

WIT Oklahoma Bar JOURNAL

Volume 83 ♦ No. 23 ♦ Sept. 8, 2012

2012 Annual Meeting

TEAM OBA **HOMECOMING**
Nov. 14-16 • Sheraton Hotel • Oklahoma City



**SOCIAL EVENTS • NETWORKING
CLE • ENTERTAINMENT**

Personal Injury: What You Don't Know Can Hurt You (or Your Client)

September 20, 2012
Oklahoma Bar Center, OKC

September 27, 2012
Renaissance Hotel, Tulsa

Planner/Moderator:

Amber Peckio Garrett, Garrett Law Center, PLLC, Tulsa



www.okbar.org/cle

No matter if this is your first or 500th PI case, certain things left undone can hurt your client's case. Protect your personal injury clients. Protect yourself. This course will address the most common oversights which lead to malpractice claims in PI cases. Your malpractice carrier wants you to attend!

8:30 a.m.

Registration and Continental Breakfast

9

Personal Injury Clients: Client Acquisition,
Intake Processes, and Marketing

D. Mitchell Garrett, Jr., Garrett Law Center, PLLC

9:50

Break

10

Tort Practice in Native Oklahoma: Governmental Tort
Claims in Casinos and Other Native American Entities
Amber Peckio Garrett

10:50

Oklahoma Tort Law Update: How to Handle the New
Collateral Source Rule/No-Pay, No-Play in Your
Personal Injury Case

Rex Travis, Travis Law Office, Oklahoma City

11:40

Networking lunch (included in registration)

12:10

Mediation/Settlement Conference: How to Make It
Work For Your Client

Matt Sill, Sill Law Group, Oklahoma City

1

Disbursement and Handling Client Settlements: Do's
and Don'ts of Client Trust Accounts (ethics)

Travis A. Pickens, OBA Ethics Counsel, Oklahoma City
Esther Sanders, Sanders Law Office, Tulsa

1:50

Break

2

Everything You Wanted To Know About ERISA/MSPRC/
Other 3rd Party Liens in Your Personal Injury Case
Amber Peckio Garrett, Garrett Law Center, PLLC, Tulsa

2:50

Adjourn

oba  cle
continuing legal education

Save \$10
Register at
www.okbar.org/cle

The Oklahoma City program will be webcast. Visit
okbar.inreachce.com/home/calendar for details.

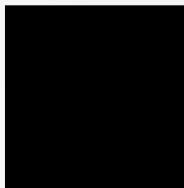
Note: Webcast tuition varies.

Credit: Approved for 6 hours MCLE/ 1 Ethics.

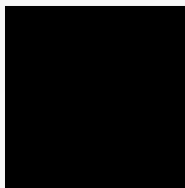
Tuition: \$150 for early-bird registrations with payment received at least four full business days prior to the seminar date; \$175 for registrations with payment received within four full business days of the seminar date.

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





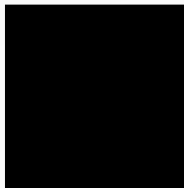
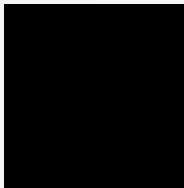
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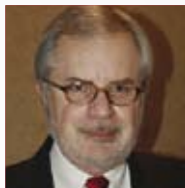
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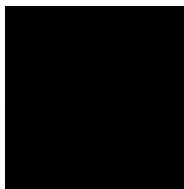
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At the end of the day...

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 or by email joinus@abaretirement.com to learn how we keep a close watch over your 401(k).



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 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.

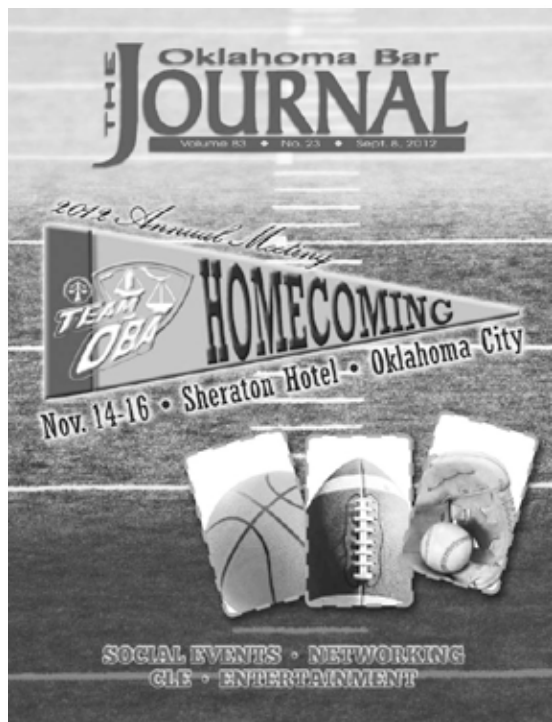
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THEME:

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Who You Walk With Gives Insight into Who You Are

By Cathy Christensen

I recently attended the ABA Annual Meeting as a delegate and had the pleasure of hearing incoming ABA President Laurel Bellows address the House of Delegates. Several times during her address, Ms. Bellows repeated the phrase, "Tell me who you walk with, and I'll tell you who you are." She then proceeded to describe the ABA, its ongoing work and service projects and her presidential initiatives. I returned to Oklahoma, and several times in the last few weeks, I have thought about "who I walk with" in the legal profession and how my fellow attorneys shape and define who I am both professionally and personally. I offer you a sampling of the attorneys with whom I am honored to walk, and I hope that their professionalism and generosity reflects upon who I am. More importantly, it reflects upon who we are as a profession and as the Oklahoma Bar Association.

I offer you a sampling of the attorneys with whom I am honored to walk, and I hope that their professionalism and generosity reflects upon who I am.

as a profession, and this is who we walk with — attorneys who care enough to donate to Legal Aid and ensure that everyone has access to justice regardless of their income or station in life.

Legal Aid's network of law offices and satellite offices serves the poor in all 77 counties, but the vast majority of donations come from lawyers in the Tulsa/Oklahoma City metro areas. The need is real, and we must do better throughout our entire membership. Funds collected will

be used to keep 21 Legal Aid offices across the state open, staffed by approximately 60 full-time attorneys and more than 20 paralegals and support staff. Low income Oklahomans need legal assistance daily concerning domestic abuse, child support, custody and other family law issues, foreclosure, consumer frauds and other immediate civil legal problems. Currently Legal Aid's Oklahoma City law office is fielding requests from persons displaced by wildfires.

Legal Aid is the only professional, statewide provider of free civil legal service in Oklahoma, and we must preserve it. One way we may fulfill our duty to render public interest legal services under Rule 6.1 of the Rules of Professional Conduct is through financial support for organizations like Legal Aid. Please use the

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LEGAL AID SERVICES OF OKLAHOMA

I walk with the hundreds of attorneys who pledge each year to support Legal Aid Services of Oklahoma. Legal Aid's Campaign for Justice is chaired each year by community leaders. This year's campaign honorary co-chairpersons are Gov. Mary Fallin and First Gentleman Wade Christensen, a member of the OBA. The campaign seeks to raise \$750,000 by Dec. 31 to offset funding cutbacks and to continue to provide legal services to fellow Oklahomans. To date, many OBA members have contributed — but unfortunately many have not. Donations thus far total approximately \$200,000. We as a profession can do and always have done better than this!

If every attorney practicing in state contributed only \$100 a year (27 cents/day), that would create a \$1.3 million funding stream for providing assistance to poverty-level Oklahomans when they need legal help and do not have the financial resources. This is who we are



Cathy Christensen

President Christensen
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EVENTS CALENDAR

SEPTEMBER 2012

- 10 **OBA Section Leaders Council meeting; 12 p.m.;** Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Roy Tucker 918-684-6276
- 11 **OBA Legal Intern Committee meeting; 3 p.m.;** Oklahoma Bar Center, Oklahoma City with tele-conference; Contact Candace Blalock 405-238-0143
- OBA Professionalism Committee meeting; 4 p.m.;** Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Judy Morse 405-235-7759.
- 12 **OBA Diversity Committee meeting; 12 p.m.;** Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Kara Smith 405-923-8611
- Bar Association Technology Committee meeting; 3 p.m.;** Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Gary Clark 405-744-1601
- 13 **OBA Awards Committee meeting; 12 p.m.;** Oklahoma Bar Center, Oklahoma City; Contact Renée Hildebrant, 405-713-1423
- OBA Women Helping Women support group meeting; 5:30 p.m.;** The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com
- 14 **Oklahoma Bar Foundation Luncheon; 11 a.m.;** Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7070
- Law-related Education Committee meeting; 12 p.m.;** Oklahoma Bar Center, Oklahoma City; Contact Susanne Heggy 405-556-9612
- Oklahoma Bar Foundation meeting; 1 p.m.;** Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7048
- 15 **OBA Real Property Law Section Title Examination Standards meeting; 9:30 a.m.;** Tulsa County Bar Center, Tulsa; Contact Chris Smith 405-919-6876
- 18 **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 Board of Governors meeting; 2 p.m.;** Boiling Springs Institute, Woodward; Contact John Morris Williams 405-416-7000

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

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

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Annual Meeting Highlights

Resolutions Submissions

Resolutions for the House of Delegates are due **Sept. 21** to meet publication deadlines and to be placed on the agenda for the Board of Governors meeting in October. Executive Director John Williams is available should you have any problems or questions. As reminder, all resolutions for legislative action need to be in bill form and preferably in electronic format. Please email all resolutions to debieb@okbar.org and cc johnw@okbar.org.

Free Annual Meeting App

With the 2012 Annual Meeting app, you can keep Annual Meeting details handy at your fingertips. The app will include event schedules, a list of exhibitors, speaker bios, maps of the facilities and more! Get in touch with old law school buddies by searching the attendee contact list, take notes during your CLE classes, and stay organized during the events using the What's Happening Now feature. The app



will be available for Droid and iPhone Oct. 22. Search 2012 Oklahoma Bar Association Annual Meeting in your app store.

What does my Annual Meeting 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. Your registration fee includes a continental breakfast in the hospitality area Wednesday morning, the President's Tailgate

Party, Thursday "Time Out" in hospitality area, "At the Hop" sock hop dance and reception, book signings by renowned sports writer Frank Deford and Oklahoma author Bob Burke, convention gifts and the Vendors Expo.

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!

President's Leadership Breakfast

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. Breakfast with the OBA president on Friday morning is a long-standing 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.



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.

How do I register?

Register for all Homecoming events using the Annual Meeting registration form. You can register by mail, by fax or at www.amokbar.org. See the insert for more details.

Sponsors

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Annual Meeting

Legendary Sports Writer to Deliver Annual Luncheon Address

Emmy Award winner Frank Deford has been chosen to speak at the 2012 Annual Luncheon to be held Thursday, Nov. 15 at noon. Mr. Deford is a journalist, author and commentator for National Public Radio and ESPN.

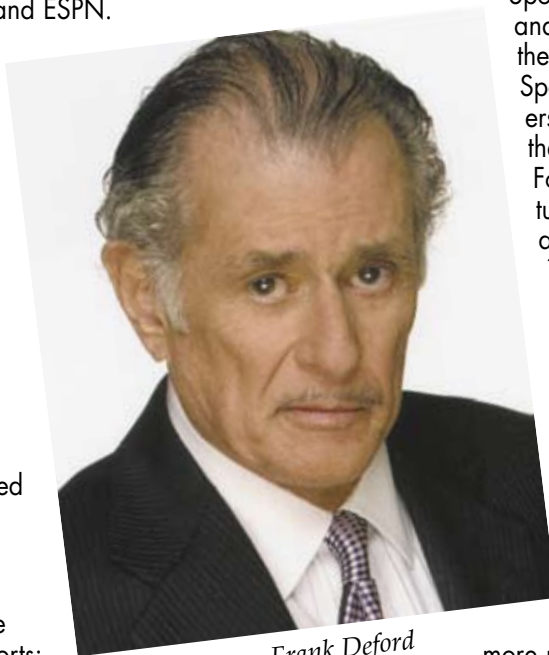
OBA President Cathy Christensen chose him to speak because he is one of the most well-known and respected sportswriters and commentators in American history.

"We are thrilled to have Mr. Deford speak at our luncheon," said President Christensen. "His lecture will cover many issues like ethics and sportsmanship that are generally associated with sports, but that bleed over into all professions — particularly into law."

Mr. Deford's topic for the OBA luncheon will be "Sports: The Hype and the Hypocrisy." He will provide a provocative look at the sports industry from multiple angles. By using personal anecdotes gathered from a lifetime of writing and reporting about sports and sports personalities, he gives the audience a behind-the-scenes

look at the industry from his unique and varied perspective.

Mr. Deford was chosen six times as U.S. Sports Writer of the Year and has been elected into the National Association of Sportscasters and Sports Writers Hall of Fame. He is also the current Cystic Fibrosis Foundation chairman emeritus and previously served as national chairman for 16 years.



Frank Deford

An eloquent and gifted sports speaker, Frank Deford addresses the distressing controversies that exist within sports today and gives an insider's perspective on them. His presentations are incredibly entertaining and humorous, as he recounts some of the

more remarkable sports memories he has. Renowned as the quintessential sports journalist, Mr. Deford has in-depth sports knowledge that makes for an interesting and revealing presentation. You won't want to miss it! The cost to attend the luncheon is \$35 with Annual Meeting registration. Seating is limited so register today.

Annual Meeting

Score All the CLE You Need for 2012

By Susan Damron Krug

OBA President Cathy Christensen is a *huge* sports fan. As such, it was important for her to incorporate her love for sports with her love of the law. Thus, the theme was born for the 2012 OBA Annual Meeting. Her love for sports will be evident throughout Annual Meeting, and she has also managed to express this passion by developing the first-ever "sports"-track CLE!

In addition to this innovative and interesting session, members will have many other CLE choices during Wednesday's multi-track lineup that will provide an opportunity to earn six hours of MCLE credit (ethics included by session) and include family law, criminal law and recent developments in a variety of areas as well as a "nuts and bolts" track for young lawyers. A plenary session offering three hours of MCLE credit will be offered on Thursday and "OBA Tech" post-game training will be offered on Friday for an additional six hours MCLE credit.



Sen. David Holt

The sports track will feature state Sen. David Holt, author of *Big League City*, as he discusses "Thunder in the Court: Exploring the Legal Issues Behind Oklahoma City's Rise to a 'Big League City.'" Additionally, former Miss Oklahoma Kelli Masters, currently a lawyer and sports agent, will share her insights on "The World of Sports Agency," and OU College of Law Dean Emeritus Andy Coats will enlighten members on his experience working with the NCAA.



Kelli Masters

On Wednesday afternoon, attorney, author and activist Andrew Vachss will address a combined track geared for family and criminal law section fans. His individual practice is limited to matters concerning children and youth, abuse/neglect, delinquency, custody/visitation and related tort litigation. His first novel was published in 1973, but he is best known for his "Burke series." The name Burke, the main character throughout the series, was deliberately created by Vachss based on a real serial killer



Andy Coats



Andrew Vachss

who robbed graves and owned a hotel where someone would check in, but would not check out alive. The meaning of "burke" is "to kill without leaving a trace." Vachss was offered a multi-book contract a few days after the release of the first book of the series, *Flood*, in 1985, which enabled him to retire from part-time criminal defense and now funds his ability to exclusively represent children and youth as well as preach his gospel, "child protection is crime prevention."

This track will close with an ethics session presented by 2006 OBA President Bill Grimm, a member of the American Board of Trial Advocates (ABOTA) Executive Committee. A reception sponsored by ABOTA will follow at the conclusion of the program.



Bill Grimm

Thursday's plenary, "Go for the Gold: How We Select our Judges," will kick off with former Attorney General Drew Edmondson reporting on the recommendations from the Oklahoma Justice Commission.



Bob Burke


Oklahoma City attorney and historian Bob Burke will then take "A Historical Look at Court Reform of the 1960s," and the session will conclude with an opportunity to hear from and ask questions of a panel of representatives concerning the Judicial Nominating Commission and the Council on Judicial Complaints.

Finally, back by popular demand is a "post-game" session offering yet another opportunity for members to get their CLE. Friday, an additional six hours of MCLE credit will be offered during OBA Tech brought to you by "Coach" Jim Calloway and co-sponsored by the OBA Law Office Management and Technology Section. This


training will focus on law office management and technology and is particularly geared for solo and small firm attorneys. OBA Tech will open with the ever-popular "60 Tips in 60 Minutes." The program will continue with an opportunity to hear from Paul J. Unger, an attorney and CEO of HMU Consulting Inc. and founding principal of Affinity Consulting Group LLC, a nationwide consulting company providing legal technology consulting, training and CLE. Mr. Unger also chaired the ABA TECHSHOW 2011. Annual meeting registration is not required to attend. The program only costs \$75 and also includes a luncheon with Fastcase training as an added bonus.

As you can see, scoring your CLE at Annual Meeting 2012 provides each member with the plays to ensure success inside the red zone! Additional details about all of these programs are available in this bar journal and at www.amokbar.org.

Ms. Damron Krug is director of OBA Educational Programs.



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



OBA/CLE

Wednesday, Nov. 14

Sheraton Hotel, Oklahoma City, 6 MCLE Hours

Family Law Track



MODERATOR:
Ron Little

Criminal Law Track



MODERATOR:
Ben Brown

Sports Law Track




MODERATOR:
Kelli Masters

Recent Developments



MODERATOR:
Travis Pickens

9-9:50	Commingleing and Transmutation: Property Division Issues in Divorce Megan Beck	TBA	Thunder in the Court: Exploring the Legal Issues Behind Oklahoma City's Rise to a "Big League City" Senator David Holt	Criminal Law Update Barry Derryberry Andrea Miller
10-10:50	Tips for the Family Law Practitioner Donelle Ratheal	TBA	OU and Georgia vs. NCAA: We Let the Tiger Loose! Andrew M. Coats	Family Law Update Professor Robert G. Spector
11-11:50	The Use of Collaborative Law by Family Law Practitioners David Tracy	TBA	The World of Sports Agency Kelli Masters	Employment Law Update Professor David Strecker
			Nuts and Bolts Track 	
			MODERATORS: Jennifer Kirkpatrick Byron Will	
2-2:50	Joint Session Andrew Vachss on Family Law and Criminal Law Andrew Vachss		Nuts and Bolts of Probate Donna Jackson	Insurance Law Update Rex Travis
3-3:50	Joint Session Follow up session re: Andrew Vachss presentation		Medicaid Eligibility for Long Term Care Travis Smith	Estate Planning and Probate Update Stephanie Chapman
4-4:50	Joint Session Civility Matters (Ethics) Bill Grimm		Employment Law Nathaniel Haskins	Health Law Update 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 Remarks from the Governor's
Office (tentative)**

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. Annual Meeting registration is required.

OBA Tech

Slam Dunk Tips and Tools for More Efficient Law Practice

By Jim Calloway

For many years, the OBA Annual Meeting has ended on Friday with the General Assembly and the House of Delegates meeting. Those who had attended Annual Meeting but did not participate in these final events packed up and went home. But last year something new was added.

In 2011, more than 80 OBA members attended a technology fair and CLE presentation sponsored by the OBA Law Office Management and Technology Section. It was so well received that we are doing it again for Annual Meeting 2012. So classes will be in session at OBA Tech.



Paul Unger

Our special guest for OBA Tech will be Paul J. Unger. He will join me and OBA member and "Droid Lawyer" Jeffrey Taylor for what should be a great day delving into the tools that we can and should be using to make law practices run better.

