the caretakers and many hours are lost for working women who must quit their jobs or alter the schedules to take care of a sick parent or spouse. If you have parents who are in their 50s, have this conversa-

“Long-term care is increasingly a sign of our times.”

tion with them now! I know too many people who are retired and taking care of *their* parents who are in the 80s and 90s.

Everyone's biggest fear is suffering from some form of dementia or cognitive impairment. You can have a healthy body and live many years with Alzheimer's, yet require around-the-clock services. None of us wants to be a burden to our children or grandchildren and LTCI relieves that concern.

*Tips:* Most professionals put off the purchase of long-term care insurance (LTCI) until their 60s and 70s when they discover they may not have enough resources to cover this type of risk. By then it may be too late due to high premiums and/or health issues that increase the cost or prevent the purchase of coverage. The best way to buy LTCI is to purchase it during your working years (45-55) and accelerate the premiums to fully pay the policy prior to retirement. Peace of mind is a great thing when you are in your 70s and 80s and makes it easier to manage your retirement resources. You also avoid probable premium increases later in life.

#### *Guaranteed-Issue Plans*

If you already have health conditions and have been turned down for health, life or disability insurance, there may still be some options available to you. Oklahoma has state and federal guaranteed-issue high risk pool plans available. Eligibility for the state high-risk pool plan is based on medical (if you've been diagnosed with one of the listed conditions or declined by two companies for an individual policy) or federal (such as expiration of COBRA coverage) defined conditions; whereas you have to have been uninsured for at least six months to qualify for the federal high-risk pool.

Certain guaranteed-issue life, health or accident plans may be available to you through affinity programs, such as credit unions, alumni associations, or national or state association memberships.

*Tips:* Always research something that sounds too good to be true. There are always discount programs and limited medical plans available that may or may not meet your needs. Make

sure you understand whether you are buying an insurance product or a discount plan, and the benefit limitations and exclusions of either before you buy.

#### *Home/Auto and Personal Umbrella*

Review your homeowners policy if you haven't in a while and make sure you've remembered to advise your agent/carrier of significant home improvements, such as a room addition, new pool, new structure or new purchases of firearms, furs, jewelry, antiques, fine art, etc. you've made. Make sure your toys are covered (boats, motorcycles, four-wheelers, etc.).

*Tips:* Highly regarded and compensated professionals, such as attorneys, are especially at risk for large claims. That risk is multiplied if you have teenage drivers, a pool or pond, a boat or a pet. Purchase an umbrella policy if you haven't already, and make sure it's one like the OBA-sponsored umbrella that includes excess uninsured/underinsured motorists' coverage (most carriers do not offer this in Oklahoma). With 24 percent of Oklahoma drivers uninsured, the risk is substantial.

### **BUSINESS**

#### *Business Overhead Expense*

Business overhead expense (BOE) is a disability contract that pays office overhead expense, such as rent, utilities, employee (non-professional) salaries, health insurance, supplies, professional dues, malpractice insurance and others. It is designed to keep your doors open while you are recovering from an illness or injury which prevents you from performing the duties of your occupation. Generally, these policies have shorter waiting periods (30 days) before benefits begin to accrue and shorter benefit periods, up to two years. This coverage is extremely valuable to a solo practitioner, partnership or office sharing arrangement. Keep in mind, that unlike a disability income policy that pays you directly to protect your income, the BOE policy is a reimbursement policy only for overhead expenses and does not cover the policy holder's earnings.

#### *Business Owners Policy*

A BOP is a policy that packages commercial property and commercial general liability insurance, along with many other property and liability coverages either bundled into the package or offered as options. If you own your office building, you would insure your building at its replacement cost in addition to business per-

sonal property (BPP). Especially in a state like Oklahoma, where one's business could be shut down for a period of time due to various weather issues, loss of business income and extra expense are key coverage provisions in this type of policy. The extras you may see bundled into the package or offered as options include coverage for signs, accounts receivables, computers/media, valuable papers, property in-transit, fine arts, employee dishonesty and ERISA, employment practices liability, employee benefits liability, identity theft, business income and extra expense, and hired and non-owned auto liability. I could write an entire article just on this policy.

*Tips:* Be sure to review your policy with your agent if you haven't in awhile, especially if you've had changes in staff, equipment, amount of space leased, remodeled offices, etc. Know how replacement cost and co-insurance works with your policy and make sure you are always insured at adequate limits. Consider increasing the limits or purchasing separate policies for some of the "extras" mentioned above.

#### *Workers' Compensation*

If only I had a nickel for every time an attorney or law firm administrator has said, "I can't believe we're required to carry workers' compensation insurance...how could someone possibly get hurt..." The fact is that workplace injuries do occur and to protect both the employer and employee, Title 85 requires that all companies with employees carry workers' comp insurance. In Oklahoma, partners, sole proprietors and LLC members or stockholders owning 10 percent or more of the company's stock are automatically excluded from coverage, but can elect to be included. Workers' comp premiums are based on the total payroll covered, with base rates per \$100 of payroll. There is a wide range of base rates, determined by a company's classification code. So an office exposure, such as law firm or accounting firm would typically have a lower base rate than a manufacturing or construction worker exposure. Other charges you may see that make up your total premium include terrorism and catastrophe, expense constant, increased employer's liability limits and experience modifier. Workers' comp insurance provides coverage for medical expenses as well as compensation expenses for employees who are injured while working.

*Tips:* Don't take this exposure lightly. Make sure your employees have ergonomic workstations and are properly trained to move boxes,



carry heavy files, and that hallway and office floors are clear of obstacles such as files, boxes, rugs or cords that may cause tripping. Have snowy or icy walkways and parking lots cleared and/or salted for traction, place mats inside doors so people can wipe moisture from the bottoms of their shoes to lessen risk of slipping on floors that can become slick when wet. These are just a few things you can do — contact your agent for more information on how to make your office environment safer.

#### *Directors & Officers (D&O)*

**Do not skip over this section just because you are a for-profit private company or family-owned business.** Private companies, including (maybe even especially?) family-owned businesses, have D&O exposure. Where do D&O suits come from? Shareholders could sue you for making poor business decisions or not being profitable enough; your competitors could sue you for making disparaging comments about their services or copyright infringement; your customers, employees, lenders, suppliers and regulatory agencies could also sue your company's officers and directors.

#### *Employment Practices Liability (EPLI)*

EPLI policies protect employers from suits alleging discrimination, sexual harassment, failure to make partner, wrongful termination and other employment-related claims. Think these types of claims don't occur here? In 2010, the EEOC received 1,563 charges from Oklahomans and 1,663 charges in 2011. If you're still skeptical about insuring against an EPLI claim, keep in mind that EPLI policies tend to provide non-insurance benefits that could be very useful to companies of all sizes, such as employee handbook audits, sample handbooks and employment-related forms, hotlines providing free access to employment lawyers, other human resource training tools and risk management courses. The tools alone could cost hundreds to thousands of dollars, making the cost of the policy well worth it.

#### *Crime*

Employee theft is a fast-growing crime in America and could result in corporate bankruptcy. Whether a rogue employee or partner is stealing from you or from your clients, you need to be aware of what coverage you do or do not have for this event. Unfortunately, there are many different what-if scenarios that one should run through to explore whether adequate cover-

age is included in professional liability, business owners, or ERISA liability policies.

#### *Network Liability aka Data Breach Liability aka Cyber Liability*

Cyber liability policies are fairly new and coverage can differ quite a bit. You may be able to add some form of cyber liability coverage to your business owners or malpractice policy, but a standalone policy may be the best way to ensure you have adequate limits and broad coverage that could include privacy breach (loss or inadvertent disclosure of confidential information of your clients or employees), privacy breach notification expenses (including credit monitoring), public relations expenses, computer viruses or other types of damage to your network such as from hacking (first party covers your clients and third party extends to your clients' clients), or theft of private information. If you have clients in multiple states, coverage for privacy breach notification expenses could prove extremely valuable, because the requirements differ from state to state — do you know what you're required to do in the event of a breach in each state?

#### **CONCLUSION**

Your next step should be to meet with an insurance counselor to determine if you and your business are adequately covered. He or she can assess your needs and determine your risk tolerance to figure out what kind of insurance products are right for you. Rough weather is unavoidable at some point in everyone's life — your boat may get rocked, but with planning and preparation, you should stay afloat!

#### **ABOUT THE AUTHOR**



Jennifer Beale joined Beale Professional Services in 1997, was made vice president in 2003 and president in 2011. She is a licensed life, health, property and casualty agent. She received her certified insurance counselor (CIC) designation in 2009 and is a Leadership Oklahoma City Class XXVIII graduate. She is currently serving on the National Council of the American Institute of Professional Association Group Insurance Administrators and on the board of Consumer Credit Counseling Service of Central Oklahoma.

# Committee to Present First Diversity Awards

By Kara I. Smith

**OBA Diversity Conference**  
**Oct. 18 • 9 a.m. – 1:30 p.m.**  
**Skirvin Hilton Hotel, Oklahoma City**

The Diversity Committee, with the support of OBA President Cathy Christensen, identified that there was a need for the Oklahoma Bar Association to recognize leaders and statewide diversity efforts and to increase the need for tolerance and diversity awareness.

With the sponsorship of the OBA's CLE Department, the committee has launched its inaugural Diversity Awards Luncheon and CLE. The CLE will feature award-winning legal journalist Mark Curriden, who is a best-selling author and senior writer for the *ABA Journal*. Mr. Curriden will be the keynote presenter at the CLE where he will discuss the best-selling book he co-authored, *Contempt of Court: A Turn-of-the Century Lynching that Launched a Hundred Years of Federalism*.

The inaugural event will be held at the historic Skirvin Hilton in downtown Oklahoma City on Oct. 18, 2012. Registration opens at 8:30 a.m. and the conference begins at 9 a.m. The CLE will also feature a panel of esteemed lawyers, professors and judges to discuss the ethical obligation to represent the unpopular cli-

ent and the need for an independent judiciary.

The event will conclude with the first Diversity Committee Diversity Awards Luncheon and Ceremony that begins at noon. At the luncheon six recipients will be honored with the Ada Lois Sipuel Fisher Diversity Award. Cost for the CLE and the luncheon is \$120 when paid by Oct. 11. An extra \$25 fee will be added beginning Oct. 12. Attending the luncheon only is \$40. More details and online registration are available at [www.okbar.org/s/diversityconf](http://www.okbar.org/s/diversityconf).

## **ADA LOIS SPUDEL FISHER DIVERSITY AWARD RECIPIENTS**

Member of the Judiciary:

### **Chief Judge Vicki Miles-LaGrange**

The Honorable Vicki Miles-LaGrange is the current chief judge for the U.S. District Court for the Western District of Oklahoma and was first appointed to the Federal District Court bench in 1994. She became the first African-American chief judge of the Western District of Oklahoma



in 2008 and became the first African-American woman elected to the Oklahoma State Senate in 1986. She was appointed by President Clinton to serve as the United States attorney for the Western District of Oklahoma, thus becoming the first female U.S. attorney in Oklahoma.

Chief Judge Miles-LaGrange has devoted her distinguished career not only to assuring that justice and dignity be afforded to all Americans but also promoting the rights and dignity of people across the globe. She has served on the International Judicial Relations Committee of the Judicial Conference of the United States, wherein she gained significant expertise in international human rights law and in the administration of inter-

national justice. Her efforts in Rwanda and China are of particular note. She assisted the Rwandan judiciary to establish a court system vested with control over its own adequate budget and administered by competent and impartial judges subject to a judicial code of ethics and conduct. She has worked with judges throughout China on matters of professionalism and judicial ethics.

Attorneys:

### Cheryl Wattley

Cheryl Wattley is currently the director of the Legal Clinic and associate professor of law at the University of Oklahoma College of Law. Professor Wattley has honored Ada Lois Sipuel Fisher's legacy by taking interest in the woman who changed the face of our country's graduate student bodies. She has honored Dr. Fisher by researching her life and writing a play about her legal battle for equality as a law student at the University of Oklahoma titled, "I'll Do It."



The OU College of Law's clinic programs under the leadership of Professor Wattley have expanded to include a mediation training program that helps people find affordable alternatives to litigation, a clinic which allowed students to conduct federal jury

trials and argue before the Court of Appeals for the 10th Circuit and a human rights program that sends students all over the world to champion human rights by investigating and filing reports with the U.N. Commission on Human Rights.

Professor Wattley is the OU College of Law's Black Law Student Association sponsor. As its sponsor, she pushes each of her students to do his/her best regardless of skin color, religious or political beliefs or socio-economic status. She coaches the moot court and mock trial teams and hosts a number of diversity initiative events which her students are invited to attend.

### Hannibal Johnson

Hannibal B. Johnson is a graduate of Harvard Law School. He did his undergraduate work at The University of Arkansas, where he completed a double major in economics and sociology. Mr. Johnson is an attorney, author and independent consultant. He has also served as an adjunct professor at The University of Tulsa College of Law, Oklahoma State University and the University of Oklahoma.



He has served as president of Leadership Tulsa, the Metropolitan Tulsa Urban League and the Northeast Oklahoma

Black Lawyers Association. He directed Anytown, Oklahoma, a statewide human relations camp for teens, for more than a decade. Mr. Johnson served as chairman of the board of directors of The Community Leadership Association, an international leadership organization during 2001 – 2002. He is a founding director of the Oklahoma Appleseed Center for Law and Justice, serves as chairman of the board of directors of the Oklahoma Department of Libraries and is a member of The Rotary Club of Tulsa.

Mr. Johnson's books include *Black Wall Street — From Riot to Renaissance in Tulsa's Historic Greenwood District*; *Up from the Ashes — A Story about Community* (children's book); *Acres of Aspiration — The All-Black Towns in Oklahoma*; *Mama Used To Say — Wit & Wisdom from the Heart & Soul*; *No Place Like Home — A Story about an All-Black, All-American Town* (middle reader); and *IncogNegro: Poetic Reflections on Race and Diversity in America*. His play, *Big Mama Speaks — A Tulsa Race Riot Survivor's Story*, has been performed at the Tulsa Performing Arts Center, Philbrook Museum of Art and was selected for the 2011 National Black Theatre Festival. Mr. Johnson has also penned articles for the Encyclopedia of African American History.

Business/Law Firm/  
Organization/Groups:

### Legal Aid of Oklahoma

Legal Aid Services of Oklahoma is a 501 (c) (3) organization with the mission of "being a partner in the community making equal justice for all" a reality by providing free civil legal assistance to eligible low income individu-

## LEGAL AID SERVICES OF OKLAHOMA, INC.



als and their families, and to the elderly. Their law offices are in Ardmore, Bartlesville, Hugo, Lawton, Muskogee, Norman, Oklahoma City, Stillwater, Tulsa and Weatherford. In addition there are satellite offices in Ada, Altus, Chickasha, Duncan, Enid, Jay, McAlester, Poteau, Shawnee, Stilwell and Woodward. There are two administrative offices, the headquarters in Oklahoma City and one in Tulsa.

The work of Legal Aid is civil in nature. Legal Aid cannot assist with any criminal problems or provide any representation to those who are incarcerated. Legal Aid attorneys in Oklahoma are prohibited from entering into any class action law suits. Legal Aid attorneys are prohibited from taking any fee generating cases and typically pass them to the private bar when those clients seek our help. Even if individuals qualify for service, because the demand far exceeds the capacity of staff, Legal Aid accepts only those cases that meet a condition of immediate severity.

In 2012, Legal Aid's total staff of 128 includes 66 full-time attorneys, 16 paralegals and 46 clerical and administrative support staff. To help handle the demand, hundreds of private Oklahoma attorneys volunteer their time and expertise to Legal Aid. Sometimes they teach in the organization's legal clinics, but most often they advise clients and help them fill out legal forms, or they take on simple cases for full representation. In 2011, hundreds of private attorneys closed a total of 943 cases.

Last year the Legal Aid legal staff and pro bono attorneys closed 8,671 cases statewide -- cases that touched the lives of 7,362 children and a total of 18,061 family members. The biggest demand for the services of Legal Aid is family law, including cases involving victims of domestic violence. Children are the biggest beneficiaries as Legal Aid strives to stabilize their families through the issues of custody, child support and divorce.

Legal Aid also represents the elderly seeking social security or other public benefits or in helping the elderly resolve the issues of guardianship. They help individuals faced with losing their housing through evictions or mortgage foreclosures. They also assist people with cases involving Medicare, Medicaid and other health care problems, helping them gain the entitlements for which they qualify.

The make-up of the organization's 27-member governing board is determined by the Legal Services Corp., its primary grantor, and must be comprised of two-thirds attorney representatives from bar associations and other legal associations and one-third representing Legal Aid clients.

### **Williams Co.**

Williams Co. is an energy infrastructure company focused on connecting North America's significant hydrocarbon resource plays to growing markets for natural gas, natural gas liquids (NGLs) and olefins. Williams' operations span from the deepwater Gulf of Mexico to the Canadian oil sands. The

company owns and operates midstream gathering and processing assets, and interstate natural gas pipelines. In addition, Williams processes oil sands off-gas and produces olefins for petrochemical feedstocks.



Tulsa is the location of Williams' headquarters. Other major offices are in Salt Lake City, Houston, the Four Corners Area and there is a growing presence in Pennsylvania. Williams Co. employs approximately 4,200 people and is an equal opportunity employer that does not discriminate in any employer/employee relations based on race, color, religion, sex, sexual orientation, national origin, age, disability or veteran's status. Williams common stock (WMB) and Williams Partners units (WPZ) are listed on the New York Exchange. The company was founded in 1908.

Williams fosters an environment that attracts a high-performing, diverse workforce. All individuals are respected and valued for their contributions and have the opportunity to achieve their maximum potential. Williams strives to treat all employees, customers, business partners, shareholders and the communities in which they serve with respect and dignity.

Company diversity programs and initiatives include the enterprise-wide Diversity Council chaired by its CEO; active diversity teams and business resource groups

throughout the company; ongoing diversity and inclusion training; flexible work schedules; mentoring; college relations and K-12 partnerships and outreach; extensive investment in the community to support numerous community organizations, making a difference in areas where Williams employees live and its businesses operate. Business resource groups within Williams serve as advocates of change in support of managing diversity and provide valuable insights to management on commercial issues, as well as employee relations.

### **YWCA of Oklahoma City and Tulsa**

The YWCA is the oldest and largest multicultural women's organization in the world. Its mission is to eliminate racism and empower women. They provide safe places for women and girls, build strong women leaders and advocate for women's rights and civil rights in Congress.

YWCA Oklahoma City is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all. The YWCA Oklahoma City focuses its programs on fighting domestic violence and sexual assault. It is the only certified shelter for battered women and children in Oklahoma County.

Women come to the organization in times of crisis, as

## **eliminating racism empowering women ywca**

survivors of rape or domestic violence. They come for job training and career counseling. They come for childcare. They come for a variety of reasons. But they come. And they leave with a renewed spirit, new skills and stronger lives.

The YWCA Oklahoma City has programs like the Inez Kinney Gaylord Emergency Shelter, which is the only shelter for battered women and children in Oklahoma County. It is an emergency shelter, providing help in obtaining legal services, transportation, housing information, medical care, child care and advocacy services for up to two months. YWCA Oklahoma City provides transitional housing for women and children who are victims of family violence.

YWCA Tulsa is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom and dignity for all — and advocate for all Tulsans to succeed through wellness, wealth and education. YWCA Tulsa's core values are building trust through inclusiveness, respect and communication

YWCA was founded in 1914. YWCA Tulsa has continually adapted to the challenges of an evolving society and con-

tinued to serve the needs of women, their families and the community of Tulsa. In its earliest years, YWCA Tulsa offered inexpensive meals, lodging and occupational training to young women working to better their lives in a vibrant, growing city. In 1921, YWCA Tulsa opened a center in north Tulsa to provide housing, food and job training for young African American women left homeless by the race riot. In the 1930s, it helped hundreds of women and their families survive the ravages of the great depression. In more recent years, the YWCA has guided women through times of crisis, helped newcomers to America find their way in a bewildering new culture and provided a variety of opportunities to help the young, the old and the physically disadvantaged reach their full potential. This year, YWCA Tulsa will serve more than 20,000 Tulsans through programs that include health and wellness, immigration services and activities for senior citizens.

The Diversity Committee salutes its inaugural award winners and urges all Oklahoma lawyers to attend the conference and help honor these leaders at the luncheon.

*Ms. Smith, who chairs the OBA Diversity Committee, is general counsel for the Oklahoma Office of Management and Enterprise Services and Human Capital Management legal counsel.*

**Ada Lois Sipuel Fisher** was a champion of the cause of diversity as the first African-American woman to attend an all-white law school, the University of Oklahoma College of Law, after a lengthy legal battle. She graduated in 1952 and earned a master's degree in history from OU in 1968. After briefly practicing law in Chickasha, she joined the faculty at Langston University. In 1992, she was appointed to the University of Oklahoma Board of Regents.

# New Attorneys Take Oath

**B**oard of Bar Examiners Chairperson, J. Ron Wright, announces that 314 applicants who took the Oklahoma Bar Examination on July 24-25, 2012, were admitted to the Oklahoma Bar Association on Wednesday, Sept. 19, 2012, or by proxy at a later date. Oklahoma Supreme Court Chief Justice Stephen W. Taylor administered the *Oath of Attorney* to the candidates at a swearing-in ceremony at the State Capitol. A total of 399 applicants took the examination.

Other members of the Oklahoma Board of Bar Examiners are Vice-Chairperson Loretta F. Radford, Tulsa; Tom A. Frailey, Chickasha; Monte Brown, McAlester; Stephanie C. Jones, Clinton; Bryan Morris, Ada; Roger Rinehart, El Reno; Donna L. Smith, Miami; and Scott E. Williams, Oklahoma City.