Paul J. Unger is an attorney and one of the managing partners of Affinity Consulting Group's Columbus, Ohio, office. He is a 1994 graduate of Capital University Law School. He is very active in the ABA Law Practice Management Section and served as chair of ABA TECHSHOW™ 2011. He now specializes in trial presentation and litigation technology consulting, document and case management software, paperless office strategies and legal-specific software training for law firms and legal departments throughout the Midwest. He has provided trial presentation consultation for more than 300 cases. He is also the author of the manuals *Adobe Acrobat for Law Firms*, *PowerPoint for Legal Professionals* and co-author of *Microsoft Word for Legal Professionals*.

The tips program is often the most popular presentation at these types of programs. This year, instead of just 50 tips, we will open with 60 Hot Tech Tips in 60 Minutes. This fast-paced program will cover many different areas and is the reason that you will not want to arrive late for OBA Tech.

Lawyers have always dealt with lots of documents. The term "documents" historically referred to paper documents, but legal professionals have grown familiar with documents that are PDF files. Many lawyers now spend a lot of time creating and manipulating PDF documents, and so our second educational session will be all about PDF files with lots of tips and advice. We will allow time for audience questions. Trial lawyers should have taken notice this summer when the Oklahoma Supreme Court issued Oklahoma Rules for E-filing in Selected Pilot Courts 2012



Jim Calloway

OK 61, SCAD-2012-36 (06/21/2012.) E-filing in state courts is coming and an understanding of PDF files is essential.



Jeffrey Taylor

Fastcase is our OBA-supplied legal research service. A free legal research tool is great, but understanding the nuances of how to use it is even better. So lunch will include a session of Fastcase training from the Fastcase staff. We are also providing an optional luncheon only registration for lunch and Fastcase training for

those who are attending the House of Delegates or have to leave in the afternoon and cannot attend the entire OBA Tech. Please note that the Fastcase training is not for MCLE credit.

Time management is always a challenge for lawyers. There is just so much to do each day and every bit of wasted time can detract from the law firm's bottom line. Paul Unger teaches the class "Time Management: Is It 5 p.m. Already?" for lawyers all across the country, and we are pleased to have him do this presentation for Oklahoma lawyers.

Technology in the courtroom is a subject of interest to many lawyers. Jurors are used to seeing more high-tech graphics and have their expectations set by TV programs like the CSI franchise. Paul Unger will take us behind the scenes of a high-tech trial and let us know what is ready for prime time and what is not. Most importantly, he will share with us when a lawyer can safely do something themselves and when they need to hire an expert. We'll also touch on using iPads in the courtroom, which is another topic that has generated a great deal of interest recently.

To be a lawyer today really means to be a mobile lawyer. While many may think that they just want to have a mobile phone that makes phone calls, smart phones today provide a huge amount of utility, from being able to read and answer email to using GPS technology to find your way when you get lost. Our

closing session of OBA Tech is "The Mobile Lawyer: From Phones to Tablets." This is a rapidly developing and important topic.

Since Paul and I are of the iPhone and iPad persuasion, we have asked for some balance from an OBA member. Jeffrey Taylor is an Oklahoma City attorney whose law practice focuses on personal injury, small business litigation and immigration. He blogs by the alias "The Droid Lawyer," discussing Android devices for attorneys at www.thedroidlawyer.com. Jeffrey, who can also be found on Twitter at @jeffrey_taylor, will bring a wealth of information and a bit of balance to this presentation. (We just hope he doesn't call us "Apple fanboys" too many times.)

We hope OBA Tech looks like an event you will want to attend to gain some knowledge and have some fun. MCLE credit will be given to the attendees for this presentation. Materials will be provided on a flash drive and in advance to iPad users. Advance registration is strongly suggested, but you can register for this special event without registering for the rest of OBA Annual Meeting. Since the OBA Law Office Management and Technology Section is sponsoring this event, members of that section will be given a discounted registration.

Paul, Jeffrey and I hope to see you there.

Mr. Calloway is OBA Management Assistance Program director.

www.okbar.org

Your source for OBA news.



At Home



At Work



And on the Go

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



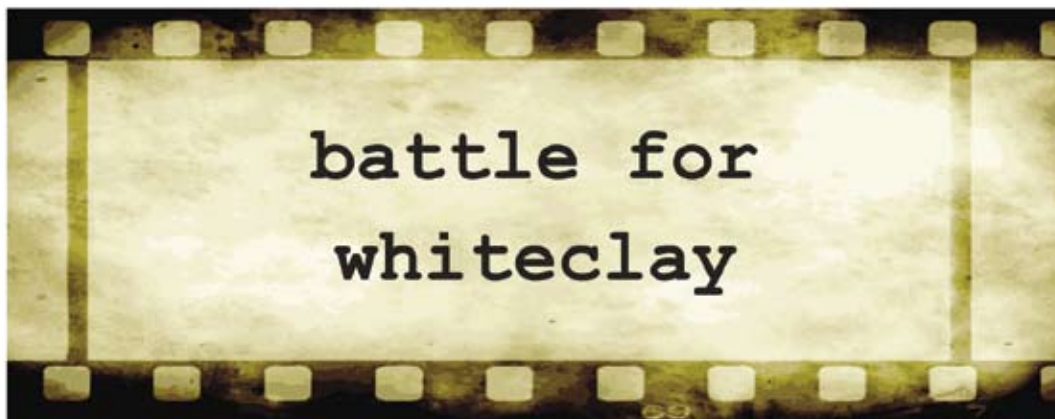
To register: Use the Annual Meeting registration form. Annual meeting registration is not required.

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.

*"Pine Ridge Indian Reservation is
Drowning in Beer." Denver Post*

*"The only purpose of Whiteclay
is to sell to tribe members—
there's nobody else around— and
the tribes can't do anything
about it." New York Times*

BEST POLITICAL DOCUMENTARY
NEW YORK INTERNATIONAL
FILM FESTIVAL 2009



Documentary & Discussion

PANELISTS

TOM WHITE attorney for oglala sioux tribe v. anheuser busch et al. ~

MARK VASINA battle for whiteclay filmmaker ~ FRANK LAMERE indian activist ~

WALTER ECHO-HAWK author and law school professor ~

JOHN A. MAISCH university professor ~ MICHAEL MCBRIDE moderator

Monday, October 1, 2012 ~ 1:30 p.m. to 4:30 p.m.

Oklahoma Judicial Center Auditorium ~ 2100 N. Lincoln Boulevard

\$25 attorneys and guests ~ No charge for law students ~ 3 CLE hours (pending) ~ register today at
www.crowedunlevy.com/indian-law-and-gaming

To learn more about Whiteclay, Nebraska, visit www.battleforwhiteclay.org



CROWE & DUNLEVY
ATTORNEYS AND COUNSELORS AT LAW

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
☐ Leadership Academy ☐ 2012 OBA Award Winner ☐ Delegate ☐ Alternate
☐ Military service/ Veteran ☐ 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, the President's Leadership Breakfast and a book signing by Frank DeFord.

☐ **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\$ _____

Continued on reverse

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

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. For hospitality suites, contact Craig Combs at 405-416-7040 or email craigc@okbar.org.

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

- ☐ Wednesday President's Tailgate Reception ☐ With guest ☐ Without guest
☐ Thursday 'At the Hop' reception ☐ With guest ☐ Without guest



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
☐ \$75 through Oct. 22; ☐ \$100 after Oct. 22;
☐ \$60 for Law Office Mgmt. and Tech. Section through Oct. 22; ☐ \$85 after Oct. 22;
☐ \$25 for new members through Oct. 22; ☐ \$50 for new members after Oct. 22\$ _____
- ☐ Friday: OBA CLE: OBA Tech Luncheon ONLY (Fast Case Training): \$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



House of Delegates

Dear County Bar Presidents:

Thank you to the County Bar Presidents of:

Adair, Alfalfa, Beckham, Carter, **Cleveland, Comanche, Cotton, Custer, Ellis, Garvin, Grant, Harper, Jackson, Johnston, Kay, Kingfisher, Kiowa, LeFlore, Love, Marshall, Mayes, Murray, Muskogee, Oklahoma, Osage, Ottawa, Payne, **Pontotoc, Rogers, Seminole, Texas, Tulsa, Washington and Washita for submitting your Delegate and Alternate selections for the upcoming OBA Annual Meeting. (**Reported, awaiting election)

Listed below are the counties that have not sent their Delegate and Alternate selections to the offices of the Oklahoma Bar Association as of **Sept. 5, 2012**. Please help us by sending the names of your Delegates and Alternates now. *In order to have your Delegates/Alternates certified, mail or fax Delegate certifications to OBA Executive Director John Morris Williams, P. O. Box 53036, Oklahoma City, OK 73152-3036, or Fax: 405-416-7001.*

Atoka	Haskell
Beaver	Hughes
Blaine	Jefferson
Bryan	Latimer
Caddo	Lincoln
Canadian	Logan
Cherokee	Major
Choctaw	McClain
Cimarron	McCurtain
Coal	McIntosh
Craig	Noble
Creek	Nowata
Delaware	Okfuskee
Dewey	Okmulgee
Garfield	Pawnee
Grady	Pittsburg
Greer	Pottawatomie
Harmon	Pushmataha

Roger Mills
Sequoyah
Stephens
Tillman

Wagoner
Woods
Woodward

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

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

Resolutions to the House of Delegates, **must** be received electronically by the Executive Director **no later than Sept. 21, 2012**, to meet publication requirements. Submit to johnw@okbar.org and debbieb@okbar.org. A representative will need to present the resolution to the Board of Governors at its September 18 or October 26 board meeting to enable the board to make recommendations.

2013 OBA Board of Governors Vacancies

Nominating Petition Deadline: 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)
Nominee: **Sonja R. Porter, 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:

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.

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.

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. Twenty-five of the names thereon are set forth below:

David W. VanMeter, Thomas Hosty, Steve Nash, Marna Franklin, Ron Collier, Melody Rowlett, Michael L. Tinney, Charles J. Watts, Nathan L. Simms, Cherrilyn McLane, Scott Anderson, Rachel Bussett, Jeff Messer, Chad Moody, Alan R. Woodland, Wesley Cushner, Janet Cox, Cesar Armenta, Matthew Johnson, Brett Behenna, Gary L. Ackley, William R. Pierce, Kristin Box-Lindsey, Michael Johnson and Erik Motsinger

A total of 36 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.

The Oklahoma Bar Foundation

A Legal Blueprint for Creating and Sustaining a Successful Nonprofit Charitable Organization

By *Renée DeMoss*

You are providing legal advice to a start-up nonprofit organization or sitting on the board of such an organization. You believe strongly in the entity's mission and want to do all you can, as a lawyer and as a volunteer, to help it succeed. A perfect example to follow is right in front of you — the Oklahoma Bar Foundation. This nonprofit charitable organization, which is the third oldest bar foundation in the United States, has successfully raised and distributed more than \$10 million to provide legal services and law-related benefits and education to Oklahoma citizens, all in the name of Oklahoma lawyers. The OBF provides a valuable legal blueprint for any lawyer to follow in establishing, operating or contributing to the success of a nonprofit organization.

The OBF is the charitable arm of the Oklahoma Bar Association. One of its finest features is that its work is done entirely by Oklahoma lawyers on behalf of Oklahoma lawyers. As a tax-exempt entity under Internal Revenue Code Section 501(c)(3), it raises and distributes funds to worthy, vetted organizations that provide legal services to Oklahoma citizens who could not otherwise afford them. Through the use of proven and careful governance systems, fundraising techniques and grant-making procedures, the OBF employs a United Way type model to fund legal services for needy Oklahomans. The Oklahoma lawyers who constitute the Board of Trustees of this nonprofit entity make all decisions regarding how to operate the foundation, how to raise funds and how to distribute them.

This article details how this successful nonprofit was established by Oklahoma lawyers for the people of Oklahoma, and illustrates

how the legal principles and requirements for running a nonprofit charitable organization can be applied and followed, including developing a meaningful vision and mission, establishing good governance procedures, creative and successful fundraising, and implementing and following a careful grant process.

A MEANINGFUL MISSION AND PURPOSE

The cornerstone of any nonprofit organization, and in many respects the determinative factor of its success, is whether its mission and purpose meet a true need. The OBF was established in 1946 by a group of attorneys from across the state who sought to accomplish charitable goals in the area of the law. The mission, as envisioned by these early OBA leaders, was to improve the administration of justice in Oklahoma and to advance the general welfare of all Oklahomans through service of its lawyers. Additionally, even back in 1946, lawyers

experienced image problems, and the OBF's work served to improve this image. Minutes from an early OBA meeting relating to the foundation's creation state:

The Executive Council of the Bar Association took one of its boldest and most imaginative steps in the history of the organized bar at the last meeting of the Council. It is a step which will inure to the benefit of all lawyers in Oklahoma and redound to the public interest. That was the creation of the Oklahoma Bar Foundation. Many laymen and some lawyers believe that the primary purpose of the [Oklahoma] bar association is to discipline the constituent members — that the OBA is nothing more than a 'big grievance committee.' While we do have a grief, gripe and groan department, that popular impression is grossly inaccurate...Our primary purpose is to improve the administration of justice, to advance the general welfare of the constituent members, and to serve the interests of our clients and of the public. The Oklahoma Bar Foundation will, therefore, be devoted to these ends....

Each lawyer is urged to give his support and cooperation to this [foundation]. The glories of the possibilities are ours if we but realize them.¹

The OBF was subsequently incorporated under Oklahoma law and was granted tax-exempt status under Section 501(c)(3). This designation allows the foundation to achieve the public service activities envisioned by its OBA founders. Bar foundations, as 501(c)(3) entities, can address broad public purposes, such as providing funding for legal services and educating the public about the role of law in American society. There are, however, restrictions on use of foundation assets. Monies paid out must always be in furtherance of their charitable purposes. For example, the charitable funds that a bar foundation donates to its sister bar association must be granted and used for charitable and educational activities that fall within the foundation's purpose, and not for any other activity or business purpose of the association. If foundation funds are not used or accounted for properly, tax-exempt status can be lost.

The OBF also fulfills its purpose by holding title to the Oklahoma Bar Center land and building in trust for the association.² In fact, the

foundation's first project was to find a new home for the association, which originally operated from an old office building in downtown Oklahoma City. In 1946, the Oklahoma Supreme Court authorized the transfer of \$40,000 in surplus funds for the foundation's use in finding a permanent bar center location. The site at 1901 N. Lincoln was chosen and purchased for \$21,000, and remains the bar's home today. The foundation in its early years also donated funds to the OU, OCU and Tulsa law schools and paid for bench materials used by Oklahoma judges. The OBF has now fully evolved into its role as the charitable arm of the OBA, with the necessary tools in place to effectively meet its mission of ensuring that legal service needs of Oklahomans are addressed.

The OBF is an organization that can also benefit Oklahoma lawyers by helping them meet some of their ethical obligations. Under Rule 6.1 of the Oklahoma Rules for Professional Conduct, a lawyer has a responsibility to provide pro bono public interest legal services, specifically by providing professional services at no fee or a reduced fee to the needy, serving without compensation in public interest activities that improve the law, or by providing financial support to organizations that provide legal services to people of limited means.³ Lawyers are not always able to personally provide legal services or even to research specific legal-related programs that are worthy of their investments. By donating to the foundation, they know that their funds are spent on valuable programs that provide quality services. Further, the OBF charitable funds go directly to programs that are particularly important to lawyers — programs that provide legal aid for Oklahomans and educate the public about the law.

In its more than 65 years of existence, OBF grants have provided legal assistance for the poor and the elderly, protection and legal assistance for children, public law-related education programs, law student scholarships and a safe haven for the abused. Through its mission of "promoting justice, funding critical legal services, and advancing public awareness of the law," the OBF has a charitable purpose that meets a true need in Oklahoma.

GOVERNANCE AND ACCOUNTABILITY PROCEDURES

In order to succeed, a nonprofit organization must have a well-designed governance framework that both reflects the mission and core

values of the organization, and also ensures that it is accountable to its constituents. The nonprofit's board of directors, with the support of its staff, is ultimately responsible for developing and maintaining such a framework, including establishing and maintaining policies, procedures and best practices that define how decisions will be made, and how the governance process will work.⁴

*Accountability Through A Prudent
Board of Directors*

Like many charitable organizations, the OBF is supervised by board members who are strictly volunteers — the OBF Board of Trustees. OBF trustees are stewards of the charitable funds raised to meet legal service challenges in Oklahoma, and have essentially the same legal duties and responsibilities as directors of for-profit organizations.

The OBF Board has two primary roles — to make prudent decisions for the organization and to properly oversee its functions. The decision-making role includes forming goals and policies and implementing actions to achieve them. The oversight role concerns devoting attention to corporate systems, controls and matters the foundation must address. A proper governance system is critical to the board's ability to ensure the success of the organization, as it enables the board to assess the foundation's day-to-day management, oversee implementation of foundation plans and commitments, ensure compliance with legal and contractual requirements, and evaluate the OBF's work. OBF trustees also strive to bring recognition to the foundation and act as its ambassadors.

The OBF Board of Trustees is composed of 26 Oklahoma attorneys who oversee the operations of the OBF and its staff, including its executive director. Five of the trustees also serve as officers. The OBF follows the three-year officer model of the OBA, whereby a president-elect serves a one-year term, then ascends to the presidency for a year, and then serves as the past president for an additional year. Every trustee must undergo an orientation session to learn the details of the OBF's functions and organization. Trustees are required to attend an annual retreat at the beginning of each year, in addition to regularly scheduled meetings, and must remain fully familiar with all OBF matters which they address.

*Accountability Through Articles of
Incorporation and By-Laws*

All nonprofit organizations must be held accountable to their donors, the people they serve and the public at large. Through proper governance and documentation, the OBF tracks how it meets the needs of those it serves, how its programs work, their cost and the benefits they produce.

The OBF's Articles of Incorporation are the binding legal document that sets forth the OBF's purpose and meets the requirements for establishing the entity as required by Oklahoma statutes. The OBF bylaws handle more specific details related to OBF governance. They include more than the minimum requirements, such as classification of members, requirements and terms for officers, maintenance of proper organizational and financial records, and acceptance of donations by the foundation.

*Accountability Through Committees and
Written Policies and Procedures*

An effective committee structure is essential to running a successful nonprofit entity. The OBF board employs a system to effectively accomplish its work by delegating tasks to committees with well-defined responsibilities. The OBF system includes specific standing committees with written descriptions of their ongoing charges, and special committees or task forces which are established as needed to meet goals within a more limited time frame. Each committee is charged with researching and making recommendations to the full board for discussion and action. The OBF board president has the ultimate responsibility over the board committee structure, and also the responsibility to help ensure that committees achieve their stated objectives.

The OBF also employs a system of written policies and procedures to guide and focus committee activities. The OBF has several standing committees which operate in accordance with the guidelines set forth in the written policies. The Executive Committee is responsible for full oversight and general direction of OBF activities, including the financial status, supervision of the OBF executive director, assistance with long range planning and strategy, and progress toward OBF goals.

The Audit Committee ensures the OBF financial records are audited annually, in accordance

with Audit Policy requirements. It assists in oversight of accounting, financial reporting and compliance with legal and regulatory requirements. Such oversight provides donors with confidence that OBF properly uses and accounts for the funds with which it is entrusted, helps ensure that restricted donor gifts are administered appropriately and provides protection from charges of improper handling of funds.

The Finance and Investment Committee coordinates the OBF's financial oversight responsibilities and assessment of OBF's financial performance. It ensures accurate and timely presentation of periodic financial reports, and oversees budgets and financial planning. This committee is also responsible for investment policies, overseeing performance of OBF investments and working directly with OBF's professional investment manager.

The Finance and Investment Committee employs several written policies. The Investment Policy addresses the OBF's overall investment objectives to establish a reasonably consistent rate of return on its assets, while at the same time maintaining stability and preserving capital. It helps ensure the OBF diversifies its assets across a broad range of equity, fixed income, cash equivalent and other types of securities.

The Capital Growth and Expenditure Policy helps the board assess OBF spending and whether OBF operates within its means and maximizes its resources. The OBF Reserve Policy governs the accumulation of funds to ensure long-term financial stability and to provide income in the event of loss of a major funding source or exceptionally hard times. The OBF, for example, was recently forced to tap into reserves due to historically low interest rates affecting its revenues. The OBF's Check-Signing Authority Policy requires two board members to sign checks, thus ensuring deliberate and accountable decisions are made regarding the outflow of foundation funds.

Additional OBF standing committees include the Leadership and Governance Committee, Nominating Committee, Development Committee, and Grants and Awards Committee. These committees are not focused on finances, but are devoted to ensuring that OBF continues to perform as a quality organization, has solid future plans, and appropriately uses its assets. They are guided by written policies including a Conflict of Interest Policy, which

all 501(c)(3) organizations must have in place. The duty of loyalty that OBF trustees must observe requires them to consider any potential conflict of interest that may arise in their board service. It further protects against tax-exempt benefits accruing to an individual trustee, which can occur when a nonprofit conducts business on less than an arm's length basis with a firm or person related to a trustee or employee.⁵

The OBF's Record Retention Policy ensures that state and federal laws and regulations are met, including the Sarbanes-Oxley Act requirements on the destruction of business records and documents, and finally, the OBF's Whistle-blower Policy is designed to encourage and protect any person who may have credible information about illegal practices or policy violations.

FUNDRAISING

The lifeblood of any nonprofit organization is its ability to keep the doors open and raise the funds needed to meet its mission. A successful nonprofit must have a range of funding sources. Total dependence on any one source can have drastic consequences, as illustrated by the plunging interest rates on investments that have recently devastated many nonprofits.

The OBF has in place several diverse funding sources to guard against decline in any one source. Most of these can be employed by virtually any nonprofit to contribute to its success, including: 1) Monetary donations from Oklahoma lawyers, including dues payments from lawyers that are Fellows of the foundation; 2) Memorial gifts and donations; 3) *Cy Pres* awards; and 4) other sources including interest earned on investments and fundraisers. The OBF also has a very unique fundraising method of particular interest to lawyers: 5) IOLTA — Interest on Lawyer Trust Accounts.

IOLTA

Most Oklahoma lawyers know the term IOLTA — Interest on Lawyers Trust Accounts — and that Rule 5.1 of the ORPC requires lawyers to hold their clients' funds in trust accounts, with interest on those accounts designated for IOLTA.⁶ Less is known, however, about how and why IOLTA was created and what it actually does. Without placing any tax burden whatsoever on the public, and without imposing any cost whatsoever on lawyers or their clients, IOLTA requires that certain accounts

established by lawyers to hold client funds must be pooled together, and interest generated on the accounts must be used to provide legal aid to the underprivileged and other charitable legal causes. In Oklahoma, as in other states, IOLTA funds are paid to the state bar foundation, who is charged with using them for exclusively law-related public purposes. IOLTA provides a truly cost-free benefit to the public.

The first IOLTA programs were established in the 1960s in Australia and Canada to generate funds to provide the underprivileged with legal services. In the 1970s, several states considered establishing such programs, but were prevented from doing so by U.S. laws. Federal regulations enacted after the Depression prohibited banks from awarding interest on checking accounts. This created problems for lawyers who routinely obtain and hold client funds, some of which are very small or are to be held for only a short period of time. All such funds must be kept separate from the lawyer's own funds, and also must be readily accessible, so lawyers deposit them into checking accounts. Fees charged by banks on the accounts make maintenance of separate accounts for each client too expensive, so lawyers routinely pool all of their clients' small and short term funds together into one account. This pooling of small funds can eventually amount to large sums of money, but the laws prior to 1980 prohibited interest from being paid on the accounts. Therefore, only banks benefitted from the deposits, as they had free use of the funds.

All of this changed in 1980 when Congress enacted the Consumer Checking Account Equity Act, permitting the establishment of interest-bearing checking accounts. The law permitted banks to pay interest on "NOW" demand deposit checking accounts, enabling client accounts with pooled small and short-term funds to generate interest and to pay any bank fees from this interest.⁷ The remaining interest funds in the accounts can be distributed, but only if the funds benefit either individuals or charitable organizations.⁸

Obviously, a critical premise underlying IOLTA is that an individual client must receive back any interest earned on his funds that can be identified and to which the client is entitled, so lawyers must properly evaluate all funds they receive to hold for their clients. Three factors must be evaluated: 1) the amount of interest that the funds would earn during the period

of time they are expected to be deposited; 2) the cost of establishing and administering the account; and 3) the capability of the financial institution to calculate and pay interest to individual clients.⁹ If the funds a lawyer holds for a client are great enough, or will be held long enough to generate net interest for the client when deposited, those interest funds earned must be paid to the client and not to IOLTA.

The Oklahoma IOLTA Program

The Oklahoma Supreme Court amended the Code of Professional Responsibility to permit the establishment of a voluntary Oklahoma IOLTA program in 1983, giving Oklahoma lawyers the choice to participate in IOLTA by opting in. The program did not become mandatory until after legal challenges to IOLTA were overcome. Lawyers opposing IOLTA had always argued it was unconstitutional based on the Fifth Amendment's prohibition of taking private property from individuals without just compensation. The U.S. Supreme Court considered this issue in 1998, and ruled that the interest earned on individual client funds in pooled IOLTA accounts was indeed the property of the individual clients. The court declined, however, to decide whether payment of the interest earned on the funds into an IOLTA program constituted a taking of the individual client's property, or if there was a taking, what the amount of just compensation, if any, would be.¹⁰

Subsequently, in 2003 the court addressed the state of Washington's mandatory program, and concluded that it was constitutional because there was no "uncompensated taking" of property involved.¹¹ The court reasoned that the amount of any "just compensation" that a client would be entitled to from IOLTA should be measured by the amount of the client's property loss. Because IOLTA accounts only hold funds that are too small or short term to generate any interest income for any one individual client, no individual can suffer any monetary loss for which just compensation would be due.

After this decision, the OBA and OBF jointly moved the Oklahoma Supreme Court to convert Oklahoma's voluntary IOLTA program to a mandatory one. The court approved an ORPC rule change and the Oklahoma program became mandatory on July 1, 2004. The new rule incorporates the basic IOLTA premise that a client must receive any interest to which he would actually be entitled, so an attorney who deposits funds in an IOLTA account still must

first consider whether the funds can be used to provide a positive net return to the client.

The Oklahoma rule also provides a lawyer with an appeal process relating to client funds and to IOLTA accounts. If a client asserts a claim against an attorney to obtain interest funds, the attorney can ask the OBF to review the claim. After review, the OBF can either approve the claim and return the interest paid directly to the client, or reject the claim and inform the client in writing of the reasons for the rejection. If litigation arises regarding the claim, the OBF will interplead the interest amount into the court, and will assume the defense of the action. Less than 20 claims for IOLTA refunds have been submitted and paid by OBF in the years IOLTA has existed.

Although the Oklahoma IOLTA program is capable of generating substantial amounts of funds to meet the legal service needs of Oklahomans, it is wholly dependent on interest rates, and thus provides a perfect example of why a successful nonprofit can never safely rely on any one funding source. Changes in interest rates can, and have, lead to great disparities in the amounts of Oklahoma's IOLTA funds over the years.

Attorney Donations and Fellows Program

Many nonprofits raise funds through programs in which individuals make direct donations to the entity. The OBF has two such sources. First, there is a specific section on the OBA annual membership application that provides lawyers the opportunity to individually donate funds to OBF when they renew their OBA membership.

Second, the OBF has an annual giving program called the Fellows Program in which an Oklahoma lawyer makes a voluntary, intentional decision to monetarily support the foundation. This program was created in 1978, with 91 attorneys across Oklahoma signing up as the original Fellows. An Oklahoma attorney becomes a foundation Fellow by donating \$100 a year for 10 years or \$1,000 total. This amount has not been increased since 1978.

The OBF program has two additional Fellow participation levels. Sustaining Fellows complete their initial \$1,000 contribution and then continue to donate \$100 per year; Benefactor Fellows — the highest level of foundation leadership — contribute \$300 per year after they complete their \$1,000 contribution.

The OBF currently has 718 OBF Fellows, 227 Sustaining Fellows, and 165 Benefactor Fellows. The Fellows Program generated approximately \$109,000 in 2011.

Memorials and Other Gifts

Monetary support for OBF programs also comes from OBA lawyers and their families who make gifts for the general charitable purposes of the foundation. Such generous gifts are an important source of permanent funds. These include the Edward and Mary Howell Memorial Fund, which began with a \$500,000 principle gift in a will; the Joseph S. Lewis Memorial Fund, which began with a \$200,000 principle gift in a will; and the Chapman-Rogers Education Fund, created to honor attorney John Rogers, in the total amount of \$226,000. This pledge to the general charitable purposes of the foundation currently funds annual scholarships at each of Oklahoma's three law schools.

Other gifts have created scholarships to honor specific individuals, including: 1) the Maurice H. Merrill Scholarship Fund, which provides an annual scholarship to an OU College of Law student who intends to practice public law; 2) the W.B. Clark Scholarship Fund, which provides funds for students from Kay County to attend law school in Oklahoma; 3) the Gerald B. Klein Fund, which funds an award to an individual who exemplifies dedication and devotion to the legal profession; 4) the Phillips Allen Porta Memorial Fund, which funds an award to the graduating senior student at OU College of Law with the highest grade in legal ethics; 5) the Thomas L. Hieronymus Fund, which funds an award to an OU law student studying energy and natural resources law; and 6) the Marvin C. Emerson Scholarship Fund, established to provide a scholarship to an OU law student studying family law.

In 2011, the foundation received approximately \$73,645 in private gifts and memorials.

Cy Pres Awards

Another unpredictable, but potentially substantial, source of OBF income is a court award of *cy pres* funds. The *cy pres* doctrine was created as a method a court could use to fairly distribute a trust fund when the original purpose of the trust could not be achieved. The court would award such funds for the "next best" use, which was usually a donation made

to a charitable organization as closely aligned as possible to the original trust purpose. *Cy pres* awards are most frequently found in class action cases, where accounts are set up to hold payments made by defendants to go to injured class members. A court will set a particular time period during which eligible class members can identify themselves and claim their part of the funds from the account. Typically, however, only a small percentage of those class members eligible to receive funds actually submit claims. Because the defendants usually have no right to receive back any excess unclaimed funds, a large amount of funds can remain undistributed after the time period for submitting claims has expired.

The *cy pres* doctrine enables a judge to order that unclaimed class action funds be paid to a charitable organization. Such an award is usually made pursuant to a stipulation or recommendation of both plaintiff and defense counsel in an action. The OBF has been fortunate in recent years to receive more than \$2 million in residual class action funds under the *cy pres* doctrine.

THE GRANTS AND AWARDS PROCESS

As a grant-making organization, the OBF Board of Trustees has options when exercising its fiduciary duties regarding how to distribute funds it raises, to whom it distributes them, in what amounts, and under what conditions. In the grant-making process, OBF trustees must exercise discretion, and must be prudent and reasonable stewards of OBF funds.

The OBF administers three types of grant offerings. The first is the regular OBF Grant Program utilized strictly for law-related charitable programs and projects. These grants fund delivery of civil legal services to the poor and elderly throughout Oklahoma, and they also fund educational programs. Grants totaling \$559,297 were approved by the OBF trustees in 2011 to 15 different organizations, just a few of which were Legal Aid Services of Oklahoma Inc., Oklahoma and Tulsa Lawyers for Children Inc. and the Center for Children and Families Inc. The OBF also funded education programs in 2011 in the total amount of \$79,500, including donations to Teen Court Inc. of Comanche County, the OBA YLD High School Mock Trial Program and several other programs.

The second OBF grant offering is the Court Grant Program designed to benefit Oklahoma district and appellate courts for court purposes

and expenditures that are not normally funded through existing sources. The primary purpose of the Court Grant Program is to fund capital improvements and extraordinary expenditures necessary to promote the administration of justice, including courtroom improvements such as computer equipment, court reporting equipment, other furniture and fixtures, and extraordinary expenditures necessary for the proper administration of complex litigation. Since the inception of the Court Grant Program in 2008, more than \$270,000 has been awarded to courts across Oklahoma to meet these needs.

The third grant offering is for out-of-cycle grants, which fund emergency requests that do not fit within the scope of the normal grant cycle and do not recur from year to year. To qualify for an out-of-cycle grant, the applicant must show that its need is highly meritorious, it fits within the charitable purposes of the OBF, it could not have been anticipated and no other funds exist to meet it. Such grants cannot exceed \$2,000 per grantee per year, other than in exceptional cases which cannot exceed \$5,000, as determined by the Board of Trustees following review and recommendation by the Grants and Awards Committee.

The Grant-Making Process

The OBF grant-making process is a long and thorough — and absolutely necessary — process. Each trustee takes the fiduciary duty and commitment to properly award foundation funds very seriously.

The grant-making process has several steps, each of which is critical to ensuring OBF funds are properly spent. The OBF must first provide information regarding its programs to all potential grant recipients. The foundation staff and the Grants and Awards Committee then analyze each application received and meet face-to-face with every qualified applicant to hear from them directly. The committee ultimately makes recommendations to the entire OBF Board of Trustees on the grants it believes should be made, and the entire board votes on final grant decisions. Once the grants are made, the Grants and Awards Committee supervises a monitoring process of the grants throughout the year. Grantees must submit periodic reports to the OBF, who perform site visits to evaluate the grant recipient's use of OBF funds.

The Grant Application

The first step in the process requires the OBF to provide guidelines to inform potential appli-

cants about the OBF and the funding opportunities it offers. The applicants then prepare and submit specific information about themselves and their proposals for use of OBF funds. OBF grants are awarded on an annual basis. Court Fund applicants must submit applications by March and regular grant applicants by June to receive consideration. Each applicant, if not a court, must be organized as a nonprofit recognized by the IRS as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, or as an organization that will provide a charitable public service that would qualify as tax-exempt under Section 501(c)(3). If the organization is not such an entity, the applicant must fully describe the nature of its tax-exempt status. OBF does not fund activities or organizations that fall outside IRS guidelines or the scope and mission of the foundation.

The OBF requires that each applicant submit a brief description of its grant request, including a narrative that defines the organization and programs to be funded, its goals and objectives and a timetable for completion. It should also specify the community or clients to be served, the program's quality and distinctiveness, how it serves the mission of the OBF, how the work would be carried out, expected outcomes if the program is successful, the organization's previous fundraising record of accomplishment, other sources of funding for the program, potential matching opportunities, and how the organization will measure its effectiveness in applying the grant funding to the proposal's goals.

Particularly important in this part of the process is an OBF trustee's fiduciary duty to ensure the financial stability of grantee organizations. The OBF trustees thus request submission of an applicant's financial statements, audit statements and budgets for both revenue and expenses. The OBF also requires a copy of the applicant's tax determination letter and two most recent IRS Form 990s as part of the application packet.

The OBF is also able to gather information about potential grantees by attending events of the grantee organizations, obtaining relevant information through websites such as Guidestar, and through direct contacts with the applicant.

Assessing The Grant Application

The OBF's committee structure calls for the Grants and Awards Committee to review applications and to make recommendations to the full OBF board as to which grants should be funded.

The applications are first thoroughly reviewed by foundation staff, then every committee member reviews and assesses the applications.

The OBF annually receives and reviews grant requests from many different nonprofit legal services and education-related organizations serving Oklahoma. Proposals demonstrating promise of contributing to the welfare and education of, and meeting the legal service and law-related educational needs of the residents of Oklahoma, are given careful consideration by committee members. This consideration extends to include other law-related nonprofit programs such as educational and public awareness, and access to and improvement of justice for exclusively public purposes.

Priorities considered by the committee for legal services or education grants include: 1) the track record of the applicant, such as fiscal responsibility and program stability; 2) other funding sources that could sustain the program; 3) development and expansion of pro bono services; 4) special needs of the applicant; 5) the potential of matching grant funds from another source; 6) the benefits that will be derived from the project or program by the state, county or service area; and 7) non-duplicative services.

Priorities for Court Grant funds include those where other funding sources are not generally available, special needs of the court not addressed by normal funding processes, and whether matching grant funds may be available.

After the committee reviews each grant proposal and staff summary report, and evaluates the viability of each proposal, it determines funding recommendations for each proposal to be presented to the board. It also identifies and informs the board of the current Oklahoma community legal service needs, legal educational needs and service gaps.

Grantee Reporting and Tracking Requirements

Following the successful disbursement of funds to grantee organizations, the responsibilities of the OBF Grant and Awards Committee shift to oversight of the recipients to ensure OBF funds are used for the purposes set forth in their proposals. The committee is responsible for timely follow-ups to ensure compliance with the described proposal upon which the awards were made.

All grant recipients are required to submit written quarterly reports on the progress of the funded project. The OBF also requires annual reports, which include items such as restatement of the plan outlined in the original request, the measurable outcomes as originally outlined, progress made toward achieving those outcomes, methods or strategies used to gather data on the program, any findings of interest, concerns facing the program, whether the grant been instrumental in attracting additional resources, any plans for ongoing funding or expansion, and other funding sources and amounts received during the period.

Due to the long-term commitment OBF makes in granting funds, the Grants and Awards Committee members also conduct site visits to see grantees in action and to obtain a greater understanding of the needs and capacity of the recipients. The committee meets in February each year to plan and review the monitoring activities and organize the upcoming grant cycles. Site visits assigned at the February meeting must be completed by committee members by May, along with a written report. Site visits enable committee members to better evaluate grant fund usage and outcomes, adequacy of facilities and to evaluate other needs and accomplishments of grantees. All site visits reports are discussed and reviewed at the committee level and then presented for discussion and review by the entire Board of Trustees.

Finally, the Grants and Awards Committee ensures that all OBF grant recipients recognize the foundation in their written materials, during program presentations and on their websites and other media forms and venues. Grant recipients are also periodically asked to participate in OBF presentations.

CONCLUSION

The OBF, run by and for Oklahoma lawyers, has operated as a successful nonprofit organi-

zation for 66 years. It serves as the charitable arm of the OBA, and all licensed lawyers in Oklahoma are members. Through the generous support of attorneys who make charitable donations and participate in fundraising programs including the Fellows Program, IOLTA and *Cy Pres*, the nonprofit OBF works behind the scenes for Oklahoma's most vulnerable citizens. The OBF's success began with the original mission created by Oklahoma lawyers and the legal principles they established long ago to guide the OBF through the years. The Oklahoma Bar Foundation provides a perfect organizational example for any nonprofit organization desiring to succeed.

1. "The Oklahoma Bar Foundation: Executive Council of the Oklahoma Bar Association Creates Oklahoma Bar Foundation," by OBA Executive Secretary John G. Henry, 17 OBJ 1367, *Oklahoma Bar Journal*, Sept. 28, 1946.
2. *Ford v. Board of Tax Roll Corrections*, 1967 OK 90, 431 P.2d 423.
3. ORPC 6.1
4. *The Complete Guide to Bar Foundations*, Chris Newbold (First Ed. 2007)
5. *Corporate Directors Guidebook*, ABA Corporate Laws Committee (6th Ed. 2011)
6. ORPC 5.1
7. *Phillips v. Washington Legal Foundation*, 524 U.S. 156, 161 (1998).
8. 12 U.S.C. §1832(a)(2).
9. ORPC 5.1
10. *Phillips v. Washington Legal Foundation*, 524 U.S. 156, 172 (1998).
11. *Brown v. Washington Legal Foundation*, 538 U.S. 216, 221 (2003).