## The new admittees are:

Dacia Elizabeth Abel  
 Daniel Christopher Adams  
 Vickie Lea Adams  
 Daniel Nathan Aizenman  
 Thomas Raber Alford  
 Khalid Masood Ali  
 Zane Tyler Anderson  
 Reginald C. Armor III  
 Joni Lee Autrey  
 Rachel Leslie Baker  
 Stephanie Anne Baker  
 Stephen Franklin Baldridge  
 Kelsey Kaylyn Bardwell  
 Steven Anthony Barker  
 Timothy Luke Barteaux  
 Teresa Elizabeth Baumann  
 Douglas Jonathan Baxter  
 Michael Patrick Beard  
 Brice Wayne Bisel  
 Adam Thomas Blanchard  
 Emilie Anne Blanchard  
 Jamie L. Bloyd  
 Trenton David Boaldin  
 Mia Vanzura Bockus

John Bradshaw Boozer  
 Joel Alan Borkenhagen  
 Alex Clinton Bramblett  
 Jessica Nicole Bramlett  
 Nicollette-Leigh Brandt  
 Anna Leah Brannon  
 Jennifer Nicole Brannon  
 Austin Sanford Brewer  
 Bradley Joseph Brown  
 Glenn Kathleen Brown  
 Gregory James Brown  
 Matthew Kemp Brown  
 Timothy Michael Bunson  
 Judith Clark Burdgo  
 Christina Ann Burns

Daniel Richard Burstein  
 Donna Marie Burton  
 Stephanie Leann Bush  
 Jordan L Cabelka  
 Chance Tate Cammack  
 Jeffrey Colin Cartmell  
 Paul Burford Cason  
 Brandon Kyle Cato  
 Spencer S. Chaffin  
 Brian Curtis Chandler  
 Mark Wesley Charles Jr.  
 Cassidy Lynn Chew  
 Ryan Scott Childress  
 Candace Lauren Clark  
 Sarah Michaela Cochran



*New attorneys take oath.*

Caroline Nichols Cole  
 Eric Lee Combs  
 Miranda B. Combs  
 Cody Jarrett Cooper  
 Elizabeth Anne Cooper  
 Jessica Nicole Cory  
 Clayton William Cotton  
 Christian Frederick Cox  
 Lewis David Craft  
 Jacob Samuel Crawford  
 Jered Tyler Davidson  
 Matthew Douglas Day  
 Megan Hudson Dearth  
 Tiece Imani Dempsey  
 Zachary J. Denney  
 Kara Rose Didier  
 Monica Ann Dionisio  
 Sean Michael Dooley  
 Allyson Elizabeth Dow  
 Kristin Renee' Drake  
 Matthew Arthur Dunham  
 Jordyn Leigh Eckert  
 Kristin Rena' Edwards  
 Stuart David Edwards  
 Kenneth Allan Elmore  
 William Russell Emig  
 Celeste Jacqueline England  
 Nathan Colburn Enos  
 Ryan Douglas Ensley  
 Terra Sue Ernst  
 Lori Elizabeth Eropkin  
 Gregory Matthew Failing  
 Blake Meredith Feamster  
 Joelle Karin Fehlauer  
 Moaning  
 Shayna Rae Feiler  
 Matthew Kent Felty  
 Kristin Sheree Fisher  
 David Robert Fleury  
 Joshua Than Franks



*Chief Justice Steven Taylor swears in new attorneys.*

Natalie Natasha Fullbright-Ostrander  
 Mara Kee Funk  
 Michael Andrew Furlong  
 Michelle Kathleen Galusha  
 Jason Mathias Gardner  
 David Randolph Gleason  
 Dana Michael Good  
 Jon Jeremy Gores  
 Susan Lee Graham  
 Kara Nicole Gray  
 Christina Lynn Green  
 Kyle Phillip Gregory  
 Justin P. Grose  
 Jamie Rae Guzman  
 David Chandler Hamel  
 Brian Jeffrey Hansford  
 Josiah Taylor Rerick Hass  
 Jeremy Luke Hayes  
 Willie Dillan Hayward  
 Griffin McKay Hazard  
 Isaac Breaker Helmerich  
 Robert William Henderson  
 Anthony Jerome Hendricks  
 Edward Theodore Highberger  
 Justin Patrick Hill  
 Amanda Lynn Hinshaw  
 Ashley Paige Hodges

Chadwick Theopolis Holeman  
 Bryan Chance Holland  
 Brian Allan Holloway  
 Joshua James Holloway  
 Shannon Renee Holman  
 Hailey Madison Hopper  
 Richard Thomas Hornbeek  
 Michael Gilman Housley  
 Rachel Ann Hubner  
 Mary Page Huckabee  
 Meghan Elizabeth Hull  
 Thomas Haskins Hull Jr.  
 Justin Ray Hutton  
 Martha Lynne Hyde  
 Matthew Bernhard Hyde  
 David William Illingworth II  
 Norborn Grant Jackson  
 Clinton Reed James  
 Kyle David James  
 Marquia Sharmayn Johnson  
 Terrence Terrell Johnson  
 Tyler Christian Johnson  
 Cody Brooke Jones  
 Tanya Rachelle Jones  
 Sahar Jooshani  
 Scott Patrick Kedy  
 Robert Scott Keith  
 Christopher Ryan Kemp  
 Satyam Khanna  
 Sean Wesley Kilian  
 Barbara Frances Klepper  
 Adam John Kline  
 Barbara Stacy Kline  
 Jeffrey William Kline  
 Jill Suzanne Klinginsmith  
 Katherine Eileen Koljack  
 John Allen Krahrl  
 Leslie Allison Kramer  
 Jessica Lynn Kudryk  
 Laura Ann LaBianca Puente



Rebecca Rose Large  
 Lynn Elizabeth Lawrence  
 David G Lawson  
 Rachel Elizabeth Leary  
 Alexandra Marie Lengen  
 Lauren K. Lindsey  
 Joshua Luke Lockett  
 Amanda Detweiler Lovelace  
 Bethany Marie Loveless  
 Samer Mahjoub  
 Nicholas C. Mahn  
 Victoria Johnson Malony  
 Joshua Michael Martin  
 Philip Michael Mason  
 Paige Alyssa Masters  
 Matthew R. McCombs  
 Mitchell McCuistian  
 Ashley Dawn McDermott  
 Wilson D. McGarry  
 Michael Stephen McGovern  
 Hilary Kate McKinney  
 Mary Elaine Gillen McMillen  
 Jason Alan McVicker  
 Alisha Faye Mehrhoff  
 Jonathan Michael Miles  
 Mandy Leigh Miller  
 Susannah Mitchell Barclay  
 Eric Anders Moen  
 Isai Molina  
 Adam Pearson Montessi  
 Thomas Michael Moratto Jr.  
 Aaron Nicholas Morrison  
 Michael Philip Mosca  
 Barbara McHugh  
     Moschovidis  
 Lori Autumn Murphy  
 Christopher Michael Murray  
 Mbilike Mwafulirwa  
 John Robert Myers  
 John S. Nalley

Christopher J. Nassar  
 Keith Andrew Needham  
 Christopher Charles Nesbitt  
 Patrick Lee Neville Jr.  
 Vu Nguyen  
 Jacobi Elizabeth Nichols  
 Whatley  
 John Sherman Nobles  
 Michael A Nomura  
 Chase Alan O'Brien  
 Kaitlyn Tierney O'Hara  
 Michael James O'Rear  
 Ryan Howard Olsen



*New OBA members sign the roll of attorneys.*

Lauren Kellee Ottaway  
 William Robert Pace  
 Isaiah Parsons  
 Sonya Lea Patterson  
 Dustin Lynn Perry  
 D. Tyler Perryman  
 James McDonald Perryman  
 Tiffany Kay Peterson  
 Ryan Andrew Pittman  
 Judge Alexander Platt  
 William Douglas Popejoy  
 John Robson Portman  
 Jace Hill Powell

Robert Edward Price II  
 Melissa Ann Purvis  
 Zachary Lynn Pyron  
 Haley Michelle Rader  
 Russell Caldwell Ramzel  
 Brandee Renee Raney  
 Stephen Matthew Rasbold  
 Dale Ronald Rex  
 Jeffery Maurice Riles Jr.  
 Justin Daniel Rinck  
 Jennifer Jerene Riter  
 Lorena Soto Rivas Tiemann  
 Christopher Paul Robinson  
 Brandon Roderick  
 Rachel Anne Rogers  
 Erin Joseph Rooney  
 Sarah Suzanne Rowe Clutts  
 Daniel Roytman  
 Alexandra Gabrielle Rupp  
 Daniel Lauvell Sadler  
 Sierra Gabrielle Salton  
 Sheila Dawn Sayne  
 James Michael Scears  
 Adam Reece Scharn  
 Sara Marie Schmook  
 Matthew Derek Schultz  
 Christopher W Scott  
 Bradley Neil Secrist  
 Roberto Luis Seda  
 Kimberly May Self  
 James Howard Shaw Jr.  
 Anne Elizabeth Sickles  
 John Micah Sielert  
 Raegan D. Sifferman  
 Alexander Jeffress Sisemore  
 David L. Skipper  
 Donald Jon Slaughter  
 Gentry Marie Smiling  
 Joshua Colby Smith  
 Mark Allen Smith



*New attorneys take oath.*

Nathaniel Thomas Smith  
 Katherine Fleming Sommer  
 Jordan Leigh Southerland  
 Nicholas Pierce Southerland  
 William C Spain  
 Jessica Lauren Speegle  
 Grant Mitchell Spencer  
 Lucas Catron Stapleton  
 Brett M Stingley  
 Amy Jo Stuart  
 George Gist Thomas  
 Robert Nash Thomas  
 G. Gene Thompson  
 Lendsey Cohen Stewart  
 Thomson  
 Ashley Marie Thul  
 Kelly Jean Melina Tompkins  
 Kenneth Dane Towery  
 Caitlin Bowers Towles

Christopher Karl Van Ess  
 Joe Charles Vann  
 Tina Diane Vaughan  
 Kyle Daniel Vazquez  
 Diana Tate Vermeire  
 Sean Charles Wagner  
 Zachary Harris Walls  
 Chaille Graft Walraven  
 Mark Edwards Walraven  
 Jessica Ryan Ward  
 Laura Nichelle Wardrip

Richard Matthew Whalen  
 Jeffrey Benjamin Whitesell  
 Jordan Frank Wilcox  
 Rachel Ann Wilhelm  
 Alicia Ellen Williams  
 Andrew Thomas Williams  
 David A.Z. Williams  
 Alison Elizabeth Wilson  
 Amy Nicole Wilson  
 Jarrett Anthony Wilson  
 Trista Elizabeth Wilson



*L-R: OBA President Cathy Christensen, OBA Executive Director John Morris Williams, YLD Chair Jennifer Kirkpatrick and OBA President-Elect James T. Stuart*

Matthew L. Warren  
 Benjamin Scott Wass  
 Jonathan Michael Watson  
 Cole Abijah Wehner  
 Melissa L. Weidman

Adam Bret Wing  
 Alexandra Nicole Winkle  
 Elizabeth Blair Wozobski  
 Joshua Lee Young  
 Matthew Gregory Zellner

## ***Photo Gallery***

*More than 200 photos taken at this event can be found at [www.okbar.org](http://www.okbar.org).  
 Scroll down to find the Photo Galleries link. Go to 2012.*

# OBA Women in Law Conference

Sept. 28, 2012

Oklahoma Judicial Center, Oklahoma City



*OBA Board of Governors members pose with Oklahoma's two women law school deans at a reception in their honor the evening before the conference. From left (front row) are President-Elect Jim Stuart, Dean Janet Levit, Dean Valerie Couch, Vice President Peggy Stockwell, (back row) President Cathy Christensen, Past President Deborah Reheard, Susan Shields and Linda Thomas.*



*Lisa Bloom speaks on "Think: Straight Talk for Women to Stay Smart in a Dumbed-Down World."*



*OBA President Cathy Christensen, OBA Women in Law Committee Chair Deirdre Dexter, attorney and TV legal analyst Lisa Bloom and committee Vice Chair Deborah Bruce.*

*Retired Judge Reta Strubhar addresses the morning CLE crowd, along with panelists Cathy Christensen (left) and Justice Yvonne Kauger.*



*TU law students Kim Wendell (left) and Aubra Drybread have their books signed by keynote speaker and author Lisa Bloom.*

# Lighting the Way

## 2012 Mona Salyer Lambird Spotlight Award Recipients

*By Deborah J. Bruce*

Since 1996 the Spotlight Awards have been given annually to five women who have distinguished themselves in the legal profession and who have lighted the way for other women. In 1998 the award was named to honor the late Mona Salyer Lambird, the first woman president of the Oklahoma Bar Association, and one of the Award's first recipients. The Award is sponsored by the OBA Women In Law Committee. Each year all previous winners nominate and select the current year's recipients. A plaque bearing the names of all recipients hangs at the Oklahoma Bar Center in Oklahoma City. The 2012 recipients are:

### **Kimberly K. Hays**

Kimberly Hays is an attorney in Tulsa. She has practiced exclusively in the area of family law since 1993. She currently serves on the OBA Board of Governors, District 6 Tulsa, and is the past chair of the OBA Family Law Section. She has also served as the OBA/FLS chair-elect, secretary, CLE chair and budget chair. In 2011 she was named OBA/FLS "Family Law Attorney of the Year" and in 2010 she was chair of the OBA/FLS, which received the OBA Golden Gavel Award. She has also co-chaired the OBA Solo and Small Firm Conference Committee and served on the

OBA Communications Committee, OBA Law Day Committee, OBA Professionalism Committee, OBA Bench and Bar Committee and the OBA Women in Law Committee. She was selected as a participant for the OBA 2009 Leadership Academy. She is also extremely active in the Tulsa County Bar Association having served as a director-at-large, TCBA Family Law Section chair and as a member of the Professionalism Committee, Professional Responsibility Committee and as the OBA delegate to the Tulsa County Bar. She is a Fellow of the Oklahoma Bar Foundation and has been a pro bono volunteer to Legal Aid Services of Oklahoma since



*Award winners (from left) are Judge Rebecca Nightingale, Dean Janet Levit, Kimberly Hays, Noel Tucker and accepting for the late Donnita Weinkauff Wynn, her husband, Bill Wynn.*

1996. For three years she was a PTA officer at Carnegie Elementary. From 1998 to the present she has been a member of the Tulsa Alumnae Club of Pi Beta Phi - OSU ACRIC. In 2002, she was the Alumnae Club nominee for the Evelyn Peters Kyle Angel Award for consistent contribution and unstinting loyalty to an Alumnae Club.

### **Janet Koven Levit**

Since 2008, Janet K. Levit has served as dean of the TU College of Law. She earned her J.D. from the Yale Law School, where she was book reviews and articles editor of the *Yale Journal of International Law*. She earned an M.A. in international relations from Yale University and an A.B., *magna cum laude*, from the Woodrow Wilson School of Public and International Affairs at Princeton University. She served as law clerk for Chief Judge Stephanie K. Seymour, U.S. Court of Appeals for the Tenth Circuit, and for the chair of the Inter-American Commission on Human Rights of the Organization of American States. She practiced in the international trade and finance areas at the Export-Import Bank of the United States. She writes about international finance and international human rights issues and published her most recent articles in the *Emory Law Journal*, *Yale Journal of International Law*, *Harvard International Law Journal* and the *Columbia Journal of Transnational Law*. In 2012, the TU College of Law was included for the first time among the top 100 law schools in the nation according to *U.S. News and World Report*. Ms. Levit serves on several philanthropic boards, and co-chairs the Teach for America Oklahoma Advisory Board. In 2012 she received the Morrissey Award for her service to the legal profession. She is also a 2012 inductee into *The Journal*

*Record's* "50 Making a Difference" Circle of Excellence.

### **Rebecca Brett Nightingale**

Judge Rebecca Brett Nightingale has served as district judge for Tulsa County since 2003. She has served on both criminal and civil dockets and was chief of the criminal division in 2004. She has been very active on the bench serving on the Executive Committee, Special Judge Review Committee, Death Penalty Conflict Attorney Committee, Special Judge Selection Criteria Committee and the Early Settlement Task Force. Nightingale has also served as the supervising judge for the Tulsa County Mental Health Court and the Tulsa County Drug, DUI and Veterans courts. This year she answered questions regarding drug court for the U.S. Senate. She was the district court liaison to Early Settlement Program and served on the Mayor's Emergency Task Force to Fund Early Settlement. Prior to her appointment to the bench, she was in private practice with several firms for seven years and then served for five years as an assistant district attorney in Tulsa County. She is a past president of the Hudson Hall Wheaton Chapter of Inns of Court and is a member of Oklahoma Trial Judges Association. At the University of Tulsa she has served as a judge for the moot court and forensic science moot court. She is a member of the advisory committee to the forensic science graduate program. Judge Nightingale is an active member and a sustaining member of the Junior League of Tulsa.

### **Noel K. Tucker**

Noel K. Tucker is a member of The Tucker Law Firm of Edmond along with her husband, Phillip J. Tucker. She is a past chairperson of the OBA Family Law Section and has

served as the legislative chair and co-vice chair of the Trial Advocacy Institute. She has been published and regularly presents in the areas of adoption, alternative reproductive technology, paternity, ethics, legislation and guardian *ad litem* representation, as well as serving as a contributing editor for the *OBA/Family Law Section Practice Manual*. Tucker currently sits on the OBA Women in Law, Legislative and Professional Responsibility committees. She is also involved with the Guardian *ad Litem* Project and Adoption Statutory Review Committee and is an OBA Fellow. Ms. Tucker has been an active member of the ABA Section of Family Law since 1995. She currently serves as a council member and sits on the Law Office Management Technology, Genetic and Reproductive Technology, Ethics and Military Law committees. She chairs the Adoption Committee and co-chairs of the Membership Development Committee. She is a member of the National Court Appointed Special Advocates Association and served as president of the Oklahoma CASA Executive Board. The Tucker Award, named for Ms. Tucker and her husband, for outstanding Guardian *Ad Litem* representation is awarded annually by the OBA Family Law Section. The couple also received the OBA Earl Sneed Award for Outstanding CLE Contributions in 2011.

### **Donnita Weinkauff Wynn** (Posthumous award)

Special District Judge Donnita Weinkauff Wynn, who died July 31, 2012, was the first and only woman to ever serve as district attorney for Pittsburg and Haskell counties and as a judge in Pittsburg County. After law school, she was in the private practice of law in McAlester and later became an assistant district



attorney. In 1995 she was appointed as district attorney where she served until 1999. She has been a member of the Oklahoma Department of Correc-

tions Community Sentencing Council for Pittsburg County since her appointment to the bench in 2005. She was active in civic and charitable affairs, and she founded the Pink Ribbon Luncheon in Pittsburg County to raise funds and awareness for breast cancer research. Judge Wynn also was a strong supporter of the Boys and Girls Club of McAlester, 4-H and the American Red Cross. She previously served as secretary of the Tulsa Landsman's Association and was president of the Junior Association of the Tulsa Boys Home. Judge Wynn was also president of the Pilot Club of

Tulsa. In 1998, Wynn was recognized and honored as Pittsburg County Woman of the Year. In 2004, inspired by her brother, Kirk, she hiked the Grand Canyon rim-to-rim. Judge Donnita Wynn's life was cut short but the contributions to her family and community will live on in the hearts of everyone she touched in her personal and professional career. Judge Wynn quietly blazed the trail for women lawyers in southeastern Oklahoma.

*Ms. Bruce serves as vice chairperson of the OBA Women in Law Committee.*

## Oklahoma Bar Journal Editorial Calendar

### 2012

- November  
**Homeland Security**  
Editor: Erin Means  
erin.l.means@gmail.com  
Deadline: Aug. 1, 2012
- December  
**Ethics & Professional Responsibility**  
Editor: Pandee Ramirez  
pandee@sbcglobal.net  
Deadline: Aug. 1, 2012

### 2013

- January  
**Meet Your OBA**  
Editor: Carol Manning

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

- February  
**Indian Law**  
Editor: Mark Ramsey  
mramsey@soonerlaw.com  
Deadline: Oct. 1, 2012
- March  
**Estate Planning & Probate**  
Editor: Pandee Ramirez  
pandee@sbcglobal.net  
Deadline: Oct. 1, 2012
- April  
**Law Day**  
Editor: Carol Manning
- May  
**Technology**  
Editor: Sandee Coogan  
scoogan@coxinet.net  
Deadline: Jan. 1, 2013
- August  
**Criminal Law**  
Editor: January Windrix  
janwindrix@yahoo.com  
Deadline: May 1, 2013
- September  
**Bar Convention**  
Editor: Carol Manning
- October  
**Appellate Law**  
Editor: Emily Duensing  
emily.duensing@oscn.net  
Deadline: May 1, 2013
- November  
**Raising the Bar: Lawyers Who Make a Difference**  
Editor: Melissa DeLacerda  
melissde@aol.com  
Deadline: Aug. 1, 2013
- December  
**Ethics & Professional Responsibility**  
Editor: Joe Vorndran  
joe@scdtlaw.com  
Deadline: Aug. 1, 2013

## Annual Meeting

# Legendary Civil Rights Attorney to Speak at Annual Meeting

Morris Dees will deliver a message of justice, hope and tolerance during the Plenary Session on Thursday, Nov. 15 from 11 – 11:50 a.m. Mr. Dees, who is the founder and chief trial counsel of the Southern Poverty Law Center in Montgomery, Ala., will speak on the topic of "With Justice for All." He will address how the commitment to justice will determine our nation's success in the next century as America becomes more diverse and economic disparity widens. He will also discuss why he became an attorney and founded the Southern Poverty Law Center while detailing some of its more prominent cases along with some of its new work. His talk will also touch on hate crimes and the need to teach tolerance, love and respect for one another.

Morris Dees was born to cotton farmers in Alabama in 1936. As a young boy he worked the fields with African Americans, witnessing first-hand social and economic deprivation and Jim Crow treatment at its worst.

After graduating from the University of Alabama Law School and operating a successful publishing business, he began taking controversial civil rights cases. He formed the Southern Poverty Law Center in 1970, and it quickly grew into one of America's most successful and innovative public interest law firms. The firm has won major victories against several well-known hate groups, and his efforts have been portrayed on the big screen.



*Morris Dees*

He is the winner of numerous awards for his work, including receiving the ABA Medal, its highest honor, this year. He has authored three books, his autobiography, *A Lawyer's Journey* along with the titles *Hate on Trial* and *Gathering Storm, America's Militia Threat*. He remains actively engaged in litigation. He and his wife live in Montgomery, Ala.

The Plenary Session is among the OBA CLE opportunities at the upcoming Annual Meeting in Oklahoma City. More plenary information and registration are available at [www.amokbar.org](http://www.amokbar.org).



# Annual Meeting Highlights

## WHAT'S NEW?

### Leadership Breakfast Speaker Announced

As the Annual Meeting comes to a close, President Cathy Christensen would like to invite you to join her at the President's Leadership Breakfast. This year, the speaker for this special event is Oklahoma Supreme Court Justice Noma Gurich. Justice Gurich, who was sworn in on March 31, 2011, is only the third woman in Oklahoma's history to be appointed to the Oklahoma Supreme Court. The topic for her speech will be "Judicial Selection: The Power and Privilege of Serving on the Judicial Nominating Commission." Breakfast with the OBA president on Friday morning is a longstanding tradition where OBA presidents put on a unique program reflecting his or her interests. The breakfast is from 7:45 to 8:45 a.m.; cost is \$25.



### Annual Meeting App Coming Soon!

The 2012 OBA Annual Meeting app allows you to see the entire Annual Meeting schedule by day, by track, by topic and by speaker. You can even create your own schedule so you won't miss your favorites. This app works like many other apps that you are already using — just tap on an icon, line or word, or swipe your finger across the screen. Add your contact information in the *Contact* area to make new friends or reconnect with old ones! Use your *Notes* to jot down ideas or events. Check out speaker bios, tweet to your friends or post comments on the Annual Meeting Facebook page. Check out our sponsors and exhibitors, and

link to their websites to learn more about them. You can also check your Messages for notifications of what's happening during the meeting. The app will be available for the iPhone and Android devices Oct. 22. Search 2012 Oklahoma Bar Association Annual Meeting in your app store.

## AND YOU WON'T WANT TO MISS...

### President's Tailgate Party

Keeping with this year's sports theme, the traditional formal Annual Meeting reception will transform into colorful game day festivities fit for your favorite college campus. Leave your collars and ties on the sidelines — proper attire for this event is your most beloved sports team apparel. And since it wouldn't be game day without a game, you'll be able to watch the OKC Thunder take on the Memphis Grizzlies on two big screens. You'll enjoy complimentary tailgate-friendly fixins, such as brisket, brats and beer (or soft drinks, if you prefer). There will also be a fun photo booth where you can have your picture taken with your favorite sports legend... or at least cardboard cutouts of them! This Wednesday evening event is included with your Annual Meeting registration, and you can bring a guest at no charge.



### Thursday Night Sock Hop

It wouldn't be Homecoming without a dance! The theme for our Thursday night reception is "At the Hop," and that's where you can compete for best 50s costume while grooving to the live music of Dave and the Wavetones. We'll also crown the OBA Homecoming Court, and the YLD will recognize its past chairs. This free event is included with your Annual Meeting registration.



## Annual Luncheon

Sports fans, hold on to your ball caps! This year's Annual Luncheon speaker is none other than renowned sports writer and commentator, Frank Deford. Mr. Deford's topic for the luncheon will be "Sports: The Hype and the Hypocrisy." In his speech, Mr. Deford will provide a look at the sports industry from multiple angles. Using personal anecdotes gathered from a lifetime of writing and reporting about sports and sports personalities, he will give a behind-the-scenes look at the industry. OBA awards will also be presented during the luncheon.

Immediately following, Mr. Deford will autograph books, and his books will be available for purchase. The Annual Luncheon will take place from noon to 1:45 p.m. Thursday, Nov. 15. Cost to attend is \$35. Seating is limited, so register today!



## Dave and the Wavetones

At the Thursday night sock hop, Dave and The Wavetones will rock your socks off! Based out of Oklahoma, this 16-piece band plays songs for everyone to enjoy from rock to big band. David Lon Richardson founded the band in 1994. In 2002, Dave and the Wavetones was one of the top bands in the country and continues to be in demand. In 2007 Richardson franchised his band, Wavetones Inc. As a result, there are now several lineups including the Wavetones, Dave and the Wavetones and Hook.

## OBA Tech

On Friday learn about ways embracing new technology will enhance your law practice. This training will focus on law office management and technology that is particularly geared toward solo and small firm attorneys. The event is co-sponsored by the OBA Law Office Management and Technology Section and is approved for six hours of MCLE. The cost is \$75 thanks to the section's sponsorship. Annual Meeting registration is not required to attend, and section members get an even bigger discount. Lunch is included along with free Fastcase training. Use the Annual Meeting registration form to sign up.

## WHAT ELSE?

### What does your registration fee include?

What better place to show your team spirit than in the hub of Oklahoma City? OBA Homecoming will be held at the downtown Sheraton Hotel, just blocks away from the OKC Thunderdome. In addition to the President's Tailgate Party and At the Hop, your registration fee includes a continental breakfast in the hospitality area Wednesday morning, Thursday "Time Out" in the hospitality area, book signings by renowned sports writer Frank Deford and Oklahoma author Bob Burke, convention gift and Vendors Expo.

### How do you register?

Register for all homecoming events using the Annual Meeting registration form. You can register by mail, by fax or at [www.amokbar.org](http://www.amokbar.org).

## Sponsors

### Super Bowl

- ★ Beale Professional Services
- ★ Oklahoma Attorneys Mutual Insurance Co.

### Major League

- ★ OBA Litigation Section
- ★ OBA Young Lawyers Division

### MVP

- ★ CoreVault
- ★ OBA Law Office Management and Technology Section
- ★ OBA Family Law Section
- ★ OBA Labor and Employment Law Section
- ★ GableGotwals
- ★ Imprimatur Press
- ★ Law Pay





# Annual Meeting

## 2012 OBA Award Presentations

Congratulations to the following individuals who will be receiving OBA awards during the Annual Meeting. Expanded information about the award recipients will be published in the Nov. 3 *Oklahoma Bar Journal* and online at [www.amokbar.org](http://www.amokbar.org). Below is a list of this year's winners and the event at which they will receive their award.

### Law School Luncheons Wednesday, Nov. 14

#### **Outstanding Senior Law School Student Award**

OCU – Joshua A. Rummel, Missoula, Montana  
OU – Ashley L. Powell, Oklahoma City  
TU – Rachel A. Jones, Richmond, Va.

### Annual Luncheon Thursday, Nov. 15

#### **Earl Sneed Award**

for outstanding continuing legal education contributions  
Donita Bourns Douglas, Oklahoma City

#### **Award of Judicial Excellence**

for excellence of character, job performance or achievement while a judge and service to the bench, bar and community  
Judge Stephen Friot, Oklahoma City

#### **Liberty Bell Award**

for non-lawyers or lay organizations for promoting or publicizing matters regarding the legal system  
Ginnie Graham, Tulsa

#### **Joe Stamper Distinguished Service Award**

to an OBA member for long-term service to the bar association or contributions to the legal profession  
Melissa DeLacerda, Stillwater

#### **Alma Wilson Award**

for an OBA member who has made a significant contribution to improving the lives of Oklahoma children  
Fred Dorwart, Tulsa

#### **Neil E. Bogan Professionalism Award**

to an OBA member practicing 10 years or more who for conduct, honesty, integrity and courtesy best represents the highest standards of the legal profession  
Robert S. Farris, Tulsa

#### **John E. Shipp Award for Ethics**

to an OBA member who has truly exemplified the ethics of the legal profession either by 1) acting in accordance with the highest standards in the face of pressure to do otherwise or 2) by serving as a role model for ethics to the other members of the profession  
Rex Travis, Oklahoma City

#### **Trailblazer Award**

to an OBA member or members who by their significant, unique visionary efforts have had a profound impact upon our profession and/or community and in doing so have blazed a trail for others to follow  
Retired Judge Charles L. Owens, Oklahoma City

#### **President's Award**

(to be announced)

### General Assembly Friday, Nov. 16

#### **Outstanding County Bar Association Award**

for meritorious efforts and activities  
Pittsburg County Bar Association  
Tulsa County Bar Association

**Hicks Epton Law Day Award**

for individuals or organizations for noteworthy  
Law Day activities  
*Ottawa County Bar Association*

**Golden Gavel Award**

for OBA Committees and Sections performing with a  
high degree of excellence  
*OBA Young Lawyers Division*

**Outstanding Young Lawyer Award**

for a member of the OBA Young Lawyers Division for  
service to the profession  
*Roy Tucker, Muskogee*

**Outstanding Service to the Public Award**

for significant community service by an  
OBA member  
*Cleveland County Bar Association*

**Award for Outstanding Pro Bono Service**


by an OBA member  
*Clark O. Brewster, Tulsa*  
*Paul Naylor, Tulsa*  
*Gail Stricklin, Laurie Jones and Cindy Goble,*  
*all of Oklahoma City*

**Golden Quill Award**

best Oklahoma Bar Journal article  
(selected by Board of Editors)  
*Gary Clark, Stillwater*  
*Renée DeMoss and Melissa Taylor, both of Tulsa*


**President's Award**

*(to be announced)*



2012 Annual Meeting  
**HOMECOMING**  
Nov. 14-16 • Sheraton Hotel • Oklahoma City

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



# OBA Governance

## 2013 Transitions

### **2012 President** **Cathy Christensen, Oklahoma City**



Cathy Christensen was born in Norristown, Penn., and moved to Oklahoma in 1973. She received her undergraduate degree from Oklahoma State University in 1982 and J.D. from Oklahoma City University School of Law in 1986. She was admitted to the bar in 1987. She practices in Oklahoma City for the law office

Cathy M. Christensen and Associates PC. Ms. Christensen has been actively involved with and held offices in numerous organizations including serving as chairman for the Law-related Committee in 1989 to 1995; OBA Facilities Committee; OBA Bench and Bar Committee; OBA Family Law Section member since 1990, in 1992 served as secretary and 1993 as social chairman; OBA High School Mock Trial Committee member; National Mock Trial Task Force member; Solo and Small Firm Committee; OBA Women in Law Committee member since 1995; OBA Audit Committee; OBA Budget Committee; OBA Unauthorized Practice of Law Committee; OBA Strategic Planning Committee; and OBA Awards Committee. She is also a Benefactor Fellow of the Oklahoma Bar Foundation and serves as an OBF Trustee. She served as the OBA Board of Governors liaison to the Oklahoma County Bar Association Board of Directors from 2006-2009. Ms. Christensen has received numerous awards for her leadership and community service.

### **2013 President** **James T. Stuart, Shawnee**



James T. Stuart is a partner in the Shawnee firm of Stuart, Clover, Duran, Thomas & Vorn-dran, practicing in estates and trusts, real property, oil and gas, banking, and commercial law and litigation. He graduated from Central State University in 1975 and received his J.D. from the University of Tulsa College of Law in 1978. Mr. Stuart served on the OBA

Board of Governors from 2008 to 2010, and was previously a director of the OBA Young Lawyers Division. He has served on the OBA Access to Justice, Awards, Audit, Budget and Communications Committees, and he was also a member of the Board of Editors of the *Oklahoma Bar Journal* from 2005 to 2010. He was appointed to the OBA Administration of Justice Task Force. He served on an Oklahoma Court of Appeals temporary panel in 1991 by Supreme Court appointment, and he is a Supreme Court justice of the Absentee Shawnee Tribe of Indians. He was a business law instructor at Oklahoma Baptist University. He is a past president of the Pottawatomie County Bar Association and is a member of the Oklahoma and American Bar Associations. He has been a multi-term delegate to the OBA Annual Convention. He was a director of Legal Aid of Western Oklahoma Inc. He is an OBF and ABF Fellow. Mr. Stuart was an initial organizer of Leadership Oklahoma and was a member of its Class IV. He is currently a trustee of the UCO Foundation. He has been on the boards of numerous Shawnee civic affairs and service organizations. He is a member of the Oklahoma Baptist University-Shawnee Advisory Board and a contributing member of the *Shawnee News-Star* editorial board. He and his wife, Kathy, have three daughters.

## 2013 NOMINEES

### **President - Elect** **Renee DeMoss, Tulsa**



Renee DeMoss is a shareholder in the Tulsa law firm GableGotwals. She graduated summa cum laude from Oklahoma City University and received her J.D. from the University of Oklahoma College of Law in 1984 with honors. Her area of practice focuses on commercial litigation, ERISA, insurance law and general business matters. She has actively been involved with and held offices in numerous organizations throughout her career, including serving as President of the Tulsa County Bar Association, the Tulsa County Bar Foundation, and the Oklahoma Bar Foundation. She currently serves on the OBA Board of Governors. Ms. DeMoss has served as chair of the TCBA Membership, Law Day and Lawyer Referral Service Committees. She has been actively involved with the Long Range Planning, Nominations and Awards, Legal Aid/Pro Bono and Community Outreach Committees. She has also served on the OBA Budget, Rules and Bylaws, Professionalism and Law School Committees. She served on the Board of Directors of the National Conference of Bar Foundation and Oklahoma Attorney Mutual Insurance Co., and is a member of the American Inns of Court, Council Oak Chapter. She received the OBF President's Award in 2003, the Mona Lambird Spotlight Award in 2007, OBA Alma Wilson Award in 2008, and the OBA Hicks Epton Law Day and ABA Outstanding Law Day Awards in 1999. Ms. DeMoss also received the TCBA President's Award in 1993, 1999, 2000 and 2010, and received the TCBA Golden Rule Award in 2011. Ms. DeMoss was recognized by the Journal Record in 2010 for the Women of the Year Award and in 2011 for Leadership in the Law.

### **Vice President** **Dietmar Caudle, Lawton**



Dietmar K. Caudle was admitted to the Oklahoma Bar Association in 1979. He is also admitted to practice law before the U.S. Supreme Court and the U.S. District Court, Western District of Oklahoma. He received his B.A. from the University of Oklahoma in 1971 and his J.D. from the Oklahoma City School of Law in 1976. His legal fraternity was the Phi Delta Phi. He was a member of the National District Attorneys Association from 1976 to 1979; a member of the American Bar Association and the OBA Board of Governors from 2005 to 2007; the Professional Responsibility Tribunal from 2009 to 2012; the OBA Board of Editors from 2010 to 2012. He has been a member of the Clients' Security Fund and chair of the Military Legal Assistance Task Force since 2009. Mr. Caudle is the current vice president of the Oklahoma Bar Foundation. Mr. Caudle was presented with the Pro Bono Publica Award from the Comanche County Bar Association, Legal Aid of Western Oklahoma, Inc. in 2001 and the Comanche County Bar Association Professionalism Award in 2011. In 2003, he served as president of the Comanche County Bar Association. Mr. Caudle has practiced law as a sole practitioner in Lawton since 1980, with emphasis on domestic and criminal law. He is president of Caudle Law Office PC. He is married to Camilla and has two daughters, Tiffany and Ashlie.

## CONTESTED ELECTION:

### **Supreme Court Judicial District Three Sonja R. Porter, Oklahoma City**



Sonja R. Porter has a solo practice in Oklahoma City and handles mostly DUIs as well as other criminal cases and expungements. She began as an assistant district attorney for Oklahoma County, and later worked as an associate for a DUI defense firm for eight years before starting her own solo practice

in Oct. 2011. Although her office is in Oklahoma City, she handles cases across Oklahoma and has appeared in at least 20 counties. She has presented CLE on DUIs, expungements, and ethics and regularly volunteers her knowledge to attorneys who call. She has volunteered as a moot court judge for OCU School of Law since 2000 and for OU since 2010. She has also served as a panel judge for the high school mock trials for several years. She currently serves on the OBA Women in Law Committee and as a co-administrator for the William J. Holloway, Jr. American Inn of Court. She is a member of the Oklahoma, Canadian and Cleveland County Bar Associations. She is also a member of the OKC Christian Legal Society, Phi Delta Phi and the National College of DUI Defense. She received her bachelor's degree from Bob Jones University and her J.D. from Oklahoma City University School of Law, where she served as the class secretary all three years. She is married to Jim Porter CPA. Together they have three children.

### **Robert D. Gifford, II, Oklahoma City**



Robert Don Gifford is an assistant U.S. attorney in the U.S. attorney's office for the Western District of Oklahoma in Oklahoma City. He the current Chair of the OBA Military & Veteran's Law Section and is an active member of the OBA Military Assistance Committee. He also volunteers for the Heroes program, providing

assistance to servicemembers and veterans. In addition, Mr. Gifford is a lieutenant colonel in the U.S. Army Reserves and is the staff judge advocate for the 95th Training Division. He also serves part-time as the chief judge for the Kaw Nation Tribal Court and is a supreme court justice for the Iowa Nation. Mr. Gifford received his J.D. from the University of Oklahoma College of Law, where he served as an editor on the American Indian Law Review and as an officer in both the national and OU chapters of the Native American Law Student Association. He is a member of the American, Oklahoma and Oklahoma Indian Bar Associations. Mr. Gifford was admitted to the courts for the Cherokee Nation, the U.S. Supreme Court, the federal courts in Oklahoma and Nevada, the 9th and 10th Circuit Courts of Appeal and the Courts of Appeals for Veteran Claims and the Armed Forces. Mr. Gifford began his legal career as a law clerk at the Cherokee Nation under Chief Wilma Mankiller, and began his career as a lawyer on active duty with the U.S. Army as an officer in the Judge Advocate General's (JAG) Corps at Fort Knox, KY, Bosnia-Herzegovina and Fort Sill. He served in various capacities from legal aid to prosecuting or defending in courts-martial cases. In addition, he was mobilized back onto active duty in 2007 and 2008 as the legal spokesman for the trials on 9/11 terrorists and detainees at Guantanamo Bay. Upon leaving active duty, Mr. Gifford served as an assistant district attorney in Tulsa County. He then joined the U.S. Department of Justice as an assistant U.S. attorney in Nevada, and later went back to the U.S. attorney's office in Oklahoma City. Mr. Gifford and his wife Gloria have three beautiful daughters; and he feels his greatest and most challenging role is that of being "Dad."

**Supreme Court  
Judicial District Four  
Douglas L. Jackson, Enid**



Doug Jackson has been in private practice in Enid since 1981. He is a shareholder and managing director of Gungoll, Jackson, Collins, Box & Devoll PC. His main areas of practice are civil litigation, banking law and cooperative law. He is a member of the Oklahoma Bar Foundation and has served as president of the Garfield County Bar Association. He is currently a director of Central National Bank & Trust Company of Enid, commissioner of the Enid Fire Department Civil Service Commission and serves on the Board of Directors of the Federated Church. He is also past president of Oakwood Country Club and past general superintendent of Northwest District Livestock Show. He and his wife Beth have three daughters and two sons.

**Supreme Court  
Judicial District Five  
Sandee Coogan, Norman**



Sandee Coogan is a sole practitioner in Norman, focusing primarily on family law. She received her B.S. in Education and her M.Ed. in Educational Psychology from the University of Oklahoma. She received her J.D. from the OU College of Law. She is admitted to practice law in the state of Oklahoma and the U.S. District Court for the Western District of Oklahoma. Ms. Coogan currently serves on the Oklahoma Bar Journal Board of Editors as well as the OBA Awards

Committee. She previously served on the OBA Bench and Bar Committee. She is a member of the OBA Family Law Section and is a Sustaining Fellow of the Oklahoma Bar Foundation. Ms. Coogan is a proud member of the Cleveland County Bar Association, serving as its President from 1999 to 2000. She also served in other various capacities as an Executive Board member since 1997. She has been elected as a Cleveland County Bar Association delegate to the OBA Annual Meeting House of Delegates since 1997. Ms. Coogan is also a trustee of the Cleveland County Bar Foundation and a member of the Post-Adjudicatory Review Board for deprived children, where she has served as chairman since 1994. She is also a member of the Cleveland County Bench and Bar Committee.

**Member-At-Large  
Richard Stevens, Norman**



Richard Stevens has been an assistant district attorney in Norman since 1986. He received his B.A. in 1978 and his J.D. in 1982, both from the University of Oklahoma. He is a member of the Criminal Law Section, the Rules of Professional Conduct Committee and the Oklahoma District Attorneys Association. Mr. Stevens has been active with both the OBA and the Cleveland County Disaster Response and Relief Committees and the OBA Lawyers for America's Heroes program. An active member of the Cleveland County Bar Association, he served on its Executive Committee from 2010-2012. He has served as the district attorney's liaison to the Cleveland County Community Sentencing Council and serves on the Cleveland County Board of Law Library Trustees. Mr. Stevens is a member of both the OBA and the Florida bars.

# 2013 OBA Board of Governors Vacancies

**Nominating Petition Deadline was: 5 p.m. Friday, Sept. 14, 2012**

## OFFICERS

### President-Elect

Current: James T. Stuart, Shawnee  
Mr. Stuart automatically becomes OBA president  
Jan. 1, 2013  
(One-year term: 2013)  
Nominee: **Renée DeMoss, Tulsa**

### Vice President

Current: Peggy Stockwell, Norman  
(One-year term: 2013)  
Nominee: **Dietmar Caudle, Lawton**

## BOARD OF GOVERNORS

### Supreme Court Judicial District Three

Current: Susan Shields, Oklahoma City  
Oklahoma County  
(Three-year term: 2013-2015)  
Nominees: **Sonja R. Porter, Oklahoma City**  
**Robert D. Gifford II, Oklahoma City**

### Supreme Court Judicial District Four

Current: Glenn Devoll, Enid  
Alfalfa, Beaver, Beckham, Blaine, Cimarron,  
Custer, Dewey, Ellis, Garfield, Harper, Kingfisher,  
Major, Roger Mills, Texas, Washita, Woods and  
Woodward counties  
(Three-year term: 2013-2015)  
Nominee: **Douglas L. Jackson, Enid**

### Supreme Court Judicial District Five

Current: Ryland Rivas, Chickasha  
Carter, Cleveland, Garvin, Grady, Jefferson, Love,  
McClain, Murray and Stephens counties  
(Three-year term: 2013-2015)  
Nominee: **Sandee Coogan, Norman**

### Member-At-Large

Current: David Poarch, Norman  
(Three-year term: 2013-2015)  
Nominee: **Richard Stevens, Norman**

## Summary of Nominations Rules

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

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

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

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

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

Vacant positions will be filled at the OBA Annual Meeting Nov. 14-16. Terms of the present OBA officers and governors listed will terminate Dec. 31, 2012. Nomination and resolution forms can be found at [www.okbar.org](http://www.okbar.org).



# OBA Nominating Petitions

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

## **OFFICERS**

### **PRESIDENT-ELECT**

#### **RENÉE DeMOSS, TULSA**

Nominating Petitions have been filed nominating Renée DeMoss for election of President-Elect of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2013.

A total of 507 signatures appear on the petitions.

A Nominating Resolution has been received from McIntosh County.

### **VICE PRESIDENT**

#### **DIETMAR CAUDLE, LAWTON**

Nominating Petitions have been filed nominating Dietmar Caudle for election of Vice President of the Oklahoma Bar Association Board of Governors for a one-year term beginning January 1, 2013.

A total of 129 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Comanche, Cotton, Pottawatomie and Seminole.

## **BOARD OF GOVERNORS SUPREME COURT**

### **JUDICIAL DISTRICT No. 3**

#### **SONJA R. PORTER, OKLAHOMA CITY**

Nominating Petitions have been filed nominating Sonja R. Porter for election of Supreme Court Judicial District No. 3 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2013.

A total of 36 signatures appear on the petitions.

#### **ROBERT D. GIFFORD II, OKLAHOMA CITY**

Nominating Petitions have been filed nominating Robert D. Gifford II for election of Supreme Court Judicial District No. 3 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2013.

A total of 57 signatures appear on the petitions.