ABOUT THE AUTHOR



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Charities and Nonprofit Organizations

By William E. Farrior

Organizations that meet the requirements of Internal Revenue Code section 501(c)(3) are exempt from federal income tax as *charitable organizations*. In addition, contributions made to charitable organizations by individuals and corporations are deductible under Code section 170.

CLASSIFYING AN ORGANIZATION

Every exempt charitable organization is classified as either a *public charity* or a *private foundation*. Generally, organizations that are classified as public charities 1) are churches, hospitals, schools, colleges and universities; 2) have an active program of fundraising and receive contributions from many sources including the general public, corporations, private foundations or other public charities; 3) receive income from the conduct of activities in furtherance of the organization's exempt purposes; or 4) actively function in a supporting relationship to one or more existing public charities.

In contrast, private foundations typically have a single major source of funding (usually gifts from one family or corporation rather than funding from public sources) and most have grant-writing to other charitable organizations and to individuals, rather than the direct operation of charitable programs, as their primary activity.

For the Internal Revenue Service (IRS) to recognize an organization's exemption, the organization must be classified as a trust, a corporation, or an association. Most charitable organizations are classified as corporations. To be tax-exempt under Code section 501(c)(3), an organization must be organized and operated exclusively for exempt purposes, and none of its earnings may inure to any private

shareholder or individual. In addition, it may not be an *action organization*; i.e., it may not attempt to influence legislation as a substantial part of its activities, and it may not participate in any campaign activity for or against political candidates.

Organizations described in section 501(c)(3) are commonly referred to as *charitable organizations*. These organizations are generally eligible to receive tax-deductible contributions in accordance with Code section 170. The organization must not be organized or operated for the benefit of private interests, and no part of a section 501(c)(3) organization's net earnings may inure to the benefit of any private shareholder or individual. If the organization engages in an excess benefit transaction with a person having substantial influence over the organization, an excise tax may be imposed on the person and any organization managers agreeing to the transaction.

Although an organization is recognized as tax exempt, it still may be liable for tax on its unrelated business income. For most organizations, unrelated business income is income from a trade or business, regularly carried on, that is not substantially related to the charitable, educational, or other purpose that is the basis of the organization's exemption. An exempt organization that has \$1,000 or more of gross income from an unrelated business must file Form 990-T. An organization must pay estimated tax if it expects its tax for the year to be \$500 or more.

The obligation to file Form 990-T is in addition to the obligation to file the annual information return, Form 990, 990-EZ or 990-PF.

EXEMPT STATUS RECOGNITION

To apply for recognition by the IRS of exempt status under section 501(c) of the Internal Revenue Code, most organizations use Form 1023: *Application for Recognition of Exemption* and its related instructions.¹ The application must be complete and accompanied by the appropriate user fee. The organization should also request an employer identification number, even if it does not have any employees.²

A tax-exempt organization must make its approved application with all supporting documents and its last three annual information returns available for public inspection. The organization must provide copies of these documents upon request without charge (other than a reasonable fee for reproduction and copying costs). Penalties are provided for failure to comply with these requirements.

FILING REQUIREMENTS

Generally, tax-exempt organizations must file an annual information return.³ Most small tax-exempt organizations whose annual gross receipts are normally \$50,000 or less are required to electronically submit Form 990-N, also known as the *e-Postcard*, unless they choose to file a complete Form 990 or Form 990-EZ instead. Churches and certain church-affiliated organizations are generally exempt from filing.

PRIVATE FOUNDATIONS

Every organization that qualifies for tax exemption as an organization described in section 501(c)(3) is a private foundation unless it falls into one of the categories specifically excluded from the definition of that term.⁴ In addition, certain nonexempt charitable trusts are also treated as private foundations. Organizations that fall into the excluded categories are institutions such as hospitals or universities and those that generally have broad public support or actively function in a supporting relationship to such organizations.

Even if an organization falls within one of the categories excluded from the definition of private foundation, it will be presumed to be a private foundation with some exceptions, unless it gives timely notice to the IRS that it is not. If an organization is required to file the notice, it must do so within 27 months from the end of

the month in which it was organized. Generally, organizations use Form 1023, *Application for Recognition of Exemption*, for this purpose.

All private foundations, including nonexempt trusts treated as private foundations, must annually file Form 990-PF, *Return of Private Foundation*. Forms 990-PF and 1023 are subject to public disclosure.

There is an excise tax on the net investment income of most domestic private foundations. This tax must be reported on Form 990-PF and must be paid annually at the time for filing that return or in quarterly estimated tax payments if the total tax for the year is \$500 or more.

In addition, there are several restrictions and requirements on private foundations, including:

- Restrictions on self-dealing between private foundations and their substantial contributors and other disqualified persons;
- Requirements that the foundation annually distribute income for charitable purposes;
- Limits on their holdings in private businesses;
- Provisions that investments must not jeopardize the carrying out of exempt purposes; and
- Provisions to assure that expenditures further exempt purposes.

Violations of these provisions give rise to taxes and penalties against the private foundation, and in some cases, its managers, substantial contributors and certain related persons. Code section 4941 self-dealing rules apply to private foundation dealings with disqualified persons.

A private foundation cannot be tax exempt, nor will contributions to it be deductible as charitable contributions unless its governing instrument contains special provisions in addition to those that apply to all organizations described in 501(c)(3).⁵ In most cases, this requirement may be satisfied by reference to state law.

CLAIMING A DEDUCTION

The federal tax code allows individuals and businesses to make noncash contributions to qualifying charities and to claim deductions for these contributions on their tax returns. Gifts of donated property, clothing, and other noncash items have long been an important source of

revenue for many charitable organizations and a popular deduction for taxpayers.

IRS Publication 526 explains how to claim a deduction for your charitable contributions. It discusses organizations that are qualified to receive deductible charitable contributions, the types of contributions you can deduct, how much you can deduct, what records to keep, and how to report charitable contributions. In general, a *charitable contribution* is a donation or gift to — or for the use of — a qualified organization. It is voluntary and is made without receiving or expecting to receive anything of equal value.

PROOF OF CONTRIBUTION

Many charitable organizations described in Code section 501(c)(3) are eligible to receive tax-deductible contributions in accordance with section 170. Most eligible organizations are listed in Publication 78, *Cumulative List of Organizations described in Section 170(c) of the Internal Revenue Code of 1986*.

A charitable organization must provide a written disclosure statement to donors of a *quid pro quo* contribution in excess of \$75. A *quid pro quo* contribution is a payment made to a charity by a donor partly as a contribution and partly for goods or services. For example, if a donor gives a charity \$100 and receives a concert ticket valued at \$40, the donor has made a *quid pro quo* contribution. In this example, the charitable contribution portion of the payment is \$60. Even though the part of the payment available for deduction does not exceed \$75, a disclosure statement must be filed because the donor's payment (*quid pro quo* contribution) exceeds \$75. The required written disclosure statement must:

- Inform the donor that the amount of the contribution deductible for federal income tax purposes is limited to the excess of any money (and the value of any property other than money) contributed by the donor over the value of goods or services provided by the charity; and
- Provide the donor with a good faith estimate of the value of the goods or services that the donor received.

The charity must furnish the statement in connection with either the solicitation or the receipt of the *quid pro quo* contribution. If the disclosure statement is furnished in connection

with a particular solicitation, it is not necessary for the organization to provide another statement when the associated contribution is actually received.

No disclosure statement is required when:

- The goods or services given to a donor meet the standards for *insubstantial value* set out in Revenue Procedure 90-12, 1990-1 C.B. 471, and Revenue Procedure 92-49, 1992-1 C.B. 987 (as updated);
- There is no donative element involved in a particular transaction with a charity; for example, there is generally no donative element involved in a visitor's purchase from a museum gift shop; or
- There is only an intangible religious benefit provided to the donor. The intangible religious benefit must be provided to the donor by an organization organized exclusively for religious purposes, and must be of a type that generally is not sold in a commercial transaction outside the donative context.

A penalty is imposed on a charity that does not make the required disclosure in connection with a *quid pro quo* contribution of more than \$75. The penalty is \$10 per contribution, not to exceed \$5,000 per fund-raising event or mailing. The charity can avoid the penalty if it can show that the failure was due to reasonable cause.

Under a new recordkeeping rule effective for all cash, check, electronic funds transfers, credit card charges or other monetary contributions, the donor must obtain and keep a bank record or a written communication from the donee as a record of the contribution. A donor claiming a deduction of \$250 or more is also required to obtain and keep a contemporaneous written acknowledgment for a charitable contribution. To be considered contemporaneous, the written acknowledgment must be obtained by the donor no later than the date the donor files the return for the year the contribution is made.

The written acknowledgment must state whether the donee provides any goods or services in consideration for the contribution. If the donee provides goods or services to the donor in exchange for the contribution (a *quid pro quo* contribution), the written acknowledgment must include a good faith estimate of the

value of goods or services. The donee is not required to record or report this information to the IRS on behalf of a donor. The donor is responsible for requesting and obtaining the written acknowledgement from the donee. Although there is no prescribed format for the written acknowledgment, it must provide sufficient information to substantiate the amount of the contribution.

The contemporaneous written acknowledgment may be contained in the same document as the written communication from the donee used to satisfy the new cash recordkeeping requirement, as long as it contains all information required by both the recordkeeping requirement and the contemporaneous written acknowledgment requirement.

Household items and clothing contributed to charity must be in at least “good used condition” to be deductible. This requirement does not apply to contributions of food, paintings, antiques, other art objects, jewelry and gems, or collections, and does not apply to a contribution of an item for which a deduction of more than \$500 is claimed if the taxpayer obtains a qualified appraisal of the item. For claimed contributions over \$5,000, a qualified appraisal must be obtained.

TERMINATION

Most tax-exempt organizations terminate their existence either by ceasing operations when they are out of funds, merging with

another tax-exempt organization, or transferring their assets to another nonprofit organization. Notice to the IRS is given by filing a final Form 990 series return⁶ to inform the IRS of the action. The information return includes a description of the remaining assets and any transaction fees, the date of distribution, the fair market value of the assets and information about the recipient of the assets. Nonprofit corporations in Oklahoma must publish notice of dissolution in the county and file a certificate of dissolution with the Secretary of State for the organization’s intent to dissolve, liquidate, or terminate.

1. Organizations applying for recognition of exemption under a provision other than section 501(c)(3) use Form 1024.
2. See Form SS-4: *Application for Employer Identification Number* and its instructions to learn how to obtain an EIN. You may also obtain an EIN via telephone, by calling 1-800-829-4933, or by applying online.
3. Form 990 or Form 990-EZ.
4. See section 509(a).
5. See Publication 557, *Tax-Exempt Status for Your Organization*, for examples of these provisions.
6. Form 990, 990-EZ or 990-N.

ABOUT THE AUTHOR



William Farrior is a shareholder with Barrow and Grimm, PC. He practices in the areas of taxation and estate planning. Mr. Farrior received his J.D. from the University of Alabama and his LL.M. from Southern Methodist University.



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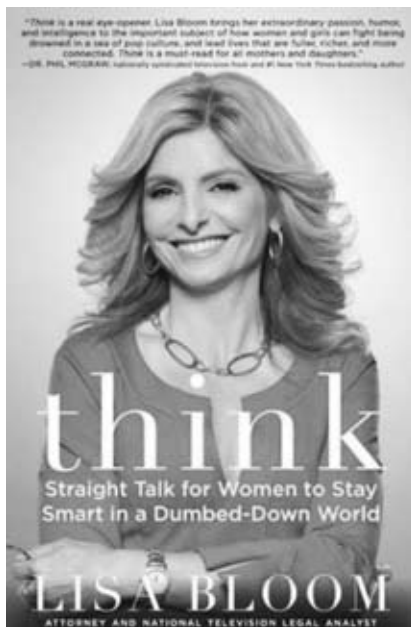
Straight Talk for Women

Staying Smart in Today's World

By Deirdre Dexter

Attorney, legal analyst and author Lisa Bloom is the keynote speaker for the 2012 OBA Women in Law Conference. This year the conference is titled "Think! Straight Talk for Women to Stay Smart in a Dumb-Down World." The theme comes from the title of a book authored by Ms. Bloom, and it will also be the topic of her presentation at the conference luncheon. This year the conference is scheduled for Sept. 28 at the Oklahoma Judicial Center.

Ms. Bloom hosted her own national daily talk show on Court TV for eight years and now serves as a regular legal analyst on CBS News, CNN and HLN. She appears frequently on the *The Early Show*, *The Insider*, *Dr. Phil*, *Dr. Drew*, *The Situation Room*, *The Joy Behar Show*, *Issues with Jan Velez-Mitchell* and many other news and talk shows. As a television legal analyst, she has covered a variety of major crime and justice stories including the O.J. Simpson trials, police brutality cases, the Duke University rape scandal, the Enron corporate fraud trial, and the murder trials of Scott Peterson, Robert Blake and Casey Anthony. She



Lisa Bloom

Sept. 28, 2012
Oklahoma Judicial Center
 Full schedule of events at
www.okbar.org/women

is also the founder and managing partner of the Bloom Firm, a general practice, Los Angeles-based law firm that handles family, civil and criminal matters. Her first book, *Think: Straight Talk for Women to Stay Smart in a Dumb-Down World*, was published in 2011. In it, she encourages women of all ages to spend time reading and thinking rather than focusing on the

superficial, celebrity-type culture too often seen in today's world. *Think* has been critically acclaimed and spent weeks on the *New York Times* Bestseller List.

In addition to Ms. Bloom's luncheon topic, a full day of "Straight Talk" will be presented. In the morning, a panel comprised of Oklahoma Supreme Court Justice Yvonne Kauger, OBA President Cathy Christensen, Retired Court of Criminal Appeals Judge Reta Strubhar and U.S. District Judge Vicki Miles-LaGrange of the Western District of Oklahoma will participate in a panel discussion titled "Straight Talk: Lest We Forget — How the Past Impacts the Future."

The difficulties faced in achieving work/life balance will be the topic addressed by President Christensen, OBA Immediate Past President Deborah Reheard and OBA YLD Chairperson Jennifer Heald Kirkpatrick. Their presentation will be followed by tours of the Oklahoma Justice Center provided by Justice Kauger, Oklahoma Supreme Court Justice Noma Gurich, Oklahoma City artist D.G. Smalling and Gaylene Rabi-

nek, clerk for Justice James Winchester.

Following the conference luncheon, Leah Avey of the Oklahoma City firm Rubenstein & Pitts will discuss employment law issues in today's work world, followed by a presentation titled "Straight Talk: An International Perspective" by ABA Past President Karen Mathis, who is also the retired president/CEO of Big Brothers Big Sisters of America.

The conference will conclude with a panel discussion of ethical issues, moderated by OU College of Law Pro-

fessor Judith Maute. Panel members participating in the discussion are Justice Gurich, OBA General Counsel Gina Hendryx, Tulsa attorney Renee DeMoss of the firm Gable Gotwals and 2003 OBA President Melissa DeLacerda of Stillwater.

The Women in Law Conference is planned annually by the OBA Women in Law Committee and is made possible by the generous support of sponsors. The conference is priced to include opportunities to participate in the CLE and luncheon or luncheon only. To register and to check

on details, visit www.okbar.org/women or just use the QR app on your smartphone and snap the barcode below for direct program information and registration.



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

Oklahoma Bar Journal Editorial Calendar

2012

- October
Opening a Law Practice
Editor: Melissa DeLacerda
Melissde@aol.com
Deadline: May 1, 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

- 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

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

cont'd from page 1876

pledge form recently mailed to you (or contact Sandy Neal, 405-488-6761, sandy.neal@laok.org to obtain a form) and give generously of your treasure in addition to your time.

OKLAHOMA LAWYERS FOR AMERICA'S HEROES

I also walk with the hundreds of attorneys who have volunteered their legal advice and assistance to those who have honorably served this nation who otherwise cannot afford or do not have access to the legal services they need. Since this program was launched on Veterans Day 2010, Oklahoma Lawyers for America's Heroes volunteers have provided approximately \$2 million of free legal services to servicemen and women. Nearly 500 Oklahoma attorneys have volunteered to serve as Legal Eagles. Many of these Legal Eagles have worked on more than one case and express a commitment to maintain one active case for an American hero at all times!

I have heard pro bono work referred to "billable hours for the soul." I couldn't agree more! Whether your commitment to pro bono work means donating to Legal Aid or becoming a Legal Eagle for the heroes program (or both), I encourage every attorney to take on at least one heroes case. I can promise you it is a rewarding experience to fight for those who fought to preserve our freedom.



OBA ANNUAL MEETING

Additionally, I walk with the nearly 1,500 attorneys and judges who participate each year in the OBA Annual Meeting. The level of participation varies for each OBA member. Some attend only one committee or section meeting, one CLE, a law school lunch, the annual luncheon or the president's reception, but there are so very many attorneys who attend the Annual Meeting and take full advantage of the plethora of quality CLE, the House of Delegates and the many opportunities for professional enrichment scheduled during the three-day meeting.

This year, I have chosen Homecoming as the theme for the Annual Meeting. The Annual Meeting Homecoming is your opportunity to walk with some of the best attorneys in our profession. I hope you will find time to join your colleagues for an old fashioned Homecoming celebration at the OBA Annual Meeting, Nov. 14-16, 2012, in Oklahoma City at the downtown Sheraton Hotel.

And so, in closing, I reflect upon those with whom I walk. I walk with the members of the Oklahoma Bar Association who dedicate themselves to helping build a better lawyer and a better legal community, and making legal services available to Oklahoma's heroes and Oklahoma's less fortunate. I walk with my brothers and sisters of the OBA and in November at the 108th Annual Meeting of the OBA, we as members will once again come together to do the business of the bar association, elect new leaders, participate in CLE, enjoy law school luncheons and reunions — and enjoy the company and collegiality of our profession. It will be a grand Homecoming, indeed.

Don't Regret — Register! Homecoming 2012

By John Morris Williams

We have survived another summer of severe heat and drought here on the prairie. Fall is on the way! That means we are fast getting ready for the Annual Meeting. This year's theme is "Homecoming." We want all of our members to come home to the Annual Meeting.

OBA members are busy people. We get that. I understand it very clearly by the daily difficulties we encounter in trying to schedule meetings and getting the right people at the right place at the right time. Nov. 14-16 is the right time, the Sheraton Hotel in downtown Oklahoma City is the right place and you are the right people.

Many bar associations have struggled or eliminated their annual meetings — we persevere. The main reason is that the Rules Creating and Controlling the Oklahoma Bar Association require that we hold the Annual Meeting and that the House of Delegates meet at this meeting. The House of Delegates is the governing body of the association and it determines the ultimate policy and direction of the association. The Board of Governors is charged with overseeing the association when the House of Delegates is not in session.

Why is it important to have the Annual Meeting and House of Delegates meet? First, and foremost, it is the mechanism

that allows our self governance as a profession. The ultimate authority rests with the Oklahoma Supreme Court. However, the Annual Meeting is the best and sometimes only method for the desires and needs of the association to be adequately

extremely important that we come together to share ideas and have some face time. In a world of electronic communications, we sometimes isolate and tend to business from our desk. For some of you it's a long drive and time away from the

“It is really important for each of us to come “home” this November to exercise our right of assembly and to enjoy all the great perks and good fun of the Annual Meeting.”

communicated to the Oklahoma Supreme Court and to the Legislature. In fact, the House of Delegates is the sole authority to recommend active participation in legislation from filing to passage.

What this means is that we have the unique opportunity as a profession to have active and meaningful participation in our destiny. We are most fortunate. No other profession has this right of assembly to make such a significant impact. It is really important for each of us to come “home” this November to exercise our right of assembly and to enjoy all the great perks and good fun of the Annual Meeting.