### **JUDICIAL DISTRICT No. 4**

#### **DOUGLAS L. JACKSON, ENID**

Nominating Petitions have been filed nominating Douglas L. Jackson for election of Supreme Court Judicial District No. 4 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2013.

A total of 61 signatures appear on the petitions.

### **JUDICIAL DISTRICT No. 5**

#### **SANDEE COOGAN, NORMAN**

Nominating Petitions have been filed nominating Sandee Coogan for election of Supreme Court Judicial District No. 5 of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2013.

A total of 51 signatures appear on the petitions.

Nominating Resolutions have been received from the following counties: Cleveland, McClain and Garvin.

### **MEMBER-AT-LARGE**

#### **RICHARD STEVENS, NORMAN**

Nominating Petitions have been filed nominating Richard Stevens for election of Member-at-Large of the Oklahoma Bar Association Board of Governors for a three-year term beginning January 1, 2013.

A total of 75 signatures appear on the petitions.



# 2012 House of Delegates

Delegate certification should be sent to OBA Executive Director John Morris Williams in order for names to appear in print in the bar journal and to be included in the House of Delegates agenda book.

COUNTY	DELEGATE	ALTERNATE
<b>Adair Co.</b> .....	Judge Jeff Payton .....	Ralph Keen
<b>Alfalfa Co.</b> .....	Marcus Jungman.....	Kyle Hadwiger
<b>Atoka Co.</b>		
<b>Beaver Co.</b> .....	Todd Trippet .....	Jamie Kee
<b>Beckham Co.</b> .....	Avery "Chip" Eeds .....	Dan Jacobsma
<b>Blaine Co.</b>		
<b>Bryan Co.</b>		
<b>Caddo Co.</b> .....	Jason Glidewell .....	Kyle Eastwood
<b>Canadian Co.</b> .....	Chris Arledge .....	Kevin Cunningham
	Jack Dawson .....	Nathan Richter
	W. Mark Hixson .....	Roger Rinehart
	Sandy Steffen	
<b>Carter Co.</b> .....	Judge Dennis Morris.....	Judge Thomas Baldwin
	(Ret.) Judge Thomas Walker .....	Mike Mordy
<b>Cherokee Co.</b>		
<b>Choctaw Co.</b> .....	J. Frank Wolf III .....	Billy Baze
<b>Cimarron Co.</b> .....	Stanley Ed Manske .....	Judge Ronald L. Kincannon
<b>Cleveland Co.</b> .....	Don Pope.....	Amy Pepper
	Alissa Hutter.....	John Sparks
	Tyson Stanek .....	Beth Stanley
	Peggy Stockwell.....	Blake Virgin
	Judge Lori Walkley.....	Cindee Pichot
	Henry Herbst.....	David Swank
	Micheal Salem .....	Rebekah Taylor
	Judge Steve Bonner .....	Rooney Virgin
	Richard Stevens .....	Jacob Benedict
	Holly Iker .....	Debra Loeffelholz
	Dave Stockwell.....	Weldon Nesbitt
	Gary Rife.....	Matt Eckstein
	Sandee Coogan .....	Christal Adair
	Mike Johnson .....	Lisa Howard
	Jan Grant Johnson .....	Jamie McGraw
	Jan Meadows.....	Tina Peot
	Ben Odom .....	Ann Harcourt
	Craig Sutter.....	Cheryl Farnsworth
	David Poarch .....	Jeanne Miller
	Jama Pecore.....	Aaron Stiles

<b>Coal Co.</b> .....	Trae Gray .....	Judge Richard Branam
<b>Comanche Co.</b> .....	Dietmar Caudle .....	Jared Ellis
	Grant Sheperd.....	Kate McClure
	Mark Stoneman .....	Robin Rochelle
<b>Cotton Co.</b> .....	Judge Michael C. Flanagan .....	Kathleen Flanagan
<b>Craig Co.</b> .....	Kent Ryals .....	Leonard M. Logan IV
<b>Creek Co.</b>		
<b>Custer Co.</b> .....	Richard Phillips .....	Anthony Seth Adams
<b>Delaware Co.</b>		
<b>Dewey Co.</b> .....	Judge Rick Bozarth	
<b>Ellis Co.</b> .....	Sandra F. Lapsley .....	Laurie E. Hays
<b>Garfield Co.</b>		
<b>Garvin Co.</b> .....	Daniel Sprouse .....	John A. Blake
<b>Grady Co.</b> .....	Judge Richard Van Dyck .....	Dan Williams
	Ryland Rivas	
<b>Grant Co.</b> .....	Judge Jack D. Hammontree Jr. ....	Steven A. Young
<b>Greer Co.</b> .....	Judge Danny R. Deaver .....	Eric Yarborough
<b>Harmon Co.</b>		
<b>Harper Co.</b> .....	Judge Megan L. Simpson .....	Abby M. Cash
<b>Haskell Co.</b>		
<b>Hughes Co.</b> .....	Trisha D. Smith .....	Linda Evans
<b>Jackson Co.</b> .....	Tal Oden.....	Ryan Howard
<b>Jefferson Co.</b> .....	Phillip Scott	
<b>Johnston Co.</b> .....	Judge Wallace Coppedge	
<b>Kay Co.</b> .....	Brian Hermanson .....	Guy Clark
	Will Oldfield .....	Rick Johnson
<b>Kingfisher Co.</b> .....	Edd Pritchett .....	Kurtis Ward
<b>Kiowa Co.</b> .....	Anthony G. Mitchell .....	Thomas W. Talley
<b>Latimer Co.</b> .....	F. Nils Raunikaar .....	Jill Welch
<b>LeFlore Co.</b> .....	Dru Waren .....	Vicki Hamel
<b>Lincoln Co.</b>		
<b>Logan Co.</b>		
<b>Love Co.</b> .....	Kenneth L. Delashaw Jr. ....	Richard A. Cochran Jr.
<b>Major Co.</b>		
<b>Marshall Co.</b> .....	D. Michael Haggerty II .....	Judge Gregory L. Johnson
<b>Mayes Co.</b> .....	Gary J. Dean .....	Jacqueline Rhodes
<b>McClain Co.</b> .....	James Dee Graves .....	Suzanne Snell
<b>McCurtain Co.</b> .....	Judge Michael D. DeBerry .....	Jerry L. McCombs
<b>McIntosh Co.</b> .....	Samuel S. Barnes.....	Carman Rainbolt
<b>Murray Co.</b> .....	Phil S. Hurst .....	John H. Scaggs
<b>Muskogee Co.</b> .....	Jami Fenner.....	Martha Cherbini
	Roy D. Tucker .....	Jared DeSilvey
	Betty Williams .....	Lenora Gulley
<b>Noble Co.</b>		
<b>Nowata Co.</b>		
<b>Okfuskee Co.</b>		
<b>Oklahoma Co.</b> .....	John Heatly .....	Gary Chilton
	James R. Webb.....	Michael Rubenstein
	Judge Patricia Parrish .....	David Kisner
	Judge Timothy D. DeGiusti .....	Susan Shields
	Mack Martin .....	Michael Brewer
	Judge Geary L. Walke.....	Phillip G. Whaley
	Judge Glenn Jones .....	Kieran Maye
	Howard K. Berry III .....	Judge Bay Mitchell

	Larry Spears.....	Charles Alden
	Jim Kirk.....	David Ogle
	Robert McCampbell .....	W. Todd Blasdel
	Ben Butts.....	Angela Ailles Bahm
	John Oldfield.....	M. Courtney Briggs
	Judge Bryan Dixon.....	Judge Page Morgan
	John W. Coyle.....	Tim Rhodes
	Judge Barbara Swinton.....	Evan Gatewood
	Judge Lisa Hammond .....	Daniel Couch
	Judge Lisa Tipping Davis.....	Richard Rose
	Robert C. Margo .....	Robert Black
	David Donchin.....	Sheila D. Stinson
	Judge Thomas E. Prince .....	Keith Givens
	Judge Lynne McGuire.....	Lawrence Schneider
	Nancy Parrott.....	Juston Givens
	John Gile .....	Regan Beatty
	Michael Mullins .....	Cherish Ralls
	Robert N. Sheets.....	Jennifer Kirkpatrick
	Gary Derrick .....	Justin Hiersche
	LeAnne Burnett.....	Jeremy Rowland
	Leslie Lynch .....	John Barbush
	Mark Folger .....	Brandon Long
<b>Okmulgee Co.</b>		
<b>Osage Co.</b> .....	Jesse Worten .....	Amanda Proctor
<b>Ottawa Co.</b> .....	Charles W. Chesnut .....	John M. Weedn
<b>Pawnee Co.</b>		
<b>Payne Co.</b> .....	David Bryan.....	Catherine Seagraves
	Brandon Meyer .....	Monika Turek
	James Von Murray	
<b>Pittsburg Co.</b> .....	Mindy Beare .....	Kim Adams
	Ellen Quinton .....	Michael Hogan
<b>Pontotoc Co.</b> .....	T. Walter Newmaster.....	Jason Christopher
	Jenna Owens .....	Erik Johnson
<b>Pottawatomie Co.</b> ...	Brandi Nowakowski.....	Bill Haselwood
	Mat Thomas .....	Karen Henson
<b>Pushmataha Co.</b> .....	James T. Branam.....	Charlie Rowland
<b>Roger Mills Co.</b> .....	Thomas B. Goodwin.....	Julia O'Neal
<b>Rogers Co.</b> .....	Justin Greer .....	Kathy Lahmeyer
	Noah Sears.....	Melinda Wantland
<b>Seminole Co.</b> .....	R. Victor Kennemer III .....	William D. Huser
<b>Sequoyah Co.</b>		
<b>Stephens Co.</b> .....	Jamie Phipps	
	William B. Buxton	
<b>Texas Co.</b> .....	Cory B. Hicks .....	Douglas D. Dale
<b>Tillman Co.</b> .....	Clyde H. Amyx II .....	Kelly Tice
<b>Tulsa Co.</b> .....	Judge Millie Otey.....	Robert P. Redemann
	Deirdre Dexter .....	Julie A. Evans
	Judge Martha Rupp Carter.....	E. Zach Smith
	Robert S. "Bob" Farris .....	Trisha Archer
	James R. "Jim" Gotwals .....	Moura A. J. Robertson
	Paul Brunton .....	Tamera A. Childers
	Steven K. Balman.....	Melissa F. Cornell
	D. Faith Orlowski.....	James C. Milton
	John R. Woodard III .....	Mary M. Barcus

	Robert B. Sartin .....	Keith A. Jones
	Phil Frazier.....	Georgenia Van Tuyl
	Ronald Main .....	Amber Peckio Garrett
	Gerald L. Hilsher .....	Vijay Madduri
	Judge Mark Barcus .....	Bruce A. McKenna
	Kimberly K. Hays.....	Jack L. Brown
	Judge William C. Kellough.....	Catherine M. Cullem
	Judge Charles R. Hogshead .....	Tony W. Haynie
	Bill LaSorsa .....	Theodore P. Gibson
	Renee DeMoss.....	Michael S. Ashworth
	Kenneth L. Brune.....	Kimberly K. Moore-Waite
	Larry D. Leonard.....	Jay Dunham
	Leonard Pataki.....	David "Mike" Thornton Jr.
	Hugh Rineer .....	Ryan C. Harper
	C. Michael Zacharias.....	Bill Sanders
	Ken Williams	
	Molly Aspan	
	Paul B. Naylor	
	N. Kay Bridger-Riley	
<b>Wagoner Co. ....</b>	Richard L. Gray Jr.	
	Judge Douglas Kirkley	
<b>Washington Co.....</b>	Amy K. Hart.....	Anthony R. Behar
	Kinder Shamhart.....	Linda Thomas
<b>Washita Co. ....</b>	Judge Christopher S. Kelly	
<b>Woods Co. ....</b>	Jesse D. Kline .....	Westline Ritter
<b>Woodward Co.</b>		
<b>Oklahoma Judicial Conference</b>		
	Judge M. John Kane IV.....	Judge Mary Fitzgerald
	Judge Mickey J. Hadwiger .....	Judge Mark Moore



# Annual Meeting

## Notice of Meetings

### CREDENTIALS COMMITTEE

The Credentials Committee of the Oklahoma Bar Association will meet **Thursday, Nov. 15, 2012, from 9 – 9:30 a.m.** in the Board Room on the second floor of the Sheraton Hotel, One North Broadway, Oklahoma City, Oklahoma in conjunction with the 108th Annual Meeting. The committee members are: Chairperson Luke Gaither, Henryetta; Jeff Trevillion, Oklahoma City; Brandi Nowakowski, Shawnee; Linda S. Thomas, Bartlesville.






### RULES & BYLAWS COMMITTEE

The Rules & Bylaws Committee of the Oklahoma Bar Association will meet **Thursday, Nov. 15, 2012, from 10 – 10:30 a.m.** in the Board Room on the second floor of the Sheraton Hotel,

One North Broadway, Oklahoma City, Oklahoma in conjunction with the 108th Annual Meeting. The committee members are: Chairperson Judge Richard A. Woolery, Sapulpa; Roy D. Tucker, Muskogee; Joe Vorndran, Shawnee; W. Mark Hixson, Yukon; Luke Abel, Oklahoma City.

### RESOLUTIONS COMMITTEE

The Resolutions Committee of the Oklahoma Bar Association will meet **Thursday, Nov. 15, 2012, from 10:45 – 11:45 a.m.** in the Board Room on the second floor of the Sheraton Hotel, One North Broadway, Oklahoma City, Oklahoma in conjunction with the 108th Annual Meeting. The committee members are: Chairperson Charles W. Chesnut, Miami; Kaleb K. Hennigh, Enid; Molly A. Aspan, Tulsa; D. Faith Orlowski, Tulsa; Laura H. McConnell-Corbyn, Oklahoma City; Dietmar Caudle, Lawton.

	<b>Family Law Track</b>  <b>MODERATOR:</b> Ron Little	<b>Criminal Law Track</b>  <b>MODERATOR:</b> Ben Brown	<b>Sports Law Track</b>  <b>MODERATOR:</b> Kelli Masters	<b>Recent Developments</b>  <b>MODERATOR:</b> Travis Pickens
9-9:50	<b>Commingling and Transmutation: Property Division Issues in Divorce</b>  Megan Beck	<b>What Am I Supposed to DO With This Kid? The Oklahoma Youthful and Juvenile Delinquency Systems</b>  Shena Burgess Adam Barnett	<b>Thunder in the Court: Exploring the Legal Issues Behind Oklahoma City's Rise to a "Big League City"</b>  Senator David Holt	<b>Criminal Law Update</b>  Barry Derryberry  Andrea Miller
10-10:50	<b>Tips for the Family Law Practitioner</b>  Donelle Ratheal	<b>Tips for Representing Persons Charged in Sex Offense Cases</b>  Cindy Viol	<b>OU and Georgia vs. NCAA: We Let the Tiger Loose!</b>  Andrew M. Coats	<b>Family Law Update</b>  Professor Robert G. Spector
11-11:50	<b>The Use of Collaborative Law by Family Law Practitioners</b>  David Tracy	<b>Drug Cases Are Different: Turning Tricks in the Trade of the Drug War</b>  Chad Moody	<b>The World of Sports Agency</b>  Kelli Masters	<b>Employment Law Update</b>  Professor David Strecker
			<b>Nuts and Bolts</b>  <b>MODERATORS:</b> Jennifer Kirkpatrick Byron Will	
2-2:50	<b>Joint Session</b>  <b>Andrew Vachss on Family Law and Criminal Law</b> Andrew Vachss		<b>Nuts and Bolts of Probate</b>  Donna Jackson	<b>Insurance Law Update</b>  Rex Travis
3-3:50	<b>Joint Session</b>  <b>Follow up session re: Andrew Vachss presentation</b>		<b>Medicaid Eligibility for Long Term Care</b>  Travis Smith	<b>Estate Planning and Probate Update</b>  Stephanie Chapman
4-4:50	<b>Joint Session Civility Matters (Ethics)</b>  Bill Grimm		<b>Employment Law</b>  Nathaniel Haskins	<b>Health Law Update</b>  Karen Rieger

## Plenary Session

*Go For the Gold: How We Select Our Judges*

**Thursday, Nov. 15**

**Sheraton Hotel, Oklahoma City**  
**3 MCLE Hours**

**8:30 a.m.** Registration

**9:00 Justice Commission Recommendations**  
**W.A. Drew Edmondson**, Former Oklahoma Attorney General; Gable Gotwals, Oklahoma City

**9:15 A Historical Look at Court Reform of the 1960s**

**Bob Burke**, Attorney, Author, Historian, Oklahoma City



**9:50 Break**

**10 Panel Discussion with the Judicial Nominating Commission and the Oklahoma Council on Judicial Complaints**

**Moderator: Deborah Reheard**, 2011 OBA President, Eufaula

**Terry West**, General Counsel, Oklahoma Council on Judicial Complaints

**Members of the Judicial Nominating Commission**

**10:50 Break**

**11 With Justice for All**

**Morris Dees**, Civil Rights Attorney, Southern Poverty Law Center, Montgomery Alabama

**11:50 Adjourn**

This course has been approved by the Oklahoma Bar Association Mandatory Continuing Legal Education Commission for 3 hours of mandatory CLE credit, including 0 hours of ethics.

To Register: use the Annual Meeting registration form in print or online at [www.amokbar.org](http://www.amokbar.org). Annual Meeting registration is required.



## OBA Tech

*OBA/CLE and the OBA Law Office Management and Technology Section*

### Friday, Nov. 16

**Sheraton Hotel, Oklahoma City**

#### **6 MCLE Hours**

**Program Planner/Moderator: Jim Calloway**

OBA Management Assistance Program Director,  
Oklahoma City

#### **8:30 a.m.**

**Registration**

#### **9 a.m.**

**60 Hot Tech Tips in 60 Minutes**

**Paul Unger & Jim Calloway**

Mr. Unger is a trial presentation and litigation  
technology consultant.

#### **10 a.m.**

**Break**

#### **10:10 a.m.**

**PDF for Lawyers - Paul Unger &  
Jim Calloway**

#### **11 a.m.**

**Technology Trends**

**Impacting Your Practice –  
Paul Unger & Jim Calloway**

#### **11:50 a.m.**

**Lunch** (included in registration with free  
Fastcase training)

#### **12:50 p.m.**

**Time Management: Is it 5 p.m. already?**  
**Paul Unger**

#### **1:40 p.m.**

**Break**

#### **1:50 p.m.**

**The High Tech Trial with Paul Unger and  
Jim Calloway**

#### **2:20 p.m.**

**The Mobile Lawyer: From Phones to  
Tablets with Paul Unger, Jeffrey Taylor  
& Jim Calloway**

Mr. Taylor is an OBA member and technology  
blogger.

#### **3:20**

**OBA Tech Dismissed**



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

Registrants may attend OBA Tech Luncheon and Fastcase training without attending tech fair. Registration for this event is \$25, and does not qualify for MCLE hours.

# OBA Annual Meeting Registration

*Please complete a separate form for each registrant.*

Name \_\_\_\_\_ Phone \_\_\_\_\_

Badge Name (if different from roster) \_\_\_\_\_

Bar no. \_\_\_\_\_ Email \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name of Non-Attorney Guest \_\_\_\_\_

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

## *Check all that apply:*

- ☐ Judiciary ☐ OBF Past President ☐ OBA Past President ☐ YLD Officer  
☐ YLD Board Member ☐ YLD Past President ☐ Board Bar Examiner ☐ OBF Fellow  
☐ 2012 OBA Award Winner ☐ Heroes Program volunteer ☐ Delegate ☐ Alternate  
☐ County Bar President: County \_\_\_\_\_

☐ **YES! Register me for the 2012 Annual Meeting, Nov. 14-16, in OKC.**

Events will be held at the Sheraton Hotel. Registration fee includes Wednesday continental breakfast in hospitality area, President's Tailgate Party, "At the Hop" reception featuring Dave and the Wavetones and a 50s-style sock hop dance, book signing by Frank Deford, convention gifts and Vendors Expo.

### ☐ MEMBER:

☐ \$60 through Oct. 22; ☐ \$85 after Oct. 22 .....\$ \_\_\_\_\_

### ☐ NEW MEMBER (Admitted after Jan. 1, 2012):

☐ Free through Oct. 22; ☐ \$25 after Oct. 22 .....\$ \_\_\_\_\_

### ☐ LAW STUDENT DIVISION:

☐ \$35 through Oct. 22; ☐ \$45 after Oct. 22 .....\$ \_\_\_\_\_

## Register

BY MAIL  
with payment or credit card  
info to:  
OBA Annual Meeting  
P.O. Box 53036  
Oklahoma City, OK 73152

BY FAX  
with credit card information  
to: 405-416-7092

ONLINE  
[www.amokbar.org](http://www.amokbar.org)

**CANCELLATION POLICY**  
Full refunds will be given  
through Nov. 7, 2012. No  
refunds will be issued after  
that date.

## Hotel

Fees do not include hotel accommodations. For reservations call Sheraton Hotel at 405-235-2780. Call by Oct. 22 and mention "Oklahoma Bar Association 2012" for a special room rate of \$98 per night. To make reservations online, visit [www.starwoodmeeting.com/Book/okbarassociation](http://www.starwoodmeeting.com/Book/okbarassociation). For hospitality suites, contact Craig Combs at 405-416-7040 or email [craigc@okbar.org](mailto:craigc@okbar.org).

Continued on reverse

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

- ☐ Wednesday President's Tailgate Reception
- ☐ Thursday 'At the Hop' reception



*I will be attending the following ticketed events in addition to my registration fee:*

- ☐ Wednesday: CLE Multitrack only, 6 MCLE hours
  - ☐ \$125 through Oct. 22    ☐ \$150 after Oct. 22;
  - ☐ \$25 for new members through Oct. 22    ☐ \$50 for new members after Oct. 22 .....\$ \_\_\_\_\_
- ☐ Wednesday and Thursday: CLE Multitrack and Plenary, 9 MCLE hours
  - ☐ \$175 through Oct. 22    ☐ \$200 after Oct. 22;
  - ☐ \$50 for new members through Oct. 22    ☐ \$75 for new members after Oct. 22 .....\$ \_\_\_\_\_
- ☐ Thursday: CLE Plenary only, 3 MCLE hours
  - ☐ \$75 through Oct. 22;    ☐ \$100 after Oct. 22;
  - ☐ \$25 for new members through Oct. 22    ☐ \$50 for new members after Oct. 22 .....\$ \_\_\_\_\_
- ☐ Thursday: Annual Luncheon (\_\_\_\_\_ number of tickets @ \$35 each) ..... \$ \_\_\_\_\_
- ☐ Friday: President's Leadership Breakfast (\_\_\_\_\_ number of tickets @ \$25 each) ..... \$ \_\_\_\_\_

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

- ☐ Wednesday Law School Luncheon:
  - ☐ OCU    ☐ OU    ☐ TU (\_\_\_\_ number of tickets @ \$35 each) ..... \$ \_\_\_\_\_
- ☐ Friday: OBA CLE: OBA Tech, 6 MCLE hours (including OBA Tech Luncheon with Fastcase training)
  - ☐ \$75 through Oct. 22;    ☐ \$100 after Oct. 22;
  - ☐ \$60 for Law Office Mgmt. and Tech. Section members through Oct. 22;    ☐ \$85 after Oct. 22;
  - ☐ \$25 for new members through Oct. 22;    ☐ \$50 for new members after Oct. 22.....\$ \_\_\_\_\_
- ☐ Friday: OBA Tech Luncheon (with Fastcase Training) ONLY, 0 MCLE hours; \$25.....\$ \_\_\_\_\_

TOTAL COST (including front and back page of Registration Form) .....\$ \_\_\_\_\_

### Payment Options

- ☐ Check enclosed: Payable to Oklahoma Bar Association
- Credit Card: ☐ VISA    ☐ MasterCard    ☐ Discover    ☐ American Express
- Card # \_\_\_\_\_ Exp. \_\_\_\_\_
- Authorized Signature \_\_\_\_\_

### Questions?

Contact Mark Schneidewent at  
405-416-7026, 800-522-8065 or  
marks@okbar.org.

# Oklahoma Bar Association 2013 Proposed Budget

Pursuant to Article VII, Section 1 of the Rules Creating and Controlling The Oklahoma Bar Association, James T. Stuart, President-Elect and Budget Committee Chairperson, has set a Public Hearing on the 2013 Oklahoma Bar Association budget for Thursday, Oct. 19, 2012, at 9 a.m. at the Oklahoma Bar Center, 1901 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

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

Form, addressed to the executive director of the OBA, P. O. Box 53036, Oklahoma City, OK 73152, and postmarked not later than sixty (60) days after the approval of the Annual Budget by the Oklahoma Supreme Court or January 31st of each year, whichever shall first occur. Objection procedure and form are available at [www.okbar.org/members/budget.htm](http://www.okbar.org/members/budget.htm).

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

*The proposed budget begins on the next page.*

# OKLAHOMA BAR ASSOCIATION 2013 PROPOSED BUDGET

REVENUES	2013 PROPOSED BUDGET		2012 BUDGET	
ADMINISTRATIVE:				
Dues and Penalties	\$ 4,140,450		\$ 4,080,625	
Investment Income	22,000		35,000	
Annual Meeting	70,000		70,000	
Commissions and Royalties	42,000		38,000	
Mailing Lists and Labels	11,000		12,000	
Council on Judicial Complaints - Rent and Services	10,000		10,000	
Board of Bar Examiners - Rent and Services	15,000		15,000	
Legal Intern Fees	7,000		7,000	
Other	<u>21,000</u>	\$ 4,338,450	<u>17,000</u>	\$ 4,284,625
OKLAHOMA BAR JOURNAL AND COMMUNICATIONS:				
Oklahoma Bar Journal:				
Advertising Sales	135,000		135,000	
Subscription Sales	17,000		16,000	
Other Miscellaneous	<u>100</u>	152,100	<u>500</u>	151,500
LAW RELATED EDUCATION:				
Grants	<u>51,000</u>	51,000	<u>45,500</u>	45,500
CONTINUING LEGAL EDUCATION:				
Seminars and Materials	<u>1,053,500</u>	1,053,500	<u>1,120,000</u>	1,120,000
GENERAL COUNSEL:				
Disciplinary Reinstatements	12,000		12,000	
Out of State Attorney Registration	<u>316,500</u>	328,500	<u>286,500</u>	298,500
MANDATORY CONTINUING LEGAL EDUCATION:				
Filing Penalties	91,500		98,000	
Provider fees	<u>72,000</u>	163,500	<u>77,000</u>	175,000
PRACTICE ASSISTANCE				
Consulting Fees and Material Sales	2,000		2,650	
Diversion Program	<u>15,000</u>	17,000	<u>6,500</u>	9,150
COMMITTEES AND SPECIAL PROJECTS:				
Mock Trial Program Fees	49,000		49,000	
Lawyers Helping Lawyers	22,500		26,000	
Insurance Committee	50,000		53,000	
Women-in -Law Conference	30,000		50,000	
Solo-Small Firm Conference	50,000		50,000	
2013 Southern Conference of Bar Presidents	35,000		-	
Young Lawyers Division	3,000		-	
Law Student Division	<u>-</u>	239,500	<u>-</u>	228,000
TRANSFERS FROM RESERVE FUNDS:				
2013 Southern Conference of Bar Presidents	30,000		-	
Lawyers Helping Lawyers Fund	53,000		-	
Bar Center Renovation Fund	20,000		440,000	
Technology Reserve Fund	<u>18,000</u>	121,000	<u>-</u>	440,000
TOTAL REVENUES		<u>\$ 6,464,550</u>		<u>\$ 6,752,275</u>

# OKLAHOMA BAR ASSOCIATION 2013 PROPOSED BUDGET

EXPENDITURES	2013 PROPOSED BUDGET		2012 BUDGET	
ADMINISTRATIVE:				
Salaries and Benefits	\$ 916,547		\$ 944,551	
Annual Meeting	150,000		150,000	
Board of Governors and Officers	146,000		146,000	
Conferences and Organizational Development	14,000		18,000	
Legislative Monitoring	8,500		8,500	
General and Administrative:				
Utilities	104,000		104,000	
Insurance	56,000		56,500	
Data Processing	66,960		73,560	
Building and Equipment Maintenance	75,000		74,000	
Postage	40,000		46,000	
Copier	46,000		48,000	
Supplies	24,000		24,000	
Grounds Maintenance	8,500		8,500	
Audit	16,500		16,500	
Miscellaneous	77,000		66,200	
Overhead Allocated to Departments	(474,594)	\$ 1,274,413	(468,602)	\$ 1,315,709
COMMUNICATIONS				
Salaries and Benefits	256,011		257,193	
Oklahoma Bar Journal:				
Weekly Issue Printing	285,000		280,500	
Special Issue Printing	165,000		163,200	
Other	4,000		4,000	
Public Information Projects	0		4,000	
Newsclip Service	1,700		1,700	
Pamphlets	10,000		10,000	
Photography	350		350	
Supplies	1,000		1,000	
Miscellaneous	10,150		10,750	
Allocated Overhead	83,391	816,602	85,863	818,556
LAW RELATED EDUCATION:				
Salaries and Benefits	124,774		120,497	
Other Grant Projects	51,000		51,500	
Training, Development and Travel	35,000		31,000	
Newsletter	11,500		10,500	
Miscellaneous	10,700		10,400	
Allocated Overhead	49,435	282,409	45,585	269,482
CONTINUING LEGAL EDUCATION:				
Salaries and Benefits	393,494		413,068	
Meeting Rooms and Food Service	150,000		150,000	
Seminar Materials	65,000		80,000	
Co-sponsorship fees	20,000		25,000	
Brochures and Bulk Mail	90,000		90,000	
Speakers	100,000		100,000	
Audio/Visual	12,000		12,000	
Department Travel	8,000		8,000	
Supplies	5,000		3,500	
Miscellaneous	31,000		31,000	
Allocated Overhead	125,513	1,010,007	133,988	1,046,556

# OKLAHOMA BAR ASSOCIATION 2013 PROPOSED BUDGET

EXPENDITURES	2013 PROPOSED BUDGET		2012 BUDGET	
<b>GENERAL COUNSEL:</b>				
Salaries and Benefits	\$ 1,148,826		\$ 1,104,840	
Investigation and Prosecution	55,500		50,500	
PRC Travel and Meetings	15,000		12,000	
PRT Travel and Meetings	8,000		7,500	
Department Travel	7,250		7,250	
Library	7,000		5,000	
Supplies	9,500		8,000	
Miscellaneous	7,400		7,400	
Allocated Overhead	<u>118,184</u>	\$ 1,376,660	<u>112,300</u>	\$ 1,314,790
<b>MANDATORY CONTINUING LEGAL EDUCATION:</b>				
Salaries and Benefits	203,983		203,071	
Printing & Compliance Reporting	2,500		3,000	
Supplies	700		1,000	
Commission Travel	850		1,500	
Miscellaneous	5,100		5,050	
Allocated Overhead	<u>49,036</u>	262,169	<u>45,433</u>	259,054
<b>PRACTICE ASSISTANCE</b>				
Salaries and Benefits	278,471		269,036	
OBA-NET Expense	3,000		6,000	
Dues & Subscriptions	2,950		2,600	
Library	2,450		2,450	
Computer Software	1,850		1,700	
Supplies	1,400		1,200	
Diversion Programs	3,500		4,100	
Travel and Conferences	17,100		16,000	
Miscellaneous	3,750		3,750	
Allocated Overhead	<u>49,036</u>	363,507	<u>45,433</u>	352,269
<b>COMMITTEES AND SPECIAL PROJECTS:</b>				
Law Day	50,000		48,000	
Women-in -Law Conference	40,000		60,000	
Solo-Small Firm Conference	50,000		50,000	
Mock Trial Program	50,000		47,000	
FastCase Legal Research	86,500		85,000	
General Committees	42,000		51,750	
Lawyers Helping Lawyers Program	52,000		52,000	
Membership Survey	-		17,500	
Military Task Force	28,000		22,000	
Judicial Funding/LRE Program	-		10,000	
ABA Commission Hearings	-		10,000	
President's Service Program	10,000		-	
2013 Southern Conference of Bar Presidents	50,000		5,000	
Law Student Division	2,000		2,000	
Young Lawyers Division	<u>88,000</u>	548,500	<u>85,000</u>	545,250
<b>OTHER EXPENDITURES</b>				
Client Security Fund Contribution	100,000		100,000	
Bar Center Renovations	20,000		440,000	
Southern Conference of Bar Presidents Fund Contribution	0		15,000	
Lawyers Helping Lawyers Foundation	53,000		-	
Computer Hardware and Software	<u>356,950</u>	529,950	<u>274,600</u>	829,600
<b>TOTAL EXPENDITURES</b>		<u>\$ 6,464,217</u>		<u>\$ 6,751,266</u>
<b>TOTAL REVENUES OVER (UNDER) EXPENDITURES</b>		<u>\$ 333</u>		<u>\$ 1,010</u>

# Statement of Ownership Management and Circulation

## (Required by 39 U.S.C. 3685)

1. Publication Title: The Oklahoma Bar Journal

2. Publication number: 277-340

3. Filing Date: Oct. 1, 2012

4. Issue Frequency: 3 issues monthly in January, February, March, April, May, August, September, October, November & December; bimonthly in June & July

5. Number of issues published annually: 34

6. Annual subscription price: \$55

7. Complete mailing address of known office of publication: P.O. Box 53036, Oklahoma City, Oklahoma County, OK 73152-3036; 1901 N. Lincoln Blvd., Oklahoma City, OK 73105

8. Complete mailing address of headquarters or general business office of publisher: P.O. Box 53036, Oklahoma City, Oklahoma County, OK 73152-3036; 1901 N. Lincoln Blvd., Oklahoma City, OK 73105

9. Full names and complete addresses of publisher, editor, and managing editor:

Publisher: Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036

Editor: Melissa DeLacerda, 301 S. Duck, Stillwater, OK 74076

Managing Editor: John Morris Williams, Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036

10. Owner (If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock.)

Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152-3036

11. Known bondholders, mortgages, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities: None

12. Tax Status: The purpose, function and nonprofit status of this organization and the exempt status for federal income tax purposes has not changed during preceding 12 months.

13. Publication Title: The Oklahoma Bar Journal

14. Issue Date for Circulation Data Below: September 29, 2012

15. Extent and nature of circulation

A. Total No. Copies (net press run) (average no. copies each issue during preceding 12 months): 13,982 (actual no. copies of single issue published nearest to filing date): 13,100

B. Paid and/or Requested Circulation

1. Paid/Requested Outside-County Mail Subscriptions (average no. copies each issue during preceding 12 months): 12,995 (actual no. copies of single issue published nearest to filing date): 11,626

2. Paid In-County Subscriptions (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0

3. Sales Through Dealers and Carriers, Street Vendors, Counter Sales and Other Non-USPS Paid Distribution (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0

4. Other Classes Mailed Through the USPS (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0



C. Total Paid and/or Requested Circulation (average no. copies each issue during preceding 12 months): 12,995 (actual no. copies of single issue published nearest to filing date): 11,626

D. Free or Nominal Rate Distribution by Mail

1. Outside-County (average no. copies each issue during preceding 12 months): 162 (actual no. copies of single issue published nearest to filing date): 162

2. In-County (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0

3. Other Classes Mailed Through the USPS (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0

4. Free Distribution Outside the Mail (average no. copies each issue during preceding 12 months): 0 (actual no. copies of single issue published nearest to filing date): 0

E. Total Free Distribution (average no. copies each issue during preceding 12

months): 162 (actual no. copies of single issue published nearest to filing date): 162

F. Total Distribution (average no. copies each issue during preceding 12 months): 13,117 (actual no. copies of single issue published nearest to filing date): 11,788

G. Copies Not Distributed (average no. copies each issue during preceding 12 months): 865 (actual no. copies of single issue published nearest to filing date): 1,312

H. Total (average no. copies each issue during preceding 12 months): 13,982 (actual no. copies of single issue published nearest to filing date): 13,100

I. Percent Paid and/or Requested Circulation (average no. copies each issue during preceding 12 months): 98.76 (actual no. copies of single issue published nearest to filing date): 98.62

I certify that the statements made by me above are correct and complete.

John Morris Williams  
Editor-in-Chief

*cont'd from page 2060*

Judges must be free to exercise judicial independence — the ability to decide a case based on the laws and the Constitution without fear of retaliation for making a decision. Fair and impartial courts work to check governmental abuses of power, promote equal justice and the rule of law, and protect individual rights. The judiciary must also be independent of the executive and legislative branches of government, special interest groups and political parties. This is what I try to explain when someone seeks my opinion about merit retention and the rule of law.

### KNOWLEDGE IS VITAL

Knowledge of the Oklahoma court system and merit retention is vital to preservation of Oklahoma's method of selecting and retaining judges. Oklahoma's merit selection system of appointing appellate judges — with candidates vetted by the Judicial Nominating Commission which then submits the names of three well qualified judicial candidates to the governor for appointment — is very important to judicial independence. Retired Justice Sandra O'Connor has noted that judicial independence is hard to create and establish and easier than most people imagine to damage or destroy.

Consistent with the goals set forth in the OBA mission statement "to improve the public's understanding of the law, of the legal system, and of the lawyer's role within the system" and "to promote activities and programs which service the public," the OBA has created a website named [www.CourtFacts.org](http://www.CourtFacts.org) that introduces the justices and judges on the retention ballot to the voter and explains judicial merit selection and retention. Complete biographies and photographs of the judiciary on the November ballot are provided.

The voter can also link to appellate court opinions to read a few opinions and determine each judge's quality and clarity of opinions, knowledge of the law and freedom from bias.

Undoubtedly, Oklahoma voters will be bombarded with information related to presidential candidates, judges and justices, and ballot questions. Some interest groups may use merit retention elections to promote their own agendas. Through the use of the website [www.CourtFacts.org](http://www.CourtFacts.org), the OBA seeks to provide non-partisan, accurate information to the voter. A link to the League of Women Voters website is also provided from the CourtFacts homepage.

**[www.CourtFacts.org](http://www.CourtFacts.org)**

I hope you will encourage everyone you know, and a few people you don't know, to review the information on [www.CourtFacts.org](http://www.CourtFacts.org) and understand judicial merit retention. An educated electorate will preserve a judicial system that it understands and will honor the rule of law set forth by fair and unbiased judges. An educated electorate will support and protect judicial independence. It is our duty as individual attorneys and as a profession to provide this type of law-related education to the public.

Please be a proponent of law-related education from now until Election Day. Please be a voice in your community. Tell everyone in your community, your friends and family about [www.CourtFacts.org](http://www.CourtFacts.org). Know the judge and understand judicial merit retention.

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### OBA Member Reinstatement

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

Darin Scott Rohrer  
OBA No. 17495  
217 N. Harvey, Suite 409  
Oklahoma City, OK 73102

# Technology Plan Moves Ahead

*By John Morris Williams*

Previously I mentioned that the OBA has been undergoing a technology audit and our Bar Association Technology Committee has been working hard with staff looking at new technology for our website, infrastructure and association management software. Unless you are a real techie, that might not mean much. It is actually a very large undertaking. The infrastructure piece is fairly complex given the demands for our system. Each department has its own unique functions and needs. One of the more complex tasks that we perform is mandatory continuing legal education credit monitoring. From the outside it might not seem so complicated, but believe me, to provide the online credit viewing and the processing of thousands of credits from hundreds of providers is no small feat.

The technology committee has worked with staff in picking a vendor for the association management software. The final action of approval on this decision was taken by the Board of Governors at its September meeting. This software will replace our self-programmed systems that were developed more than 13 years ago. The critical functionalities of the software were dictated by our audit and hours of staff work and input. No system is perfect

and designed exactly for us. Thus, we will have to allow for some configurations and modifications to be made to the software and an extreme amount of testing and ample staff training time. It is our hope to be ready to go “live” late next summer.

It is our hope and prayer that our launch will enhance member service and that OBA members like the new features. We have planned, will continue to plan and then plan some more for all contingencies. However, we are dealing with complex systems utilizing data brought over from our old system.

## **NO TURNING BACK**

I remember in swim class being told by the instructor when I was five years old to just go up there and jump off the high dive. The decision to go was easy and the climb up was not too difficult. It was when I started walking down toward the end of the board that the reality hit me that I was way up in the air, and it was a long way to the water. There reached a point of no turning back. It was a scary deal. There was that final, “Oh gee here I go,” the suspension — and finally the splash into the water. Then, there was the rush to the surface and the fast swim to the side of the pool. It turned out all right, obviously. I feel like



“ I have a lot of good swimmers around me, but I still fear that leap off into the deep end. ”

I am up the stairs and starting to walk toward the end of the board. Only this time it has taken over two years to get to this point. I have a lot of good swimmers around me, but I still fear that leap off into the deep end.

We will do everything possible to keep member services high and to avoid downtime on the systems. To do this much work without taking the system down from time to

time is unrealistic. We will try and provide you with a much notice as possible when we do scheduled maintenance or need to be down for the transition to the new system. I ask for your patience. Inevitably, when you do this much change — somewhere between the leap and the side of the pool — something may go wrong. We will have plenty of lifeguards on hand; and hopefully, you will never even know about it. We have scheduled the transition time to be geared towards the

members. It is always busy here. However, between Solo and Small Firm Conference and the beginning of fall CLE season and Annual Meeting registration we have the least amount of member traffic in the system.

Our Fastcase connection will be rerouted to try and have this resource remain constant and available. We will still be here and if during one of our down times you need something and have difficulty accessing it, simply do

like we did in the old days — use the phone and call us.

I appreciate all the volunteers and staff that have gotten us up the stairs and headed toward the end of the board. We will see you at the side of the pool!



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

## FREE CLE

### **An Introduction to Practice: The United States Bankruptcy Court, Chapter 7**

Hours of CLE: The course offers fifteen (15) hours of continuing legal education credit upon its completion, including two (2) hour of ethics.  
Thursday, November 1, 2012 and Friday, November 2, 2012 and Wednesday, December 19, 2012 and Thursday, December 20, 2012

### **An Introduction to Practice: The United States Tax Court**

Hours of CLE: The course offers six and one half (6 ½) hours of continuing legal education credit upon its completion, including one (1) hour of ethics.  
Wednesday, November 28, 2012

### **An Introduction to Practice: The United States Bankruptcy Court, Chapter 13**

Hours of CLE: The course offers six and one half (6 ½) hours of continuing legal education credit upon its completion, including one (1) hour of ethics.  
Monday, December 17, 2012

### **An Introduction to Practice: The United States Court of Federal Claims and United States District Court, Filing Claims and Suits for Refund of Overpayments**

Hours of CLE: The course offers six and one half (6 ½) hours of continuing legal education credit upon its completion, including one (1) hour of ethics.  
Friday, December 21, 2012

Location: The Oklahoma Bar Association  
1901 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
Phone: 405-416-7000

CLE Credit: These courses have been approved by the Oklahoma Bar Association Continuing Legal Education Commission for mandatory CLE credit.

Tuition: These CLE courses and their accompanying materials are free. Attendees are not required to make a contribution of volunteer time or money. This course is sponsored by the Low Income Taxpayer Clinic at Oklahoma Indian Legal Services, Inc.

Cancellation Policy: Cancellations will be accepted at anytime.

Enrollment: Call **1.800.658.1497** (toll free) or **405.943.6457** and request course enrollment.

# Starting a Law Practice

## Great Resources Abound, but Time Does Not

By Jim Calloway

(Author's Note: This article contains a lot of hyperlinks. Rather than manually typing the links into your browser, go to [www.okbar.org/s/tipslinks](http://www.okbar.org/s/tipslinks) to get a PDF file with clickable links.)

This "Opening a Law Practice" Issue of the *Oklahoma Bar Journal* is an important resource for me personally, as it provides a set of resources that I will be able to provide to new lawyers for years into the future. Although I have not yet read the other articles, I'm pleased to have more articles available on this important topic written with an Oklahoma point of view. In the two weeks leading up to this publication I will have taught the fall Opening Your Law Practice to Oklahoma lawyers twice, in Oklahoma City and in Tulsa. Brand new lawyers with the ink still drying on their licenses and more experienced lawyers were enrolled for these programs, underwritten by Oklahoma Attorneys Mutual Insurance Company.

As always, I made sure that they were aware of the OBA Management Assistance Program webpage [www.okbar.org/map](http://www.okbar.org/map) and, in particular, our starting a Law Practice Web Directory at [www.okbar.org/members/map](http://www.okbar.org/members/map), along with the MAP articles section ([www.okbar.org/members/map/](http://www.okbar.org/members/map/)

“...with the huge amount of information available within seconds on the Internet, we all still find that time is our most precious and finite resource.”



[articles/article\\_list.htm](#)) which is the archive of most of these Law Practice Tips columns. But there are a lot of places online for advice on setting up and running a law practice. Some are good and some are not so good.