Lastly, we just plain ol' want to see you. This is the time when leaders and staff get to see and touch you. It is

office. However, without coming home, we as an organization cannot do our business; and ultimately that will have an impact on your practice and the self governance of our profession. It's not just a meeting; it's Homecoming!

Attend the meeting and help us do the work of our association, have some fun, network with new and old friends and learn something new. Don't regret — register. I know you are busy. But you should never be too busy to come home!



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

Maximizing Law Firm Profitability

By Jim Calloway

"We need something really short."

Those were the instructions from the *Oklahoma Bar Journal* staff when I asked what topic might easily fit in this OBA Annual Meeting-themed issue of the journal. Writing briefly is often a challenge for me and other lawyers. Briefs are not always brief.

So let's *briefly* direct your attention to something lawyers should be concerned about: law firm profitability. You have the opportunity to read up on this topic, at your favorite price — free.

The July / August 2012 issue of *Law Practice Magazine*, the "Law Firm Profitability Issue," should be required reading for almost every lawyer in private practice, as I recently noted in my Law Practice Tips blog. The cover story is "The New Normal: Restoring Profitability" by Arthur G. Greene, who has spent much of his professional career consulting with law firms.

The issue has five articles directly relating to profitability, two on alternative billing and others that indirectly relate to profitability. These include "Increase Profit by Decreasing Costs" by K. William Gibson, "Accelerating Receivables for Greater Profitability" by Kevin C. Harris and Allison Renaud, "15 Proven Profitability Techniques" by Joel A. Rose, "Prof-

“... the ‘Law Firm Profitability Issue,’ should be required reading for almost every lawyer in private practice...”

iting When the World Is Flat" by Karen MacKay and Stephen Mabey, and an article of special personal interest to me, "A Case for Alternative Billing" by Mark A. Robertson, a fellow Oklahoma lawyer and my co-author on the book, *Winning Alternatives to the Billable Hour, 3rd Edition*.

All of these articles and others in this issue of *Law Practice Magazine* are online for your reading and perusal at www.okbar.org/s/v2rgx.

Free may no longer be the best deal for *Law Practice Magazine*. For many busy people, the challenge of magazines and other periodicals is finding time to read them. There is now a *Law Practice Magazine* app. The app is included with your print subscription or membership in the ABA Law Practice Management Section.

But a nonsubscriber can also purchase it at the very reasonable fee of \$4.99 per issue or \$19.99 for a six-issue subscription. (The iOS version is available at the Apple App Store and the Android App version is on Google Play.) That price seems like a real bargain to me because of the ability to read it in spare moments when it is conveniently on your smart phone.

I have produced the *Digital Edge: Lawyers and Technology* podcast with my teammate Sharon Nelson for almost five years now. We hosted Arthur G. Greene on our podcast as a follow up to his cover story on profitability. He discussed how to address today's economy by using existing resources, the importance of determining your firm's revenue capacity and the rise of alternative billing. You can get the podcast from iTunes or look through our *Digital Edge* podcast archive page at www.okbar.org/s/izuzv. We have links to all Digital Edge podcasts there, in case you missed a previous one. You can listen from your computer and it is also free.

Some of your fellow Oklahoma lawyers were already aware of these items because they have seen them on my blog, *Jim Calloway's Law Practice Tips*, online at <http://jimcalloway.typepad.com>. Normally I do not repost those items here. If you want that

information regularly, you can visit the blog and sign up to receive the posts via email or RSS. That is also free.

So, there you have three free resources that all recently covered law firm profitability. I encourage you to spend a small amount to get the annual subscription app for *Law Practice Magazine* because there is a lot of great content in every issue.

Reading *Law Practice Magazine* regularly can make you a better lawyer.

Mr. Calloway is OBA Management Assistance Program director.

Opening Your Law Practice

Our "Opening Your Law Practice" seminar will be held in Tulsa on Tuesday, Sept. 25, 2012, and in Oklahoma City on Tuesday, Oct. 2, 2012, from 8:30 a.m. – 4:30 p.m. This **free** seminar is sponsored by Oklahoma Attorneys Mutual Insurance Company and features valuable information for any attorney working or planning to work in a solo or small firm setting. To register, please email OBA CLE registrar Mark Schneidewent at marks@okbar.org.

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Educating Your Assistants

By Travis Pickens

Lawyers who hire, manage or supervise non-lawyer assistants must make reasonable efforts to ensure their non-attorney assistants' actions are compatible with the *Oklahoma Rules of Professional Conduct*. Supervising lawyers must put specific measures in place to do this. Initially, it would be helpful to educate assistants as to what the disciplinary system is, and for the sake of the lawyers with whom they work, the consequences for violations. The following is an example of an educational tool you may wish to provide: a general overview of the rules and disciplinary system written without legalese.

OVERVIEW OF THE ORPC AND THE DISCIPLINARY SYSTEM FOR NON-LAWYERS

1. Lawyers are bound by the *Oklahoma Rules of Professional Conduct (ORPC)*, a set of rules approved by the Oklahoma Supreme Court. There are 58 rules in the ORPC. Non-attorneys are not directly bound by the rules, but the lawyer or lawyers who supervise or arrange for the work may be held responsible and disciplined for violations made by the non-lawyer.
2. Each state has its own set of rules, but most states — including Oklahoma — take their rules from the “model” rules of the American Bar Association. Each state typically makes a few changes reflecting regional differences or attitudes.
3. The rules require certain conduct from lawyers as minimum standards.
4. If a lawyer violates a rule, and it is reported to the General Counsel of the Oklahoma Bar Association, it will be evaluated. In some cases, an investigation reveals a potential violation of the rules.
5. The most serious violations relate to a lawyer's honesty, integrity and fitness to practice law.
6. The ORPC covers the client-lawyer relationship, the role of “counselor,” the role of “advocate,” transactions with persons other than clients, law firms and associations, public service, information about legal services (advertising), and maintaining the integrity of the profession.
7. For example, lawyers must not lie, cheat, steal, mislead, conceal, delay, disclose confidences, act against a client or a former client, hide evidence, get romantically involved with their clients, let their client lie, or communicate with an opposing party who has a lawyer.
8. Lawyers sometimes must report violations of other lawyers, but have no duty to report their own violation of a rule, just as a person has no duty to incriminate him or herself. Sometimes it is advisable for the attorney to do so under certain circumstances.
9. One does not need to be a client to file a complaint against a lawyer; however, the office of General Counsel can take all factors into consideration in evaluating a complaint, including the credibility of the complainant. The vast majority of bar complaints made against lawyers are without merit or otherwise do not rise to a violation that can be proven by the standard — clear and convincing evidence.
10. A group of seven people (five lawyers and two non-lawyers) called the Professional Responsibility Commission (PRC), decides whether individual grievances should be prosecuted by the General Counsel.
11. If directed to proceed by the PRC, the General Counsel will file a disciplinary action against the lawyer with the Oklahoma Supreme Court specifying the behavior and rule(s).

alleged to be violated. In most cases, the matter will be internet-accessible to the general public once the lawyer files a response.


12. The proceeding will be tried before a trial panel of the Professional Responsibility Tribunal (PRT)(two lawyers and one non-lawyer), which then makes a report and recommendation to the Oklahoma Supreme Court. The Court will take the entire trial record from the PRT and look at the case as though it was new. It can

do whatever it thinks best and has no obligation to defer to the PRT. The case may be dismissed by the Supreme Court for lack of merit, discipline imposed, or some other action as the Supreme Court deems appropriate. If discipline is imposed, it varies from a private reprimand, to a public reprimand, to suspension, to disbarment.

It would be wise to prepare additional educational materials for your assistants to be used in office meetings and orientations regarding compliance with the ORPC. These


materials might include information on trust accounts and confidentiality (including the need for social networking policies), for example.

My office is producing other educational materials for you and your staff to use in your practice, and they will be published in the *Oklahoma Bar Journal* and/or on the OBA website. These publications will be provided as a service to you, our members, as examples for you to modify and use as you see fit. They are not meant as a substitute for reading and learning the *Oklahoma Rules of Professional Conduct* themselves.




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Meeting Summaries

The Oklahoma Bar Association Board of Governors met at the Choctaw Casino Resort in Durant on Friday, June 22, 2012, in conjunction with the Solo and Small Firm Conference.

REPORT OF THE PRESIDENT

President Christensen reported she reviewed financial reports, minutes and information pertaining to the Young Lawyers Division in addition to holding discussions with the YLD Review Committee and YLD Chair Kirkpatrick. She attended 50- and/or 60-year pin presentations in Woodward, Cotton, Beaver and Oklahoma counties, Department of Education Vision 2020 Conference, Louisiana Bar Association annual meeting, State Bar of Texas annual meeting, Sovereignty Symposium, Solo and Small Firm Conference Planning Committee meetings, meeting with Executive Director Williams and MAP Director Callo-way, OBA Strategic Planning Committee meeting, Diversity Committee meeting, receptions in conjunction with the Sovereignty Symposium, Oklahoma County Bar Association awards banquet and several planning sessions with OBA staff related to the solo conference. She met with the Southern Conference of Bar Presidents Planning Committee, Director Krug and Heidi McCombs regarding Annual Meeting CLE, and with Amy Kelly and Director Callo-

way to plan a Thunder watch party at the solo conference. She also worked with Executive Director Williams on reviewing section bylaws and traveled to Clinton to present certificates of recognition to the Clinton High School Mock Trial Team at the school's awards banquet.

REPORT OF THE VICE PRESIDENT

Vice President Stockwell reported she reviewed financial reports, minutes and other information pertaining to the YLD and participated in a Yellow Ribbon event for returning soldiers. She attended the YLD review committee meeting, Cleveland County Bar Association monthly CLE luncheon and CLE in addition to the Transition 2013 Committee meeting.

REPORT OF THE PRESIDENT-ELECT

President-Elect Stuart reported he chaired the Transition 2013 Committee meeting and Strategic Planning Committee meeting. He also attended the annual meetings of the Arkansas Bar Association and Kansas Bar Association.

REPORT OF THE PAST PRESIDENT

Past President Reheard, unable to attend the meeting, reported via email that she made presentations on Pros 4 Vets and the OBA Oklahoma Lawyers for America's Heroes program at an East Central

University Veterans Appreciation Day celebration and at the Sovereignty Symposium. She also testified before the Indian Law and Order Commission on issues regarding legal representation of Native American veterans.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he met with Core-Vault representatives regarding the company restructuring and service issues. He attended CLE staff meetings, Solo and Small Firm Conference Planning Committee meeting, staff evaluations and department reviews, Special Annual Meeting Transition Committee meeting, Strategic Planning Committee meeting, a planning meeting with President-Elect Stuart, a meeting with the Bar Association Technology Committee chair regarding the upcoming committee meeting and planning for new hardware and software, staff technology meeting, several meetings on the remodeling of first and second floors, Oklahoma County Bar Association annual awards luncheon, meeting with Devon Boat-house staff for SCBP meeting in 2013, Pontotoc County Bar Association Sheep Creek event, monthly staff celebration, meeting with presenters for an upcoming legislative CLE, Sovereignty Symposium reception, staff meeting for Solo and Small Firm Confer-

ence, Section Leaders Council meeting and staff directors meeting.

BOARD MEMBER REPORTS

Governor DeMoss reported she attended the Board of Governors meeting in Durant and the Tulsa County Bar Association past presidents meeting/luncheon. **Governor Devoll** reported he attended the May board meeting and Garfield County Bar Association meeting. He also worked on county bar matters. **Governor Hays** reported she attended the May board meeting, OBA Family Law Section Executive Committee at which she presented the budget report, Tulsa County Bar Association Golf Committee meeting, OBA Section Leaders Council meeting, Law Day Committee meeting, Communications Committee meeting, Women in Law Committee meeting, Board of Governors Special Transition 2013 Committee meeting, OBA FLS executive planning meeting and TCBA QAP subcommittee meeting. She also chaired the TCBA Family Law Section meeting. **Governor Meyers** reported he attended the Transition 2013 Committee meeting that reviewed a proposal to change date of the OBA Annual Meeting, Comanche County Bar Association meeting and a joint Comanche County/Stephens County Bar Association reception for Legal Aid Services of Oklahoma. He worked on a special committee to review the financial reporting system for the YLD and prepared recommendations to the board on that topic. **Governor Parrott** reported she attended the special Transition 2013 Committee meeting to study the possibility of moving the annual meeting date to sum-

mer 2013, Oklahoma County Bar Association board meeting and Oklahoma County annual awards luncheon. **Governor Poarch** reported he attended the May board meeting, Transition Committee meeting that included review of a proposal to change the date of OBA Annual Meeting and Bench and Bar Committee meeting. He also worked on a special committee to review the financial reporting system for the YLD and prepared recommendations to the Board of Governors on that topic. **Governor Shields** reported she attended the special Annual Meeting transition meeting, Oklahoma County Bar Association monthly meeting and Women in Law Committee meeting. **Governor Smith** reported he attended the May board meeting and participated in the Bench and Bar Committee meeting via videoconference. **Governor Thomas** reported she attended the May board meeting, Board of Governors Special Transition 2013 Committee meeting via telephone and Washington County Bar Association monthly meeting.

REPORT OF THE YOUNG LAWYERS DIVISION

Governor Kirkpatrick reported she chaired the May YLD board meeting; participated in discussions with President Christensen regarding the YLD budget, bylaws and activities; prepared and submitted information responsive to requests from President Christensen regarding the investigation into the YLD budget and activities; facilitated a conference call with YLD board members and Executive Director Williams regarding the YLD budget and activities; participated in a conference call with the ABA YLD com-

mittee and liaisons chair regarding the 2012-2013 ABA YLD year; participated in a conference call regarding the ABA YLD Vote America project for 2012 – 2013; participated in a call with President Christensen regarding possible implementation of the Vote America project in Oklahoma and participated in a planning session with YLD CLE Committee Chair Bryon Will to discuss fall YLD CLE and the YLD CLE track for Annual Meeting. She also attended the Transition 2013 Committee meeting. She invited board members to attend the YLD board meeting on Saturday, June 23, at noon in the YLD suite.

COMMITTEE LIAISON REPORTS

President-Elect Stuart reported the Transition Committee met to discuss moving the OBA Annual Meeting to coincide with the Oklahoma Judicial Conference. He said numerous factors were considered, including the financial impact, and it was decided not to move the OBA meeting. That information will be shared with the Supreme Court. Governor Hays reported the Communications Committee is working on developing a two-hour OBA CLE webcast. President Christensen reported the Bench and Bar Committee met to discuss the judicial survey to be conducted by the State Chamber of Oklahoma. She shared background on surveys in other states and described her idea for a website with information about members of the judiciary on the retention ballot. A domain name has been secured, and the committee will work with the OBA IT Department and Administra-

tive Office of the Courts to create the website.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported remodeling in her department is now complete, and staff members have returned to their offices. She said Assistant General Counsel Ted Rossier has resigned, and she has hired Tina Izadi to fill his position. She also announced staff attorney Katherine Ogden Smith has been promoted to assistant general counsel. A written status report of the Professional Responsibility Commission and OBA disciplinary matters for May 2012 was submitted for the board's review.

GUIDE FOR SECTIONS & COMMITTEES

Section Leaders Council Chair Roy Tucker reviewed the proposed amendments to the Guide for Sections & Committees, including changes regarding accumulation of funding. The board approved the amendments.

PROPOSED AMENDMENT TO SECTION LEADERS COUNCIL BYLAWS

Section Leaders Council Chair Roy Tucker said that instead of creating a secretary position, the proposed amendment is to add responsibilities for recording all council official action to the vice-chair position. It was noted the amendment is subject to a vote of the council. The board approved the amendment.

CONSENT AGENDA

The board voted to approve:

- Amendment to OBA policy on logo and trademark

- Amendment to publication review policy
- Policy on minutes from divisions, task forces and special committees
- Clients' Security Fund Committee appointment — Steven W. Rahill, Edmond, to complete the unexpired term of lay person Wayne McEndree, with a term to expire 12/31/12
- Budget Committee appointments – (House of Delegates) Benjamin Butts, Oklahoma City, Rick Rose, Oklahoma City, Lance Schneiter, Oklahoma City, John Heatly, Oklahoma City, and Dietmar Caudle, Lawton; (Board of Governors) Cathy Christensen, Oklahoma City, Renee DeMoss, Tulsa, Nancy Parrott, Oklahoma City, and Jennifer Kirkpatrick, Oklahoma City
- MCLE Commission Appointment – M. Courtney Briggs, Oklahoma City, to complete the unexpired term of Fred Slicker, with a term to expire 12/31/14.

YOUNG LAWYERS DIVISION REVIEW

President Christensen started discussion of a proposed policy to require the OBA executive director and one officer or board member to attend every YLD event as liaisons. The board tabled action on the motion until later in the meeting.

President Christensen reported that she received an anonymous email that contained numerous allegations of inappropriate conduct and inefficient administration

within the Young Lawyers Division. In response she appointed a task force of Past President Melissa DeLacerda, President-Elect Stuart, Vice President Stockwell and Governor Meyers to review the past four years of YLD meeting minutes and financial reports.

Task Force Chair DeLacerda reported a review was conducted, and the overall observation is that although funding to the YLD has increased over the years, its rules, regulations and policies have not evolved. She said the task force makes the following recommendations:

- The YLD is budgeted \$85,000 annually, which has been a single line item. An annual budget should be presented to the Board of Governors for its August meeting with a breakdown of all meeting and travel expenses for hotel, transportation, food and entertainment.
- Monthly financial reports for the division should be provided to the Board of Governors as part of the monthly financials prepared by the OBA director of administration showing the comparison of budgeted expenditures to actual expenditures.
- The Board of Governors should consider setting a per diem for food costs for breakfast, lunch, and snacks at out-of-state conferences to eliminate time-consuming bookkeeping. An amount of \$50 per day was suggested. Because group dinners at conferences are the norm, per diem is not needed for an evening meal. The phrase

“fully funded” used to describe conference reimbursement for the YLD chair and vice-chair needs a definition.

- The YLD should develop policies, rules and procedures and add specifics to the travel and reimbursement policy, including language that the four conferences each year should be spread among the chair and leadership and always include at least two directors.
- To address the YLD’s budget shortfall this year, the division should present a modified budget for the remainder of 2012 at the July Board of Governors meeting.
- The Board of Governors should request the YLD prepare and present a budget for the ABA meeting the division seeks to host in the future.
- Create a YLD Budget Committee annually to prepare and present the YLD budget. Membership recommended is at least one Board of Governors member, three YLD directors and the outgoing OBA president.
- Appoint a liaison from the OBA Board of Governors to each YLD committee with a budget of \$5,000 or more.
- At least one Board of Governors member and the OBA executive director should be present at each YLD board meeting.
- Each year at its orientation in January, YLD leadership should be educated about rules and policies, espe-

cially those regarding publication.

- Recruitment of hosting YLD national meetings should be approved by the Board of Governors before recruitment activities are initiated.
- The YLD board should strictly adhere to the rules regarding membership to the board.

Discussion followed. Governor Kirkpatrick said the allegations in the email were taken seriously, and she took immediate action on some items. She asked past YLD chairs Gabe Bass and Luke Gaither to become involved. YLD Treasurer Kaleb Hennigh answered questions regarding financial information.

The board approved the OBA Review Committee report and its recommendations. It was noted that the YLD board had not yet seen the recommendations.

The board voted 1) to bring back consideration of the proposed policy requiring the executive director and a board member to attend YLD meetings, which was tabled, 2) to amend the policy to change the word “shall” to “should” in the first sentence of the second paragraph, 3) to amend the policy title by adding the words “and BOG,” to change the title to OBA Staff and BOG Attendance at Young Lawyer Division Meetings and Events, and 4) to approve the proposed policy with the two amendments.