Opening a law practice means connecting with people. The lawyer will have advisors as well as clients. Those opening a practice in a new city are well advised to get involved in local bar activities and meetings so they can meet other local lawyers. Many new lawyers become involved in the OBA Young Lawyers Division. Lawyers who are new to a particular location should not hesitate to go introduce themselves around the local courthouse before they have a pending matter. So I want to

stress that people connections should come before Internet connections.

Since there are a wide variety of online resources to help lawyers open a law practice and manage their practices, the intent of this article will be to point out some of the most valuable. I extend my apologies in advance to the writers and publishers of great content that I will inadvertently omit.

### HOW TO BUILD A LAW PRACTICE MANAGEMENT NEWSFEED

"A lawyer's time and advice are his stock in trade" is the often-repeated quote about law practice from Abraham Lincoln. Even with all of the common labor-saving devices that we now have and with the huge amount of information

available within seconds on the Internet, we all still find that time is our most precious and finite resource. So if you are going to benefit from the wealth of information flowing online, you really have to invest in 1) figuring out what information is valuable to you and 2) setting up a system where your desired information comes to you effortlessly, ideally on a mobile device, so you can make use of unexpected opportunities to read it.

There has been a lot of information written about RSS newsfeeds, but the concept often seems too technical for busy lawyers to embrace. Most are now familiar with the concept of “streaming news services” of different sources selected by the user. Two of the most popular “streaming news services” are Twitter and Facebook. These two services look very different when you log into a computer, but when accessed by a smart phone, they look remarkably the same.

Anyone who has looked at Facebook or Twitter with a mobile app can appreciate that you can scan/read a lot of items really quickly that way. So that is the best way to take advantage of the resources noted below that offer RSS feeds, in my opinion. Set up a way to pull them all together into one “feed” that you can check from your phone or other device when you have the time. Many use the magazine-style news readers like Zite, Flipboard or Pulse News. My current thinking is that the easiest way to do this is use Google Reader ([www.google.com/reader](http://www.google.com/reader)) and then couple that with a phone app that displays the feeds well on your mobile device of choice. Based on the advice of Tom Mighell

([www.ipad4lawyers.square.space.com](http://www.ipad4lawyers.square.space.com)), I direct you to Reeder ([www.reederapp.com](http://www.reederapp.com)) for the iPhone and Mr. Reader for the iPad ([www.curious.times.de/mrreader](http://www.curious.times.de/mrreader)). (See Glowing ZDnet review here: [www.tinyurl.com/bowur5t](http://www.tinyurl.com/bowur5t)) Based on the advice of Droid Lawyer Jeffrey Taylor ([www.thedroidlawyer.com](http://www.thedroidlawyer.com)), I’d recommend the Google Reader app ([www.google.com/g1UvC](http://www.google.com/g1UvC)) which is free from Google Play or gReader ([www.google.com/4yZDK](http://www.google.com/4yZDK)), which is an unofficial Google Reader client. Mr. Taylor also reminds us to organize the specific resources in Google Reader by folders (Feed settings > New folder) This will save time locating items as Google Reader will organize them by the topic (folder) selected.

#### ONLINE MAGAZINES AND E-ZINES

I’ll discuss podcasts more in a moment, but I have to note that Sharon Nelson and I recently recorded the 60th edition of our podcast, *The Digital Edge: Lawyers and Technology*. Five years of regular podcasting is quite a stretch. You can find the archives of the podcast here: [www.tinyurl.com/8q72ybe](http://www.tinyurl.com/8q72ybe).

I wanted to mention the podcast because it is hosted on the free webzine *Law Practice Today* and LPT leads my “must subscribe” list: [tinyurl.com/97ccrm](http://tinyurl.com/97ccrm). It has great free content from the ABA Law Practice Management Section. You can sign up to subscribe via email, which actually works a little better than the RSS feed for many, since subscribers receive the entire issue when it is published online at mid-month.

One of the features previously published on *Law Practice Today* is 50 Web Resources for

the Suddenly Solo Lawyer by Jim Calloway and Allison C. Shields at [www.tinyurl.com/8jej8gh](http://www.tinyurl.com/8jej8gh). This was originally published in 2009 and republished again this past spring. There are a number of articles there about coping with change and economic uncertainty as well as links to other resources. We hope you can take the time to visit the page. Ms. Shields blogs about law practice management at the Legal Ease Blog ([www.legalease.blogs.com](http://www.legalease.blogs.com)).

Of course I have to note other resources I publish. My blog Jim Calloway’s Law Practice Tips is online at <http://jimcalloway.typepad.com> and OBA MAP has launched a Law Practice Tips YouTube Channel at [www.tinyurl.com/967fcc8](http://www.tinyurl.com/967fcc8). You can subscribe to my blog and receive the posts either by email or RSS feeds.

The sister print publication to *Law Practice Today* is *Law Practice Magazine*, online at [www.americanbar.org/publications/law\\_practice\\_magazine/2012](http://www.americanbar.org/publications/law_practice_magazine/2012). Those who are not ABA members may pay a \$64 subscription and have the traditional slick-cover magazine delivered to your door.

This magazine now has a really nifty phone app, which I have mentioned here before. Available at iTunes: [www.tinyurl.com/8es4boc](http://www.tinyurl.com/8es4boc) or Google Play: [www.tinyurl.com/98pjscw](http://www.tinyurl.com/98pjscw). At \$19.95 per year or \$4.99 for a single issue, this is a real value.

The ABA General Practice, Solo and Small Firm Division maintains a Solo and Small Firm Resource Center at [www.americanbar.org/portals/solo\\_home](http://www.americanbar.org/portals/solo_home).

Also from the ABA, the Legal Technology Resource Center ([www.tinyurl.com/43qovec](http://www.tinyurl.com/43qovec))

brings us the recently relaunched blog, Law Technology Today at [www.lawtechnologytoday.org](http://www.lawtechnologytoday.org). All of the articles of *GPSolo Magazine* are also published online at [www.americanbar.org/publications/gp\\_solo](http://www.americanbar.org/publications/gp_solo). But you can read them a bit sooner in the print edition by joining the GPSolo division if you are an ABA member or by subscribing to the magazine for \$135 per year.

My fellow practice management advisors working at other state bars and Canadian law Societies are great sources of law practice management information. We aggregate all of their posts at the OKNEWS BAR feature, the PMA Alert, online at [www.okbar.org/php/lawPractice.php](http://www.okbar.org/php/lawPractice.php). These are my go-to team when I need advice, and they should be your go-to online team. To allow you to visit each blog and subscribe, I have included the individual blog names and addresses in the PDF file that will be available online so that readers can easily locate them and incorporate them into Google Reader.

I want to single out one of PMA's blogs because it is relatively new. Catherine Sanders Reach started a new PMA program at the beginning of the year with the Chicago Bar Association, and her CBA Law Practice Management & Technology blog is a "must subscribe." Our attendees at the 2012 OBA Solo and Small Firm Conference enjoyed Catherine's presentations and so I wanted to make special note of her blog at <http://lpmt.chicagobar.org>.

Probably the longest-running and best-known blog focused on solo and small firm practice is My Shingle [www.myshingle.com](http://www.myshingle.com) by Carolyn Elefant. Many peo-

ple follow her posts and she is known nationwide (make that worldwide) as an advocate for solo and small firm lawyers.

Carolyn Elefant has put together her own "Start a Law Firm Guide." You can find it at [www.myshingle.com/resources/startalawfirm](http://www.myshingle.com/resources/startalawfirm). Another resource that she has published is Soloformania ([www.myshingle.com/resources/soloformania](http://www.myshingle.com/resources/soloformania)) with links to many resources to many forms provided mainly by bar associations and courts, including several checklists for starting a new law office.

I tend to focus on law practice management and law office technology blogs. But there are great substantive law blogs as well. Each year the *ABA Journal* singles out 100 law blogs (aka blawgs) for its Blawg 100 ([www.abajournal.com/blawg100](http://www.abajournal.com/blawg100)). The journal also maintains a massive Blawg Directory at [www.abajournal.com/blawgs](http://www.abajournal.com/blawgs). These are great starting points to add new blogs to your Google Reader.

I feel like I have barely scratched the surface and yet you already have enough resources here for someone to spend an alarming number of billable hours reading advice about running your law practice. That is why I began this feature with the idea that the only realistic way to learn from these resources is to subscribe to them in Google Reader (or your RSS reader tool of choice) and then set up a phone app for your personalized news stream. The term "stream" is really a good analogy. As I have told several groups, it is good to think of these resources as a stream. Sometime when you need a drink or have time, you can kneel down at the stream and take a drink. When

you get busy, you do not worry about what flowed by in your absence. But if you do not set up the stream, you will just miss most all of this content.

But before we move on to podcasts, I want to note a few other interesting law practice blogs: "3 Geeks and a Law Blog" at [www.geeklawblog.com](http://www.geeklawblog.com) covers issues about the future of law and law librarians. One of the three geeks is Greg Lambert, who was with [www.oscn.net](http://www.oscn.net) during its early days. Robert Ambrogi's "Law Sites," [www.lawsitesblog.com](http://www.lawsitesblog.com), is where Mr. Ambrogi has been blogging for about 10 years now and he covers a lot more than just law websites. At "Law21," located at [www.law21.ca](http://www.law21.ca), Jordan Furlong writes deep thoughts on the future of law practice.

## PODCASTS

Most of the above resources are text-based. Podcasts, as readers know, are audio files. They are, in effect, Internet radio shows. You cannot listen to a podcast while waiting in court or the judge's chambers. But you also shouldn't be trying to read your newsfeeds on your phone while driving or jogging.

There are quite a few law-related podcasts. But there are a lot of podcasts on all sorts of interesting topics.

Many law-related podcasts are hosted by the Legal Talk Network at [www.legaltalknetwork.com](http://www.legaltalknetwork.com). Among my favorite podcasts there are the Kennedy-Mighell Report featuring Dennis Kennedy and Tom Mighell, the Legal Toolkit featuring Jared Correia and the Un-Billable Hour featuring Rodney Dowell. I just discovered a podcast called New

Solo, so I will have to check that one out.

There are a variety of smart-phone apps for organizing your podcasts in both the Android and iOS world. You can install products like Downcast or Instacast for iOS to allow you to easily manage this content on your Apple mobile devices. In the Droid world, there are mobile apps like DoggCatcher, BeyondPod and

Pocket Casts. Stitcher Radio has an app for both platforms.

Many iPhone users just subscribe to podcasts using iTunes and do not bother with other tools.

## CONCLUSION

If you are opening a new law practice, reading the articles in this issue of the *Oklahoma Bar Journal* and the resources listed above may seem to represent a greater investment of time than

you may think you have. Time is money, as the saying goes. But learning to do things the right way can ultimately save both time and money.

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



# New Additions Enhance Ethics Web Pages

By Travis Pickens

After three years in my office, I have learned there are certain ethics issues and questions that frequently arise. It makes sense to enhance our website with this needed information. More importantly, the information should be clear, easy to find and quick to read. For most of you, there is often not enough time to wade through a lengthy article or set of seminar materials to find the information you need at the time.

The *Ethics & Professionalism* pages on [www.okbar.org](http://www.okbar.org) are therefore being reformatted and reworked to provide more information in the form of FAQs or ethics checklist advisories. These new, concise FAQs and advisories will make it quicker and easier to get helpful answers to many ethics issues. They are being written for some of the most common ethics questions and issues, such as document retention, fee splitting, fee agreements and withdrawing from a case. New advisories will be added as warranted,

“These new, concise FAQs and advisories will make it quicker and easier to get helpful answers to many ethics issues.”

with the existing ones supplemented as the law evolves.

They will also have a suitable disclaimer making it clear that they are a product of my office and are intended as guidance only — not advice. Furthermore, it is important to note they are not intended to supplant a careful reading of the *Oklahoma Rules of Professional Conduct* or create any sort of legal presumption in a disciplinary case. But I promise they will be useful to you and your practice and will save you a great deal of time.

In addition to the advisories coming soon, new ethics

FAQs have already been written and posted. So far, the FAQs cover the relative roles and responsibilities of the Office of Ethics Counsel, General Counsel and the Legal Ethics Advisory Panel and the basics of trust accounting. In addition to refreshing you on these topics, these FAQs can be circulated to train your staff — an increasingly vital matter that I emphasize in almost every presentation I make.

My office looks forward to providing you this information. It is a big step toward making compliance with the *Oklahoma Rules of Professional Conduct* faster and easier. I welcome your feedback and suggestions for topics for these new FAQs and advisories by contacting me at [travis@okbar.org](mailto:travis@okbar.org).

*Mr. Pickens is OBA ethics counsel. Have an ethics question? It's a member benefit, and all inquiries are confidential. Contact him at [travis@okbar.org](mailto:travis@okbar.org) or 405-7055; 800-522-8065.*

# Meeting Summary

*The Oklahoma Bar Association Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Aug. 17, 2012.*

## REPORT OF THE PRESIDENT

President Christensen reported she attended the Payne County dinner and July Board of Governors meeting, Southern Conference of Bar Presidents conference at the ABA meeting in Chicago, ABA House of Delegates as an Oklahoma delegate, Oklahoma delegates caucus in Chicago, University of Tulsa law school luncheon with the incoming 1L class, dinner meeting with the Committee on Judicial Elections, meetings with OBA staff for Annual Meeting planning, OBA Diversity Committee meeting, July OBA YLD Directors meeting and OBA Audit Committee meeting. She participated in many discussions with other state bar presidents regarding issues presented at the ABA House of Delegates meeting in Chicago, met with the Judicial Nominating Commission to discuss the Annual Meeting plenary session, worked on the judicial retention website targeted to provide information to voters, met with President-Elect Stuart to coordinate transition and discuss Annual Meeting and budget issues and worked with Director Krug on fall CLE presentations.

## REPORT OF THE PRESIDENT-ELECT

President-Elect Stuart reported he attended the ABA Annual Meeting in Chicago, NCBP/SCBP meetings in Chicago, OBA Audit Committee meeting, OBA directors budget meeting and University of Tulsa luncheon in Tulsa. He also served as an Oklahoma delegate to the ABA House of Delegates.

## REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended a meeting with an architect to discuss plans for shelving in the President's Conference Room, staff technology governance meeting, NABE/ABA meeting in Chicago, meeting to review potential association software, Member Survey Task Force meeting, Audit Committee meeting, directors meeting and budget meeting, University of Tulsa lunch, dinner with the Judicial Elections Committee and Thursday night Board of Governors event.

## BOARD MEMBER REPORTS

**Governor DeMoss** reported she attended the OBA Diversity Committee meeting and University of Tulsa law school luncheon with the first-year class. She participated in Litigation Section budget, Annual Meeting and survey planning and participated by telephone in the OBA Audit Committee

meeting. **Governor Devoll** reported he attended the board meeting in Stillwater and worked on Garfield County Bar Association matters. **Governor Hays** reported she attended the Payne County dinner and July board meeting, Law Day Committee meeting, Women in Law Committee meeting, OBA Family Law Section executive planning meeting, Tulsa County Bar Association QAP subcommittee meeting at which she presented a report and the University of Tulsa law school luncheon with the incoming 1L class. She also chaired the TCBA Family Law Section meeting, prepared the OBA Family Law Section monthly budget report and prepared the section's proposed 2013 budget report. **Governor Meyers** reported he attended the OBA Audit Committee meeting by telephone. **Governor Pappas** reported she attended the July board meeting in Stillwater and Thursday evening reception for board members, which she helped plan. **Governor Parrott** reported she attended the reception hosted by the Payne County Bar Association, July board meeting and via telephone the Audit Committee meeting. **Governor Shields** reported she attended the ABA Annual Meeting in Chicago, IOLTA/NCBF meetings in Chicago and Women in Law Committee meeting. She also chaired the OBA Audit Committee

meeting. **Governor Smith** reported he attended the July board meeting and luncheon, TU College of Law 1L orientation and Muskogee County Bar Association meeting. **Governor Thomas** reported she attended the University of Tulsa 1-L student orientation luncheon in Tulsa and Washington County Bar Association monthly meeting.

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

Governor Kirkpatrick reported she attended the July OBA YLD Board of Directors meeting, ABA YLD Assembly in Chicago, Oklahoma delegates dinner in Chicago, ABA House of Delegates and LRE Committee meeting. She helped pass out bar exam survival kits to those taking the July bar exam in Oklahoma City and worked with Educational Programs Director Krug and YLD CLE Committee Co-Chairs Bryon Will and Conor Cleary to plan fall and Annual Meeting YLD CLE. Governor Kirkpatrick also reported that four YLD board members attended the ABA YLD meetings in Chicago. She handed out the YLD budget report, noting that it is not much different from the previous month, and also passed around a 2012-2013 year at a glance document that showed meetings and deadlines. She reported the division will reach out to Oklahoma communities to offer the American Voter program, a public service project of the ABA YLD designed to educate young people about the generations who struggled to guarantee the right to vote and to inspire all Americans to participate in the election process. She said their strategy is to reconnect with the teachers who partici-

pated in the young adult guide presentations about YLD members going back to the classes to show a video and to hand out voter registration cards to students eligible to vote. The program's main target is high school seniors but offers good information for younger students, too. There will be a small cost to print the cards. She said the Law-related Education Committee has offered its support. President Christensen said the LRE Department has added a link to the national website at American-voter.org to its Facebook page, and social studies teachers have been contacted.

## **COMMITTEE LIAISON REPORTS**

Governor Hays reported the Law Day theme for 2013 has been announced – Realizing the Dream: Equality for All. Governor Shields reported the Women in Law Committee will hold a reception Sept. 27 in Oklahoma City honoring Oklahoma's two women law school deans. Board members will be invited, and the committee is continuing to look for sponsors for its conference to be held Sept. 28. Vice President Stockwell reported the LHL Foundation is meeting monthly.

## **REPORT OF THE GENERAL COUNSEL**

Assistant General Counsel Farabow reported the Professional Responsibility Commission did not meet in July. A written status report of OBA disciplinary matters for July 2012 was submitted for the board's review.

## **MEMBERSHIP SURVEY TASK FORCE**

Task Force Chair Brian Hermanson reported the task force met to plan conducting a member survey that has been done every 10 years for the past 30 years. The task force recommends the ABA be hired to help develop and to conduct the survey electronically, which will save money, and to send the survey to a random sample of the membership. The cost would be \$3,000 plus \$500 for each additional filter. The electronic survey will allow the respondent to stop and come back to finish the survey, plus it will allow lawyers to complete the survey using a mobile device. Offering an incentive gift like an iPad as the prize in a drawing for those completing the survey was suggested. He said the low cost might allow the OBA to survey members more often. The Montana bar association has utilized the ABA for a survey of its members, and Executive Director Williams said the Montana executive director was satisfied with the results. The board approved conducting the survey. The board approved hiring the ABA and allowing up to five filters to be used. The task force was encouraged to ask sections for suggestions of survey questions.

## **LEGAL INTERN COMMITTEE REPORT**

Committee Chair Candace Blalock reported via telephone that the committee adopted a new interpretation of Rule 2.2 for a Law Graduate Applicant. She said if a licensed legal intern misses the application deadline to sit for the first available bar examination after graduation and has been

denied an exception by the Board of Bar Examiners, the intern may petition for reinstatement by showing good cause and filing an appropriate law graduate application with the OBA executive director. The petition will be heard by the Licensed Legal Intern Supreme Court Reviewing Panel, and its decision will be final. The board approved the interpretation, and the committee was thanked for its work.

#### **AUDIT COMMITTEE**

As Audit Committee Chair, Governor Shields reported the committee met. She introduced CPA Stacey Vascellaro with Smith, Carney & Co. who called the board's attention to the internal control letter in which it was pointed out that although the OBA requires receipts for charges made on company-issued credit cards, several receipts were not turned in for documentation. The letter states that even though the nature of the charges was not an obvious abuse or fraudulent charge, it opens the association up for misuse and fraudulent charges in the future. She reviewed information in the opinion letter and reviewed differences between 2010 and 2011. No issues were reported in the management letter. Governor

Shields reported the committee met with Ms. Vascellaro in executive session, and the committee recommends the audit report be approved. The board voted to approve and to accept the audit report.

#### **ESTATE PLANNING, PROBATE AND TRUST SECTION PROPOSED BYLAWS CHANGES**

Section Treasurer Donna Jackson reported the section has cleaned up its bylaws and has added a Legislative Committee, CLE Committee and a Practice Manual/Web Access Committee. She explained the purpose of each committee. Questions were asked. The board approved amendments to the section bylaws, and the section was praised for its action.

#### **PROPOSED POLICY AMENDMENT EXEMPTING CLIENTS' SECURITY FUND**

President Christensen reported an amendment to the policy requiring committees to submit meeting minutes to the executive director and the president was needed to exempt the Clients' Security Fund because its deliberations are confidential. The board approved a policy exemption for the CSF.

#### **SUNSET OF HOUSE COUNSEL SECTION**

President Christensen shared details of her conversation with House Counsel Section Chair Brent Mills, who could not generate interest from members to organize any section activity. He recommends the section be discontinued and any remaining section funds be distributed for other worthwhile purposes. The board approved sunsetting the House Counsel Section.

#### **LAW DAY COMMITTEE LEADERSHIP**

Committee Chair Tina Izadi has requested to step down as chairperson because of responsibilities with her new job, and President Christensen reported she has appointed Richard Vreeland, Norman, as chair and Jennifer Prilliman, Oklahoma City, as vice chair.

#### **NEXT MEETING**

The Board of Governors met at the Boiling Springs Institute at Boiling Springs State Park in Woodward on Tuesday, Sept. 18, 2012. A summary of those actions will be published after the minutes are approved. The next meeting of the board will be held Oct. 26, 2012, at the Kerr Conference Center in Poteau.

# 2012 OBF Grant Award Announcement

By Shon T. Erwin

It is my privilege to announce the 2012 Oklahoma Bar Foundation grant awards totaled \$356,000; however, the grants are down this year as a direct result of the continued instability of the economy — particularly the ongoing low-interest-rate environment. Banks have dramatically reduced the rates they pay on Interest on Lawyers Trust Accounts (IOLTA). In some instances, these rates have been reduced from last year's by nearly 50 percent; and grant amounts are down by more than 30 percent for much-needed law-related services in Oklahoma.

OBF funding has steadily declined since 2009 along with the economy, and nationally, IOLTA income has declined by 88 percent. This dire short-term interest situation is not likely to improve for at least three or four years. The decline in IOLTA income means that many low-income Oklahoma citizens will be denied access to legal services, and thus denied equal access to justice.

What does the dramatic decline in IOLTA income mean for you? Oklahoma lawyers will be expected to take on more pro bono roles,

because more Oklahomans will be seeking help. The need is great, but greater is the capacity for Oklahoma lawyers to give their time and money to help the most vulnerable among us. Please share in the celebration of the 2012 OBF grant awards and the knowledge that more must be done by the legal community in the future.

## 2012 OKLAHOMA BAR FOUNDATION GRANT AWARDS

### Center for Children & Families

*Support funding for the Divorce Visitation Arbitration Program, providing parent education; court letters; court-ordered, supervised visitation and exchange services for children in Cleveland County with moderate expansion for Oklahoma County children.*

**\$ 10,000**

### Community Crisis Center Inc.

*Funding to maintain part-time court advocate for victims of violence in Ottawa County.*

**\$ 4,000**

### Domestic Violence Intervention Services Inc.

*Civil legal services attorney staff funding for victims of violence in Tulsa and Creek Counties.*

**\$ 11,000**

### Family & Children's Services Inc., Tulsa County Family Court Program

*Funding for Family Court case coordinator in Tulsa County.*

**\$ 4,000**

### Family Shelter of Southern Oklahoma

*Funding to maintain part-time court advocate for victims of violence in Love County.*

**\$ 2,200**

### Legal Aid Services of Oklahoma Inc.

*Statewide support funding to provide free, critical, civil legal service for low-income and elderly Oklahomans.*

**\$160,000**

### Marie Detty Youth & Family Services Center

*Funding for a part-time domestic violence/sexual assault victims' Court Advocate in Comanche County.*

**\$ 12,000**

### OBA-YLD High School Mock Trial Program

*Overall presentation of the statewide Oklahoma High School Mock Trial Program.*

**\$ 45,000**

Oklahoma CASA Association Inc.

*Centralized statewide CASA Training Conference to provide annual mandatory training for directors, staff and CASA volunteers to continue as CASA workers.*  
**\$ 1,500**

Oklahoma Indian Legal Services Inc.

*Funding for statewide low-income taxpayer legal service clinics for low-income Oklahomans, matching funds.*  
**\$ 15,000**

Oklahoma Lawyers for Children Inc.

*Funding for staff coordination of attorney bono legal services for deprived children in Juvenile Court and representation at emergency show cause hearings in Oklahoma County.*  
**\$ 36,000**

Tulsa Lawyers For Children Inc.

*Funding for staff coordination of attorney bono legal services for deprived children in Juvenile Court and representation at emergency show cause hearings in Tulsa County.*  
**\$ 22,000**

Senior Law Resource Center Inc.

*Law-student intern project for elderly citizens; providing free legal services and educational outreach programs to promote informed, thoughtful, diminished capacity, incapacity planning; and for the prevention of elder financial exploitation in Oklahoma and surrounding counties; includes website and e-news outreach.*  
**\$ 10,000**

Teen Court Inc. of Comanche County

*Funding for program maintenance for presentation of Teen Court serving first time juvenile offenders and their peers in Comanche County.*  
**\$ 10,000**

TU Boesche Legal Clinic, Immigrants Rights Project

*Clinical legal education program to provide civil legal services to vulnerable non-citizen residents of Oklahoma while providing law students with educational and professional development opportunities; includes representation in Immigration Court.*  
**\$ 4,000**

Catholic Charities, Immigration Assistance Program

*Program to provide civil legal services to low-income non-citizen residents of Oklahoma while providing law students with educational and professional development opportunities serving the western two-thirds of Oklahoma.*  
**\$ 4,000**

William W. Barnes Children's Advocacy Center, Child Abuse Prevention

*Specialized abuse prevention training to recognize, respond and report child abuse for educational, law enforcement and child welfare personnel in an ongoing effort to reduce trauma to child abuse victims in Rogers, Mayes and Craig counties.*  
**\$ 3,500**

YMCA of Oklahoma Youth & Government Program

*Full funding for presentation of the Statewide Youth Model Legislative Day for seventh- and eighth-grade students.*  
**\$ 1,800**

**Total 2012 OBF Grant Awards:**  
**\$ 356,000**

*Judge Erwin is Oklahoma Bar Foundation president and can be reached at Judge\_Shon\_T\_Erwin@okwd.uscourts.gov.*

# Exploring the Justice Gap

By Sarah C. Stewart

Poverty rates in Oklahoma have soared over the last few years. Oklahoma now ranks above the national average for poverty with 16.9 percent of the population living below the national poverty line.<sup>1</sup> That means over 615,000 Oklahomans earn less than \$23,050 annually to support their four-person families.<sup>2</sup> Understandably, many of these individuals cannot afford private legal services, so they inundate Legal Aid Services of Oklahoma with calls and requests for legal services and advice. Nonprofit legal service providers, such as the Senior Law Resource Center and Trinity Legal Clinic of Oklahoma, offer alternatives to low-income Oklahomans, but the demand simply outweighs the supply. Government budget cuts to legal services and decreases in funding from foundations and individuals limit service providers' available resources to meet the needs of low-income Oklahomans even more.

For every client served by Legal Aid, at least one person will be turned down due to limited resources.<sup>3</sup> This number does not include individuals who receive services below the level they need, are faced with additional legal problems for which they did not receive services, who sought unsuccessfully to reach Legal Aid, or who did not contact Legal Aid at all.<sup>4</sup> With only one Legal Services Corp. attorney



“...many of these individuals cannot afford private legal services...”

available for every 6,415 low-income people nationally, serving all low-income people who require legal services proves difficult.<sup>5</sup>

Due to the limited legal resources available to low-income individuals, many are forced to represent themselves as *pro se* litigants in court. The influx of *pro se* litigants strains the court system; as they have problems navigating the legal system. They require extra attention from court staff and judges, and often do not adequately represent themselves.

The resulting inefficiencies and delays increase court costs for everyone.<sup>6</sup>

Other states face the same dilemma; and many have implemented creative and innovative techniques to tackle the problem. Solutions used in other states include increasing *pro bono* services to low-income individuals; establishing clinics for law students run by practicing attorneys; allowing private attorneys to provide limited representation, such as representing the client in only one portion of the case or helping the client prepare legal documents; increasing aid to *pro se* litigants through public forms offered through nonprofit and court websites; and providing public education, such as instructional videos for *pro se* dockets and/or *pro se* clinics.

To meet the growing needs of low-income individuals and bridge the justice gap, Oklahoma attorneys must continue to explore these options.

*Ms. Stewart is an OBA Access to Justice Committee member and executive director of the Senior Law Resource Center, a nonprofit organization in Oklahoma City.*

1. U.S. Census Bureau, 2009 and 2010 American Community Surveys.

2. U.S. Department of Health and Human Services Poverty Guidelines 2012.

3. Legal Services Corporation, *Documenting the Justice Gap*, September 2009, p.9.

4. *Id.* at pp. 9-10.

5. *Id.* at p. 27.

6. *Id.* at pp. 24-25.

# Success in Solo and Small Firm Settings

By Jennifer Heald Kirkpatrick

Many who enter law school have “Big Law” dreams: to graduate and land jobs at big law firms in major metropolitan areas. However, statistics show that a majority of law school graduates will be forced to take different paths. For example, statistics gathered by the American Bar Association show that only 55 percent of the class of 2011 were employed full time as lawyers nine months after graduation. Because the number of “Big Law” jobs has decreased in recent years, schools outside major metropolitan areas are urging students to consider a Main Street solo law practice.<sup>1</sup>

Regardless of whether you had dreams of becoming a big firm lawyer or always knew you’d hang your shingle in small town Oklahoma, opening your own firm can be daunting. However, sometimes knowing that others have forged a trail before you and achieved success is comforting and inspiring. I am fortunate to know three such young lawyers: Bryon J. Will, LeAnne McGill and Faye Rodgers.

Bryon J. Will, a 2008 graduate of the Oklahoma City University School of Law, was one of many in his graduating class who did not have a job waiting for him. Rather than waiting for a spot to open up at a firm,

he decided to open his own practice in Oklahoma City. Bryon now has a busy and thriving practice in estate planning, probate, real estate and bankruptcy.

Bryon said, “Being a young lawyer and a solo-practitioner does have its challenges. I didn’t have the opportunity to make a name for myself by learning from senior attorneys at law firms after graduating law school. I had to both earn a reputation and learn how to practice law at the same time. However, after hanging my shingle right out of law school and after four years of practice, I believe I have been able to overcome most obstacles that most young lawyers have to face when beginning to practice anywhere. I have tried to surround myself with multiple attorneys, young and veteran, to be able to learn those same skills that any new lawyer working in a firm would learn as well. I would be lying if I were to say it is not overwhelming, because it is. But by working hard for my clients and networking with the right people, I have not only been able to make a living, but I have been able to build a law practice at the same time.”

Other law school graduates decide to open their own practices after working as associ-

ates in law firms. For example, LeAnne McGill and Faye Rodgers, both 2006 graduates of the Oklahoma City University School of Law, started their own firm together in Edmond in 2009. When asked to comment on opening her own firm, LeAnne said, “Having the courage to go out on your own and open a firm is intimidating. Law school does not prepare you for the realities of practicing law, let alone for running your own firm. And working for someone for a few years is very different from running *your own* firm. In the beginning, there is a new challenge to overcome every day or a new problem to solve; and a lot of times, it has nothing to do with a case.”

Despite such challenges, the two-person family law firm of McGill & Rodgers is flourishing. According to LeAnne, “After a while, you start to get the hang of it, and everything begins to fit together. That feeling of accomplishment makes all the hard work and long hours worthwhile.”

Her law partner Faye Rodgers agreed. “Opening a law firm with my best friend was the scariest, yet best decision of my life,” she said. When asked specifically what advice she would give to young lawyers considering a solo or small



practice, Faye said there were three key ingredients that she and LeAnne relied on heavily in the beginning:

- Determination
- Realistic mentors
- Jay Foonberg's book, *How to Start and Build a Law Practice*.

Despite the differences driving these three young lawyers to open their own practices, there are commonalities in their success: hard work, willingness to learn and finding mentoring attorneys. Faye also stated that a guiding principle was the desire to be an attorney of which her family and friends would be proud.

At the end of the day, that's what we should each strive to be, regardless of whether we have our own practices or work in firm settings — attorneys who make our families, friends, clients and bar associations proud.

#### **ADDITIONAL RESOURCES:**

- OBA Management Assistance Program  
Jim Calloway, Director  
[jimc@okbar.org](mailto:jimc@okbar.org)
- American Bar Association's Solo and Small Firm Resource Center  
<http://ambar.org/soloandsmallfirms>

- SoloSez — ABA email list-serve for solos and small firm lawyers features approximately 3,000 solo and small firm e-mail subscribers discussing everything from tech tips and legal opinions to what to wear to court. [www.americanbar.org/groups/gpsolo/resources/solosez.html](http://www.americanbar.org/groups/gpsolo/resources/solosez.html)

1. J. Maureen Henderson, "Why Attending Law School Is the Worst Career Decision You'll Ever Make," *ForbesWoman*, June 26, 2012.

*Ms. Kirkpatrick practices in Oklahoma City and chairs the YLD. She can be reached at [jkirkpatrick@hallestill.com](mailto:jkirkpatrick@hallestill.com).*

## October

- 9 OBA Communications Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Dick Pryor 405-740-2944  
**OBA Legal Intern Committee Meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Candace Blalock 405-238-0143
- 10 OBA Member Services Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Roe Simmons 405-359-3600  
**OBA Survey Task Force;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact Brian Hermanson 580-762-0020
- 12 OBA Law-related Education Committee Meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Suzanne Heggy 405-556-9612  
**OBA Family Law Section;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact: Tamera Childers 918-581-8200
- 16 OBA Bench and Bar Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact David Swank 405-325-5254  
**OBA Civil Procedure and Evidence Code Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa; Contact James Milton 918-594-0523
- 17 OBA Clients Security Fund Committee meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma city and Tulsa County Bar Center, Tulsa; Contact Michael Salem 405-366-1234  
**OBA Women in Law Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Deirdre Dexter 918-584-1600
- 18 OBA Diversity Conference and Awards Luncheon;** 9 a.m.; Skirvin Hotel, Oklahoma City; Contact Kara I. Smith 405-923-8611  
**OBA Work/Life Balance Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Cheri Gray 405-229-5396  
**OBA Justice Commission meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Drew Edmondson 405-235-5563

- 19 Oklahoma Association of Black Lawyers meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Donna Watson 405-721-7776
- 22 OBA Alternative Dispute Resolution Section meeting;** 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael O'Neil 405-232-2020
- 23 OBA Licensed Legal Intern Swearing In ceremony;** 9:30 a.m.; Judicial Center, Oklahoma City; Contact Wanda Reece-Murray 405-416-7042  
**OBA Law Day Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Richard Vreeland 405-360-6631



- 24 Legal Aid Services of Oklahoma seminar;** 8:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Cindy Goble 405-488-6823
- 26 OBA Board of Governors meeting;** 9:30 a.m.; Kerr Conference Center, Poteau; Contact John Morris Williams 405-416-7000
- 27 OBA Young Lawyers Division meeting;** 10 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Jennifer Kirkpatrick 405-553-2854

## November

- 1 OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; Office of Tom Cummings, 701 NW 13th St., Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com  
**OBA Lawyers Helping Lawyers discussion group meeting;** 7 p.m.; The Street Law Firm, 400 S. Boston Ave, Ste. 1100 W., Tulsa; RSVP to Kim Reber kimreber@cabainc.com

## Fundraisers Honor Late Judge



Donnita  
Weinkauff Wynn

The Pittsburgh County Bar Association and the Tulsa Chapter of Lawyers Against Hunger are teaming up this fall to honor the late Pittsburg County Special District Judge Donnita Weinkauff Wynn, who died July 31. The organizations are accepting donations in her memory that will provide Thanksgiving dinner for needy Oklahomans. Tax-deductible donations may be sent to Lawyers Against Hunger, attn: Hugh Robert, 15 West Sixth St., Suite 2112, Tulsa, 74119. Checks should be noted "Wynn Memorial Food Distribution." In addition to this effort, 20 percent of the proceeds from this year's PAWS 5k-9 Walk will be donated to the McAlester Branch of the Community Food Bank of Eastern Oklahoma. The walk is set for 9 a.m. Nov. 3 at Robbers Cave State Park in Wilburton. The annual event benefits the area's local humane society, and pets are welcome to participate. Registration information is available [www.okbar.org/s/paws2012](http://www.okbar.org/s/paws2012). Contact Kathy LaFortune at 918-770-3962 for any additional information.

## Lawyer Volunteers Answer The Call

As another group of Oklahoma National Guard soldiers prepares to head to Afghanistan this month, several volunteers representing Oklahoma Lawyers for America's Heroes were on hand to assist them at a Yellow Ribbon pre-deployment event held Sept. 8 in Norman. The Norman event was the first of six Yellow Ribbons planned for this fall.

OBA Immediate Past President Deborah Reheard said, "Just as no one is left behind on the battlefield, no one — including these heroes — should be left behind in the justice system. The same rights and liberties that we as lawyers fight in the courtrooms and the boardrooms to protect were earned by the blood, sweat, tears — and too often the lives — of everyone who ever fought for this country. Those sacrifices should not be in vain."

Through the Heroes program, the OBA Military Assistance Committee offers the troops support before, during and after their deployment. Volunteers are still needed. The greatest demand is for family law attorneys; domestic cases account for 43 percent of issues servicemembers and veterans need help with. Estate planning and probate, employment related issues, consumer and credit issues and disability and benefits issues are among some of the other needs lawyers can meet for those who serve our country.

Since the program started in September 2010, nearly 500 volunteer lawyers have helped 1,373 heroes. This commitment adds up to \$1,940,000 in free legal services. Now, many volunteers are taking more than one case at time.

For more information or to sign up to volunteer, visit [www.okbar.org/heroes](http://www.okbar.org/heroes) or call 405-416-7000; 800-522-8065.



Lawyer volunteers staffing the Yellow Ribbon event were (from left) Stanley Evans, Oklahoma City; Douglas Merritt, Okemah; Peggy Stockwell, Norman; Patricia Rogers, Oklahoma City; Richard Stevens, Norman; and OBA Immediate Past President Deborah Reheard, Eufaula.

# Kudos

**Judge Michael DeBerry** has been appointed by the governor as district court judge for the 17th Judicial District, comprised of McCurtain, Choctaw and Pushmataha counties. He is replacing Judge Willard Driesel, who died last year. Prior to the appointment, Judge DeBerry served as associate district judge in McCurtain County. He has served in various other roles, including assistant district attorney and municipal judge for the city of Idabel. He earned a bachelor's degree in agricultural economics from OSU and is a 1969 graduate of the OU College of Law.

**Judge Bernard M. Jones** of Edmond was sworn in Oct. 1 to fill a vacant seat on the bench in Oklahoma County District Court. He was appointed by Gov. Fallin to replace former judge Tammy Bass-LeSure, who resigned. Judge Jones previously served as associate dean for admissions and external affairs at OCU School of Law. Prior to that, he was an associate at McAfee & Taft where he focused on labor and employment issues. He is a 2004 graduate of the University of Notre Dame Law School.

**Resolution Center** for Mediation and Arbitration LLC of Tulsa announces **Richard D. Marrs** has joined its panel of mediators and arbitrators. He has been an adjunct settlement judge for

the U.S. District Court for the Northern District of Oklahoma since 1987. His practice focuses on personal injury law, including media malpractice. He graduated from OU College of Law and has practice law in Tulsa since 1980.

**The OBA Family Law Section** held its annual Fall Retreat Sept. 14-15 in Enid. During the retreat, members of the FLS made plans for its upcoming CLE agenda, Annual Meeting and monthly business meetings. In addition, the section's slate of officers for 2013 was discussed, as well as progress and planning for upcoming section events. Attending were **Kimberly Hays, Tamera Childers, Jon Ford, Noel Tucker, Amy Wilson, Donelle Ratheal, Keith Jones, David Tracy, Shane Henry, Ron Little, James Bullard** and **Professor Robert Spector**. For more information about joining the Family Law Section, please contact Membership Chair **Bradley K. Cunningham** at 918-592-4443. For more information about becoming active on the FLS board, please contact Chair **Tamera Childers** at 918-581-8200.

**Jodi B. Levine**, U.S. administrative law judge for the Social Security Administration Office of Hearings and Appeals in Oklahoma City, has been elected to the ABA Board of Governors as the judicial member-at-large. She is the first Oklahoman to hold this position.

**Sharolyn Whiting-Ralston**, a labor and employment

attorney and trial lawyer with McAfee & Taft, has been named co-editor of the *Oklahoma Employment Law Letter*. The publication is a monthly review of new court decisions, regulations and laws affecting Oklahoma employers published by Business & Legal Resources.

# On The Move

**Crowe & Dunlevy** announces **Elizabeth Scott** has joined the firm as a director in the healthcare, administrative and regulatory litigation and trial practice groups in the Oklahoma City office. She previously served as an assistant attorney general in the Oklahoma Office of Attorney General, and since 1999 she has served as prosecutor for the Oklahoma State Board of Medical Licensure and Supervision. She received her law degree from OU College of Law in 1987. She has a bachelor's degree in accounting and economics from OSU.

**The Edge Law Firm** of Tulsa and the Hunsucker Legal Group of Oklahoma City announces **DeAnn Taylor** is of counsel to the firms. She was former deputy chief legal counsel of the Department of Public Safety. She will be providing exclusive counsel in all license matters and appeal matters for clients.

**V**incent J. Faggioli announces his retirement effective October 2012. He served in the U.S. Army as an infantry officer and a JAG officer for more than 29 years, retiring in 2001. After that, he served in Honolulu as a U.S. Army civilian attorney with the U.S. Army Corps of Engineers Pacific Ocean Division until 2007. Since 2007 he has been with the U.S. Army Materiel Command as command counsel in Huntsville, Ala. He received his J.D. in 1978 from the University of Utah College of Law. He later earned two LL.M. degrees from George Washington University. His areas of focus have been U.S. government procurement law and international law.

**C**rowe & Dunlevy announces the addition of seven new associates in the Oklahoma City office. **Zane Anderson** graduated from OCU School of Law, where he served as a staff member of the law review. **Jessica Bramlett** graduated from the University of Texas School of Law where she served as teaching quizmaster and law firm liaison for the Women's Law Caucus. **Daniel R. Burstein** earned his J.D. from the University of Chicago Law School. Prior to joining Crowe & Dunlevy, he served as an assistant attorney general at the Iowa Department of Justice. **Anthony Hendricks** received his J.D. from Harvard Law School. He also earned two master's degrees from the London School of Economics. **Paige Masters** received her B.S. in journalism and broadcasting from OSU and graduated from OCU School of Law. At OCU, she served as editor-in-chief of the law review. **Michael S.**

**McGovern** received his master of laws in taxation from Georgetown University Law Center. He has received CALI awards for tax penalties and tax crimes, taxation of business entities, criminal procedure and criminal law. **John Portman** graduated from the University of Notre Dame Law School. He concentrates his practice in estate planning and real estate. Mr. Anderson, Mr. McGovern and Mr. Portman will practice in the business department, while Ms. Bramlett, Mr. Burstein, Mr. Hendricks and Ms. Masters focus on litigation.

**M**cAfee & Taft announces the addition of four new associates. **Matt Brown** graduated with highest honors from OU College of Law. His practice focuses on transactional law. **Barbara Klepper** earned her J.D. from OCU School of Law where she graduated *summa cum laude*. Her practice encompasses a broad range of commercial and business matters. **Isai Molina** graduated from OCU School of Law, where he was a member of the Hispanic American Law Student Association. He is practicing in the area of transactional law. **Lauren K. Ottaway**, who is also admitted to practice in the Commonwealth of Massachusetts, graduated *cum laude* from Boston University School of Law in 2011 and earned both her master of laws degree in taxation and a certificate in estate planning from Georgetown University Law Center in 2012. Her practice focuses on representing all aspects of wealth planning and taxation. A portion of her practice is devoted to advising nonprofit organizations.

**M**cAfee & Taft also announces **Patrick L. Stein** has joined the litigation group. He is a former law clerk for the U.S. District Court for the Western District of Oklahoma. His state and federal litigation practice is focused on general civil litigation, including complex commercial litigation. He graduated with highest honors from OU College of Law in 2011. He received his bachelor's degree in agricultural sciences and natural resources from OSU in 2008.

**T**he law firm of Steidley & Neal PLLC announces **Rachel D. Parrilli** joined the firm as a partner. Her practice is concentrated in the areas of insurance defense, bad faith and products liability. She has also represented clients in both state and federal courts in a wide range of matters including asbestos, civil rights, medical malpractice, complex commercial litigation, products liability and insurance defense. In addition to Oklahoma federal courts, she is admitted to practice Southern District of New York. She earned her bachelor's degree in government *magna cum laude* from Oral Roberts University in 1997 and graduated from TUCollege of Law in 2000.