RATIFICATION OF ELECTRONIC VOTES

The board voted to ratify the electronic voting regarding applications to suspend and to

strike bar members for failure to pay dues and noncompliance with MCLE requirements.

OBA LAW SCHOOL DIVISION

President Christensen reviewed the background on the creation of the division and its transfer to the YLD. Inactivity of the Law School Division resulted in its being dropped by the YLD. President Christensen said efforts are being made to revive the division with receptions planned this fall at the three law schools. Governor Kirkpatrick reported efforts have been made to contact students. She said TU holds an after-the-bar-exam gathering, which is the perfect venue to reach students, and the other two schools are being encouraged to start similar events. As a former assistant law school dean, Governor Poarch shared his observation about how overcommitted 3L students are and that their primary focus is on finding a job, which are challenges to their involvement in other activities.

LAW-RELATED EDUCATION COMMITTEE REPORT

President Christensen reported that LRE Coordinator Jane McConnell was not able to be at this meeting because she is supervising the children’s activities during the solo conference. She said the LRE program has been busy, and information materials were provided for the board’s review.

CLE DEPARTMENT TO RECEIVE AWARD

President Christensen reported the OBA’s CLE Department has been

notified that its magazine, *MYOBACLE*, has won an Award of Outstanding Achievement in marketing that will be presented at the Association of Continuing Legal Education's next meeting in Denver in July.

YOUNG LAWYERS DIVISION REPORT

Governor Kirkpatrick reported YLD members for its recent Day of Service project made presentations at 44 schools to more than 2,000 students on the topic of "You're 18 Now; It's Your Responsibility." She said it was their most successful project in years, and several schools have asked them to come back.

EXECUTIVE SESSION

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

The Oklahoma Bar Association Board of Governors met at the Oklahoma State University Foundation in Stillwater on Friday, July 20, 2012.

WELCOME

Payne County Bar Association President Brandon Meyer, who is OSU Foundation Vice President and General Counsel, welcomed the Board of Governors to the foundation for its meeting. Board members expressed their appreciation to Governor Pappas, past OBA presidents from Payne County and the Payne County Bar Association for the wonderful hospitality. Mr. Meyer presented board members who did not graduate from OSU with certificates recognizing them as "Ornery Cowboy, Ph.D." signed by Pistol Pete.

REPORT OF THE PRESIDENT

President Christensen reported she attended the Louisiana Bar Association annual meeting, New Mexico Bar Association annual meeting, Bench and Bar Conference, planning sessions for the 2012 OBA Annual Meeting, OBA Solo and Small Firm Conference, June Board of Governors meeting, Trial College held in conjunction with solo conference, Washington County Bar Association meeting, Survey Committee meeting and Young Lawyers Division board meeting. She reviewed the technology report and recommendations, conducted a meeting with Executive Director Williams to coordinate a public website regarding the retention election, had discussions with Executive Director Williams regarding association management software and conducted status conferences with many committee chairpersons. She shared her experiences at the other state bar association meetings and emphasized the importance of hosting responsibilities at our Annual Meeting.

REPORT OF THE VICE PRESIDENT

Vice President Stockwell reported she attended the Solo and Small Conference, YLD board meeting, LHL Foundation meeting, Chinese student reception and Clients' Security Fund meeting. She also participated in two Yellow Ribbon events.

REPORT OF THE PRESIDENT-ELECT

President-Elect Stuart reported he attended the Solo and Small Firm Conference, June board meeting and Annual

Meeting Planning meeting. He also attended annual meetings for the Arkansas Bar Association and Kansas Bar Association.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Williams reported he attended the Solo and Small Firm Conference, Young Lawyer Division board meeting, meeting with LASO Executive Director Michael Figgins, Annual Meeting planning meeting, numerous consultations and meetings on the Diversion Program, association management software vendor meeting, staff directors meeting, monthly staff celebration, Bar Association Technology Committee meeting, Member Survey Task Force meeting, second Annual Meeting planning meeting, Payne County events for the Board of Governors and staff meeting on information architecture. He traveled to Guymon for presentation of a 50-year membership pin to John Board and gave a CLE presentation at the Washington County Bar Association meeting.

BOARD MEMBER REPORTS

Governor Devoll reported he attended the Solo and Small Firm Conference and board meeting. He also worked on Garfield County Bar Association matters. **Governor Hays** reported she was a CLE presenter at the Solo and Small Firm Conference and chaired the Tulsa County Bar Association Family Law Section meeting. She attended the Board of Governors meeting, OBA Family Law Section monthly meeting at which she prepared and presented the budget report, Women in Law Committee meeting, Law Day Committee meeting, OBA FLS

executive planning meeting and TCBA QAP sub-committee meeting. She also consulted with the Communications Committee about its activities at their recent meeting. **Governor Meyers** reported he attended the Solo and Small Firms Conference, Young Lawyer Division board meeting and Comanche County Bar Association meeting. He participated in recommendations regarding the Legal Intern Committee annual report. **Governor Pappas** reported she attended the Logan County Bar Association meeting and worked on preparations for upcoming board meeting in Stillwater. **Governor Parrott** reported she attended the Solo and Small Firm Conference and the Oklahoma County Bar Association board of directors meeting. **Governor Poarch**, unable to attend the meeting, reported via email that he attended the Solo and Small Firm Conference and the board meeting in Durant. **Governor Shields** reported she attended Solo and Small Firm Conference, June board meeting, Oklahoma County Bar Association meeting, Women in Law Committee meeting and meetings with Administration Director Combs on audit matters and scheduling of the Audit Committee meeting. She also attended the Washington County Bar Association meeting at which President Christensen presented her father, Allan Stocker, with his 60-year OBA membership pin. **Governor Smith** reported he attended the Solo and Small Firm Conference. **Governor Thomas** reported she attended the Solo and Small Firm Conference, board meeting and the Washington County Bar Association monthly meeting at

which Executive Director Williams presented the CLE program and President Christensen presented 60-year member, Allan Stocker, with his membership pin.

YOUNG LAWYERS DIVISION REPORT

Governor Kirkpatrick reported she attended the Solo and Small Firm Conference, YLD meeting and meetings with OBA staff preparing for a new CLE seminar to benefit young lawyers. She is also working on an Annual Meeting CLE track called Nuts and Bolts.

SUPREME COURT LIAISON REPORT

Justice Kauger reported five new art pieces are being added to the Oklahoma Judicial Center, and she invited everyone to come see them. She has met with staff regarding the movie night CLE seminars at the judicial center, which she recommended as a painless way to obtain CLE credit, plus the food is good.

COMMITTEE LIAISON REPORTS

Governor Hays reported Communications Committee members have volunteered to review consumer brochures for needed updates, and they have started work on a CLE webinar, "Working with the Media," to be held Dec. 2.

REPORT OF THE GENERAL COUNSEL

General Counsel Hendryx reported Mr. Mothershed's case against the OBA has been dismissed, and no current litigation against the OBA is pending. A written status report of the Professional Responsibility Commission and OBA disciplinary matters

for June 2012 was submitted for the board's review. She reported the Professional Responsibility Tribunal held its annual meeting, which has a fiscal year instead of a calendar year. New members have been added to replace members whose terms have expired. She said the PRT elected Patrick Cornell, Clinton, as its chief master and Lorenzo Collins, Ardmore, as vice-chief. She said all staff members in her department have moved back into the renovated spaces, and the department is fully staffed. President Christensen reported she had an opportunity to visit with former PRT member Doug Shirley, who praised the Office of the General Counsel for its efficiency.

CLOUD COMPUTING

Ethics Counsel Pickens said ethics panels from 13 other jurisdictions have addressed the ethical issue of lawyers using cloud-based services and whether that maintains confidentiality of client records and avoids the danger of inaccessibility or destruction. Management Assistance Program Director Calloway defined cloud computing. He said technology is evolving so quickly, and predictions are for increased utilization of cloud products. Mr. Pickens said all 13 jurisdictions that have issued opinions have said the lawyer has to exercise reasonable precautions, and he noted the ABA will look at this issue at its annual meeting. The board voted to submit two questions to the Oklahoma Legal Ethics Advisory Panel. The questions are: 1) May an attorney ethically store and use confidential information with a cloud computing service? and 2) May a lawyer

contract with a cloud computing service to store client files and documents so that the lawyer and/or client may access and use the documents online?

TECHNOLOGY COMMITTEE REPORT

IT Director Watson reviewed the Bar Association Technology Committee recommendation to move all OBA systems to a single platform, which was suggested by the Grant Thornton consultants. The board approved spending not more than \$200,000 this year to acquire hardware and software licenses to move entirely to a Windows platform. The board approved the budgeting of \$400,000 for 2013 to acquire and implement the association management system still to be selected. Also part of the committee recommendation, Ms. Watson explained content management. The board authorized the expenditure of approximately \$5,400 this year to implement the content management system as soon as possible. President Christensen thanked committee chair Gary Clark and committee members for their work.

YLD REVISED BUDGET

Governor Kirkpatrick reported the revised budget is in draft form and has not yet been approved by the YLD board, which meets tomorrow. Overages in some areas have resulted in cuts in travel expenses and from other

programs. She said the YLD will be taking an ABA YLD project called American Voter to communities across the state this fall. It's currently budgeted for \$5,000 and that may need to be reduced. She reported the YLD approved the recommendations made by the Board of Governors, and she has appointed a task force to revise YLD bylaws to conform to the suggestions. She said the division has used Survey Monkey in the past for electronic voting and experienced problems. Past YLD Chair Roy Tucker is looking at another software. IT Director Watson said she has suggestions for other software and services. Vice President Stockwell and Governor Meyers, who served on the special task force to review past YLD expenditures, shared their observations. Governor Kirkpatrick was praised for her handling of the issue.

COMMISSION ON CHILDREN & YOUTH NOMINATIONS

The board approved President Christensen's recommendations to submit the names of Judge Lisa Hammond, Oklahoma City; Tsinena Bruno-Thompson, Oklahoma City; and Susan D. Williams, Watonga, to the governor to make one appointment to the commission. The term will expire 12/31/14.

RESOLUTIONS

The board voted to issue resolutions of appreciation to Governor Pappas, Fred and Melissa DeLacerda, Payne County Bar Association and the OSU Foundation for their hospitality extended to the governors during their stay in Stillwater for the board meeting.

LEGAL INTERN COMMITTEE ANNUAL REPORT

Governor Meyers reported the committee made one small change amending interpretation 2002-1. The committee's annual report will be submitted to the Supreme Court. The board approved the report.

UPCOMING EVENTS

President Christensen reviewed several OBA events coming up and asked board members to docket them.

EXECUTIVE SESSION

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

NEXT MEETING

The Board of Governors met at the Oklahoma Bar Center in Oklahoma City on Friday, Aug. 17, 2012. A summary of those actions will be published after the minutes are approved. The next meeting of the board will be held Sept. 18, 2012, at Boiling Springs in Woodward.

Oklahoma Bar Foundation Announces 2012 Court Grant Awards

By Nancy Norsworthy

The Oklahoma Bar Foundation is pleased to announce the OBF Court Grant recipients for 2012 in the total amount of \$62,150. Since establishment of the OBF Court Grant Fund in 2008, the foundation has provided awards totaling \$271,275 to courts across Oklahoma for critical needs such as digital

court reporting equipment, courtroom sound and recording systems, courtroom evidence display equipment, wireless network technology, video arraignment equipment and other tools that help to improve the administration of justice so that more Oklahomans can be served by the judicial system each year.

By providing our district courts with much needed equipment and technology enhancements, the OBF helps to ensure that Oklahomans continue to have meaningful access to an efficient court system where all citizens and their counsel benefit from technology in the courtroom.

2012 OBF Court Grant Awards

District Court of Craig County	\$24,661
Audio/visual technology equipment for the improvement of administration and better access to justice	
District Court of Tillman County	\$5,180
Digital stenographic court reporter/writer technology equipment for the improvement of administration and better access to justice	
District Court of Murray County	\$8,735
Courtroom tools and technology upgrade for the improvement of administration and better access to justice	
District Court of Washita County	\$8,289
Digital recording technology equipment for the improvement of administration and better access to justice	
District Court of Comanche County	\$15,285
Digital stenographic court reporter/writer technology equipment for the improvement of administration and better access to justice	
Total OBF Court Grant Awards	\$62,150

continued on next page

The cornerstone of a good nonprofit organization and the measure of its success is whether its mission and purpose are meeting a true need. The Oklahoma Bar Foundation was established in 1946 by a group of attorneys from across the state who sought to accomplish charitable goals in the area of the law. The mission envisioned by early OBA leaders was to improve the administration of justice in Oklahoma and to advance the general welfare of all Oklahomans through service of its lawyers.¹ That mission holds

“The first duty of society is justice.”

Alexander Hamilton

true today with the updated mission statement, “**Lawyers Transforming Lives** through promotion of justice, funding of critical legal services and advancement of public awareness of the law.” More than \$10 million have been

awarded over the past 30 years to advance the mission and help Oklahomans.

Please become an OBF Fellow today so that more Oklahomans in need can be served through your help and support. Make contributions online today at www.okbarfoundation.org.

Ms. Norsworthy is OBF executive director.

1. DeMoss, Renée, “The Oklahoma Bar Foundation: A Legal Blueprint for Creating and Sustaining a Successful Nonprofit Charitable Organization.” *Oklahoma Bar Journal* Volume 83 Issue 23 (2012) page 1894.



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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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- 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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Many thanks for your support & generosity!

OBA: A Place to Call 'Home'

By Jennifer Heald Kirkpatrick

The theme of this year's Annual Meeting is Homecoming. As defined by Webster's Dictionary, homecoming is 1) a return home; 2) the return of a group of people usually on a special occasion to a place formerly frequented or regarded as home. A home is 1) one's place of residence; 2) the social unit formed by a family living together; 3) a familiar or usual setting; a congenial environment.

I do regard the OBA as home. While the Oklahoma Bar Center hasn't quite become my residence, the OBA is the place where I have found friends and colleagues which have become as close to me (maybe even closer) than my biological family. The OBA is certainly a congenial environment. As members of the OBA, we may not always see eye to eye, but I hope that we can always appreciate the unique strengths we each bring to the table.

If you are active in the OBA and a regular attendee of Annual Meeting, then you know the benefits of returning "home" in the fall of every year for this special celebration. If you are not active in the OBA, then Annual Meeting provides the perfect opportunity for you to reconnect with old friends and meet new ones.

For young lawyers, Annual Meeting is a unique opportunity to get nuts and bolts CLE, meet experienced lawyers from across the state and from a

variety of practice settings, and connect with other young lawyers. I invite you to attend the YLD board meeting on Wednesday, Nov. 14, 2012, and join us in the YLD hospitality suite following the President's Tailgate Party on Wednesday night for the Fifth Quarter Celebration. I also hope you'll join me and other YLD members at the sock hop on Thursday, Nov. 15 from 7 to 9 p.m. At 9 p.m., the YLD will take over for a special recognition of past YLD chairs and the YLD Chair for 2013, Joe Vorndran.

YLD LEADERS WANTED

For YLD members looking to get involved, I encourage you to submit a nominating petition and run for the YLD board of directors. A list of open seats

and the election procedure can be found on the following pages. Information can also be found on the YLD webpage. I also want to encourage all YLD members to vote. You don't even have to buy a stamp to submit your ballot, as the ballots will be circulated electronically in late October.

Finally, I want to congratulate all those who passed the July bar exam and welcome you to the OBA. I look forward to meeting you at the swearing in ceremonies on Sept. 19. I hope that you will all join YLD officers, directors and members at the Welcome to the OBA receptions, which will be held at McNellie's in Oklahoma City and Tulsa on Sept. 20.

PROPOSED AMENDMENT TO SECTION 5.2 OF THE YLD BYLAWS

SECTION 5.2 Nominating Committee It shall be the duty of the Chairperson of the Division to select a Nominating Committee at the mid-year meeting of the Division. The Nominating Committee shall include the Past-Chairperson and at least two (2) other members of the Board of Directors. All members of the Nominating Committee shall be serving their last year on the Board and will not be eligible for any office or position during the upcoming elections. The Past-Chairperson of the Division shall serve as the Chairperson of the Nominating Committee. If there are no members of the Board of Directors that meet the Nominating Committee requirements, then the Chairperson of the Division may select the remaining member(s) of the Nominating Committee from:

- 1) the membership of the Division who are not running for any office or position in the upcoming election; or
- 2) from the ex-officio members of the Board of Directors.

This proposed amendment was unanimously approved by the YLD Board of Directors at its July 21, 2012, meeting.

Run for the OBA/YLD Board of Directors

**DEADLINE: Oct. 2
at 5 p.m.**

If you are interested in becoming more involved in the OBA/YLD, consider running for a position on the YLD Board of Directors. The YLD Board has monthly meetings that are typically held on Saturday mornings in Tulsa or Oklahoma City. Nominating petitions must be submitted by 5 p.m. on Tuesday, Oct. 2, 2012. Questions can be directed to Roy D. Tucker, Nominating Committee Chairperson at rtucker@muskogeeonline.org.

Officers:

Chairperson-Elect

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

Term: One-year term (Jan. 1, 2013 – Dec. 31, 2013). The chairperson elect automatically becomes the chairperson of the division for 2013.

Treasurer

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

Term: One-year term (Jan. 1, 2013 – Dec. 31, 2013).

Secretary

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

Term: One-year term (Jan. 1, 2013 – Dec. 31, 2013).

TIPS FROM THE NOMINATING COMMITTEE CHAIRPERSON

- The OBA YLD website has a sample nominating petition to give you an idea of format and information required by OBA Bylaws. You can also request a nominating petition from the Nominating Committee.
- Signatures on the nominating petitions do not have to be from young lawyers in your own district (the restriction on districts only applies to voting).
- Take your petition to local county bar meetings or to the courthouse and introduce yourself to other young lawyers while asking them to sign – it's a good way to start networking.
- You can have more than one petition for the same position and add the total number of original signatures – if you live in a rural area, you may want to fax or email petitions to colleagues and have them return the petitions with original signatures by snail mail.
- Don't wait until the last minute – the Nominating Committee will not accept nominating petitions received after 5 p.m. on Tuesday, Oct. 2, 2012.
- Membership eligibility extends to Dec. 31 of any year which you are eligible.
- Membership eligibility starts from the date of your first admission to the practice of law, even if outside of the state of Oklahoma.
- All candidates' photographs and brief biographical data are required to be published in the *OBJ*. All biographical data must be submitted by email. Petitions submitted without a photograph and/or brief resume are subject to being disqualified at the discretion of the Nominating Committee.

Board of Directors: (Two-year terms)

The following directorships are open for election for a two year term from Jan. 1, 2013 to Dec. 31, 2014.

DISTRICT NO. 1:

Craig, Grant, Kay, Nowata, Osage, Ottawa, Pawnee, Rogers, and Washington. (1 seat).

DISTRICT NO. 3:

Oklahoma (1 seat).

DISTRICT NO. 6:

Tulsa (2 seats).

DISTRICT NO. 7:

Adair, Cherokee, Creek, Delaware, Mayes, Muskogee, Okmulgee, and Wagoner. (1 seat).

DISTRICT NO. 9:

Caddo, Canadian, Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, and Tillman. (1 seat).

AT LARGE:

Statewide. (2 seats).