**T**he Oklahoma Corporation Commission has elected **Patrice Douglas** as its chair by unanimous vote. The former Edmond mayor was appointed to the commission by the governor in 2011. She will begin serving her elected term in January, as she is unopposed in the November election.

**C**hesapeake Energy Corporation announced the

appointment of **James R. Webb** of Oklahoma City as senior vice president — legal and general counsel. He joins the company on a full-time basis after serving the past four months on a contract basis as chief legal counsel. For the past 17 years, he practiced law at McAfee & Taft, and served as a partner for the past 12 years. He graduated with a B.A. from Austin College in Sherman, Texas, and received his J.D. from Washington University in St. Louis, Mo.

Several new attorneys have joined the Tulsa law firm of Franden, Woodard, Farris, Quillin & Goodnight PLLP. **Steven K. Balman** joins the firm as of counsel. He focuses his practice on business litigation and civil appeals. He was an adjunct professor at TU College of Law for 20 years and is a graduate of Harvard College and the University of Texas School of Law. **Briana J. Ross** joins the firm as an associate, and her practice will focus real property litigation, title examination, real estate transactions, family law and probates. She is a licensed resident title producer and serves on the OBF Board of Trustees. She graduated from OSU in 1997 and received her J.D. from TU College of Law in 2005. **Adam Montessi** joins the firm as an associate. He earned his B.A. from Florida State University in 2005 and his J.D. from the University of Arkansas School of Law in 2012. **Alexander Sisemore** also joins the firm as an associate. He earned his B.A. and M.A. from OSU in 2006 and 2008, respectively, and his J.D. from OU College of Law in 2012. The new members of the firm may be contacted at

918-583-7129 or sbalman@tulsalawyer.com, bross@tulsalawyer.com, amontessi@tulsalawyer.com, asisemore@tulsalawyer.com, respectively.

**G**ableGotwals announces **Katherine Koljack** joins the Tulsa office as an associate. She advises clients on various litigation issues such as general commercial litigation, bankruptcy and employment law. She received her undergraduate degree in business administration with distinction in economics and a minor in political science from OU. She attended OU College of Law, where she earned her J.D. with honors.

**B**arbara M. Moschovidis joins the GableGotwals' Tulsa office as an associate. She advises clients on a variety of litigation matters. She received her B.S. in international business and language from TU and is a 2012 graduate of OU College of Law. In 2011, she was the OBA's Outstanding Third Year Law Student for OU College of Law.

**T**ulsa law firm Barber & Bartz announces the addition of two new associate attorneys to the firm. **Kara Pratt** practices primarily in the area of matrimonial and domestic relations. She received her law degree from Regent University School of Law in 2011. **Ryan Fulda** focuses on commercial litigation, with an emphasis on real estate, construction and insurance disputes. He graduated from OU College of Law in 2006.

**T**ulsa law firm of Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile announces two new members to the firm. **Rachel Hubner** will focus her practice on civil liti-

gation, with an emphasis in the areas of medical malpractice defense and insurance defense. She graduated with honors from TU College of Law in 2012. She graduated *magna cum laude* with a B.A. in communication from Drury University in 2009. **Jason McVicker** practices in the areas of appellate advocacy and civil litigation. He graduated with highest honors from TU College of Law in 2012. He earned a B.A. in English *cum laude* from TU in 2008.

**P**hillips Murrah PC in Oklahoma City announces two new lawyers have joined the firm. **Cody J. Cooper** is a civil litigator. He recently graduated from OU College of Law. **Jeff Riles** is a transactional lawyer whose primary focus is the alternative energy industry. He is also a recent graduate of OU College of Law.

**L**ove, Beal & Nixon PC announces **Nancy Potter** has joined the firm. Her practice focuses on civil litigation, with emphasis in medical malpractice defense, products liability and appellate law. She received her M.A. from UCO in 2001 and her J.D. from OCU School of Law in 2006.

**O**klahoma City law firm Pignato, Cooper, Kolher & Roberson PC announces **Erin J. Rooney, Bryan Chance Holland** and **Mitchell D. McCuistian** have joined the firm as associates. Each is a 2012 graduate of the OU College of Law. They will focus their practice in the areas of insurance bad faith, coverage disputes, trucking law, professional liability and general insurance defense.

**R. Scott Savage, Jeffrey C. Baum, Jason L. Glass** and **Elizabeth A. Hart** announce the formation of new law firm Savage Baum Glass & Hart PLLC. Mr. Savage brings 34 years of civil and commercial litigation experience, as well as significant transactional expertise. Mr. Baum adds 17 years of legal expertise in the areas of civil litigation, complex commercial litigation and commercial transactions. Mr. Glass has been practicing law for 15 years with a focus on complex business litigation as well as extra contractual liability litigation and insurance coverage litigation. Ms. Hart rounds out the team of attorneys with 13 years of litigation experience as a health care attorney, as well as expertise in civil and domestic relations litigation. The firm's offices are located on the 23rd floor of the Mid-Continent Tower, 401 South Boston Ave., Tulsa; 918-938-7944. The attorneys can also be reached via email at: ssavage@sbghlaw.com; jbaum@sbghlaw.com; jglass@sbghlaw.com; and ehart@sbghlaw.com.

**McBride & Associates PC** announces **Jordyn L. Eckert** has joined the firm,

where she will focus in the areas of estate planning, bankruptcy and criminal law. A native of Plano, Texas, she graduated with honors from the OU College of Law in 2012. She earned a B.A. in journalism with an emphasis in public relations from OU in 2009.

## At The Podium

**O**BA Family Law Section Chairperson **Tamera A. Childers** of Tulsa was the featured speaker at the September meeting of the TU College of Law Family Law Society. The presentation provided information about the OBA Family Law Section as well as information about the practice of family law.

**Eric L. Johnson** of Oklahoma City was a featured presenter at the 2012 Innovate AutoStar Users Conference held recently in Ft. Worth, Texas. His presentation, titled "Caught in a Compliance Riptide and Dragged out to Sea," focused on the latest developments in federal and

state consumer credit law compliance. The conference is an annual forum targeted toward automobile dealerships and finance companies.

*Compiled by Amanda Dale*

How to place an announcement: The *Oklahoma Bar Journal* welcomes short articles or news items about OBA members and upcoming meetings. If you are an OBA member and you've moved, become a partner, hired an associate, taken on a partner, received a promotion or an award, or given a talk or speech with statewide or national stature, we'd like to hear from you. Sections, committees, and county bar associations are encouraged to submit short stories about upcoming or recent activities. Honors bestowed by other publications (e.g., Super Lawyers, Best Lawyers, etc.) will not be accepted as announcements (Oklahoma-based publications are the exception.) Information selected for publication is printed at no cost, subject to editing, and printed as space permits.

Submit news items via email to:

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

*Articles for the Nov. 3 issue must be received by Oct. 8.*

## IN MEMORIAM

**Peter Lewis Boatright** of Oklahoma City died Sept. 5. He was born Aug. 20, 1931, in Temple, Texas. **He served in the U.S. Navy from 1951-1954 during the Korean Conflict.** He received his undergraduate degree from OU in 1957 and his J.D. from OU

College of Law. He was an accomplished attorney and certified public accountant. Throughout his career he worked for J. Norman Foster, Goldman Enterprises and Shiloh Oil Corp., where he provided private tax consulting and financial management

services. He served on the Coppermark Bank Board of Directors and as chairman of the Audit and Loan Committee. He enjoyed serving his community through Mobile Meals, Whiz Kids and the Oklahoma Foundation for the Disabled. Memorial donations

may be made the Oklahoma United Methodist Foundation, of which he was a board member.

**Jessie Don “Jess” Green** of Ada died Sept. 8. He was born Sept. 21, 1952, in Ada. He graduated from McLish High School in 1970. He attended East Central State College, where he earned a B.A. with honors in 1974. He earned his J.D. at OU College of Law in May 1977. He was a practicing attorney from 1977-1979 and from 1987 until his death. He was a member of the Chickasaw and Choctaw tribes and was a passionate advocate for Native American rights. After the passage of the Indian Child Welfare Act, he started the first juvenile court in the state with the Comanche Tribe. He served in the first Chickasaw Legislature and was legislative chairman, and he also served as Pontotoc County associate district judge for eight years. Other legal experience includes service as tribal court prosecutor, tribal court judge and chief justice of a tribal supreme court. He vice-chaired the ABA Judiciary Committee, chaired the OBA Indian Law Section and General Practice — Solo and Small Firm Section, chaired the Chickasaw Bar Association and published numerous articles. He won numerous awards for his service including the 2012 Oklahoma Supreme Court Service Award. In 2011, he was inducted into the Chickasaw Nation Hall of Fame. He was a member of the Sunshine Missionary Baptist Church since 1961. Among his survivors is his wife, OBA member Nancy Green.

**Herbert Folsom (Jack) Hewett** died Sept. 7. He was born April 29, 1926, in Durant. **He joined the U.S. Navy in 1944 and served until his honorable discharge in 1946, serving in the Reserves for several more years.** He graduated from OU in 1947 with a degree in political science and a minor in English. He attended Yale Law School and graduated with an LL.B in 1950. After law school, he worked as a law clerk for Judge Stephen Chandler. His legal career spanned six decades, and during that time he served as founder and partner at several firms. His civic commitments included serving as an appointee on the Oklahoma State Election Board and the Oklahoma Securities Commission. His interest in the arts led him to serve as a board member for the Oklahoma City Philharmonic and Mummer’s Theater. He was a long-time member of the Kiwanis and Economic clubs. He was also an avid and competitive athlete who enjoyed tennis, squash and swimming. Memorial contributions may be made to Special Olympics.

**Michael Edward Kelly** of Fulton, Texas, died Aug. 29. He was born Aug. 28, 1937, in Muskogee. He graduated from Muskogee Central High in 1955. He attended OU and graduated from the OU College of Law in 1963. **He served in the U.S. Army Reserves.** He served as an assistant district attorney in Muskogee after earning his J.D. and subsequently maintained a private practice in Muskogee from 1973 until his retirement in 2002. He was a lifetime NRA member and liked to travel. Memorial

donations may be made to Salvation Army of Muskogee.

**Guy Robert Nichols Sr.** of St. Petersburg, Fla., died Sept. 13. He was born Sept. 3, 1918, in Cordell. He was a 1941 graduate of the OU College of Law. **During World War II he served in the field artillery in the European Theater. He retired as a lieutenant colonel in the Reserves.** He served countless veterans during more than 30 years of service as an adjudication officer for the Veterans Administration. He recently earned his 70-year OBA anniversary pin and was a member of the American Legion Post 125.

**Robert C. “Bob” Schacher** of Lawton died Aug. 29. He was born April 29, 1940, in Albany, Ga. He received his bachelor’s degree in international relations from OU. In 1964, he received his J.D. from OU College of Law. After law school, he worked for Halliburton as an attorney, and later became an assistant district attorney for Comanche County. He served as legal counsel for the Comanche County Hospital Authority Board of Trustees and served as general counsel for the Oklahoma Hospital Association. He later practiced privately in Oklahoma City and Lawton. He was a member of the Comanche County Bar Association. He was an active member of several community organizations over the years and served on several committees at St. Andrew’s Episcopal Church in Lawton. Donations may be made to the Leah M. Fitch Cancer Center of Southwest Oklahoma in Lawton or the American Cancer Society.



**E**dwin “Eddie” Jennings Shapard of Oklahoma City died Sept. 25. He was born June 7, 1940. He attended Wake Forest University and graduated from OSU with a B.A. degree. He earned his J.D. from OU College of Law in 1965. Upon graduating from OU, he joined his father in Shapard & Shapard Law Firm. He was a member of the Oklahoma Trial Lawyers Association, the Bachelor’s Club of Oklahoma City and the Bow-Tie Boys Club. In addition to his legal practice, he was also a restaurateur, business owner, sportsman, little league coach and certified hypnotist. He played softball, tennis and golf and enjoyed spending time with friends and family. Memorial donations may be made to The Edwin J. Shapard Memorial Foundation or to the charity of one’s choice.

**R**etired Oklahoma Supreme Court Justice **Hardy Summers** of Muskogee died Sept. 10. **He was appointed to the high court in 1985 by Gov. George Nigh, and he served as its chief justice in 1999 and 2000, retiring in 2003.** Justice Summers was born July 15, 1933, in Muskogee. He graduated from high school in Muskogee in 1951. In 1955, he completed his B.A. at OU and he received his L.L.B. from the OU College of Law in 1957. **For three years, he served in the U.S. Air Force Judge Advocate Divi-**

**sion.** He returned to Muskogee in 1960 as an assistant county attorney. He engaged in a general law practice from 1962 – 1976. In 1976, he was appointed district judge by Gov. David R. Boren. For the next eight years, he served as chief judge of Muskogee County and regularly held court in Wagoner, Cherokee, Adair and Sequoyah counties. He was elected president of the Oklahoma Judicial Conference in 1984. He served on the Court of Tax Review, the Committee of Uniform Civil Jury Instructions and chaired the Committee for Recodification of the Criminal Law and Procedure. He also served as president of the Luther Bohannon American Inn of Court. In 2000, he was named “Distinguished Alumnus” by the OU College of Law.

**R**ichard Lee “Dick” Tourtellotte of Oklahoma City died Sept. 1. He was born Dec. 4, 1931, in Wilburton. He graduated from OSU in 1954. **He served in the U.S. Air Force for two years.** In 1964, he graduated first in his class from OCU School of Law, among the top 10 law graduates in the U.S. He worked as a legislative aide for U.S. Sen. Henry Bellmon, U.S. Sen. Don Nickles and U.S. Rep. Mickey Edwards, running for Oklahoma lieutenant governor in 1986. He was active in both law and real estate. He built his first apartment buildings in Stillwater in the 1960s and

continued to develop housing for the next 50 years. He loved to sing at the piano bar, hunt for bargains at flea markets, dance with friends and play cards for hours. Memorial donations may be made to OSU’s E.E. Tourtellotte Scholarship Fund to aid agricultural students.

**C**arl H. Young III of Tulsa died Aug. 25. He was born Sept. 14, 1941, in Great Bend, Kan. He graduated from Central High School in Tulsa. He attended Southern Methodist University in Dallas and graduated from the TU College of Law. During his career, he held leadership roles at Helmerich & Payne, Purolator Products, Grimes Aerospace, Anchor Glass and Bridge Associates. He retired in 2010. During both his career and retirement, he was an active member of his community. He served on various boards including the Tulsa Metropolitan Planning Commission, Port Authority, and Park Board. He also supported various charities such as 12 & 12, Cystic Fibrosis Foundation, Family and Children’s Services, First Presbyterian Church of Tulsa, and the TU College of Law Advisory Board. He had recently climbed to the summit of Mt. Crested Butte in Colorado. Memorial donations may be made to any of the charities Mr. Young supported.

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## POSITIONS AVAILABLE



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The qualified candidate will possess a law degree and must have 3 to 5 years of legal experience in either real estate, 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.

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THE OKLAHOMA TAX COMMISSION, LEGAL DIVISION seeks an attorney for an opening in its OKC office. This position will have duties in both the Collections Section and the Protests/Litigation 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 résumé and writing sample to Julie Ezell, Assistant Deputy General Counsel, 120 N. Robinson, Suite 2000W, Oklahoma City, OK 73102-7801. The OTC is an equal opportunity employer.

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## POSITIONS AVAILABLE

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# Giving Advice: Remembering A Mentor

By Ray Roush

As lawyers, we are called upon to deliver a host of lawyerly goodness to our clients. As I reflect on a lengthy career, I realize I have probably given my clients advice as much as anything — far more than the holdings in *Hadley v. Baxendale* or *Duhig v. Peavy-Moore Lumber Co.* Though I graduated from law school back in 1976 without a single course credit in Advice 101, I think I've nailed the point when I discovered that advice-giving should be carefully considered and done effectively.

It was the late '80s. In the continuing aftermath of Penn Square Bank, I became part of the exodus, and I found work as house counsel with a southern Louisiana energy company.

Until then, I'd been of counsel with mentor and friend Robert J. "Bob" Emery — a man I idolized. Every day in Bob's office was a mentoring experience. Rarely did Bob tell me *how* to do anything, only (usually anecdotally) *what* needed to be accomplished. Leaving would be bittersweet.

After settling into my new life, since there was not yet email, Bob and I corresponded the old-fashioned way — we wrote letters. Most were of the friendly variety, but one in particular conveyed a sense of urgency. I needed advice from Bob. It seems my boss, the company's general counsel, had just returned from a two-week golf academy and wanted to show me what he'd learned. I tried to beg off, saying I hadn't played in years, wasn't any good and had too much work to do. Nothing worked.

That day, I played the round of my life. It was one of those inexplicable things. I hit truly nasty shots that somehow ended up in

the fairway or on the green, and I couldn't miss a putt. After a dozen holes, I was outscoring my boss so convincingly that he called a halt to the round, and said he'd see me at the office in the morning.

Seated at my desk at 7:30 the next morning, head down and hard at work, I heard my boss's voice from the doorway. "You bum!" was all he said before he walked away.



“You bum!” was all he said before he walked away.”

That evening, I told my wife she should probably prepare for the move back to Oklahoma City. I also wrote Bob and asked his advice on how I could mend this horribly broken fence. I explained that it was just in my genes to try my best, even in a meaningless golf game. What was I to do when faced with another challenge from my boss?

In typical anecdotal Bob Emery fashion, he agreed first that to do one's best is paramount, and that to do less — whether as a lawyer, employee, husband or father — is unacceptable. However, he continued, *if* such a situation were to present itself again; and *if*, for instance, one were standing over a shot that faced a formidable water hazard or flirted with the out-of-bounds markers, one might consider forgoing the safer route to attempt the Nicklaus/Trevino-bragging-rights shot that had no more than a one-in-a-million chance of success. Such an attempt, he shared, would be viewed as bold and courageous — not foolish — and thus evidence of commitment and strength of character. The fact it would not succeed, despite one's finest effort, would pale in comparison to the attempt.

I did play that next round, and my game came back down to earth as I played perhaps the worst round of golf of my life. But I was never more than a split-second recollection from the sound advice from a true friend and mentor. Thankfully I was able to share the experience with Bob before he, sadly, passed away not long after. (For the record, my boss and I became and remain great friends, and he revels in retelling this story when we get together.)

As I've continued to learn over the years, we lawyers are problem-solvers foremost, and we do give advice. But perhaps our advice might be just as, if not more, effective if it were geared as much toward solving the *real* problem.

*Mr. Roush practices in Edmond.*

**October 18**  
Oklahoma City, OK  
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# The OBA Diversity Conference & Awards Luncheon

# Contempt of Court

# - A Lesson in

# Legal History

Cosponsored with the OBA Diversity Committee

**Featured Speaker: Mark Curriden**

Mark Curriden is an award-winning legal journalist, bestselling author, and frequent lecturer at legal organizations across the country. Educated as a lawyer, Mark is a senior writer for the *ABA Journal*, which is the nation's largest legal publication, and a regular contributor to the *New York Times DealBook* on matters of corporate and business law. He also holds the position of Writer in Residence at the SMU Dedman School of Law in Dallas.

Mark is the co-author of the best-selling book *Contempt of Court: A Turn-of-the-Century Lynching That Launched a Hundred Years of Federalism*. The book received the American Bar Association's Silver Gavel Award and numerous other honors.

**8:30 a.m.**

Registration and Continental Breakfast

**9**

**Presentation by Mark Curriden**

More than a century ago, the case of a young black man from Chattanooga, Tennessee dramatically changed the state and federal court systems as we know them today. Indeed, the case redefined the practice of law. For decades, the amazing story of Ed Johnson and his two lawyers was buried in dusty old history books. Thanks to Mark Curriden and his book, *Contempt of Court: The Turn-of-the-Century Lynching that Launched a Hundred Years of Federalism*, the events of 1906, 1907 and 1908 come alive with a story that exemplifies why lawyers as advocates for the poor and downtrodden are best positioned to uphold the law. Described as a "gut-check for lawyers" about why they entered the legal profession, this CLE demonstrates what it means to be a lawyer and the sacrifices and risks lawyers must make on behalf of their clients and in defense of constitutional rights.

**11**

Break

**11:10**

Panel Discussion

**12**

Luncheon & OBA Diversity Awards  
(included in registration)

**1:30**

Adjourn



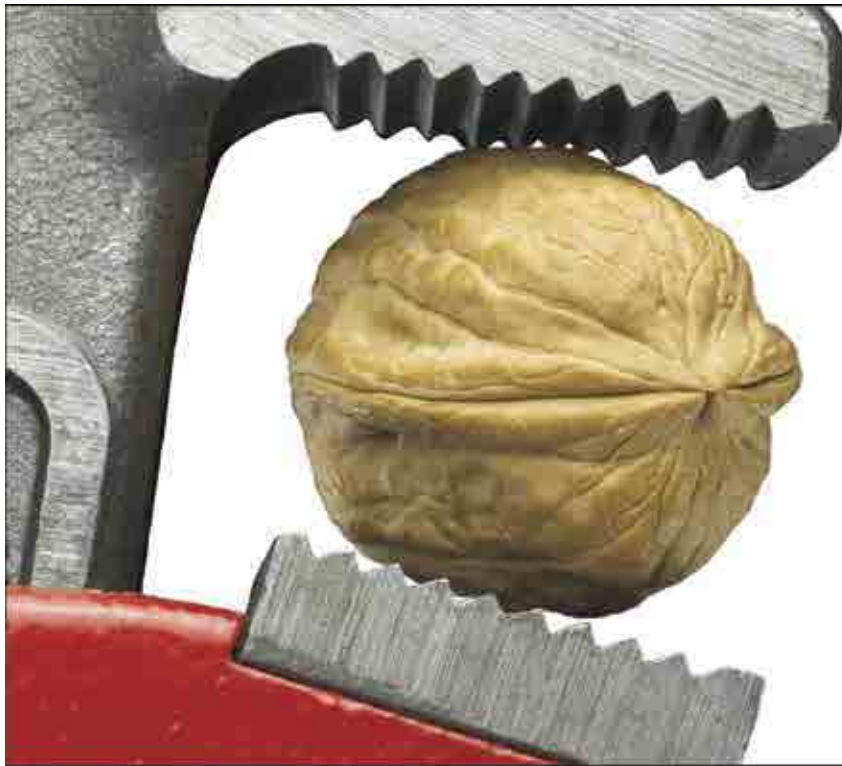
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Cancellations will be accepted at any time prior to the seminar date; however, a \$25 fee will be charged for cancellations made within four full business days of the seminar date. Substitutions, refunds, or transfers will not be accepted on or after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

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