AT LARGE RURAL:

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

Nominating Procedure:

Article 5 of the Division Bylaws requires that any eligible member wishing to run for office must submit a nominating petition to the Nominating Committee. The petition must be signed by at least 10 members of the OBA/YLD. The original petition must be submitted by 5 p.m. on Tuesday, Oct. 2, 2012. A separate petition must be filed for each opening, except that a petition for a directorship shall be valid for one-year and two-year terms and at-large position. A person must be eligible for division membership for the entire term for which elected.

Eligibility:

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

OBA/YLD. Membership is automatic – if you were first admitted to the practice of law in 2002 or later, you are a member of the OBA/YLD!

Election Procedure:

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

Deadline:

Nominating petitions, accompanied by photograph and brief resume (in electronic form) for publication in the OBJ, must be received by the Nominating Committee Chairperson no later than 5 p.m. on Tuesday, Oct. 2, 2012, at the following address:

Roy D. Tucker
City Attorney
City of Muskogee
229 W. Okmulgee/
P.O. Box 1927
Muskogee, Oklahoma 74402
918-684-6276: Telephone
918-681-7909: Facsimile
rtucker@muskogeeonline.org

Ms. Kirkpatrick practices in Oklahoma City and chairs the YLD. She can be reached at jkirkpatrick@hallestill.com

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THIS PROGRAM IS FREE, BUT YOU MUST REGISTER TO ATTEND
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- | | |
|----------------------|--|
| 8:10 – 9:00 | Experiences of Expert Witness and Consulting on “Breaking Bad”
<i>Donna Nelson PhD Consultant on A&E’s Award Winning Series “Breaking Bad”</i>
<i>Professor of Chemistry University of Oklahoma</i> |
| 9:00 – 11:00 | Drug Interdiction Dog Demonstration
<i>Dave Kroyer, Canine HQ, Houston, Tx</i> |
| 11:10 – 12:00 | Legal Aspects of Defeating Drug Dog Cases
<i>Doug Parr & Johnny Lombardi, OKC</i> |
| 1:00 – 1:40 | The Science of Addiction
<i>Dr James Wallace, Tulsa</i> |
| 1:40 – 2:30 | Designer and Common Drugs in the New Millennium
<i>Jared Leister, Tulsa PD Crime Lab</i> |
| 2:30 – 3:00 | Punishment Options, What’s New & Trends
<i>Scott Anderson, Oklahoma City</i> |
| 3:10 – 3:50 | The Meth Registry: What a Mess!
<i>Winston Connor, Miami, OK</i> |
| 4:00 – 4:30 | Caught With Drugs in School
<i>Sam L Talley, Norman</i> |
| 4:30 – 5:20 | Ethics
<i>Sonja Porter, Oklahoma City</i> |

MCLE Credit

- OK - 9 Hours, and 1 hour ethics

Location

- Sheraton Reed Center, 5750 Will Rogers Road, Midwest City, OK.

Registration Fees

- | | |
|-----------------------|-----------------|
| • OCDLA Member | \$200.00 |
| • Non Member/Non OIDS | \$250.00 |

FULL NAME: _____ **OBA#:** _____

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Calendar

September

- 10 OBA Section Leaders Council meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Roy Tucker 918-684-6276
- 11 OBA Legal Intern Committee meeting;** 3 p.m.; Oklahoma Bar Center, Oklahoma City with tele-conference; Contact Candace Blalock 405-238-0143
OBA Professionalism Committee meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Judy Morse 405-235-7759.
- 12 OBA Diversity Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Kara Smith 405-923-8611
Bar Association Technology Committee meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Gary Clark 405-744-1601
- 13 OBA Awards Committee meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Renée Hildebrant, 405-713-1423
OBA Women Helping Women support group meeting; 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com
- 14 Oklahoma Bar Foundation Luncheon;** 11 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7070
Law-related Education Committee meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Susanne Heggy 405-556-9612
Oklahoma Bar Foundation meeting; 1 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Nancy Norsworthy 405-416-7048
- 15 OBA Real Property Law Section Title Examination Standards meeting;** 9:30 a.m.; Tulsa County Bar Center, Tulsa; Contact Chris Smith 405-919-6876
- 18 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 Board of Governors meeting; 2 p.m.; Boiling Springs Institute, Woodward; Contact John Morris Williams 405-416-7000

- OBA Civil Procedure and Evidence Code Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Jim Milton 918-594-0523
- 19 OBA New Admission Ceremony;** 9 a.m. House of Representatives, State Capitol, Oklahoma City; Contact Cheryl Beatty 405-416-7022
OBA Law Day Committee meeting; 10:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Richard Vreeland 405-360-6631
Appellate Practice Section meeting; 11:30 a.m.; Oklahoma Bar Center, Oklahoma City and University of Tulsa, Tulsa; Contact Greg Eddington 405-208-5973



- OBA Women in Law Committee meeting;** 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact: Deirdre Dexter 918-584-1600
- Ruth Bader Ginsburg American Inn of Court;** 5 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: Donald Lynn Babb 405-235-1611
- 20 OBA Justice Commission meeting;** 2 p.m.; Oklahoma Bar Center, Oklahoma City; Contact Drew Edmondson 405-235-5563
- 21 OBA Lawyers Helping Lawyers Foundation meeting;** 12 p.m.; Oklahoma Bar Center, Oklahoma City; Contact: John Morris Williams 405-416-7000
OBA Board of Editors meeting; 1:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact: Carol Manning 405-416-7016

OBA Rules of Professional Conduct Committee meeting; 3 p.m. Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa and teleconference; Contact: Paul Middleton 405-235-7600

22 OBA Young Lawyers Division board meeting; 10 a.m.; Tulsa County Bar Center, Tulsa; Contact Jennifer Kirkpatrick 405-553-2854

24 OBA Alternative Dispute Resolution Section meeting; 4 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Michael O'Neil 405-236-1012

25 OBA Uniform Laws Committee meeting; 3 p.m.; Oklahoma Bar Center, Oklahoma City and Tulsa County Bar Center, Tulsa; Contact Don Halladay; 405-236-2343

27 OBA Men Helping Men support group meeting; 5:30 p.m.; The University of Tulsa College of Law; 3120 East 4th Place, Tulsa, John Rogers Hall (JRH 205); RSVP to: Kim Reber kimreber@cabainc.com

OBA Work/Life Balance Committee meeting; 4 p.m. Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Cheri Gray 405-229-5396

28 OBA Women In Law Committee meeting; 8:30 a.m.; Oklahoma Judicial Center, Oklahoma City; Contact Deirdre Dexter 918-584-1600

OBA Rules of Professional Conduct Committee meeting; 9:30 a.m.; Oklahoma Bar Center, Oklahoma City; Contact Paul Middleton 405-235-7600

October

2 OBA Government and Administrative Law Practice Section; 4 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Tamar Scott 405-521-2635

4 OBA Men Helping Men support group meeting; 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com

OBA Women Helping Women support group meeting; 5:30 p.m.; The University of Tulsa College of Law, 205 John Rogers Hall, 3120 E. 4th Place, Tulsa; RSVP to Kim Reber kimreber@cabainc.com

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 405-238-3486

10 OBA Member Services Committee Meeting; 12 p.m.; Oklahoma Bar Center, Oklahoma City with teleconference; Contact: Roe Simmons 405-359-3600

11 OBA Women Helping Women support group meeting; 5:30 p.m.; The Oil Center – West Building, Suite 108W, Oklahoma City; RSVP to Kim Reber kimreber@cabainc.com

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

Civil Procedures and Evidence Code Committee meeting; 3:30 p.m.; Oklahoma Bar Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Jim 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 Micheal Salem 405- 366-1234

OBA Women In Law Committee meeting; 3:30 p.m.; Oklahoma Judicial Center, Oklahoma City and OSU Tulsa, Tulsa; Contact Deirdre Dexter 918-584-1600



*OCU Law School Dean
Valerie Couch*

Formal Ceremony to Mark OCU Law Dean's Assumption of Leadership

OCU Law School Dean Valerie Couch will be honored during an investiture ceremony Thursday, Oct. 18 at 5:30 p.m. in the Bishop W. Angie Smith Chapel on the OCU campus. Though Dean Couch took the reins of the law school in April, the ceremony will mark her formal commitment to the institution. OCU President Robert Henry will participate in the ceremony, along with former Oklahoma City Mayor Ron Norick, who serves as chairman of the OCU Board of Trustees. Brief remarks will be made by Chief Judge Vicki Miles-LeGrange of the Western District of Oklahoma, federal Magistrate Judge Robert E. Bacharach and Emmanuel Edem, trustee and alum of OCU School of Law. Law students and the university's Ad Astra Women's Chorus will also play a part in the event that will be emceed by Professor Art LeFrancois.

Dean Couch is the 12th dean, first woman and first federal judge to assume the leadership role at the law school. She has been in perpetual motion since taking over the duties of dean; most recently, she spent the month of August traveling across the country to meet alumni. Her travels took her to 11 cities in eight states plus the District of Columbia.

A Writer in Our Midst

An OBA member has taken top honors in a national contest designed to encourage lawyers and doctors to become writers of fiction. Eric Urbach of Edmond was awarded first prize at the SEAK National Fiction Writing Competition for Physicians and Lawyers, earning exposure to literary agents as well as a \$1,000 cash prize. Mr. Urbach's prizewinning piece, "Fort Worth Fix," can be viewed on his blog at www.ericurbach.com.



Eric Urbach

Oklahoma City Lawyer Battles for World Boxing Title

Noah Zuhdi knows how to battle inside a courtroom, but now the OBA member is gearing up for a more literal fight. This month he



Noah Zuhdi

will step into a boxing ring to contend for the WBU World Lightweight Championship. Mr. Zuhdi, who practices in Oklahoma City, took up the sport after graduating from college, and he began his professional career while studying at the OU College of Law. He is the current USA Oklahoma lightweight champion and holds a professional record of 15 wins, including 12 KOs, and only one loss. In the history of the sport, he is one of very few fighters who passed the bar while actively pursuing a boxing career. If he wins the world title, he will stand alone in history as the only attorney to do so.

The fight is set for Sept. 20. In the main event, Mr Zuhdi will square off against boxer German Jurado of Panama City, Panama (12-2, 4 KOs) at the Cox Center in downtown Oklahoma City. The event also marks only the second world title fight in Oklahoma City history; the last one was more than 40 years ago. Ticket information is available at www.ticketstorm.com.

Law Day 2013 Theme Announced



*Photo courtesy
Kelly B. via Flickr.*

“Realizing the Dream: Equality for All” has been selected as the Law Day 2013 theme. The civil rights emphasis represents the upcoming 50th anniversary of Martin Luther King Jr.’s “I Have a Dream” speech as well as the 150th anniversary of the Emancipation Proclamation. To celebrate Law Day, every fall the OBA sponsors age-appropriate art and writing contests for Oklahoma schoolchildren in pre-K – 12th grade, and judging is based on originality and interpretation of the theme. Contests submissions are accepted now through Dec. 31. Rules and contests details are available at www.okbar.org/lawday.

24/7 Crisis Counseling Available as a Free Member Benefit

Bar members dealing with stress, depression, addiction or other life-threatening mental health issues are urged to call the Lawyers Helping Lawyers hotline at 800-364-7886 to be referred to a counselor in your area. The OBA offers members up to six hours of free crisis counseling; it’s strictly confidential. There are also monthly support groups for men and women in Tulsa and OKC. More information about these programs can be located online at www.okbar.org/members/worklife/lhl.

New Member Benefit: Mobile Dictation Service Discount

Mobile Assistant is a new OBA member benefit designed to document your critical client meeting information through on-the-go transcription over the phone. It’s an easy, fast, secure and accurate way of documenting client interaction, drafting letters and capturing important meeting details. OBA members are eligible for a 25 percent discount by using the coupon code OKBAR. OBA member cost is \$54.37 a month for up to 500 lines (line equals 65 characters including spaces). Exceed that limit and pay 12 cents per line above 500 lines.

Using Mobile Assistant is easy: 1) call the service from any phone, 2) dictate your notes (no time limit) and 3) your notes are emailed to you the same day after being transcribed by a real, live person located within the U.S. Instead of email, notes can also be made available through secure download. Mobile Assistant promises privacy, confidentiality and complete security. If your phone number is registered with them, the service recognizes the number and lets you start dictating immediately without you having to remember your log-in information. The service offers a free trial. Sign up at www.mobileassistant.us.

Federal Courts Public Comment

Do you litigate in the federal courts? Several amendments have been proposed to the Federal Rules of Practice and Procedure, and public comment is open until Feb. 15, 2013. This year, when members of the bench, bar and public submit their comments on changes to the appellate, bankruptcy, civil, criminal and evidence rules, they’ll notice a revamped website. The site was designed to create a simpler and more organized online access point. You can view the proposed amendments and make comments by visiting www.news.uscourts.gov/public-comment-period-and-revamped-website-open.

OBA Member Reinstatements

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

Margaret Katherine Myers
OBA 16524
532 N.W. 40th St.
Oklahoma City, OK 73118

Lawyers Help Struggling Oklahomans Beat the Heat

This summer’s record-setting heat was no match for OBA members! As part of the annual “Lawyers are Cool” initiative, the Oklahoma City law firm of Gungoll, Jackson, Collins, Box and Devoll donated more than 75 window unit air conditioners to needy families in several counties. OBA member Brad Gungoll said the firm raised more than \$27,000 to pay for the units and their installation. The firm partnered with OKDHS to distribute the A/C units to families in Oklahoma, Cleveland, Pottawatomie, Pittsburg and Tulsa counties.

FOR THE BENEFIT OF KENNETH R. “KENNY” COE

Many of you know our dear friend Kenny Coe, who for several years has been of counsel to our firm. Those of you who know Kenny will recall his generosity and unfailing sense of humor.

Unfortunately, Kenny needs us now. Kenny is suffering from stage 4 liver cancer and is no longer able to work. Because of the advanced nature of his disease he is not eligible for a transplant. The medical bills and mortgage are mounting and the payments are just out of reach. Kenny and his family need our help.

We are asking those of you who know Kenny to please help by making a donation to the **“Benefit Account for Kenneth R. Coe”** at any BancFirst Location. Please note in the memo portion of your check: Attention Vicki Cramer – Waterford Branch.

If you choose, you can also mail your donations to: Thomas & Terrell, PLLC, 4000 N. Classen Blvd., Suite 110-S, Oklahoma City, OK 73118.

As many of you know, Kenny grew up in Madill, Oklahoma, and at the American Legion Children’s Home in Ponca City. Kenny served with honor in the United States Air Force at bases in both England and Vietnam. After his service, Kenny became a proud graduate of O.S.U. and the OU College of Law. Kenny has been in practice here in Oklahoma City since 1975, first as a personal injury defense lawyer, then later as a plaintiff’s lawyer and, most recently, a claimant’s worker’s compensation lawyer.

Your generosity, as well as your thoughts and prayers are most greatly appreciated.

With Profound Gratitude,

THOMAS & TERRELL, PLLC

David L. Thomas
J. David Terrell

Thomas & Terrell, PLLC
4000 N. Classen Blvd., Suite 110-South,
Oklahoma City, OK 73118
405-286-6353

Print or Electronic?

THE Oklahoma Bar JOURNAL
Volume 78 ♦ No. 35 ♦ Dec. 22, 2007



Court Material

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Kudos

Jon Starr, chairperson of the OBA Insurance Law Section, served as one of 14 attorneys selected from across the country as teaching faculty at the 2012 International Association of Defense Counsel Trial Academy held recently at Stanford University. Mr. Starr is head of the McGivern & Gilliard Litigation Department with offices in Tulsa and Oklahoma City.

Thomas M. Klenda, a shareholder with the Newton, O'Connor, Turner & Ketchum law firm, has been elected president of the Tulsa Rotary Club. He is a 1980 graduate of the TU College of Law.

Judge Timothy D. DeGiusti will be inducted into the Foundation for Oklahoma City Public Schools' Wall of Fame in October. The honor celebrates the history of the Oklahoma City Public Schools and includes some of the city's and nation's most influential alumni and community leaders. The federal judge was a Mock Trial participant at Douglass High School. He is a 1988 graduate of the OU College of Law.

The OU College of Allied Health has established a scholarship fund for international students in the name of **Amir Farzaneh** and his wife, Katie. The fund is intended to assist OU students in studying abroad or provide other international opportunities

for faculty and students. Mr. Farzaneh is an attorney with the firm of Farzaneh Law Firm in Norman.

On The Move

Megan L. Simpson of Bufalo has been sworn in as associate district judge for Harper County. She was appointed by the governor to fill the vacancy left by **Judge G. Wayne Olmstead** who resigned. Judge Simpson most recently served as assistant district attorney for Custer County, a position she previously held in Texas County. Earlier, while serving as public defender for Woodward and Ellis Counties, and later as OIDS conflict counsel for the state of Oklahoma, she established the OIDS satellite office in Woodward. Prior to that, she practiced law in Enid after graduating from the University of Denver College of Law in 1995.

GlassWilkin PC in Tulsa announces **Zac Lindsey** has joined the firm as an associate attorney. He focuses his practice primarily in the areas of business transactions, healthcare public policy, banking, insurance bad faith litigation, ERISA and medical malpractice defense. He is a 2007 graduate of the University of Michigan Law School, and he holds a master's of public policy from the University of Michigan, Gerald R. Ford School of Public Policy.

Tulsa law firm **Norman Wohlgemuth Chandler & Dowdell** announces that **Jess W. Arbuckle** has joined the firm as a shareholder and director. He previously spent 14 years as general counsel and a member of the executive management for a regional property and casualty insurance company. He received his J.D. from the TU College of Law in 1985. His practice focuses on insurance law, insurance coverage matters and civil litigation.

The OCU School of Law has named **Pete Serrata** the new assistant dean of career services. He is a 2006 graduate of the OCU School of Law and was a recipient of the OBA Outstanding Senior Law Student Award. He previously worked for Derryberry and Naifeh where his areas of focus were commercial litigation, insurance coverage law and litigation as well as administrative law.

Crowe & Dunlevy announces **André B. Caldwell** has joined the firm as an associate in the litigation and trial practice group in the firm's Oklahoma City office. He previously served as an assistant U.S. attorney for the Western District of Oklahoma, where he worked on the Violent Crimes/Organized Crime Drug Enforcement Task Force. He also has served as a law clerk at the Western District of Oklahoma U.S. District Court. He received his J.D. from the OU College of Law.

Crowe & Dunlevy also announces that **Thomas**

B. Snyder has joined the firm as a director in the litigation and trial and the white collar crime practice groups in the firm's Oklahoma City office. Prior to joining the firm, he was an associate in litigation at Sheppard, Mullin, Richter & Hampton LLP in San Diego, Calif., where he managed complex business litigation. He also worked as an assistant U.S. attorney for the Southern District of California. Mr. Snyder received his J.D. from Harvard Law School.

Diana Vermeire has been named the new of counsel attorney at GableGotwals Oklahoma City office. She has 12 years of experience in the corporate and nonprofit sectors, including litigation, administrative, regulatory and legislative advocacy, policy analysis and management. She had previous experience in California as the director of the ACLU of Northern California's Racial Justice Project and was a staff attorney with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. She may be contacted at 405-235-5519 or via email at dvermeire@gablelaw.com.

Graham Allen & Brown PLLC announces **Geri Wisner-Foley** has joined the firm as a tribal prosecutor and practicing attorney. She will also focus on American Indian law. She graduated in 2001 from OSU with a B.A. in political science and an American Indian studies certificate. She earned her J.D. from the TU College of Law in 2003. Ms. Wisner-Foley is a citizen of the Muscogee (Creek) Nation and focuses on issues specific to tribal jurisdictions, child maltreatment and

domestic violence issues, criminal investigations and prosecution issues unique to Indian Country.

The law firm of Nelson, Roselius, Terry & Morton announces **Melanie Christians** and **T.J. Prentice** have joined the firm as associates. Ms. Christians attended OCU and the OCU School of Law. Her legal career began in Washington, D.C., working for the U.S. Department of Justice, Commercial Litigation Branch, Civil Fraud Section. Her practice now focuses on insurance defense, insurance bad faith, construction law and false claims litigation. Mr. Prentice received his bachelor's degree from OU in 2005 and received his J.D. from OCU School of Law in 2009. Mr. Prentice's practice focuses on general civil, class action, and oil and gas litigation.

OBA members **Robert Don Gifford II**, **Ken Bellmard** and **Greg Bigler** were recently sworn in as justices of the Supreme Court of the Iowa Tribe of Oklahoma. Mr. Gifford is an assistant U.S. attorney for the Western District of Oklahoma. He is a 1996 graduate of the OU College of Law. Mr. Bellmard is an attorney in private practice in Oklahoma City. He is a 1989 graduate of the OU College of Law. Mr. Bigler resides in Sapulpa and is a 1985 graduate of Harvard Law School.

Johnson & Jones PC announces two new members to the firm. **Paul Kingsolver** joins the firm as a shareholder. He has been of counsel with the firm since 2004. He graduated from the TU College of Law. His experience includes serving as a law

clerk to the U.S. district judge in Missouri and practicing as a partner with the Tulsa firm Stuart Biolchini Turner & Givray. He practices primarily in employment law, litigation and intellectual property. **Todd Wagner** joins the firm as an associate. He received his B.B.A. in both accounting and international business from OU in 2006. He graduated with honors from the OU College of Law in 2010, and has worked the last two years as a full-time tax accountant. He will practice in the tax, estate planning, general corporate law, and probate and trust litigation areas within the firm.

Nicholas M. Jones has joined the Tulsa firm of Barrow & Grimm PC. His practice focuses on business and estate planning, banking and probate. He is a 2009 graduate of the OU College of Law, and he earned a B.A. in letters and history from OU in 2006.

Farzaneh Law Firm in Norman announces that **Tyler Christians** has joined the firm as an associate attorney. He received his B.A. in political science from the University of Northern Iowa and his J.D. from OU College of Law in 2009. He previously practiced law in Virginia. He may be contacted at 405-528-2222 or trc@farzaneh.com.

Sharon Voorhees has been reappointed as a special Oklahoma City municipal judge by Mayor Mick Cornett and the Oklahoma City Council. She has been reappointed to this position every two years since 1999. She received her J.D. from the OU College of Law in 1991. She is a partner in Shelton Voorhees Law Group, a general practice

law firm. Her practice focuses on domestic, probate, guardianship, real estate, collection, wills and trusts, personal injury, small business matters, general civil litigation, appeals and mediation.

The Oklahoma City law firm of Lytle, Soule & Curlee announces the promotion of **Shawn E. Arnold** to shareholder. He was previously of counsel with the firm. He received his undergraduate degree and J.D. from OU College of Law. His practice focuses on insurance defense and coverage, personal injury and premises liability. In addition, there are two new members of the firm. **Richard M. Healy III** joins the firm as an attorney of counsel. He received his undergraduate degree from OU and his legal education from OCU School of Law. His practice focuses on insurance defense, products liability and professional liability defense matters. **Matthew J.G. McDevitt** joins the firm as an associate in the litigation department. He graduated from Texas A&M University and received his legal education from OCU School of Law. He is licensed to practice in Texas. His practice focuses on insurance defense and coverage, personal injury and premises liability.

Edmond lawyer **C. Brent Dishman** announces the formation of Dishman Military Advocates PLLC, a firm focused on representing military members accused in courts martial, non-judicial punishment, involuntary discharge, military appeals and other adverse actions. He received his J.D. from the OU College of Law in 2005. He spent the last seven

years in the Air Force JAG Corps. The firm's website is www.DishmanMilitaryAdvocates.com.

Pray Walker announces that Tulsa lawyer **Jacob Charney** has joined the firm as an associate attorney. He is a 2011 honors graduate of the TU College of Law. His practice will focus in the areas of energy law and oil and gas title examination. He is a member of the ABA, Tulsa County Bar Association and the Energy Bar Association.

At The Podium

Oklahoma City attorneys **Tony Puckett** and **Charlie Plumb** were presenters during the recent Oklahoma Municipal League Employment Seminar at Rose State College in Midwest City. Mr. Puckett delivered "Employment Update." Mr. Plumb presented "Americans with Disabilities Act: ADA Danger Zone."

Chris Paul of Oklahoma City presented "Pipeline Integrity: Data Records in a TVC World" at the American Gas Association's Legal Forum in San Diego in July. He also presented "The Legal Viewpoint: Attorneys' Perspectives on Risk and Crisis Communication" at the Center for Toxicology and Environmental Health's Third Annual Risk Crisis Communication Seminar in Little Rock, Ark., in August.

Kathy Neal and **Sharolyn Whiting-Ralston** of the

firm McAfee & Taft were featured panelists for the nationally broadcast webinar titled "Handling Harassment (or Similar Types of) Complaints," presented by EmployerLINC in July.

McAfee & Taft attorneys **Richard Nix, Jim Prince, John Papahronis, Bill Freudenrich, Brandon Long** and **Alison Patel** were featured presenters for two half-day seminars titled "Health Care Reform + Supreme Court Ruling = Now What?" in Oklahoma City and Tulsa in August.

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 Oct. 6 issue must be received by Sept. 10.

IN MEMORIAM

Michael H. Brady of Oklahoma City died Aug. 19, 2012. He was born Jan. 8, 1950 in Miami, Fla. He graduated from OCU School of Law in 1974. His legal career spanned 38 years as an attorney who was dedicated to representing

his clients' interests. He was a member of the Gaillardia Country Club, where he loved to play golf with his friends. He was also an avid surfer, and despite living in Oklahoma, he managed to travel to

every wave he could find from Hawaii to the Caribbean.

Tommy Gordon of Duluth, Minn., died July 19. He was born Nov. 6, 1936. He was a 1963 graduate of the TU College of Law.

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SPACE AVAILABLE FOR ONE OR TWO attorneys in Edmond Law Center, a professional office building at 1900 South Broadway in Edmond. Easy access to downtown courthouse and a satellite office close by in downtown Edmond. Current occupants include owner/attorney and staff and one independently practicing attorney. Ample on-site parking. Available if needed: phones, fax, Internet, shredding/recycling, copier, postage meter, use of conference room/library. Contact James Buxton at 405-341-6551 or jbxton@edmondlaw.com.

POSITIONS AVAILABLE



Assistant General Counsel

The responsibilities of this position will include advising company's management on a wide array of issues including: consumer, mortgage and business lending issues, bank operational, deposit, trust and corporate records issues; bank regulatory and compliance matters; litigation including oversight of external counsel; reviewing and drafting complex documents including real estate documents, loan documents and general contracts. This position will also work with other corporate attorneys in all divisions of the Company including retail banking, mortgage servicing and real estate.

The qualified candidate will possess a law degree and must have 3 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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AA/EOE M/F/D/V

SOCIAL SECURITY DISABILITY ATTORNEY NEEDED for busy Tulsa firm. 3+ years' experience required. Competitive salary and benefits package. Please submit résumé to "Box CC" Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152.

Legal Secretary

One of Fortune's Best Places to Work, American Fidelity Assurance Company is seeking a professional individual to join its Law Division. Candidate must possess five to seven years of legal and administrative experience. Legal experience in employee benefits, and/or tax law is preferred. Paralegal certificate is a plus. Candidate must possess strong written and verbal communication skills. Candidate must also be proficient with PC Windows-based software, including all Microsoft Office applications and Adobe Professional.

All qualified candidates are encouraged to apply online at www.afadvantage.com/careers.

EOE



POSITIONS AVAILABLE

HEROUX & HELTON PLLC is seeking to add experienced attorneys to join our Tulsa and Fort Worth offices in the following practice areas: 1) tax and estate planning; 2) oil and gas title examination, 3) oil and gas and/or business transactions; and 4) complex civil litigation. These positions will be filled as either non-equity principals of the firm (minimum annual book of business of \$100,000) or as of-counsel to the firm (expense sharing). Please submit cover letter and résumé to Frank Gould, Heroux & Helton PLLC, frank.gould@herouxhelton.com

FULL TIME POSITION AS ASSOCIATE ATTORNEY for large Tulsa law firm. Must be fluent in Spanish, have a broad knowledge of the law and good telephone skills. Send résumés to: Human Resources Dept. P.O. Box 1046, Tulsa, OK 74101.

EXPERIENCED OIL & GAS TRANSACTIONS ASSOCIATE. Heroux & Helton PLLC is seeking to add an experienced O&G associate to join our Tulsa office. The selected candidate will be a self-starter, able to handle a fast paced practice and short deadlines with appropriate sense of urgency to meet client and project demands. Submit cover letter and résumé to Frank Gould, Heroux & Helton PLLC, frank.gould@herouxhelton.com.

OKLAHOMA LITIGATION FIRM seeks attorneys with a desire to learn litigation. We are an insurance defense firm with locations in downtown Tulsa and Oklahoma City, with a broad client base and a strong, growing presence in Oklahoma. Newer graduates looking for a top litigation environment in which to be mentored are encouraged to inquire. Salary is above the norm when compared with commensurate job opportunities. Please submit résumé and two writing samples to "Box C," Oklahoma Bar Association, P.O. Box 53036, Oklahoma City, OK 73152 to apply.

ABOWITZ, TIMBERLAKE, DAHNKE & GISINGER, a mid-sized AV-rated law firm located in downtown Oklahoma City, is seeking to add an Associate Attorney with 5-7 years' experience in litigation. Successful candidate must have good research & writing skills, the ability to manage a fast paced case load & depositions, motions & trial experience. Our firm offers a competitive salary & benefits. Please submit résumé, references, salary requirements & writing sample to Diana Akerman at diana.akerman@abowitzlaw.com.

ASSISTANT U.S. ATTORNEY The U.S. Attorney's Office for the Western District of Oklahoma is seeking applicants for an Assistant U.S. Attorney position which may be assigned to the Civil Division, Criminal Division, or Appeals Unit. Salary is based on the number of years of professional attorney experience. Applicants must possess a J.D. degree, be an active member of the bar in good standing (any jurisdiction), and have three (3) years or more legal experience post-J.D. Résumés should be submitted to Lisa Engelke, HR Specialist, at usaokw.jobapplication@usdoj.gov. Résumés must be received by September 14, 2012, and should reference announcement number 12-OKW-02-A.

POSITIONS AVAILABLE

SPECIAL ASSISTANT U.S. ATTORNEY (Uncompensated) The U.S. Attorney's Office for the Western District of Oklahoma is seeking to appoint an uncompensated Special Assistant U.S. Attorney position to work in the Appellate Unit. This is a one-year appointment without compensation. Applicants must possess a J.D. degree and be an active member of the Bar in good standing (any jurisdiction). Résumés should be submitted to Lisa Engelke, HR Specialist, at usaokw.jobapplication@usdoj.gov. Résumés must be received by September 14, 2012, and should reference announcement number 12-OKW-03-S.

THE MUSCOGEE (CREEK) NATION, a federally recognized Indian tribe is seeking bids from private attorneys within Tulsa, Creek, Okfuskee, Hughes, Okmulgee, McIntosh, Muskogee and Wagoner counties to provide legal services to Muskogee (Creek) citizens in the following areas in Oklahoma and Muskogee (Creek) Nation District Courts: 1) uncontested probates; 2) uncontested guardianships; and 3) drafting wills. To be considered for case referrals, please submit bids for proposed attorney fees per case in the three areas referenced above to: Muskogee (Creek) Nation Attorney General, P.O. Box 580, Okmulgee, OK 74447.

MCAFEE & TAFT IS SEEKING an associate attorney to join its expanding Business Transactions practice group for the following position: **BUSINESS TRANSACTIONAL ASSOCIATE** with 2-4 years of experience in the areas of mergers and acquisitions, debt and equity financings, entity formation and restructuring, complex business transactions and contracts. Ideal candidates will have experience in preparing transactional documents, operating agreements and corporate documentation and in conducting due diligence and legal research. Prior business or financial experience a plus. All inquiries will be treated confidentially. Top academic performance, strong writing and analytical skills, interpersonal skills, and the ability to work in a team environment are required. Please submit résumé and law school transcript to Rodney Hunsinger at McAfee & Taft A Professional Corporation, Tenth Floor, Two Leadership Square, 211 N. Robinson, Oklahoma City, OK 73102. No e-mails or phone calls, please.

LEGAL SECRETARY/PARALEGAL NEEDED FOR LAW FIRM IN NORMAN. Seeking a person who has skills and experience in the Family Law area. Must have a good work ethic, proficient phone skills, be able to draft necessary documents, and deal with clients in person and over the phone. Salary starts from 35K-45K depending on experience. Health benefits also provided. Please submit résumés to knedwick@nedwicklaw.com.

POSITIONS AVAILABLE

FENTON FENTON SMITH RENEAU & MOON, an AV rated firm, seeks an associate attorney with 3-5 years experience. Excellent research and writing skills essential. Experience a plus. Health insurance and other benefits included. Résumé, transcript and writing sample are required. Please send to: 211 N. Robinson, Ste. 800N, Oklahoma City, OK 73102.

MCAFEE & TAFT IS SEEKING an associate attorney to join its expanding Business Transactions practice group for the following position: **OIL AND GAS ASSOCIATE** with at least two years experience. Ideal candidates will have experience in the acquisition, disposition and/or development of oil and gas properties, drafting or reviewing title opinions, and negotiating and preparing energy industry contracts, including oil and gas leases, joint operating agreements, farmout agreements, participation agreements, marketing agreements, surface damages agreements, pipeline right-of-way agreements, equipment leases and master service agreements. All inquiries will be treated confidentially. Top academic performance, strong writing and analytical skills, interpersonal skills, and the ability to work in a team environment are required. Please submit résumé and law school transcript to Rodney Hunsinger at McAfee & Taft A Professional Corporation, Tenth Floor, Two Leadership Square, 211 N. Robinson, Oklahoma City, OK 73102. No e-mails or phone calls, please.

POSITION WANTED

EXPERIENCED LAWYER SEEKING POSITION in an intellectual property practice or in other areas – anticipates moving to Oklahoma from Illinois – résumé available on request – contact John Thompson Brown at 23777 Hillfarm Court, Lake Barrington, Illinois 60010, phone 847-842-1684 or email johnthompsonbrown@yahoo.com.

TWENTY-EIGHT (28) YEAR PRACTITIONER with experience in most fields, including commercial and personal injury trial. Extensive family law experience. Relocated to Oklahoma City from Norman. Outstanding references from the best. Direct: Rodney D. Watson, 3829 N.W. 67th, Oklahoma City, OK 73116; 405-848-3881.

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Title IX – 2.0

By Sharon D. Gentry

This year is the 40th anniversary of Title IX, the federal laws that mandated equal spending for men's and women's athletics in institutions that accept federal dollars. Most agree that this legislation revolutionized women's sports. Some of us females, however, are wondering why the revolution has not trickled down to that all-important segment of the population — the female sports spectator. Sadly, our critical and important contribution to the world of sports has largely been ignored. Where's Title IX when you need it?

If you are an avid watcher of sports and female, you know what I mean. I am considered rather a novelty in my family and in my office because I am a crazy sports fan. Mind you, I have never played sports myself, except having been on the church softball team in high school. I have always been short, slow and weak, which means that even when I try to play any type of sport, including badminton, I am woefully lacking.

I make up for these deficiencies by being the absolute GREATEST sports spectator in the world. Want to know the names of all 15 Thunder roster players? I'm your girl. Want to know the names of



“And what about the Dallas Cowboy cheerleaders and NBA dance teams? Who do you think *those* shows are for?”

OU's back-up quarterbacks for the last three years? Just ask. Want to know where Kirk Herbstreit went to college? That's an easy one.

After 40 years, the sports media still hasn't fully grasped the idea that females like to watch sports. Ditto for the owners and promoters. All the promotional material and advertisements are geared toward men — tough guy stuff, like Schick razors, Powerade and Budweiser. And what about the Dallas Cowboy cheerleaders and NBA dance teams? Who do you think *those* shows are for? Probably not the ladies in the crowd.

Hey ESPN! Ever notice that at least one-third of the spectators at college football games are women? Ever notice that at least that percentage is in the crowd at the NBA games? Do you think those women would be there if they weren't really *into* it? And don't get me started when it comes to sports talk radio. Those guys are Neanderthals when it comes to women athletes *or* women spectators. Just once, I'd like to see some recognition that female sports fans count.

Yes, women, we have a long way to go when it comes to sports fan equality. Let's start by drafting some new legislation. How about calling it "Title IX 2.0"?

Ms. Gentry practices in Oklahoma City.

The 2012 Women
in Law Conference

Think!

Straight Talk for Women to Stay Smart in a Dumbed-Down World

Sept. 28

Oklahoma City, OK - Oklahoma Judicial Center - 2100 Lincoln Blvd.



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SEPTEMBER 28, 2012

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9

**Straight Talk: Lest We Forget - How the Past
Impacts the Future**

Moderator

Deborah Bruce

Panelists

Justice Yvonne Kauger, Oklahoma Supreme Court,
Oklahoma City

Cathy Christensen, 2012 OBA President, Oklahoma City

Reta Strubhar, Retired Judge, Oklahoma Court of
Criminal Appeals, Piedmont

Judge Vicki Miles-LaGrange, U.S. District Court,
Western District of Oklahoma, Oklahoma City

Deborah Reheard, 2011 OBA President, Eufaula

9:50

Break

10

Straight Talk: Life Balance - Reality or Dream?

Cathy Christensen

Deborah Reheard, 2011 OBA President, Eufaula

Jennifer Kirkpatrick, Hall Estill, Oklahoma City

10:50

Tour of Oklahoma Judicial Center

Justice Yvonne Kauger

Justice Noma Gurich, Oklahoma Supreme Court,
Oklahoma City

D.G. Smalling, Artist, Oklahoma City

Gaylene Rabinek, Clerk for Justice James Winchester,
Oklahoma City

11:30

Lunch and Mona Salyer Lambert Spotlight

Award Presentation

**Keynote: "Think: Straight Talk for Women to Stay
Smart in a Dumbed-Down World"**

Lisa Bloom, Attorney and Legal Analyst on CBS News,
CNN, HLN, Los Angeles

1:20

Break

1:30

**Straight Talk: Employment Law Issues in
Today's Work World**

Leah Avey, Rubenstein & Pitts, Oklahoma City

2:20

Break

2:30

Straight Talk: An International Perspective
TBD

3:20

Straight Talk: Ethics

Moderator

Professor Judith Maute, William J. Alley Professor
of Law, University of Oklahoma College of Law, Norman

Panelists

Justice Noma Gurich

Gina Hendryx, OBA General Counsel, Oklahoma City

Renee DeMoss, Gable Gotwals, Tulsa

Melissa DeLacerda, Attorney at Law, Stillwater

4:10

Adjourn

Approved for 5 hours MCLE/ 1 Ethics, **\$125** for early-bird registrations with
payment received at least four full business days prior to the seminar date;
\$30 for luncheon only. A fee of \$25 will be assessed for registrations within
four full business days. **Space is limited! No discounts available.**

Cancellations will be accepted at any time prior to the seminar date;
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business days of the seminar date. Cancellations, refunds, or transfers will
not be accepted on or after the seminar date.

Program Planners/Moderators

Deirdre Dexter, OBA Women in Law Chair;
Barrow & Grimm, Tulsa

Deborah Bruce, OBA Women in Law Vice
Chair; Executive Director, Oklahoma State
Board of Osteopathic Examiners, Oklahoma City

www.okbar.org/women

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